

Contingency Plans During the Pandemic

Many parents have heard the term “contingency plan” as schools begin to re-open, but many are still confused as to what they are and when they are needed. The federal regulations and state policies have not changed and a current IEP must be in effect at the beginning of every school year. Guidance from the U.S. Department of Education’s Office of Special Education Programs ([OSEP](#)), allows IEP teams to consider a distance learning plan in a child’s IEP as a Contingency Plan in the event of a COVID-19 outbreak that requires the school to close. These plans are only triggered and implemented during select times because of specific circumstances, like the [three re-opening plans](#) established by NC’s Governor. [OSEP](#) has also stated, “it is expected that the implementing of a child’s IEP may look different during the time of school closures and re-opening.” Because transitions through the re-opening of school buildings are anticipated, the Contingency Plan ensures that the student’s unique needs are met and the IEP is implemented without interruption.

When is an IEP Team Meeting needed?

If the IEP can be implemented as it is currently written, a meeting is not needed to discuss changes because no changes are needed. This would include a scenario where the *location* changes from a school building to a remote setting.

If the service delivery *frequency* will change because the school schedule for all students has changed (i.e. A/B schedule, A/B schedule + remote learning etc.), then a meeting is needed.

If the delivery of services in the IEP or the IEP itself will be *substantively* different than originally planned (i.e. goals, accommodations, supports, etc.), then a meeting is needed.

A Contingency Plan may be added as an addendum to the IEP without convening an IEP meeting **IF** an authorized school representative and the parents agree not to hold a meeting. If this alternative is used, a prior written notice and a copy of the Contingency Plan must still be given to the parents before implementation of the plan may occur.

These meetings would amend the annual IEP with an addendum to the IEP as changes are being made to the annual IEP. As written in policy, amendments are changes to the IEP made by the entire IEP team by amending the annual IEP rather than by redrafting the entire IEP. Some districts are opting to use Contingency Plans for this purpose as the changes would only be in

effect during the unique circumstances of re-opening school buildings during the current pandemic.

Areas to Address in Contingency Plans

If a Contingency Plan will be used it should adequately plan for and provide uninterrupted, appropriate services during any transition between re-opening plans. These plans may include:

- characteristics of the local plan for the entire districts (A, B, C, or combination of those),
- parental input,
- supports for academic, functional, personal changes, or circumstances,
- supplemental aids and supports (i.e.: accommodations/modifications, family/caregiver support, training, etc.)
- least restrictive environment: services, frequency, schedule, and related services,
- additional relevant information in light of the unique circumstances of the re-opening of school buildings.

Important Information

- Contingency Plans are intended to ensure that a student’s IEP is implemented during each phase of re-opening
- Contingency Plans are customized based on the unique needs of the student and will look different for each student
- Contingency Plans are *not* required but one of the options available to amend IEPs during the transition of re-opening schools
- IEP meetings can be conducted using alternative methods of participation (i.e.: phone, Zoom, Google Meet, etc.)
- Parents can decline an invitation to a meeting but are encouraged to participate
- If the parent will not participate and the school (LEA) has exhausted policy requirements for encouraging participation, the IEP team may meet without the parent
- Prior written notice and final copies of the IEP and Contingency Plan must be provided to the parents prior to implementation of the plan

The plans for the re-opening of school buildings will vary across the state. Therefore, it is recommended that questions should first be directed to your child’s EC teacher and/or principal. If questions remain, contact your local EC Director.