The U.S. Department of Education, Office of Special Education and Rehabilitative Services issued new guidance interpreting requirements of the Individuals with Disabilities Education Act (IDEA) considering the many challenges of the COVID-19 pandemic.

Many students have been exposed to trauma, disruptions in learning, physical isolation, and lack of engagement with school and peers, negatively affecting their mental health. As a result, many students might require additional support and interventions.

Students who return to school, including those with disabilities and those who have challenges that were not known before school closure, may have:

- New disability-related needs
- Regression of skills or a lack of expected progress in meeting their annual goals on the Individualized Educational Program (IEP)
- New social, emotional, behavioral, or mental health needs due to the impact of the COVID-19 pandemic.

A student whose behavior impedes their learning may need new or increased services and supports to receive a Free Appropriate Public Education (FAPE). This may include increased services and supports, new or adjusted specially designed instruction, academic supports, positive behavioral interventions, and other supports such as counseling, psychological services, school health services, and social work services.

To find out the current needs of students and to avoid unnecessary discipline, IEP Teams are encouraged to have an IEP Meeting to review the pre-pandemic services required to provide FAPE and determine if the student did or did not receive the services and supports during school closure and other disruptions in service. A student’s IEP Team may determine that compensatory services are necessary to mitigate the impact of disruptions and delays in providing appropriate services.

The IEP Team makes the determination of what social, emotional, behavioral, or mental health supports arising from COVID-19 or other situations should be included in a student’s IEP. Schools must ensure that all personnel including related service providers necessary to carry out services in the IEP are appropriately and adequately prepared, trained, and approved to provide the necessary support.
The IEP Team may address the student’s social, emotional, behavioral, or mental health needs, through special education and related services, supplementary aids and services and/or program modifications or supports for school personnel. The underlined are provided to assist the student to make appropriate progress toward reaching the annual goals specified in the IEP and to be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities.

**Social, Emotional, and Behavioral Supports**
Adapted from the Return to School Roadmap published 9/30/21

**Special Education and Related Services**
Special Education and Related Services may include counseling services for mental health needs (e.g., anxiety, depression, etc.), social skill instruction, explicit reinforcement of positive behavior, and explicit instruction in stress, anxiety, and depression management.

**Supplementary Aids and Services**
Supplementary Aids and Services include aids, services, and other supports to help students with disabilities to be educated with nondisabled students to the maximum extent appropriate. Supplementary aids and services may include consultation with a professional with expertise in behavioral interventions to create a positive behavioral support plan, access to counselors, and access to targeted strategies supported by peer-reviewed research to support social, emotional, behavioral, or mental health needs (e.g., anxiety scaling, mindfulness exercises).

**Program Modifications or Supports for School Personnel**
Usually, a modification means a change in what is being taught to or expected from the student. Program modifications could include adapting a homework assignment or adjusting a reading passage to reflect the student’s reading comprehension level, while supports for school personnel may include training on additional positive behavioral supports and universal design for learning and access to consultation with related service providers and others with specialized expertise.

If new or different social, emotional, behavioral, or mental health needs arise for a student with an IEP, the IEP Team must meet to consider if there is a need for additional related services and positive behavioral interventions and supports. The school may conduct a functional behavioral assessment to identify the function or purpose behind a student’s behavior. Knowing why a student behaves is helpful to the IEP Team in developing a behavioral intervention plan to reinforce positive behaviors, prevent behavior that interferes with learning, and to ensure FAPE by providing appropriate behavioral supports.

School personnel and IEP Teams are encouraged to use evidence-based decision-making to select, implement, and closely monitor the effectiveness of behavioral and academic interventions.

The essential function of an IEP is to provide meaningful opportunities for appropriate academic and functional progress, and to enable the student to make progress appropriate in light of the student’s circumstances.

It is important for both parents and educators to advocate for students with disabilities to receive a Free Appropriate Public Education.

1-800-216-5188 | www.nvpep.org | info@nvpep.org