

*Title I. General Education Code Provisions*  
*Division I. General Education Code Provisions*  
*Part 19. Miscellaneous*  
*Chapter 2. School Safety—Public Institutions*  
**Article 6. In-Person Instruction Grants**

**32254.5.**

(a) It is the intent of the Legislature that local educational agencies offer in-person instruction to the greatest extent possible, consistent with subdivision (b) of Section 43504. The Legislature strongly encourages local educational agencies to prioritize pupils who would benefit most from in-person instruction, including, but not limited to, the pupil groups set forth in paragraph (5) of subdivisions (c) and (d) of this article, pupils who are not engaging in distance learning and qualify for reengagement strategies pursuant to Section 43504, credit-deficient high school pupils, pupils at risk of dropping out, pupils with failing grades, and pupils identified as needing social and mental health supports.

(b) (1) The sum of two billion dollars (\$2,000,000,000) from the General Fund is hereby appropriated to the Superintendent of Public Instruction for In-Person Instruction Grants to eligible local educational agencies in the 2020–21 fiscal year pursuant to this article.

(2) Before May 1, 2021, if the sum appropriated in paragraph (1) is not sufficient to meet the demand for grant funding pursuant to this article, the Director of Finance may augment those funds up to the amount necessary to fully fund all eligible grant applicants pursuant to this article. Changes to this allocation may be authorized not sooner than 15 days after notification in writing to the Joint Legislative Budget Committee of the changes to the planned expenditures. The Chairperson of the Joint Legislative Budget Committee, or the chairperson's designee, may shorten the 15-day period by written notification to the director.

(c) Local educational agencies, with the exception of local educational agencies classified as non-classroom based charter schools as of the 2019–20 second principal apportionment certification pursuant to Section 47612.5, shall be eligible for grants pursuant to subdivisions (g) and (h), as applicable, if they meet all of the following requirements:

(1) By February 1, 2021, submit a completed COVID-19 School Safety Plan to their county office of education that provides for in-person instruction as required by paragraphs (5) through (8), inclusive, of this subdivision and describes how the local educational agency shall conduct ongoing asymptomatic testing of staff and pupils consistent with the state-supported cadences set forth in the COVID-19 industry sector guidance for schools and school-based programs issued by the California Department of Public Health. Single district counties shall submit their COVID-19 School Safety Plan to the department. For purposes of this article, the COVID-19 School Safety Plan shall consist of both of the following consistent with guidance issued by the California Department of Public Health:

(A) The written COVID-19 prevention program required by the COVID-19 Emergency Standards adopted by the California Occupational Safety and Health Standards Board, 8 C.C.R. section 3205(c); and

(B) The supplemental COVID-19 School Guidance Checklist approved by the California Department of Public Health as part of the COVID-19 industry sector guidance for schools and school-based programs.

(2) For local educational agencies whose employees collectively bargain, by February 1, 2021, submit to its county office of education, or for single district counties, the department, a copy of their ratified certificated and classified collective bargaining agreements or applicable memoranda of understanding that support implementation of their COVID-19 School Safety Plan.

(3) By February 1, 2021, post the COVID-19 School Safety Plan publicly on their website homepage.

(4) By February 1, 2021, certify to its county office of education, or for single district counties, the department, that it has verified that each of its pupils participating in distance learning has access to a computing device, software, and high-speed internet access necessary to participate in online instruction.

(5) By February 16, 2021, provide optional in-person instruction consistent with their COVID-19 School Safety Plan to at least all pupils in the following pupil groups:

(A) Individuals with exceptional needs as defined in section 56026.

(B) Foster youth as defined in subdivision (b) of section 42238.01.

(C) Homeless children and youths as defined in Section 725 of the federal McKinney-Vento Act.

(D) Students without access to a computing device, software, or high-speed internet access necessary to participate in online instruction, as determined by the local educational agency.

(E) All students in kindergarten through grade 2.

(6) By March 15, 2021, provide optional in-person instruction consistent with their COVID-19 School Safety Plan to all pupils enrolled in elementary schools, up to grade 6, as applicable.

(7) Provide continuous in-person instruction for pupils pursuant to paragraphs (5) and (6) through the end of the scheduled 2020-21 school year, unless otherwise ordered by a state or local health official. The scheduled school year is the adopted school calendar for the 2020-21 school year in effect on February 16, 2021.

(8) For purposes of paragraphs (5), (6) and (7), the local educational agency shall utilize the Guidance Related to Cohorts issued by the California Department of Public Health to serve in-person any pupils in the groups specified in subparagraphs (A), (B), (C), and (D) of paragraph (5) who are in grades for which the local educational agency is not otherwise currently able to reopen under state and local public health directives or, between February 16 and March 14, 2021, for pupils in grade 3 to grade 6 if the local educational agency is not offering in-person instruction for all students in those grades pursuant to paragraph (5).

