

Referrals

Each district has a local referral policy dealing with parent referrals. As a director, you should refer to this policy when parent referrals are made during the COVID-19 public health emergency. Because districts are in varying degrees of building operations, these referral policies should be considered when dealing with referrals to special education.

If you have received a referral, in alignment with previous guidance provided by MDOE, you should try to meet to review the referral in an IEP team meeting based on the current regulatory timeline. These meetings do not have to occur in person and may be conducted through alternative means. Conducting an IEP meeting may or may not be possible, and some families might opt to delay the referral until school is back to regular operations. This should be documented in a written notice.

Although team meetings are very valuable for special education referrals, if you and the parent are able to agree by phone and without a meeting on suspected areas of disability and necessary evaluations, then during this COVID-19 crisis, you could sidestep the team meeting and simply send out a Written Notice documenting the agreement, as well as sending the consent for testing form to the parents.

If the IEP team agrees to proceed with a referral, or you and the parent agree, with Written Notice documentation, you may also ask the parent to agree to delay the signing of the consent to evaluate until school is providing classroom-based instruction. If the parent agrees, this should be documented in a written notice.

Some parents will not be willing to delay in providing their consent to evaluate their child. In these cases, you can obtain a signature and then agree that the evaluation will begin when you are able to conduct an evaluation.

Whether or not to move ahead with the evaluation during this crisis is likely to vary depending on the school unit and on the student. Some evaluations can be done remotely. But that is a judgment that needs to be made by the evaluators depending on the evaluation instruments being used and their professional determination of whether it can be a meaningful process. In Maine, we require a classroom observation as part of the process for an initial evaluation in order to compare a child's behavior with same-aged peers. For some children, it may be possible to conduct an observation in the context of virtual instruction. This will very much depend on the individual child. You should consider on a case by case basis whether this will be meaningful and relevant. Considerations of age and types of disabilities are important in making these decisions. In addition, it will depend on the judgments of your evaluators and the technology available to both the student and the evaluator.

We believe you should make a case by case determinations of whether to move ahead with an evaluation. If you determine, in consultation with your evaluators and the parents, that a meaningful evaluation cannot occur for this child during the COVID-19 classroom closures, then we believe the school could defer the evaluation until after the school classrooms re-open. In this event, you should document the postponement through a written notice, explaining the case-specific reasons for the postponement.

Alternately, if you conclude a meaningful evaluation can occur during the COVID-19 classroom closures, then you may proceed with the evaluation as agreed upon. It may be that some components of the evaluation that you would normally do are not done at this time, and those additional components could be deferred until a later time. We do not believe, however, that you should undertake evaluations at this time if they cannot address in a meaningful way the purposes of the testing – assisting with eligibility and programming determinations.

We are still considering the calculation of timelines during this crisis, and hope to receive federal guidance on this point. If you decide a meaningful evaluation cannot occur during the COVID-19 classroom closures and send a written notice to the parent postponing the evaluation, we do not believe the timelines will run during this postponement.