



## RETURNING TO SCHOOL IN THE ERA OF COVID-19: CONSIDERATIONS FOR CHARTER SCHOOLS

As charter schools across California prepare to return for the 2020-2021 school year in the midst of the ongoing COVID-19 pandemic, they face unprecedented instructional, operational and fiscal challenges. Some of these challenges are physical separation considerations, others are tied to technology and distance learning. Numerous agencies at all levels of government have published resources to guide school reopening. While these resources serve as valuable guidance, there can be no “one-size-fits-all” approach to school reopening. Each charter school should work with their leadership and legal counsel to develop a reopening plan that meets the needs of its community, adheres to applicable laws and public health orders, and aligns with relevant guidance to the extent feasible. CCSA recommends that charter schools consider the following guideposts as they reopen:

### 1. **Develop a Reopening Plan Designed to Meet School and Community Needs:**

- ✓ Engage with your school community to identify the needs of the students and families that you serve. For example, charter schools and school districts have collected input from stakeholders through surveys, open meetings held via teleconference, as well as other innovative means.
- ✓ Communicate with your governing board and staff to develop instructional and operational plans that balance the educational, social/emotional, and other needs of your students against the health and safety concerns of the community in which you are located. Consider securing approval of your reopening plan from your governing board, particularly if your plan requires changes to your budget, staffing, enrollment or facilities use agreement.

### 2. **Adhere to State Laws and Public Health Orders:**

- ✓ Ensure that your reopening plan adheres to applicable federal and state laws, including budget trailer bill [SB 98](#). Among other requirements, SB 98 requires classroom-based schools to offer in-person instruction to the greatest extent possible and permits distance learning under certain circumstances. For example, classroom-based schools may offer distance learning as a result of local or state health orders or guidance.
- ✓ Ensure that your reopening plan is consistent with orders and guidance issued by state and county public health agencies.

### 3. **Consider State and Local Guidance:**

- ✓ Consider the extent to which your reopening plan is consistent with the following<sup>1</sup>:

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<sup>1</sup> While local educational agencies, including charter schools, are not required to strictly adhere to these guidelines, schools should confirm to the extent possible, and should carefully evaluate the facts and circumstances that make doing so impracticable. Adhering to these guidelines may also help minimize risk of exposure to liability for COVID-19 related claims.

- a. [CDPH Guidance for Schools and School-Based Programs](#)
  - b. [CDE Guidance on Reopening Schools](#)
  - c. Guidance issued by county office of education related to school reopening.
- ✓ Consider the extent to which your reopening plan is consistent with any guidance for charter schools issued by your charter authorizer, or with the authorizer's plans for reopening its own schools<sup>2</sup>.

#### 4. Review Charter Petitions and Facilities Use Agreements:

- ✓ Pursuant to [SB 98](#), charter schools do not need to secure a material revision in order to implement distance learning for the 2020-2021 school year. However, review your charter petition and determine if a material revision is necessary for any other significant operational or instructional changes in response to COVID-19 for the 2020-2021 school year.
- ✓ Review your MOU with your authorizer and determine if an amendment may be necessary to align with your reopening plan.
- ✓ If you are located on a school-district facility, review your facilities use agreement to determine whether your school reopening plan is consistent with the terms of that agreement.

#### 5. Minimize Exposure to Liability Claims:

- ✓ Carefully review your reopening plan with your legal counsel.
- ✓ Review any guidance your insurance carrier has provided for minimizing exposure to COVID-19 related liability claims. For example, [CharterSAFE](#) has published multiple resources to assist charter schools with safe reopening.
- ✓ Discuss your options for preventing and defending legal claims with your legal counsel and insurer. For example, CharterSAFE now offers limited defense coverage for COVID-19 related liability claims brought during the 2020-2021 school year.
- ✓ Monitor [AB 1384](#), which would exempt local educational agencies from liability for injury relating to COVID-19 infection under certain circumstances.

#### 6. Reopening Resources

- [CDC Guidance on Reopening Schools](#)
- [CDPH Guidance for Schools and School-Based Programs](#)
- [CDE Guidance on Reopening Schools](#)
- [CCSA Resources and Research on School Restart Structures and Operation](#)
- [CCSA Webinar on Planning for the 2020-2021 School Year](#)
- [CharterSAFE COVID-19 Resources Related to Charter School Operations](#)

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<sup>2</sup> While charter schools are not required to adhere to policies governing district-operated schools, your school may have agreed to adhere to certain district policies in your charter petition or memorandum of understanding (MOU). For schools operating in a single school district, it may also be helpful to consider the district's plans for physical separation and scheduling. Additionally, aligning with school district policies may help minimize risk of exposure to liability for COVID-19 related claims.