



## Highlights of Senate Bill 820 as Passed on 8/31/20

### Senate Bill 820 Addresses Funding for Growth and Other Budget Issues

Senate Bill (SB) 820 passed the legislature on August 31, 2020 and is expected to be signed by the Governor any day. SB 820 amends several sections of the law related to the 2020-21 state budget that were originally enacted in SB 98, the Education Trailer Bill to the 2020-21 budget. This document provides a summary of the most significant changes in SB 820 that may impact charter school funding and operations in the 2020-21 school year. While this document provides a summary of the provisions of the law, each school will need to interpret and apply these new laws in the context of their specific circumstances and advice of their attorney. The addendum to this summary contains the specific language of SB 820 related to the most significant changes.

**Summary of 2020-21 Requirements to Receive Funding for Growing LEAs:** SB 820 Amends Education Code (EC) Sections 43502 through 43506.5 related to School Funding and Growth for the 2020-21 Fiscal Year. (See specific code language in addendum.)

#### **EC 43502:**

- Provides funding for schools in 2020-21 based on 2019-20 average daily attendance (ADA) or pursuant to growth for 2020-21 as determined in Section 43505.
- Provide technical adjustments to ADA for districts in specified circumstances.
- Provides clarity on ADA funding charter schools that have divided or restructured pursuant to AB 1505/07. This language is consistent with existing language in other sections of SB 98.

**EC 43502.5:** New section requires a charter to use its enrollment lottery if it reduces enrollment to reflect funded ADA. So, if a charter chooses to reduce its enrollment because it will not receive sufficient funding for growth, it must use its lottery process to determine enrollment of new students.

**EC 43503:** Contains distance learning requirements. The amendment clarifies conditions of consent for recording of lessons for distance learning, an issue that has created some conflict locally.

**EC 43504:** Contains distance learning requirements. There is a helpful amendment that clarifies charter school credentialing requirements and flexibility applies to teachers for distance learning.

**EC 43505:** This is significantly amended section that contains conditions, requirements and timelines for funding new charter schools and adds new requirements and process for funding growing schools and districts for 2020-21.

#### **Newly Operational Charter School Funding**

- Provides new charter schools approved by June 1 (or July 9, for SBE charters), and opening in 2020-21 funding for 2020-21 based on certified enrollment on CALPADs Information Day, October 7, 2020. Enrollment will be converted to ADA based on the

state average attendance rate. Schools will receive funding for July through January based on special advance per EC 47652, and payment for January on will be deferred, as with all LEAs.

**Growth Funding for LEAs (except nonclassroom-base charters):**

- A growing LEA may receive funding for 2020-21 based on enrollment or ADA as documented in the most recently adopted budget prior to June 30, 2020 or its 2019-20 second interim report, if the document explicitly shows growth for 2019-20 to 2020-21.
- Funded ADA will be the lesser of the school's projected ADA, or actual certified enrollment (converted to ADA) on CALPADs Information Day, October 7, 2020.
- In no case will funded ADA be below prior year P-2 ADA.

**Process to Receive Growth Funding:**

- CDE shall post an application for funding no later than October 2, 2020.
- An LEA requesting growth funding must do so by November 6, 2020.
- An application requesting growth funding shall include:
- A copy of the LEA's most recently adopted (prior to June 30) 2020-21 budget or 2019-20 second interim report and supporting documentation, including board minutes documenting projected growth in ADA or enrollment from actual 2019-20 to 2020-21.
- Certification by the LEAs superintendent and board chair, under penalty of perjury, that the information provided is true and correct.
- Growth funding provided will be adjusted beginning with the February 2021 apportionment (but will be subject to the deferrals).

**Nonclassroom-based Charter School Exclusion**

- Nonclassroom-based Charter Schools are not eligible for growth funding and will receive 2020-21 funding based on the 2019-20 verified second principal apportionment.

**EC 43506.5:** A charter school that had previously opted to delay adding a grade level (per SB 98) can rescind that delay and reinstate the new grade with notice provided, as specified, no later than September 30 (see addendum).

**Learning Continuity and Attendance Plan:** SB 98 contained EC 43509 that establishes an alternative to the traditional LCAP for 2020-21. SB 820 provides clarifications related to the new plan (see addendum).

- By September 15, the CDE shall update the template and instructions to align the traditional LCAP budget overview for parents with the new Learning Plan and specify the amount of COVID relief funds received by the LEA (EC 43509(g)).
- By January 31, 2021, the CDE shall revise the template for the annual LCAP update to reflect the inclusion Learning Continuity Plan in the 2021-22 annual update (Section 57 of SB 820).

**COVID-Relief Funds Spending Timelines:** Section 59 of SB 820 (see addendum) extends the timelines for expenditure for some of the COVID relief funds, and expands the allowable use of funds previously allocated in SB 98:

- Funds allocated on the basis of LCFF supplemental grants must be used from March 1, 2020 to December 30, 2020. SB 820 allows this time to be **extended if allowed by federal law**.
- Funds allocated based on number of students with exceptional needs must be used from March 13, 2020 to **September 30, 2022**. Previously funds had to be expended by September 30, 2020.

- Federal funds allocated based on LCFF allocation must still be used from March 1, 2020 to December 30, 2020, but the state portion now may be used **until June 30, 2021**.
- **Expands allowable use of funds** to also include students in childcare, state preschool, and adult education, as well as grades TK-12, and allows funds to also be used for health testing, personal protective equipment, sanitation supplies for facilities and buses and other related needs.
- Extends LEA record retention requirement from three to five years.

**Credentialing Flexibility:** Section 67 of SB 820 (see addendum) contains additional suspensions of credentialing requirements due to school and testing center closures:

- Under specified conditions for 2020-21, suspends requirement to complete a teaching performance assessment for candidates of a preliminary single or multiple subject credential.
- Under specified conditions for 2020-21, suspends requirement to complete an administrator performance assessment for a candidate for a preliminary administrative services credential.
- Under specified conditions, from March 2020 through August 2021, suspends requirement to complete a reading competence instruction assessment for candidates for a preliminary multi-subject credential and a Level-1 or preliminary education specialist credential.
- A candidate for whom the assessment requirement is suspended shall complete and pass a CTC-approved performance assessment before being approved for a clear credential.
- If, due to testing center closures from March 2020 through August 2021, the requirement for a credential program applicant complete a basic skills proficiency test before entering a credential program is suspended. Basic skills proficiency test shall be completed before recommendation for a preliminary credential.
- If, due to testing center closures from March 2020 through August 2021, the requirement for completion of a subject matter examination for a university or district intern credential program are suspended, and the intern may teach in the subject area for which the intern has enrolled. The subject matter examination shall be completed before a preliminary credential.

