



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING


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MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: March 13, 2020

TO: Local and Intermediate School District Superintendents
Public School Academy Directors
Early On Coordinators

FROM: Dr. Scott M. Koenigsknecht, Deputy Superintendent
P-20 System and Student Transitions 

SUBJECT: Compliance Requirements of the Individuals with Disabilities Education Act (IDEA) Part C during a Public Health Emergency

Thank you for your diligence in responding to the quickly changing circumstances related to coronavirus disease 2019 (COVID-19). It is important that local decisions are made in accordance with the Michigan Department of Health and Human Services' [recommendations designed to help prevent the spread of Coronavirus Disease 2019 \(COVID-19\)](#). The state is taking proactive steps to mitigate the spread of COVID-19 in Michigan. We appreciate your understanding and cooperation in reducing the coronavirus risk to Michigan residents.

The Michigan Department of Education (MDE) Office of Early Childhood Development and Family Education has received a number of inquiries regarding a mandated closure of schools due to a state or federally declared public health emergency and the potential impact of such a closure on IDEA compliance requirements and the delivery of *Early On* (early intervention services (EIS) and special education services) for infants and toddlers. Any reference to EIS programs applies to intermediate school districts (ISDs) as ISDs serve as the EIS programs in Michigan.

The services determined by an Individualized Family Service Plan (IFSP) team and written into an IFSP are written for one calendar year. Therefore, in the event of a school closure due to a public health emergency, the following situations may apply:

1. **If the ISD or local education agency (LEA) is closed** due to ISD, LEA or gubernatorial action (as declared on March 12, 2020, effective March 16, 2020), *Early On* services do not need to be provided to infants and toddlers with disabilities and their families during that period of time (OSERS March 2020). All services to infants and toddlers will be expected to

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resume at the conclusion of the closure. There may be circumstances where an IFSP team needs to consider, on an individual basis, whether there is a need for compensatory services.

2. **If the ISD or local education agency (LEA) is open**, but *Early On* services cannot be provided in a particular location (such as in the child's home), by a particular *Early On* provider, or to a particular child who is infected with COVID-19, then the ISD must ensure the continuity of services on a case-by-case basis and consistent with protecting the health and safety of the student and those providing services to the child by, for example, providing services in an alternate location, by using a different *Early On* provider, or through alternate means, such as consultative services to the parent.

As always, please be sure to keep detailed documentation of cancellations of service delivery, evaluations/assessments, and IFSP meetings, etc., including who initiated the cancellation, the reason for cancellation, and attempts to reschedule.

We are awaiting guidance from the United States Department of Education, Office of Special Education Programs regarding timeline compliance. We will share that information when it becomes available. *Early On* programs should, however, be putting public health and safety above compliance concerns at this time.

It is important to remember that all educational decisions for children with IFSPs must be made on an individual basis and consistent with the Individuals with Disabilities Education Act (IDEA) and the Michigan Administrative Rules for Special Education (MARSE).

The Office of Special Education and Rehabilitation Services (OSERS) has recently created a webpage designed to provide information and resources for schools and school personnel regarding COVID-19 <https://www.ed.gov/coronavirus>. One of the released resources aligns with Michigan's guidance above, regarding the provision of services for children with disabilities during this Public Health Emergency. The document is titled *Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease Outbreak* and can be accessed at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>. Section B of the document addresses IDEA Part C. Again, as you read this document, any reference to EIS programs applies to ISDs as ISDs serve as the EIS programs in Michigan. One of the questions in section B of the document specifically addresses responsibilities of EIS programs during periods of closure and during the time immediately after a closure. The response to this question applies during periods of time that an ISD is closed.

As additional situations and questions arise, ISDs are encouraged to contact Noel Kelty, State *Early On* Coordinator at KeltyN@michigan.gov.

cc: Michigan Education Alliance