# Superintendent’s Memo #179-20

  
**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: July 17, 2020

TO: Division Superintendents

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

## SUBJECT: Additional Guidance from the U.S. Department of Education Regarding the Individuals with Disabilities Education Act

The U. S. Department of Education continues to release guidance related to the provision of services for students with disabilities that may be impacted by COVID-19. The Office of Special Education and Rehabilitative Services’ Office of Special Education Programs (OSEP) has released the following Questions and Answers (Q&A) documents in response to inquiries concerning implementation of the *Individuals with Disabilities Education Act* (IDEA) Part B and Part C in the current COVID-19 environment:

* Procedural Safeguards:
  + Part B: [IDEA Part B Procedural Safeguards Q&A](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-procedural-safeguards-idea-part-b-06-30-2020.pdf)
  + Part C: [IDEA Part C Procedural Safeguards Q&A](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-procedural-safeguards-idea-part-c-06-30-2020.pdf)

* Dispute Resolution Procedures:
  + Part B: [IDEA Part B Dispute Resolution Procedures Q&A](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-dispute-resolution-procedures-part-b.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)
  + Part C: [IDEA Part C Dispute Resolution Procedures Q&A](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-dispute-resolution-procedures-part-c.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)

* Evaluation and Assessment Timelines:
  + Part C: [Initial Evaluation and Assessment Timelines Q&A](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-evaluation-timeline-idea-part-c-07-06-2020.pdf)

The IDEA Part C requires a timely, comprehensive, multidisciplinary evaluation to determine the eligibility of each child, birth through age two, who is referred for an evaluation or early intervention services and suspected of having a disability. The Q&A document addresses exceptions to meeting the 45-day timeline requirement for conducting initial evaluations and assessments and Individualized Family Service Plan (IFSP) meetings as well as completing child assessments when staff cannot conduct in-person meetings or conduct home visits due to the pandemic.

OSEP also released Q&A documents in response to inquiries concerning implementation of the [IDEA](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDAsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDA2MjYuMjM1NDUyODEiLCJ1cmwiOiJodHRwczovL3NpdGVzLmVkLmdvdi9pZGVhLyJ9.YuOabxpmUObsDoU-uWlOgreDpFoaFUZS6cg0sTaTylM/s/1053252255/br/80361274206-l) Part B and Part C use of funds. This guidance reiterates current provisions in IDEA Part B regulations related to budgeting and spending of funds. This guidance recommends the use of the allowable exceptions and the 50 percent reduction available for calculating local maintenance of effort when there’s an increase to Part B allocation. The guidance reiterates current provisions in IDEA Part B regulations related to local maintenance of effort, budgeting and spending of funds and details allowable uses of IDEA funds to support remote learning and equipment needs under certain circumstances.

* Part B: [IDEA Part B Use of Funds Q&A](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-part-b-use-of-funds-06-25-2020.pdf)
* Part C: [IDEA Part C Use of Funds Q&A](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-part-c-use-of-funds-06-25-2020.pdf)
* [Flexibility on IDEA Part B Fiscal Requirements Q&A](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-fiscal-flexibilities-idea-part-b-06-26-2020.pdf?src=preview)

If you have additional questions regarding this guidance, please contact the Department of Special Education and Student Services, at [specialed.assistantsuperintendent.memo@doe.virginia.gov](mailto:specialed.assistantsuperintendent.memo@doe.virginia.gov).

JFL/SMH