**Nonclassroom-based Funding Determinations:** Section 75 of SB 820 (see addendum) provides that a school with a funding determination that expires on June 30 of 2021 or 2022 shall receive its current funding level for two years if funding determination is received by June 30, 2021 or 2022, as applicable.

**Other Changes Implemented by SB 820:**

- **Apportionment Deferral Waivers:** Amends EC Section 14041.8 to change the deadline to submit a deferral exemption request from January 5, 2021 to **December 15, 2020**.
- **Physical Fitness Testing:** Suspended for 2020-21 school year (Section 68 of SB 820).
- **Grade 10 Proficiency Exam:** Offered only if allowable by public health orders (EC 48412).
- **State Seal of Biliteracy:** Allows waiver if unable to take the assessment (EC 51461).
- **English Language Assessment:** Sect 69 of SB 820 extends by 45 calendar days, unless otherwise determined by the Superintendent of Public Instruction, the time period required to initially assess pupils for English language proficiency. However, an LEA shall screen new pupils at the time of enrollment to informally determine English learner status to ensure pupils receive language development support.
- **Executive Order N-26-20:** Generally, makes the Governor's COVID Executive order enacted last spring inoperative as of July 1, 2020. However, several of those provisions were put in SB 98.

**Addendum:  
Selected Sections of Senate Bill 820 of 2020  
As it Amends Senate Bill 98 and Current Law**

For the Full content of SB 820, go to:  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB820](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB820)

**Key:**

Black = previous law already contained in SB 98  
~~Red/strike~~ = previous law that is deleted by SB 820  
*Blue/italics* = new law added by SB 820

**SEC. 13. Funding Based on Prior Year ADA**

Section 43502 of the Education Code is amended to read:

**43502.**

(a) For purposes of calculating apportionments for the 2020–21 fiscal year, a local educational agency shall offer in-person instruction, and may offer distance learning, pursuant to the requirements of this part.

(b) *(1)* Notwithstanding Sections 41601, 42238.05 to 42238.053, inclusive, and 46010, for purposes of calculating apportionments for the 2020–21 fiscal year for a local educational agency, except for a ~~new charter school that is authorized by the governing board of a school district or county board of education on or before June 1, 2020, or approved by the state board at its July 8 and 9, 2020, meeting and that is beginning instruction in the 2020–21 school year, the~~ *local educational agency with apportionments calculated pursuant to Section 43505, the* department shall use the average daily attendance in the 2019–20 fiscal year reported for both the second period and the annual period apportionment that included all full school months from July 1, 2019, to February 29, 2020, inclusive, and extended year average daily attendance attributed to the 2019–20 school year reported pursuant to Section 96 of ~~the act adding this part.~~ *Chapter 24 of the Statutes of 2020.* Any positive adjustment to average daily attendance for the 2019–20 fiscal year in the second or annual period attendance report submitted to the Superintendent after August 17, 2020, shall be substantiated by concurrence from an independent auditor.

*(2) The 2019–20 reported average daily attendance used for purposes of calculating apportionments pursuant to subdivision (d) of Section 42238.02 in the 2020–21 fiscal year shall exclude the average daily attendance resulting from pupils attending schools funded pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24.*

*(3) The 2019–20 reported average daily attendance used for purposes of calculating apportionments in the 2020–21 fiscal year shall be adjusted for any loss or increase in average daily attendance due to a school district reorganization.*

*(4) If the Superintendent has been notified pursuant to Section 47604.32 that a charter school has ceased operation during or after the 2019–20 school year and did not provide any instruction in the 2020–21 school year, the Superintendent shall increase the average daily attendance determined pursuant to paragraph (1) for the sponsoring local educational agency, as defined in subdivision (i) of Section 47632, by the average daily attendance sponsored by that local educational agency as reported by the charter school for the 2019–20 school year.*

(c) For the 2020–21 fiscal year, a local educational agency shall satisfy the annual instructional day requirements described in Sections 41420, 46200.5, and 46208, and in Section 11960 of Title 5 of the California Code of Regulations through in-person instruction or a combination of in-person instruction and distance learning pursuant to this part.

(d) (1) For the 2020–21 fiscal year, a local educational agency shall not be required to offer the annual instructional minutes that it would otherwise have offered pupils to meet the requirements of Sections ~~46207~~ 46201.5, 46207, and 47612.5, or the implementing regulations for those sections.

(2) For the 2020–21 fiscal year, a local educational agency shall not be required to offer the minimum instructional minutes in physical education required pursuant to Sections 51210, 51220, 51222, and 51223.

(e) For the 2020–21 school year, instructional minutes shall be determined as follows:

(1) For in-person instruction, instructional minutes shall be based on time scheduled under the immediate physical supervision and control of an employee of the local educational agency who possesses a valid certification document, registered as required by law.

(2) For distance learning, instructional time shall be based on the time value of assignments as determined, and certified to, by an employee of the local educational agency who possesses a valid certification document, registered as required by law.

(3) For a combined day of instruction delivered through both in-person instruction and distance learning, time scheduled under the immediate supervision of an employee of the local educational agency who possesses a valid certification document can be combined with assignments made under the general supervision of an employee of the local educational agency who possesses a valid certification document as registered by law to meet the equivalent of a minimum day of instruction.

(f) For the 2020–21 school year, the process by which a local educational agency receives credit for a material decrease in average daily attendance for apportionment pursuant to Section 46392 due to an event described in Section 46392 that occurs during the 2020–21 fiscal year is suspended for all local educational agencies.

(g) Except for a ~~new charter school that is authorized by the governing board of a school district or county board of education on or before June 1, 2020, or approved by the state board at its July 8 and 9, 2020, meeting, and that is beginning instruction in the 2020–21 school year,~~ local educational agency with apportionments calculated pursuant to Section 43505, for purposes of any calculations that would use average daily attendance, the Superintendent, consistent with subdivision (b), shall use the local educational agency's average daily attendance in the 2019–20 school year in place of its average daily attendance in the 2020–21 school year.

