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BOARD COMMUNICATIONS – AUGUST 14, 2020

TO: Members of the Board of Education
FROM: Superintendent, Robert G. Nelson, Ed.D.

SUPERINTENDENT – Robert G. Nelson, Ed.D.

S-1 Robert G. Nelson Superintendent Calendar Highlights

ADMINISTRATIVE SERVICES – Ruth F. Quinto, Deputy Superintendent/CFO

AS-1 Kim Kelstrom School Services Weekly Update Report for August 07, 2020
AS-2 Kim Kelstrom August Legislative Committee Meeting
AS-3 Ruth F. Quinto Executive Order for Corona Virus Relief

EQUITY & ACCESS – Lindsay Sanders, Chief Equity & Access

EA-1 Kristi Imberi-Olivares Optional Summative English Language Proficiency Assessments for California Fall Administration
EA-2 Andrew Scherrer Diversity, Equity, and Inclusion (DEI) Praxis Collaborative Update

SCHOOL LEADERSHIP – Kim Mecum, Chief Academic Officer

SL-1 Raine Bumatay Fresno Adult School's High School Equivalency Course Offerings
SL-2 Catherine Aujero eLearn Elementary Music Instruction
SL-3 Sandra Toscano 2020/21 District English Learners Advisory Committee Meeting Dates
SL-4 Pat Riddlesprigger Fresno Unified Athletics

Fresno Unified School District
Board Communication

BC Number S-1

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Robert G. Nelson, Superintendent
Cabinet Approval:

Date: August 14, 2020

Phone Number: 457-3884

Regarding: Superintendent Calendar Highlights

The purpose of this communication is to inform the Board of notable calendar items:

- Met with district staff and John W. Gardner Center for Youth to discuss continued work on the "Fresno Preemie Project"
- Held press event regarding opening of school
- Held meetings with labor partners
- Held meetings with Executive Cabinet
- Attended CART Board Meeting
- Participate in Fresno County Reopening of Schools weekly meeting
- Gave interview with Trevor Carey, PowerTalk Radio, regarding the opening of school
- Recorded Welcome Back video for staff
- Gave interview with Lily Jamali, The California Report, regarding opening of school
- Met with Fresno Street Saints to discuss potential partnership
- Gave interview with Betty Marquez, EdSource, regarding professional learning related to distance learning.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 08/14/2020

Fresno Unified School District
Board Communication

BC Number AS-1

From the Office of the Superintendent
To the Members of the Board of Education

Prepared by: Kim Kelstrom, Executive Officer 
Cabinet Approval: 

Date: August 14, 2020

Phone Number: 457-3907

Regarding: School Services Weekly Update Report for August 07, 2020

The purpose of this communication is to provide the Board a copy of School Services of California's (SSC) Weekly Update. Each week SSC provides an update and commentary on different educational fiscal issues. In addition, they include different articles related to education issues.

The SSC Weekly Update for August 07, 2020 is attached and includes the following articles:

- Some California Teachers Asked to Return to Empty Classrooms During Distance Learning – August 04, 2020
- California Releases New Guidelines for Youth Sports, Elementary School Waivers – August 03, 2020
- Special Education Posed Unique Challenges in the Spring. Will it Get Easier in Fall? – August 04, 2020

If you have any questions or require further information, please contact Kim Kelstrom at 457-3907.

Approved by Superintendent
Robert G. Nelson Ed.D. _____



Date: 08/14/2020



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DATE: August 7, 2020

TO: Robert G. Nelson
Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

RE: ***SSC's Sacramento Weekly Update***

It was a relatively light legislative week for education as only a single education bill, regarding teacher credentialing, was heard by the Assembly Education Committee. Additionally, education advocates lobbied virtually to get a policy hearing on Assembly Bill 1384 (O'Donnell, D-Long Beach), which would provide some liability protection for local educational agencies (LEAs) against COVID-19 claims once schools reopen. As of this writing, Senate Judiciary Committee Chair Hannah Beth Jackson is refusing to hear the bill. Advocates are persisting, however, in attempts to address the issue through other legislative means. Additionally, the Senate Republicans in Washington, D.C., led by Senator Mitch McConnell, have proposed similar liability protections as part of the GOP stimulus proposal, which is currently under negotiations between House Democrats and President Donald Trump's Administration.

On the State Budget front, the annual process of cleaning up the education state budget is well underway. Several outstanding issues remain to be addressed, including funding LEAs for enrollment increases this year, resources to reopen schools safely, and clarification surrounding distance learning requirements. How or if these issues will be resolved through an August trailer bill still remains to be seen. With August 31, 2020, as the end of the regular legislative session, any budget cleanup measure would be expected in print within the next week or two.

In other parts of Sacramento, the California Department of Education (CDE) released the Learning Continuity and Attendance Plan (Learning Continuity Plan) template, instructions, and FAQs, as well as hosted the first in a series of instructive webinars on the Learning Continuity Plan—all of which can be accessed [here](#). LEAs have a very compressed timeline to adopt their plans with a deadline of September 30, 2020. Other newly released information from CDE includes a FAQ on [Distance Learning](#) and [Funding and Instructional Time](#). In this last resource, CDE acknowledges that LEAs will not have to collect or report average daily attendance for the purpose of apportionment in fiscal year 2020–21, an historic change from normal practices.

Finally, the state released guidance to physically reopen grades TK–6 through a [waiver process](#). A requirement of the waiver is to consult with both parents

and labor groups, making the waiver process a difficult path.

Leilani Aguinaldo

Note: Political pressure continues to ramp up around the state to keep all or nearly all schools physically closed for the foreseeable future.

Some California Teachers Asked To Return to Empty Classrooms During Distance Learning

By Sydney Johnson
EdSource
August 4, 2020

When Gov. Gavin Newsom ordered school districts to remain closed for in-person instruction in counties where coronavirus cases are spiking, some California teachers felt relieved. But now, several school districts are requiring teachers to conduct distance learning from their physical classrooms, sparking new fears as Covid-19 cases continue to climb across the state.

Earlier this summer, school districts considered bringing students and teachers back on campus for the new school year, at least part-time, and many teachers unions objected. State officials then released specific guidelines in July about when a school or district can resume in-person instruction. Protests are now re-emerging, this time among teachers being asked to live stream instruction from their empty classrooms.

San Jose Unified is one of those districts that plans to start its school year on Aug. 12 with teachers on campus while students stay home.

“Someone is going to get sick doing this, there is no doubt in my mind,” said Victoria Canote, a third-grade teacher at Trace Elementary School in San Jose Unified. “I think it defeats the purpose of distance learning.”

California schools are required to provide distance learning if they are located in counties on the state’s monitoring list due to increases in coronavirus cases. Schools can reopen for in-person instruction once they are off the list for 14 days, according to the California Department of Public Health guidance for school reopening released on July 17.

But the guidance has not completely erased concerns among teachers who may have to teach from empty classrooms this fall. Whether districts require teachers to conduct distance learning from campus is a local decision in California, State Superintendent of Public Instruction Tony Thurmond said in a public briefing last week.

“School districts need to work with their employee groups to find some way to make an accommodation for those who have an underlying health condition,” Thurmond said. If possible, he added, districts should give them the opportunity to work remotely.

Newsom weighed in on the issue Monday, saying district leaders and labor unions should collaboratively decide whether school teachers should be required to conduct distance learning from their classrooms.

“I don’t believe anyone should be forced to put their lives and health at risk,” Newsom said. “If people feel their lives and health is being put at risk, it is incumbent on us to call that out.”

San Jose Unified officials want teachers to work from their classrooms so they have a steady Wi-Fi connection, tech support and access to classroom materials. They also believe it will help create a more

consistent learning environment for students by allowing them to see their classrooms even if they aren't on campus, said Stephen McMahon, deputy superintendent of San Jose Unified.

Accommodations will be available for teachers with underlying health conditions putting them at high risk of contracting Covid-19, or if they are caregivers to someone who is, McMahon said.

"All teachers will have a safety protocol to follow while on campus," said Lili Smith, public information officer for San Jose Unified. "Should a teacher feel they are not able to be on campus, our HR department will work with them to set up accommodations to best meet their individual needs."

Even with safety procedures, some teachers are fearful of returning to campus while coronavirus cases are climbing and want the option to teach from home.

"There are many districts that are not requiring teachers go in and saying you can do it from home," said Canote, noting that some teachers would prefer to work in their classrooms but many prefer to work from home. "This is a huge district, so you open a lot of people to a lot of risk."

While some school districts are still negotiating the issue, districts such as South San Francisco Unified and Fresno Unified are offering teachers the option of working from their classrooms or from home. And last week, following objections from the local teachers' union, Los Angeles Unified agreed to drop a district proposal that would have had teachers work from their empty classrooms.

L.A. Unified on Monday announced it reached an agreement around distance learning, which will include a mix of live instruction and independent work for students from 9 a.m. to 2 p.m., with at least 90 minutes of daily live instruction.

"We are gratified that the district abandoned its risky proposal to require all educators to teach from school sites," said Arlene Inouye, bargaining co-chair for United Teachers Los Angeles, the union representing more than 30,000 L.A. Unified teachers and staff. "This will help protect the health and safety of our members, especially those with health conditions or at-risk family members at home."

Further north, in Mendocino County, Ukiah Unified School District is also preparing for full distance learning when school starts Aug. 17, and teachers there are expected to lead instruction from their classrooms unless they obtain a waiver from the district.

Superintendent Debra Kubin said district officials want teachers on campus in order to offer teachers stable Wi-Fi in their rural community, as well as to give students a chance to see and feel connected to their classrooms that ideally they will return to later in the school year.

"For the most part, teachers will be in an empty classroom," Kubin said. "We also put a lot of safety measures in place for our staff who have shared workspaces. We installed plexiglass and purchased air purifiers for classrooms and office buildings. We are doing daily cleaning and disinfection."

But some teachers said bringing staff back on campus even in separate classrooms poses an unnecessary risk, especially for those with preexisting health conditions.

Last week about 50 teachers and community members part of Ukiah Unified rallied outside their district services center demanding the district provide teachers with the option to work from home during distance learning. Union leaders are preparing to continue demonstrations if conditions and plans don't change.

District and union leaders came to an agreement on Wednesday that included a waiver option for teachers who do not feel they can safely teach from campus while students are away. The district said that they still hope that teachers will report to campus, where they believe they are likely to have fewer distractions, access to teaching materials, and that it would ease the transition back to school later on in the year.

Prior to the agreement, some Ukiah Unified teachers began seeking family leave through the Families First Coronavirus Response Act, which requires some employers to provide paid sick leave or expanded medical leave for reasons related to Covid-19, according to Ukiah Teachers Association President Terry D'Selkie said on Monday. "Many teachers are filing for the Federal FFCRA family leave act," she said. "We might have more teachers file than the district can get substitutes."

Teachers in Manteca Unified School District near Stockton also held a rally last week in protest of the district's plan to have them return to campus for distance learning.

Ken Johnson, president of the Manteca Educators' Association, told the Daily Record, "Like all teachers, we want to be in the classroom with our students, but we want it to be as safe an environment as possible for everyone."

Across California, teachers are organizing locally to push for more stringent thresholds before both students and teachers can return to campus.

Harley Litzelman, a history teacher at Skyline High School in Oakland Unified, launched an effort this summer demanding that schools not reopen until the county they are located in has been without any increase in Covid-19 cases for 14 consecutive days.

