



Morgan Hill Unified School District

Special Education Department

15600 Concord Circle, Morgan Hill, CA 95037
Phone: 408-201-6040

August 5, 2020

VIA FIRST CLASS MAIL AND EMAIL

RE: Prior Written Notice about School/District Closure to Prevent/Contain the Spread of COVID-19
(Coronavirus)

Dear Parent and/or Guardian of a Student on an IEP:

We are reaching out to you with current information about Morgan Hill Unified School District (MHUSD) plans for when the 2020-2021 instructional year begins on August 13, 2020.

On July 17, 2020, Governor Newsom announced reopening criteria that schools must meet before they can allow students to attend classes in person and on campus. Specifically, a school may reopen for in-person instruction only if the county in which the school is located has not been on the State's COVID-19 monitoring list within the prior fourteen (14) days, or unless the school has received a waiver from the State and local public health departments.

At the present time, Santa Clara County is on the State's monitoring list, as are most of the counties throughout the State. Thus, schools in Santa Clara County are not permitted to reopen for in-person instruction, absent a waiver, until the County has been off the monitoring list for fourteen (14) days. MHUSD is tracking carefully the status of Santa Clara County so that MHUSD is ready to reopen schools when it is able and when it is safe to do so.

Because MHUSD schools are not permitted to reopen for in-person instruction at the present time, MHUSD will be providing instruction to both general education and special education students through a distance learning instructional model. Distance learning may include interaction, instruction, and check-ins between teachers and students through the use of technology; video and/or audio instruction; and/or the use of print materials. Distance learning also includes daily live interaction between students and teachers and peers, unless infeasibility requires development of an alternative plan to provide frequent live interaction.

For students with IEPs, MHUSD will provide special education and related services in a manner that ensures that your child's IEP can be executed in the distance learning environment. As you know, your child's IEP was written to be implemented in an in-person instructional model. Because a distance learning instructional model differs from an in-person instructional model, the execution of your child's IEP in a distance learning model may vary from the manner in which your child's IEP is implemented during in-person instruction at a school site.

Please know that California's compulsory education laws continue to apply during distance learning. Consequently, teachers will be taking daily attendance as well as documenting the daily participation of each student during distance learning. Daily participation can include participation in online activities, completion of assignments and assessments, and contacts between MHUSD staff and students and/or parents/guardians. A student who does not participate in distance learning on a school day will be marked absent. Students who are

absent for more than three (3) school days or 60% of the instructional days in a week must participate in tiered reengagement strategies designed to ensure better attendance.

You will be contacted by your case manager and service provider(s) regarding implementation of this alternative distance learning plan upon return to school. Our staff return to work on August 10 and will be heavily involved in training and planning meetings to assure students feel welcome on their first day of school, August 13. We value the partnership we have with you, and as such, we appreciate you letting our staff use this time to prepare and then begin their instruction. Once MHUSD resumes in-person full time education, the regular delivery of your student's special education supports and services will resume along with the regular program.

MHUSD will continue to maintain compliance with timelines established in the Individuals with Disabilities Education Act related to the scheduling of IEP meetings. Meetings will continue to be held virtually. At this time, if a student's IEP is due for a triennial review you will be contacted following a review of records to determine if additional information is warranted to identify continuing eligibility. If so, an in-person or virtual assessment will be scheduled to be conducted with your consent. Your team will work with you to address any concerns.

MHUSD recognizes the impact of school closure will vary substantially among students, their families, teachers and staff, as well as the entire community. MHUSD 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. MHUSD's plans are subject to update following the guidance we expect to receive from CDE.

In making these decisions regarding distance learning during the COVID-19 pandemic, MHUSD reviewed and considered the following: Re-opening framework issued by the California Department of Public Health on July 17, 2020; SB 98, guidance and recommendations from the California Department of Public Health, the Centers for Disease Control, the California Department of Education and the United States Department of Education, including the Office for Civil Rights; executive orders issued by Governor Newsom; guidance and recommendations issued by our local public health department; and all other relevant information available to the District pertaining to the safe reopening and operations of schools.

As you know, the parent/guardian of a child with a disability has certain rights and procedural safeguards. In that regard, please find enclosed a copy of the district's parent rights and procedural safeguards. If you need additional assistance or information concerning these rights, please contact me directly by email (sped-group@mhusd.org) or phone (408-201-6040). Additionally, the agencies that you may contact to obtain assistance in understanding the provisions of this part are as follows:

SouthEast SELPA
Shelly Ota, SELPA Executive Director
3434 Martin Avenue
San Jose, CA 95148
408-453-6566

CDE, Special Education Division
Procedural Safeguards Referral Svc.
Sacramento, CA 95814
(800) 926-0648 (916) 327-3704 fax

Sincerely,

Rebecca O'Brien, Ed.D.
Director of Special Education

You can find the Notice of Procedural Safeguards in different languages on this CA Department of Education website: <https://inet2.cde.ca.gov/cmd/translatedparentaldoc.aspx?docid=759-768>