*(h) (1) For a divided charter school, where the restructured portion of the charter school is beginning instruction in the 2020–21 school year, average daily attendance for the 2019–20 school year shall be provided by the original charter school in a format and according to a timeline prescribed by the Superintendent. The total average daily attendance attributable to the restructured and remaining portions of a divided charter school shall not exceed the total average daily attendance of the original charter school for the 2019–20 fiscal year and shall be used for purposes of any calculations for the affected charter schools that would use average daily attendance consistent with subdivision (b).*

*(2) The definitions in Section 47654 apply for purposes of this subdivision.*

## **SEC. 14. Use of Lottery**

*Section 43502.5 is added to the Education Code, to read:*

### **43502.5.**

*Notwithstanding paragraph (4) of subdivision (e) of Section 47605 or paragraph (4) of subdivision (e) of Section 47605.6, and except for existing pupils of the charter school, for the 2020–21 school year, if the enrollment of a charter school exceeds the charter school's capacity due to the calculation of attendance pursuant to Section 43502, the charter school shall determine attendance pursuant to a public random drawing in accordance with subparagraph (B) of paragraph (2) of subdivision (e) of Section 47605 or subparagraph (B) of paragraph (2) of subdivision (e) of Section 47605.6.*

## SEC. 15. Distance Learning Consent to Video

Section 43503 of the Education Code is amended to read:

### 43503.

(a) (1) For the 2020–21 school year, a local educational agency that offers distance learning shall comply with the requirements of subdivision (b).

(2) Distance learning may be offered under either of the following circumstances:

(A) On a local educational agency or schoolwide level as a result of an order or guidance from a state public health officer or a local public health officer.

(B) For pupils who are medically fragile or would be put at risk by in-person instruction, or who are self-quarantining because of exposure to COVID-19.

(b) Distance learning shall include all of the following:

(1) Confirmation or provision of access for all pupils to connectivity and devices adequate to participate in the educational program and complete assigned work.

(2) Content aligned to grade level standards that is provided at a level of quality and intellectual challenge substantially equivalent to in-person instruction.

(3) Academic and other supports designed to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, pupils with exceptional needs, pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.

(4) Special education, related services, and any other services required by a pupil's individualized education program pursuant to Section 56341, including the requirements of subparagraph (A) of paragraph (9) of subdivision (a) of Section 56345, with accommodations necessary to ensure that individualized education program can be executed in a distance learning environment.

(5) Designated and integrated instruction in English language development pursuant to Section 11300 of Title 5 of the California Code of Regulations for English learners, including assessment of English language proficiency, support to access curriculum, the ability to reclassify as fully English proficient, and, as applicable, support for dual language learning.

(6) Daily live interaction with certificated employees and peers for purposes of instruction, progress monitoring, and maintaining school connectedness. This interaction may take the form of internet or telephonic communication, or by other means permissible under public health orders. If daily live interaction is not feasible as part of regular instruction, the governing board or body of the local educational agency shall develop, with parent and stakeholder input, an alternative plan for frequent live interaction that provides a comparable level of service and school connectedness.

(c) Pursuant to Sections 49550 and 47613.5, school districts, county offices of education, and charter schools shall provide nutritionally adequate meals for pupils who are eligible for free and reduced-price meals, whether engaged in in-person instruction or distance learning, contingent upon the department receiving an approved waiver from the United States Department of Agriculture, for each day of the scheduled school year.

*(d) (1) Notwithstanding Section 51512 or any other law, the prior consent of the teacher or the principal of a school is not required for the adoption or implementation of the use of synchronous or asynchronous video for purposes of distance learning provided pursuant to this section.*

*(2) Except as required by the local educational agency for purposes of distance learning provided pursuant to this section, no person may make, without the prior consent of the teacher and principal of the school, any audio, video, or digital recording of a local educational agency's live or synchronous distance learning instruction.*

## SEC. 16. Distance Learning Credential Requirements

Section 43504 of the Education Code is amended to read:

### 43504.

(a) The compulsory education requirements described in Section 48200 continue to apply for the 2020–21 school year.

(b) A local educational agency shall offer in-person instruction to the greatest extent possible.

(c) For the 2020–21 school year, for purposes of the requirement on school districts to offer 180 instructional days per school year pursuant to Section 46208 and the requirement on charter schools to offer 175 instructional days per school year pursuant to Section 11960 of Title 5 of the California Code of Regulations, an instructional day is a day in which all pupils are scheduled for the length of the day established by the governing board or body of the local educational agency in a classroom under the immediate supervision of a certificated employee or in distance learning that meets the minimum requirements described in this part. *For purposes of this section, for charter schools, distance learning shall be provided by a certificated employee pursuant to the requirements of Sections 47605, 47605.4, and 47605.6.*

(d) (1) Each local educational agency shall document daily participation for each pupil on each schoolday, in whole or in part, for which distance learning is provided. A pupil who does not participate in distance learning on a schoolday shall be documented as absent for that schoolday.

(2) For purposes of this section, daily participation may include, but is not limited to, evidence of participation in online activities, completion of regular assignments, completion of assessments, and contacts between employees of the local educational agency and pupils or parents or guardians.

(e) Each local educational agency shall ensure that a weekly engagement record is completed for each pupil documenting synchronous or asynchronous instruction for each whole or partial day of distance learning, verifying daily participation, and tracking assignments.

(f) (1) A pupil who does not participate daily in either in-person instruction pursuant to subdivision (b) or distance learning pursuant to subdivision (d) shall be deemed absent by the local educational agency. A local educational agency shall use documentation of the absence for purposes of reporting its chronic absenteeism rates in its local control and accountability plan.

(2) Each local educational agency shall develop written procedures for tiered reengagement strategies for all pupils who are absent from distance learning for more than three schooldays or 60 percent of the instructional days in a school week. These procedures shall include, but are not limited to, verification of current contact information for each enrolled pupil, daily notification to parents or guardians of absences, a plan for outreach from the school to determine pupil needs including connection with health and social services as necessary and, when feasible, transitioning the pupil to full-time in-person instruction.

(g) Each school shall regularly communicate with parents and guardians regarding a pupil's academic progress.

