

## **COVID-19 State and Federal Updates**

*By Sara C. Bachez and Elizabeth Esquivel, Governmental Relations  
Special Report by Bob Canavan*

### **Approval of State Testing Waiver**

On March 27, 2020, State Superintendent of Public Instruction Tony Thurmond [announced](#) that California was granted a preliminary waiver to bypass standardized testing for the 2019-2020 school year. This waiver allows California to cancel statewide assessments for the 2019-2020 school year. “During the current COVID-19 public health crisis we are all facing right now, we don’t want our districts worrying about testing requirements or students worrying about testing,” said Superintendent Thurmond. A formal approval from the U.S. Department of Education is expected in the coming weeks.

The California Department of Education will hold a public comment period for all stakeholders and local educational agencies with the submission of the waiver application through April 15, 2020. Any comments or questions should be sent to [ESSA@cde.ca.gov](mailto:ESSA@cde.ca.gov) or by mail to”:

California Department of Education  
Government Affairs Division  
1430 N Street, Suite 5602  
Sacramento, CA 95814-5901

### **Child Nutrition**

On March 25, 2020, the U.S. Department of Agriculture (USDA) issued two responses regarding waivers.

- 1) COVID-19: Child Nutrition Response #4, [National Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs](#) (CNP) as part of the COVID-19 Child Nutrition Response Act. This waiver applies to the National School Lunch Program, including the Seamless Summer Option; School Breakfast Program; Child and Adult Care Food Program; and Summer Food Service Program. This waiver went into effect immediately and will remain in effect until April 30, 2020 or until expiration of the federally declared public health emergency, whichever is earlier.

The meal pattern waiver application is located at [Meal Pattern Waiver Application](#). Once you submit the application, you will receive an email notification from the CDE on your waiver request.

- 2) COVID-19: Child Nutrition Response #5, [National Waiver to Allow Parents and Guardians to Pick-up Meals for Children](#). This waiver went into effect immediately for all program operators who are approved to serve non-congregate meals due to COVID-19, and remains in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

On March 27, 2020, the California Department of Education updated their school meal guidance and provided the following:

- The USDA and the California Department of Education (CDE) encourage CNP Operators to meet the nutrition standards for each CNP to the greatest extent possible; but are aware that CNP Operators may experience shortages in the availability of some food and beverage items that contribute to a reimbursable meal.
- The USDA requires CNP Operators to notify and provide justification to the CDE before utilizing the meal pattern flexibility provided in this waiver. CNP Operators are required to complete a streamlined application to notify and provide justification for why they cannot serve one or more food components that meet the meal pattern requirements. Please note, the application **is** the notification to the CDE of your intent to use the meal pattern flexibility waiver.
- Under the national waiver to allow parents and guardians to pick-up meals for children, there are currently no requirements to notify the California Department of Education that the waiver has been implemented. **However, program operators must retain accurate records of the meals served under the waiver and report to the CDE at the conclusion of the COVID-19 emergency feeding.**
- To participate in this waiver the following plans **must** be in place and **retained** by the program operators:
  1. Program operators **must have a written plan** to ensure they are able to maintain accountability and program integrity.
  2. Program operators **must have a process** in place to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed to any child.
  - This waiver is not mandatory and eligible program operators may participate at their own discretion.

Updates regarding the USDA waivers and any additional information agencies need to implement them will be posted to the CDE COVID-19 Guidance for K-12 Schools web page at: [www.cde.ca.gov/ls/he/hn/schoolmeals.asp](http://www.cde.ca.gov/ls/he/hn/schoolmeals.asp).