(d) Local educational agencies that did not receive grants pursuant to subdivision (c), with the exception of local educational agencies classified as non-classroom based charter schools as of the 2019–20 second principal apportionment certification pursuant to Section 47612.5, shall be eligible for grants pursuant to subdivisions (i) and (j), as applicable, if they meet all of the following requirements:

(1) By March 1, 2021, submit a completed COVID-19 School Safety Plan to their county office of education that provides for in-person instruction as required by paragraphs (5) through (8), inclusive, of this subdivision and describes how the local educational agency shall conduct ongoing asymptomatic testing of staff and pupils consistent with the state-supported cadences set forth in the COVID-19 industry sector guidance for schools and school-based programs issued by the California Department of Public Health. Single district counties shall submit their COVID-19 School Safety Plan to the department. For purposes of this article, the COVID-19 School Safety Plan shall consist of both of the following consistent with guidance issued by the California Department of Public Health:

(A) The written COVID-19 prevention program required by the COVID-19 Emergency Standards adopted by the California Occupational Safety and Health Standards Board, 8 C.C.R. section 3205(c), and

(B) The supplemental COVID-19 School Guidance Checklist approved by the California Department of Public Health as part of the COVID-19 industry sector guidance for schools and school-based programs.

(2) For local educational agencies whose employees collectively bargain, by March 1, 2021, submit to its county office of education, or for single district counties, the department, a copy of their ratified certificated and classified collective bargaining agreements or applicable memoranda of understanding that support implementation of their COVID-19 School Safety Plan.

(3) By March 1, 2021, post the COVID-19 School Safety Plan publicly on their website homepage.

(4) By March 1, 2021, certify to its county office of education, or for single district counties, the department, that it has verified that each of its pupils participating in distance learning has access to a computing device, software, and high-speed internet access necessary to participate in online instruction.

(5) By March 15, 2021, provide optional in-person instruction consistent with their COVID-19 School Safety Plan to at least all pupils in the following pupil groups:

(A) Individuals with exceptional needs as defined in section 56026.

(B) Foster youth as defined in subdivision (b) of section 42238.01.

(C) Homeless children and youths as defined in Section 725 of the federal McKinney-Vento Act.

(D) Students without access to a computing device, software, or high-speed internet access necessary to participate in online instruction, as determined by the local educational agency.

(E) All students at elementary schools, up to grade 6, as applicable.

(6) Provide continuous in-person instruction for students pursuant to paragraph (5) through the end of the scheduled 2020-21 school year, unless otherwise ordered by a state or local health official. The scheduled school year is the adopted school calendar for the 2020-21 school year in effect on March 15, 2021.

(7) For purposes of paragraphs (5) and (6), the local educational agency shall utilize the Guidance Related to Cohorts issued by the California Department of Public Health to serve in-person any students in the groups specified in subparagraphs (A), (B), (C), and (D) of paragraph (5) who are in grades for which the local educational agency is not otherwise currently able to reopen under state and local public health directives.

(e) County offices of education shall submit the information received from local educational agencies pursuant to subdivision (c) to the department by February 5, 2021, using the form provided by the department. County offices of education shall submit the information received from local educational agencies pursuant to subdivision (d) to the department by March 5, 2021, using the form provided by the department.

(f) The department will notify each local educational agency of the amount of its grant amount no later than fifteen (15) business days after the submission deadlines in subdivisions (c) and (d) for each cohort of applicants.

(g) The Superintendent of Public Instruction shall allocate funding to local educational agencies eligible for a grant pursuant to subdivision (c) pursuant to the following formula:

(1) Compute a base grant using a per-pupil amount of four hundred and fifty dollars (\$450) multiplied by the average daily attendance used to calculate each local educational agency's local control funding formula base grant pursuant to subdivision (d) of Section 42238.02 or subparagraph (A) and (B) of paragraph (4) of subdivision (c) of Section 2574 for the 2020-21 first principal apportionment. The Department shall

adjust a district of residence's average daily attendance for any average daily attendance credited to the district pursuant to Section 2576.

