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October 14, 2020

Via E-Mail: [dfisher@saccityta.com](mailto:dfisher@saccityta.com)

David Fisher, President  
Sacramento City Teachers Association  
5300 Elvas Avenue  
Sacramento, CA 95819

Re: **In-Person Assessments for Students with Disabilities**

Dear Mr. Fisher:

As you know, on September 29, 2020, Sacramento County moved from the Purple (Widespread) Tier on the California Blueprint for a Safer Economy to the Red (Substantial) Tier. As our team discussed during negotiations yesterday, with this change in our County tier level, the District intends to re-start the in-person assessment process for IDEA required assessments for our students with disabilities. Our District currently has over 6,800 students with individualized education plans (IEPs). Each of those students is required to receive specific services from the District consistent with their IEPs to ensure that their needs are met and that they have equal access to educational opportunities within our District and the opportunity to achieve educational benefit appropriate in light of their individual circumstances.

To ensure that we are meeting the needs of *all* of our students with disabilities, we are required to conduct assessments in all areas of suspected disability upon initial suspicion of disability, upon parent referral or request, when conditions warrant reassessment, and at least every three years after initial eligibility. (See Cal. Educ. Code sections 56043, 56320, 56321, and 56381.) These assessments consist of record reviews, interviews, observations and the administration of standardized instruments and other tools to gather relevant and pertinent information to the determination of eligibility, identification of needs and decision of appropriate placement and services as a result. (See Cal. Educ. Code sections 56320, 56321, and 56327 and 20 U.S.C. 1414(b).) Many of these assessments cannot be conducted virtually rather than in-person with our students given the lack of instruments standardized for virtual assessment as well as the potential effects of virtual administration on efficacy and reliability.

We are also acutely aware that our District, like all local educational agencies across the state, are not exempt from conducting these assessments while our students are attending school in a distance learning model. The California Department of Education (CDE), in responses to Frequently Asked Questions (FAQs) has reminded local educational agencies:

### **Must LEAs continue to conduct special education assessments while providing distance learning?**

Yes. The U.S. Department of Education (USDOE) has not waived the requirement for LEAs to conduct a full and individual initial evaluation for a student suspected of having a disability, nor has the USDOE waived requirements relating to triennial assessments. Additionally, 34 *C.F.R.* §§ 300.101(b) and 300.124(b) are still in effect and require that an IEP or individual family service plan (IFSP) is developed by the third birthday of a child participating in Part C programs and who will participate in Part B preschool-age programs. The USDOE has encouraged LEAs to work with parents to reach mutually agreeable extensions of time, as appropriate, if the LEA or parent feels additional time is needed.

Similarly, CDE has advised local educational agencies that in person assessments may be conducted:

### **Can special education assessments be conducted in-person at this time?**

Yes. Current guidance from the California Department of Public Health and the CDE does not expressly prohibit in-person assessments. Further, the CDPH's "Cohort" Guidance of August 25, 2020 permits in-person instruction and services, including assessments, if done in compliance with the Guidance, or if an elementary school has received a waiver of the school closure mandate from its local public health officer in accordance with the July 17, 2020 Framework for re-opening schools.

Students are entitled to assessment under the IDEA and the District must conduct said assessments or risk being out of compliance with required procedures as well as potentially impeding a student's ability to achieve the meaningful progress to which students with disabilities are entitled.

At this time, for the 2020-2021 school year, we currently have approximately 325 initial assessments that are overdue as of October 9, 2020. While we recognize that the timelines for assessments may be waived as appropriate if the student's parent or guardian consents to such extension, we do not believe that delaying assessments, except in unique circumstances, allows us to meet the needs of our students with disabilities. In addition, we have concerns that a further delay of assessment timelines even with parent consent would significantly impact the workload of our employees when those continued assessments ultimately become due.

Our expectation is that beginning November 2, 2020, employees will return to conduct initial assessments of students during their regular work day and hours consistent with the attached proposal. The District's goal is to reduce the number of overdue assessments by 20% each month, in addition to completing any assessments that are due in a given month.

In requesting employees to return to the physical school site for purposes of conducting in-person assessments, we will follow the guidelines issued by the Sacramento County Department of Public Health to mitigate exposure to and the spread of COVID-19, just as we currently do at our school sites which are open to the public and our employees. In addition, we will follow the safety protocols attached to our proposal, which includes many protocols that are already in place at our school sites, will be in place as students return in person for assessments. As you

may know, these safety protocols are similar to those being used by other school districts in our region.

Please review this proposal and let us know by October 16, 2020 if you are able to meet to discuss this proposal on October 19, 21, 22, or 23, 2020 so we can put these much needed assessments in place for our students.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jorge A. Aguilar'. The signature is stylized with a large loop and a horizontal stroke.

Jorge A. Aguilar  
Superintendent

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT'S  
PROPOSED MEMORANDUM OF UNDERSTANDING**

**Between**

**Sacramento City Unified School District**

**&**

**Sacramento City Teachers Association**

MOU- COVID-19 In-Person Assessments

October 14, 2020

Proposal

This Memorandum of Understanding (MOU) is between the Sacramento City Unified School District (District) and the Sacramento City Teachers Association (SCTA), collectively “the Parties,” regarding conducting in-person student assessments while the District is in a distance learning model.

