

Requirements for Contingency Plans/Addendums to IEPs
2020-2021 School Year

As we return to school this year, parents/guardians will be contacted by the case manager in regards to developing a Remote Learning Contingency Plan (RLCP). Based on guidance and information from the North Carolina Department of Public Education, **most** students who receives EC services enrolled in Caldwell County Schools, will, at minimum, require development of a Remote Learning Contingency Plan for plans A (full in-person instruction/minimal social distancing), B (combination of in-person and remote instruction/moderate social distancing) and C (full remote instruction for all students) in order to adequately plan for and provide uninterrupted, appropriate services during any transition between reopening plans. ***The ONLY exception to developing a Contingency Plan is if the current IEP can be implemented as written (example: the only change to service delivery is the "Location": School building vs. Remote). An IEP meeting nor Contingency Plan is required because the IEP can be delivered as written despite the location of "where" services will be provided. This exception will most likely only impact Speech/Language Impaired and students who have minimal service delivery times listed on their current IEPs. However, close communication with parents is still imperative to explain this process and determine scheduling.***

We are currently operating under Plan B (reduced capacity; moderate social distancing) at the beginning of the 2020-2021 school year. Parents also had the option to choose full remote instruction only - Caldwell Connect. There is no specific timeline for completion of the RLCPs, however, the uncertainty of the times dictates that promptness in addressing these Contingency Plans is paramount. As always, annual reviews, reevaluations, and other meeting purposes should be combined into as few meetings as possible to respect all IEP team members' time. ***IF THE STUDENT RECEIVES A RELATED SERVICE, YOU MUST CONTACT THE SERVICE PROVIDER AND COLLABORATE WHEN DEVELOPING THE CONTINGENCY PLAN.***

Meetings must include the following paperwork to be reviewed in the meeting (if applicable), and at conclusion of meeting (if applicable), placed in the student's EC file and copies provided to parent:

1. Invitation to IEP Team Meeting (create in ECATS) ***if an addendum to the IEP is necessary***: at minimum, should include the following meeting purposes:
 - a. Discuss, develop, review and/or revise the Individualized Education Program
 - b. Other: "Discuss and develop a Contingency Plan for the Reopening of Schools by Plan A, Plan B and Plan C."

2. Conduct IEP Team Meeting/IEP Review/Revision/Development with consideration and/or modification of:
 - I. Current present levels of academic achievement and functional performance are critical and should be updated based on the analysis of the data below.

- a. Use data prior to March 16, 2020 in addition to data collected during school building closures/remote learning as well as any gathered at the beginning of the 2020-2021 School Year.
 - b. Information from parent observations during remote learning will also be important to planning
- II. Changes to annual goals/objectives using a. and b. from above, if necessary.

****If no changes to Present Levels of Academic Achievement and Functional Performance (PLAAFP) including annual goals/objectives, reevaluation review, etc. are required to be changed in the existing IEP, an IEP addendum does not need to be created in ECATS and the Contingency Plan can be agreed upon by EC case manager and parent (Steps 3 and 4 must be completed.). If addendum is needed (PLAAFP, annual goals/objectives), the full IEP team must be assembled and meeting held. If changes to the current IEP are deemed necessary, or an annual review is necessary, an addendum or annual review IEP will be created in ECATS. (Steps 1-4 must be completed.)***

***NOTE: As always, progress monitoring of annual goals/objective is mandatory. If goals/objectives are not measurable, an addendum is required.**

3. [Contingency Plan](#) to address plans A, B, and C must be completed for every student and must include the following information for all three plans. If only a contingency plan is developed, and no addendum to the IEP is warranted, the EC case manager and parent can agree on the contingency plan without assembling the entire IEP team (see policy below).

NC 1503-5.1 Development, Review and Revision of IEP

(4) Agreement.

(i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

(6) Amendments. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting or, as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. A parent must be provided with a revised copy of the IEP with the amendments incorporated.

- Parent Input
- Special Factors
 - Supports for academic, functional, personal changes or circumstances
- Supplemental Aids and Supports
 - Accommodations/Modifications
 - Supports Needed for Family/Caregivers⁵
 - Consultation and/or Training for School Staff
- Least Restrictive Environment
 - Special Education Services
 - Related Services

***Contingency Plans must be uploaded into “Documents” in ECATS:**

To upload an external document to a student’s record:

- a. From the blue navigation bar at the top of the student’s page, select “Documents”.
- b. Scroll down to the bottom of the document list and click on “Upload External Document(s)”.
- c. Click “Browse”, choose the document(s) you would like to upload and click “Open”.
- d. Enter a name for the document, if you want to use something other than the file name.
- e. Once your file has been selected click “Upload File(s)”.

[EXAMPLE CONTINGENCY PLAN](#)

4. Prior Written Notice (create in ECATS):

Key Points to include:

- PWN must be provided when Contingency Plans are triggered under Plan A, Plan B and Plan C (this can be provided electronically if parents agree).
- It may be important to document case management and communication loops.
- The Contingency Plan is a part of the child’s IEP.
- If only a contingency plan is developed, you will still need to enter all required team member names on the PWN. You will also need a statement within the PWN that describes: “EC teacher and Parent discussed and developed the Remote Learning Contingency Plan specific to each re-opening plan. Other members of the IEP team were notified of this plan and are listed on the signature page of this document.”

You must also include the statement below in two possible places:

- I. The IEP, if amended, under the question: *“What information is known about the student that will assist in developing an individualized education program?”*

AND/OR on the

- II. Prior Written Notice under section 7: *“A description of other factors that are relevant to the agency’s proposal or refusal:”*

“The student requires specially designed instruction that will be impacted by each phase of the re-opening school buildings plan A, B, and C. This IEP reflects the unique needs of the student and how they will be addressed during reopening Plan A and normal in-person instruction. Because this student’s unique needs will need to be addressed differently during Plan B and Plan C, the IEP team has developed a Contingency Plan to describe the provision of specially designed instruction under these circumstances. It is attached to the IEP and is triggered upon a local or statewide implementation of Plan B or Plan C.”

Important Notes:

- I. IEP Team Meetings scheduled to discuss ***addendums*** can be conducted using alternate methods of participation and following the protocol for alternate participation (teleconference procedures):
 - A. [Teleconference Protocol](#)
 - B. [Teleconference Flowchart](#)
 - C. [Teleconference Parent Letter](#)

- II. A Teleconference Parent Letter ***does not*** need to be completed if developing Contingency Plan/Prior Written Notice only.
- III. IEP meetings require signatures of all members who physically attend. Alternate participation of any member should be clearly documented on the PWN.
- IV. All other procedures/processes regarding IEP meetings and timelines remain the same.