Newsom's order meanwhile says schools can reopen if they are off the state's watch list for two weeks, which would require meeting a set of criteria that includes reaching less than 100 cases per 100,000 residents over a two-week period.

More than 90,000 people have since signed a petition in favor of a stronger threshold and additional supports for teachers and students. Groups of teachers in Los Angeles, the Central Valley, Central Coast, San Diego and other areas have called for similar requirements in their local districts, as well as in several other states, including Mississippi and Tennessee.

Litzelman said districts should not require teachers to work from their classrooms, but should give teachers that option if they prefer it. "What they are doing is a form of bodily control. It's truly about power," he said.

Teachers rallying for stricter reopening thresholds got support last week from the American Federation of Teachers, the country's second-largest teachers' union, which announced it would support a strike if its 1.7 million members had exhausted all other negotiating tactics with their districts for a safe return.

The union is pushing for schools to not reopen physical classrooms until coronavirus transmission rates in a community are below 1% and average daily positive test rates stay below 5%. That will be difficult for many districts to achieve, however. Only two of the top 10 largest districts in the U.S. could reopen under those guidelines, a New York Times analysis found.

"Even if you don't have any health concerns, there is no telling you won't get sick," said Canote, the San Jose Unified teacher. "I shouldn't be worried about losing my job or dying on the job."

Note: While athletics are a major part of many students' school experience, they too will be significantly affected for the foreseeable future.

California Releases New Guidelines for Youth Sports, Elementary School Waivers

By KRON4 Staff
KRON4 Staff
August 3, 2020

SAN FRANCISCO, Calif. (KRON) – The state released the safety requirements on Monday for youth sports and guidelines that elementary schools must follow if they apply for a waiver to reopen.

This includes developing plans for health screenings, contact tracing, physical distancing, testing, and triggers for switching to distance learning.

Schools that are in counties currently on the state watch list can only apply for a waiver after meeting with the school's parent, labor and community organizations.

“COVID-19 continues to spread in California, and to help slow transmission we must focus on basic public health guidelines to protect our families, our communities, and our students from the virus,” said Dr. Sonia Angell, State Public Health Officer and Director of the California Department of Public Health. “Today’s guidance ensures that critical public health measures are in place to reduce risk in a number of educational and youth settings.”

The state also provided an update on youth sports banning all outdoor and indoor events where social distancing is not possible.

[CLICK HERE](#) for the youth sports guidance.

Note: A significant portion of the Learning Loss Mitigation funds are based on students with disabilities and a focus in the Learning Continuity Plan.

Special Education Posed Unique Challenges in the Spring. Will it Get Easier in Fall?

Teachers, parents, administrators all using different tactics to prepare

By Erin Woo
The Mercury News
August 4, 2020

When COVID-19 closed schools in spring, instruction went online for 14-year-old Lyra Cherry, as it did for students across the country.

Unlike most students, though, Lyra — along with her twin sister Sophia — is on the autism spectrum. With classes online, one of her parents had to sit with her the entire lesson, to help her navigate the interface and so she wouldn't simply get up and leave.

“Aides, teachers, behavioral therapists, occupational therapists — we were doing all of that,” said her mother, Shannon Cherry. “We had to make up for six or seven people each.”

The coronavirus pandemic has been especially disruptive for special education students, whose needs often include therapy and individual help from trained, specialized aides.

Now, with the benefit of months to prepare — and a new state law requiring that students with individualized education programs (IEPs) receive instruction that fits their needs, even during these “emergency conditions” — teachers are hopeful that fall will be better. But many parents aren’t so sure.

“For any challenge that regular families face, our highs are higher and our lows are lower,” said Diane Kim, whose 18-year-old son, Jeremy, has the most severe type of autism, Level 3 autism.

After a spring semester that should have been Jeremy’s last in high school, his transition to a postsecondary vocational program has been disrupted. To fill the gap, Kim hired a fleet of virtual tutors, working with them to create a regular schedule that approximates a school day.

“That’s usually how it is with special ed: We’re used to having to do things by ourselves and advocate.”

Kim says she will continue the tutoring program in the fall, paying the tutors through respite funding provided through the San Andreas Regional Center for people with developmental disabilities.

Some teachers and district officials hope that fall semester will go smoother than spring, even if schools aren’t able to come back in person.

One new addition is Senate Bill 98, a new state law that details the requirements for education this fall. For special-needs students, IEPs must now include a description of how their special education and supplementary aid services can be delivered using distance learning.

District officials, administrators and teachers from various Bay Area districts cited SB 98, saying that special education would be more rigorous and structured than in spring. Many also noted increased instructional minutes, professional development training and changes to make distance learning more closely approximate the in-school experience.

Some teachers sent materials home and helped parents create token charts for positive reinforcement. Therapists adapted to function virtually: Occupational therapy tasks such as bouncing a ball or fine motor skills could be monitored over Zoom or assigned like homework, and walking up and down the stairs could stand in for physical therapy.

Still, says Indra Lynch, who teaches students with moderate to severe disabilities at Warm Springs Elementary, “It’s draining to be a special education teacher doing distance learning.”

“They’re audiovisual learners, they’re tactile learners, they’re kinesthetic, they’re social — when they’re by themselves, teaching distance learning, the students are not able to stay focused,” Lynch said. “If I was with them, I could find other ways to get them back or get them involved again. But with distance learning, the teachers and the parents are not on the same page.”

For some, distance learning is a challenge no matter what. Christin Tran, whose six-year-old son Jacob is diagnosed with global development delay, said she worried that Jacob will regress in the fall if he’s not able

to go back to in-person instruction. Through no fault of his teachers, according to Tran, “his attention span for Zoom meetings is non-existent.”

“He has cried, threw tantrums and otherwise made it known that he cannot sit still for more than 20-30 minutes at a time,” Tran said in an email.

Tran is an essential worker at a local pharmacy, so it was difficult for her to be available to help Jacob through his Zoom lessons. Eventually, she switched her hours to mostly night and weekend shifts, telling her employer: “You make this work or I quit.”

Some teachers and administrators want to be back in person this fall, too. Jody Miller, principal of the Esther B. Clark schools — special education institutions in San Jose and Palo Alto — spent the summer developing a plan for in-person instruction. Now, with Santa Clara County still on the monitoring list, she’s applying for a waiver to let her elementary school students return.

“For our kids, the ability to be face to face is what helps them to learn,” Miller said, adding, “We’re leaving our most challenged population with not necessarily the services they need to thrive or make progress.”

Other teachers are wary of exposure. Teaching special needs children poses unique health challenges, Lynch said: Many wouldn’t wear masks or understand the need for social distancing.

But if schools aren’t coming back in person, some parents say they will opt out altogether. Andrea Karp’s six-year-old son, Ethan, has high-functioning autism. He works one-on-one with an applied behavioral analysis therapist at the Learning Springs Academy in San Jose. Even if the school is able to reopen in fall, Karp says, Ethan’s therapist wouldn’t be able to accompany him, so Ethan wouldn’t be able to go.

Rather than pay private school tuition for virtual learning, Karp plans to pull Ethan out of school and work with the therapist on her own.

“Literally on Sundays, I’m prepping for the week like I’m a teacher,” Karp said. “I’m getting five arts and crafts projects set. I’m printing worksheets and finding books around the house. I’m ordering on Amazon — googly eyes and sequins and colored glue because he can’t see regular glue on a page of paper. All these nuanced things, and now it’s all on me.”

Fresno Unified School District
Board Communication

BC Number AS-2

From the Office of the Superintendent
To the Members of the Board of Education

Prepared by: Kim Kelstrom, Executive Officer 

Cabinet Approval: 

Date: August 14, 2020

Phone Number: 457-3907

Regarding: August Legislative Committee Meeting

The purpose of this communication is to provide the Board information shared at the August 06, 2020 Legislative Committee Meeting.

Economic and Budget Update – Ms. Leilani Aguinaldo provided a legislative and budget update.

State revenues are outpacing projections by \$1.3 billion as tax revenues are received following the July 15, 2020 tax extension. The projections were lowered due to COVID-19. Due to the higher state revenues, a fall revision is no longer anticipated.

Two legislative tax initiatives are planned for the November election:

- Proposition 15 – School and Communities First initiative changes how commercial and industrial properties are assessed. Under this bill 40% of the funding from property taxes would go to local schools and community colleges
- Proposition 19 – Constitutional Amendment changes homeowner property taxes by expanding the number of homeowners able to transfer the taxable value of their current home to their new home. In addition, a primary residence could be transferred from a deceased parent or grandparent and would be shielded from reassessment

The State Adopted Budget called for “hold harmless for the purpose of calculating apportionment in the 2020/21 fiscal year”. Although the Average Daily Attendance (ADA) will be based on the 2019/20 ADA, the unduplicated per pupil percentage (UPP) still requires collection of family surveys in 2020/21. Growing school districts will not receive additional funding, however there is advocacy to allow for increased enrollment. The Legislative Committee opposes the increased funding for growing districts as this may have long term impacts on school districts with declining enrollment.

Learning Loss Mitigation funds supported by federal and state funding currently have a deadline of December 30, 2020. The Legislative Committee proposes to advocate for an extension.

Legislative Update – Ms. Aguinaldo provided a legislative update; the following bills were discussed:

- AB 1253 (Santiago) – (Support) – Imposes an additional tax on Californians who make over \$1.0 million per year
- AB 1384 (O'Donnell) – (Support) – Provides COVID-19 liability protections for school districts, however, the Judiciary Branch has refused to hear the bill
- AB 123 (McCarty) – (Support) – Early Education Program – Subsidizes childcare for families receiving Medi-Cal or CalFresh and allows families with children ages 0-12 to be kept together in a commingled class
- AB 1350 (Gonzalez) – (Support) – Authorizes retroactive diplomas for 2019/20 seniors who were on track to graduate, in good academic standing, and unable to complete the graduation requirements as a result of COVID-19

- AB1930 (Medina) – (Support) – Requires the California State Universities (CSU) to coordinate with school districts impacted by a policy change in order to align their respective eligibility

The School Services Legislative Committee August 2020 report is attached. The next Legislative Committee meeting is scheduled for September 10, 2020.

If you have any questions or require further information, please contact either Kim Kelstrom at 457-3907 or Ruthie Quinto at 457-6226.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 08/14/2020

Fresno Unified School District

**LEGISLATIVE COMMITTEE MEETING
AUGUST 6, 2020**

2019–20 Legislative Session

Prepared By:

**Leilani Aguinaldo
Director, Governmental Relations**



Public Education's Point of Reference for Making Educated Decisions



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Legislative and Economic Update

School Services of California, Inc.
Legislative and Economic Update Prepared for:
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Current Tax Collections Beating (Lowered) Budget Expectations

By Patti F. Herrera, EdD
August 3, 2020

In the wake of last week's news about the abysmal second quarter gross domestic product performance, the Legislative Analyst's Office (LAO) recently published relatively good news in an [article](#) showing that state revenues from current tax collections from April to July 2020 are outpacing budget projections by \$1.3 billion. This news is not altogether surprising since both federal and state tax filing deadlines were extended from April 15 to July 15, 2020, accompanied by significantly lowered revenue expectations used to develop the 2020–21 Enacted State Budget.

The LAO cautions that the changes in tax filings deadlines make it difficult to interpret collections data since some tax filers filed as they traditionally would, while nearly 50% of filers took advantage of the federal and state extensions. Consequently, the LAO's [article](#) looks at taxes collected in the months of April, May, June, and July—which beat budget projections by roughly 5%. That said, when compared to the same period last year, collections for 2020–21 are approximately \$4 billion, or 13%, lower.

