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AB-117 Education finance: average daily attendance and timeline waivers: protective equipment and cleaning appropriation: COVID -19. (2019-2020)

As Amends the Law Today

SECTION 1. (a) For local educational agencies that comply with Executive Order N-26-20, and for purposes of average daily attendance claimed for apportionment purposes pursuant to Section 41601 of the Education Code, for the 2019-20 school year average daily attendance reported to the State Department of Education for the second period and the annual period for local educational agencies shall only include all full school months from July 1, 2019, to February 29, 2020, inclusive. Any applicable contrary provisions in Sections 1244 and 41601 of the Education Code are waived.

(a) It is the intent of the Legislature that a local educational agency receiving a hold harmless apportionment pursuant to this section ensures that the local educational agency's employees and contractors are compensated and paid during the period of time a school is closed due to the coronavirus (COVID -19), as reasonably anticipated if the school has not been closed due to COVID-19.

SEC. 2. (a) To prevent the loss of funding related to an instructional time penalty because of a school closed due to the coronavirus (COVID-19), instructional days and minutes that a local educational agency would otherwise have offered pupils to meet the requirements of Sections 41420, 46207, 46208, and paragraph (1) of subdivision (a) of Section 47612.5 of the Education Code, and their implementing regulations, during the period of time the school was closed due to COVID-19 are deemed to be met.

(b) Pursuant to Executive Order N-26-20, the superintendent of a school district, county superintendent of schools, or administrator of a charter school of a school closed due to COVID-19 shall certify in writing to the Superintendent of Public Instruction that the school was closed due to COVID-19 and provide any additional information related to the school closure that is requested by the Superintendent.

SEC. 3. A charter school that does not have an independent study program, as described in Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4 of Title 2 of the Education Code, or a distance learning program in its currently -approved charter petition is not required to submit a request to materially revise its charter petition to its chartering authority in order to offer an independent study program or distance learning program during the period of time the school is closed due to the coronavirus (COVID-19) and complying with Executive Order N-26-20.

SEC. 4. For local educational agencies that comply with Executive Order N-26-20, and to ensure continuity of funding for the After School Education and Safety Program established by Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, a school closure due to the coronavirus (COVID-19) shall be considered a qualifying event for purposes of subdivision (d) of Section 8482.8 of the Education Code, and the obligation for a program grantee to submit a request for pupil attendance credits is waived. 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.

SEC. 5. (a) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, on or before June 30, 2020, the Superintendent of Public Instruction shall develop informal directives and bulletins, in compliance with Executive Orders, to address contractual and reporting requirements applicable for the 2019-20 fiscal year for childcare and development programs impacted by the coronavirus (COVID-19).

(b) To ensure continuity of payments to state-subsidized childcare and development programs, the attendance and reporting requirements imposed on childcare and development programs pursuant to Sections 8221.5,

8230, 8235, 8240, 8245, 8250, 8351, 8353, and 8354 of the Education Code, and subdivision (a) of Section 18056 of Title 5 of the California Code of Regulations, are waived for programs that comply with an Executive Order, subject to guidance from the Superintendent of Public Instruction pursuant to this section. Pursuant to guidance and direction from the Superintendent, childcare and development programs shall be reimbursed using the most recent certified record or invoice available.

SEC. 6. For the 2019–20 school year, both of the following shall apply:

(a) The time required to assess pupils for English language proficiency pursuant to Section 313 of the Education Code and Sections 11511 and 11511.5 of Title 5 of the California Code of Regulations is extended by 45 days, unless otherwise determined by the Superintendent of Public Instruction.

(b) The testing window for assessments required by Sections 313 to 313.5, inclusive, 60640 to 60649, inclusive, and 60800 of the Education Code, and their implementing regulations, is extended by the length of time a school is closed due to the coronavirus (COVID–19), or until the end of the testing window, whichever comes first.

SEC. 7. The timelines established pursuant to Section 33315 of the Education Code and Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations are extended by the length of time a school is closed due to the coronavirus (COVID–19).

SEC. 8. (a) If a school is closed due to the coronavirus (COVID–19), the State Department of Education, in order to determine a local educational agency's compliance with the special education timelines required by subdivision (a) of Section 56043 and subdivision (a) of Section 56321 of the Education Code, shall consider the days a school is closed due to COVID –19 as days between a pupil's regular school session, up until the time the school reopens and the regular school session reconvenes.

(b) The timelines established in subdivisions (n) and (o) of Section 56043 and Section 56504 of the Education Code, and subdivision (a) of Section 3024 of Title 5 of the California Code of Regulations shall be waived if a school is closed due to COVID–19, up until the time school reopens and the regular school session reconvenes.

(c) This section applies all local educational agencies, even if a local educational agency continues to offer educational opportunities through distance learning, or independent study, or both, during the period of time a school is closed due to COVID–19.

(d) The Legislature encourages local educational agencies to respond as expeditiously as possible to requests from parents or guardians received during the period of time a school is closed due to COVID–19.

(e) This section does not waive any federal requirements imposed under the federal Individual with Disabilities Education Act (20 U.S.C. Sec. 1400, et seq.).

SEC. 9. (a) For the 2019–20 school year, the sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to administer the funds in the manner and for the purposes described in subdivision (b).

(b) The funds appropriated pursuant to subdivision (a) shall be apportioned by the Superintendent of Public Instruction on the basis of average daily attendance generated by local educational agencies that provide a classroom-based educational program to pupils after March 4, 2020, and before June 30, 2020. Funds apportioned to a local educational agency pursuant to this subdivision shall be used to purchase personal protective equipment, or to pay for supplies and labor related to cleaning schoolsites, or both. An eligible local educational agency shall not receive less than two hundred fifty dollars (\$250) per schoolsite pursuant to this section.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2018–19 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2018–19 fiscal year.

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 11. *This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.*