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BOARD COMMUNICATIONS – JANUARY 29, 2021

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 – Santino Danisi, Interim Chief Financial Officer

AS-1 Kim Kelstrom School Services Weekly Update Report for January 22, 2021
AS-2 Kim Kelstrom January Legislative Committee Meeting
AS-3 Kim Kelstrom Coronavirus Aid, Relief, and Economic Security Act Allocations
AS-4 Kim Kelstrom Other Post-Employment Benefits
AS-5 Tammy Townsend Student Transfers Committee and Recommended Changes to AR 5116 Voluntary Intradistrict Transfer Policy

EQUITY & ACCESS – Lindsay Sanders, Chief Equity & Access

EA-1 Kristi Imberi-Olivares and Brian Beck Special Education Progress Update for Quarter 2
EA-2 Kristi Imberi-Olivares Student Voice Collaborative
EA-3 Kristi Imberi-Olivares and Karin Temple Stakeholder Voice Regarding Police on Campus – Update
EA-4 Deanna Mathies Inclusive Early Education Expansion Program Grant

HUMAN RESOURCES/LABOR RELATIONS – Paul Idsvoog, Chief HR/LR Officer

HR-1 Paul Idsvoog Approve the 2020/2021 Classified Hourly, Classified Food Services Hourly and Management 261 Duty Days Revised Salary Schedules

OPERATIONAL SERVICES – Karin Temple, Chief Operations Officer

OS-1 Karin Temple Update on School Facility Improvement Projects

SCHOOL LEADERSHIP – Kim Mecum, Chief Academic Officer

SL-1	Nancy Witrado	National School Counseling Week 2021
SL-2	Teresa Morales-Young	The Fresno Internship Credential Program
SL-3	Lisa Nichols	Black History Month Celebrations and Events
SL-4	Ambra O'Connor	Multi-Tiered System of Support Update
SL-5	Edith Navarro	Professional Learning Summit Winter 2021
SL-6	Carlos Castillo	Golden Charter Academy Charter Petition

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: January 29, 2021

Phone Number: 457-3884

Regarding: Superintendent Calendar Highlights

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

- Participated in prep call for follow up meeting with Governor Newsom's Office and California Urban Superintendents
- Attended virtual site meetings to surprise and announce winners of Excellence in Education
- Attended Roosevelt LCAP Town Hall meeting
- Attended the Spanish LCAP Town Hall meeting
- Met with Executive Cabinet
- Provided welcome for the African American Lecture Series for teachers titled "*African and African-American World Experience*"
- Attended Bullard LCAP Town Hall meeting
- Participated in weekly call with Fresno County Superintendents
- Participated in the virtual ACSA Superintendent's Symposium
- Gave interview for "Top Dog" awards ceremony
- Participated in meeting with Governor Newsom's Office and California Urban Superintendents regarding Safely Resuming In-Person Instruction
- Attended the virtual Excellence in Education event
- Held virtual press conference regarding adult meal distribution
- Gave welcome at the Leadership Cohort XVII kick-off meeting
- Attended Fresno County Cradle to Career Leadership Council Meeting
- Presented a session titled "*#MilitantPositivity in the face of a Pandemic*" at the CALSA Annual Conference
- Met with labor partners

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

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: January 29, 2021

Phone Number: 457-3907



Regarding: School Services Weekly Update Report for January 22, 2021

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 January 22, 2021 is attached and includes the following articles:

- Newsom's \$2 Billion School Reopening Fund Could Actually Cost Districts Money – January 20, 2021
- California's Ban on High School Sports Still Scheduled To End Next Week – For Now – January 19, 2021
- San Diego Superintendent Will Bring Years of Teaching to Deputy Education Secretary Post – January 19, 2021

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: 01/29/2021



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DATE: January 22, 2021

TO: Robert G. Nelson
Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

RE: *SSC's Sacramento Weekly Update*

Legislature Begins to Vet Governor's Reopening Grant Proposal

On Thursday, January 21, 2021, the Senate Education Committee and the Senate Budget Fiscal Review Subcommittee on Education held a joint hearing to discuss Governor Gavin Newsom's \$2 billion school reopening proposal. The hearing consisted of three panels where members heard testimony from the Department of Finance (DOF), the Legislative Analyst's Office, the State Board of Education, school districts, and labor organizations.

While all panelists agreed that in-person instruction is more effective than remote learning, the legislators, school district representatives, and labor organizations expressed a number of concerns regarding Governor Newsom's reopening proposal. For starters, they are concerned that the February 1 deadline for districts to submit a COVID-19 Safety Plan (CSP) to their county office of education (COE) is too ambitious. This is especially true because the Legislature has not yet voted to approve the proposal and in fact the language of the measure has yet to be inserted into a bill. This means that the Legislature would have to vet the proposal in both houses, approve the bill, have Governor Newsom sign the bill into law, and then have districts submit their CSP to their COE all in just a little over a week in order to meet that first deadline stipulated in the language.

Another concern is that, as a condition of funding, districts would have to adopt the testing cadences outlined in the Reopening In-Person Instruction Framework. Those testing cadences specify that to qualify for funding, a district that resides in a county in the red and purple tiers on the state's reopening framework would have to test at least once every two weeks while those districts in the deep purple tier would have to test weekly. There are significant cost concerns with needing to test students this often and there are also testing capacity concerns as there may not be enough testing centers to handle the workload of weekly or biweekly testing. Additionally, districts have expressed concern about Proposition 98 funding being used for COVID-19 testing as it is not an education expense, but rather a healthcare expense.

There are also concerns around liability for schools physically reopening their doors. As of right now there are not liability protections that shield school

districts from lawsuits should a student or staff become infected with COVID-19. There was a bill last year by Assemblymember O'Donnell (D-Long Beach) that would have provided districts with some liability protections, but that bill never received a hearing. Also, the liability protections that Republicans were advocating to be placed into the \$900 billion COVID-19 federal stimulus bill were not included in the legislation that was signed into law on December 27, 2020. Without any type of state and/or federal liability protections, school districts could be susceptible to costly litigation should a COVID-19 outbreak occur within the district.

It was clear from this hearing that the final version of this proposal (if there is a final version) is going to look significantly different. In the end, the Legislature is the lawmaking body in charge of crating the annual State Budget and if they express this much concern over a proposal that means it's likely going to be significantly changed or rejected.

Expanded Learning Language Released

On Tuesday, January 19, the DOF released the draft language for Governor Newsom's proposed Expanded Learning Time and Academic Intervention Grants (Expanded Learning Grants).

Governor Newsom proposes using \$4.6 billion one-time Proposition 98 funds to support academic achievement by expanding instructional time and providing targeted academic intervention, with priority for vulnerable students. Local educational agencies (LEAs) would receive \$1,000 for each of their homeless students that are enrolled this school year. After funding state special schools, remaining dollars would be allocated to LEAs in proportion to their Local Control Funding Formula entitlement.

An allowable use for the Expanded Learning Grants includes various strategies to accelerate learning and address student needs, such as extended learning time, professional development, programs to address social-emotional learning, and access to school meals. While no application would be required to access the grants, LEAs must complete a new addendum to their 2021–22 Local Control and Accountability Plan that describes how the funds are used.

The Newsom Administration has indicated that they have asked the Legislature to expedite consideration of the Expanded Learning Grants so that they are finalized in advance of the normal State Budget process, potentially as early as March.

Leilani Aguinaldo

Note: There are fears from school districts that the amount of funding required to abide by the testing cadences may actually exceed the amount of funding districts receive from the grant.

Newsom's \$2 Billion School Reopening Fund Could Actually Cost Districts Money

By Ricardo Cano
CalMatters
January 20, 2021

In his bid to get California school campuses back open, Gov. Gavin Newsom proposed giving extra money to schools that managed to open by a certain date.

But the \$2 billion in grant money would come attached with strings that some districts say would mean paying more than if they didn't get the money in the first place. That's because Newsom's proposal — and new state guidance, the first since last summer — calls for vastly increased testing of school staff and students, which the schools would have to pay for.

The governor's "Safe Schools for All Plan," first released Dec. 30, aims to incentivize schools to offer in-person learning by offering between \$450 and \$700 in per-pupil grant funding if the schools reopen for their youngest students by Feb. 16.

In order to receive extra state funding, districts would have to test staff and students for coronavirus periodically, according to trailer bill language. The frequency of the testing would depend on which of the state's four color-coded reopening tiers the schools reside in.

For example, schools in the state's purple and red tiers are now suggested to test their employees and students every two weeks. For schools in especially hard-hit counties with case rates higher than 14 positive cases per 100,000 — at this point, most schools — the guidance calls for testing staff and students on a weekly basis, per the California Department of Public Health. The guidance does not suggest specific testing timing for schools in the orange or yellow tiers.

Schools are not mandated to follow the state's testing guidance if they don't plan to seek financial support through Newsom's proposed \$2 billion fund for school reopenings. But the testing strings attached to state assistance have garnered criticism from school officials and advocates toward a reopening plan that had already attracted pushback from large, urban districts and teachers unions.

Critics of the governor's reopening plan say that requiring more frequent testing — and that students be included — adds more to reopening costs than would be recuperated by the \$2 billion fund. School officials have also raised concerns about the tight deadlines in order to qualify for the full per-pupil amounts, as well as the fact that the money is coming out of the Proposition 98 pot of funds already meant for K-12 schools and community colleges.

"I don't know if that grant money was going to be enough for everything that would be required, including the testing schedule," said Al Mijares, the Orange County district superintendent. "It's made it difficult for people to immediately jump at this with enthusiasm and grab it with gusto and run."

State advocacy groups representing school boards and district and county superintendents wrote a letter to the governor Tuesday asking him to make significant changes to his reopening proposal, including setting “more feasible” testing requirements to obtain funding.

“The difficulty of implementing the proposed testing cadence prior to the proposed deadlines cannot be understated,” read the letter from school advocates, which included the California School Boards Association and California County School Superintendents Educational Services Association.

“Because COVID-19 testing for students and staff is central to the reopening plan, it is critical that schools actually have the capacity to operationalize and pay for the new testing requirements,” the letter said. “Currently, the vast majority of (school districts) do not believe such a path exists.”

Jesse Melgar, a spokesman for Newsom, said in a statement Tuesday that the governor planned to “continue working with legislators and stakeholders to advance this proposal in the coming weeks.”

“We appreciate that the letter acknowledges the importance of our Safe Schools for All Plan and the value of returning to in-person instruction in a manner that is safe for students and staff – even as they pose questions about the \$2 billion budget proposal,” Melgar said.

Most public schools that reopened last fall did not include students in their surveillance testing strategies, and some reopened with minimal or no surveillance testing. The testing issue had vexed many local districts grappling with questions surrounding cost, availability and how often to test employees. Earlier state guidance on reopening schools suggested districts test their staff once every two months. It did not issue recommendations for testing students.

As part of the governor’s push to reopen schools, the state is allowing schools to piggyback on the state’s contract with Valencia Branch Laboratory for discounted testing. Also, the state has vowed to offer more technical support for schools by creating a new team dedicated to helping schools develop safety plans and launching a new website to troubleshoot their questions.

Still, for some school districts, the costs associated with required weekly or biweekly testing for employees and students outweigh the benefit of pursuing the \$450 per-student grants.

Marian Kim-Phelps, superintendent of San Diego County’s Poway Unified, said Newsom’s reopening plan could actually cost the district of 36,000 students money if it decided to apply for the grants.

In a Thursday school board meeting hours after the state released its new guidance, Phelps explained to her board why it wouldn’t be worth the effort to pursue the grant funding for Poway, one of the largest districts in California to offer in-person instruction. Superintendents in San Diego County had estimated that it costs about \$40 million to test all teachers in the county once. By that estimate, Phelps said, the grant funding they’d receive would pay for only eight rounds of testing for all teachers, not including students.

“The math doesn’t even pan out. So, districts would be stuck with this bill on the back end of something that nobody could afford,” Phelps said.

The nonpartisan Legislative Analyst’s Office wrote in [a brief published Wednesday](#) that Newsom’s proposal was “unlikely to lead to earlier in-person instruction” in part because it tacked on “more complex logistical challenges to reopening,” such as the increased testing.

Chris Hoffman, superintendent of Elk Grove Unified, said the state should instead focus on prioritizing vaccinations for educators and staff that would go further in ensuring that reopened campuses don't close down again.

"The governor's plan coming out and being so focused on testing was really disappointing," Hoffman said. "We needed that type of effort in testing six or eight months ago."

The state guidance, an update on recommendations first released in July, sets new rules for reopening schools.

All K-12 students attending school in person are now required to wear masks. While campuses are allowed to reopen for students in kindergarten through sixth grade so long as their county has less than 25 positive cases per 100,000, schools in California cannot physically reopen for grades 7-12 until their county moves out of the purple tier for five days.

The state will now track and publish data on school cases and reopened campuses, requiring school districts to report whether they are offering in-person instruction, and in what capacity, starting next week.

Sara Noguchi, superintendent of Modesto City Schools in the Central Valley, said she plans to pursue the state's grant funding for reopening, though said she's sought more clarification from public-health officials over how often staff and students would have to be tested.