1. Special Education assessments are required by law and state guidance. Beginning November 2, 2020, District employees will begin conducting in-person assessments as follows and consistent with the safety protocol set forth in Addendum A:
  - Assessment of students with Individual Education Plans (IEPs) to ensure that assessments (initial, triennials, and other mandated assessments) are completed consistent with legally required timelines
  - Vision and hearing screenings
  - Initial English Language Learner Assessments (ELPAC)
2. The Parties agree to follow health and safety guidelines as recommended by the California Department of Public Health (CDPH), Sacramento County Public Health (SCPH), and included in the District’s Guidelines for Essential In-Person Assessments (Guidelines), attached hereto as Addendum A.
3. This MOU addresses only the in-person assessment of students as set forth in this MOU for the 2020-2021 school year and does not preclude continued discussions between the District and SCTA on other working conditions related to the reopening of schools.
4. This MOU expires on June 30, 2021, unless the Parties mutually agree to extend it.

## ADDENDUM A

### GUIDELINES FOR IN-PERSON STUDENT ASSESSMENTS

These guidelines are intended for conducting essential in-person, 1 to 1 assessments of students for any of the following purposes: ELPAC, assessments of students for special education services, vision and hearing screenings

#### **General Guidelines:**

- Perform all tasks virtually that can be done so effectively
- Keep face-to-face time as brief as possible

#### **Appointments:**

- A designated staff person will organize and coordinate appointments
- Schedule appointment with parent/guardian keeping the following in mind:
  - Avoid distance learning times whenever possible
  - Schedule as close to student meal distribution times as possible
  - Stagger appointments to facilitated physical distancing

#### **Outside Space Use:**

- Provide assessments outdoors, if possible, taking into consideration weather and privacy

#### **Room Use:**

- Use a larger room whenever possible, preferably with windows
- Keep doors and windows open when possible
- Set up the assessment space with physical distancing parameters in place
- Use Plexiglass shields, as appropriate

#### **Face Coverings:**

- Face coverings will be required for all staff, students and family members following county health guidelines
- Staff may use a face shield, but not in replacement of a face covering
- If face shields are used, face coverings/masks must also be worn unless the face shield has a drape
- Face coverings for staff and students will be made available
- Exceptions for face coverings:
  - Children younger than 2 years old
  - Anyone who has trouble breathing
  - Anyone who is unable to remove the face covering without assistance
  - Students and staff with medical exemptions
  - Students, teachers and staff with a hearing impairment or need to communicate with a hearing impairment, in which case a face shield with a drape or clear face covering will be used.

#### **Gloves:**

- If direct contact is needed to be made with a student, use of latex-free gloves is recommended for staff
- After direct contact, dispose of gloves properly and wash or sanitize hands
- If used, gloves must be switched between each appointment
- Gloves will be provided by the District

**Assessment Tools:**

- Employ alternative tools or technologies to facilitate social distancing as appropriate to the discipline. Examples include: alternate testing modalities that are quicker or do not require close contact; separate testing materials to eliminate cross contamination; SmartBoard instead of laptop.

**Cleaning and Disinfecting:**

- Stagger appointments to ensure physical distancing, and allow time to clean between students
- Clean and disinfect testing material between students, and stagger use of materials as possible
- Clean and disinfect tables, desks and Plexiglass between each appointment
- Refer student or parent to designated public restroom as needed

**Day Before Appointment:**

- Call parent/guardian the day before to review the following (this could be done by the designated staff organizing and coordinating appointments):
  - Ask parent/guardian if anyone in their household has COVID-like symptoms, if yes, appointment must be rescheduled
  - Ask parent/guardian if they have been in close contact with anyone who has tested positive for COVID in the last 14 days, if yes appointment must be rescheduled
  - Review "Symptoms Check Screening Document" below to inform parents/guardian what questions will be asked. If student or family member who will be bringing student currently has these symptoms, reschedule the appointment.
  - Ask families to not bring other people with them to the appointment, if possible
  - Explain playgrounds are not open
  - Student and parent must always wear a face covering when on site
  - Families coming for an appointment will enter through the main office, to undergo health screening

**Upon Arrival for Appointment:**

- Staff should meet family in the main office
- Staff, student and family must be wearing a face covering
- Ask family to wash their hands or use hand sanitizer when entering the office
- Symptom screening must be conducted, use screening worksheet below
- Procedure for symptom screen:
  - Take temperature and complete the form below to ensure there are no COVID-like symptoms before being cleared to remain on site for essential service
  - Keep a record of screening

**During Appointment:**

- Keep 6-feet distance as much as possible
- Face coverings/appropriate face shields must be worn at all times

**After Appointment:**

- Materials and high touch point areas will be cleaned and disinfected
- If gloves were worn, properly dispose
- Staff must wash their hands between each appointment

## Symptom Check Screening Document

**Student Name:**

**Parent/Guardian:**

**Date:**

	No	Yes
Does the student or family have fevers today? Record student temperature here: Record parent/guardian temperature here (if remaining in room with student during essential service):		
Has family been exposed to someone with COVID-19 in the past 14 days?		
Do they feel ill today? (If yes, appointment must be rescheduled.)		
Does the student or family member have any of the symptoms below? If the answer is yes to any one or more symptoms below, appointment must be rescheduled.		
New uncontrolled cough that causes difficulty breathing		
Shortness of breath or difficulty breathing		
Chills		
Fatigue		
New loss of taste or smell		
Muscle or body aches		
Congestion or runny nose		
Sore throat		
New onset of severe headache		
Nausea		
Vomiting (unidentified cause, unrelated to anxiety or eating)		
Diarrhea		

Parent/Guardian of the above-names student confirms that the answers above are accurate to the best of their knowledge.

\_\_\_\_\_  
Printed Name of Parent/Guardian

\_\_\_\_\_  
Current Phone Number

\_\_\_\_\_  
Signature of Staff Member Completing Screening