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California State Senate

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June 26, 2020

Legislative Intent—Senate Bill No. 98

Erika Contreras
Secretary of the Senate
State Capitol, Suite 1173
Sacramento, CA 95814

Dear Ms. Contreras:

I submit this letter to the Senate Journal for the purpose of clarifying the intent SB 98, which was introduced to enact statutes relating the 2020 Budget Act. Specifically, Section 34 of the bill addresses the ability of Local Educational Agencies (LEAs) to offer distance learning in the 2020-21 school year.

Section 34 of SB 98 intends to provide LEAs with flexibility in the manner in which K-12 instruction is provided to meet the needs of students, families, and the community during the COVID-19 pandemic. While it is the intent of the Legislature that LEAs offer in-person instruction in 2020-21 to the greatest extent possible, Section 43503 of this bill allows LEAs to offer distance learning 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.”

Section 43503 subparagraph (2) of subdivision (a) refers to the need for LEAs to consult and collaborate with state or local public health officials in determining whether to offer distance learning for a particular site or LEA-wide, and to follow any related public health orders. This section is not intended to require an LEA to seek out or receive approval from a state or local public health officer prior to adopting a distance learning model. This section is also not intended to prevent an LEA from adopting a distance learning, hybrid, or mixed-delivery instructional model to ensure safety. Instead this section is intended to grant flexibility to an LEA to determine what instructional model the LEA will adopt during the COVID-19 Pandemic, taking into account the needs of their students and staff,

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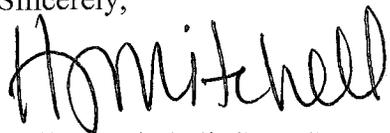
and their available infrastructure, provided the model adheres to an applicable state or local public health order or guidance.

Also, this section refers to the circumstances by which an LEA may provide distance learning for individual students. The intent of this language is to allow LEAs to offer distance learning based on the unique circumstances of each student. The language makes allowances for medically fragile students, and those in self-quarantine, but also for those students who would be put at-risk by an in-person instructional model. The statute does not define “would be put at-risk by in person instruction” and as such, does not require an LEA to verify or make a determination that a request for this allowance meets a specific standard. This section contemplates that LEAs may provide distance learning to students with varying circumstances – whether the student has health conditions, family members with health conditions, cohabitates or regularly interacts with high-risk individuals, or is otherwise identified as “at-risk” by the parent or guardian.

As such, Section 43503 of SB 98 provides flexibility for LEAs to provide instruction in a way that reflects state and local public health needs, and respects the specific circumstances of individual students during the COVID-19 Pandemic.

Thank you for this opportunity to clarify the intent of SB 98.

Sincerely,

A handwritten signature in black ink that reads "Holly J. Mitchell". The signature is written in a cursive, flowing style.

Holly J. Mitchell, State Senator