(h) The Controller shall include instructions necessary to enforce the requirements of this ~~part~~ *section* in the 2020–21 audit guide required by Section 14502.1.

(i) (1) For a school district or charter school that offers fewer than the instructional days required in subdivision (c), the Superintendent shall withhold from the local educational agency's local control funding formula grant apportionment for the prior year average daily attendance of each affected grade level, the sum of .0056 multiplied by that apportionment for each day less than what was required pursuant to this section.

(2) For a local educational agency that does not meet the requirements in subdivision (d), (e), or (f), the Superintendent shall withhold from the local educational agency's local control funding formula grant apportionment the percentage of days out of compliance multiplied by the derived value of average daily attendance, all multiplied by the average daily attendance of each affected grade level.



For purposes of this paragraph, the percentage of days out of compliance is equivalent to the number of days out of compliance divided by the total number of instructional days required to be offered.

(3) A local educational agency that provides distance learning shall not be penalized for instruction provided before September 1, 2020, that fails to meet the requirements of this section.

## SEC. 17. New Charter and Growth Funding

Section 43505 of the Education Code is amended to read:

### 43505.

(a) (1) For purposes of calculating apportionments for the 2020–21 fiscal year and for any other calculations that would be based on average daily attendance in the 2020–21 school year, for all newly operational charter schools that are authorized by the governing board of a school district or county board of education on or before June 1, 30, 2020, or approved by the state board at its July 8 and 9, 2020, meeting and that are beginning instruction in the 2020–21 school year, the department shall use the *certified* enrollment of that charter school as of Information Day, October 7, 2020, based on data reported in the California Longitudinal Pupil Achievement Data System pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4, reduced by either the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior fiscal year with the resultant figures and rates rounded to the nearest tenth.

*(2) A newly operational charter school eligible for funding pursuant to paragraph (1) shall receive advance funding pursuant to subdivision (a) of Section 47652 for the months of July 2020 to January 2021, inclusive. Monthly payments for the remainder of the 2020–21 fiscal year shall be drawn pursuant to Sections 14041, 14041.5, and 14041.6, consistent with the certifications made pursuant to Sections 41332 and 41335.*

(b) (1) (A) For purposes of calculating apportionments for the 2020–21 fiscal year and for any other calculations that would be based on average daily attendance in the 2020–21 school year, ~~for a nonclassroom-based charter school described in Section 47612.5 as of the 2019–20 fiscal year, the department shall use the nonclassroom-based charter school's~~ a continuing local educational agency shall be eligible for an apportionment calculation pursuant to paragraph (2) if it is a charter school, school district, or county office of education with growth in overall pupil enrollment from its actual 2019–20 level to its projected 2020–21 level, as documented in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report. If a local educational agency does not document or project enrollment growth in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report, it may use overall pupil average daily attendance ~~in the 2019–20 fiscal year pursuant to subdivision (b) of Section 43502.~~ growth from its actual 2019–20 level to its projected 2020–21 level, as documented in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report to establish eligibility for an apportionment calculation pursuant to paragraph (2).

*(B) A local educational agency is not eligible for an apportionment calculation pursuant to paragraph (2) if its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or its adopted 2019–20 second interim report does not explicitly show growth in overall pupil enrollment or average daily attendance from its actual 2019–20 level to its projected 2020–21 level.*

*(2) For a local educational agency that is eligible pursuant to paragraph (1) and meets the requirements of paragraph (3), the department shall use the lesser of subparagraph (A) or (B) for purposes of calculating apportionments for the 2020–21 fiscal year. Apportionments calculated*



*pursuant to this paragraph shall exclude average daily attendance attributed to a local educational agency pursuant to paragraph (4) of subdivision (b) of Section 43502.*

*(A) The certified enrollment of the local educational agency as of Information Day, October 7, 2020, based on data reported in the California Longitudinal Pupil Achievement Data System pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4, reduced by either the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior fiscal year with the resultant figures and rates rounded to the nearest tenth.*

*(B) (i) If enrollment growth is used to establish eligibility pursuant to paragraph (1), the 2020–21 enrollment of the local educational agency projected in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report, reduced by either the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior fiscal year with the resultant figures and rates rounded to the nearest tenth.*

*(ii) If average daily attendance growth is used to establish eligibility pursuant to paragraph (1), the 2020–21 average daily attendance of the local educational agency projected in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report.*

*(C) Under no circumstances shall an apportionment calculated for a local educational agency pursuant to this paragraph be less than the apportionment that would be calculated pursuant to subdivision (b) of Section 43502.*

*(3) A local educational agency that chooses to be funded pursuant to this subdivision shall provide all of the following to the department by November 6, 2020:*

*(A) A request for the department to calculate apportionments for the 2020–21 fiscal year pursuant to this subdivision.*

*(B) (i) A copy of the local educational agency’s adopted 2020–21 budget or 2019–20 second interim report and any supporting documentation, including governing board or body minutes, identifying growth in overall pupil average daily attendance or enrollment from its actual 2019–20 level to its projected 2020–21 level. If the 2020–21 budget is provided, it shall have been adopted by the governing board or body of the local educational agency on or before June 30, 2020, and shall be the most recently adopted budget on or before June 30, 2020.*

*(ii) A local educational agency that does not submit the requested supporting documentation demonstrating projected growth in enrollment or average daily attendance shall be funded pursuant to subdivision (b) of Section 43502 for the 2020–21 fiscal year.*

*(C) The superintendent or equivalent officer and the president of the governing board or body of the local educational agency shall both attest under penalty of perjury that documentation submitted pursuant to subparagraphs (A) and (B) is true and correct and is the most recent budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or is the 2019–20 second interim report adopted by the governing board or body of the local educational agency.*

*(4) On or before October 2, 2020, the department shall post on its internet website an application for continuing local educational agencies to request an apportionment calculation in the 2020–21 fiscal year pursuant to this subdivision.*

*(5) Funding provided pursuant to this subdivision shall be reflected in the certifications made by the Superintendent pursuant to Section 41332 and 41335 and monthly payments pursuant to Sections 14041, 14041.5, and 14041.6, commencing with the payment made in February 2021.*

*(c) (1) A nonclassroom-based charter school described in Section 47612.5 as of the 2019–20 second principal apportionment certification shall not be eligible for an apportionment calculation pursuant to subdivision (b).*

*(2) For purposes of calculating apportionments for the 2020–21 fiscal year and for any other calculations that would be based on average daily attendance in the 2020–21 school year, for a nonclassroom-based charter school described in Section 47612.5 as of the second principal apportionment certification for the 2019–20 fiscal year, the department shall use the nonclassroom-based charter school’s average daily attendance in the 2019–20 fiscal year pursuant to subdivision (b) of Section 43502.*

~~(2)~~ (3) For the 2020–21 school year, a nonclassroom-based charter school described in Section 47612.5 as of the *second principal apportionment certification for the* 2019–20 fiscal year shall adopt a learning continuity and attendance plan pursuant to Section 43509, and shall not be required to adopt a local control and accountability plan pursuant to Section 47606.5.

