



LAW UPDATE SPECIAL EDUCATION

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COVID-19 UPDATE *AB 117 OFFERS DISTRICTS SOME RELIEF FROM SPECIAL EDUCATION* *TIMELINES DURING COVID-19 CLOSURE*

Yesterday the Legislature passed and the Governor signed AB 117, which provided funding relief for school districts forced to shut down due to the COVID-19 outbreak.

AB 117 Section 8 provides affected districts with a waiver of the following special education timelines.

(a) The assessment timelines under Ed Code sections 56043(a) and 56321(a) are waived. The California Department of Education shall consider the school days closed due to COVID-19 as days between a pupil's regular school session, up until the time the school reopens and the regular school session reconvenes.

(b) The timelines related to providing parent access to school records under Ed Code sections 56043(n) and 56504, along with the transfer of student records between districts under section 56504 and Title 5 of the Code of Regulations, are also waived if a school is closed due to COVID-19, up until the time school reopens and the regular school session reconvenes.

These timeline waivers will apply even if the affected district offers educational opportunities through distance learning and/or independent study.

Please be cautioned that AB 117 by its language does not specifically waive any federal requirements imposed under the federal Individual with Disabilities Education Act (20 U.S.C. sec. 1400 et seq.), including potential obligations for compensatory education that may result due to a school shutdown. Additionally, the obligations imposed under section 504 will still apply.

If you have questions concerning this or related issues, do not hesitate to contact our office.

~ Darren J. Bogié

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