(2) Compute an additional adjustment to the base grant equal to the proportion of the local educational agency's grade span adjustment and supplemental and concentration grant funding determined as of the 2020-21 first principal apportionment certification, pursuant to subparagraph (A) of paragraph (3) and paragraph (4) of subdivision (c) of, subdivisions (e) and (f) of, and paragraph (1) of subdivision (i) of Section 42238.02 of the Education Code, or paragraphs (2), (3), and (4) of subdivision (c) of Section 2574 of the Education Code, as applicable, to the sum of the local educational agency's base or necessary small school allowance, supplemental, and concentration grant funding determined as of the 2020-21 first principal apportionment certification pursuant to subdivisions (d), (e), (f), and paragraph (2) of subdivision (i) of Section 42238.02 and subdivision (c) of Section 2574.

(h) In lieu of the amount in paragraph (1) of subdivision (g), for each necessary small elementary school, as defined pursuant to Section 42283, funded as of the 2020-21 first principal apportionment eligible for a grant pursuant to subdivision (c), the Superintendent shall make the following computations:

(1) Twenty six thousand four hundred and sixty dollars and fifty cents (\$26,462.50) for a school with an average daily attendance of less than 25, as determined as of the 2020-21 first principal apportionment.

(2) Fifty two thousand nine hundred and twenty five dollars (\$52,925) for a school with an average daily attendance of 25 or more and less than 49, as determined as of the 2020-21 first principal apportionment.

(3) Seventy nine three hundred and eighty seven dollars and fifty cents (\$79,387.50) for a school with an average daily attendance of 49 or more and less than 73, as determined as of the 2020-21 first principal apportionment.

(4) One hundred and five thousand eight hundred and fifty dollars (\$105,850) for a school with an average daily attendance of 73 or more and less than 97, as determined as of the 2020-21 first principal apportionment.

(i) The Superintendent of Public Instruction shall allocate funding to local educational agencies eligible for a grant pursuant to subdivision (d) pursuant to the following formula:

(1) Compute a base grant using a per-pupil amount of three hundred and thirty-seven dollars and fifty cents (\$337.50) multiplied by the average daily attendance used to calculate each local educational agency's local control funding formula base grant pursuant to subdivision (d) of Section 42238.02 or subparagraph (A) and (B) of paragraph (4) of subdivision (c) of Section 2574 for the 2020-21 first principal apportionment. The Department shall adjust a district of residence's average daily attendance for any average daily attendance credited to the district pursuant to Section 2576.

(2) Compute an additional adjustment to the base grant equal to the proportion of the local educational agency's grade span adjustment and supplemental and concentration grant funding determined as of the 2020-21 first principal apportionment certification, pursuant to subparagraph (A) of paragraph (3) and paragraph (4) of subdivision (c) of, subdivisions (e) and (f) of, and paragraph (1) of subdivision (i) of Section 42238.02 of the Education Code, or paragraphs (2), (3), and (4) of subdivision (c) of Section 2574 of the Education Code, as applicable, to the sum of the local educational agency's base or necessary small school allowance, supplemental, and concentration grant funding determined as of the 2020-21 first principal apportionment certification pursuant to subdivisions (d), (e), (f), and paragraph (2) of subdivision (i) of Section 42238.02 and subdivision (c) of Section 2574.

(j) In lieu of the amount in paragraph (1) of subdivision (i), for each necessary small elementary school, as defined pursuant to Section 42283, funded as of the 2020-21 first principal apportionment eligible for a grant pursuant to subdivision (d), the Superintendent shall make the following computations:

(1) Nineteen thousand eight hundred and forty six dollars and eighty eight cents (\$19,846.88) for a school with an average daily attendance of less than 25, as determined as of the 2020-21 first principal apportionment.

(2) Thirty nine thousand six hundred and ninety three dollars and seventy five cents (\$39,693.75) for a school with an average daily attendance of 25 or more and less than 49, as determined as of the 2020-21 first principal apportionment.

(3) Fifty nine five hundred and forty dollars and sixty three cents (\$59,540.63) for a school with an average daily attendance of 49 or more and less than 73, as determined as of the 2020-21 first principal apportionment.

(4) Seventy nine thousand three hundred and eighty seven dollars and fifty cents (\$79,387.50) for a school with an average daily attendance of 73 or more and less than 97, as determined as of the 2020-21 first principal apportionment.

(k) Grant amounts computed pursuant to subdivisions (g), (h), (i), and (j) shall be adjusted to reflect the exclusion of average daily attendance generated by pupils in full time traditional independent study programs pursuant to Section 51747 or course based independent study average daily attendance pursuant to Section 51749.5 reported to the department as of the 2019-20 second principal apportionment.

(l) By March 31, 2021, the Department shall report to the Department of Finance and the relevant budget and policy committees of the Legislature the amount of any funds unallocated pursuant to this article.

