# Superintendent’s Memo #076-20

  
**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: March 23, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities

The Virginia Department of Education (VDOE) is working to ensure additional guidance from the U. S. Department of Education (USED) is available to local school divisions. The USED Office for Civil Rights and Office for Special Education and Rehabilitative Services have issued a [supplemental fact shee](https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)t addressing the risk of COVID-19 in Preschool, Elementary and Secondary Schools while serving children with disabilities. This supplemental guidance is in addition to previous guidance from the U. S. Department of Education that has been shared with division directors of special education in an email dated March 13, 2020.

* [U. S. Department of Education, Office of Civil Rights Coronavirus Statement   
  (March 4, 2020)](https://content.govdelivery.com/accounts/USED/bulletins/27f5130)
* [U. S. Department of Education Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak (March 12, 2020)](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf)
* [U. S. Department of Education, Office of Civil Rights Short Webinar on Online Education and Website Accessibility (March 16, 2020)](https://www.youtube.com/watch?v=DCMLk4cES6A)
* [U. S. Department of Education, Fact Sheet on Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students (March, 16, 2020)](https://www2.ed.gov/about/offices/list/ocr/docs/ocr-coronavirus-fact-sheet.pdf)

The VDOE encourages school divisions to make local decisions that take into consideration the health, safety, and well-being of all their students and staff. As divisions begin to explore options for virtual, online or other instructional delivery methods these decisions should be done with careful consideration of providing equitable access and support for a variety of student learning needs. Additional consultation with special education staff as well as legal counsel should be a component of these planning discussions.

Accessible technology may afford students, including students with disabilities, an opportunity to have access to high-quality educational instruction during an extended school closure, especially when continuing education must be provided through distance learning. Once school resumes, the school must return to providing special education and related services to students with disabilities in accordance with the student’s IEP, or for students entitled to FAPE under Section 504, consistent with any plan developed to meet the requirements of Section 504. Additionally, after an extended closure, divisions are responsible for reviewing how the closure impacted the delivery of special education and related services to students eligible for special education services.

Many school divisions and regions may be able to share instructional resources that can have a positive impact on the continuity of all students’ learning during extended school closures. A selection of resources from local school divisions has been uploaded to the Open Educational Resource (OER) to the [COVID-19 Extended Closing Resources Collection](https://goopenva.org/curated-collections/22). School divisions are encouraged to add instructional content to Virginia's OER repository through the [#GoOpenVA](http://goopenva.org/) website. For additional information, please review [Superintendent's Memo 013-20](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/013-20.docx). The [VDOE’s Training and Technical Assistance Centers (TTAC)](http://www.doe.virginia.gov/special_ed/tech_asst_prof_dev/ttac/index.shtml) can also serve as a high quality resource for additional support and options for the use of virtual platforms for students with disabilities.

The VDOE continues to share information from the U. S. Department of Education in an effort to ensure school divisions have the most up to date guidance and information. Continue to visit the [VDOE](http://www.doe.virginia.gov/support/health_medical/office/covid-19.shtml) website for additional updates and guidance on COVID-19. If you have questions, please contact the VDOE Department of Special Education and Student Services, at [specialed.assistantsuperintendent.memo@doe.virginia.gov](mailto:specialed.assistantsuperintendent.memo@doe.virginia.gov).

JFL/SMH