

Revised March 30, 2021 for extension of Appendix K

Created September 21, 2021

## Developmental Disabilities Division - In home support services and school reopening during COVID-19

The Developmental Disabilities Division created this document to provide guidance on how in-home support services can be delivered for school aged children.

### Educational Services

Your child's education is the responsibility of your local school district. Each school district created their own school board approved reopening plan. If you have questions about your child's educational needs and how they are being met, you will need to contact your school district directly. A copy of each plan may be available on your school district's website.

Under the Individuals with Disabilities Education Act (IDEA), a parent has the right to request a review of your child's Individualized Education Plan (IEP) or request additional assessments.

Link to IDEA: <https://sites.ed.gov/idea/>.

The North Dakota Department of Public Instruction has COVID 19 Special Education Guidance & Resources available on their website: <https://www.nd.gov/dpi/familiescommunity/nddpi-updates-and-guidance-covid-19/covid-19-special-education>

### In Home Support Services

In home support services is a service option under the DD Traditional IID/DD Home and Community Based Services waiver. During emergency situations, states may request an amendment to their waiver, which is known as an Appendix K. This amendment allows for changes that are time limited and tied specifically to individuals impacted by the emergency. **North Dakota's Appendix K for the DD Traditional IID/DD HCBS Waiver is effective March 1, 2021 to 6 months after the end of the Public Health Emergency (PHE).**

Typically, in home supports cannot be provided during regular school hours as this is the responsibility of IDEA. However, during the emergency, with the approval of Appendix K, in home support services may, if appropriate, be authorized for days in person learning is not available. The team should explore all available school resources before considering in home supports and in-home support should not fill the role of the educator. Supports to engage in virtual learning are allowed. Virtual learning supports can be assistance with signing on, using the virtual platform, studying, or completing homework.

#### DEVELOPMENTAL DISABILITIES DIVISION

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## Authorization of in-home supports:

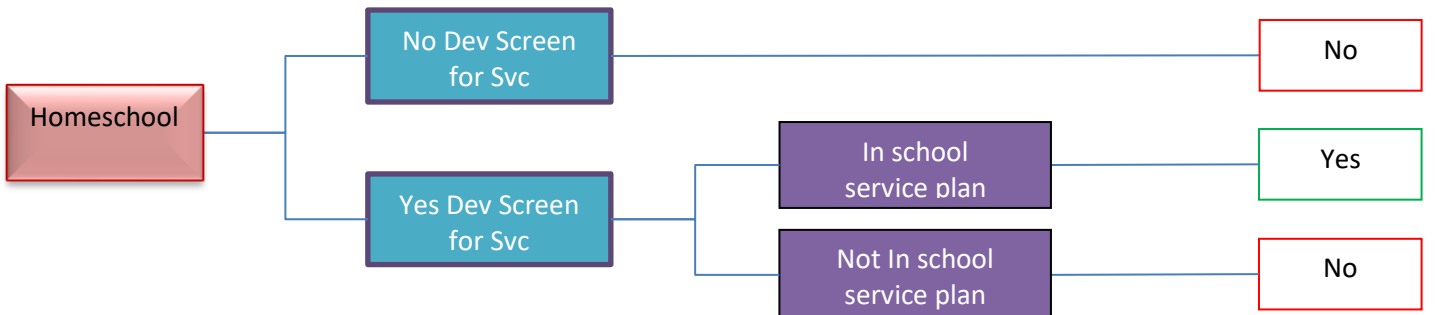
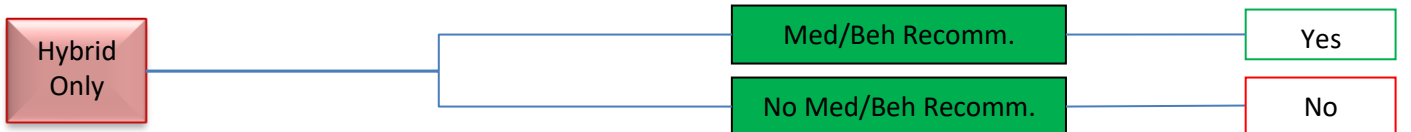
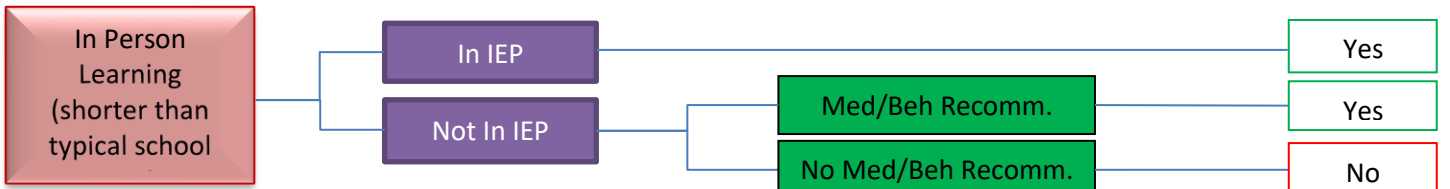
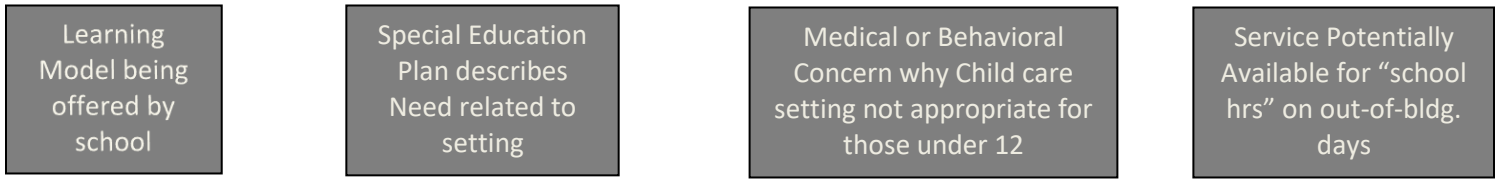
- The requirements and limits identified within the waiver for in home support services will remain in place.
- If your child is sent home for isolation/quarantine, additional in-home supports will not be authorized. Families will be expected to work within their currently authorized hours. However, they will have the flexibility to adjust how hours are used.
- When the Appendix K expires, any temporary supports provided during this time will be revisited and the person-centered support plan will be updated.
- A letter from the primary physician stating why a typical childcare setting or in person learning is not appropriate will be required for service authorization.
- If you have any questions about your specific situation and what supports you may need, discuss this with your DD program manager.

