



COVID-19 and Its Impact On Educational Institutions

PRESENTED BY:

Joshua E. Morrison, Partner
Mellissa E. Gallegos, Attorney
Sara C. Young, Attorney

Cerritos • Fresno • Irvine • Marin • Pasadena • Pleasanton • Riverside • Sacramento • San Diego



Agenda

Legal Updates

- Public Health Orders
- CDE and CDSS Guidance and Healthy Practices for Child Care Facilities in Response to COVID-19
- CARES Act — Higher Education Emergency Relief Fund (CCD)
- Temporary Suspension of Various Specified Regulations Regarding Extended Opportunity Programs and Services (“EOPS”) (CCD)

Featured Topic

- Best Practices for Virtual Learning



Public Health Orders

- **Bay Area Counties:**

- Original Orders March 17 & 31 — <https://www.aalrr.com/newsroom-alerts-3618>
- Sacramento County (April 7)
- Monterey County (April 3)

- **Face Covering**

- Riverside County (mandate)
- San Bernardino County (April 7 — mandate)
- San Diego County (April 9 — persons serving food to the public)
- Orange County (April 9 — strong recommendation)
- City of LA (inapplicable to government agencies, including schools/colleges)

California Department of Education and California Department of Social Services Guidance and Healthy Practices for Child Care Facilities

- **PIN #20-06-CCP— issued April 7, 2020**
 - Provides guidance on Executive Order N-45-20
 - Requirements
 - Maximum group size of 10 children
 - Child-to-adult ratio by age (provides an easy to read chart)
 - Implement screening procedures and must exclude any child, parent, or staff member showing symptoms of COVID-19
 - Recommendations
 - Social Distancing
 - Meal times
 - Child care providers “must comply with more rigorous requirements if ordered by federal, state or local authorities.”

California Department of Education and California Department of Social Services Guidance and Healthy Practices for Child Care Facilities

- Guidance on prioritizing enrollment for children of essential critical infrastructure workers is expected to be released soon
- https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN_20-06-CCP.pdf

CARES Act – Higher Education Emergency Relief Fund

- April 9, 2020 — Department of Education announced it will distribute more than \$6 billion of the Higher Education Emergency Relief Fund to higher education institutions immediately to provide emergency grants to students
 - Institutions must complete the required affirming they will distribute the funds in accordance with applicable law.
<https://www2.ed.gov/about/offices/list/ope/caresactgrantfundingcoverletterfinal.pdf>
 - Allocations will be made using the most recent data available from the Integrated Postsecondary Education Data System (IPEDS) and Federal Student Aid (FSA).
 - Allocations and guidance for institution shares are expected in the coming weeks.
 - Institutions will determine which students receive the emergency grants.
 - Suggests maximum funding threshold equal to Federal Pell Grant limit (\$6,195)

Temporary Suspension of Various Specified Regulations Regarding Extended Opportunity Programs and Services (“EOPS”)

- CCCCO Executive Order No. 2020-03 — April 6, 2020
 - Suspends the following:
 - 5 CCR § 56254(a)(c) - Grant award amount restrictions
 - 5 CCR § 56254(d) - The requirement that grant awards “be disbursed to each student equally among terms in the college academic year”
 - 5 CCR § 56258(a) – The requirement that emergency loans “not exceed \$300 in a single academic year”
 - 5 CCR § 56295(a) – The requirement that certain supplemental costs “shall not exceed 10%” of a college’s EOPS allocation
 - 5 CCR § 56295(b) – The requirement that a request to purchase “hardware and/or software” be approved by the CCCCO



Best Practices for Virtual Learning



Legal issues and cases in the spotlight: Videoconference Platforms

Additional Issues

- “Zoom-bombing”
 - When individuals “crash” Zoom meetings. These uninvited guests share their screens and/or audio to bombard meeting attendees with unexpected, and sometimes disturbing images and sounds.

- Recording implications for instruction and meetings

Best Practices in Virtual Learning

Should we record lessons?

- Used to obtain record of what was taught
- Allows more access for students who:
 - Missed the live session to access it later
 - May have sight or hearing related disabilities
- If recording a live class, ensure you are considering student privacy rights (e.g., do not share out full student names, personal information, etc.)
- If recording and posting for later, ensure you have rights for materials that are posted and students are aware that they are prohibited from “re posting” on public sites.

Best Practices in Virtual Learning

Ensure privacy protections are ON

- Limit access
 - Consider using features that limit access to those with district emails or with specific meeting codes and passwords
 - Establish waiting rooms for participants who do not have district emails/domains, or who join sessions late
- Disable functions: recording, mute participants, chat features
- Restrict screen-sharing to “host”
- Provide written notice to students and parents advising them of privacy limitations

Best Practices in Virtual Learning

Implement “classroom norms” for students

- Establish district wide expectations, as well as classroom specific expectations.
- Prohibit recording by students.
- Provide notice that by participating, students and parents are agreeing to the rules and regulations of your distance education program.
- Notify students of consequences for failure to abide by rules.

Best Practices in Virtual Learning

Consider the environment: Students and Employees

- When teaching, your family/roommate should be in a different location or wearing headphones.
- When having parent/teacher consultation meetings, be aware of who might overhear confidential student information.
- If sharing devices, log out of your email/google drive to prevent unauthorized access to files.

Closing Thoughts

"We need to bring learning to people instead of people to learning." - Elliot Masie

Things to Consider:

- ✓ Accessibility
- ✓ Privacy
- ✓ Efficacy
- ✓ Providing Distance Education Notices and/or Opt-in Agreements
- ✓ Updating and Reviewing Annual Notices to make sure stakeholders have gotten appropriate notice of current and new technology
- ✓ Review purchasing and use agreements

Coming Up...

Ed Tech Blog Posts on hot topics

❖ This weeks' post is about telecommuting policies

<https://www.aalrr.com/EdLawConnectBlog>

Thank You

For questions or comments, please contact:

{ Joshua Morrison
(562) 653-3200
jmorrison@aalrr.com }

{ Mellissa Gallegos
(562) 653-3200
mgallegos@aalrr.com }

{ Sara Young
(562) 653-3200
sara.young@aalrr.com }

aalrr

Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation