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August 11, 2020

Sent by US Mail and email, and posted on the OUHSD Website

Written Notice Re School/District Closure to Prevent/Contain the Spread of COVID-19 (Coronavirus)

Dear Parent(s) and/or Guardian of Student with Exceptional Needs;

I write on behalf of the Oroville Union High School District (“District”) regarding your child’s educational program. Our District was planning for the re-opening of its schools to include in-person learning for the 2020-2021 school year. However, on July 17, 2020, Governor Newsom announced the State's plan for reopening of schools for the 2020-2021 school year, following criteria issued by the California Department of Public Health (CDPH), that laid out a Pandemic Plan for Learning and Safe Schools.

The CDPH utilizes six indicators to track the level of COVID-19 infections within each county, as well as the preparedness of the county's health care system. Any county that does not meet the CDPH benchmarks is put on a County Monitoring List. The CDPH recommended that school districts located in counties that are on the Monitoring List must conduct distance learning only until the County has been removed from the Monitoring List for at least 14 days. Governor Newsom has since instructed all counties to follow the CDPH guidelines.

Butte County is among the counties on the CDPH Monitoring List. As a result, our District is unable to offer in-person instruction at the start of the 2020-2021 school year. Our District's school closure determination was made based on Governor Newsom's directive, and the health and safety concerns for students, families, staff, and the community at large, as well as for concerns for our state and for our nation, at large.

Please know that during the time our schools remain closed due to COVID-19, our District will offer all District students a distance learning plan (DLP) that is consistent with the requirements recently described in SB 98. SB 98 is a Senate Bill that passed the legislature and was signed into law on June 29, 2020. SB 98 adds and/or modifies several sections of the California Education Code, providing information and specific requirements with regard to ensuring continued learning for our children. Specifically, SB 98 adds EC Section 43500 that defines "Distance Learning" as

Instruction in which the student and instructor are in different locations and students are under the general supervision of a certificated employee of the District. Distance learning may include, but is not necessarily limited to, the following:

- 1) Interaction, instruction, and check-ins between teachers and students through the use of computers or communication technology;
- 2) Video or audio instruction which the primary mode of communication between the student and certificated employee is provided through online interaction, instructional television, video telecourses, or other instruction that relies on a computer or communications technology; and
- 3) The use of printed materials incorporating assignments that are the subject of written or oral feedback.

With regard to your child, he/she also receives the support of an individualized education program ("IEP"). During the period of school closures, we will work with you and your child to make every effort to implement the specifics of your child's IEP, to the extent feasible through a virtual distance learning plan consistent with the distance learning model described above, modified to meet the needs of your child in accordance with his or her IEP.

We are in the process of developing your child's virtual distance learning plan to ensure he or she receives special education and related services in accordance with his or her IEP, to the extent possible and feasible, at the start of the 2020-2021 school year. Please be assured that this alternative program to educate your child will only be in place during the COVID-19 school closure, and is necessary to protect your child's health and safety, as well as our student body, staff, your family, and the community at large.

Please be advised that the District is not changing your child's IEP placement or services. Rather, the alternative program/DLP developed by your child's case carrier will be implemented during this emergency situation only. When it is safe to return to a regular school program, your child will receive the placement and related services that are written in his or her IEP.

Your child will receive special education and related services consistent with his or her IEP, to the greatest extent feasible. Those services will be delivered in an alternative manner, consistent with the requirements of SB 98. Your child's services are expected to begin on August 17. During the week of August 17 to August 28, your case manager will contact you to discuss the nuances of your child's distance learning program and set up a meeting to see how we can provide your child with the services identified in his or her specific individualized program.

Again, I want you to understand two important messages from our District. First, our District does not take lightly its obligations under the IDEA, but at this time of great need and state of emergency, the health and safety of all dictate that an alternative learning program is necessary for all students. Second, this plan will only be in place during the COVID-19 school closure, and

as soon as the health and safety concerns related to COVID-19 are alleviated and school returns to regular school programs, your child's IEP will be implemented as written.

For now, as noted above, your child's case manager will contact you to provide you with the distance learning plan that will be implemented for your child during this COVID-19 school closure. Following that conversation, the case manager will provide you with a written version of the plan. If at any time, you wish to discuss the logistics of your child's distance learning plan with your child's IEP team, please do not hesitate to contact his or her case manager and he or she will schedule a meeting within the applicable timelines. Otherwise, we can also discuss the logistics of your child's distance learning plan at his or her next annual review.

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

- Recommendations from the Center for Disease Control,
- Recommendations from the California Department of Public Health,
- Recommendations from the California Department of Education and the United States Department of Education,
- Recommendations from the Butte County and Public Health Department and the California Department of Public Health,
- Guidance from Governor Newsom,
- All other relevant information available to the District regarding COVID-19.

In making the decisions with regard to your child's virtual distance learning program, the District will take into consideration information from his or her file, including, his or her most recent IEP, assessment data, family needs, and input from you and other members of his or her IEP team.

Finally, please be advised that as a parent(s) or guardian(s) of a child with a disability, you have certain rights. You were provided a copy of your parental rights and procedural safeguards and your child's most recent IEP at his or her last annual IEP. If you would like another copy please let me know and a copy will be sent to you, or you can find a copy of your rights on the District Special Services website. Please feel free to contact the following sources if you have questions regarding your rights:

Butte County Special Education Local Plan Area (SELPA) 1870 Bird Street Oroville, California 95965 530.532-5621	California Department of Education P.O. Box 944272 Sacramento, CA 94244-2720
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If you have any questions, please do not hesitate to email me at ksimas@ouhisd.net or call me at 530 538-2300, ext. 1104.

Sincerely,



Kevin Simas
Director of Education

Enclosure: Parental Rights and Procedural Safeguards