

Date: September 23, 2020

Subject: Official Message from the State Director of Special Education

On September 18, 2020, the Governor approved Senate Bill (SB) 820 (Chapter 110, Statutes of 2020). Section 56 of SB 820 renders Section 8 of SB 117 (Chapter 3, Statutes of 2020) **inoperative on July 1, 2020**. The full text of SB 820 is available for review on the following web page:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB820

SB 117, Section 8, waived Local Educational Agency (LEA) compliance with two provisions of state special education law that do not appear in federal law: *Education Code (EC)* Section 56321(a), stating that if an assessment is to be done, an assessment plan must be provided to the parent within 15 days of a referral, and *EC* Section 56504, stating that the LEA must provide a student's school records within five business days of a parent request. SB 117, Section 8 stated that the waivers apply while school remains closed due to COVID-19, even if distance learning is offered. SB 117, Section 8, nevertheless encouraged LEAs to respond as expeditiously as possible to parent requests received during a time when a school is closed due to COVID-19.

With the approval of SB 820, all state and federal special education timelines must be followed and will be enforced accordingly.

Should there be any questions related to this information, please contact the appropriate Focused Monitoring and Technical Assistance (FMTA) Consultant using the contact information provided on the California Department of Education FMTA Consultant Assignments by Region web page at <https://www.cde.ca.gov/sp/se/qa/fmtacnct.asp>.

Sincerely,

Heather Calomese, Director
Special Education Division