~~(3)~~ (4) A nonclassroom-based charter school described in Section 47612.5 as of the *second principal apportionment certification for the* 2019–20 fiscal year shall continue to comply with all of the statutory requirements in Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4 and the implementing regulations for that article.

*(d) This section shall apply only for the calculation of apportionments for the 2020–21 fiscal year.*

## **SEC. 18. Opportunity to Reinstate New Grade Levels**

*Section 43506.5 is added to the Education Code, to read:*

### **43506.5.**

*A charter school that provided notification that it was delaying adding grade levels in the 2020–21 school year pursuant to Section 105 of Chapter 24 of the Statutes of 2020 may rescind that notification. No later than September 30, 2020, the charter school shall notify its chartering authority, the department, and the parents or guardians of pupils who have indicated an intent to enroll in the charter school or enroll in the affected grade levels, in writing, of the charter school’s decision to rescind its decision and to add grade levels as proposed in its charter petition in the 2020–21 school year. Notwithstanding Section 47652, funding for a continuing charter school eligible pursuant to Section 43505 shall be provided consistent with Section 43505.*

## **SEC. 19. Learning Continuity and Attendance Plan**

*Section 43509 of the Education Code is amended to read:*

### **43509.**

(a) (1) For the 2020–21 school year, the governing board of a school district, a county board of education, and the governing body of a charter school shall adopt both of the following:

(A) By September 30, 2020, a learning continuity and attendance plan pursuant to this section.

(B) By December 15, 2020, with the first interim report required pursuant to Sections 1240, 42131, and 47604.33, the local control funding formula budget overview for parents required pursuant to Section 52064.1.

(2) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to adopt a local control and accountability plan or an annual update to a local control and accountability plan pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 or Section 47606.5 for the 2020–21 school year.

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to comply with paragraph (2) of Executive Order No. N-56-20.

(b) The governing board of a school district, a county board of education, and the governing body of a charter school shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, county office of education, or charter school, parents, and

pupils in developing a learning continuity and attendance plan pursuant to this section. Specifically, engagement under this section shall include all of the following:

(1) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall solicit recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan.

(2) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan, using the most efficient method of notification possible. This paragraph does not require a school district, county board of education, or charter school to produce printed notices or to send notices by mail. The superintendent of a school district, a county superintendent of schools, and a charter school shall ensure that all written notifications related to the learning continuity and attendance plan are provided consistent with Section 48985.

(3) The superintendent of a school district and a county superintendent of schools shall present the learning continuity and attendance plan to the parent advisory committee and the English learner parent advisory committee established pursuant to Section 52063 separately for review and comment. The superintendent of a school district and a county superintendent of schools shall respond, in writing, to comments received from the parent advisory committee and the English learner parent advisory committee.

(4) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall present the learning continuity and attendance plan at a public hearing of the governing board of the school district, the county board of education, or the governing body of the charter school for review and comment by members of the public. The agenda for the public hearing shall be posted at least 72 hours before the public hearing and shall include the location where the learning continuity and attendance plan will be available for public inspection.

(5) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall adopt the learning continuity and attendance plan in a public meeting. This meeting shall be held after, but not on the same day as, the public hearing held pursuant to paragraph (4).

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall provide options for remote participation in the public hearings required by paragraph (4) and subparagraph (A) and include efforts to solicit feedback pursuant to paragraphs (1), (2), and (3) to reach pupils, families, educators, and other stakeholders who do not have internet access, or who speak languages other than English.

(c) (1) Not later than five days after adoption of a learning continuity and attendance plan, the governing board of a school district shall file the learning continuity and attendance plan with the county superintendent of schools. The county superintendent of schools may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations. If a county superintendent of schools has jurisdiction over a single school district, the Superintendent shall perform the duties specified in this paragraph.

(2) Not later than five days after adoption of a learning continuity and attendance plan, the county board of education shall file the learning continuity and attendance plan with the Superintendent. The Superintendent may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The county board of education shall consider the recommendations submitted by the Superintendent in a public meeting within 15 days of receiving the recommendations.

(3) Not later than five days after adoption of a learning continuity and attendance plan, the governing body of a charter school shall file the learning continuity and attendance plan with its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority.

(d) A learning continuity and attendance plan adopted pursuant to this section shall be posted consistent with the requirements of Sections 52065 and 47606.5.

(e) A learning continuity and attendance plan adopted by the governing board of a school district, a county board of education, or the governing body of a charter school shall address continuity of learning and include, for the school district, county office of education, or charter school and each school within the school district, county office of education, or charter school, all of the information specified in the template developed by the Superintendent pursuant to subdivision (f).

(f) On or before August 1, 2020, the Superintendent, in consultation with the executive director of the state board, shall develop a template for the learning continuity and attendance plan that includes, but is not limited to, all of the following:

(1) A description of how the school district, county office of education, or charter school will provide continuity of learning and address the impact of COVID-19 on pupils, staff, and the community in the following areas, and the specific actions and expenditures the school district, county office of education, or charter school anticipates taking to support its ability to address the impacts of COVID-19:

(A) In-person instructional offerings, and specifically, the actions the school district, county office of education, or charter school will take to offer classroom-based instruction whenever possible, particularly for pupils who have experienced significant learning loss due to school closures in the 2019–20 school year or are at greater risk of experiencing learning loss due to future school closures.

(B) Plans for a distance learning program, including all of the following:

(i) How the school district, county office of education, or charter school will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery. This shall include a plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.

(ii) A plan for ensuring access to devices and connectivity for all pupils to support distance learning whenever it occurs.

