



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

April 4, 2020

U.S. Department of Education
Office of Special Education Programs
Attention: Laurie VanderPloeg, Director
400 Maryland Ave., SW
Washington, D.C. 20202-7100

Dear Director VanderPloeg:

In an effort to meet the unique needs of students with disabilities in Michigan and in response to Governor Whitmer's [Executive Order No. 2020-35](#) issued April 2, 2020, the Michigan Department of Education requests interpretation, guidance on implementation, flexibility, or waivers from the U. S. Department of Education (USED) that would permit districts and nonpublic schools to do one or more of the following during the remainder of the 2019-2020 school year:

1. Deliver instruction to all pupils, including students with disabilities, without having to convene or amend individualized education plans (IEPs) or Section 504 plans.
2. Deliver direct and consultative-related services such as therapies, including occupational therapy, physical therapy, speech language pathologist, social service worker, teacher consultant, and other special education services and supports, without having to convene or amend IEPs or Section 504 plans.
3. Complete IEPs and Section 504 plans online, either by telephone conference or video conference, if the parents or guardians involved have access to the technology and agree to the alternative means of participation. If a parent or guardian elects not to participate in an otherwise due IEP online, a district should be permitted to extend the deadline for completion of the IEP for up to 30 school days after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends.
4. Complete annual review or otherwise due IEPs online, either by telephone conference or video conference, with those IEPs being considered timely if they are completed by the end of the 2019-2020 school year.

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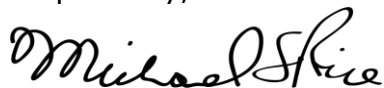
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5. Consider whether a pupil should be provided compensatory education for pupils after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends, based on applicable law and guidance, no later than the first annual IEP meeting of the 2020-2021 school year.
6. Consider compensatory education for pupils who are more likely to qualify for compensatory education through IEP amendments, with the authority to complete those IEP amendments online, either by telephone conference, virtual meetings or other technology.
7. Timeline requirements should be paused from the day schools closed due to the pandemic and extended for not more than 45 school days after regular school year in-person instruction has resumed for the following:
 - a. 60-day initial evaluation timelines and re-evaluation triennial due dates [34 C.F.R. § 300.301(c); 34 C.F.R. § 300.303(b)(2)].
 - b. Annual IEP review timelines [34 C.F.R. §300.324(b)(1)].
 - c. Complaint timelines [34 C.F.R. 34 C.F.R. §300.508; C.F.R. § 300.510(a) and (c); 34 C.F.R. § 300.515(a) and (c)].
 - d. Part C to Part B Transition Timelines [34 C.F.R. § 300.124].

To be clear, we expect these flexibilities should only be granted in this specific circumstance (COVID-19) and the state and local education agencies, parents, and families should continue to work together in the interests of children with disabilities. However, it is also clear the IDEA, the Rehabilitation Act and other federal laws were not written anticipating a global pandemic that has resulted in the closure of the schools throughout our state, and for this reason we urge you to support these flexibilities.

Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,



Michael F. Rice, Ph.D.
State Superintendent