The State Budget assumes that California's General Fund revenue for the 2020–21 fiscal year will be approximately \$129.9 billion. The lower projection represents a \$9.8 billion reduction from fiscal year 2019–20 and an additional \$5.5 billion reduction in Special Fund revenues, for a total year-over-year decline of \$15.1 billion in state revenues. This is based on estimates for 2019–20 that were revised downward from July 2019. All of this is to say that, while the state's revenue performance is welcomed news, it should be celebrated with modest enthusiasm.

The **FISCAL REPORT** *an informational update*

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DOF Releases July Finance Bulletin

By Robert McEntire, EdD
July 24, 2020

The Department of Finance (DOF) released its July Finance Bulletin, which summarizes significant economic data points including labor market conditions, real estate trends, and the state's monthly cash report.

Transfer receipts, including unemployment and welfare assistance, were the largest drivers of personal income growth in California and the U.S. in the first quarter with both increasing 2.3%. This is down from the 7.4% increase in the fourth quarter of 2019 in California, and the 3.6% increase nationally. California real gross domestic product (GDP) decreased by 4.7% in the first quarter of 2020 (seasonally adjusted annualized basis), while the U.S. declined by 5.0% for the same period.

The nation's unemployment rate reached a high of 14.7% in April 2020 before declining to 13.3% in May, and 11.1% in June. Similarly, California moved from a record high of 16.4% in April and May to 14.9% in June, bringing non-farm employment to 15.7 million in the state. The state gained 558,200 jobs in June, providing a much-needed record monthly growth, bringing the state's jobs recovery to about 25% of pre-recession levels. All 11 major industry sectors lost jobs between February and June, disproportionately hitting low-wage sectors such as leisure and hospitality with net job losses of 632,200, or 31%, since February 2020. However, not all job losses were in low-wage sectors—trade, transportation, and utilities industries lost 283,500 jobs, or 9.0%, while professional and business services lost 208,300, or 8.0%, of its workforce.

Building permits for May totaled 69,100, down 45% from February 2020. Single-family units increased from April by 14.5% to 30,700, while multifamily units similarly increased 15.4% to 38,400 units in May 2020. Housing permits remain 60.2% below the February levels for single-family and 21.0% for multifamily. Lackluster building perpetuates low housing supply in California.

Sales of existing single-family home sales fell to the lowest level since the Great Recession in May 2020, rebounding in June to 339,900 homes. Despite the rapid rebound, sales volume remains 19.4% below February's level. With record low inventories, the statewide median sales prices climbed to a record high of \$626,200 in June, 1.4% above the previous high in August 2019.

The state reduced revenue expectations from Governor Gavin Newsom’s State Budget Proposal to the May Revision and included the delay of income tax filings to July 15 in their cash flow model. Year-to-date cash collections through June 2020 track ahead of the revised forecast by \$1.084 billion, or 0.9%—buoyed by personal income tax receipts of \$662 million, 0.8% above forecast. Sales and use tax collections are \$643 million, or 2.5%, above forecast, while corporate tax collections are \$49 million, or 0.5%, above forecast. Examination of month-specific data for June shows that personal income tax receipts beat expectations by \$892 million, or 16.7%, continuing strong performance in this revenue stream despite the economic conditions. Sales and use tax receipts exceeded expectations, beating estimates by \$683 million, or 39.8%. Corporate tax receipts also beat expectations by \$71 million, or 6.3%.

The DOF’s July Finance Bulletin can be found [here](#).

The
FISCAL REPORT
an informational update

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New Millionaires Tax Introduced by the Legislature

By Kyle Hyland

August 4, 2020

When the Legislature returned from its summer recess last week, 15 Assembly Democrats introduced Assembly Bill (AB) 1253 (Santiago, D-Los Angeles), which would impose an additional tax for those Californians who make over \$1 million per year. Specifically, the new tax increases would be structured in the following way:

Income Over	But Not Over	Additional Tax
\$1 million	\$2 million	1% over the amount over \$1 million
\$2 million	\$5 million	2% over the amount over \$2 million
\$5 million	—	3.5% over the amount over \$5 million

The tax hikes in AB 1253 would be permanent and the rates would be applied to all filing types for taxable years beginning on or after January 1, 2020. The bill is projected to raise an additional \$6.8 billion annually and would boost education funding and other governmental services but will face an uphill battle in the Legislature despite the Democratic stronghold.

Since AB 1253 is a tax measure, it needs to clear a supermajority threshold (a two-thirds vote of members) in both houses of the Legislature. While the Democrats have the votes required to raise taxes, many moderate Democrats will likely be uneasy supporting a tax increase after Senator Josh Newman was recalled by voters in 2018 for his support of Senate Bill 1 (Chapter 5/2017), which raised the state’s gas and diesel taxes. However, since this tax proposal would only apply to the state’s millionaires, while the gas tax affected all Californians regardless of income, moderate Democrats may be more inclined to support the measure than if it was another regressive tax proposal.

The bill had a unique hearing in the Senate Governance and Finance Committee on Monday, August 3, 2020, in which witnesses provided testimony in support and opposition, but no vote was taken by the committee members. This is likely because the tenets of the bill are still being debated by members behind the scenes to see if there is an appetite to push this significant tax increase forward this year. We will continue to keep you apprised of these discussions and whether or not the bill is able to progress before the end of the legislative session.

The **FISCAL REPORT** *an informational update*

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Two November Initiatives Would Affect Education Funding

By Michelle McKay Underwood
July 9, 2020

Secretary of State Alex Padilla recently numbered the initiatives that have qualified for the November 2020 General Election, two of which will affect education funding.

Proposition 15 is the Schools and Communities First initiative that would change how commercial and industrial properties are assessed. Proponents have been working on this change to Proposition 13 for years, but it will be the first time it actually comes before voters. New property taxes that would result from the change would be split between existing local governments (about 60% of the new revenues) and a funding pool called the Local School and Community College Property Tax Fund (about 40% of the new revenues). The education funding would be split with 11% to community college districts and 89% to school districts, to be divided among districts based on their respective current funding formulas. These funds would be provided on top of existing Proposition 98 revenues.

Proposition 19 is less well known, having only very recently qualified for the ballot through the legislative process as Assembly Constitutional Amendment 11. If approved by California voters, the initiative would change homeowner property tax assessments in two ways:

- Expands the number of homeowners who would be eligible to transfer the taxable value of their current residence to a new residence, allowing them to buy a new residence while keeping the low assessed level of their former residence for property tax purposes
- When a home is transferred from a deceased parent or grandparent, it must remain as a primary residence in order to be shielded from reassessment, as under current law

Over time, the Legislative Analyst's Office believes these changes would result in new statewide property tax revenues in the hundreds of millions of dollars. During Proposition 98 Test 1 years, this will result in a net increase in the amount of funding dedicated to K–14 education; Test 1 is forecast to be operative over the next several years. During Test 2 and 3 years, the increased property taxes that flow to K–14 districts will generate savings for the state—and not increase funding for districts—which will then be transferred to a “California Fire Response Fund” that would be created by the proposition.

The full November 2020 voters' guide with analysis, pro and con statements, and the full text of all 12 statewide initiatives will be released by the Secretary of State in the next few weeks.

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Hold Harmless Does Not Translate to Flat Funding

By Brianna García and Matt Phillips, CPA
July 29, 2020

The Budget Summary of the Enacted State Budget called for a “hold harmless for the purpose of calculating apportionment in the 2020–21 fiscal year,” which many people read as flat funding for all local educational agencies (LEAs) from 2019–20 to 2020–21. However, the devil is always in the details, and this reference in the Budget Summary may not mean what many think it means.

Amidst the pandemic, and paradigm shift from in-person to distance learning, the Legislature amended the attendance reporting windows in 2019–20 to head-off any unwarranted decreases in attendance due to the pandemic. As part of the Enacted State Budget, the newly created Education Code Section (EC §) 43502 was introduced. Subsection (b) requires the California Department of Education (CDE) to use actual attendance reported at the 2019–20 Second Principal Apportionment and Annual Apportionment reporting periods as the basis for funding in 2020–21. This has different implications for districts that are growing versus those that are declining.

Growing LEAs

This is not at all a hold harmless, but instead, a maintenance of status quo in the face of increased expenditures. LEAs that will be experiencing a growth in enrollment and average daily attendance (ADA) will likely need to increase expenditures for additional staff, instructional materials, and capacity in facilities. With no additional revenues to offset these expenditures, growing LEAs will need to look to their reserves to fund these costs for 2020–21.

Declining LEAs

Prior to the 2020–21 Enacted State Budget, a provision in the Education Code allowed school districts with declining ADA to use the higher of prior-year or current-year attendance as the basis of funding for the current year. While the ADA funding provision in the 2020–21 State Budget provides a protection for charter schools that do not have the ability to access this existing statutory protection, the addition of EC § 43502 does not offer school districts greater protection in 2020–21 than that to which they were already entitled. However, it does provide an added layer of protection in the 2021–22 fiscal year.

In 2021–22, absent the addition of EC § 43502, a school district experiencing a decline in ADA would rely on the ADA from 2020–21. However, because ADA for the purpose of apportionment is not being reported to the CDE, the prior-year data will look back to 2019–20—providing school districts with declining ADA a one-year reprieve in 2021–22. There is one other consideration for those school districts that availed themselves of the prior-year protection in 2019–20. These

districts utilized 2018–19 ADA for 2019–20 apportionment purposes. Therefore, they will see a reduction in their current-year apportionment since the 2020–21 State Budget provision compels the CDE to use 2019–20 ADA for 2020–21 apportionment purposes. The table below illustrates the impact of the 2020–21 ADA funding provision on a district experiencing declining ADA.

	2018–19	2019–20	2020–21	2021–22
Actual ADA				
	10,000	9,500	9,000*	8,500
Funded ADA (School districts are funded on higher of prior-year and current-year ADA)				
Without 2020–21 ADA Provisions		10,000	9,500	9,000
With 2020–21 ADA Provisions		10,000	9,500	9,500
*This number is for illustrative purposes only as no ADA will be collected for apportionment purposes				

Unduplicated Pupil Percentage

Of consequence to all state-funded LEAs is the calculation of the unduplicated pupil percentage (UPP). Current law requires all LEAs to submit pupil demographic data as part of the Census Day count in October. A subset of this data is used to calculate the single-year UPP, which is part of the rolling three-year average that is used to determine the effective UPP for the current year, as well as the amount of supplemental and concentration grant funding. In the recently released [Principal Apportionment letter](#), the CDE noted that LEAs must still submit student records in 2020–21 as there is not a similar one-year abeyance to the UPP calculation as is found with ADA. Given the uncertainty around physical presence of students at schools in 2020–21, this could have a significant detrimental impact on the UPP for the current and two subsequent years, as LEAs may struggle to collect applications for free or reduced-price meals from families in 2020–21.

Conclusion

Both of these factors—declining ADA and changes to the UPP—in conjunction with other factors used to calculate the Local Control Funding Formula, will impact an LEA’s state funding for 2020–21, which, for many, will not represent “flat funding” from 2019–20.

