

COVID-19: Compensatory Services for Preschool Early Intervention Programs

Following an order issued by Governor Wolf on March 13, 2020, to protect the health and safety of children and communities during the COVID-19 pandemic, all K-12 Pennsylvania schools were closed for ten business days. This period of closure was later extended indefinitely, and, on April 9, 2020, Secretary of Education Pedro Rivera ordered all school entities, including school districts and intermediate units, some of which operate Preschool Early Intervention (EI) programs, closed through the remainder of the 2019-2020 academic year.

Signed into law by Governor Wolf on March 27, 2020, Act 13 of 2020 required school entities to make a good faith effort to provide continuity of education during the extended school closure. In the Pennsylvania Department of Education's (PDE) COVID-19 Guidance, PDE instructed Preschool EI programs to continue processing referrals and providing tele-intervention services, where appropriate.

In his April 15, 2020 Message to School Communities, Secretary of Education Pedro Rivera instructed all school entities to move forward offering planned instruction. On April 24, 2020, PDE's Office of Child Development and Early Learning (OCDEL) met with Preschool EI program leaders to review guidance and resources to support tele intervention, evaluation and virtual assessment strategies. OCDEL instructed Preschool EI programs to complete evaluations and to provide a free appropriate public education (FAPE) to eligible young children through tele-intervention strategies.

Preschool EI programs made significant efforts during this time to conduct timely evaluations and to provide FAPE through tele-intervention strategies. OCDEL recognizes, however, that some Preschool EI programs may have encountered challenges. As a result, there may have been a delay in receipt of FAPE and eligible young children may have lost skills and/or behaviors and/or failed to make meaningful progress because of the delay.

According to the [U.S. Department of Education's \(ED\) March 12, 2020 guidance](#), LEAs, in consultation with IEP teams, must make individualized determinations whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost. Preschool EI programs, in consultation with IEP teams, should make these determinations for eligible young children enrolled in their programs. When making these determinations, IEP teams should consider whether, and to what extent, evaluations were completed in a timely manner and FAPE was provided. Parents are critical members of IEP teams and must be included in this decision-making process.

OCDEL is offering this guidance to assist Preschool EI programs in fulfilling their responsibilities to provide FAPE for eligible young children. This guidance does not



August 27,2020

constitute legal advice. Preschool EI programs should consult their solicitor, as necessary.

During the next IEP review meeting, each IEP team, with the involvement of the family, should coordinate and document the following:

- Review the child’s most recent progress monitoring data and compare it to data and observations of the child prior to the extended school closure;
- Assess if the child lost any skills and/or behaviors and/or failed to make meaningful progress during the extended school closure; and
- Determine whether, and to what extent, there was a delay in the child’s provision of FAPE during the extended school closure.

If the child demonstrates a loss in skills and/or behaviors and/or lack of meaningful progress and there was a delay in the child’s provision of FAPE during the extended school closure, the IEP team should develop a COVID-19 compensatory services plan to address the child’s loss of skills and/or behaviors and/or lack of meaningful progress.

If the Preschool EI program delayed an initial evaluation during the extended school closure, and a child is found eligible for Preschool Early Intervention services, the IEP team should consider the impact of the delay of services on the child’s ability to make meaningful progress. If the delay in services caused a delay in meaningful progress, the IEP team should develop a COVID-19 compensatory services plan to address the lack of meaningful progress.

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