

# GOVERNANCE AND GUIDANCE IN THE AGE OF COVID-19

Examination and interpretation of state and federal guidance related to  
COVID-19

*April 27<sup>th</sup>, 2020*



# TODAY'S PRESENTERS

- Dennis Meyers, Assistant Executive Director, Governmental Relations
- Bob Tuerck, Assistant Executive Director, Policy and Governance Technology Services
- Kathryn Meola, General Counsel/Director of Education Legal Alliance
- Erika Hoffman, Legislative Advocate

# STATE ACTIONS AND RESOURCES



# LCAP AND PHYSICAL EDUCATION

- Executive Order [N-56-20](#); issued April 23, 2020
  - Extends this budget year LCAP from July 1, 2020 to Dec. 15, 2020
  - Waives related requirements for county and state review of LCAPs and budget expenditures for this year
  - Requires by July 1, 2020, a written report explaining changes to program offerings made in response to COVID-19 major impacts on students and families. Report to include description of how the needs of unduplicated pupils are being met
  - Also waives required physical education minutes and annual physical fitness testing that require on-site instruction.

# EXECUTIVE ORDERS

- Executive Order [N-26-20](#): continues funding and requires services to continue
- Executive Order [N-30-20](#): suspension of testing
- Executive Order [N-45-20](#): provision of childcare to essential workers
- Executive Order [N-47-20](#): clarification of services to special populations
- More to come



# COVID-19 RESOURCES

- CSBA COVID-19 Website: [www.csba.org/coronavirus](http://www.csba.org/coronavirus)
- CA Department of Education COVID-19 Website: [www.cde.ca.gov/ls/he/hn/coronavirus.asp](http://www.cde.ca.gov/ls/he/hn/coronavirus.asp)
- State COVID-19 Website: [www.covid19.ca.gov](http://www.covid19.ca.gov)
- Federal Government
  - Education: <https://www.ed.gov/coronavirus>
  - Agriculture: <https://www.fns.usda.gov/disaster/pandemic/covid-19/california>

# DISTANCE LEARNING

*Schools may be physically closed, but class is still in session*



# DISTANCE LEARNING

- Analyze course sequence and prioritize content and standards to be completed
- Consider social-emotional wellness
- Revise grading criteria
- Establish regular communication
- Provide training and support for teachers



# DISTANCE LEARNING

- Distance learning opportunities may include live or pre-recorded video, audio, and/or written instruction, online interactions, instructional television, or telecourses
- Materials and methods appropriate for the grade level and subject matter

# DISTANCE LEARNING

- Equity
  - Considerations for students with disabilities
  - English learners
- Continuum of Options
  - What are your existing resources?
    - What processes need to be developed to ensure equitable access and opportunity?

# PROVIDING RESOURCES FOR EFFECTIVE DISTANCE LEARNING

- Collaborative framework
  - CSBA Leadership has a key role in the decision-making process state-wide
    - Learning Loss Task Force – Xilonin Cruz-Gonzalez, CSBA President
    - Promoting Quality Standards in Distance Learning – Susan Heredia, CSBA Vice President
    - Digital Divide Task Force – Troy Flint, CSBA Chief Information Officer
- Partnering with private entities
- CPUC Broadband in Schools Initiative
- California State Transportation Agency (CalSTA)
- Closing the Digital Divide task force

# GRADES, TESTS AND COLLEGE ADMISSIONS





# GRADES

- Can LEAs implement alternative grading systems for the remainder of 2019-20?
- Is there a standard or a consensus grading model districts are adopting?
- If an LEA switches to a “credit” or “pass” instead of a letter grade, how will that impact a student’s admission to UC or CSU?



# GRADES

- Pursuant to Education Code 48205 and Board Policy 6154 - Homework/Makeup Work, students shall be given full credit for makeup work satisfactorily completed within a reasonable period of time and shall not be penalized for absences during school closures.

# TESTING

- Governor Gavin Newsom issued Executive Order N-30-20 on March 17, waiving this year's statewide testing for math, English language arts, and science for California's more than 6 million students in K-12 schools.
- How will students who didn't take the SAT or ACT be impacted?