Noguchi said the largest school system in Stanislaus County will be able to meet the Feb. 1 deadline for full grant funding because it began offering in-person learning for elementary students in November after applying for now-defunct reopening waivers. Many of the elementary waiver requirements overlap with those for acquiring grant funding.

"It took us weeks and weeks to work on an MOU that we negotiated to open up our elementary schools," Noguchi said.

"If you weren't in a district that applied for the waiver, it would be very difficult to put all of this together by February 1."

Note: The ban on high school sports is supposed to end next week; however, state health officials are warning that the timeline could be extended depending on the COVID-19 data.

California's Ban on High School Sports Still Scheduled To End Next Week — For Now

By Andrew Sheeler
The Sacramento Bee
January 19, 2021

California's COVID-19 suspension of youth sports competitions is expected to end next week, but the state's top public health official on Tuesday voiced reservations about the timeline and said it could change.

The decision will affect when high school athletes can get back on the field.

California Health and Human Services Secretary Mark Ghaly said the state is in talks with the California Interscholastic Federation, the organization that oversees high school sports, about when students can return to play.

Ghaly at a news conference said he didn't want to get too far ahead of those conversations even as he cautioned that COVID-19 continues to surge across the state. Most of the state remains under stay-at-home orders because of the pandemic.

"But obviously the state of the surge and the conditions in many, many of our communities are pretty dire, pretty significant, so trying to work with those different partners to make sure that we land in a place that allows us to do what we've always wanted to do, which was resume activities that so many people miss but do it safely," he said.

Ghaly's remarks come as the CIF Southern Section, representing Southern California, announced it is canceling fall sports playoffs and championships for assorted sports, as reported in the Los Angeles Times.

They also come as the CIF has promised to crack down on its 1,500 member schools that play in unsanctioned interscholastic competitions.

Note: President Joe Biden has chosen San Diego Unified School District Superintendent Cindy Marten to be the deputy secretary of the U.S. Department of Education.

San Diego Superintendent Will Bring Years of Teaching to Deputy Education Secretary Post

By Louis Freedberg
EdSource
January 19, 2021

On the campaign trail, Joe Biden promised to select a teacher to be his secretary of education. Just before Christmas, in a surprise choice, he named Connecticut Commissioner of Education Miguel Cardona to the post. Cardona has been a teacher — albeit for only about five years before becoming a principal and district administrator.

Biden has now doubled down on his pro-teacher stance by nominating San Diego Unified Superintendent Cindy Marten to be deputy secretary of education, the number two position in the U.S. Department of Education.

With Cardona, Marten will play a pivotal role in advocating for and implementing President-elect Biden's expansive education agenda, including getting funds to states, so they can open the majority of their elementary schools within 100 days of his taking office.

With the Senate soon to be controlled by Democrats, principal elements of Biden's agenda now have far more of a chance of actually being implemented.

She will also have major responsibilities in managing the entire department, and to fill in for Cardona as acting secretary when needed.

Marten has been superintendent of San Diego Unified since 2013. But before that she had been a teacher for 17 years, as well as principal of San Diego’s Central Elementary School, a school in the diverse City Heights neighborhood where 96% of students qualify for free and reduced-priced meals.

It was after several years at Central Elementary that she made the virtually unheard of jump from an elementary school principal to being superintendent of her district — not just any district, but the second-largest district in California and the 20th-largest in the nation.

“What you get with Cindy is a teacher first,” said Thomas Courtney, a fifth-grade teacher at Chollas-Mead Elementary School in San Diego. Courtney observed Marten in workshops and meetings during her years as a teacher. As superintendent, he said, “she has clearly kept teaching to more than a test at the forefront of her agenda.”

In a tweet on Monday she wrote, “I am honored to serve alongside @teachcardona to restore our education system — putting teachers, students and parents first. Work Hard. Be Kind. Dream Big. Let’s do this!” Marten tweeted on Monday morning.

While Cardona spent almost all his professional career in the Meriden Public Schools, a district with about 9,000 students, Marten will bring the experience of teaching in, and heading, a large urban school district.

“Work hard, Be Kind, Dream Big” has long been her motto. In an interview with EdSource this spring, she described how earlier in her career she had to grapple with the issue of “learning loss,” which is now a central concern of hers and other educators as a result of the pandemic. She recalled when she was a reading specialist at an elementary school where half its students lived in poverty. Many of them lived in a low-income Section 8 housing complex across the street from the school. “They would go home for the summer, and they would experience summer slide or learning loss, because they weren’t reading or being exposed to books, and so they couldn’t keep their reading levels up,” she recalled.

She came up with the idea of asking the managers of the housing complex if they could come up with an empty apartment they could donate for the summer. “Let me have an apartment, I’ll get funding, and we’ll open up a reading center for the summer,” she proposed. That is in fact what happened, with positive results.

Both Cardona and Marten must be confirmed by the U.S. Senate, but that is likely to be a formality because of the shift of power in the chamber.

Marten’s appointment would make it even more likely that the relationship between California and the department will be the opposite of the contentious one that has existed during Betsy DeVos’ tenure as secretary. Spearheaded by Attorney General Xavier Becerra, California has sued DeVos and her department multiple times on issues ranging from student loan forgiveness to opposing her efforts to steer coronavirus relief funds to private schools.

The relationship between California and the Obama administration was also a contentious one. Former Gov. Jerry Brown and state education leaders clashed with Education Secretary Arne Duncan on numerous issues. Those included California’s mostly failed efforts to secure funds through the Race to the Top program and the department’s refusal to grant California a waiver from some of the most onerous provisions of the now expired No Child Left Behind law.

The relationship between California and Washington is expected to be a smoother one under a Biden presidency, and even more so following Marten’s nomination. Linda Darling-Hammond, the president of

California's State Board of Education, headed up President-elect Biden's education transition team. She is also close to Marten, and they have communicated with each other regularly during the pandemic.

San Diego Unified is generally recognized to have made significant academic progress while Marten has been superintendent.

On the National Assessment of Educational Progress, or NAEP, San Diego was the only district in 2019 whose tests scores significantly exceeded the average scores of 27 large districts in both math and English language arts on the fourth- and eighth-grade tests. Since 2003, San Diego student scores in fourth-grade math have risen every year except one.

A report last fall by the Learning Policy Institute, which is headed by Darling-Hammond, identified over 100 "positive outlier" school districts in California. Those are districts in which African American, Latino and white students achieved at higher-than-predicted levels. San Diego Unified was one of the districts. "Despite the wide achievement gaps across the state between students from different racial and socioeconomic backgrounds, the district has excelled at supporting the learning of all students," a Learning Policy Institute case study concluded.

Marten will be the second Californian in a quarter century to be deputy secretary of education. From 1996 to 2000, Marshall (Mike) Smith, the former dean of the Stanford University Graduate School of Education, occupied that position in the Clinton Administration when Richard Riley was education secretary.

"No matter what, the job is hard, but it is now far harder than it ever was," said Smith, referring to the difficulties of managing the department with most staff presumably working remotely due to the pandemic. The job will be further complicated by what Kirst called the "hollowing out" of the department under the leadership of Secretary Betsy DeVos, with large numbers of its most experienced staff leaving or pushed out.

Biden has yet to name an undersecretary of education, or a half dozen assistant secretaries to run different aspects of his agenda. The last Californian to be undersecretary was Ted Mitchell during the Obama administration. He is currently president of the American Council on Education.

What the exact roles of the political appointees will be has yet to be announced, and is likely to differ from how the department was organized under DeVos.

Regardless, Chollas-Mead elementary teacher Courtney, who is a member of EdSource's teacher advisory panel, is hoping that Marten can have the same impact nationally as she has had in San Diego.

"I know that first and foremost we will have someone directly under Miguel Cardona who has taught at a school like mine, been successful at a school like mine, and after leaving (the classroom), still made decisions with the best interests of students like mine in mind," he said. "If she can do that for students who live in the poorest neighborhoods in San Diego, she is going to do right by all kids."

John Fensterwald contributed to this report.

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: January 29, 2021

Phone Number: 457-3907

Regarding: January Legislative Committee Meeting

The purpose of this communication is to provide the Board information shared at the January 21, 2021 Legislative Committee Meeting.

Economic and Budget Update – Ms. Leilani Aguinaldo provided an update on the Governor’s 2021/22 Proposed State Budget. The Governor’s proposal includes a 3.84% Cost-of-Living Adjustment (COLA) which includes a compounded recovery of the 2020/21 and 2021/22 COLA. Funding for State programs is planned at the 2021/22 COLA of 1.5%.

The Governor’s proposal includes a one-time grant of \$4.6 billion for interventions to address learning loss targeted for low-income students, English learners, youth in foster care, and homeless youth. The funding will provide \$1,000 per homeless student and the remaining to be allocated based on a district’s Local Control Funding Formula. Fresno Unified is estimated to receive \$53 million.

The Governor also proposes to utilize one-time funding to buy-down the cash deferrals and provide one-time categorical funding including teacher incentive grants, early learning grants, opportunity schools, and professional development.

The new federal COVID-19 relief package provides a second round of stimulus funds for school districts. The funding extends through September 2023 to allow for planning.

The Family First Coronavirus Act (FFCRA) was not extended by Congress. This provided paid sick leave to employees unable to work for COVID-19 related reasons.

School Energy Efficiency Stimulus Grants established to fund critical school improvements, support efforts to reopen schools consistent with COVID-19 guidance and provide jobs. Two competitive grants are available for applications and priority will be given to schools in underserved communities.

- School Reopening Ventilation and Energy Efficiency Verification and Repair Program to “reopen schools with functional ventilation systems that are tested, adjusted, and, if necessary or cost effective, repaired, upgraded, or replaced to increase efficiency and performance”
- School Noncompliant Plumbing Fixture and Appliance Program to “replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards and waste potable water and the energy used to convey that water, with water-conserving plumbing fixtures and appliances”.

The Local Control Accountability Plan (LCAP) Annual Update will be updated by January 31, 2021 and will provide a revised template for districts to utilize for 2021/22.

Legislative Update – Ms. Aguinaldo provided an update on the legislative process. The legislature has until February 19, 2021 to submit new bills for consideration for the upcoming year. The following bills have been introduced:

- SB 205 (Leyva) Absences Due to Illness or Accident – (Oppose) – Requires a certificated or classified school employee who exhausts all available sick leave and continues to be absent due to illness or accident for an additional period of five months to receive full salary during those five months.
- AB 75 (O'Donnell) School Bond – (No Position) – Places a K-14 statewide school bond on the 2022 ballot to fund the construction and modernization of education facilities.
- AB 10 (Ting) In Person Instruction – (No Position) – Offer distance learning after March 01, 2021, if a public health order requires campuses to remain closed, including adoption of an in-person instruction or hybrid model within two weeks of their county moving from the most restrictive tier.
- AB 22 (McCarty) Kindergarten Enrollment – (No Position) – Expands transitional kindergarten to all four-year-olds.
- AB 101 (Medina) Ethnic Studies Graduation Requirement – (Support) – This bill proposes to include ethnic studies as a high school graduation requirement for pupils graduating in the 2029/30 school year.
- AB 104 (Gonzalez, Lorena) COVID-19 Learning Recovery – (No Position) – Requires four main components including the following:
 - Implement interim policy to allow students to be retained for next school year.
 - Allow high school students taking A-G requirements to request a pass or no pass grade. Requires and/or encourages postsecondary institutions to accept changed grades for admission purposes.
 - Requires districts to exempt juniors or seniors from all coursework adopted by the district that are in addition to the statewide graduation requirement.
 - Establishes the COVID-10 Pupil Recovery Act of 2021 for grants for supplemental instructional programs and support interventions and must be provided in person to migrant, English learners, low-income, foster youth, homeless, or disengaged students.
- AB 70 (Rubio) Kindergarten – (Support) – Requires completion of kindergarten before entering the first grade beginning in the 2022/23 school year.

The School Services Legislative Committee January 2021 report is attached. The next Legislative Committee meeting is scheduled for February 11, 2021.

If you have any questions or require further information, please contact either Kim Kelstrom at 457-3907 or Santino Danisi at 457-6225.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

Fresno Unified School District

**LEGISLATIVE COMMITTEE MEETING
JANUARY 21, 2021**

2021-2022 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:
Fresno Unified School District
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Governor’s Proposals for the 2021–22 State Budget and K–12 Education

By SSC Team
January 8, 2021

Preface

Given where we were some nine months ago, Governor Gavin Newsom’s State Budget—and specifically the education budget—offers us a collective sigh of relief, if not feelings of jubilation. The economy has recovered from the pandemic much faster than originally anticipated and state revenues are much more robust than what was projected just six months after the 2020 Budget Act was enacted. As a result, public education funding has increased year-over-year, allowing Governor Newsom to meet the state’s yearly obligations to K–12 and community college agencies while proposing sizeable investments across a plethora of priorities mostly aimed at continuing to combat COVID-19 and its devastating impact on student learning. These state investments are augmented by a significant infusion of federal aid from the second tranche of COVID-19 relief funds from Washington, D.C. that will put money in the hands of local educational agencies (LEAs) for use across a myriad educational programs and \$1 billion to protect and stabilize the child care and early learning system while it continues to meet the needs of parents and young children across California.