### **The CARE Act Stimulus Package Signed**

On Friday, March 27, 2020, the U.S. House, approved [H.R. 748](#), the Coronavirus Aid, Relief and Economic Security Act (CARE), and hours later, President Donald Trump [signed it into law](#). The Care Act provides \$30 billion to education, as follows:

- \$3 billion to be allocated to governors and used at their discretion to address the emergency
- \$13.5 billion for K-12 education (Sec. 18003 of H.R. 748)
- \$14.25 billion for postsecondary institutions

The bill also makes investments in childcare, nutrition, homeless youth, while also providing new waiver authority to the Secretary of Education, including for assessment and accountability waivers for states; and other ESSA waivers for states, tribes, and school districts. School districts will be able to use their share of the \$13.5 billion K-12 allocation, which will be allocated based on the proportion of Title I funding for the most recent fiscal year, for any purposes authorized by ESSA, IDEA, Perkins CTE, and other specified uses. Districts especially hard hit by the emergency should also contact their governor about securing potential additional funding out of their governor's share of the \$3 billion in flexible funding provide to state leaders.

## **Request to Suspend Title IX Rulemaking Process**

On March 27, 2020, California's Attorney General Xavier Becerra, along with a coalition of 17 State Attorney Generals, sent a [letter](#) to U.S. Secretary of Education Betsy DeVos and Office of Management and Budget Acting Director Russell Vought, urging the federal administration to suspend the federal rulemaking process for the proposed regulation on Title IX during the current COVID-19 pandemic. The letter states, "With school resources already stretched thin, now is not the time to require school administrators, faculty, and staff to review new, complex Title IX regulations, revise their schools' policies in response, and communicate these changes to students and parents." The letter also acknowledges that, "Instead, educational resources should be preserved at this time to focus on providing education and other critical services for our students."

## **California Daily COVID-19 Updates**

On Sunday, March 29, 2020, Governor Newsom [announced](#) that beginning this week, he will be providing COVID-19 daily updates on the [@CAgovernor](#) Twitter page and [California Governor Facebook](#) page

## **COVID-19 Federal Resources**

Over the last few weeks, the White House, the U.S. Department of Education, and other federal agencies have released guidance to support schools, educators, and families regarding COVID-19. For updated information, please visit [Coronavirus.gov](#), [CDC.gov/coronavirus](#), and [USA.gov/coronavirus](#).

For education-related information, the U.S. Department of Education has established a dedicated Coronavirus webpage ([ed.gov/coronavirus](#)), which includes resources for institutions of higher education and for K-12.

- The website includes [guidance](#) for students at institutions of higher education, and covers Coronavirus-related scenarios that could impact students who are enrolled in study abroad programs, students who meet full-time requirements but fall below 12 credit hours, students who are quarantined and miss class, campuses that have temporarily stopped offering ground-based classes to prevent the spread of Coronavirus, and foreign schools that serve Americans who receive Federal financial aid.
- Also see [a letter from the Office for Civil Rights](#) that addresses potential discrimination associated with coronavirus.

The U.S. Department of Education has provided additional information for families and communities including:

- [Information](#) regarding certain flexibilities under the Every Student Succeeds Act (ESSA)
- [Information](#) regarding services to children with disabilities
- A [fact sheet](#) from our Office for Civil Rights on the risk of Coronavirus in schools while protecting the civil rights of students; and a short [webinar](#) on Online Education and Website Accessibility
- [Information](#) on the Family Education Records Privacy Act, or "FERPA," as it pertains to K-12 and higher education students
- [Information](#) for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus Impacted Institutions or Accrediting Agencies

The U.S. Department of Education will continue to update its website, [ed.gov/coronavirus](https://ed.gov/coronavirus). Please direct education related questions to [COVID-19@ed.gov](mailto:COVID-19@ed.gov).

We will continue to monitor and provide updates as readily available.

*CASBO NewsBreaks and Advocacy tools are posted on our [website](#). For more information, contact CASBO's Governmental Relations staff: [Sara Bachez](#), Chief Governmental Relations Officer or [Elizabeth Esquivel](#), Senior Director of Policy and Governance. Remember that the most effective and convenient way to become involved is by joining CASBO [Advocacy Network](#).*

**California Association of School Business Officials**  
1001 K Street, 5th Floor | Sacramento, CA 95814 | Telephone: (916) 504-2250

