

03/12/2020

We wanted to let you know that all levels of state government with oversight of public schools are working together for an imminent announcement of unprecedented actions to address COVID-19 issues for schools in California. The steps we anticipate by the State are intended to put the health and well-being of students and communities first, while also addressing the many logistical, statutory, fiscal and regulatory issues involved.

Given the state of this emergency, we fully expect state leaders to provide a broad range of relief to schools. There have been many opinions and interpretations of legal requirements that schools are subject to, but we expect the state's actions will clear away many of these impediments on an emergency basis. Some of the considerations for continuing to serve the needs of our students that we've shared with policy makers include:

- Ensuring the needs of Special Education pupils are met
- Encouraging instructional/learning support by whatever means is possible, avoiding the complete absence of student learning during a school closure
- The suspension/waiver of Independent Study regulations that create barriers to districts utilizing this approach to continued learning
- Encouraging that schools not require online or independent academic assignments in instances where students do not have equal access to the resources necessary to meet those assignments
- Addressing of regulatory and logistical challenges of serving nutritious meals to children
- Addressing the overall school funding structure based upon attendance
- Blanket waiver on instructional days/minutes requirements
- Providing necessary adjustments to the pupil assessment and school accountability structure
- Addressing the issues pertaining employee needs, including disability compensation for those who become infected, compensation and extraordinary condition pay for those not infected but not working

We will have more specifics for you upon the state's announcements over the next days and hours.

Kevin

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We have been fielding a number of questions related to the impact of COVID-19 on special education and state assessments. Today, the U.S. Department of Education (USDE) released guidance on the provision of special education services in the event of a school closure due to COVID-19 concerns, or if a student with disabilities is otherwise affected by COVID-19, as well as information on potential waivers related to school assessments and accountability for schools impacted by COVID-19.

Special Education

The guidance on special education, linked [here](#), provides answers to various questions related to whether or not, and to what extent, a local educational agency (LEA) must continue to provide special education services if impacted by COVID-19. With regards to the requirement to provide a free and appropriate public education (FAPE), the guidance provides in part that, if an LEA were to close schools to slow or stop the spread of COVID-19, and the LEA is not providing any educational services to the general student population, the LEA would not be required to provide services to students with disabilities during that same period of time. However, if an LEA continues to provide educational services to the general student population during a school closure, the LEA must also ensure that students with disabilities have equal access to the same opportunities, including the provision of FAPE.

Assessment and Accountability

The USDE also released guidance related to assessment and accountability that outlines the situations under which the USDE would consider a targeted one-year waiver of certain requirements under the Elementary and Secondary Education Act of 1965. These include the assessment requirements for schools who are closed during their entire testing window due to COVID-19, the requirement to identify a school for comprehensive or targeted support and improvement if the reason they are identified is related to the school being closed for a significant part of the school year, the 95% assessment participation rate, and the chronic absenteeism indicator. The complete Assessment and Accountability Fact Sheet can be found [here](#).

These guidance, along with other COVID-19 resources for schools and school personnel, can also be found on the USDE's website at <https://www.ed.gov/coronavirus>.

Please feel free to reach out if you have any questions,

Best,
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