

# California schoolnews

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## Weekly Update

March 9, 2022

Opt-in to receive texts about important education events and COVID-19 developments by texting CSBA4Kids to 52886.

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### Schools should expect state guidance on independent study for students with disabilities

On Feb. 28, 2022, in the case *E.E. v. State of California*, a judge in the Federal District Court for the Northern District of California **issued a preliminary injunction that ordered the California Department of Education to provide guidance to local educational agencies**



requiring them to provide modifications to special education students whose parents have determined are unable to attend in-person instruction due to COVID-19 health risks that would allow them to participate in virtual learning. The court's decision requires the CDE to issue guidance to all LEAs, and therefore applies to all LEAs in California and any special education students who are not

medically able to attend in-person instruction, as determined by their parents. CSBA previously provided information about this case in the February issue of [California School News](#).

Judge Susan Illston based her order on anti-discrimination principles under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, rather than under the Individuals with Disabilities Education Act, though the state argued that the students should have brought their complaints individually before the Office of Administrative Hearings pursuant to the IDEA. Judge Illston found: **(1) that the student plaintiffs had demonstrated a likelihood of harm based on the fact that they had been unable to attend school; and (2) the state defendants had imposed systemic barriers to educational access on the student plaintiffs**, thus making the claims actionable under Section 504 and the ADA rather than the IDEA. Among other things, Judge Illston's order requires CDE to issue guidance requiring LEAs to provide distance education in the form of independent study or another form of virtual learning as a modification to allow special education students to access instruction. **Originally, this notice was required by March 14, 2022, but given the stay granted to the state, it will likely be required shortly after March 17, 2022.**

The state defendants have requested a stay of the preliminary injunction that would allow them, and all LEAs, to maintain the status quo pending any appeal they might make. **Judge Illston agreed to stay the order until March 17, 2022. She will hold a hearing on March 11, 2022 to determine whether she will issue a longer stay requested by the state defendants. [Read more on the CSBA blog](#) »**

## Legislative update: Home-to-school transportation



As budget hearings and negotiations move forward in Sacramento, **CSBA is putting a spotlight on the most important issues for schools. This week: home-to-school transportation.**

As local governance leaders communicate with their state representatives, here are a few key talking points:

- Home-to-school transportation is an ongoing challenge for the districts that offer it, and funding deficiencies have led other districts to give up on the program.
- Local educational agencies are consistently using limited General Fund dollars to fill the widening gap that the existing transportation add-on does not adequately fund.

- Now more than ever, with bus driver shortages, the demand created by expansion of transitional kindergarten and Expanded Learning Opportunities programs and the implementation of school start time mandates, school transportation dollars will be stretched even further beyond the limits.
- The state must provide the home-to-school transportation program with enough state funding to support 100 percent of the costs incurred by LEAs, in addition to an annual cost-of-living adjustment, in order to account for increasing costs and expanded legislative policy goals.

## COVID-19 update: CDPH provides local masking decision-making guidance



The **California Department of Public Health issued a [memo](#) March 7** reminding education stakeholders that the statewide universal indoor masking requirement in K-12 schools will transition to a strong recommendation that staff and students continue to wear masks indoors, **effective end-of-day March 11**. The memo is also meant to **support local health and education partners in decision-making, which**

**should include several factors that paint a holistic picture of the situation in each community.**

“California affirms the authority of local health departments and local educational agencies to maintain or establish masking requirements for K-12 school settings in their respective jurisdictions,” the memo reads. “When making the determination of whether a local universal indoor masking requirement should be maintained or established in K-12 school settings, CDPH recommends local health and education officials confer ... Reliance on the composite situation, rather than any one single factor, is recommended when making determinations.”

**Factors that local educational agencies and health departments should consider** when determining whether a local universal indoor masking requirement should be maintained or established **include pandemic patterns and pathogen characteristics, population characteristics, and prevention, assessment and treatment of COVID-19.** [Read more on the CSBA blog »](#)

### In other COVID-19 developments:

- On March 9, the **California Department of Public Health posted for previewing updated guidance to its COVID-19 Public Health Guidance for K-12 Schools in California** for the 2021–22 academic year. The [changes go into effect on March 12](#), 2022, as students and staff will no longer be required to wear masks in indoor settings. **CDPH is still strongly recommending the use of masks to protect staff and students.** According to the agency, there are updates to guidance sections including the preamble and general considerations as well as sections on masking, physical distancing, symptoms, quarantine and extracurriculars, as well as to the additional considerations section. [Updated](#)

[group tracing guidance](#) and an [updated exposure notification letter](#) for K-12 schools, both effective March 12, were also released.

