



August 19, 2020

**RE: Prior Written Notice Re IEP Implementation During School Closure Due To  
Emergency Conditions**

Dear Parent/Legal Guardian:

This letter is written notice by the Emery Unified School District's ("District") regarding the provision of special education and related services for your student ("Student") during the 2020-2021 school year should the District close Student's school in full or in part for more than 10 school days due to emergency conditions.[1]

In those emergency instances[2], the District plans to provide Student's operative IEP, to the greatest extent practicable, through a combination of in-person and distance learning or only distance learning. Currently the District is beginning the school year with distance learning via remote instruction. The District will subsequently be providing you with notice of an IEP-aligned Learning Plan outlining the IEP services and how they will be provided. The notice will include specialized academic instruction ("SAI"), related services if any, supplementary aids and services, transition services (e.g., in effect when Student is 16 years of age or older or younger if deemed appropriate by the IEP team, extended school year services where appropriate, goals, and accommodations to be implemented during the emergency.

Please be aware that the educational placement and services made available during the time frame of "emergency conditions" are not stay-put, and upon termination of the emergency your Student's stay-put IEP is the most recent IEP with parental consent to implement.

The District is committed to helping students learn in a way that makes them feel comfortable, safe and confident. The District is also committed to protecting the privacy of your Student's learning, in compliance with the Family Educational Rights and Privacy Act ("FERPA") and, if applicable, the Health Insurance Portability and Accountability Act ("HIPAA"). However, please be aware that no form of technology is 100% secure. The District's IT department will be monitoring its systems regularly/daily and taking action to protect its distance learning platforms and make them secure for District students and District staff.

Please note that some distance learning or related services will involve small and large group learning, meaning other students might be involved in the same instructional or related services activities. Educators and service providers will communicate schedules with you, and the District encourages you to discuss with your Student what he or she learned and practiced. However, in order to ensure educators and service providers are able to maintain service schedules, parent-educator/provider discussions should be scheduled outside of instructional time and

impromptu discussions before or after distance learning or related services should be avoided. If you have concerns about your Student's ability to participate effectively in distance learning sessions, please let the service provider know.

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

- Recommendations from the Office for Civil Rights of the U.S. Department of Education,
- Recommendations from the Centers for Disease Control and Prevention,
- Recommendations from the California Department of Education,
- Recommendations from State and Local Departments of Public Health,
- Executive Orders from the Governor,
- Recommendations from local governmental agencies,
- Recommendations from the District's Governing Board of Education,
- Student's most recent IEPs, 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 Title 34 C.F.R. Part 300. Enclosed you will find a copy of those parental rights and procedural safeguards. The sources which you may contact to obtain assistance in understanding the provisions of the enclosed procedural safeguards are:

California Department of Education

1430 N Street

Sacramento, CA, 95814

(916) 319-0800

North Region SELPA



1275 61<sup>st</sup> Street

Emeryville, CA 9608

(510) 525-9806

If you have any questions, please do not hesitate to contact me at [karen.steele@emeryusd.org](mailto:karen.steele@emeryusd.org).

Sincerely,

***Karen C. Steele, Ed.D.***

Dr. Karen Steele

Director of Special Education and Student Services

Enclosures: Parental Rights and Procedural Safeguards

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[1]Under Education Code § 46932, “emergency conditions” include fire, flood, impassable roads, epidemic, earthquake, imminent major safety hazard per local law enforcement agency determination, transportation services strike provided by a non-school entity or additional emergency conditions specified in Education Code §41422.

[2]If Student’s school is open for full-time attendance, please disregard this notice.