# COLLEGE ADMISSIONS

- California colleges are accepting Credit/No Credit grades for A-G high school courses completed in winter/spring/summer 2020
- June SAT testing dates have been cancelled – SAT and ACT looking at home-based testing
- University of California and CSU suspended SAT and ACT testing requirements for fall 2021

# **SPECIAL EDUCATION SERVICES FOR STUDENTS WITH DISABILITIES**





# SPECIAL EDUCATION SERVICES & FAPE

- High-quality educational opportunities (through distance learning) and Free Appropriate Public Education (FAPE)
- LEAs should focus on serving each and every student
  - Must be consistent with protection of health and safety of students and staff
    - May include, as appropriate, special education and related services provided through distance instruction provided virtually, online or telephonically
    - Where technology itself imposes a barrier, educators may provide equally effective alternate access to the curriculum or services provided to other students
  - Must be an individualized determination with parental participation
    - Develop a communication process with parents
    - Review delivery of services with staff



# ARE IEP AMENDMENTS REQUIRED?

- Providing services away from school is necessary due to school closures
  - IEP Amendments are NOT required to provide services away from school (pursuant to CDE Official Guidance)
- IEPs remains in effect and services offered by a student's IEP should be continued "to the greatest extent possible"
  - Schools may not be able to provide those services in the same manner
- If services need to change, LEAs may convene an IEP meeting through Zoom or telephone
- Or may propose an IEP amendment without a team meeting
  - If a change in services is deemed necessary to address unique circumstances related to alternative setting
  - Consent is required for an IEP amendment

# IN-HOME SERVICES & NPSs

- LEAs are not prohibited from providing in-home services to students
- Service providers may be considered “essential workers”
- Many disability-related modifications and services may be effectively provided online.
  - Extensions of time for assignments
  - Videos with accurate captioning or embedded sign language interpreting
  - Accessible reading materials
  - Many speech or language services through video conferencing
- CDE is recommending continued payment to Non-Public Schools (NPSs)

# CONSENT REQUIREMENTS

- “Consent” means “. . .the parent understands and agrees in writing.” Verbal consent alone is not sufficient
- Staff can accept an electronic signature or an email from a parent confirming consent to the amendments in the IEP or Prior Written Notice (PWN).
  - Options for electronic signatures or digital signatures could include but are not limited to use of applications such as HelloSign, DocuSign, Adobe Sign, as well as scanned copies or photographs of signed signature pages.
  - PWN is required whenever a LEA proposes or refuses to initiate, change or eliminate an evaluation, service or educational placement
- If unable to reach agreement, staff is required to send a PWN informing student’s parents of their right to object to the proposal and seek alternative dispute resolution

# EXTENDED SCHOOL YEAR – SUMMER SCHOOL – 2020-21SY

- Once school resumes, LEAs should plan to make individualized determinations
  - In collaboration with the IEP team
  - Regarding whether compensatory education and services may be needed for a student.
- Educational need can be measured by assessing whether the student continued making progress through distance learning toward meeting their IEP goals or if any regression occurred during the period of school site closure.
- Regression/Recoupment Model or Comp. Services?
  - Regression/recoupment model?
  - Direct compensatory services for all IEP students?



# CHILD CARE GUIDANCE





# CHILD CARE SERVICES FOR ESSENTIAL WORKERS

- Children of essential workers may enroll in subsidized childcare
  - Family works as an essential worker (healthcare worker, teachers, etc.)
  - Family requires childcare to perform their essential work
  - Family is not able to complete their work remotely
  - Family assets do not exceed \$1 million
    - Requirements have been waived; Childcare centers will be held harmless with self-certified enrollment; Electronic signatures allowed
- Children who are at risk of being abused may also be enrolled
  - Child Protective Services, Foster children, Children of parents who are homeless, and Domestic Violence survivors
- Contractors may enroll children with special needs if their IFSP or IEP provides for early learning care

# FEDERAL ACTIVITIES



# CONGRESSIONAL RESPONSE

- **HR 6074** - Coronavirus Preparedness and Response Supplemental Appropriations Act (PL 116-123)
  - (COVID Supplemental 1) **\$8.3 billion**
- **HR 6201** - Families First Coronavirus Response Act (PL 116-127)
  - (COVID Supplemental 2) **\$3.5 billion**
- **HR 748** Coronavirus Aid, Relief and Economic Security (CARES) Act
  - (COVID Supplemental 3) **\$2 trillion**
- COVID Supplemental 4...?

