

RE: Senate Bill 117 (2020)

DATE: March 18, 2020

Overview

SB 117 institutes necessary changes in law for local educational agencies (LEAs), including all charter schools, that reflect and expand on Executive Order N-26-20 which the Governor issued on March 13, 2020.

The most important aspects of the law to understand are:

1. Average Daily Attendance (the “Hold Harmless” clause)
 - a. A charter school’s average daily attendance shall be calculated based on the school’s reported ADA from July 1, 2019 through February 29, 2020 BUT ONLY IF
 - i. The charter school “complies” with Executive Order N-26-20 by offering distance learning, providing meals in “noncongregate settings” through the Summer Food Service Program and Seamless Summer Option to the extent practicable (and only if the school participates), arranging for supervision of students to the “extent practicable” during ordinary school hours, AND
 - ii. Continuing to pay its employees.
2. No Instructional Time Penalty
 - a. A charter school will not lose any funding for failing to meet instructional time requirements for the 2019-2020 school year BUT ONLY IF
 - b. The administrator of a charter school certifies in writing to the Superintendent of Public Instruction that the school was closed due to COVID-19 and provides any additional information related to the school closure that is requested by the Superintendent.
3. No Material Revision
 - a. No charter school will be required to submit a material revision to add independent study/distance learning to its educational program during a closure.
4. ASES
 - a. Waives the requirement for a charter school to submit a request for pupil attendance credits under the After School Education and Safety Program. Program grantees shall be credited with the average annual attendance that the grantee would have received if it had been able to

operate its entire program during the period of time the school was closed due to COVID–19.

5. ELL
 - a. The time required to assess pupils for English language proficiency is extended by 45 days, unless otherwise determined by the Superintendent of Public Instruction.
 - b. The testing window for assessments is extended by the length of time a school is closed due to the coronavirus, or until the end of the testing window, whichever comes first.
6. Uniform Complaints
 - a. The timeline to reply to a Uniform Complaint is extended by the time the charter school is closed due to the coronavirus.
7. Special Education
 - a. Allows the State Department of Education to “consider” the days a school is closed due to COVID–19 when reviewing complaints regarding a charter school’s failure to comply with the procedural timelines of Ed. Code Sections 56043, 56504 and 56321.
8. \$100 Million Fund
 - a. For any charter school that provides a classroom-based educational program to pupils after March 4, 2020 and before June 30, 2020, the State Superintendent may apportion this fund to a school to purchase personal protective equipment, or to pay for supplies and labor related to cleaning schools.