

**MEMORANDUM OF UNDERSTANDING
BETWEEN
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
AND
SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIATION
REGARDING
REOPENING OF SCHOOLS FOR THE 2020-2021 SCHOOL YEAR
IN LIGHT OF THE IMPACT OF THE COVID-19 PANDEMIC**

Addendum #1 – Special Education Assessments

September 15, 2020

The **Santa Monica-Malibu Unified School District** (“District”) and the **Santa Monica-Malibu Classroom Teachers Association** (“Association”), collectively referred to as “the Parties,” entered into a Memorandum of Understanding (“MOU”) regarding the reopening of schools for the 2020 - 2021 school year in light of the impact of the COVID-19 pandemic. The MOU was signed by the Parties on August 7, 2020.

On or about July 13, 2020, the County of Los Angeles Department of Public Health (“LADPH”) published Reopening Protocols for K-12 Schools. On or about August 18, 2020, LADPH updated the Reopening Protocols¹ allowing in-person assessments for special education students with IEPs. Specifically, the update states:

“While schools are closed to all classroom instruction, in-person assessments are permitted on campus for students who require evaluation for Individualized Education Plans (IEPs) when such assessments cannot reasonably be performed elsewhere.”

The Parties acknowledge that the District is required to assess current special education students (on schedules defined by regulation) and to assess general education students for potential eligibility for special education services. Furthermore, the Parties acknowledge that failing to fulfill its legal obligations to assess students is a significant liability for the District.

The Parties initiated discussions regarding the LADPH update regarding special education assessments on September 1, 2020. This addendum reflects agreements by the Parties regarding in-person assessments.

Therefore, the Parties agree as follows:

Special Education In-Person/On-Site Assessments

1. The District shall seek to minimize in-person assessments, pursuing alternatives whenever possible.

¹ The document may be updated as new information and resources become available. This update includes the clarification that assessments for special education students is permitted.
http://publichealth.lacounty.gov/media/Coronavirus/docs/protocols/Reopening_K12Schools.pdf

2. If no alternative is possible, the District shall prioritize which students require in-person assessment, prioritizing as described:
 - a. Initial assessments.
 - b. Triennial assessments (when a review of records is not determined to be appropriate, a parent declines consent, and/or when the District determines in-person assessment is in the best educational interest of the student).
3. In determining which unit members will conduct in-person assessments, the District shall, in the order shown:
 - a. Seek unit member volunteers.
 - b. Utilize unit members whose current assignments include designated assessment periods as provided for in the Collective Bargaining Agreement (“CBA”).
 - c. Utilize unit members with part-time assignments, compensating such unit members at their own hourly rate for additional time outside of their (part-time) work day.
 - d. Utilize unit members within the same grade span (ES, MS, HS) with smaller caseloads before those with larger caseloads.
4. Assessments shall be conducted by unit members who are in similar programs (e.g. social skills teacher assessing students in social skills programs).
5. Unit members who are 65 or older, or have existing health conditions that make them vulnerable to outcomes of COVID-19, may request to engage the District in the interactive accommodation process, which may exempt such unit members for in-person assessments. Teachers who are caretakers for a person(s) who are 65 years of age or older, or who have existing health conditions, may request to engage the District in the interactive accommodation process. However, the District may require such unit members to conduct other aspects of the assessment process (e.g. report writing) that do not require in-person contact with students.
6. Unit members who do not conduct in-person assessments may be required to conduct other aspects of the assessment process (e.g. report writing) that do not require in-person contact with students.²
7. The District shall implement the safety protocols and procedures described in Attachment #1.
8. The District shall provide unit members with personal protective equipment.
9. The District shall utilize spaces that provide for physical distancing including, but not limited to, outdoor spaces, multi-purpose rooms, larger classrooms and, when possible, spaces with updated HVAC systems. No assessments will be done outside when the air quality is in the red/unhealthy zone or 150 or above, as determined by the South Coast Air Quality Management District (AQMD) (NW Coastal LA, CA zone). Alternatively, an indoor space will be made available.

² For example, a unit member can voluntarily conduct the in-person academic assessment for a student not on the unit member’s caseload and share scores with the assigned teacher of record to prepare the academic report and complete all other IEP requirements.

- 10. Whenever possible, and as needed, the District shall identify substitute teachers who can release unit members for up to one half day who will conduct assessments during the work day. Unit members shall make recommendations to coordinators of substitute teachers who are familiar with special education programs and are good candidates for this pool. This pool of substitute teachers shall be paid at the Long Term Absence rate.

- 11. With prior approval from the Director of Special Education or designee, teachers approved to conduct assessments outside of the teacher work day shall be compensated at their own hourly rate.

Mark Kelly – signed electronically

Grant A. Clark – signed electronically

For the District

For the Association

Date: September 15, 2020

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