Unsurprisingly, the Governor’s 2021–22 State Budget proposes investments and innovations to address the immediate and longer-term impacts of the pandemic on student learning and achievement. He is calling on state partners in the California Legislature to act swiftly to enact and appropriate funds for his Safe Schools for All plan that incentivizes K–12 school agencies to offer and provide in-person instruction for the state’s youngest and most vulnerable students. He calls on the Legislature to act expeditiously to help K–12 agencies accelerate or expand learning opportunities in an effort to recover from the loss of learning spawned by COVID-19. And these proposals are accompanied by investments in teacher training and preparation that not only continue to address the state’s teacher shortage crisis but aim to improve pedagogy in this new era of instruction and learning.

Overview of the Governor’s Budget Proposals

Recognizing the vast change in economic fortunes from the 2020 State Budget Act as a result of the historic health pandemic, the State’s Budget went from a planned \$5.6 billion surplus to a \$54.3 billion deficit in the same year. With revenue growth surpassing original expectations early in the pandemic, the Governor’s Budget Proposal forecasts a dramatic restoration of funding including growth in programs, reserves, and a cost-of-living adjustment (COLA). The state’s General Fund

continues to enjoy stronger than estimated revenue from the “Big Three” taxes. The 2021–22 Budget Proposal includes revenue forecasts over \$4.2 billion more than the 2020–21 May Revision. Personal income tax is up by \$5 billion, corporation tax is down by \$312 million, and revenue from the sales and use tax is projected to be \$583 million down from Enacted Budget levels. When compared against pre-recession expectations, revenues in the Governor’s 2021–22 proposal exceed last year’s by \$2.8 billion. Personal income tax is higher by \$4.5 billion, corporation tax is up by \$629 million, and revenue from the sales and use tax is projected to be lower by \$2.3 billion respectively.

The Economy and Revenues

Economic Outlook

With federal stimulus 2.0 approved by Congress and signed by the President just before the new year, concerns persist about food insecurity, eviction moratoriums, and the looming commercial real estate crash—all of which provide a dramatic contrast when compared to the situation for those at the upper end of the economic spectrum, who have far better weathered the pandemic. The Governor’s Budget focuses on restoring programs that were negatively impacted in the prior year budget, paying down debt obligations, and addressing the needs of California’s most vulnerable as the nation and state move toward exiting the pandemic.

The role-out of COVID-19 vaccinations started last month but it will take substantial time to provide multiple doses for over 330 million people across the nation. Many believe that this will cause a slower economic recovery in the fourth quarter of 2020 and first quarter of 2021. However, higher than normal personal savings and lower personal debt rates leave the economy well situated to launch into robust recovery in the second quarter of 2021. Precursor metrics, such as business-to-business shipping via domestic train cargo has increased substantially and purchasing manager confidence is at a historic high. As the world’s fifth largest economy, California is especially reliant on import-export business and while both measures have been negatively impacted in the recession, exports have been more so, widening the trade deficit.

As we monitor micro- and macro-economic trends, we continue to follow potential risks to the rate of recovery as we move into the second quarter of the new year and beyond.

Proposition 98, the Supplemental Payment, and the Public School System Stabilization Account

In 2021–22, the Proposition 98 Minimum Guarantee increases to \$85.8 billion. This includes the state’s annual constitutional obligation to fund K–12 and community college districts. In addition, the Governor’s Budget proposes a one-time non-Proposition 98 supplemental payment of \$2.3 billion. Recall that the 2020 State Budget Act included a requirement for the state to make one-time supplemental payments equal to 1.5% of General Fund revenues, up to \$12.4 billion, beginning in 2021–22 and then subsequently increasing the minimum guarantee, beginning in 2022–23, to 40% of General Fund revenues when K–14 education funding is determined by Test 1. The Governor’s Budget proposes to repeal the supplemental payment obligations in their entirety and instead proposes a 2021–22 one-time payment of \$2.3 billion in recognition of the exorbitant costs LEAs have borne as a result of COVID-19 and distance learning.

Annually, the state “trues up” K–14 state spending for the prior and current fiscal years to ensure that it continues to meet its legal obligations. The minimum guarantee for both 2019–20 and 2020–21 increase from their June 2020 Enacted State Budget levels by \$1.9 billion and \$11.9 billion, respectively, to \$79.5 billion and \$82.8 billion.

Due to economic conditions and other factors, the Governor’s Budget assumes that the state is required to make a deposit into the Public School Systems Stabilization Account (PSSSA)—or education’s rainy day fund—totaling \$3 billion. Specifically, the proposal projects required deposits in fiscal years 2020–21 and 2021–22 of \$747 million and \$2.2 billion, respectively. The total balance in the PSSSA would trigger the condition that caps the amount that school districts can maintain in their local reserves beginning in fiscal year 2022–23.

Deferrals

The 2020–21 Enacted Budget included almost \$13 billion in K–12 deferrals—\$1.9 billion of Local Control Funding Formula (LCFF) funding from June 2019–20 to July in 2020–21, and an additional approximately \$11 billion from 2020–21 to 2021–22.

The Governor’s Budget proposal pays down \$9.2 billion of the K–12 LCFF deferrals, which effectively eliminates the ongoing deferrals scheduled for February 2022 through May 2022. Note that this pay down does not impact the deferrals currently scheduled for February through June 2021. The repayment schedule for these deferrals remains, with LEAs receiving these apportionments from July through November 2021.

Cost-of-Living Adjustment and Average Daily Attendance

The proposed COLA for the LCFF in 2021–22 is 3.84%—a compounded amount that encompasses a 2.31% COLA for 2020–21 and an additional 1.5% for 2021–22—and is applied to the LCFF base grants. The other education programs that are funded outside of the LCFF—Special Education, Child Nutrition, Preschool, Foster Youth, American Indian Education Centers, the American Indian Early Childhood Education program, and the Mandate Block Grant—will only receive the 1.5% COLA designated for 2021–22, as well as community colleges.

Statewide, average daily attendance (ADA) is expected to continue declining. The Governor’s Budget Proposal acknowledges that in-person instruction will likely continue to be a challenge due to health and safety concerns and, therefore, there will be continued need to offer alternative instruction models. The Governor’s Budget proposal does not, however, include an ADA hold harmless for 2021–22, though it does note that school districts in declining enrollment have the statutory ability to utilize higher, prior-year ADA.

Local Control Funding Formula

The 2021–22 Governor’s Budget proposal includes an increase of \$2 billion in Proposition 98 for the LCFF reflecting the 3.84% COLA. This brings LCFF funding to \$64.5 billion.

LCFF Target Entitlements for School Districts and Charter Schools

The target base grants by grade span for 2021–22 are increased over 2020–21 by 3.84% to reflect the unfunded COLA of 2.31% in 2020–21, and an estimated statutory COLA of 1.5% in 2021–22:

Grade Span	2020–21 Base Grant Per ADA	3.84% COLA	2021–22 Base Grant Per ADA
TK–3	\$7,702	\$296	\$7,998
4–6	\$7,818	\$300	\$8,118
7–8	\$8,050	\$309	\$8,359
9–12	\$9,329	\$358	\$9,687

The Transitional Kindergarten (TK)–3 grant increase for the class-size reduction (CSR) grade span adjustment is \$832 per ADA in 2021–22, and the grade 9–12 base grant per ADA is increased by \$252 in recognition of the need for Career Technical Education (CTE) courses provided to students in the secondary grades.

School districts and charter schools are entitled to supplemental grant increases equal to 20% of the adjusted base grant (including CSR and CTE funding) for the percentage of enrolled students who are English learners, eligible for the free or reduced-price meals program, or in foster care. An additional 50% per-pupil increase is provided as a concentration grant for each percentage of eligible students enrolled beyond 55% of total enrollment.

LCFF Fiscal Accountability

Assembly Bill 1835 (Weber, D-San Diego) worked its way through the legislative process last year and would have required LEAs to annually identify and report unspent LCFF supplemental and concentration grant funds and also clarified that those unspent funds needed to continue to be used to increase or improve services for unduplicated pupils in future years. The bill was vetoed by Governor Newsom wherein he noted that there was a simpler way to address the bill’s objectives and that he would direct the Department of Finance to propose language as part of the 2021–22 budget process—the Governor’s Budget proposal delivers on this promise.

The proposal includes language that will require LEAs to maintain supplemental and concentration grant funds to increase and improve services to unduplicated pupils until the funds are fully spent for those purposes and not allow the monies to be carried over in an unrestricted fashion—to be used for other General Fund purposes—from one fiscal year to the next. In addition, further requirements will be placed on county offices of education (COEs) when reviewing Local Control and Accountability Plans as it pertains to the continued use of these funds.

Special Education

Building on last year’s investment and simplification of the special education base formula, Governor Newsom proposes \$300 million in ongoing funds for the Special Education Early

Intervention Grant. The intent is to increase the availability of evidence-based services for infants, toddlers, and preschoolers.

Special Education Early Intervention Grants were provided in the 2019–20 State Budget to LEAs based on the number of preschoolers being provided special education and outside of the special education base funding formula. It is unclear at this time whether all grant details would remain the same under this proposal.

Student Learning During COVID-19

As detailed in previous Fiscal Report articles, Governor Newsom proposes to use at least \$2 billion to encourage schools to reopen for in-person instruction (see “[Newsom Proposes Incentive Grants to Reopen Schools](#)” in the December 2020 *Fiscal Report* and “[Newsom’s Reopening Schools Proposal—More Details Emerge](#)” in the January 2021 *Fiscal Report*). Under the Governor’s Safe Schools for All proposal, grants would be available as early as February for LEAs that continue offering or begin offering in-person instruction for elementary school students and vulnerable students in all grades, defined as students with disabilities, foster youth, homeless youth, and students without access to technology for online learning. LEAs that open by February 16 are eligible to receive grants of at least \$450 per ADA as long as specified requirements are met, with additional funds for LEAs that receive LCFF supplemental and concentration grant funds. A summary, from the Administration, of the reopening grant proposal is available [here](#).

In addition, the proposal sets aside \$4.6 billion in one-time Proposition 98 General Funds for unspecified interventions to address learning loss, such as an extended school year or summer school. This investment would be targeted for students from low-income families, English language learners, youth in foster care, and homeless youth. We will provide additional details about this proposal when available.

Educator Investments

The Governor’s Budget proposal includes over \$540 million in one-time Proposition 98 funds in educator investments which recognizes the extraordinary challenges teachers, administrators, and classified staff have, and will continue to experience during the COVID-19 pandemic. These challenges are addressed by committing proposed investments in educator effectiveness, professional development, and the continuance of programs that provide pathways to the teacher pipeline. Specifically, \$315.3 million is proposed to support educator professional learning and teacher effectiveness. An additional \$225 million in continued support and expansion of existing teacher pipeline programs such as the Teacher Residency program and the Classified School Employee Credentialing program.

Early Childhood Education

Governor Newsom proposes budget-year investments to begin implementing the state’s Master Plan for Early Learning and Care, which was released on December 1, 2020. Specifically, his 2021–22 Budget proposal provides \$250 million in one-time Proposition 98 funds to incentivize LEAs over multiple years to provide expanded TK and cover the upfront costs associated with it. Additionally, Governor Newsom proposes a one-time Proposition 98 investment of \$50 million to provide training for TK and kindergarten teachers in providing inclusive instruction for students

with disabilities; support for English learners; and to help address the social-emotional needs of students, including training in trauma-informed practices, restorative practices, and implicit bias.

To address the facilities impact of TK expansion and to promote the conversion of part-day TK and kindergarten programs to full-day, the budget includes \$200 million in one-time non-Proposition 98 General Funds to construct or retrofit existing facilities.

Finally, the proposal includes a 1.5% COLA to provide reimbursement rates for general childcare and state preschool.

Community Schools/Mental Health/School Climate Surveys

Recognizing that the COVID-19 pandemic has exacerbated poverty, basic needs, and mental health issues for students and their families, Governor Newsom proposes several investments to support community school programs, respond to mental health needs, and expand school climate surveys.

Community Schools

Building on the \$45 million investment in federal funds from the 2020 State Budget Act, the Governor proposes \$264.9 million in one-time Proposition 98 funding to support LEAs in expanding their existing networks of community schools and to establish new community schools with priority given to those in high-poverty communities. The investment is consistent with the Governor leveraging the infrastructure of community schools as a way to provide wraparound services to students and their families.

Mental Health

The Governor proposes \$400 million (mix of federal funds and non-Proposition 98 General Fund) in one-time funds to implement an incentive program that would build infrastructure, partnerships, and capacity to increase the number of students receiving preventive and early intervention behavioral health services from schools.

Additionally, the Administration proposes to use \$25 million (one-time) from the Mental Health Services Fund to expand the Mental Health Student Services Act Partnership Grant Program, which funds partnerships between county behavioral health departments and schools.