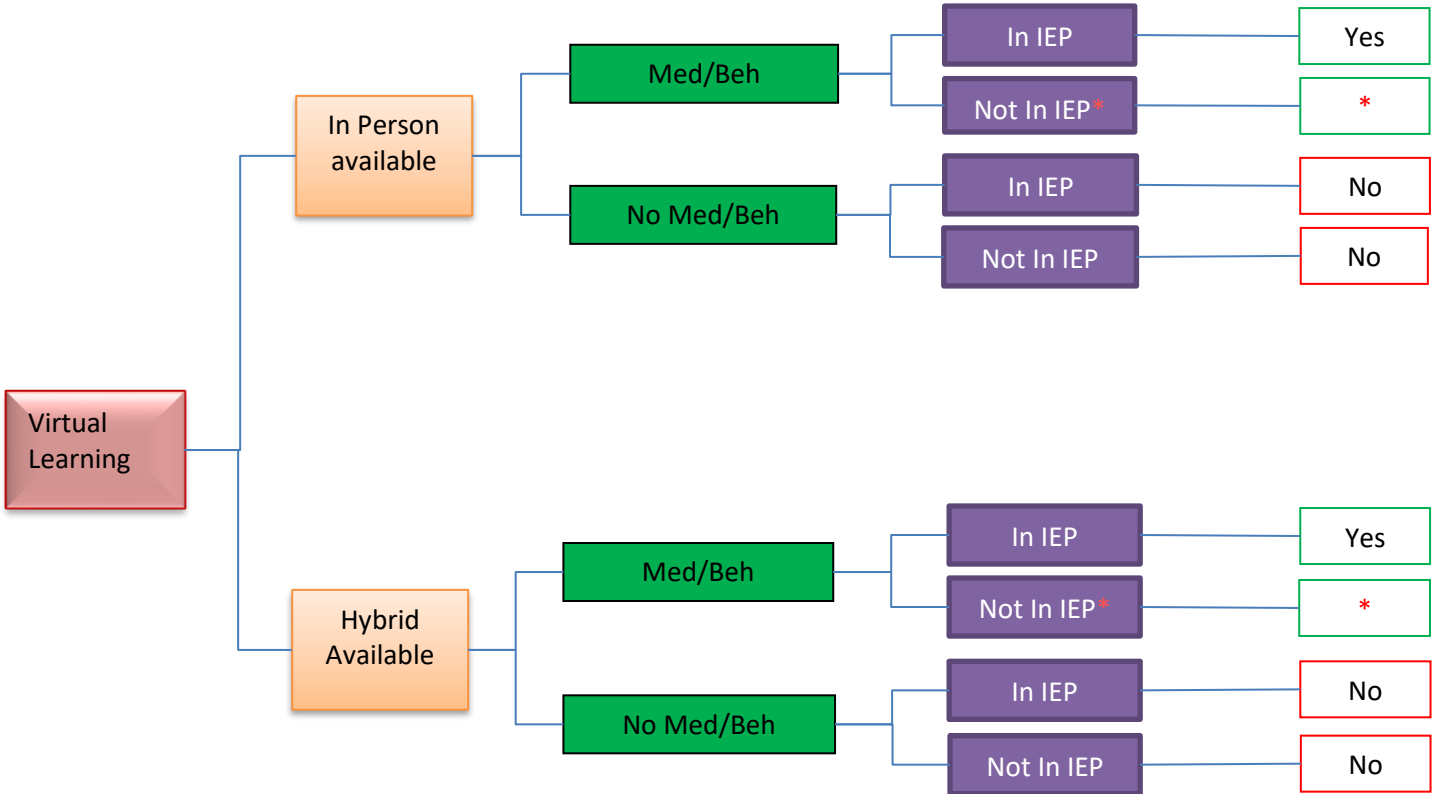
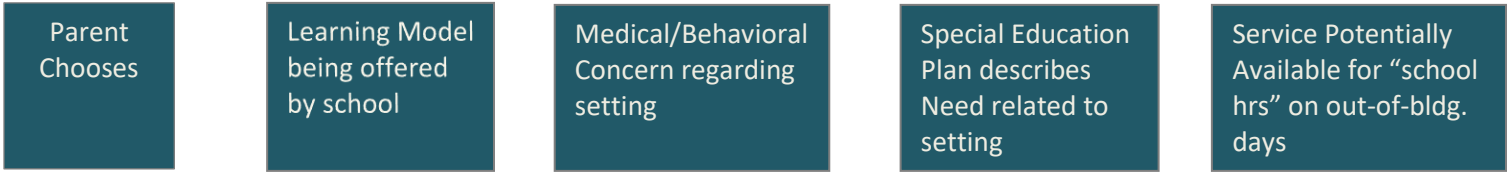
The following questions and flow charts are meant to assist teams with education decisions based on available educational options and individual and family needs.

