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STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
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PENNY SCHWINN
COMMISSIONER

March 28, 2020

Director Laurie VanderPloeg
Office of Special Education Programs
United States Department of Education
550 12th Street SW
Washington, D.C. 20202

RE: Request for Expedited Review: School Closures and Special Education Guidance on Services to Students with Disabilities

Director VanderPloeg:

The Tennessee Department of Education (TDOE) is seeking assistance from the Office of Special Education Programs (OSEP) as the state continues to provide guidance and assistance to districts in addressing the compliance and programmatic implications of the COVID-19 outbreak.

Specifically, to ensure compliance with the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act, TDOE is requesting an expedited review of the attached *School Closures and Special Education: Guidance on Services to Students with Disabilities* guidance document. This guidance was based on the United States Department of Education (USED) Supplemental Facts Sheet released March 21, 2020.

This guidance also was developed to address the specific questions and concerns voiced by Tennessee district leaders, principals, parents, teachers, and other advocacy groups. Over the past several weeks, the TDOE has engaged district leadership three times per week, in addition to receiving questions via our COVID-19 help line and email. Across all of these mediums, services to students with disabilities during this period of extended school closure has been the primary concern and area where additional guidance is needed.

Similar to other states, Tennessee continues to have a growing number confirmed cases of COVID-19, and Governor Bill Lee has encouraged all public schools in Tennessee would remain closed until April 24—a decision that will continued to be reevaluated in the weeks to come. Districts across our state are working to develop and implement continuity of instruction plans; however, many districts are reluctant to implement for fear of compliance and legal repercussions.

Thank you for consideration of this request for review. The TDOE remains committed to providing equal access to instructional opportunities to all students as we adapt to an ever-evolving health crisis and prepare for services in recovery. Please feel free to contact Katie Houghtlin, by email at Katie.Houghtlin@tn.gov if

there are questions regarding this request or if additional information is needed.

Best,

A handwritten signature in black ink, appearing to read "Penny Schwinn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Christy Ballard, General Counsel
Eve Carney, Chief Districts and Schools Officer
Katie Houghtlin, Chief of Whole Child Initiatives
Theresa Nicholls, Assistant Commissioner Special Populations
Rachel Suppe, Assistant General Counsel