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COVID-19 Resources for LEAs Summarized

Various state and federal resources are available to local educational agencies (LEAs) in response to the COVID-19 pandemic, with varying deadlines, allowable uses, and methods of distribution. All the information can make your head spin, but we have prepared a quick reference guide that seeks to provide all the necessary information about these resources in one place, with links to additional details and estimates for how much your LEA can expect to receive. Our quick reference guide can be viewed here:

	Source of Funds	Funding	Distribution	Allowable Uses	Timeline for Use	SACS* Code	Additional Considerations
Elementary and Secondary School Emergency Relief (ESSER)	Federal Coronavirus Aid Relief and Economic Security (CARES) Act	\$1.65B for California	<p>The CARES Act requires 90%—\$1.48 billion—be distributed to LEAs in proportion to the amount of Title I, Part A funds that each LEA received in fiscal year 2019</p> <p>CDE** allocation amounts: https://www.cde.ca.gov/fg/cr/caresact.asp</p>	<p>Very broad discretion to use ESSER funds to support coronavirus response activities</p> <p>List of allowable uses: https://www.cde.ca.gov/fg/cr/caresact.asp</p>	March 13, 2020 to September 30, 2022	Resource Code 3210	<p>Subject to federal equitable services requirements for private schools</p> <p>LEAs must apply for funds.</p>
Senate Bill 117	State General Fund	<p>\$100M</p> <p>\$17.38 per average daily attendance, minimum of \$250 per LEA</p>	<p>On the basis of 2019–20 First Principal Apportionment</p> <p>CDE allocation amounts: https://www.cde.ca.gov/fg/fo/r14/covid19learesponse19result.asp</p>	Maintaining nutrition services, cleaning and disinfecting facilities, personal protective equipment, and materials necessary to provide students with opportunities for distance learning	Open	Resource Code 7388, Object Code 8590	

<p>Learning Loss Mitigation – based on students with disabilities (SWDs)</p>	<p>Federal CARES Act: \$355M from Governor’s Emergency Education Relief (GEER)</p> <p>Federal CARES Act: \$1.14B Coronavirus Relief Fund (CRF)</p>	<p>\$1.5B total \$1,900 per SWD</p>	<p>Based on LEA Fall 1 Census enrollment of SWDs ages 3 to 22</p> <p>CDE allocation amounts: https://www.cde.ca.gov/fg/cr/learningloss.asp</p>	<ol style="list-style-type: none"> 1. Student learning supports 2. General measures that extend instructional time for students 3. Provide additional core academic support for students who need it 4. Provide integrated services that support teaching and learning—such as student and staff technology needs, mental health services, staff professional development, and student nutrition 	<p>GEER funds to be used from March 13, 2020, to September 30, 2022</p> <p>CRF funds to be used for costs incurred from March 1, 2020, to December 30, 2020</p> <p>CDE allocation amounts: https://www.cde.ca.gov/fg/cr/learningloss.asp</p>	<p>GEER funds Resource Code 3215</p> <p>CRF funds Resource Code 3220</p> <p>Breakdown included in CDE allocations: https://www.cde.ca.gov/fg/cr/learningloss.asp</p>	<p>Receipt of learning loss mitigation funds are contingent upon the adoption of a Learning Continuity and Attendance Plan, to be adopted by September 30, 2020, as well as specified reporting requirements of unexpended funds.</p> <p>GEER funds are subject to federal equitable services requirements for private schools.</p> <p>LEAs must apply for funds.</p>
<p>Learning Loss Mitigation— based on supplemental and concentration grants</p>	<p>Federal CARES Act: \$2.86B CRF</p>	<p>\$2.86B</p>	<p>Based on LEA proportion of supplemental and concentration grant funding using the 2019–20 Second Principal Apportionment</p> <p>CDE allocation amounts: https://www.cde.ca.gov/fg/cr/learningloss.asp</p>	<ol style="list-style-type: none"> 1. Student learning supports 2. General measures that extend instructional time for students 3. Provide additional core academic support for students who need it 4. Provide integrated services that support teaching and learning—such as student and staff technology needs, 	<p>March 1, 2020, to December 30, 2020</p>	<p>CRF funds Resource Code 3220</p>	<p>Receipt of learning loss mitigation funds are contingent upon the adoption of a Learning Continuity and Attendance Plan, to be adopted by September 30, 2020, as well as specified reporting requirements of unexpended funds.</p>

				mental health services, staff professional development, and student nutrition			LEAs must apply for funds.
Learning Loss Mitigation—based on Local Control Funding Formula (LCFF)	\$540M State Proposition 98 funds Federal CARES Act: \$440M CRF	\$980M total	Based on 2019–20 LCFF allocation CDE allocation amounts: https://www.cde.ca.gov/fg/cr/learningloss.asp	<ol style="list-style-type: none"> 1. Student learning supports 2. General measures that extend instructional time for students 3. Provide additional core academic support for students who need it 4. Provide integrated services that support teaching and learning—such as student and staff technology needs, mental health services, staff professional development, and student nutrition 	March 1, 2020, to December 30, 2020 (Yes, the same time frame for all of the funds—including Proposition 98)	CRF funds Resource Code 3220 Proposition 98 funds Resource Code 7420 Breakdown included in CDE allocations: https://www.cde.ca.gov/fg/cr/learningloss.asp	Receipt of learning loss mitigation funds are contingent upon the adoption of a Learning Continuity and Attendance Plan, to be adopted by September 30, 2020, as well as specified reporting requirements of unexpended funds. LEAs must apply for funds.
Elementary and Secondary School Emergency Relief (ESSER)	Federal Coronavirus Aid Relief and Economic Security (CARES) Act	\$1.65B for California	The CARES Act requires 90%—\$1.48 billion—be distributed to LEAs in proportion to the amount of Title I, Part A funds that each LEA received in fiscal year 2019 CDE** allocation amounts: https://www.cde.ca.gov/fg/cr/caresact.asp	Very broad discretion to use ESSER funds to support coronavirus response activities List of allowable uses: https://www.cde.ca.gov/fg/cr/caresact.asp	March 13, 2020 to September 30, 2022	Resource Code 3210	Subject to federal equitable services requirements for private schools LEAs must apply for funds.
Senate Bill 117	State General Fund	\$100M \$17.38 per average daily attendance, minimum of \$250 per LEA	On the basis of 2019–20 First Principal Apportionment CDE allocation amounts: https://www.cde.ca.gov/fg/fo/r14/covid19learesponse19result.asp	Maintaining nutrition services, cleaning and disinfecting facilities, personal protective equipment, and materials necessary to provide students with opportunities for distance learning	Open	Resource Code 7388, Object Code 8590	

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<p>Learning Loss Mitigation— based on supplemental and concentration grants</p>	<p>Federal CARES Act: \$2.86B CRF</p>	<p>\$2.86B</p>	<p>Based on LEA proportion of supplemental and concentration grant funding using the 2019–20 Second Principal Apportionment CDE allocation amounts: https://www.cde.ca.gov/fg/cr/learningloss.asp</p>	<ol style="list-style-type: none"> 5. Student learning supports 6. General measures that extend instructional time for students 7. Provide additional core academic support for students who need it 8. Provide integrated services that support teaching and learning—such as student and staff technology needs, 	<p>March 1, 2020, to December 30, 2020</p>	<p>CRF funds Resource Code 3220</p>	<p>Receipt of learning loss mitigation funds are contingent upon the adoption of a Learning Continuity and Attendance Plan, to be adopted by September 30, 2020, as well as specified reporting requirements of unexpended funds.</p>

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*Standardized Account Code Structure

**California Department of Education

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Governor Newsom Issues School Reopening Guidance

By Kyle Hyland
July 17, 2020

As local educational agency (LEA) governing boards across the state begin to announce their plans for how they will begin the upcoming 2020–21 school year, Governor Gavin Newsom held a press conference today where he unveiled new [guidance](#) for schools that was characterized by the Governor as a “mandate” and is far more prescriptive than previous guidance issued by his Administration.

The new guidance states that any LEA that resides in a county that has been placed on the COVID-19 [monitoring list](#) would have to conduct distance learning instruction until that county sustains a 14-day decline in cases, which is required before a county can officially come off of the state’s watch list. This means that if any LEA that had planned to physically reopen their schools in the fall will not be able to if their county is on the monitoring list within 14 days of their intended start date. However, once the county comes off of the monitoring list, LEAs have the discretion to implement their reopening plans. If a county is placed on the monitoring list after an LEA physically reopens its doors, they would not be forced to close their schools but there would be an expectation for staff to be tested.

When schools do physically reopen their doors, the guidance lays out specific criteria for when a classroom cohort, school site, or entire district would be forced to shut down due to confirmed COVID-19 cases. A classroom cohort would need to go home if there is at least one confirmed case, which would be followed by a 14-day quarantine for everyone in that cohort. An entire school site would need to close its doors if multiple classroom cohorts have at least one confirmed case, or if the school has more than a 5% virus positivity rate, which would be followed by a 14-day quarantine for all students and staff. An entire district would be forced to shut down if 25% of their schools experienced a 5% positivity rate for students and staff.

The guidance recommends that surveillance testing be implemented based on local disease trends and that staff be tested at least once every two months and at least half of the staff be tested every month. Governor Newsom indicated that the new statewide testing strategy that has been recently implemented sets an expectation that health care plans and employers cover the costs of these tests. The guidance, however, does not provide a recommendation for how often students should be tested and maintains that the role of providing systemic testing is currently unclear.

The guidance also sets a masks requirement and reemphasizes physical distancing and other health guidelines. All students and staff in grades three and above are required to wear a mask, whereas

all students in second grade and below are encouraged, but not required, to wear masks or face shields. Schools are also required to ensure that staff (and students to the greatest extent possible) maintain at least six feet of physical distancing from their students and peers, implement daily symptom monitoring procedures, make handwashing stations available, have daily sanitation and disinfection procedures, and implement quarantine protocols if necessary.

There are currently 32 counties on the COVID-19 monitoring list, including the state's most populated regions, which means that this new guidance ensures that the overwhelming majority of LEAs and students will be starting the 2020–21 school year via distance learning unless conditions significantly change. Additional information is available [here](#) from the California Department of Public Health framework for re-opening.

While there are undoubtedly a number of questions that remain unanswered, we will be sure to provide you with more information about this guidance in future *Fiscal Report* articles.

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Ask SSC . . .

Can LEAs in Counties on the COVID-19 Watch List Apply for a Waiver?

By Kyle Hyland
July 22, 2020

- Q.** Can a local educational agency (LEA) that resides in a county on the state’s COVID-19 monitoring list apply for a waiver to physically reopen their schools?
- A.** The new school guidance that Governor Gavin Newsom released last Friday, July 17, 2020, stipulates that LEAs that reside in counties that are on the state’s monitoring list are not permitted to physically reopen their schools until that county meets specific health criteria, including a 14-day decline in new cases (see “[Governor Newsom Issues School Reopening Guidance](#)” in the July 2020 *Fiscal Report*).

However, the Governor’s [press release](#) and the guidance [framework](#) released by the California Department of Public Health (CDPH) does detail a single exception to the mandatory school reopening criteria. The guidance states that local health officers can grant a waiver of the criteria to allow for elementary schools to physically open their doors for in-person instruction. This waiver must be requested by the district superintendent (or the equivalent for charter or private schools), in consultation with labor, parent, and community organizations. Local health officials would be required to review local epidemiological data, consider public health interventions, and consult with the CDPH when considering waiver requests. This waiver option does not extend to middle schools and high schools, meaning a county would need to come off the monitoring list in order for those schools to be allowed to physically reopen their doors.