The Governor also proposes a third investment of \$25 million in ongoing Proposition 98 funding for innovative partnerships with county behavioral health to support student mental health services. The funding would be provided to LEAs to match funding in county Mental Health Services Act spending plans dedicated to the mental health needs of students.

School Climate Surveys

The Administration proposes to provide a COE with a one-time investment of \$10 million in Proposition 98 funding to support the widespread access and use of school climate surveys. The COE chosen will use the funding to support the development of surveys that assist LEAs in assessing community needs stemming from COVID-19 and distance learning, provide grants to

LEAs to implement enhanced survey instruments and support start-up costs for conducting annual school climate surveys, and provide trainings to LEAs on interpreting the data derived from the surveys.

Federal Programs

In his 2021–22 State Budget summary, the Governor makes reference to the \$900 billion Coronavirus Response and Relief Supplemental Appropriations Act that was signed into law by President Donald Trump on Sunday, December 27, 2020.

The relief package earmarks \$82 billion for education providers that will be allocated similarly to the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The \$82 billion includes the following:

- \$54.3 billion for the Elementary and Secondary School Emergency Relief (ESSER) Fund
 - California is estimated to receive approximately \$6.8 billion of this funding
- \$22.7 billion for the Higher Education Emergency Relief Fund
 - California is estimated to receive approximately \$2.9 billion of this funding
- \$4.1 billion for the Governor’s Emergency Education Relief (GEER) Fund (\$2.75 billion is mandated as emergency assistance to non-public schools)
 - California is estimated to receive approximately \$400 million of this funding

The federal relief bill stipulates that at least 90% of the ESSER funding received needs to be allocated to LEAs in proportion to their Title I, Part A funding, while the state has direction over how to spend the remaining 10% of those dollars (see [“Estimated ESSER Allocations”](#) in the January 2021 *Fiscal Report*). The Governor has not provided a proposal on how he intends to use the remaining 10% of the ESSER dollars.

The federal legislation gives Governor Newsom discretion on how to spend the GEER dollars. The bill states that the money can be used for LEAs and higher education institutions that have been “most significantly impacted by coronavirus.” As a reminder, Governor Newsom chose to use the state’s GEER funds from the CARES Act for the students with disabilities portion of the learning loss mitigation initiative in the 2020 State Budget Act. However, the Governor did not specify how he intends to use the GEER funding that the state will receive from this most recent relief package.

In Closing

In closing, while we certainly appreciate the restored and stable resources for public education in the Governor’s Budget proposal, we understand that this news is sobered by the fact that all of us are still in the throes of the health pandemic that has consumed our lives since last March. In the meanwhile, we are working diligently to meet the learning and nonacademic needs of our students and their families while planning for the future—a daunting but important endeavor. We appreciate Governor Newsom’s attention on the critical needs of public education as a cornerstone in society

and the economy at large and his willingness to address our challenges head on with the caution that the innovations and initiatives we champion can be fully realized with the resources at hand.

We look forward to diving deep into the Governor's education budget with all of you and helping our local educational leaders and partners operationalize all of what this means for public agencies, staff, students, and local communities.

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Economy Faces Headwinds Despite Improvement

By Patti F. Herrera, EdD
December 21, 2020

The Department of Finance issued its latest and final monthly [Finance Bulletin](#) of the year, which, to no one's surprise, shows an economy pockmarked by the health pandemic that not only has lingered since early spring but has surged in recent weeks, making California one of the nation's current hot spots.

Labor conditions at the state and national level are making gains but employment and labor participation rates are still well below their pre-pandemic levels. California's unemployment rate reached 9.3% in October (down 1.8 percentage points) compared to 6.7% across the U.S. in November 2020. There are nine million fewer people employed nationally and 1.3 million fewer employed Californians than there were just nine months ago. While these numbers appear grim, the U.S. and the state have recovered 55.6% (or 12.3 million) and 48.3% (or 1.1 million), respectively, of the jobs that were lost in March and April, indicating that labor conditions are healing. In California specifically, all major job sectors except for government and mining and logging saw jobs gains in October 2020.

Another important economic indicator for the fifth largest economy in the world is trade. On this front, California imports and exports are both down on a year-to-date basis as well as compared to the same period last year. Imports were down 5.5% from last year, the lowest since 2013, while exports—down 12.0% from last year—reached its deepest trough since 2010.

Despite this sobering data, the state's General Fund is enjoying robust revenues, which continue to outperform June 2020 budget estimates. On a year-to-date basis, revenues are \$13.8 billion above projections and revenue collections from March through November are 0.4% higher than they were for the same period in 2019. In November alone, General Fund revenues were \$2.4 billion higher than anticipated. When looking at the "Big Three" taxes to date, personal income tax (PIT) receipts are \$10.3 billion above budget estimates while sales and use and corporation taxes are \$3.0 billion and \$714 million over forecast, respectively. Revenue from the Big Three taxes generate 77% of the state's operating funds with PIT as a key driver.

On its own, PIT comprises over two-thirds of all state General Fund revenues, and roughly half of PIT revenues are generated by less than 1.0% of California's wealthiest residents. The stock market's sharp rebound from its precipitous drop in the spring—and the fact that high income earners have been virtually unaffected by job losses—has buffered state revenues from the

economic shock of the pandemic. If, however, Wall Street loses confidence in the nation's ability to heal, things could change.

We will soon see how investors react to an imminent federal relief deal—if they believe it will be sufficient to prop up the economy—and how cautious Governor Gavin Newsom will be when he releases his January State Budget Proposal in just a few weeks. Economic data show reason for both optimism and caution. What we do know is that nothing is certain.

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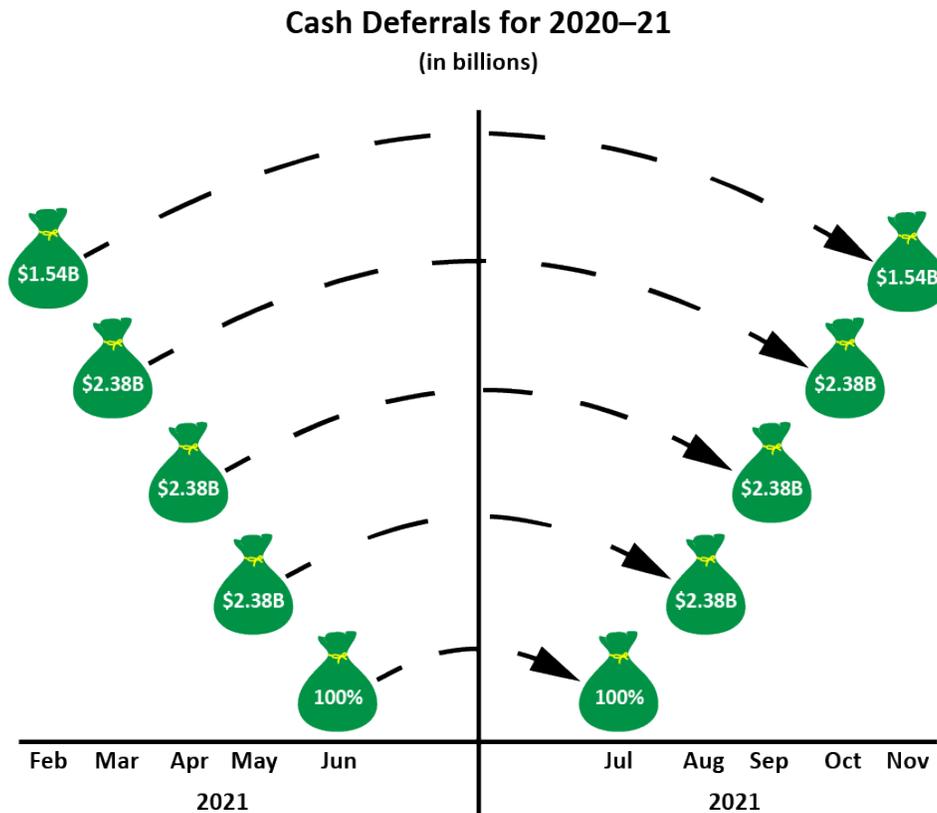
Ask SSC . . .

With Deferral Buy Downs, Should We Stop Our TRANs?

By Brianna García
January 9, 2021

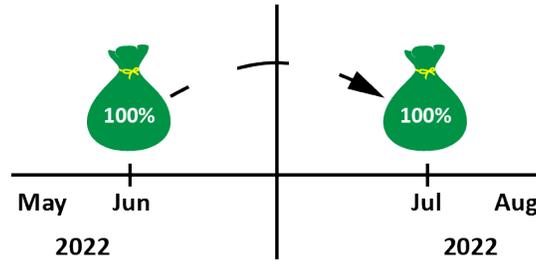
- Q.** Since Governor Gavin Newsom’s State Budget proposal for 2021–22 includes a buy down of cash deferrals, should we pull the plug on our Tax and Revenue Anticipation Notes (TRANs) for this year?

- A.** No, because the cash deferrals for 2020–21 starting next month (February 2021) are not affected by the Governor’s Budget. These deferrals are still in place:



The Governor’s Budget would not affect the cash deferrals until 2021–22, which would begin in February of 2022. If his proposal makes its way into the final State Budget Act for 2021–22, the cash deferral schedule would like this:

Cash Deferrals for 2021–22



In the meantime, continue your cash borrowing procedures if needed given that the deferrals are in effect this year. Also, remember that the buy down of the deferrals is only a proposal at this point, so when projecting your cash needs for next year, we recommend that you assume all of the deferrals are ongoing until legislation is enacted to buy them down.

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Newsom Proposes Incentive Grants to Reopen Schools

By Leilani Aguinaldo
December 30, 2020

Correction Note: The first version of this article erroneously noted how the Safe Schools for All proposal applies to LEAs that have opened, or will open, for in-person instruction prior to the proposal's implementation.

Governor Gavin Newsom unveiled California's Safe Schools for All Plan (Plan) today, December 30, 2020, that would provide financial incentives for local educational agencies (LEAs) to reopen schools beginning in February 2021. The Plan also includes updated guidance and requirements to further ensure health and safety in the classroom, state oversight and assistance to help LEAs with their reopening plans, and transparency for information such as schools' reopening status around the state.

The Newsom Administration proposes a \$2 billion emergency budget appropriation that would establish incentive grants to reopen schools for grades TK–2 and other vulnerable students (such as students with disabilities, English learners, homeless, and other at-risk students) by February 16, 2021. LEAs would be required to offer in-person instruction through grade 6 by March 16. Across the state, LEAs have experienced precipitous enrollment declines in their primary grades, which many believe stems from an aversion to exposing young children to hours of screen time and the inability of working parents to support the online education of their children. LEAs that have already reopened may receive grants if they meet all conditions for funding, including providing in-person instruction for students in grades TK–2 and specialized cohorts of at-risk students in all grade spans by February 16, and expand in-person instruction to students in grades 3–6 by March 16. The reopening grant will provide \$450 per average daily attendance with weighted funding for LEAs that serve low-income, English learner, and foster youth students. Grants will be available for LEAs that reopen after the February 16 and March 16 deadlines, but amounts will be reduced with later reopenings.

In addition to the deadlines for providing in-person instruction, LEAs must adopt a COVID-19 safety plan and have an agreement with their labor partners that is aligned with new guidance for reopening schools in order to receive the grants. The COVID-19 safety plan must include the COVID-19 Protection Plan that is required under Occupational Safety and Health Administration (OSHA) emergency regulations and a California Department of Public Health (CDPH) school reopening checklist. The Plan includes a requirement for all staff and students to wear masks as well as regular COVID-19 testing for staff and students. LEAs in purple and red tier counties

would be required to administer COVID-19 tests every two weeks, and LEAs in counties with high rates of transmission would be required to test weekly.

The Plan also establishes a state Safe Schools for All Team, a cross-agency team that would include CDPH and Cal-OSHA staff to assist LEAs with reopening and provide technical assistance. A state dashboard will provide data on schools reopening status and in-school transmissions of COVID-19, and a hotline will be established for school staff and parents to report concerns to the Safe Schools for All Team. Additional information about the plan is available online at CDPH's [website](#).

We will provide additional details about Governor Newsom's proposal, including the impending new guidance for reopening schools when we return from the holidays. The School Services of California Inc. team wishes you a happy, healthy, and safe New Year!

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Newsom’s Reopening Schools Proposal—More Details Emerge

By Leilani Aguinaldo and Patti F. Herrera, EdD
January 4, 2021

On December 30, 2020, Governor Gavin Newsom announced a proposal to encourage local educational agencies (LEAs) to resume in-person instruction as early as mid-February by providing incentive grants with a base rate of \$450 per average daily attendance (ADA) to pay for costs associated with classroom-based learning, such as cleaning, disinfecting, salaries and compensation, and COVID-19 testing for students and staff (see “[Newsom Proposes Incentive Grants to Reopen Schools](#)” in the December 2020 *Fiscal Report*). Since the unveiling of the Governor’s plan, new details have emerged regarding the conditions that must be met for LEAs to access the grants, which are summarized below.

