

## SB 98 Implications and how it relates to Special Education

- ❖ SB 98 is the education omnibus trailer bill to the Budget Act signed by Governor Newsom on June 29, 2020
- ❖ SB 98 adds Education Code sections 43500-43511, containing detailed requirements applicable to distance education for the 2020-2021 school year which discuss requirements for distance education as it relates to Special Education.

Under Education Code 43503 expressly states: Distance Learning is allowed in either the following circumstances:

- ❖ *“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.”*
- ❖ *For students who are: (1) “medically fragile”; or (2) “would be put at risk”; or (3) self-quarantining.*
- ❖ **SB 98 includes requirements for:**
  - **Distance learning and in-person learning definitions**
  - **Daily Live Instruction**
  - **Weekly Engagement Record Keeping and a tiered re-engagement plan for absent students returning**
  - **Instructional minutes**
  - **Learning continuity and attendance plan**
  - **For students with Individualized Education Programs (IEPs)**
    - Implementation of special education, related services, and any other services required by a pupil’s IEP
    - Description of the means by which the individualized education program will be provided under emergency conditions in all initial, annual, and triennial IEPs.
- ❖ **Required Components of Distance Learning:**
  - Access to connectivity and devices
  - Rigorous content aligned to grade-level standards
  - Daily Live interaction with certificated employees and peers
  - Documentation of daily participation (attendance) and weekly engagement record
  - Written procedures for tiered re-engagement strategies for all pupils

absent from distance learning for more than three schooldays

❖ **Implementation of special education, related services, and any other services required by a pupil's IEP**

- Live goal-based instruction as per service minutes in the IEP
- Combination of synchronous and asynchronous service minutes delineated in IEP
- Full Continuum of Services (e.g., consultation and direct services via “push-in”/ “pull-out” SAI and related services).

❖ **Description of the means by which the individualized education program will be provided under emergency conditions**

- Special education and related services
- Supplementary aids and services
- Transition services, as defined in Section 56345.1
- Extended school year services