So to answer your question directly, an LEA that resides in a county on the state’s COVID-19 watch list can apply for a waiver from the school reopening criteria, but only for elementary schools.

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Legislature Returns from Summer Recess to a Reduced Workload

By Kyle Hyland
July 31, 2020

The California State Legislature returned from its summer recess on Monday, July 27, 2020, with just over a month to go before the 2019–20 Legislative Session comes to a close. Before the Legislature left for its recess, there were approximately 700 bills still active for consideration. However, that number has significantly decreased as legislative leadership asked members to reduce their bill load to minimize the number of policy committee hearings given the truncated time left during which the Legislature must complete its work. Committee chairs have also begun using their discretion to reduce hearing agendas by deciding which bills should be prioritized during this last stretch of the year and which measures should be held.

This was made clear at the Senate Education Committee hearing on Wednesday, July 29, 2020, in which committee chair Connie Leyva (D-Chino) stated that she had been working with authors on reducing the hearing agenda to include only bills that address the immediate needs of students, schools, and colleges and that do not add considerable costs or additional responsibilities. The committee approved a dozen bills including the following:

- Assembly Bill (AB) 123 (McCarty, D-Sacramento) would make a number of changes to the state’s early childhood education programs, including deeming recipients of Medi-Cal or CalFresh as eligible for subsidized childcare, authorizing state preschool programs to serve younger two-year-olds, and requiring the California Department of Education (CDE) to allow state preschool programs and general childcare providers to serve children 12 and younger in a commingled classroom
- AB 908 (O’Donnell, D-Long Beach) would authorize a school district to extend its probationary period for students to demonstrate satisfactory progress for purposes of extracurricular activities through the conclusion of the 2020–21 school year, authorize documentation required for purposes of student work permits to be submitted electronically during an extended school closure, and prohibit a work permit from being denied based on a student’s grades, grade point average, or school attendance when the student’s school has been physically closed for an extended time
- AB 1350 (Gonzalez, D-San Diego) would authorize a local educational agency (LEA) to retroactively grant a high school diploma to a person who was in their senior year of high school during the 2019–20 school year, in good academic standing as of March 1, 2020, and was unable to complete the statewide graduation requirements due to COVID-19

- AB 1835 (Weber, D-San Diego) would require unspent supplemental and concentration funds be used in subsequent years to increase and improve services for the unduplicated pupils who generate those funds
- AB 2126 (O'Donnell) would require the CDE to develop and implement a website, app, and survey to collect temporary school closure information from LEAs, including whether they have a plan to provide meals and instruction during school closures lasting longer than five school days

While Senator Leyva did not explicitly say that this will be the only hearing to consider education bills that have been approved by the Assembly, there is a strong possibility that any education bill from Assemblymembers that was not included on Wednesday's agenda will not be moving forward this year. Senator Leyva will need to decide if another hearing is warranted as she and her Committee have until Saturday, August 15, 2020 to dispense with bills assigned to it, in accordance with the Senate's updated policy committee deadline.

The Assembly Education Committee, chaired by Assemblymember Patrick O'Donnell, will be considering education bills approved by the Senate this upcoming Monday, August 3, 2020. However, there are currently only three Senate bills scheduled to be heard on Monday:

- Senate Bill (SB) 614 (Rubio, D-Baldwin) would replace the Reading Instruction Competence Assessment requirement for prospective teachers and direct the Commission on Teacher Credentialing to ensure that all approved teacher preparation programs instruct and reliably assess candidates by July 1, 2022
- SB 860 (Beall, D-San Jose) would modify elements of the Foster Youth Services Coordinating Program to ensure that program participants complete the Free Application for Federal Student Aid or the California Dream Act Application, and to report about the completion of those financial aid applications
- SB 884 (Dodd, D-Napa) would add public safety power shutoffs to the list of emergencies for which a district's average daily attendance is held harmless.

There are still many unknowns as to how many bills the Legislature will approve before the end of the legislative session and whether bills like AB 1384 (O'Donnell), which would provide COVID-19 liability protections for the state's LEAs and AB 398 (Chu, D-San Jose), which would tax for profit companies (with over 500 employees) to raise revenue for schools and local governments, will receive a policy hearing (see articles "[Bill to Provide LEAs COVID-19 Liability Protections](#)" in the July 2020 *Fiscal Report* and "[Assembly Bill Would Raise Revenue for Schools and Local Governments](#)" in the June 2020 *Fiscal Report*).

What is known, however, is that the Legislature only has until midnight of Monday, August 31, 2020, to send bills to Governor Gavin Newsom for his consideration. One exception to this deadline is if the Governor calls the Legislature into a special session, which may become necessary to consider how to allocate any new federal stimulus funding if Congress is able to come to an agreement on a new relief package before they recess on August 7, 2020.

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Bill to Provide LEAs COVID-19 Liability Protections

By Kyle Hyland
July 6, 2020

During this year’s budget legislative hearings, the issue of liability protections to shield local educational agencies (LEAs) from COVID-19 related litigation was discussed, but it was not included in the adopted State Budget. Assemblymember Patrick O’Donnell (D-Long Beach), who chairs the Assembly Education Committee and highlighted this issue during budget hearings, seeks to address this issue in his Assembly Bill (AB) 1384, which would provide liability protections for the state’s LEAs as they prepare their reopening plans for the 2020–21 school year.

Specifically, [AB 1384](#) would require LEAs to establish policies and procedures for operating programs and facilities that are consistent with applicable federal, state, and local legal and regulatory COVID-19 related requirements and also takes into consideration guidelines from these same governmental entities and public health agencies. The bill would exempt LEAs that adopt these policies from monetary liability and damages relating to COVID-19. However, the bill does not protect LEAs from monetary claims or damages for gross negligence or reckless, intentional, or willful misconduct.

In his [press release](#) on the bill, Assemblymember O’Donnell states that “AB 1384 ensures that policies and procedures are established to safely reopen schools, consistent with federal, state and local legal COVID-19 requirements, and allows school districts to focus on instruction rather than lawsuits.” The press release also clarifies that this bill does not modify or affect Workers’ Compensation claims by employees, nor does it protect LEAs that exhibit gross negligence.

Since the Legislature is on summer recess until July 13, 2020, AB 1384 will not have its first policy committee hearing in the Senate Judiciary Committee until the Senate returns. The bill is supported by a growing list of individual LEAs, the Schools Excess Liability Fund, the Association of California School Administrators, the California Association of School Business Officials, and the California School Boards Association.

Bill Update

SCHOOL SERVICES OF CALIFORNIA, INC.

**Legislative Report Prepared for:
Fresno Unified School District
Status as of: August 4, 2020**

Current 2020 Bills

Bill No./ Author	Title	Position	Current Status	Page
Accountability and Assessments				
AB 2022 McCarty	Advanced Placement Test Fee Reimbursement Program	Support	Assembly Appropriations Committee—Bill Did Not Meet Deadline	21
Charter Schools				
AB 2990 C. Garcia	Charter Schools: Educational Enrichment Activities	Watch	Assembly Floor—Motion to Reconsider	21
Early Childhood Education				
*AB 123 McCarty	Early Childhood Education: Childcare and Development Programs		Senate Appropriations Committee	21
Employees				
*AB 3216 Kalra	Employee Leave: Authorization		Senate Labor, Public Employment and Retirement Committee	22
SB 805 Portantino	School Employees: Leaves of Absence: Emergencies and Mandatory Evacuation Orders	No Position	Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline	22
SB 943 Chang	Paid Family Leave: COVID-19	No Position	Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline	22
SB 1159 Hill	Workers' Compensation: COVID-19: Critical Workers	Watch	Assembly Insurance Committee	23

SB 1383 Jackson	Unlawful Employment Practice: Family Leave	Watch	Assembly Appropriations Committee	23
Facilities				
*AB 3308 Gabriel	School Districts: Employee Housing	No Position	Senate Housing Committee	23
Instruction				
*AB 908 O'Donnell	Pupils: Extracurricular Activities: Work Permits		Senate Floor—Consent	24
*AB 1350 Gonzalez	Retroactive Grant of High School Diplomas		Senate Floor—Consent	24
*AB 1930 Medina	Public Postsecondary Education: University of California and California State University: Student Eligibility Policy		Senate Appropriations Committee	24
State Budget, Education Finance, and LCFF				
AB 1835 Weber	Education Finance: Local Control Funding Formula: Supplemental and Concentration Grants	Oppose	Senate Appropriations Committee	25
AB 1837 Smith	School Safety: Emergency Response Team		Senate Education Committee	25
AB 2052 O'Donnell	Pupil Instruction: Instructional Time Requirements	No Position	Senate Education Committee	25
*AB 2626 Bauer-Kahan	Digital Divide: Distance Learning: California Research Bureau: Communications Technology Grant Program		Senate Education Committee	25
SB 884 Dodd	Education Finance: Emergencies: Public Safety Power Shutoffs	Support	Assembly Education Committee	26
Student Health and Nutrition				
SB 793 Hill	Flavored Tobacco Products	Support	Assembly Health Committee	26

Accountability and Assessments

[AB 2022 \(McCarty\)](#)

Amended: 5/11/2020

Title: Advanced Placement Test Fee Reimbursement Program

Status: Assembly Appropriations Committee—Suspense File—Bill Did Not Meet Deadline

Position: Support

Summary:

Establishes the Advanced Placement Test Fee Reimbursement Program to reimburse local educational agencies for providing free Advanced Placement tests to low-income students.

Charter Schools

[AB 2990 \(Garcia, Cristina\)](#)

Amended: 6/4/2020

Title: Charter Schools: Educational Enrichment Activities

Status: Assembly Floor—Motion to Reconsider

Position: Watch

Summary:

Prohibits a charter school from providing financial incentives to a pupil I for educational enrichment activities; requires a nonclassroom-based charter school to enter into an agreement for the provision of an educational enrichment activity only with a vendor that has been properly vetted and approved; requires the governing body of a nonclassroom-based charter school to establish policies and procedures to ensure educational value, pupil safety and fiscal reasonableness before approving any contract for educational enrichment activities; and prohibits educational enrichment activity funds from being used for tuition at a private school or for activities, materials and programs that are religious in nature.

Early Childhood Education

[*AB 123 \(McCarty\)](#)

Amended: 8/1/2020

Title: Early Childhood Education: Childcare and Development Programs

Status: Senate Appropriations Committee

Position:

Summary:

Assembly Bill 123 makes various changes to state preschool and childcare programs:

- Deems recipients of Medi-Cal or CalFresh as eligible for subsidized childcare
- Authorizes state preschool programs to serve younger two-year-olds in extenuating circumstances
- For 2020–21 only, requires the California Department of Education to allow state preschool programs and general childcare providers to serve children age 0–12 in a commingled classroom so as to safely meet family needs during the pandemic

- Authorizes state preschool providers and general childcare providers to waive family fees if serving students via distance learning only

Employees

***[AB 3216](#) (Kalra)**

Amended: 7/16/2020

Title: Employee Leave: Authorization

Status: Senate Labor, Public Employment and Retirement Committee

Position:

Summary:

As amended July 16, expands family and medical leave and paid sick leave to include leave to care for a child, parent, or spouse if such family member's school or place of care is unavailable due to a state of emergency. Also expands leave to include an employee's inability to work or telework due to a state of emergency that involves a quarantine order, experiencing symptoms of a disease that is the subject of a state of emergency, being a member of a vulnerable population at high risk from the disease that is the subject of a state of emergency, or living with or being responsible for the care of a family member who is a member of a vulnerable population at high risk from the disease. Requires employers to provide at least seven days of paid sick leave that run concurrently with any paid sick leave available under local or federal law, available immediately, to use related to a state of emergency.

