

ATTACHMENT 2

PRIOR WRITTEN NOTICE – INITIAL EVALUATIONS

1. A description of the action proposed or refused by the school district.

Initial Evaluations must be completed within 45 school days of receiving written informed parent consent for evaluation. However, the school district has currently closed all campuses to direct in-person instruction until, at least, _____ to help contain and mitigate the spread of the new coronavirus that causes COVID-19. Because conducting a full and individual evaluation (FIE) requires in-person contact and observations in the educational setting, the District is proposing to suspend the 45 school day timeline for completing the initial Full and Individual Evaluation until school resumes normal operations.

After the District resumes in-person instruction and the FIE is completed, the ARD Committee will review the FIE. If the student is found to be eligible for special education and an IEP is proposed, the ARD Committee will also consider whether compensatory services are appropriate due to the extension of the timeline for the evaluation.

The ARD Committee will consider the provision of extended school year services if the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression during the period of time that direct in-person services are not provided that cannot be recouped within a reasonable period of time, or whether some other circumstance exists that makes the provision of extended year services appropriate.

2. An explanation of why the school district proposes or refuses to take the action.

Initial Evaluations must be completed within 45 school days of receiving written informed parent consent for evaluation. However, the school district has currently closed all campuses to direct in-person instruction until, at least, _____ to help contain and mitigate the spread of the new coronavirus that causes COVID-19. Because conducting an FIE requires in-person contact and observations in the educational setting, the District is proposing to suspend the 45 school day timeline for completing the initial FIE until school resumes normal operations.

3. A description of each evaluation procedure, assessment, record, or report that the school district used as a basis for the proposed or refused action.

In making this proposal, the District considered the declaration of a public health emergency of international concern and a declaration of a pandemic by the World Health Organization (WHO); the declaration of a public health emergency and then a national emergency by the U.S. government; the declaration of a local state of disaster due to a public health emergency in the City

of _____ and _____ County; and a declaration of a state of disaster in all counties by the Governor of Texas.

When the ARD Committee considers the FIE, if compensatory and ESY services are considered, the ARD Committee will consider information in Student's education file; information from teachers and the parents; physician recommendations, and all current and relevant assessments.

4. Procedural Protections

The Parent of a student with a disability (or an adult student) has protection under the procedural safeguards of Part B of the Individuals with Disabilities Act (IDEA). A copy of the Procedural Safeguards is attached hereto.

5. Sources to contact to obtain assistance in understanding the provisions of Part B of IDEA.

If you need assistance in understanding your procedural protections under the IDEA, please contact _____.

6. A description of other options that the ARD committee considered and the reasons why those options were rejected.

The District considered conducting testing on campus, but rejected this option to best ensure the health and safety of the student because all campuses are closed to direct in-person instruction due to recommendations from the state and local health authorities regarding the containment and mitigation of COVID-19. The District believes that evaluation data obtained while the student is attending school under normal circumstances will be more reliable in determining whether the student is eligible for special education and related services, and identifying what, if any, services are needed by the student to ensure that s/he receives a Free and Appropriate Public Education.

7. A description of other factors that are relevant to the school district's proposal or refusal.

- The length of time all campuses will be closed to direct in-person instruction due to COVID-19.
- Whether the delay in services will create a need for compensatory services (i.e., if the delay in services will result in a loss of educational benefit based on the degree of skill loss).
- Whether the delay in services will create or change the student's need for extended school year (ESY) services based on the length of time of the school outage and the resulting impact to the student's services.



ATTORNEYS | COUNSELORS

- Any decision to provide compensatory services must be reviewed by the student's ARD committee on an individualized basis. If needed, these compensatory services should be documented as part of the student's IEP.
- Any lapsed evaluations should be scheduled for completion when school resumes normal operations.

For further information or should you have questions, contact your [Thompson & Horton](#) attorney. If you do not have a Thompson & Horton attorney with whom you currently work, please contact [David Hodgins](#) in Houston, [Holly McIntush](#) in Austin, or [Dianna Bowen](#) in Dallas/Fort Worth and they will put you in contact with the most appropriate T&H team member to assist you.