(iii) How the school district, county office of education, or charter school will measure participation and assess pupil progress through live contacts and synchronous instructional minutes, as well as how the time value of pupil work will be measured.

(iv) What professional development and resources will be provided to staff to support the provision of distance learning, including technological support.

(v) To the extent that staff roles and responsibilities change because of COVID-19, what the new roles and responsibilities of affected staff will be.

(vi) What additional supports for pupils with unique needs will be provided, including for English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness during the period in which distance learning is provided.

(C) How the school district, county office of education, or charter school will address pupil learning loss that results from COVID-19 during the 2019–20 and 2020–21 school years, including all of the following:

(i) How the school district, county office of education, or charter school will assess pupils to measure pupil learning status, particularly in the areas of English language arts, English language development, and mathematics.

(ii) What actions and strategies the school district, county office of education, or charter school will use to address learning loss and accelerate learning progress for pupils, as needed, and how these

strategies differ for pupils who are classified as English learners, are eligible for a free or reduced-price meal, or are foster youth, as those terms are defined in Section 42238.01, individuals with exceptional needs, pupils in foster care, and pupils who are experiencing homelessness.

(iii) How the effectiveness of the services or supports provided to address learning loss will be measured.

(D) How the school district, county office of education, or charter school will monitor and support the mental health and social and emotional well-being of pupils and staff during the school year.

(E) What professional development will be provided to staff, and what resources will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.

(F) Pupil engagement and outreach, including the procedures of the school district, county office of education, or charter school for tiered reengagement strategies for pupils who are absent from distance learning, and how the school district, county office of education, or charter school will provide outreach to pupils and their parents or guardians, including in languages other than English, when pupils are not meeting compulsory education requirements, or the school district, county office of education, or charter school determines the pupil is not engaging in instruction and is at risk of learning loss.

(G) School nutrition, including how the school district, county office of education, or charter school will provide meals for pupils who are eligible for free or reduced-price meals, as defined in Section 42238.01, for pupils participating in both in-person instruction and distance learning, as applicable and contingent upon the department receiving an approved waiver from the United States Department of Agriculture, for each day of the scheduled school year.

(2) For each of the areas described in paragraph (1), the learning continuity and attendance plan shall describe how federal and state funding included in the original or revised budget adopted by the governing board of a school district, a county board of education, or the governing body of a charter school is used to support the efforts described in the learning continuity and attendance plan, including federal and state funds provided for learning loss mitigation pursuant to Section 110 of ~~the act adding this part.~~ *Chapter 24 of the Statutes of 2020*. If the actions and expenditures described in paragraph (1) are not included in the budget, the learning continuity and attendance plan shall reference how these expenditures will be included in the first interim report of the school district, county office of education, or charter school pursuant to Section 1240, 42131, or 47604.33.

(3) The learning continuity and attendance plan shall include a description of how the school district, county office of education, or charter school is increasing or improving services in proportion to funds generated on the basis of the number and concentration of unduplicated pupils under the local control funding formula pursuant to Sections 2574, 2575, 42238.02, and 42238.03 in the 2020–21 fiscal year pursuant to the regulations adopted by the state board pursuant to Section 42238.07. ~~The description shall include the portion of any federal funds provided to backfill reductions to the local control funding formula on a dollar-for-dollar basis generated on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574, 2575, 42238.02, and 42238.03.~~

*(g) (1) The template and instructions for the local control funding formula budget overview for parents required pursuant to subdivision (a) shall be updated to reflect alignment with the learning continuity and attendance plan adopted pursuant to this section.*

*(2) By September 15, 2020, the template and instructions for the local control funding formula budget overview for parents shall be updated by the Superintendent, in consultation with the executive director of the state board, to do the following:*

*(A) Replace references to the local control and accountability plan with references to the learning continuity and attendance plan, where applicable.*

*(B) Specify the amount of federal funds allocated to the school district, county office of education, or charter school under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136).*

*(C) Replace the requirements of paragraphs (2) and (3) of subdivision (b) of Section 52064.1 with total budgeted expenditures and total budgeted expenditures that contribute to increased or improved services for unduplicated pupils in the learning continuity and attendance plan, respectively.*

## **SEC. 57. Learning Continuity and Attendance Plan**

Section 95 of Chapter 24 of the Statutes of 2020 is amended to read:

### **~~SEC.~~ Sec. 95.**

*(a) For purposes of the annual update to the local control and accountability plan for the 2021–22 school year required pursuant to Sections 47606.5, 52061, and 52066 of the Education Code, the school district, county office of education, or charter school shall include the actions and expenditures included in the learning continuity and attendance plan adopted pursuant to Section 43509 of the Education Code. Code and the local control and accountability plan adopted for the 2019–20 school year.*

*(b) The Superintendent of Public Instruction, in consultation with the executive director of the State Board of Education, shall revise the template for the annual update to the local control and accountability plan before January 31, 2021, to reflect the inclusion of the learning continuity and attendance plan in the 2021–22 annual update.*

## **SEC. 59. COVID- Relief Funding**

Section 110 of Chapter 24 of the Statutes of 2020 is amended to read:

### **~~SEC.~~ Sec. 110.**

(a) The sum of three hundred fifty-five million two hundred twenty-seven thousand dollars (\$355,227,000) from the Federal Trust Fund and the sum of one billion one hundred forty-four million seven hundred seventy-three thousand dollars (\$1,144,773,000) from the Coronavirus Relief Fund are hereby appropriated to the Superintendent of Public Instruction for allocation in the 2020–21 fiscal year to eligible local educational agencies in an equal amount per pupil using the following methodology:

(1) For each eligible local educational agency, determine the total number of pupils 3 to 22 years of age, inclusive, with exceptional needs enrolled in that local educational agency using Fall 1 Census special education data for the 2019–20 fiscal year.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of pupils with exceptional needs for the applicable year.

(3) Calculate a per pupil amount by dividing the amount specified in subdivision (a) for purposes of this section by the total statewide number of pupils with exceptional needs calculated in paragraph (2).

(4) Calculate a grant for each eligible local educational agency by multiplying the per pupil amount calculated in paragraph (3) by the total amount of pupils with exceptional needs for the eligible local educational agency determined in paragraph (1).

