



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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## LEGAL UPDATE

March 18, 2020

**To:** Superintendents, Member School Districts (K-12)  
**From:** Kaitlyn Schwendeman, Schools Legal Counsel *KAS*  
Carl D. Corbin, General Counsel *CDC*  
**Subject:** Guidance from California Department of Education  
Memo No. 16-2020

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California Department of Education (“CDE”) has issued new guidance to schools on the implementation of the following programs “when the school site is physically closed and the LEA has suspended onsite instruction:”

1. Distance Learning
2. Provision of Food to Students
3. Student Supervision<sup>1</sup>

The guidance may be found at: <https://www.cde.ca.gov/ls/he/hn/guidance.asp>.

We strongly recommend all districts to review this guidance in detail, as it provides clarification on what CDE expects districts to provide as “high quality educational opportunities,” restrictions and guidelines around provision of meals to students, and clarification of the Governor’s requirement that schools provide student supervision.

Following the issuance of this guidance, CDE held a webinar to review the guidance and answer some of the many questions being asked during this time. The webinar was filmed and will be posted on the CDE website, however at the moment, districts may access a recording of the webinar on CDE’s Facebook page, at: <https://www.facebook.com/CAEducation/videos/210082503433443>.

Relevant information shared in the webinar is provided below, although we urge all districts with further questions to review the webinar and guidance documents in detail:

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<sup>1</sup> CDE has indicated that a FAQ related to the provision of special education services will be released “shortly.” If this is released our office will ensure it is circulated to districts.



- State Superintendent of Instruction Thurmond reiterated his commitment that no school district will lose funding during this time.
- He also committed that the Governor and CDE will be announcing “shortly” that all state-mandated testing will be cancelled for the 2019-20 school year.

#### Distance Learning

- CDE recommends that districts take attendance for any distance learning period.
- CDE also noted that grading is not necessary during this period.

#### Food Services

- CDE shared that the USDA is requiring it to collect and report information on school food programs during this time, in the areas of: location of distribution, number of meals distributed, times when meals are distributed, and the plan for distribution adopted by each school food program.
- CDE noted that at this time, pursuant to federal guidelines, children must be present at the meal pickup.

#### Other Questions

- Superintendent Thurmond reported that he is meeting with “academic” and “labor” leaders tomorrow to discuss collective bargaining-related issues.
- CDE also noted that they are currently “in conversations” to determine how Government Code §§ 3100 *et seq.* (Disaster Service Workers and Public Employees Oath) apply, how much can be assigned through those provisions, and what their authority is under that Act.

We know many clients have expressed concerns about the four requirements for continued funding that were set forth in Executive Order N-26-20. Please note that pursuant to the CDE guidance, issued on March 17, 2020, “even if schools close temporarily because of COVID-19, LEAs will continue to receive state funding for those days....” Therefore, it appears that CDE is taking the position that funding is guaranteed, and districts should be attempting to provide the services described in the Executive Order, however they are not required to do so.

As this dynamic situation continues to evolve, our office will continue to provide districts with ongoing advice and support.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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