The Safe Schools for All Plan would open up rounds of grant funding beginning in February 2021. To qualify for the first round of funding, LEAs must meet the following requirements:

- Submit to their county office of education (COE) a COVID-19 Safety Plan (CSP) that complies with new school reopening guidance from the California Department of Public Health (CDPH) and emergency regulations for all employers issued by the California Division of Occupational Safety and Health (CalOSHA) no later than February 1, 2021. Governor Newsom indicated that new CDPH guidance for schools would be released on Friday, January 8, 2021, which will include testing cadences for students and staff to which grantees must adhere. LEAs also must post the CSP on their website homepages.
- Submit to their COE a ratified collective bargaining agreement or memorandum of understanding, if applicable, that implements the LEA’s CSP no later than February 1, 2021. Districts in single-district counties are required to submit their documents to the California Department of Education.
- By February 16, 2021, offer in-person instruction to students in grades TK–2 and specialized cohorts across all grade spans, including students with disabilities, foster and homeless youth, and students who are unable to participate in distance learning, with a plan to adhere to asymptomatic testing requirements of students and staff consistent with the guidance from the state. LEAs that have already reopened for in-person instruction and meet these requirements will be able to access the incentive grants.
- By March 15, 2021, expand in-person instructional offering to all TK–6 grade students served, if sixth grade is offered at the elementary school site.

- Continue to provide in-person instruction to all specified students through the 2020–21 school year unless otherwise required by state or local health orders or guidance.
- Certify to their COE that students who remain in distance learning have the necessary tools (computing devices and high-speed internet access) to participate in online education.

LEAs that are unable to meet the condition for funding under the initial round will have the opportunity to apply for lower grant amounts on a monthly basis. In order to be eligible to apply, they must meet the aforementioned requirements by the first day of the subsequent months (e.g., March 1, 2021) with in-person instruction for all TK–2 grade students and specialized cohorts on the first day of month and then to students through grade 6, if applicable, within the subsequent month.

LEAs that are unable to reopen for in-person instruction by February 16, 2020, due to local health conditions—specifically residing in areas where the average seven-day COVID-19 case rate exceeds 28 per 100,000 per day—are still eligible to apply for and receive funding from the initial round with base rates of \$450 per ADA. However, they must subsequently offer in-person instruction and meet all other requirements the month immediately following the case-rate level dropping below 28 per 100,000.

Finally, Governor Newsom’s Administration has confirmed that the reopening incentive grants will be allocated based on an LEA’s total ADA minus students enrolled in independent study. The requirement to offer in-person instruction covers all grade spans since cohorts of vulnerable students beyond sixth grade are included in the requirement. Therefore, all LEAs are eligible to apply, including high school districts.

We will provide updates on the anticipated new school reopening guidance and the reopening incentive grants once it becomes available.

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Ask SSC . . .

How Often Do We Have to Do COVID-19 Testing?

By Leilani Aguinaldo and Patti F. Herrera, EdD
January 15, 2021

[Correction Note: We have amended this article to clarify that it details the requirements for only asymptomatic COVID-19 testing.]

- Q.** If I am a local educational agency (LEA) that has already reopened for in-person instruction, do I have to adopt the asymptomatic COVID-19 testing cadences that are detailed in the California Department of Public Health (CDPH) Reopening In-Person Instruction Framework and Public Health Guidance for K–12 Schools in California (Reopening In-Person Instruction Framework)?
- A.** Currently, there is no requirement for any LEA to adhere to the asymptomatic COVID-19 testing cadences referenced by the CDPH in its latest Reopening In-Person Instruction Framework. The state of California has committed to support the testing cadences that are detailed through supplemental testing supplies, shipment, laboratory capacity, enrollment and reporting technology, training, and assistance with insurance reimbursement. The testing cadences includes asymptomatic testing of students and staff every two weeks for LEAs in red and purple tier counties, with frequency increasing to weekly for LEAs in purple counties with an adjusted case rate of greater than 14 per 100,000.

Governor Gavin Newsom’s Budget proposal includes \$2 billion dollars for In-Person Instruction Grants to incentivize LEAs to offer in-person instruction to certain students by February 16 and March 15 (see “[Newsom Proposes Incentive Grants to Reopen Schools](#)” in the December 2020 *Fiscal Report* and “[Newsom’s Reopening Schools Proposal—More Details Emerge](#)” in the January 2021 *Fiscal Report*). One condition of receiving the proposed grants is to adopt a COVID-19 Safety Plan that includes the testing cadences detailed in the Reopening In-Person Instruction Framework. In other words, as proposed, LEAs must adopt the testing cadences supported by the state in order to be eligible for the In-Person Instruction Grants. This includes LEAs that have already reopened for in-person instruction and intend to apply for the proposed grants. LEAs that do not pursue funding under the Governor’s Safe Schools for All proposal are not required to adopt and implement the published asymptomatic testing cadences. However, LEAs should also remember that the California Occupational Safety and Health Administration (Cal/OSHA) emergency temporary

standards require employers to offer COVID-19 testing to employees if there is a potential COVID-19 exposure in the workplace (see “[New Emergency Cal/OSHA COVID-19 Requirements Effective Now](#)” in the December 2020 *Fiscal Report*).

While included in the Governor’s Budget proposal, the In-Person Instruction Grants must still go through the legislative process, including public hearings and passing both the Assembly and the Senate. Stay tuned for future *Fiscal Report* articles which will give updates about the proposal and any amendments. The [COVID-19 and Reopening In-Person Instruction Framework and Public Health Guidance for K-12 Schools In California, 2020-21 School Year](#) is available on the CDPH COVID-19 website at schools.covid19.ca.gov.

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New Health Directive Requires Continuous Reporting of Instruction

By Leilani Aguinaldo and Patti F. Herrera, EdD
January 15, 2021

On January 14, 2021, Governor Gavin Newsom’s Administration issued new health and school reopening [guidance](#), and embedded within it is “Appendix 4: Public Health Directive, Reporting Details of In-Person Instruction.”

Effective January 25, 2021, all local educational agencies (LEAs) and private schools are required to notify the California Department of Public Health (CDPH) whether they are serving students through in-person instruction. The directive requires the submission of the following information every other Monday (or Tuesday if the Monday falls on a holiday) to be submitted via a to-be-developed CDPH web form:

- In-person instruction is provided full-time, including whether all grades or only certain grades are being served
- In-person instruction is provided part-time through a hybrid instruction and learning model, including whether all grades or only certain grades are being served
- In-person instruction and services are provided to special student cohorts pursuant to CDPH Guidance Related to Cohorts
- No in-person instruction and services are provided, or instruction and services are delivered only through distance learning

The information collected by the CDPH will be shared with local health officers and will be made publicly available on the web-based [Safe Schools for All Hub](#). LEAs and private schools will be subject to the biweekly reporting requirements until the public health directive is rescinded.

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New Emergency Cal/OSHA COVID-19 Requirements Effective Now

By Christine Gerbasi
December 10, 2020

[Editor's Note: From time to time, we publish guest articles that we think inform readers on timely and relevant issues related to local educational agency operations, and most recently, how operations are impacted by the COVID-19 pandemic. Christine Gerbasi of Keenan provides an article on the New Emergency California Occupational Safety and Health Administration (Cal/OSHA) COVID-19 Requirements.]

On November 30, 2020, the Office of Administrative Law approved the Cal/OSHA emergency temporary standards (ETS), making them effective immediately. The ETS overlap and, in some ways, expand requirements for employers when there is a COVID-19 case in the workplace. This article provides an overview of the following three key areas: Reporting of COVID-19 Tests, Employer Obligations to Offer Employees COVID-19 Testing, and Employee Notification Requirements when there is a COVID-19 case. This article will discuss the overlap between [Senate Bill] 1159, AB [Assembly Bill] 685, and the Cal/OSHA ETS. To fully understand all compliance requirements, a full review of these new statutes is recommended. It is also recommended that the California Department of Public Health and your local county department of health continue to be consulted as recommendations for school districts continue to be fluid.

Reporting of Positive COVID-19 Tests—For purposes of Workers' Compensation, all positive tests of district employees working on-site in the 14 days prior to the date of the test must be reported to your claims administrator within 3 business days, regardless of whether or not the positive test is a result of employment. Reporting must be done in a way that does not disclose any personal identifiable information. AB 685, that takes effective January 1, 2021, adds a second level of reporting. Under AB 685, districts must report to their local health department within 48 hours when the number of positive tests ("cases") meets the criteria set by the State Department of Public Health, which is 3 or more positive tests within a 14-day period. Cal/OSHA ETS went into effect upon approval [on] November 30, 2020, [adding] yet a third level of reporting to their local health department when there are "Major COVID-19 Outbreaks," defined as 20 or more COVID-19 cases within a 30-day period.

Employer Obligation to Offer Employees COVID-19 Testing—The California Department of Public Health, in [its] "COVID-19 and Reopening In-Person Learning Framework for K-12 Schools in California 2020–2021 School Year" issued back in July, indicated that schools should test staff periodically, based on available testing capacity. The recommended frequency of testing was [that] all staff that are in contact with students, or other staff, be tested every two months, with

25% of the staff tested every two weeks. Testing availability has been limited in our state and access for school districts continues to be a challenge. Testing requirements and recommendations have remained fluid in every sense. AB 685 does not specially address testing employees. Cal/OSHA ETS require the investigation of COVID-19 cases in the workplace. What this means for school districts is that, when there is a COVID-19 positive case at a district location, they must offer COVID-19 testing at no cost to employees during their working hours who had potential COVID-19 exposure in the workplace. Availability and access to COVID-19 testing continues to be a challenge, and how school districts are to fund the costs of testing is not addressed. Potential sources of COVID-19 testing include health plans, county testing sites, and independent laboratories.

Employee Notification of a Potential Exposure to COVID-19—As of January 1, 2021, AB 685 created a mandate that all employers, public and private, provide a written notice to all employees, and to employers of subcontracted employees, who were on the premises at the same worksite as an employee who tested positive, was diagnosed, [and] was directed to quarantine by a public health official, or that died due to COVID-19. This notice must be sent within one business day of notice of the potential exposure. The notice must include information on the disinfection and safety plan being implemented. It must also include information on COVID-19-related benefits the employee may be entitled to at the federal, state, county, and local level, including Workers' Compensation benefits and all available leaves. It must also include information about anti-retaliation and anti-discrimination polices available to protect the employee. Care must be taken to retain confidentiality of the COVID-19-positive individual. These notices must be retained for a minimum of three years. Many districts have been sending written notices to employees potentially exposed to COVID-19 even prior to the passage of AB 685. The Cal/OSHA ETS did not create any new or additional employee notification requirements; however, it is important to understand that the ETS made the notice requirements mandatory effective as of November 30, 2020.

For additional information about compliance with AB 685 or the Cal/OSHA ETS, it is recommended that you reach out to your insurance broker or Workers' Compensation provider.

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Congress Reaches Agreement on Stimulus and 2021 Spending Plan

By Kyle Hyland
December 21, 2020

On the evening of Sunday, December 20, 2020, congressional leaders announced that they had reached a deal on a \$900 billion COVID-19 relief package and a \$1.4 trillion omnibus spending plan that will keep the government funded through September 30, 2021, the end of the federal fiscal year.

The framework of the deal is similar to the relief package proposed by a bipartisan group of senators on December 14, 2020. A [summary](#) from the House Appropriations Committee says that the relief package earmarks \$82 billion for education providers and will be allocated similarly to the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The \$82 billion includes the following:

- \$54.3 billion for the Elementary and Secondary School Emergency Relief (ESSER) Fund
- \$22.7 billion for the Higher Education Emergency Relief Fund
- \$4.1 billion for the Governor’s Emergency Education Relief Fund
 - Includes \$2.75 billion for emergency assistance to non-public schools

The deal also includes \$7 billion to expand broadband access, \$10 billion for childcare, and continued funding for school meal programs.

The additional money in the ESSER Fund will be distributed similarly to the CARES Act provisions that sent the money in proportion to a local educational agency’s (LEA) share of Title I funds, and we will provide a more detailed analysis of the requirements when more information is available.

The relief package also includes an extension of the CARES Act Coronavirus Relief Fund (CRF) expenditure deadline from December 30, 2020 to December 31, 2021. As a reminder, the state allocated \$4.4 billion of its CRF share to the learning loss mitigation initiative in the 2020–21 State Budget Act and this extension should alleviate the concerns that LEAs were not going to be able to spend those dollars by December 30 (see [“Concerns Grow over Unspent Learning Loss Mitigation Funds”](#) in the October 2020 *Fiscal Report*).

The two biggest political sticking points during negotiations—aid for state and local governments (pushed by Democrats but opposed by Republicans) and liability protections for businesses (pushed by Republicans but opposed by Democrats)—were not included in the final agreement. It is unknown if the bill includes any liability measures for schools, but it is unlikely considering liability protections were being discussed broadly during negotiations.

The White House has indicated that President Donald Trump will sign the \$900 billion relief package and the \$1.4 trillion omnibus spending plan shortly after Congress approves those measures, which is expected to be sometime Monday, December 21, 2020.

