

While most news has focused on the Governor's Executive Order related to school closures and COVID-19, the Legislature took quick action today to provide critical protections and guidance to school districts. The Legislature passed [SB 117](#) containing the implementing language for some of [Executive Order N-26-20](#), which was issued Friday.

While bills normally need to be in print for 72 hours before they can be voted upon, that rule can be waived when the Governor has declared an emergency and submits a written statement of that emergency to the Legislature. Today, in a [letter](#) to the members of the Senate and Assembly, Governor Newsom asked the Legislature to dispense with the 72-hour rule, as it pertains to these bills.

As we previously mentioned, Executive Order N-26-20 provided that schools would continue to receive funding in the event of school closures due to COVID-19 concerns, and encouraged schools to use that funding to continue to provide services to students, to the extent feasible. The bottom-line, both from the language of the bill and all the assurances we have received from the Governor's Office and the Superintendent of Public Instruction (SPI), local school officials are given broad authority to act in the best interests of their students and communities, and will not lose funding if they choose to close schools.

Specifically, the legislation passed today includes the following:

- **ADA hold-harmless:** For LEAs that comply with the executive order, ADA will be calculated only using full school months from July 1, 2019 to February 29, 2020.
- **Employees and contractors:** It is the intent of the Legislature that a local education agency (LEA) receiving the above hold harmless continue to pay its employees and contractors during the period the LEA is closed due to COVID-19.
- **Instructional days and minutes:** Instructional days and minutes will be deemed met for the period of time a school was closed for COVID-19.
- **After school programs:** Includes a school closure due to COVID-19 as a qualifying event under which an After School Education and Safety Program grantee's need to submit a request for pupil attendance credits is waived and provides that the program will be credited with the ADA that it would have received if it had been able to operate its full program during the time the school was closed.
- **Childcare and development programs:** Waives the attendance and reporting requirements for programs that comply with the executive order, subject to guidance from the SPI.
- **Assessment windows:** For the 2019-20 school year, testing windows for the California Assessment of Student Performance and Progress (CAASPP), the

annual English learner assessment, and the physical performance test are extended by the length of time a school is closed or until the end of the testing window, whichever comes first. Also extends by 45-days the time required to assess students for English language proficiency.

- **Special Education:** When determining whether an LEA has complied with required special education timelines, the California Department of Education (CDE) shall consider the days a school is closed due to COVID-19 as days between a student's regular school session, up until the school reopens and the regular school session reconvenes. It also provides that this provision applies to all LEAs, even if the LEA continues to offer educational opportunities during the closure.
- **Uniform Complaint Procedure:** Extends by the length of time a school is closed due to COVID-19, the timelines required under the Uniform Complaint Procedure.
- **Classroom-based education programs:** Provides \$100 million to the SPI to appropriate to LEAs, based on ADA, that offer classroom-based education programs to students to students after March 4, 2020 and before June 30, 2020, for those LEAs to purchase personal protective equipment and/or pay for supplies and labor related to cleaning school sites.
- **Charter schools:** A charter school whose approved petition did not include an independent study or distant learning program is not required to request a material revision to its petition in order to offer such a program during the period the school is closed due to COVID-19.

Additionally, the Legislature also passed [SB 89](#), legislation that appropriates \$500 million, with an authorization for up to a total funding of \$1 billion, for purposes related to the COVID-19 State of Emergency. As budget bills, both measures will take effect immediately upon the Governor's signature.

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

Best,
-Caitlin

Caitlin Jung
Legislative Counsel
Capitol Advisors Group
925 L Street, Suite 1200
Sacramento, CA 95814
916-838-3254 mobile
916-557-9745 office
www.capitoladvisors.org