(m) For 2021-22 fiscal year audits, the Controller shall include instructions in the audit guide required by Section 14502.1 that include procedures for determining all of the following for local educational agencies that receive funding pursuant to this article:

(1) Compliance with paragraph (3) of subdivision (c) or paragraph (3) of subdivision (d), as applicable.

(2) Compliance with paragraphs (5), (6), and (7) of subdivision (c) or paragraphs (5) and (6) of subdivision (d), as applicable.

(3) Verification that all students opting to participate in distance learning pursuant to paragraph (4) of subdivision (c) or paragraph (4) of subdivision (d) have access to a computing device, software, and high-speed internet access necessary to participate in online instruction.

(n) For a local educational agency with audit findings of non-compliance pursuant to subdivision (l), the Superintendent shall withhold from the local educational agency's principal apportionment the percentage of days out of compliance multiplied by the per-average daily attendance amount calculated pursuant to either (g) or (i), as applicable, all multiplied by the average daily attendance used to determine the local educational agency's in-person grant amount of each affected grade span. For purposes of this subdivision, the percentage of days out of compliance is equivalent to the number of days out of compliance divided by the total number of instructional days offered after the due date for the local educational agency to submit eligibility materials to its county office of education.

(o) Funds apportioned to local educational agencies pursuant to this article shall be available for use until December 31, 2021, and may be used for any purpose consistent with providing in-person instruction for any pupil participating in in-person instruction, including, but not limited to, COVID-19 testing, personal protective equipment, ventilation and other site upgrades necessary for health and safety, salaries for certificated or classified employees providing in-person instruction or services, and social and mental health support services provided in conjunction with in-person instruction. Local educational agencies shall report final expenditures of these funds to the department by January 31, 2022, and the Superintendent shall initiate collection proceedings for unexpended funds.

(p) For local educational agencies in a local health jurisdiction or county in the Purple tier, all of the following shall apply:

(1) Local health jurisdictions shall notify a local educational agency and its county office of education within five (5) business days of submittal if the local educational agency's COVID-19 School Safety Plan is not approved. County offices of education shall notify the department within five (5) business days of notification that a local educational agency's COVID-19 School Safety Plan was not approved, and that the local educational agency is no longer eligible to receive funding pursuant to this article.

(2) In-person instruction pursuant to a COVID-19 School Safety Plan may commence on the sixth business day after the COVID-19 School Safety Plan was submitted to a local health jurisdiction unless a state or local health officer makes an affirmative finding that the COVID-19 School Safety Plan is unsafe before the end of the fifth business day after submission.

(3) This subdivision shall not apply to schools already open for in-person instruction by February 1, 2021, if their reopening was permitted by state and local public health directives in effect at the time of reopening.

(4) Local educational agencies that are otherwise eligible for grant funding pursuant to subdivisions (c) or (d) shall retain eligibility if they do not offer in-person instruction as required by those subdivisions if both:

(A) The seven-day adjusted average case rate in their local health jurisdiction or county is above 28 cases per 100,000 people per day.

(B) The local educational agency meets in-person instruction requirements pursuant to subdivisions (c) and (d), and pursuant to timeframes outlined in state public health guidance, when their local health jurisdiction or county drops below 28 cases per 100,000 people per day, unless the case rate subsequently rises above this threshold.

(q) A local educational agency may reapply pursuant to subdivision (d) if the COVID-19 School Safety Plan they submitted to their local health jurisdiction pursuant to paragraph (1) of subdivision (c) was not approved by their local health jurisdiction.

(r) For the purposes of this article, "in-person instruction" refers to instruction under the immediate physical supervision and control of a certificated or classified employee of the local educational agency while engaged in educational activities required of the pupil.

(s) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in paragraph (1) of subdivision (b), two billion dollars (\$2,000,000,000) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

(t) This article shall remain in effect until June 30, 2023, and as of that date is inoperative. This article shall be repealed on July 1, 2024.

*Title I. General Education Code Provisions*  
*Division I. General Education Code Provisions*  
*Part 19. Miscellaneous*  
*Chapter 1. School Safety—Public and Private Institutions*  
**Article 8. COVID-19 Reporting and Public Health Requirements**

**32082.**

(a) The Legislature finds and declares all of the following:

(1) The COVID-19 pandemic poses a threat to the health and safety of all Californians.

(2) Even with protocols in place to mitigate the transmission of COVID-19 in place, the presence of an individual who has tested positive of COVID-19 on a K-12 public or private school campus is an emergency that poses a risk to health or safety of students and employees present on the campus.

(3) Reporting to the local health officer the presence of a positive case of COVID-19 in an individual who is or has been present on a K-12 private or public school campus is necessary to protect the health and safety of students and employees present on the campus.

