Memo

To: AU Special Education Data Respondents

From: Miki Imura, Supervisor of Data Accountability & Achievement

Date: April 9, 2020

Re: Changes to the state reporting of the Initial IEP process delays per COVID19

Given COVID19-related school closures, students' **initial IEP processes** (e.g., initial evaluation, IEP start date) might be delayed. The CDE Exceptional Student Services Unit and Data Services Unit provide the following guidance as to how such delays should be reported in the SY2019-20 Special Education End of Year data collection.

Some of the existing delay codes will be modified to accommodate delays due to COVID19-related school closures. The current delay code 61 "NOT VALID – Other _____ (Provide explanation in exception request)" will be modified to be "61 – NOT VALID – COVID19 School Closure." This new code will not require an exception request. The current delay code 59 "NOT VALID - No personnel available for evaluation" will be modified to be "59 NOT VALID – Other _____ (Provide explanation in exception request)." Please use code 59 when none of the delay codes adequately addresses the delay reasons and submit an exception request.

Current Delay Codes		SY2019-20 SPED EOY
59 - NOT VALID - No personnel available for evaluation	→	59 - NOT VALID - Other_____ (exception request)
61 - NOT VALID - Other_____ (exception request)	→	61 - NOT VALID - COVID19 School Closure

During the COVID19 school closures, if the IEP process delay was due to a request from a parent (e.g., the parent would rather wait to have an implementation meeting until the COVID 19 school closure is over) or based on mutual agreement between the AU and parent to delay the timeline, please report such delay with a delay code 45 – parent reasons. If the IEP team was determining the existence of specific learning disability, and the COVID 19 school closure disrupted the progress monitoring necessary to evaluate the child (300.309(C)), please report such delay with a delay code 43 – mutual written agreement was made between parents and a group of qualified professionals to extend time for SLD identification. For any other delays related to the COVID-19 school closure, please report with a delay code 61 – NOT VALID – COVID19 School Closure. **Because IDEA does not provide a waiver for a delay of IEP process due to any type of school closure, use of delay code 61 will be considered as not compliant. Because delay reasons in codes 45 and 43 are allowable in IDEA, the state would count as acceptable delays and would not be considered non-compliance.**

Please note that the state reporting delay reasons are used for reporting delays in Initial evaluations, eligibility meetings and IEP implementation, **not** annuals. The details of annual evaluations are not reported in the Participation file, and any data on the delays of annuals is for local use.

For questions and additional guidance, please contact Orla Bolger (Bolger_O@cde.state.co.us) or Lindsey Heitman (Heitman_L@cde.state.co.us).