(5) The Superintendent shall allocate the applicable amount of funds calculated in paragraph (4) to eligible local educational agencies.

(b) (1) In addition to the amounts specified in subdivisions (a) and (c), the sum of two billion eight hundred fifty-five million two hundred twenty-seven dollars (\$2,855,227,000) from the Coronavirus Relief Fund is hereby appropriated to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies. For purposes of making this allocation, funds shall be apportioned proportionally on the basis of the eligible local educational agency's supplemental and concentration grant funding determined as of the 2019–20 second principal apportionment certification, pursuant



to subdivisions (e) and (f) ~~of~~ *of, and paragraph (1) of subdivision (i) of*, Section 42238.02 of the Education Code or paragraphs ~~(2)~~ *(2), (3), and (3) (4)* of subdivision (c) of Section 2574 of the Education Code, as applicable.

(2) Consistent with Section 2576 of the Education Code, a county office of education's supplemental and concentration grant funding for purposes of paragraph (1) shall include funding that the Superintendent transferred to the county, wherein a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to subdivisions (e) and (f) of Section 42238.02 of the Education Code for each unit of average daily attendance credited to the school district of residence as of the 2019–20 second principal apportionment certification.

(c) *(1)* In addition to the amounts specified in subdivisions (a) and (b), the sum of five hundred thirty-nine million nine hundred twenty-six thousand dollars (\$539,926,000) from the General Fund and the sum of four hundred thirty-nine million eight hundred forty-four thousand dollars (\$439,844,000) from the Coronavirus Relief Fund are hereby appropriated to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies. For purposes of making this allocation, funds shall be apportioned proportionally on the basis of the eligible local educational agency's local control funding formula entitlement determined as of the 2019–20 second principal apportionment ~~certification.~~ *certification, pursuant to Sections 42238.02 and 42238.025 of the Education Code, or subdivision (e) of Section 2574 or subdivision (a) of Section 2575 of the Education Code, as applicable. For purposes of this section, entitlements shall include apportionments allocated pursuant to Section 41544 of the Education Code and Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code.*

*(2)* Consistent with Section 2576 of the Education Code, a county office of education's local control funding formula entitlement for purposes of paragraph (1) shall include funding that the Superintendent of Public Instruction transferred to the county, wherein a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to Section 42238.02 of the Education Code for each unit of average daily attendance credited to the school district of residence as of the 2019–20 second principal apportionment certification.

(d) Funds apportioned to eligible local educational agencies from the Federal Trust Fund pursuant to subdivision (a) shall be used from March 13, 2020, to September 30, ~~2022,~~ *inclusive, funds apportioned from the General Fund pursuant to subdivision (c) shall be used from March 1, 2020, to June 30, 2021, inclusive, and* ~~all other funds apportioned~~ *funds apportioned from the Coronavirus Relief Fund apportioned* pursuant to this section shall be used from March 1, 2020, to December 30, 2020, inclusive, ~~unless otherwise provided in federal law,~~ *for activities that directly support* ~~pupil~~ *academic achievement and mitigate learning loss related to COVID-19 school* ~~closures,~~ *and* ~~closures. Funds may be used to support individuals served by local educational agencies, including, but not limited to, those enrolled in a childcare program, California state preschool program, kindergarten, any of grades 1 to 12, inclusive, and adult education programs, and~~ shall be expended for any of the following purposes:

(1) Addressing learning loss or accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports that begin before the start of the school year and the continuation of intensive instruction and supports into the school year.

(2) Extending the instructional school year by making adjustments to the academic calendar, increasing the number of instructional minutes provided during each week or schoolday, or taking any other action that increases the amount of instructional time or services provided to pupils based on their learning needs.

(3) Providing additional academic services for pupils, such as diagnostic assessments of pupil learning needs, intensive instruction for addressing gaps in core academic skills, additional instructional materials or supports, or devices or connectivity for the provision of in-classroom and distance learning.

(4) Providing integrated pupil supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, professional development opportunities to help teachers and parents support pupils in distance-learning contexts, access to school breakfast and lunch programs, or programs to address pupil trauma and social-emotional learning.

*(5) Addressing health and safety concerns, including, but not limited to, purchasing public health testing, personal protective equipment, supplies to sanitize and clean the facilities and school buses of a local educational agency, and for other related needs.*

(e) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall certify that funding received pursuant to this section will be used in full compliance with federal law, and shall adopt, on or before September 30, 2020, at a ~~regularly-scheduled~~ *public* meeting of the governing board or body of the local educational agency, a learning continuity and attendance plan pursuant to Section 43509 of the Education Code.

(f) This section does not preclude an eligible local educational agency from receiving or expending funds pursuant to subdivisions ~~(a)~~ *(a)*, *(b)*, and ~~(b)~~ *(c)* before the adoption of its learning continuity and attendance plan for the 2020–21 school year.

(g) As a condition of receipt of the funds pursuant to this section, each eligible local educational agency shall maintain a file of all receipts and records of expenditures made pursuant to this section for a period of no less than ~~three~~ *five* years, or, where an audit has been requested, until the audit is resolved, whichever is longer. Receipts and records that are required to be retained by each eligible local educational agency shall be made available to the Superintendent, upon request. The Superintendent shall take action to recoup any federal disallowances of funds allocated to eligible local educational agencies, as applicable.

(h) (1) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall report, on or before ~~August 31~~, *October 15*, 2020, the balance of any unexpended funds received from the Coronavirus Relief Fund to the Superintendent. Funds that are not expended by December 30, 2020, shall be reported to the Superintendent within 30 days, and the Superintendent shall initiate collection proceedings.

(2) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall report, on or before August 31, ~~2021~~, *2022*, the balance of any unexpended funds received from the Federal Trust Fund to the Superintendent. Funds that are not expended by September 30, ~~2021~~, *2022*, shall be reported to the Superintendent within 30 days, and the Superintendent shall initiate collection proceedings.

(i) (1) For purposes of subdivisions (a) and (b), “eligible local educational agency” means a school district, county office of education, or a classroom-based direct-funded charter school as determined pursuant to Sections 47612.5 and 47634.2 of the Education Code as of the 2019–20 second principal apportionment certification.

(2) For purposes of subdivision (c), “eligible local educational agency” means a school district, county office of education, or a charter school.

