



SPECIAL EDUCATION / SELPA

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PRIOR WRITTEN NOTICE RE SCHOOL CLOSURE

March 26, 2020

Dear Stockton Unified School District Families & Students,

This letter is written prior notice by the Stockton Unified School District (SUSD) pursuant to 34 CFR § 300.503, regarding the closure of your student's school that was recently extended through April 17, 2020, returning on April 20, 2020.

As it was previously explained in SUSD notices, including the prior written notice dated March 19, SUSD has determined that it is necessary to close its school(s) to prevent/contain the spread of COVID-19, in consultation with the Center for Disease Control (CDC) the County Office of Education (COE), and the Department of Public Health (DPH), as well as Governor Newsom's Executive Orders, including the shelter-in-place order.

The decision to close the school until April 20, 2020 is based on the current information and advice from governmental and public health agencies. If the situation changes, and we need to be closed for a longer period of time, we will again reach out to update you regarding next steps.

The Governor also signed emergency legislation Senate Bill ("SB") 117, which included several provisions that affect special education.

Under SB 117, certain timelines for special education were extended; however, timelines that exist under the federal IDEA laws and regulations were not waived or extended. The timelines that were not changed include several that are related to your child's IEP. Nevertheless, the U.S. Department of Education ("USDOE") recognizes the practical problems school districts face in attempting to comply with the IDEA's procedural requirements during the current crisis. The USDOE has stated that: "School districts and postsecondary schools have significant latitude and authority to take necessary actions to protect the health, safety, and welfare of students and school staff. School officials have discretion to make educational decisions based on local health needs and concerns, and [the Office for Civil Rights] recognizes this decision-making authority." (OCR Fact Sheet, March 16, 2020.)

To this end, the USDOE has issued guidance that special education teams are not required to meet in-person while schools are closed. It has also acknowledged that “[i]f an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student’s parent or legal guardian consents.” (Id.) The California Department of Education has also stated that: “LEAs should do their best in adhering to IDEA requirements, including federally mandated timelines, to the maximum extent possible.” (CDE Special Education Guidance for COVID-19, March 23, 2020.)

Thus, while federal requirements for convening special education meetings still exist, both the federal and state governments have expressed their intent to evaluate a district’s compliance liberally, in light of the need to ensure the health, safety and welfare of students and staff and abide by all health and safety restrictions that may be in effect.

The District understands that certain federal timelines and requirements apply to the development of your student’s IEP, such as evaluations, annual reviews, and transition meetings. The District will, to the maximum extent possible, make efforts to hold required IEP meetings through alternate means such as telephone or video conferencing provided you are in agreement with proceeding in this manner. Any face-to-face assessments or observations will be delayed until school reopens.

During the school closure, SUSD will continue to provide grade-level appropriate materials for your child to continue their learning independently at home for the purpose of maintaining skills. SUSD will also be taking steps to ensure your student has access to their special education and/or Section 504 supports and services, to the greatest extent possible, in order to ensure they can access their online/distance learning plan and benefit from the educational program options to the same degree as other students and in light their unique circumstances. Please be advised that the exceptional circumstances we are facing will affect how the supports and services are provided, and the District anticipates all students will make less progress as a result of receiving little instruction during this time. When school reopens, SUSD will return to implementing your student’s individual education plan with fidelity.

We recognize that the impact of school closure will vary substantially among students, their families, teachers and staff, as well as the entire community. SUSD’s primary concern is to prioritize the long term health and well-being of its students, families, and employees, and it is committed to mitigating the impact of school closure on each student upon reopening.

In making its determination, SUSD reviewed and considered the following:

- Recommendations from the Center for Disease Control (“CDC”);
- Recommendations from the California Department of Education (“CDE”);
- Recommendations from the United States Department of Education, Office of Special Education Programs and Office for Civil Rights;

- Recommendations from the San Joaquin County Office of Education (COE).
- Recommendations from state and local government officials, including departments of public health; and
- All other relevant information available to the District.

Finally, please be advised that the parents of a child with a disability have protection under the federal parental rights and procedural safeguards set forth in 34 C.F.R. Part 300. Copies of parental rights and procedural safeguards have been posted on the District website, to advise of your parental rights. Please contact me with questions about this letter, and you are also free to contact any agency listed in your notice of rights. District staff members are doing our very best to respond in a timely manner. Your patience with this is greatly appreciated in this evolving emergency.

Sincerely,

Vincent Hernandez, II

Vincent Hernandez II
Interim Director of Special Education
Stockton Unified School District