

Telepractice and Students with Disabilities



Fact Sheet No. 20-12

April 2020

The COVID-19 health crisis and resulting school closures have resulted in a need to shift the provision of service delivery for students with disabilities from traditional face-to-face methods to technology for remote learning.

WHAT IS TELEPRACTICE?

"Telepractice" is providing service that is not "in person" and is facilitated through the use of technology. Such technology may include, but is not limited to, telephone, telefax, e-mail, internet, or videoconference.

Among the issues to keep in mind:

- **Access to Technology**

Providers must also be cognizant of equipment requirements and the availability of such equipment for both students and staff in the delivery of services. Secure connections are necessary. In addition, technology support should be identified in order to address problems that may arise during service provision.

- **Student Privacy**

Protect student information and data by only using products, tools and platforms that your district has approved. Question the use of free tools that are not approved by your district and may not comply with NYS Education Law Section 2-d and Part 121 of the Regulations of the Commissioner of Education. Contact your school administrator and request approval before using any new online platform or program.

- **Personally Identifiable Information**

Providers should also be cautious not to share personally identifiable information (PII). PII may include but is not limited to student name, student ID number, student email address, contact names, student or contact addresses, student photos (including screen shots), video of students, student birthdate, student birthplace, student medical information, and special education information. This applies to any information that may be entered or created at any point by any user, including students, faculty, administration, etc. Review privacy needs for all students, especially students with disabilities, while implementing synchronous/real-time teaching tools such as chat rooms and video conferencing which may jeopardize student privacy.

WHAT IS THE US DEPARTMENT OF EDUCATION (USDE) POSITION?

"The Department encourages parents, educators, and administrators to collaborate creatively to continue to meet the needs of students with disabilities. Consider practices such as distance instruction, teletherapy and tele-intervention, meetings held on digital platforms, online options for data tracking, and documentation. In addition, there are lowtech strategies that can provide for an exchange of curriculum-based resources, instructional packets, projects, and written assignments."

<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%2003.21.20%20FINAL.pdf>

WHAT DOES THE NY STATE EDUCATION DEPARTMENT (SED) SAY?

Can mandated individualized education program (IEP) related services be provided through telepractice during Statewide school closures due to Coronavirus?

“Yes. In its March 21, 2020 guidance titled “Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities,” USDE encouraged the use of teletherapy and teleintervention as a means to continue to meet the needs of students with disabilities, including English Language Learners with disabilities. The school district should consider telepractice as an option for provision of related services, including bilingual related services, to the extent possible and consistent with privacy interests. During the time period the school district is closed pursuant to NYS Governor Executive Order, school districts are not required to amend students’ IEPs if continuing the provision of related services via telepractice is part of a school closure recommendation.”

<http://www.p12.nysed.gov/specialed/publications/2020-memos/nysed-covid-19-provision-of-services-to-swd-during-statewide-school-closure-3-27-20.pdf>

WHAT ARE “RELATED SERVICES” REFERENCED IN THE SED GUIDANCE?

Section 200.1(qq) of the Regulations of the Commissioner of Education defines “related services” as follows:

“Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students.”

WHAT IF WE CLAIM MEDICAID REIMBURSEMENT FOR SERVICES?

State guidance has been issued for Medicaid providers regarding “Telephonic Services for School Supportive Health Services Program (SSHSP) Medicaid Providers During the COVID-19 State of Emergency.”

http://www.oms.nysed.gov/medicaid/medicaid_alerts/alerts_2020/20_02.html

WHAT IF I HOLD A PROFESSIONAL LICENSE?

SED has provided specific telepractice guidance for individuals holding a license in the following professions:

- Applied Behavior Analysis
- Audiology
- Mental Health Practitioners
- Physical Therapy
- Psychology
- Social Work
- Speech-Language Pathology

<http://www.op.nysed.gov/telepracticeguidance.html>

ADDITIONAL RESOURCES

- Council for Exceptional Children “Resources for Teaching Remotely”
<https://www.cec.sped.org/Tools-and-Resources/Resources-for-Teaching-Remotely>
- Early Childhood Technical Assistance Center “Service Delivery through Tele-Intervention and Distance Learning”
<https://ectacenter.org/topics/disaster/ti-service.asp>
- US Office of Civil Rights “FAQs on Telehealth and HIPAA during the COVID-19 nationwide public health emergency”
<https://www.hhs.gov/sites/default/files/telehealth-faqs-508.pdf>