(4) In order to support the safe operations of schools and facilitate in-person instruction while preventing the spread of COVID-19, the California Department of Public Health and local health officers must also be aware of whether a school is offering in-person instruction and services to students and the degree to which such instruction and services are occurring. This information is essential to ensure awareness of possible locations where case transmission may occur and to help focus testing resources and technical assistance to ensure safe reopening and school operations.

(b) (1) Upon learning that a school employee or student who has been present on-site at a K-12 public or private school campus has tested positive for COVID-19, the school administrator or other person in charge of any K-12 public or private school in the state shall immediately, and in no case later than 24 hours after learning of the positive case, notify the local health officer by telephone about the positive case.

(2) For purposes of this subdivision, the required notification to the local health officer shall include all of the following information, if known:

(A) Identifying information of the individual who tested positive including full name, address, telephone number, and date of birth;

(B) Date of positive test, the school or schools at which the individual was present on-site, and the date the individual was last on-site at the relevant school or schools; and

(C) The name, address, and telephone number of the person making the report.

(3) The school administrator or other person in charge of the school shall provide the notification to the local health officer required by this subdivision even if the individual

has not provided prior consent to the disclosure of personally identifiable information. For any school subject to the Family and Educational Rights Privacy Act of 1974, the school administrator or other person in charge of the school shall provide the required notification to the local health officer, even without prior written consent, as a disclosure that is necessary to protect the health or safety of the student or other individuals pursuant to Section 99.36 of Title 34 of the Code of Federal Regulations.

(4) Information reported pursuant to this subdivision shall not be disclosed by the local health officer except to the California Department of Public Health; to the extent deemed necessary by the local health officer for an investigation to determine the source of infection and to prevent the spread of COVID-19; if required by state or federal law; or with the written consent of the individual to whom the information pertains or the legal representative of the individual. Upon receiving a report made pursuant to this article, the local health officer shall take whatever steps deemed necessary for the investigation, prevention, and control of COVID-19. If the source of infection or exposure of other persons is believed to be outside the local jurisdiction, the local health officer shall notify and share necessary information with local or government public health officials for the relevant jurisdictions to monitor, investigate, prevent, and control the spread of COVID-19.

(5) The requirements of this subdivision shall be in addition to any other legal requirements related to reporting of a communicable disease.

(c) (1) Beginning February 1, 2021, every school district, county office of education, charter school, and private K-12 school shall notify the California Department of Public Health of the following information in a form and adhering to the procedures to be determined by California Department of Public Health on or before the second and fourth Monday of each month:

(A) Number of students enrolled by school site and school district, if applicable.

(B) For non-classroom based charter schools, total number of students enrolled, number of students attending each resource center, if any.

(C) Number of students participating in full-time in-person learning, by school site and school district, if applicable.

(D) Number of students participating in hybrid learning (a mix of in-person and distance learning) by school site and school district, if applicable.

(E) Number of students participating in distance learning by school site and school district, if applicable.

(F) Number of school employees who work onsite at a school, by school site and school district, if applicable.

(G) Number of students being served in cohorts while the school is closed for in person instruction and the support and services they are receiving.

(H) For non-classroom based charter schools, total number of students enrolled, number of students attending each resource center, if any.

(I) Any additional information requested.

(2) By January 25, 2021, the California Department of Public Health shall:

(A) Provide the form and identify the procedures to be used for reporting pursuant to this subdivision;

(B) Provide the form and procedures to local health officers, as well as local educational agencies and private schools, in partnership with the department; and

(C) Publicly post the form and procedures on its website.

(d) (1) Every school district, county office of education, charter school, and private school offering in-person instruction shall post a completed COVID-19 School Safety Plan on its website homepage. For any school district, county office of education, charter school or private school that is not offering in-person instruction as of the effective date of this article, but begins offering in-person instruction subsequent to the effective date of this article, the school district, county office of education, charter school or private school shall, at least five business days prior to offering in-person instruction, post a completed COVID-19 School Safety Plan on its website homepage.

(2) For purposes of this subdivision, the COVID-19 School Safety Plan shall consist of both of the following:

(A) The written COVID-19 prevention program required by the COVID-19 Emergency Standards adopted by the California Occupational Safety and Health Standards Board, 8 C.C.R. section 3205(c); and

(B) The supplemental COVID-19 School Guidance Checklist approved by the California Department of Public Health as part of the COVID-19 industry sector guidance for schools and school-based programs.

(e) This article shall remain in effect until June 30, 2021, and as of that date is inoperative. This article shall be repealed on July 1, 2022.