# #1: HR 6074 - CORONAVIRUS PREPAREDNESS AND RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT (PL 116-123)

- This initial COVID-19 supplemental bill provided a total of \$8.3 billion in funding to respond to the coronavirus, including vaccine development, financial support for state and local governments, and assistance for affected small businesses



## #2: HR 6201 - FAMILIES FIRST CORONAVIRUS RESPONSE ACT (PL 116-127)

- The legislation provides approximately \$3.5 to \$4 billion in appropriations for public health, nutrition and emergency leave. The measure guarantees free coronavirus testing, establishes new paid leave requirements, enhances Unemployment Insurance, expands food security initiatives and increases federal Medicaid funding



# #3: HR 748 CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT (PL 116-136)

- **Education Stabilization Fund (ESF) — \$30.75 billion for three accounts**
  - Special set aside for outlying areas (0.5%), Bureau of Indian Affairs (0.5%), and hardest hit states (1%)
- 1. Governor's Emergency Education Relief Fund (9.8% of ESF total after above set asides = ~ \$3 billion)
  - 60% is distributed based on a states' relative population of individuals aged 5- 24. 40% percent on the basis of their relative total population
  - Uses: Governor provides to LEAs, IHEs, for ECE/Childcare entities that are hardest hit by the emergency

## #3 – EDUCATION STABILIZATION FUND

- 2. Elementary and Secondary School Emergency Relief Fund (43.9% of ESF total after set asides = ~ \$13.4 billion)
  - Distributed to states using the ESSA Title II-A formula
  - At least 90% of this amount must be distributed to LEAs using the Title I formula
  - Use for any activity authorized by IDEA, ESSA, Perkins, McKinney Vento, plus a number of emergency activities, including for technology acquisition
- 3. Higher Education Emergency Relief Fund (46.3% of ESF of total after set asides = ~ \$14 billion)
- General Requirement: An LEA, HEA, State or other entity that receives any of the above funding shall to the "extent practicable" continue to pay employees and contractors during the period of closures/disruptions.

# QUESTIONS?

If you have any additional questions,  
please email [csba@csba.org](mailto:csba@csba.org).



# COVID-19 WEBINAR SERIES

- **Open Board Meetings in a World of School Closures**

May 1, 2020 at 1:00 p.m.

*How to lawfully and effectively hold virtual school board meetings*

- **Going the Distance to Bridge the Digital Divide**

May 8, 2020 at 1:00 p.m.

*Strategies for implementation and instruction when distance learning is the new normal*

- **Special Education in Extraordinary Times**

May 13, 2020 at 1:00 p.m.

*Serving students with disabilities during a pandemic*

- **Supporting Student Well-Being from Afar**

May 20, 2020 at 1:00 p.m.

*Caring for students' mental and physical health during school closures*

Please visit [www.csba.org](http://www.csba.org) for registration information.



# CSBA COVID-19 RESOURCES

➤ [www.csba.org/coronavirus](http://www.csba.org/coronavirus)

csba California School Boards Association

## COVID-19 News and Resources

Recent Updates Surveys Resources Ask COVID-19 Questions

### Recent Updates

– April

- 4/24/20: [On the CSBA blog: New report projects significant learning loss due to COVID-19 school closures](#)
- 4/23/20: [Executive order extends LCAP deadline: CDE seeks cancellation of 2020 Dashboard](#)
- 4/23/20: [U.S. Dept. of Ed. News Release: Secretary DeVos Makes Available Over \\$13 Billion in Emergency Coronavirus Relief to Support Continued Education for K-12 Students](#)
- 4/23/20: [On the CSBA blog: Student mental health services move online as counselors and teachers connect with children](#)
- 4/22/20: [On the CSBA blog: Changes to special education processes announced by the Office of Administrative Hearings](#)

### Surveys

As your association, CSBA is committed to providing the information you need and supporting your efforts to care for and educate students during this challenging period. We can do that best when we know what you need, where you're hurting, and how we can provide some relief. To help determine that information, please complete these brief surveys on the impact of novel coronavirus (COVID-19).

Member Survey Technology Survey

**THANK YOU FOR JOINING US  
TODAY.**

**If you have any questions, please contact  
Troy Flint at [tflint@csba.org](mailto:tflint@csba.org).**