## Call to Action: Contact your representative about the school nutrition program



Please contact U.S. Senators Dianne Feinstein and Alex Padilla and your local Congressional representative to urge their **support to extend school meal waiver authority to the U.S. Department of Agriculture (USDA) through Sept. 30, 2023, within the pending consolidated appropriations bill that Congress is working to finalize.** California's public schools need continued flexibility to deal with supply chain issues and

labor shortages. [Find your member of Congress and their contact information](#) | [A script is available on the CSBA blog](#)

## Register for the 2022 Leadership Institute



CSBA's 2022 Leadership Institute will take place in person in Los Angeles, July 22–23. “Leadership in a time of chaos, change and opportunity” provides a unique opportunity to **strengthen your leadership skills** in the midst of this chaotic time in K-12 public education. Attendees will have the opportunity to engage with keynote speakers and **collaborate with peers across the state during sessions dedicated to**

**community engagement, board meeting management, governance, budgeting, crisis communications** and more. [Learn more and register »](#)

## Governor delivers State of the State address



Gov. Gavin Newsom **briefly touched on education in his 18-minute State of the State address March 8**, noting that California is ahead of many in **creating “a real transformation of our public education system,”** which includes “creating choices — real choices — for parents and unprecedented support for their kids.”

The Governor's **comments largely harkened back to programs included in his January Budget Proposal**, including **transitional kindergarten for all**, expanded enrichment opportunities through **before- and after-school programs, expanded summer school, universal nutritious school meals**, millions of **new child savings accounts** and **free community college**. [Watch the address](#) | [Read the transcript](#)

## Final reminder: CSBA Delegate Assembly election ballots due March 15



Ballots for this year's CSBA Delegate Assembly, in subregions that have elections, were mailed to school districts and county offices of education by Feb. 1. **Completed ballots should be returned to CSBA's West Sacramento office and must be postmarked by the U.S. Postal Service no later than Tuesday, March 15**, to be valid. All districts, county offices of education and candidates will be notified of the results by April 1.

Run-off elections will be conducted in the case of tie votes. All new and re-elected Delegates are eligible to attend the May 21–22 Delegate Assembly meeting. [Learn more about CSBA's Delegate Assembly and candidates for election »](#)

## Districts can diversify investments with OPEB Solutions Program



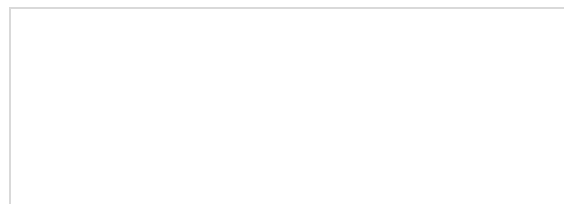
The OPEB Solutions Program is a full-service GASB-compliant, IRS-approved **trust program designed to help local educational agencies safely and securely set aside funds to address and lower your Other Post-Employment Benefits (OPEB) liability**. This program gives districts local control of assets, providing LEAs with the flexibility to make contributions as deemed appropriate and the ability to access and

withdraw funds to pay for OPEB expenses at any time. [Learn more »](#)

## COVID-19 resources

Stay up to date with the latest news and resources related to COVID-19 on [CSBA's dedicated webpage](#) and with articles frequently posted on the [CSBA blog](#).

## Sponsors



## Virtual events

### **MIG Course 1: Foundations of Effective Governance/Setting Direction**

March 15-16 | [Register](#)

### **Legislative Action Week**

March 15-17 | [Register](#)

### **MIG Course 1: Foundations of Effective Governance/Setting Direction**

March 25-26 | [Register](#)

### **MIG Course 2: Student Learning & Achievement/ Policy & Judicial Review**

April 6-7 | [Register](#)

## In-person events

### **2022 CCBE County Board Governance Workshop**

March 11-12 | Sacramento | [Register](#)

### **2022 Leadership Institute**

July 22-23 | Los Angeles | [Register](#)

## External event

### **APISBMA: Sharing stories: Hope, inspiration, & COVID recovery — an AAPI perspective**

March 21 | Virtual | [Register](#)

[View complete calendar](#)



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