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# COVID-19 Advisory



## Impact of COVID-19 on Charter School Oversight

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This advisory serves to provide guidance to authorizers that oversee charter schools. In the wake of the school closures due to COVID-19 and the various government directives to educators, we recommend that authorizers take certain steps to ensure they continue to meet their oversight obligations and seek to ensure all students are being served as appropriate.

### BACKGROUND

Pursuant to the Education Code, a charter school authorizer is responsible for overseeing its operations to ensure that the charter schools operate in a fiscally responsible manner, consistent with its charter, and follows all applicable laws. Just as authorizers are moving quickly to comply with Governor Newsom’s declarations as well as those of the federal government, so too must charter schools. Like other public school administrations, charter school administrators must have plans in place and ensure that they are providing education on an equitable basis for all students.

### RECOMMENDED ACTION

DWK recommends that authorizers communicate with charter schools they oversee to request information regarding their plans for school closures and any services available during them. For example, the authorizer might request the charter school’s plan to ensure: continuity of learning activities for all grades/students served by the charter school; service of students with disabilities; food distribution for students; notification to parents/guardians regarding charter school closures/plans. Additionally, the authorizer may request copies of: the charter school’s written plan; documentation to demonstrate board action/approval of the plan; and, notice to parents/guardians. DWK further recommends that the authorizer request that, in light of the evolving situation, that the charter school keep the authorizer apprised, in writing, of any changes to the charter school’s plan(s).

With regard to the charter schools operating as a “school of the district” for purposes of special education, DWK recommends that the authorizer coordinate with its charter administrators, in writing, to explain the district’s plan for provision of special education instruction in light of each charter schools plan for their own educational program. The authorizer should continue to provide the same special education resources to the charter schools as it does to its schools in compliance with Education Code section 47646.

Charter schools significantly deviating from their authorizers in educational program and other service offerings during school closure may be required to provide special education and/or related services during the period of closure. It is the responsibility of the charter school to ensure any regular program offerings during closure are accessible to all students. All educational program options must be meaningfully accessible to students with disabilities enrolled at the charter school.

The authorizer should include in its communication that:

- Many timelines regarding special education compliance and student discipline are based on school days, and are also tolled during school breaks in excess of 5 days; the charter school must be clear as the closure evolves which are school days with regard to an expectation for participation by students and their completion of work provided; and
- Records requests are based on business days, so the clarity on those days is important as well.

Senate Bill No. 117, an emergency appropriations bill that passed through the Legislature on March 16, 2020, includes charter schools funding, testing, and timeline waivers and certification requirements contained therein. It would also authorize charter schools to offer an independent study program or distance learning program during closure of public schools due to coronavirus (COVID-19).

We hope this guidance is helpful in this time of uncertainty. DWK will continue to provide guidance as information becomes available. For more information regarding the impact of COVID-19 to your district or agency, please visit our COVID-19 Resources page at <https://www.dwkesq.com/covid-19-resources-page>.

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