The relief package will naturally become intertwined with the 2021–22 State Budget discussions, which will begin in January once Governor Gavin Newsom releases his proposed Budget. We will continue to provide further analysis on the new relief package and the implications it could have on State Budget negotiations.

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State Proposes New CRF Deadline

By Leilani Aguinaldo and Matt Phillips, CPA

January 12, 2021

Along with the proposed Budget that Governor Gavin Newsom unveiled on Friday, January 8, 2021, his Administration also released [proposed language](#) to amend the statutory deadlines for use of the federal Coronavirus Relief Fund (CRF) that helped to pay for the state's Learning Loss Mitigation Fund included in the 2020–21 Enacted Budget. The proposal amends state statute to incorporate the new deadline for the use of CRF money that was included in the latest federal COVID-19 relief package.

If adopted, local educational agencies (LEAs) would have until May 31, 2021, to use unspent CRF dollars. Districts that need the additional time beyond the original December 30, 2020, deadline would need to certify by March 1, 2021, that remaining CRF amounts will be used in compliance with federal law by May 31. The state would have the opportunity to sweep any unspent funds from LEAs after May 31 and reallocate them for other allowable uses in the State Budget.

At the end of 2020, the federal Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act was enacted into law (see "[Congress Reaches Agreement on Stimulus and 2021 Spending Plan](#)" in the December 2020 Fiscal Report). The CRRSA Act enacted a new December 31, 2021, expenditure deadline for the CRF that was established by the Coronavirus Aid Relief and Economic Security (CARES) Act. By establishing a May 31, 2021, deadline for LEAs to use their share of CRF monies, the state Department of Finance gives itself time to sweep unspent dollars from LEAs and use the funds for other state needs.

The Newsom Administration is expected to push for the proposed language to be expedited through the State Budget process. We will share updated information as it becomes available. In the meantime, our [COVID-19 Resources Table](#) has been updated to include information about the new CRF deadline as well as the new Elementary and Secondary School Emergency Relief (ESSER) funds that were also included in the CRRSA Act.

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Ask SSC . . .

How Does the New Stimulus Package Impact the Families First Coronavirus Act (FFCRA)?

By Danyel Conolley and Suzanne Speck
December 22, 2020

Q: Does the stimulus bill approved by Congress extend the Emergency Paid Sick Leave (EPSL) that was included as part of the FFCRA?

A: The short answer is, no. The federal stimulus bill does not extend the EPSL and employees, absent a local ordinance or a future change in existing state law, who are unable to work for COVID-19-related reasons will have to access any available leaves, paid or unpaid.

More specifically, the FFCRA requires all public agencies, regardless of size, to provide two types of leave: EPSL and Emergency Family and Medical Leave Expansion Act (EFMLEA). These leaves were effective April 1, 2020 and expire December 31, 2020. The Department of Labor [Ruling](#) indicates that no employer has an obligation to provide, and no employee or former employee has a right or entitlement to receive, financial compensation or other reimbursement for unused paid sick leave or unused expanded family and medical leave upon or after the expiration of both provisions on December 31, 2020.

The stimulus relief package announced by congressional leaders on December 20, 2020, extended some components of the FFCRA, such as extending the payroll tax credit to employers offering paid sick leave to employees, and additional federal support for unemployment payments. However, neither of those provisions provide support to local educational agencies (LEAs). Because the stimulus relief bill makes no mention of the extension of the EPSL and EFMLEA, both expire on December 31, 2020.

As the challenges related to the pandemic intensify, LEAs will be required to address employee COVID-19-related leave requests. Accrued leave, unpaid leave, and other statutory leave entitlements will apply. We recognize the difficulties experienced in managing FFCRA leave and encourage LEAs to work closely with legal counsel to ensure legally compliant application of leaves.

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School Energy Efficiency Stimulus Program

By Brianna García
January 13, 2021

In September 2020, Governor Gavin Newsom signed Assembly Bill (AB) 841 (Chapter 372/2020), which created the School Energy Efficiency Stimulus Program (SEES Program)—established to fund critical school improvements, support efforts to reopen schools consistent with COVID-19 guidance, and provide jobs. The SEES Program consists of two grant programs that will be funded by electrical companies with 250,000 customer accounts and gas companies with 400,000 or more customer accounts in the state. Funding for the two grants will be split 75/25 as noted below:

1. The School Reopening Ventilation and Energy Efficiency Verification and Repair Program—75% of the funds will be allocated to this grant program—will award grants to school districts and charter schools to “reopen schools with functional ventilation systems that are tested, adjusted, and, if necessary or cost effective, repaired, upgraded, or replaced to increase efficiency and performance.” Priority will be given to schools in underserved communities.
2. The School Noncompliant Plumbing Fixture and Appliance Program—25% of the funds will be allocated to this grant program—will award grants to state agencies, school districts, and charter schools to “replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards and waste potable water and the energy used to convey that water, with water-conserving plumbing fixtures and appliances.” Appliances include commercial dishwashers, ice makers, and clothes washers. Once again, priority will be given to facilities in underserved communities.

Per AB 841, the California Energy Commission (CEC) will administer the SEES Program, and grant applications will be available by April 1, 2021. The CEC is required to adopt regulations and guidelines no later than May 1, 2021, and grant applications will be approved upon adoption of the regulations. Funding for the programs will be available for three years, 2021–2023, with any unspent funds from each year being carried over to the following year until the SEES Program ends in 2023.

The CEC is holding two virtual workshops on January 22, 2021, to discuss and solicit feedback on the current planning for the program—one for each program at 10:00 a.m. and 2:00 p.m., respectively. CEC staff will present proposals on program design and draft program guidelines. Information on the workshops, as well as further information on the SEES Program, can be found on CEC’s website by clicking [here](#).

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LCAP Annual Update Version 2 Available for Review

By Leilani Aguinaldo
December 2020

The California Department of Education (CDE) has released the latest version of the [Annual Update](#) and [Instructions](#) for the Local Control and Accountability Plan (LCAP) for stakeholder input. As a reminder, statute requires the 2021–22 LCAP to include an analysis of the actions and expenditures that a local educational agency (LEA) included in its 2019–20 LCAP and 2020–21 Learning Continuity and Attendance Plan (Learning Continuity Plan). The Superintendent of Public Instruction, in consultation with the executive director of the State Board of Education, is required to update the template for the LCAP Annual Update by January 31, 2021.

Version 2 of the Annual Update for the 2019–20 LCAP contains prompts for an LEA to describe the successes and challenges faced in implementing its goals in 2019–20, as well as to describe how funds budgeted for Actions/Services that were not implemented through the end of the 2019–20 school year were instead reallocated to support students, families, and staff following the school closures. The required review of the 2020–21 Learning Continuity Plan includes a description of the successes and challenges experienced this school year in implementing in-person instruction and distance learning, addressing pupil learning loss, monitoring and supporting mental health and social and emotion well-being, implementing pupil and family engagement, and providing school nutrition.

In Version 2 of the Annual Update template, the CDE has strived to balance the ongoing demands on LEAs during the pandemic while providing meaningful transparency for stakeholders. LEAs that wish to provide feedback on the LCAP Annual Update may participate in a CDE webinar on Tuesday, December 15 at 2:00 p.m. or submit their comments via email to LCFF@cde.ca.gov by December 18, 2020. To get additional information, including details for joining the webinar and the CDE’s PowerPoint presentation summarizing the Annual Update, click [here](#).

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Legislation Introduced to Require School Reopenings

By Leilani Aguinaldo and Kyle Hyland

December 15, 2020

On Monday, December 7, 2020, the state Legislature officially convened the 2021–22 Legislative Session (see “[Legislature Convenes the 2021–22 Legislative Session](#)” in the December 2020 *Fiscal Report*). While the Assembly and Senate floor sessions were primarily organizational, lawmakers also used this opportunity to introduce legislation that represents their highest priorities, including several noteworthy education bills.

Perhaps the most notable education measure introduced was Assembly Bill (AB) 10, which specifies that local educational agencies (LEAs) may continue to offer distance learning after March 1, 2021, if a public health order requires their campuses to remain closed. However, the bill would also require LEAs to adopt plans that offer in-person instruction, or a hybrid model of in-person and virtual learning, within two weeks of their county moving off of the most restrictive tier in the state’s reopening framework. This means that, beginning next March, any LEA that is not in the most restrictive purple tier (those that reside in the red, orange, or yellow tiers) would have two weeks to adopt and implement a school reopening plan that offers a form of in-person instruction.

In addition to its focus on school reopening, AB 10 also includes a requirement to address the learning loss of vulnerable students. By March 1, 2021, LEAs would be required to implement a plan for tiered reengagement for all unduplicated pupils that are performing below grade level. The reengagement plan must include offering in-person instruction to the identified students and outreach to the student to identify student needs, such as health and social services.

AB 10 has been introduced as an urgency bill, which means that the measure would go into effect immediately upon signature by Governor Gavin Newsom, should it reach his desk. However, an urgency bill needs to clear a higher vote threshold (two-thirds) in the Legislature before it can go to the Governor for his consideration.

Having influential coauthors gives the bill a stronger chance of clearing the supermajority threshold, so it is beneficial that the bill was introduced by Assemblymembers Phil Ting (D-San Francisco), chair of the Assembly Budget Committee; Kevin McCarty (D-Sacramento), chair of the Assembly Budget Subcommittee on Education Finance; Patrick O’Donnell (D-Long Beach), chair of the Assembly Education Committee; and Lorena Gonzalez (D-San Diego), chair of the Assembly Appropriations Committee.

Proponents of AB 10 will need to address several implications of this measure as introduced. Currently, the bill infringes upon school district autonomy and local control decision-making by mandating a timeline for in-person instruction to resume. It also leaves LEAs vulnerable to COVID-19-related litigation, as it does not offer any liability protections for schools should they experience an outbreak after reopening their doors.

While the issue of reopening schools will be a top priority for the Legislature when it returns on January 4, 2021, the bill introduced last week could look significantly different from the version that makes it out of the legislative process, should it survive. The bill still needs to go through policy and fiscal committees in both houses, and also needs to survive a two-thirds floor vote in both the Assembly and Senate before it can go to Governor Newsom.

We will be sure to provide consistent updates and analysis on this measure as it is vetted by lawmakers and education stakeholders via the policy making process.

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Statewide School Bond and Early Learning Bills Introduced

By Patti F. Herrera, EdD and Kyle Hyland

December 8, 2020

During yesterday's mostly organizational floor session that officially kicked off the 2021–22 Legislative Session, lawmakers also used this narrow opportunity to introduce legislation that represent their highest priorities, including some significant education measures.

Assemblymember and Chair of the Assembly Education Committee Patrick O'Donnell (D-Long Beach) introduced Assembly Bill (AB) 75, the 2022 statewide school bond that will provide state matching funds for K-12 and community college construction projects. As introduced, the bill would place a bond on the 2022 ballot providing an unspecified amount of funds that focus primarily on new construction, modernization, career technical education, and charter school projects.

Recall that Assemblymember O'Donnell authored AB 48 (2020) that put Proposition 13 on last March's primary election ballot, which failed to garner the sufficient 50% plus one vote to pass (see "[Proposition 13 and Majority of Local Bonds Appear Headed Toward Defeat](#)" in the March 2020 *Fiscal Report*). With the introduction of AB 75, Mr. O'Donnell signals his belief that state school construction funds are critical to supporting local projects and educational programs.

Additionally, Assemblymember McCarty (D-Sacramento) introduced AB 22, staking his flag in the early learning ground with a bill that would gradually implement universal transitional kindergarten (TK) for all 4-year-olds in California. McCarty and his bill sponsors see the bill as a critical measure to implement the state's recently released [Master Plan for Early Learning and Care](#) (Master Plan) that includes a recommendation to achieve universal preschool for 4-year-olds through California's TK program.

McCarty's bill was accompanied by the introduction of Senate Bill 50 by Senator Monique Limón (D-Santa Barbara) that would protect and strengthen state subsidized child care programs for children ages birth to three, as well as before and after school care for low-income school-aged children. Senator Limón's bill also reflects a key recommendation in the Master Plan.

Being prepared to introduce a bill on day one is a clear indication of a legislator's priority for the upcoming legislative session, so expect the bills listed above to be top issues for the members that introduced them.

The Legislature has until February 19, 2021, to introduce bills. We will return to our twice monthly edition of "Top Legislative Issues" as the 2021–22 Legislative Session heats up.

Bill Update

SCHOOL SERVICES OF CALIFORNIA, INC.

