



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents
Accountability Directors
District Test Coordinators
Directors of Federal Programs
Directors of Special Education

FROM: John R. Payne
Deputy Superintendent, Division of Federal Programs, Accountability, and School Improvement

DATE: March 16, 2020

RE: COVID-19 Impact on Accountability and Federal Programs

The purpose of this memorandum is to provide you with updated guidance related to accountability, assessments, federal programs, and special education in light of the novel coronavirus, COVID-19. Please note, this information is the most up-to-date as of the date of this memorandum, and additional guidance will be forthcoming. As you know, on March 15, 2020, the Governor closed all South Carolina public schools through the end of March, and the State Superintendent announced her intent to seek waivers from the U.S. Department of Education (USED).

Accountability, Assessments, and Waivers

On March 12, 2020, USED released updated [guidance](#) related to accountability and assessments requirements under the Every Student Succeeds Act (ESSA) and the potential impact on those from COVID-19. In this [guidance](#), the USED outlined various available options and waivers for schools, districts, and states impacted by this virus. The South Carolina Department of Education (SCDE) will be requesting waivers from the USED for all flexibilities offered by waivers for the state accountability system, assessments, and federal ESSA funding and programs.

March 16, 2020

To best facilitate waiver requests and provide information, the SCDE asks that you **not** submit waivers to the USED. Instead, please send all inquiries and requests to the staff below rather than contacting the USED directly. Furthermore, we encourage you to review federal resources available at <https://www.ed.gov/coronavirus>.

With respect to federally required assessments, the SCDE will be submitting a state-level waiver request. The SCDE is currently working on additional information about other assessment programs and will provide updates as soon as possible.

Special Education

The USED also provided updated [guidance](#) on the provision of special education and related services, as well as children's rights under Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (IDEA). We urge you to carefully consider this guidance as you serve students with disabilities. We recognize, however, that during this historic crisis, not all of each students' services may be provided; therefore, districts should develop plans to reconvene Individualized Education Program (IEP) teams when school resumes to determine what, if any, compensatory services are owed to each child with a disability, or whether or not extended school year services are appropriate.

Furthermore, as of the date of this memorandum, the USED has not issued any relief or flexibilities with respect to IDEA timelines, including child-specific and dispute resolution ones. In the absence of federal relief, we encourage you to adhere to these timelines; however, when it is not practical for child-specific IEP-related timelines, use the Enrich option of "circumstances beyond our control."

English learners, homeless, and migrant students

We must ensure equal access for English learners (EL), immigrants, migratory students, and children and youth experiencing homelessness so that they are not penalized due to potential barriers encountered in the access of distance learning and resources. While no updated guidance has been released, in accordance with Title III of ESSA and Title VI of the Civil Rights Act of 1964, if an EL does not receive services and/or appropriate accommodations or modifications aligned to their English proficiency level, they must not be penalized. Districts should also ensure that all communication with parents is meaningful and provided in a language that they can understand.

If you have questions related to assessments, please contact Elizabeth Jones at ejones@ed.sc.gov. If you have questions related to ESSA funding or programs, please contact Sarah Longshore at sclongshore@ed.sc.gov. If you have questions related to special education, please contact Beckie Davis at rcdavis@ed.sc.gov. Finally, if you have questions related to accountability, please contact Dan Ralyea at dralyea@ed.sc.gov or me at jrpayne@ed.sc.gov.