- What in-person and/or virtual education options are available?
  - Review the school districts guidelines for the current year, including attendance options, schedules, and pandemic precautions
  - Will the school be providing anything in the home?
  - Discuss any unique learning needs, IEP, behavior plan or medical needs
  - Has the IEP team met to discuss these options? Does the team agree with option selected?
- Are there any safety concerns regarding these options?
  - Special health and safety needs (physician ordered – i.e. medical or behavioral recommendation)
  - High risk individuals in the home
- Are there any planning concerns regarding these options?
  - Conflicts with primary caregivers' schedules
  - Availability of alternative supports
  - Ability to oversee school at home
  - Others in the home that need care during the day

## Disclaimer:

The guidance provided in this document is temporary and is based on current federal guidance that was applicable at the time of issuance of this document. This guidance is subject to change if future federal guidance conflicts with the information contained herein, or if any other action renders some or all of the guidance incorrect or inaccurate. Department will revise this guidance as necessary if changes are required and will make an updated version of this document available. This guidance is intended for educational purposes and should not be construed as legal advice or legal opinion.





- \*This should be documented in the IEP, however if it is not:
- is it because the team did not agree and feel the student’s educational and Medical/Behavioral needs can be met at school? - IHS would not be able to be utilized.
  - is the IEP meeting delayed? - IHS could be utilized.

## Frequently Asked Questions & Answers

**Q: Can in home support be authorized to take the client from school to their work site?**

**A:** No this would be the responsibility of the school district.

**Q: What is an acceptable form of a behavioral recommendation to not attend school in person?**

**A:** Some students have behaviors such as self-injurious behaviors or extreme aggression that increases throughout the day. A shortened school day may be a recommendation to help manage the behaviors. This would need to be documented and agreed on by the IEP team. The IEP team members all need to agree with the adjusted school schedule.

**Q: Some school districts are not documenting the changes in the IEP, rather in an Individualized Contingency Plan (ICP) or a 504, is this sufficient?**

**A:** Yes, as long as the ICP or 504 have documentation that all parties agreed with the modifications made to the IEP.

**Q: If the family is choosing virtual because someone else in the home is medically compromised, can in home support be authorized?**

**A:** Yes, if there is a physician note.

**Q: If the school district is still providing the same number of hours pre COVID, however they have changed the days of the week, can in home supports be authorized on the days the child is not in school.**

**A:** If the child is under the age of 12 and they have medical or behavioral reasons why a childcare setting is not appropriate or the child is over the age of 12 and has supervision needs, in-home supports may be authorized.

**Q: If parents agree to a hybrid plan (i.e. 2days/week) but aren't comfortable with sending the child to a child care program, will they need documentation from a physician to utilize in home supports the days they are not in school?**

**A:** Yes, documentation from a physician will be necessary indicating what the medical or behavioral concerns are.

**Q: If parents cannot send a child to childcare because local daycares are full, should the parents get letters from local daycares to prove that?**

**A:** The child must have medical or behavioral reason why attending a childcare setting is not appropriate. A full childcare setting is not an approved reason to authorize in home supports.

**Q: What forms need to be sent with the in-home support requests?**

**A:** If there is a medical reason the student cannot attend school in-person, then documentation is needed from the physician. If there is a behavioral reason the student cannot attend school in person or for a shortened day, then documentation is needed from the IEP team in the IEP or ICP. If the child has been asked to leave a daycare setting or been told they cannot attend the daycare setting(s) then information about those denials is needed.

**Q: If transportation (school bus) is not an option because the child is unable to wear a mask, can we increase the in-home support hours so the provider can bring the child?**

**A:** No. The sole purpose of In-Home Supports is not to provide transportation. Transportation to and from school is the responsibility of a parent or caregiver regardless of the child having a disability. If the child is unable to access the bus the family will need to work with the school district to explore other options for transportation.