[SB 805](#) (Portantino)

Amended: 5/19/2020

Title: School Employees: Leaves of Absence: Natural Disasters and Evacuation Orders

Status: Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline

Position: No Position

Summary:

As amended, prohibits school districts from requiring an employee to use sick, vacation, or other paid leave if the school is forced to close because of a mandatory evacuation order or other designated emergencies, or if the employee is unable to report to work because they reside in an area affected by a mandatory evacuation order or other designated emergencies. Also requires the school district to ensure the employee is provided their regular pay for any days missed.

[SB 943](#) (Chang)

Amended: 5/19/2020

Title: Paid Family Leave: COVID-19

Status: Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline

Position: No Position

Summary:

Authorizes Paid Family Leave benefits for specified workers who take time off work to care for a child whose school is closed because of COVID-19. The bill was amended on May 19 to apply only until December 31, 2020.

[SB 1159 \(Hill\)](#)**Amended:** 6/18/2020**Title:** Workers' Compensation: COVID-19: Critical Workers**Status:** Assembly Insurance Committee**Position:** Watch**Summary:**

As amended on June 18, 2020, this bill codifies a recent executive order (N-62-20) to create a rebuttable presumption that illness or death related to COVID-19 is an occupational injury for any employee and therefore eligible for Workers' Compensation benefits.

[SB 1383 \(Jackson\)](#)**Amended:** 6/29/2020**Title:** Unlawful Employment Practice: Family Leave**Status:** Assembly Appropriations Committee**Position:** Watch**Summary:**

As amended on June 23, 2020, this bill makes various changes to the California Family Rights Act, New Parent Leave Act, and Pregnancy Disability Leave including the following:

- Expands the definition of "family care and medical leave" to include leave to care for a grandparent, grandchild, sibling, or domestic partner who has a serious health condition
- Deletes from existing law a provision specifying that, if both parents are employed by the same employer and are entitled to leave, the employer is not required to grant leave in connection with the birth, adoption, or foster care of a child that would allow the parents leave to be greater than 12 weeks
- Repeals the entire provisions of the New Parent Leave Act enacted in 2017

Facilities

[*AB 3308 \(Gabriel\)](#)**Amended:** 7/21/2020**Title:** School Districts: Employee Housing**Status:** Senate Housing Committee**Position:** No Position**Summary:**

Clarifies that the state policy created by the Teacher Housing Act of 2016 definitely authorizes school districts and developers who are recipients of these credits to open occupancy to school district employees first, if the school district owns the land.

Instruction

***AB 908 (O'Donnell)**

Amended: 8/1/2020

Title: Pupils: Extracurricular Activities: Work Permits

Status: Senate Floor—Consent

Position:

Summary:

This bill, an urgency measure:

1. Authorizes a school district to extend its probationary period for pupils to demonstrate satisfactory progress, for purposes of extracurricular and co-curricular activities, through the conclusion of the 2020–21 school year;
2. Authorizes documentation required for purposes of pupil work permits to be submitted electronically during an extended school closure due to a natural disaster, pandemic, or other emergency; and
3. Prohibits a work permit from being denied based on a pupil's grades, grade point average, or school attendance when the pupil's school has been physically closed for an extended time due to natural disaster, pandemic, or other emergency.

***AB 1350 (Gonzalez)**

Amended: 8/1/2020

Title: Retroactive Grant of High School Diplomas: COVID-19 Crisis

Status: Senate Floor—Consent

Position:

Summary:

This bill authorizes a local educational agency to retroactively grant a high school diploma to a person whom was in their senior year of high school during the 2019–20 school year; in good academic standing and on track to graduate at the end of the 2019–20 school year, as of March 1, 2020; and unable to complete the statewide graduation requirements as a result of the COVID-19 crisis.

***AB 1930 (Medina)**

Amended: 8/1/2020

Title: Public Postsecondary Education: University of California and California State University: Student Eligibility Policy

Status: Senate Appropriations Committee

Position:

Summary:

This bill, an urgency measure, requires the California State University (CSU) Trustees and requests the University of California Regents, to engage in a specified process before adding any undergraduate student eligibility requirements. Specifically, the CSU would be required to engage and coordinate with the other educational segments impacted by the policy to understand the impacts of the changes, including the California Department of Education and school districts, in order to try to align their respective student eligibility policies.

State Budget, Education Finance, and LCFF

[AB 1835 \(Weber\)](#)

Title: Education Finance: Local Control Funding Formula: Supplemental and Concentration Grants

Status: Senate Appropriations Committee

Position: Oppose

Summary:

Requires local educational agencies to identify unspent supplemental and concentration grant funds and requires those funds to continue to be expended to increase and improve services for unduplicated students.

[AB 1837 \(Smith\)](#)

Amended: 6/4/2020

Title: School Safety: Emergency Response Team

Status: Senate Education Committee

Position:

Summary:

As amended June 4, requires the Superintendent of Public Instruction to establish a State Assistance for Emergency Response Team within the California Department of Education to provide guidance and support to local educational agencies experiencing emergencies.

[AB 2052 \(O'Donnell\)](#)

Amended: 6/4/2020

Title: Pupil Instruction: Instructional Time Requirements

Status: Senate Education Committee

Position: No Position

Summary:

Authorizes local educational agencies (LEAs) to meet minimum instructional day requirements by adding remaining instructional minutes to remaining instructional days in a school year when the LEA is unable to meet instructional day requirements under specified conditions. June 4 amendments allow for no more than 15 instructional days within the same school year to be added using this authorization.

*[AB 2626 \(Bauer-Kahan\)](#)

Amended: 7/7/2020

Title: Digital Divide: Distance Learning: California Research Bureau: Communications Technology Grant Program

Status: Senate Education Committee

Position:

Summary:

As amended July 7, this bill establishes the Bridging the Digital Divide Grant Program for purposes of reducing the gap in access to distance learning due to the COVID-19 initiated school closures. The bill would provide grant funds to local educational agencies to purchase devices and other technology for low-income students to access distance learning.

SB 884 (Dodd)

Amended: 6/18/2020

Title: Education Finance: Emergencies: Public Safety Power Shutoffs

Status: Assembly Education Committee

Position: Support

Summary:

Adds public safety power shutoffs to the list of emergency conditions for which a local educational agency (LEA) can seek a waiver to offset a loss in average daily attendance. Amendments on June 18, 2020 delete the Disaster Relief Instructional Recovery Program.

Student Health and Nutrition

SB 793 (Hill)

Amended: 7/27/2020

Title: Flavored Tobacco Products

Status: Assembly Health Committee

Position: Support

Summary:

Prohibits the sale of flavored tobacco products.

SCHOOL SERVICES OF CALIFORNIA, INC.

**Legislative Report Prepared for:
Fresno Unified School District
Status as of: August 4, 2020
Remaining Bills for the 2019–20 Legislative Session**

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Accountability and Assessments

[*AB 1512 \(Carrillo\)](#)

Amended: 7/2/2020

Title: Security Periods: Rest Periods

Status: Senate Labor, Public Employment and Retirement Committee

Position:

Summary:

As amended on July 2, Assembly Bill 1512 no longer deals with public education.

[AB 2472 \(Jones-Sawyer\)](#)

Title: Public Schools: Accountability: County Superintendents of Schools

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position: Watch

Summary:

Certain provisions of the *Williams* settlement legislation, such as annual county superintendent visits and reviews, apply to schools ranked in deciles 1–3 as determined every three years by the base Academic Performance Index (API). Instead of using the API, this bill seeks to identify schools subject to county superintendent monitoring by referring to schools identified for federal comprehensive support and improvement and additional targeted support and improvement.

Early Childhood Education

[AB 125 \(McCarty\)](#)

Amended: 6/18/2019

Title: Early Childhood Education: Reimbursement Rates

Status: Senate Appropriations Committee—Bill Did Not Meet Deadline

Position:

Summary:

This bill reforms the state child care and preschool reimbursement rate system into a single regionalized rate system that adequately compensates the workforce for the cost of providing care and education and improves the system quality by providing improvement incentives to fund continuing education and professional development for teachers along with efforts to improve program standards.

[SB 174 \(Leyva\)](#)

Amended: 6/13/2019

Title: Early Childhood Education: Reimbursement Rates

Status: Assembly Appropriations Committee—Bill Did Not Meet Deadline

Position:

Summary:

This bill reforms the state child care and preschool reimbursement rate system into a single regionalized rate system that adequately compensates the workforce for the cost of providing care and education and improves the system quality by providing improvement incentives to fund continuing education and professional development for teachers along with efforts to improve program standards.

Employees

[AB 843 \(Rodriguez\)](#)

Amended: 5/16/2019

Title: Student Financial Aid: Assumption Program of Loans for Education

Status: Senate Education Committee—Bill Did Not Meet Deadline

Position: Support

Summary:

As amended, this bill authorizes the California Student Aid Commission (CSAC) to award 7,200 new warrants for the Assumption Program of Loans for Education (APLE). Additional loan assumption benefits of an unspecified amount also would be provided to a person who teaches, mathematics, science, Special Education, bilingual education, or career technical education in a school district that is determined to be in need of differentiated assistance.

[AB 1623 \(Rivas, Robert \)](#)

Amended: 5/16/2019

Title: Teaching Credential: Teacher Recruitment: Golden State Teacher Grant Program

Status: Senate Education Committee—Bill Did Not Meet Deadline

Position: Support

Summary:

This bill establishes the Golden State Teacher Grant Program to provide grants to students enrolled in a teacher credentialing program who commit to teaching bilingual education, math, STEM, science, or Special Education.

[AB 2682 \(Medina\)](#)

Title: Certificated School Employees: Probationary Employees

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position:

Summary:

Changes classification as a permanent employee for certain certificated employees, including:

- A probationary employee employed in an assignment that is less than full time and who, in any one school year, has served for at least 75% of the number of days required of the assignment in which the employee is employed is deemed to have served a complete school year
- A probationary employee of an adult education program is deemed to have served a complete school year if the employee serves for at least 75% of the hours constituting a full-time equivalent position for adult education programs in the school district
- Service by an instructor at regional occupational centers or programs are included in computing the service required for classification as a permanent employee

[SB 796 \(Leyva\)](#)**Amended:** 2/19/2020**Title:** School and Community College Employees: Absences Due to Illness or Accident**Status:** Senate Education Committee—Bill Did Not Meet Deadline**Position:****Summary:**

This bill would require a certificated or classified school employee who exhausts all available sick leave and continues to be absent from duties on account of illness or accident for an additional period of five months to receive the employee's full salary during those five months.

Facilities

[AB 2184 \(O'Donnell\)](#)**Title:** School Facilities: Design-Build Contracts**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:****Summary:**

Authorizes a school district, as an alternative to price of the project, to instead weigh as a factor the proposing design-build entity's design cost, general conditions, overhead, and profit as a component of the project price. If this alternative is used, the contract is required to be subject to further negotiations and requirements.

Instruction

[AB 331 \(Medina\)](#)**Amended:** 7/3/2019**Title:** Pupil Instruction: High School Graduation Requirements: Ethnic Studies**Status:** Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline**Position:** Support**Summary:**

This bill adds a one-semester ethnic studies course as a state high school graduation requirement commencing with 2024–25, but authorizes local educational agencies to require a full-year ethnic students course. Students may fulfill the ethnic studies requirement by completing either an ethnic studies course, or an ethnic studies course taught as another subject.

