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Telepractice

The Iowa Department of Education has received a request for technical assistance on whether it is permissible for an occupational therapist to conduct a portion of a full and individual evaluation under the Individuals with Disabilities Education Act ("IDEA") using telepractice. This question is broader than the service of occupational therapy and broader than the activity of an initial evaluation. The Department provides the following technical assistance on these broader concerns to educators and public agencies.

Telepractice under the IDEA and Iowa law is permissible if both of the conditions listed below are met.

First, telepractice must be consistent with the professional's licensure and binding ethics codes. If a professional is permitted to engage in telepractice based on the learner's particular circumstances and needs, then this condition is met. If a learner's circumstances would make telepractice professionally and ethically unsuitable, the professional may not provide it.

Second, telepractice must be consistent with the requirements of the IDEA.

- In a learner's evaluation under IDEA Part B, telepractice must be capable of yielding data "to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs." Iowa Admin. Code r. 281-41.15. In the evaluation or assessment of a learner or the learner's family under Early ACCESS ("IDEA Part C"), telepractice must be able to produce data that meets the requirements of Iowa Administrative Code rule 281-120.321(2).
- For developing and implementing an individualized education program under IDEA Part B or an individualized family service plan under Early ACCESS, telepractice services must be capable of providing the benefits provided by the IDEA. The services must be "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." *Endrew F. v. Douglas County Sch. Dist. RE-1*, 580 U.S. 386 (2017). If telepractice is not "reasonably calculated" to provide benefit under the IDEA, it is not permitted.

Both conditions are to be assessed in light of individual facts for each learner and each service. Neither question can be answered in an all-or-nothing manner. For example, it would be impermissible to state "In agency X, we always provide service Y by telepractice."

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