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TO: School District Superintendents  
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Directors of Pupil Personnel Services  
Chairpersons of Committees on Special Education  
Chairpersons of Committees on Preschool Special Education  
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Preschool Providers of Special Education Programs and Services  
Superintendents, Special Act School Districts  
Superintendents, State-Operated Schools  
Superintendents, State-Supported Schools

FROM: Christopher Suriano 

Subject: Considerations for Addressing the Impacts of the COVID-19 Pandemic: Promoting Equity in Educational Resources, Opportunities, and Welcoming Environments for Students with Disabilities

As Local Educational Agencies (LEAs) develop and implement plans to address the impacts of the COVID-19 pandemic on students and educators through new and existing funding streams, it is important to understand the role of special education services provided to students with disabilities and learning recovery programming being offered to all students. Evidence-based learning recovery strategies and interventions to meet student needs related to COVID-19 may include both district or schoolwide approaches to responding to students' social, emotional, and academic needs and also individualized approaches to providing specialized instruction and related services, consistent with students' individualized education programs (IEPs). Consistent with guidance from the United States Department of Education, these approaches are distinct.<sup>1</sup> While both approaches provide significant value and learning opportunities for students with disabilities, district or schoolwide learning recovery strategies do not supplant students' IEP services and IEP services do not exempt students with disabilities from meaningful inclusion in general recovery services/interventions aimed at benefiting underserved student populations that have been disproportionately impacted by COVID-19. Instead, these

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<sup>1</sup> [ED COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs](#). Inclusion of students with disabilities in district or schoolwide interventions to address lost instructional time does not relieve a district of its responsibility to make individualized decisions required under the IDEA about needed special education and related services for a student with a disability.

activities complement each other and must be recognized separately but coordinated comprehensively.

The New York State Department of Education (NYSED) Office of Special Education (OSE) has updated guidance on the [2021 Extended School Year Program](#) and [Compensatory Services](#) to assist committees on special education/committees on preschool education (CSE/CPSE) in decision-making for how these special education services can address the needs of students with disabilities. It is anticipated that due to the impacts of COVID-19, more students with disabilities may require these strategies. As the plans schools develop to address the impact of the COVID-19 pandemic consider evidence-based interventions to respond to students' social, emotional, and academic needs, this provides an opportunity to leverage new strategies and focus extended school year and compensatory services in a manner that also considers the additional and evolving needs of students with disabilities as a result of the pandemic.

Learning recovery and programming, including but not limited to strategies like in-school acceleration, tutoring programs, out-of-school time programs, and summer learning and enrichment are supplemental instruction that may be available to students, including those with disabilities, cannot replace a program of special education and related services based on a student's IEP and the decisions of the CSE/CPSE.<sup>2</sup> Although not a substitute for required special education services, students with disabilities are entitled to have equal access and meaningful inclusion in LEA general learning recovery and enrichment programming. This may be accomplished by: considering a variety of student learning needs and designing appropriate supports and accommodations for students with disabilities; implementing evidenced-based inclusive learning strategies including but not limited to Universal Design for Learning (UDL), Positive Behavioral Interventions and Supports (PBIS), Multi-tiered System of Supports – Integrated (MTSS-I); deployment of educators trained in specialized instruction; devoting time for professional development and team collaboration on effective approaches in the instruction of students with disabilities; adopting inclusive progress monitoring practices; and purposeful stakeholder engagement to consult students with disabilities, their families, and educators on learning recovery and enrichment activities.

The combination of responsive and appropriate special education services and equitable participation and inclusion in general recovery services aimed at underserved student populations that have been disproportionately impacted by COVID-19 will greatly benefit the students with disabilities in New York State. We appreciate these efforts and encourage parents, educators, and administrators to continue working together to meet the special needs of our students during the implementation of plans to address the impact of the COVID-19 pandemic on students.

*Resources for Local Consideration:*<sup>3</sup>

[U.S. Department of Education: Safer Schools and Campuses Best Practices Clearinghouse](#)

[National Center for Learning Disabilities: 9 Recommendations for Inclusive Learning Recovery for Students with Disabilities](#)

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<sup>2</sup> [ED COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs.](#)

<sup>3</sup> These resources are for informational purposes only. The views expressed herein do not necessarily represent the positions or policies of NYSED. No official endorsement by NYSED of any product, commodity, service or enterprise mentioned on the following websites is intended or should be inferred.