[AB 2709 \(Weber\)](#)**Title:** Full-Day Kindergarten**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Watch**Summary:**

Requires school districts offering kindergarten to implement at least one full-day kindergarten program, commencing with 2023–23. A minimum schoolday for full-day kindergarten is the same number of minutes per schoolday that is offered to pupils in first grade.

[AB 3292 \(Dahle, Megan\)](#)

Title: Pupil Attendance: Excused Absences: Cultural Ceremonies or Events

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position: Support

Summary:

Adds participation in a cultural ceremony or event to the list of excused school absences.

[SB 1153 \(Rubio\)](#)

Title: Elementary Education: Kindergarten

Status: Senate Education Committee—Bill Did Not Meet Deadline

Position: Support

Summary:

Requires students to complete kindergarten before starting first grade.

Mental Health

[AB 8 \(Chu\)](#)

Amended: 5/16/2019

Title: Pupil Health: Mental Health Professionals

Status: Senate Health Committee

Position: Watch

Summary:

This bill requires schools to have at least one mental health professional for every 600 pupils on or before December 31, 2024.

Miscellaneous

[AB 2093 \(Gloria\)](#)

Title: Public Records: Writing Transmitted by Electronic Mail: Retention

Status: Assembly Appropriations Committee—Bill Did Not Meet Deadline

Position: Support

Summary:

Requires all public agencies, for purposes of the California Public Records Act, to retain and preserve for at least two years every public record that is transmitted by electronic mail.

SB 2 (Glazer)**Amended:** 5/23/2019**Title:** Statewide Longitudinal Student Database**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Watch**Summary:**

This bill would require the Office of Higher Education Coordination, Accountability, and Performance (Office), as proposed to be established by Senate Bill 3 (Allen), to assume the responsibilities previously assigned to the now defunct California Postsecondary Education Commission and to convene a review committee to advise the Office regarding the creation of a statewide longitudinal student database. The bill would require that every education segment (early childhood education, California Department of Education, California Community Colleges, California State University, and University of California) include a representative on the review committee.

Special Education

AB 428 (Medina)**Title:** Special Education Funding**Status:** Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline**Position:** Support**Summary:**

This bill would implement several of the recommendations from the California Special Education Task Force and provide support to California's students with special needs by:

- Establishing a funding mechanism to support Special Education preschool programs by adding preschoolers to the Assembly Bill (AB) 602 funding formula
- Addressing long-standing inequities by equalizing Special Education funding rates to the 95th percentile over a five-year period
- Providing a supplemental grant to support students with greater needs, including students on the autism spectrum, and students who are blind, visually impaired, and intellectually disabled

Amending the current AB 602 calculation to allow the greater of the current or prior school year average daily attendance (ADA) for each district in a multiple district Special Education Local Plan Area (SELPA) to be used in determining total SELPA ADA

SB 217 (Portantino)**Amended:** 6/23/2019**Title:** Recreational and Organizational Camps**Status:** Assembly Rules Committee**Position:****Summary:**

As amended on June 23, 2020, this bill deals with recreational camps and does not impact K–12 public education.

State Budget, Education Finance, and LCFF

[AB 39 \(Muratsuchi\)](#)

Amended: 8/30/2019

Title: Education Finance: Local Control Funding Formula: Aspirational Funding Level: Reports

Status: Senate Floor—Inactive File

Position: Support

Summary:

This bill would specify new, higher Local Control Funding Formula (LCFF) base grant amounts beginning with the 2020–21 fiscal year, which would also increase the supplemental and concentration grant amounts and result in various other changes to funding calculations for purposes of the LCFF.

[AB 1834 \(Weber\)](#)

Title: Education Finance: Local Control Funding Formula: Supplemental and Concentration Grants

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position: No Position

Summary:

Requires the California Department of Education to develop a tracking mechanism for local educational agencies to report the types of services on which they spend their supplemental and concentration grant funds.

[AB 2291 \(Medina\)](#)

Title: Special Education Funding

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position: Support

Summary:

This bill is a reintroduction of Assembly Bill 428 (2019). This bill:

- Establishes a funding mechanism for preschoolers with disabilities
- Equalizes special education funding rates to the 95th percentile
- Provides a supplemental grant to support students with greater needs, including students on the autism spectrum, and students who are blind, visually impaired, and intellectually disabled

[AB 2500 \(McCarty\)](#)

Title: Transitional Kindergarten: Average Daily Attendance

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position: Support

Summary:

Provides for average daily attendance for all TK students who turn five years old during the school year.

[AB 2646 \(Levine\)](#)

Title: Education Finance: Supplemental Education Funding

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position:

Summary:

Provides supplemental funding for school districts and county offices of education based on the Local Control Funding Formula (LCFF) using enrollment minus what the district received under LCFF using average daily attendance.

[AB 2685 \(Weber\)](#)

Title: Education Finance: Local Control Funding Formula: Supplemental Grants: Lowest Performing Pupil Subgroup or Subgroups

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position: Support

Summary:

Adds the lowest performing subgroup of students as “unduplicated pupils” under the Local Control Funding Formula. The Superintendent of Public Instruction shall annually identify the lowest performing subgroup using the most recent math and English language arts California Assessment of Student Performance and Progress results.

[AB 3179 \(McCarty\)](#)

Title: Education Finance: School District Finances: Educational Employment Relations Act

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position: No Position

Summary:

This bill, if a county superintendent of schools disapproves a school district’s budget for a subsequent year, would continue the authority of the county superintendent of schools to stay or rescind any action of the school district governing board that is determined to be inconsistent with the ability of the school district to meet its obligations for the current or subsequent fiscal year, without interruption, until the next subsequent year’s budget is approved by the county superintendent of schools.

[SB 499 \(McGuire\)](#)

Amended: 5/17/2019

Title: School Meals: California-Grown for Healthy Kids Program

Status: Assembly Education Committee—Bill Did Not Meet Deadline

Position: Watch

Summary:

Existing law authorizes schools participating in certain federal school meals programs to establish a base year for purposes of calculating the number of pupils at the school who are eligible for free or reduced price meals by determining each pupil’s eligibility status in that base year and using that number to report eligibility for up to each of the following three school years. This bill would additionally allow schools participating in those federal school meals programs to establish a base year by carrying over the number of pupils at the school who were eligible for free or reduced price meals from the school year in which the school applied to use a federal universal school meal provision.

[SB 729 \(Portantino\)](#)**Amended:** 6/25/2019**Title:** Food Sector Workers: COVID-19 Supplemental Paid Sick Leave: Handwashing**Status:** Assembly Appropriations Committee**Position:** Support**Summary:**

As amended on June 25, 2020, this bill deals with food service workers employed by private companies.

[SCA 5 \(Hill\)](#)**Amended:** 4/22/2019**Title:** Taxation: School Districts: Parcel Tax**Status:** Senate Floor—Inactive File**Position:** Support**Summary:**

This bill would place a proposition on the ballot that would lower the parcel tax threshold for school and community college districts from two-thirds to 55%.

Student Health and Nutrition

[AB 1937 \(Rivas, Luz\)](#)**Amended:** 3/9/2020**Title:** Homeless Children and Youths and Unaccompanied Youths: Reporting**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Support**Summary:**

Requires schools to identify all homeless students using a housing questionnaire that is provided to all parents or guardians. Requires a local educational agency (LEA) to ensure that personnel who provide services to homeless youth receive annual training about the homeless education program, and an LEA must post on its website a list of liaisons for homeless youth in that school district or county.

[AB 1995 \(Rivas, Luz\)](#)**Title:** Pupil Nutrition: Reduced-Price Meals**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Support**Summary:**

Requires school districts and county offices of education to provide meals for free to students eligible to receive a reduced-price meal.

AB 2116 (Levine)**Title:** Pupil Health: Seizure Disorders**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:****Summary:**

For schools that have a student enrolled who has a seizure disorder, this bill:

- Requires all schools to have at least one employee who has received training on seizure recognition, treatment, and response
- Requires schools to provide training to school personnel with direct contact and supervision of students on recognizing the signs and symptoms of seizures and the appropriate steps for seizure first aid
- Authorizes a school nurse who has received training on seizures to administer seizure-related medication
- Requires schools to collaborate with a parent of a student diagnosed with a seizure disorder to create a seizure action plan
- Requires schools to provide to all students an age-appropriate seizure education program

AB 3006 (Berman)**Amended:** 5/4/2020**Title:** School Meals: Free or Reduced-Price Meals**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Support**Summary:**

Allows schools participating in the federal school meals program to establish a base year by carrying over the number of students at the school who were eligible for free or reduced price meals from the school year in which the school applied to use a federal universal school meal provision. Grants a supplemental state reimbursement for local educational agencies that participate in a federal universal school meal program.

AB 3218 (Quirk-Silva)**Title:** Homeless Children and Youths: Reporting**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Support if Amended**Summary:**

Requires local educational agencies to establish homeless education program policies that are consistent with specified state laws that apply to homeless students, including attending the school of origin. It also requires training for staff who work with students on the homeless education program policies and recognition of signs that a student is homeless or at risk of becoming homeless.

Fresno Unified School District
Board Communication

BC Number AS-3

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Ruthie Quinto, Deputy Superintendent / CFO
Cabinet Approval: 

Date: August 14, 2020

Phone Number: 457-6225

Regarding: Executive Order for Corona Virus Relief

The purpose of this communication is to provide the Board information regarding the executive order signed by President Trump which allows employees impacted by COVID-19 to defer certain payroll taxes.

On August 08, 2020, President Trump issued an executive order (the Order) directing the Treasury Secretary to permit employers to defer some payroll tax payments from September 01, 2020 through December 31, 2020. The executive action is an attempt to help workers in response to the on-going COVID-19 pandemic. Under the Internal Revenue Code section that permits a deferral of tax during a disaster, it appears that the U.S. Secretary of the Treasury must issue some direction for the Order to become effective. The same section provides that the deferral can be for up to one year.

The Order appears to be specific to the employee's 6.2% old age, survivors and disability insurance portion of payroll tax and does not appear to include the 1.45% Medicare portion. The new deferral is separate from previous CARES Act provisions applicable to the private sector that allows for the deferral of the employer's portion of payroll tax.

Generally, the executive order makes the employee's payroll tax deferral available to employees who make less than \$4,000 during any bi-weekly pay period (or presumably about \$104,000 per year). The Order also provides that the amounts deferred will not be subject to penalties or interest.

The Order raises several questions for employers, including whether it is voluntary, how to determine which employees are eligible (that is, what compensation is counted in the calculation), when the tax will be due, and how to collect the deferred tax from employees, especially employees who are no longer employed when the tax is due in the future. Staff expects the Department of Treasury to issue a preliminary statement soon and to expedite guidance on the new payroll tax deferral as it is intended to be effective in only three weeks. Once we receive guidance, staff will prepare necessary internal programming and procedures as well informative communications as appropriate.

If you have any questions or require additional information, please call Ruthie Quinto at 457-6225.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 08/14/2020

Fresno Unified School District
Board Communication

BC Number EA-1

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Kristi Imber-Olivares, Director
Cabinet Approval:

Date: August 14, 2020

Phone Number: 457-3896

Regarding:  Optional Summative English Language Proficiency Assessments for California Fall Administration

The purpose of this communication is to provide the Board information regarding the optional English Language Proficiency Assessments for California (ELPAC) fall administration. Administration of the Summative ELPAC 2019/20 was suspended because of COVID-19-related school closures. To support redesignation of English Learner students who were unable to complete testing in 2019/20, the California Department of Education (CDE) extended an optional administration of the 2019/20 Summative ELPAC to occur in fall 2020.

