



Non-Regulatory Guidance Regarding the Implementation of the Non-Traditional Instruction Program (NTI) for Students with Individual Education Programs (IEPs) During Novel Coronavirus Pandemic

A Publication of the Office of Special Education and Early Learning

The Individuals with Disabilities Education Act (IDEA) does not specifically address a situation in which elementary and secondary schools are closed for an extended period due to exceptional circumstances, including a pandemic. In the event of extended school closures, the school district remains responsible for providing a Free Appropriate Public Education (FAPE) to its students with IEPs.

If a local school district elects to utilize Kentucky's NTI program to provide educational opportunities to the general student population then the district must also ensure that students with disabilities have equal access to the same opportunities, including the provision of FAPE.

Districts must ensure that, to the greatest extent possible, each student is provided the special education and related services identified in the student's IEP developed under IDEA.

If a student does not receive IEP services, the Admissions and Release Committee (ARC) must make an individual determination to decide whether the student requires compensatory education to make up for any skills that may have been lost because the student did not receive educational benefit.

If a district is unable to provide services to a student with a disability in accordance with the student's IEP, the student's ARC must determine which services can be provided to appropriately meet the student's needs. The ARC may meet by teleconference or other means to determine if some, or all, of the identified services can be provided through alternate or additional methods.

NTI days are considered instructional days and must be included for purposes of determining compliance with IDEA timeline requirements including those related to special education and outlined in 707 KAR 1:320 and 707 KAR 1:340.

Please review additional non-regulatory guidance previously provided by US ED's Office of Special Education Programs.

ED Non-Regulatory Guidance issued in 2018:

<https://www2.ed.gov/policy/gen/guid/disasters/disaster-guidance.pdf>

Additional information:

<https://www2.ed.gov/admins/lead/safety/emergencyplan/pandemic/index.html>

Contact Information

Carol Ann Morrison, Policy Advisor

Phone: (502) 564 – 4970 ext. 4123

Email: carol.morrison@education.ky.gov

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