**Legislative Report Prepared for:
Fresno Unified School District
Status as of: January 20, 2021**

<i>Bill No./ Author</i>	<i>Title</i>	<i>Position</i>	<i>Current Status</i>	<i>Page</i>
Employees				
SB 205 Leyva	School and Community College Employees: Absences Due to Illness or Accident		Senate Rules Committee	32
Facilities				
AB 75 O'Donnell	Education Finance: School Facilities: Kindergarten-Community Colleges Public Education Facilities Bond Act of 2022		Assembly Education Committee	32
Instruction				
AB 10 Ting	Pupil Instruction: In-Person Instruction: Distance Learning		Assembly Education Committee	32
AB 22 McCarty	Transitional Kindergarten: Enrollment for 4-Year-Old Children		Assembly Education Committee	33
AB 101 Medina	Pupil Instruction: High School Graduation Requirements: Ethnic Studies		Assembly Education Committee	33
AB 104 Gonzalez, Lorena	Pupil Instruction: Learning Recovery Opportunities: COVID-19		Assembly Education Committee	33
SB 70 Rubio	Elementary Education: Kindergarten		Senate Rules Committee	34

Employees

[SB 205 \(Leyva\)](#)

Title: School and Community College Employees: Absences Due to Illness or Accident

Status: Senate Rules Committee

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 75 \(O'Donnell\)](#)

Title: Education Finance: School Facilities: Kindergarten-Community Colleges Public Education Facilities Bond Act of 2022

Status: Assembly Education Committee

Position:

Summary:

As introduced, AB 75 would place a bond on the 2022 ballot providing an unspecified amount of funds that focus primarily on new construction, modernization, career technical education, and charter school projects.

Instruction

[AB 10 \(Ting\)](#)

Amended: 1/12/2021

Title: Pupil Instruction: In-Person Instruction: Distance Learning

Status: Assembly Education Committee

Position:

Summary:

Requires local educational agencies (LEAs) to offer in-person instruction within two weeks of the issuance of a state or local public health order allowing school campuses to be open. Current law requires LEAs to implement a tiered reengagement strategy for students that are absent from distance learning for more than three schooldays or 60% of a school week. AB 10 requires these tiered reengagement strategies to include offering at least 50% of instructional minutes each week via in-person instruction. The bill also expands the use of tiered reengagement strategies to also apply after March 1, 2021, to unduplicated pupils who are performing significantly below grade level.

AB 22 (McCarty)

Title: Transitional Kindergarten: Enrollment for 4-Year-Old Children

Status: Assembly Education Committee

Position:

Summary:

Expands transitional kindergarten to all four-year-olds.

AB 101 (Medina)

Title: Pupil Instruction: High School Graduation Requirements: Ethnic Studies

Status: Assembly Education Committee

Position:

Summary:

Adds the completion of a one-semester course in ethnic studies to the high school graduation requirements commencing with pupils graduating in the 2029–30 school year, including for pupils enrolled in a charter school.

AB 104 (Gonzalez, Lorena)

Amended: 1/12/2021

Title: Pupil Instruction: Learning Recovery Opportunities: COVID-19

Status: Assembly Education Committee

Position:

Summary:

This bill includes the following:

- Requires local educational agencies (LEAs) to implement an interim policy for retaining students in the same grade in the 2021–22 school year, and requires LEAs to consult with parents, students, and the student’s teacher in deciding whether to retain a student as requested by a parent.
- For courses required for high school graduation, allows a student to request to change a letter grade to Pass or No Pass. Requires the California State University and encourages the University of California and private postsecondary institutions to accept the changed grades for admission purposes.
- Requires LEAs to exempt all juniors and seniors from all coursework and other requirements adopted by the LEA governing board that are in addition to the statewide graduation requirements, unless the LEA finds that the student is able to complete the additional requirements by the end of the student’s 4th or 5th year of high school.
- Establishes the COVID-19 Pupil Learning Recovery Act of 2021 for grants to LEAs for supplemental instructional programs and support interventions to meet the behavioral, social, emotional, and basic needs of eligible students. The supplemental instruction and supports must be provided in person to migrant students and students who are English learners, low-income, foster youth, homeless, or disengaged.

[SB 70 \(Rubio\)](#)

Title: Elementary Education: Kindergarten

Status: Senate Rules Committee

Position:

Summary:

Starting with the 2022–23 school year, requires completion of kindergarten before entering first grade.

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: Kim Kelstrom, Executive Officer
Cabinet Approval:

Date: January 29, 2021

Phone Number: 457-3907



Regarding: Coronavirus Aid, Relief, and Economic Security Act Allocations

The purpose of this communication is to provide the Board information regarding COVID-19 Coronavirus Aid, Relief, and Economic Security (CARES) Act stimulus funding.

The CARES Act funds awarded in March of 2020 totaling \$76.4 million were originally to be expended by December 30, 2020. Subsequent federal legislation, approved on December 28, 2020, allowed an extension to expend funds by June 30, 2021. However, to ensure all funds are expended, the California Department of Education has requested all reporting to be submitted by May 31, 2021.

As of December 31, 2020, the CARES Act funds of \$76.4 million have been fully utilized in the state defined categories below and on the attached chart (Attachment I) and have been reported to the California Department of Education.

Category	Expenditures
Personnel and Services Diverted to Substantially Different Use	\$38.4 million
Facilitating Distance Learning	\$18.5 million
Social Emotional Support	\$14.1 million
Public Health Expenses	\$ 4.0 million
Personal Protective Equipment	\$ 1.1 million
COVID-19 Testing and Contact Tracing	\$ 0.3 million
Total Expenditures	\$76.4 million

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

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

Coronavirus Aid, Relief, and Economic Security (CARES) Act Expenditures

Category	Total Expenditures	Description
Personnel and Services Diverted to Substantially Different Use	\$38,389,652	PL Summit, Repurposing of TSA's staff, Independent Study Teachers, Additional Teachers and Supplies, NTA's, Extended Day, Librarians, Health Staff, Campus Safety Assistants Transportation Staff, Technology Staff, Police Contract, Professional Learning Days
Facilitating Distance Learning	\$18,525,028	Laptop Deployment, FLATS Center, Other Devices and Connection Equipment, Digital Instructional Platforms, Staff and Student Supplies
Social Emotional	\$14,117,320	Mental Health Supports - CARE Solace, Department of Prevention and Intervention Social Emotional Staff, Counselors, Psychologists
Public Health Expenses	\$4,008,789	Ventilation System, Cleaning and Sanitation Supplies, Outdoor Furniture
Personal Protective Equipment	\$1,056,526	Medical Supplies, Personal Protective Equipment (Gloves, Mask, Etc)
COVID-19 Testing and Contact Tracing	\$270,961	COVID-19 Action Team
Total	\$76,368,276	

Fresno Unified School District
Board Communication

BC Number AS-4

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Kim Kelstrom, Executive Officer
Cabinet Approval:

Date: January 29, 2021

Phone Number: 457-3907



Regarding: Other Post-Employment Benefits

The purpose of this communication is to provide the Board an update on the California Employers' Retiree Benefit Trust, also known as Other Post-Employment Benefits (OPEB).

On September 25, 2013, the Board of Education approved participation in the California Employers' Retiree Benefit Trust (CERBT) administered by CalPERS. Since that time, the district has contributed \$44.0 million, with \$1.75 million contributed in 2020/21 and an additional \$1.75 million planned by June 30, 2021.

CalPERS provided an annual update on January 18, 2021. They shared the annual internal rate of return was 7.66% since the first contribution in February 2014 and had earnings of \$12.7 million. If these same funds had remained with the County Treasurer, the district would have earned \$3.4 million. On June 30, 2020, district resources are approximately \$9.3 million higher due to these deposits being held in the irrevocable trust.

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

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

Fresno Unified School District
Board Communication

BC Number AS-5

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Tammy Townsend, Interim Executive Officer
Cabinet Approval: 

Date: January 29, 2021

Phone Number: 457-6204

Regarding: Student Transfers Committee and Recommended Changes to AR 5116 Voluntary Intradistrict Transfer Policy

The purpose of this communication is to provide the Board an update on the recommendations of the Student Transfers Committee and corresponding proposed change to Administrative Regulation 5116 (AR 5116).

At the October 07, 2020, Board of Education meeting, staff presented an overview and received feedback from the Board regarding student transfers, specifically regarding the practice for processing employment related transfer requests. Through this widely applied policy and practice, which is informed by Education Code 48204(b)(1), school districts may allow students to establish residency and transfer based upon employment within a district's boundary despite living beyond the district boundary and receive the same consideration as a student living within the district boundary. These transfers are contingent upon the parent/guardian providing evidence of employment within the district boundary. Through feedback received from the Board during the presentation, it was clear there was consensus and a desire to prioritize true residents over students whose parents have established residency purely by means of working within the district boundary. Additionally, there was interest regarding whether employees of the district should be considered in this manner, and while not universal, it was agreed that this topic should be explored further.

Currently, per AR 5116, the lottery prioritizes in-district transfer requests over out-of-district transfer requests. In-district is defined by having an in-district address, students currently attending an in-district school, and parental employment. Placements at all non-GATE district schools go through this lottery process.

Collaborative discussion included the Office of State and Federal Programs, Student Transfers Office, Equity and Access, English Learners Services, and Early Learning to review the current lottery prioritization practice and impact data to determine if a change to AR 5116 was needed. During these meetings, employment transfer data was reviewed and analyzed. Examples of data that was discussed include the following:

- The number of students and the schools attended on employment-related transfers
- How often and which schools have transfer applications not selected
- The percentage of employment transfers that are Fresno Unified School District employees
- How often students who receive transfers due to parent employment, received placement over students who live within district boundaries
- The practices of other districts, including both local and other large urban districts
- An understanding of enrollment and revenue generated by students on employment transfers

The gathered information showed a very small number of students receive a transfer due to parental employment. Specifically, for all on-time and first choice applicants that are processed in the first round of the lottery to high demand schools, 3.42% of applicants offered placement were employment transfers. In addition, of these approved employment transfers, approximately half are children of Fresno Unified School District employees. The committee considered the impact of changes to this practice on specific programs and concluded that, although a very small percentage, out-of-district students do fill available placements that could be provided to students living within district boundaries.

In addition, the committee considered impacts of allowing the children of district employees to continue to be considered in-district. Research of neighboring districts revealed that employee's students are almost universally prioritized in placements. The committee determined that staff enrolling their own children shows support of the system and promotes Fresno Unified School District as an "employer of choice". Also, allowing this benefit to employees aligns with the new district goal of, "Increase recruitment and retention of staff reflecting the diversity of our community." It is the recommendation of the committee to adjust AR 5116 to allow district employee transfer requests to be prioritized the same in the lottery process as in-district student requests.

In conclusion, it is the recommendation of the committee to amend AR 5116 to not prioritize as in-district those employment transfers of non-Fresno Unified employees.

If you have any questions or require further information, please do not hesitate to contact Tammy Townsend at 457-6204.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

Fresno Unified Administrative Regulation (AR) 5116

Voluntary Intradistrict and Interdistrict Transfer Policy

I. Purpose

To establish the process and procedures for the transfer of students who reside in the district to schools other than the school to which they are assigned in Fresno Unified School District ("FUSD") and for the transfer of students to school districts other than the one in which they reside.

II. Background

A There are two types of transfers in the district that may be initiated by parents/guardians intradistrict and interdistrict transfers.

Intradistrict Transfers. The parents/guardians of a school-age child who are residents in the district may request a transfer to a school other than the school to which their child is assigned. The Board retains the authority to grant or deny such a transfer pursuant to the process and procedures outlined in Section III of this regulation. In the absence of an approved transfer, students are expected to attend the school in the attendance area in which they reside.

Interdistrict Transfers. The parents/guardian of a school-age child who are residents in the district may request a transfer to another school district. The Board retains the authority to "release" a FUSD student to attend another school district pursuant to the process and procedures outlined in Section V of this regulation. Similarly, the parents/guardians of a school-age child who are a resident of another district may request a transfer to the FUSD. The FUSD Board retains the authority to grant or deny a request for an interdistrict transfer to FUSD pursuant to the process and procedures to outlined in Section V of this regulation. In the absence of an approved interdistrict transfer, students are expected to attend the school in the school district in which they reside.

B The Superintendent or designee has the authority to transfer students from one school to another within the district. The reasons and process for such transfers are outlined in Sections III, IV and V of this regulation.

III. Intradistrict Transfers

The district allows intradistrict transfer requests for Magnet programs, Admission Criteria programs, Enrollment Choice options and family related requests that may be initiated by parents/guardians. Each of these transfers is explained below.

A. Intradistrict Transfers Process for Magnet and Admission Criteria programs, and Enrollment Choice

1. Parents/guardians who are requesting a transfer for their child must submit a completed transfer application request to the Student Transfers Office by the deadline established. The deadline for submitting completed applications shall be published in the Parent Notification and Information Handbook ("Handbook"). The Handbook is provided in August of each school year to parents/guardians of all students enrolled in the district.

2. By January of the preceding school year, the district's Systems Planning Committee shall review and confirm the operating capacity for each school and program for the upcoming fall semester. In addition, and consistent with the district's Diversity policy, the committee shall develop a report that includes the enrollment for each school for the last three years, desegregated by the diversity factors included in the FUSD's Diversity policy, and the projected enrollment for each program and school for the upcoming school year. Based on the operating capacity of each school and the enrollment report, the committee, in consultation with the appropriate principal, may recommend the closure of a school or program to transfers due to lack of operating capacity in a program or in a school or to diversity factors in a program or a school. Generally, a school or program may be closed to open enrollment intradistrict transfers if the school or program is projected to be at or above operating capacity or a school or program may be closed to transfers out if the school or program is projected to be significantly below operating capacity. The results of any decisions to close schools to open enrollment transfers, shall be published in the Parent Notification and Information Handbook.