(j) (1) For purposes of the calculations pursuant to subdivisions (a) and (b), data for a classroom-based locally funded charter school shall be included in the determination of the chartering authority’s funding.

(2) For purposes of the calculations pursuant to subdivision (c), data for a locally funded charter school shall be included in the determination of the chartering authority’s funding.

*(k) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (c) two hundred seventy million six hundred thirty-four thousand dollars (\$270,634,000) 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 2019–20 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 2019–20 fiscal year.*

*(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (c) two hundred sixty-nine million two hundred ninety-two thousand dollars (\$269,292,000) 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 2020–21 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 2020–21 fiscal year.*

### **SEC. 67. New Credentialing Flexibility**

*(a) (1) The requirements pursuant to subdivision (a) of Section 44225 of, paragraph (3) of subdivision (b) of Section 44259 of, and Section 44320.2 of, the Education Code, and any accompanying regulations, for preliminary multiple subject credential candidates and preliminary single subject credential candidates to complete a teaching performance assessment are suspended for candidates whose program of professional preparation verifies that, during the 2020–21 school year, all of the following requirements are met:*

*(A) The candidate was placed or employed in a local educational agency impacted by schoolsite closures related to COVID-19.*

*(B) The candidate was in the process of completing the teaching performance assessment.*

*(C) The candidate was unable to complete the teaching performance assessment due solely to school closures.*

*(D) The candidate successfully completed all other preliminary teaching credential requirements.*

*(2) A candidate for whom the teaching performance assessment requirement is suspended pursuant to paragraph (1) shall complete and pass a teaching performance assessment approved by the Commission on Teacher Credentialing before being recommended for a clear teaching credential.*

*(b) (1) The requirement pursuant to subparagraphs (A) and (B) of paragraph (2) of subdivision (a) of Section 80054 of the California Code of Regulations for preliminary administrative services credential candidates to complete an administrator performance assessment is suspended for candidates whose administrator preparation program verifies that, during the 2020–21 school year, all of the following requirements are met:*

*(A) The candidate was placed or employed in a local educational agency impacted by COVID-19 related schoolsite closures.*

*(B) The candidate was in the process of completing an administrator performance assessment.*

*(C) The candidate was unable to complete the administrator performance assessment due solely to school closures.*

*(D) The candidate successfully completed all other preliminary administrative services credential requirements.*

*(2) A candidate for whom the administrator performance assessment requirement is suspended pursuant to paragraph (1) shall complete and pass an administrator performance assessment approved by the Commission on Teacher Credentialing before being recommended for a clear administrative services credential.*

*(c) (1) The requirements in Sections 44283 and 44283.2 of the Education Code and paragraph (5) of subdivision (a) of Section 80048.3 of, paragraph (5) of subdivision (a) of Section 80048.8 of, Section 80071.5 of, and paragraph (4) of subdivision (a) of Section 80413 of, the California Code of Regulations for preliminary multiple subject credential candidates and Level 1 or preliminary education specialist credential candidates to complete a reading instruction competence assessment are suspended for candidates who, between March 19, 2020, and August 31, 2021, are unable to complete a reading instruction competence assessment due to testing center closures related to COVID-19.*

*(2) A candidate for whom the reading instruction competence assessment requirement is suspended pursuant to paragraph (1) shall complete and pass a reading instruction competence assessment*

approved by the Commission on Teacher Credentialing before being recommended for a clear credential.

(d) (1) The requirement in paragraph (1) of subdivision (f) of Section 44252 of the Education Code and any accompanying regulations for credential program applicants to complete the basic skills proficiency test before admission to a credential program approved by the Commission on Teacher Credentialing is suspended for applicants who, between March 19, 2020, and August 31, 2021, are unable to complete the basic skills proficiency test due to testing center closures related to COVID-19.

(2) An applicant for whom the basic skills proficiency test requirement is suspended pursuant to paragraph (1) shall complete the basic skills proficiency test during the credential program before recommendation for a preliminary credential. Any use of an applicant's basic skills proficiency test scores by a credential program shall be consistent with subdivision (f) of Section 44252 of the Education Code.

(e) (1) The requirement in subdivision (a) of Section 44453 of the Education Code and any accompanying regulations for applicants for a university intern credential program to complete a subject matter examination before admission to a university intern credential program, and the requirement in paragraph (3) of subdivision (c) of Section 44325 of the Education Code and any accompanying regulations for applicants for a university or district intern credential to complete a subject matter examination, are suspended for applicants who, between March 19, 2020, and August 31, 2021, are unable to complete a subject matter examination due to testing center closures related to COVID-19.

(2) An applicant for whom the subject matter examination requirement is suspended pursuant to paragraph (1) shall complete a subject matter examination before being recommended for a preliminary credential. Notwithstanding the requirement in Section 44326 of the Education Code that a district intern teach only in the subject area for which the intern has met the subject matter requirement, a district intern for whom the subject matter examination requirement is suspended pursuant to paragraph (1) may teach in the subject area for which the intern has enrolled.

### **SEC. 73. Learning Continuity and Attendance Plan**

Notwithstanding subdivision (b) of Section 65000 of the Education Code, for the 2020–21 school year, single school districts and charter schools shall use the stakeholder engagement process for the learning continuity and attendance plan pursuant to subdivision (b) of Section 43509 of the Education Code to meet the stakeholder engagement requirements for the adoption of their School Plan for Student Achievement.

### **SEC. 75. Nonclassroom-based Funding Determinations**

A charter school with a nonclassroom-based funding determination pursuant to Section 47612.5 of the Education Code that expires on June 30, 2021, or June 30, 2022, shall receive its current funding level for two years upon submission of a complete funding determination request to the State Department of Education pursuant to Section 11963.3 of Title 5 of the California Code of Regulations. A charter school's funding determination request shall be received by the State Department of Education no later than June 30, 2021 or June 30, 2022, as applicable. A charter school that submits a funding determination request after the applicable deadline shall receive 85 percent funding for two fiscal years for nonclassroom-based instruction attendance. Either the charter school or the State Department of Education may request that the Advisory Commission on Charter Schools or the State Board of Education consider a higher or lower funding level pursuant to Section 11963.6 or 11963.7 of Title 5 of the California Code of Regulations. The requirements of this section shall not be waived by the State Board of Education pursuant to Section 33050 of the Education Code or any other law.