The Summative ELPAC 2019/20 optional test administration window opens on August 20, 2020 and closes on October 30, 2020. Students eligible to take the optional Summative ELPAC are those English Learner students who were eligible for redesignation based on our local assessment criteria last year and did not complete the Summative ELPAC during the spring. Students who completed the Summative ELPAC during the spring administration cannot be retested during this fall window. Students will be assigned the ELPAC assessment for the grade that aligns with their 2019/20 enrollment.

Students tested during this optional fall administration will receive a Student Score report within four weeks of submitting all four domains for grades three through twelve or receipt of Writing Answer Books for grades one and two.

A cross-departmental team with members from Equity and Access, English Learner Services, Health Services, and School Leadership are working together to develop and prepare a recruitment and implementation plan for the optional fall administration of the Summative ELPAC as well as the Spring Summative ELPAC. Currently, there are 1,242 English Learner students eligible to complete the optional fall Summative ELPAC in Fresno Unified. Our team is working with school sites to identify students and connect with families.

If you have further questions or require additional information, please contact Lindsay Sanders at 457-3471 and/or Sandra Toscano at 457-3928.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 08/14/2020

Fresno Unified School District
Board Communication

BC Number EA-2

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Andrew Scherrer, Executive Director of Equity & Access
Cabinet Approval:

Date: August 14, 2020
Phone Number: 457-3842

Regarding: Diversity, Equity, and Inclusion (DEI) Praxis Collaborative Update

The purpose of this communication is to provide the Board an update regarding Equity and Access's Diversity, Equity, and Inclusion (DEI) Praxis Collaborative, and outlined actions continuing through the 2020/21 school year and beyond in order to continue an interdepartmental approach to building coherence and ensuring diversity, equity, and inclusion is the intentional result of all district-wide decisions.

When COVID-19 building closures occurred, DEI Praxis Collaborative solidified the framework to ensure diversity, equity, and inclusion work supports and builds upon the Board's adoption of Board Policy 0415 in all avenues of learning. The four areas of the DEI Framework in which all district work reside includes:

- Cultural Proficiency
- Culturally Responsive Practices
- Multicultural Education
- Social Action.

For 2020/21, a foundational focus for the opening of school is largely in the area of Cultural Proficiency. The objective of Cultural Proficiency is to collaboratively provide personnel with the professional learning to build an equity lens necessary for acknowledging and achieving equitable and inclusive outcomes.

At district departments, this includes the following:

- Steering Committee member(s) and department representatives participated in one of the DEI drop-in sessions in July. This was completed the week of July 27, 2020 and 21 individuals representing 14 departments participated live, while the remainder will train using recorded sessions.
- Departments will take part in the 8-hour Foundational Compulsory training led by their department representatives. This will be captured with sign-ins and digital attendance measures and recorded in iAchieve for tracking.
- Training can be done all at once or spread over the school year, depending on the needs of each department.
- Each department staff member will continue to "Build Your Equity Lens"; the Year 1 Goal for DEI.

At school sites, this includes the following:

- All principals participated in a DEI framing session last week of June to reengage in previous learning, develop understanding of the DEI framework, and set expectations of Cultural Proficiency learning for the 2020/21 school year.
- School site representatives participated in one of the DEI drop-in sessions in August. This was completed the week of August 3, 2020 and 170 individuals representing 88 sites participated live, while the remainder will train using recorded sessions.

- School sites will take part in the 8-hour Foundational Compulsory training led by their site representatives. This will be captured with sign-ins and digital attendance measures and recorded in iAchieve for tracking.
- The 8-hours will be staggered over about four different sessions:
 - Module #1 (3-hours) during Institute days for opening of schools
 - Modules #2 and #3 (2-hours each) offered throughout the school year.
 - One 1-hour “Choice” Module from various options
- Each school site staff member will continue to “Build Your Equity Lens”; the Year 1 Goal for DEI.

While departments and school sites are training all employees through the year, the DEI Advisory, Steering Committees, and Race and Social Action Student Councils will continue to support actions in the other three areas of the framework: Culturally Responsive Practices, Multicultural Experiences, and Social Action. Some of the actions are as follows:

- DEI Advisory and Steering Committees continue to engage in building an Administrative Regulation (AR) that includes steps to ensure translation of Board Policy 0415 into action. Foundationally, this AR includes the addition of the Diversity and Inclusion NAVEX one-hour training module for all employees throughout the system, which will be opened for all staff this Fall.
- DEI Steering Committee and department partners will use the first semester to align actions in their respective departments to the tiers in each area of the framework through Department DEI Plans. These plans will be developed and then reviewed by a third-party entity at the end of the semester.
- DEI Site Steering Committee will use the first semester to provide feedback to the system regarding Cultural Proficiency learning and the development of Equity Walks. Additionally, through the School Plan for Student Achievement (SPSA) development, school sites will utilize the Cultural Proficiency learning to ensure the plan incorporates actions that are aligned to the DEI framework.
- DEI’s primary Tier 3 component in the areas of Culturally Responsive Practices and Social Action is the continued focus as a Cultural Proficiency Response Team. In partnership with various entities and departments, including recommendations from the American Civil Liberties Union (ACLU) and our Human Resources team as well as support from the Board, Equity and Access hired a Cultural Proficiency Response Team manager, who has already been working in tandem with various departments to create culturally responsive actions in support of assessing, responding, and repairing in times of cultural blindness, incapacity, and destructiveness.
- A Race and Social Action Student Advisory Council has been meeting this summer, and they are in the process of developing their mission statement and plans for recruitment for their site Race and Social Action Councils. Throughout the year student site councils will engage in learning around leadership and cultural proficiency as well as work to develop actions that they can implement at their sites to promote a culture of diversity, equity and inclusion.

If you have further questions or require additional information, please contact Lindsay Sanders at 457-3471.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 08/14/2020

Fresno Unified School District
Board Communication

BC Number SL-1

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Raine Bumatay, Principal
Cabinet Approval: 

Date: August 14, 2020

Phone Number: 457-6024

Regarding: Fresno Adult School's High School Equivalency Course Offerings

The purpose of this communication is to provide the Board with information regarding Fresno Adult School's High School Equivalency Course Offerings.

Fresno Adult School will continue to offer High School Equivalency Courses to prepare students to pass either the High School Equivalency Test (HiSet) or the General Educational Development (GED). Both the HiSet and GED are exams that measure high school equivalency skills, affording students the opportunity to earn a high school equivalency diploma. Courses will be offered through Distance Learning online.

Continued course offerings will include the following options for students:

- Adult Basic Education Courses
- High School Equivalency Preparation in Spanish
- Morning, mid-day, and night class offerings

Students wishing to enroll can register online at fas.edu. Students will be contacted by Fresno Adult School staff and teachers for class enrollment.

If you have any questions or require additional information, please contact Raine Bumatay at 457-6024.

Approved by Superintendent
Robert G. Nelson Ed.D. _____



Date: 08/14/2020

Fresno Unified School District
Board Communication

BC Number SL-2

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Catherine Aujero, Manager III
Cabinet Approval: 

Date: August 14, 2020

Phone Number: 248-7172

Regarding: eLearn Elementary Music Instruction

The purpose of this communication is to provide the Board an overview of music instruction through eLearn at My School.

Elementary music instruction will be scheduled primarily from 8:00 a.m. to 9:00 a.m. and 12:45 p.m. to 3:30 p.m. Time for eLearn at My School elementary music instruction is as follows:

- Second through fifth grade classes will have approximately 20-minute, live lessons once per week (synchronous)
- Sixth grade returning band/strings/choir students will have approximately 20-minute, live lessons twice per week (synchronous)
- Kindergarten and first grade classes will receive video music lessons sent to classroom teachers to share with students and families each week (asynchronous)

Elementary music instruction will have an inverse schedule of the elementary classroom teachers' live instruction time, to ensure fidelity to all subject areas' synchronous instruction. All fifth-grade students will receive weekly music instruction as a continuation of fourth grade music and in preparation/recruitment for live band/strings/choir when campuses are reopened.

Elementary music staff will have professional learning communities, planning/preparation time, staff meetings and Family Connection time during the 9:00 a.m. to 12:45 p.m. window. Most elementary music teachers will be assigned to the same sites as last school year, so they will already have a relationship/rapport with staff and students. Individual elementary music teacher schedules will be varied due to teacher assignments and specialty areas (i.e. band, strings, choir, general music). They are typically assigned two to five sites.

The sixth-grade instrument distribution process will be similar to the Spring instrument collection process. A window of time will be shared with families and students to physically distance themselves and pick up their instrument and supplies at the door of the music room.

If you have any questions or require additional information, please contact Catherine Aujero at 248-7172.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 08/14/2020

Fresno Unified School District
Board Communication

BC Number SL-3

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Sandra Toscano, Assistant Superintendent
Cabinet Approval: 

Date: August 14, 2020

Phone Number: 457-3916

Regarding: 2020/21 District English Learners Advisory Committee Meeting Dates

The purpose of this communication is to provide the Board with the 2020/21 District English Learners Advisory Committee (DELAC) meeting dates. Meetings will be held virtually during the COVID-19 period allowing for parents to call in with questions and feedback. The DELAC Board will continue to meet prior to the meetings to collaboratively develop the agendas using the needs assessment survey data that parents filled out in the Spring of 2019/20 before school closures.

The meetings are scheduled from 5:00 p.m. to 7:30 p.m.

Meeting dates are:

- Thursday, August 20, 2020
- Thursday, October 15, 2020
- Thursday, March 18, 2021
- Thursday, May 13, 2021

If you have any questions or require additional information, please contact Sandra Toscano at 457-3928.

Approved by Superintendent
Robert G. Nelson Ed.D. _____



Date: 08/14/2020

Fresno Unified School District
Board Communication

BC Number SL-4

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Pat Riddlesprigger, Manager III
Cabinet Approval:

Date: August 14, 2020

Phone Number: 457-3655

Regarding: Fresno Unified Athletics

The purpose of this communication is to inform the Board regarding the California Interscholastic Federation's (CIF) decision to adjust the high school season of sports from three seasons (Fall, Winter, and Spring) to two seasons. Per CIF, all high school sports will be condensed within a six-month, Fall and Spring window. These seasons will officially begin on December 14, 2020 due to Covid-19 safety precautions adopted by the CIF. The Fall season window will be from December 14, 2020 through March 2021 and will consist of the following sports: football, boys/girls' cross country, boys/girls' volleyball, boys/girls water polo, girl's badminton, and girl's lacrosse. Spring season window will be from February 22, 2021 through June 2021 and will consist of the following sports: boys/girls soccer, boys/girls tennis, boys/girls swim & dive, boys/girls wrestling, boys/girls basketball, baseball, softball, boys/girls golf, boys/girls track & field, and girls competitive sport cheer.

The decision made by the CIF to condense the season of sports will have a tremendous impact on all middle and high school athletic campuses which house athletic events. Unknown variables such as weather, availability, and personnel work schedules pose many challenges and require our sites to deny outside agencies/organizations the use of district facilities during this unprecedented time.

If you have any questions or require additional information, please contact Pat Riddlesprigger or Brett Mar at 457-3655.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 08/14/2020