

**Request to Complete Overdue Special Education
Assessment During COVID-19**

Date:

Sent via: Email Fax U.S. Mail

To: Special Education Director:

School District:

District Address:

Email:

Re: Student Name:

Date of Birth:

Name of School:

Grade:

Dear Director of Special Education:

The District has failed to complete a timely assessment of my child. I write to demand that the District immediately provide assessments and hold an IEP meeting. The problems are as follows (select all that apply):

- I sent the District a written request to assess my child on date:

- My child's triennial assessment is overdue. My child's last triennial IEP assessment was on date:
- I have not yet received an assessment plan.
- I signed an assessment plan on date:

The District has not completed any of the above assessments. Because the District did not do a timely assessment, my child is not receiving a free appropriate public education. My child is experiencing challenges and/or regressing, as follows: (describe).

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State and federal law require the District to make reasonable efforts to obtain parent consent for special education assessments.¹ School districts are also required to provide parents with an assessment plan within 15 days of receiving this request and to complete the assessment within sixty days of the parent signing the assessment plan.² These timelines are still in place during the COVID-19 pandemic.³

I demand that the District complete Student's assessment and hold an IEP meeting to talk about the assessment report as soon as possible. Because the district did not complete a timely assessment, I believe my child is entitled to compensatory education.

I am comfortable with the District completing the assessment as follows (select all that apply):

- virtually, through a platform such as zoom
- outdoors, with Student and the assessor wearing masks and using social distancing practices to ensure safety
- indoors, with Student and the assessor wearing masks and using social distancing practices to ensure safety
- other:

¹ Cal. Educ. Code §§ 56346(a), 56381(f)(1); 34 C.F.R. §§ 300.300(a)(iii), 300.300(c)(2)(i).

² Cal. Educ. Code §§ 56043(c), (f)(1), 56344(a), 56381(a)(1), 56302.1(a); 34 C.F.R. §§ 300.303(a), 300.301(c)(1)(i).

³ All provisions of the IDEA remain in effect during the COVID-19 pandemic. See Report to Congress of U.S. Secretary of Educ. Betsy DeVos, *Recommended Waiver Authority Under Section 3511(D)(4) of Division A of The Coronavirus Aid, Relief, And Economic Security Act ("CARES Act")* (Apr. 27, 2020), available at <https://www2.ed.gov/documents/coronavirus/cares-waiver-report.pdf>; *Student v. Los Angeles Unif. Sch. Dist.*, OAH Case No. 2020050465 (Aug. 24, 2020); *Student v. Norris Sch. Dist.*, OAH Case Nos. 2020010423 & 2020060184 (Sept. 2, 2020). In addition, as of July 1, 2020, State law requires districts to provide assessment plans to parents within 15 days of receiving the parent's request for assessment. See S.B. 820, Sec. 8(f).

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I ask that you send me a prior written notice of the school district's decision, if the district denies my requests. Thank you for considering this request.

Sincerely,

Signed:

Parent/Guardian/Educational Rights Holder name:

Address:

Telephone:

Email:

*Keep a copy for your own records.