3. The Student Transfers Office shall sort or "batch" all requests for intradistrict transfers that were submitted by the application deadline according to the "sending" and "receiving" schools so that as many requests can be granted as possible. The office will then review the intradistrict transfer applications giving consideration to the total number of requested transfers and the effect of the requests on both the sending and receiving school. If a school or program within a school receives requests for transfers in excess of the program's or school's operating capacity, the office shall use a computerized random lottery to select the intradistrict requests that will be granted. The office may give consideration to a request to a school or program if the transfer will maintain or promote diversity, as defined in the district's Diversity policy.

When there are more applicants than seats in a school or program, the FUSD will prioritize applicants on the basis of the following eligibility groups:

a. Resident FUSD students living within the attendance boundaries, students of FUSD employees who fulfill the district residency requirements through other means as allowed by law, and non-resident FUSD students currently attending a FUSD school with a valid interdistrict placement.

4. In accordance with the established timeline published in the Parent Notification and Information Handbook, the Student Transfers Office shall notify parents/guardians whether their request for an intradistrict transfer has been granted. A notification of approval will serve as authorization to enroll the child in the requested school. Parents/guardians whose applications are approved, but who fail to complete enrollment of their child within six school days following the date of the letter of notification shall have their transfer voided. Once a student has been selected to transfer to a particular school, that student will be "dropped" from the application pool whether the student has enrolled or not.

5. If additional seats become available in a given school or program after the initial lottery, the Student Transfers Office shall conduct additional lotteries for those applicants that meet the deadline published in the Parent Notification and Information Handbook and that were denied a transfer in the initial lottery.

6. Applications received after the stated deadlines in the Parent Notification and Information Handbook, will be considered “late” and offered placement only after those applications that met the deadlines in the Parent Notification and Information Handbook.

B. Family-Related Intradistrict Transfers Process

1. Parents/guardians may be granted a transfer request for a family-related intradistrict transfer for one of the following reasons: medical; childcare; and change of legal address. The district requires that parents/guardians provide verification for each of these reasons. The verification requirements for each reason are outlined below.

a. Medical (K-12) (Verification Required):

A transfer may be granted when a student in kindergarten through grade 12 is under regular and current care of a licensed health care provider, such as a physician, a psychologist, or a mental health agency, for a severe health condition or problem that affects the ability of the student to attend the school in the attendance area in which the student resides. A request for a transfer for medical reasons requires a doctor's recommendation. Parents/ guardians seeking a transfer for their child for medical reasons shall ensure that the doctor's recommendation is attached to a completed transfer application. The district may require additional verification from the doctor. Parents/guardians requesting such transfers annually must submit a transfer application and a doctor's recommendation.

b. Child Care (Verification Required):

When a child lives in one school attendance area, but is being cared for before, during, or after school hours by a child care provider who lives in or has a child care facility in another school's attendance area, parents/guardians may request that their child be given a transfer to attend the school in the attendance boundary in which the child care provider lives or operates a child care facility. A request for a transfer for childcare must include verification of childcare in the requested attendance area, including the name and address of the childcare provider. Parents/guardians requesting such transfers annually must submit a transfer application and the childcare provider verification.

c. Change of Legal Address (Verification Required):

When the parents/guardians of a student move after the start of a school year, or if they plan to move during the school year, a transfer may be granted to attend the school in the attendance zone in which the new home is located or to remain at the same school in the attendance zone in which the previous home was located. The district requires that verification of financial commitment to the move (i.e., purchase contract, building contract) be attached to the completed transfer application. If a transfer is granted to remain at the same school, it is only valid until the end of the school year in which the move occurs.

2. Parents/guardians requesting a family-related intradistrict transfer may request such a transfer anytime during the school year. To initiate a family-related intradistrict transfer, the parents/guardians must complete an intradistrict transfer request application and submit it to the Student Transfers Office.

3. As with intradistrict transfers, the district Systems Planning Committee may recommend the closure of, in consultation with the appropriate principal, a school or a program to transfers due to lack of operating capacity in a school or program. Generally, a school or program may be

closed to transfers if the program or school is projected to be at or above operating capacity or a school or program may be closed to transfers out if the program or school is projected to be significantly below operating capacity. The results of any decisions to close schools to transfers in or transfers out shall be published in the Parent Notification and Information Handbook.

4. Intradistrict transfers for family-related reasons may be granted when: (1) such reasons can be verified; (2) there is space available at the receiving school and (3) the transfer will not negatively affect the educational program offered at either the sending or receiving school.

5. The Student Transfers Office shall notify the parents/guardians in writing of the decision to approve or deny a request for a family-related intradistrict transfer request. If the decision is to approve the intradistrict transfer, the written notice to the parent/guardian will specify when the transfer becomes effective. The parents/guardians must enroll their child within six school days after approval. If the parents/guardians do not enroll their child within six school days, the transfer request shall be voided.

IV. Administrative and Safety Transfers

The Superintendent or designee may grant administrative transfers.

A. Transfers Initiated By Principals

1. Reasons for Adjustment Transfers

When a student is not benefiting from the educational program and has displayed inappropriate habits or behavior, a principal may request a voluntary adjustment transfer. When a principal believes that a student may benefit from such a transfer, the principal shall convene a School Site Study Team to review the records of the student and any pertinent information from other school personnel and from the parent/guardian. If, based on the review of this information, the School Site Study Team determines that an administrative transfer would be appropriate, the principal, in consultation with the Instructional Superintendent, shall contact the Student Transfers Office and provide the information considered by the School Site Study Team and the reasons for the School Site Study Team's decision. If an administrative transfer is recommended by the Student Transfers Office, in consultation with the Instructional Superintendent, the Office grant the transfer and shall determine the school where the student shall attend based on space available in the school. The Student Transfers Office shall contact both the sending and receiving principals.

B. Transfers Initiated by the Student Transfers Office

1. A transfer may be initiated by the designee in the Student Transfers Office, in consultation with the parents/guardians and the principal of the school that the student is attending, at any time for special circumstances. The approval or denial of such a transfer is the responsibility of the designee in the Student Transfers Office. Such special circumstances may include:

a. Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as

appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and their parent/guardian in making the offer. If the parent/guardian elects to transfer their child, the transfer shall be completed as soon as practicable.

b. Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in their current school.

c. A written verification from a representative of the appropriate state or local agency, including, but not limited to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, a psychologist, or a marriage, family or child counselor;

d. A court order, including a temporary restraining order and injunction, issued by a judge; or

e. A school has become overcrowded.

2. If the designee in the Student Transfers Office determines that special circumstances warrant a transfer, the designee shall determine the school where the student shall attend based on space available in the school. The office shall contact both the sending and receiving principals.

V. Interdistrict Transfers

A The parents/guardians of a student residing outside the district who desire to have their child attend a school in the FUSD may apply for an interdistrict transfer by submitting an

application for an interdistrict transfer to the district of residence. The district of residence may "release" the student by completing the appropriate section of the interdistrict transfer application. If the district of residence opts to release the student for a possible transfer to the FUSD, the district of residence shall submit the completed interdistrict transfer to FUSD's Student Transfers Office. The Student Transfers Office may grant the interdistrict transfer. Similarly, the parents/guardians of a student residing in FUSD who desire for their child to attend a school in another school district may apply by submitting an interdistrict transfer application to FUSD's Student Transfers Office. The office may "release" the student by completing the appropriate section of the interdistrict transfer application. If the student is released, the Student Transfers Office shall submit the completed application to the district to which the parents/guardians are requesting a transfer.

B. The parents/guardians of school-age children who are homeless are not required to request interdistrict transfers pursuant to state and federal law. Homeless students are not subject to the requirements in this regulation.

C. The Student Transfers Office shall coordinate with the Fresno County Office of Education regarding the administration of interdistrict transfers in compliance with California Education Code.

D. The Student Transfers Office may approve interdistrict transfers into or out of the FUSD for the following reasons:

1. Care giver (K-8) (Verification Required):

When a child enrolled in kindergarten through grade eight lives in one school attendance area, but is being cared for before, during, or after school hours by a child care provider who lives in or has a child care facility in another school's attendance area, parents/guardians may request that their child be given a transfer to attend the school in the attendance boundary in which the child care provider lives or operates a child care facility. A request for a transfer for child care must include verification, including the name and address of the child care provider. Parents/guardians requesting such transfers annually must submit a transfer application and the child care provider verification.

2. Change of Legal Address (Verification Required):

When the parents/guardians of a student in kindergarten through grade 12 plans to move into or out of the FUSD during the school year, the Student Transfers Office may grant a transfer into or out of the FUSD. The parents/guardians must provide verification of financial commitment to move (i.e., purchase contract, building contract) be attached to the completed transfer application.

3. Senior Privilege (Verification Required):

The Student Transfers Office may grant a transfer for a student who has earned sufficient credit in another school district to be classified as a senior and who has moved into the FUSD to complete high school in the other district. Similarly, the office may grant a transfer for a student who has earned sufficient credits in FUSD to be classified as a senior and who has moved to another school district to complete high school in the FUSD. The parents/guardians must provide an official transcript showing that the student has earned sufficient services to be classified as a senior with the completed interdistrict application.

E. The Student Transfers Office shall grant the request to transfer into the district unless in the judgment of the office:

1. The transfer will have a negative impact on school capacity;
2. The additional cost of educating the student will exceed the amount of additional state aid received as a result of the transfer; or
3. The transfer will have a negative impact on diversity, as defined in the district's Diversity policy.

F. When the Student Transfers Office has determined to grant an interdistrict transfer, the office shall assign students based on : (1) where space is available by grade level; (2) the transfer will not negatively affect the educational program; and (3) the transfer will not negatively impact diversity, as defined in the district's Diversity policy.

G. For a student who resides in a school district other than FUSD to be eligible for a FUSD thematic school or program, the student must have an approved interdistrict transfer for one of the reasons outlined above and that student must be enrolled in a FUSD school before submitting an application for admission to a thematic school or program. Students who reside in the FUSD or students who fulfill the district residency requirements through other means as allowed by law will be admitted to the thematic schools or programs before the FUSD admits students who reside outside of FUSD and who have a valid interdistrict transfer.

H. With the exception of interdistrict transfers approved for childcare the Student Transfers Office shall grant transfers into the district for one year.

VI. Athletic Eligibility

Athletic eligibility may not be transferred or granted by sending school or Student Services. See C.I.F. rules.

VII. Grade and School Progression

When a student who has been granted a transfer is ready to matriculate from elementary to middle school or from middle to high school and their parents/guardians wish for the child to attend a school other than the school in the attendance zone in which the child resides, the parents/guardians must apply for an intradistrict or interdistrict transfer. Such a request will be reviewed pursuant to the process and procedures outlined in this regulation.

VIII. Transportation

Transportation is provided to some schools and published annually in the Parent Handbook. Except where noted parents/guardians are responsible for transportation to the school to which the transfer is granted.

IX. Revocation of Transfers

A. The principal, in consultation with the Student Transfers Office, may revoke a transfer at the close of a reporting period or semester, if the student fails to meet any one of the conditions while in attendance at the receiving school:

1. Grades in keeping with the student's ability;
2. Satisfactory school citizenship; or
3. Satisfactory attendance, including promptness in arriving to school and classes during the day.

- B. In addition, they may revoke a transfer if the parents/guardians have provided a false address or made any other misrepresentation in the application or appeal process.
- C. The Student Transfers Office shall revoke a transfer if the student is expelled. The student's school assignment during a suspended expulsion or readmission will be as ordered by the Board of Education.
- D. The Student Transfers Office, in consultation with the Instructional Superintendents, shall have the authority to revoke or reassign students with intradistrict or interdistrict transfers when their enrollment in a school or grade level causes the school to be over-capacity or out of compliance with District's class reduction plan.

X. Notification to Schools

The Student Transfers Office shall record all and interdistrict transfer requests that are granted in the computer database and shall notify both the receiving and sending schools.

XI. Voluntary Withdrawal

If a student voluntarily leaves the school or the district to which a transfer has been granted, the Student Transfers Office shall void the transfer. If the student continues to reside within the district, the student must enroll in the school in the attendance area in which they reside. If a student leaves the district and then returns, the student also must enroll in the school in the attendance area in which he resides.

XII. Appeals Process for Intradistrict and Interdistrict Transfers

- A. Parents/guardians may not appeal a denial of an intradistrict transfer for Magnet programs, Admission Criteria programs or Enrollment Choice options. They, however, may appeal a denial of an intradistrict transfer for family-related reasons and a denial of interdistrict transfer from FUSD to another school district.
- B. To appeal a denial of an intradistrict transfer for family-related reasons, the parents/guardians must make such a request in writing to the Student Transfers Office within five days of being notified of the denial of the transfer. The written request shall include the reason for the appeal.
- C. Within five school days, the Student Transfers Office shall notify the parents/guardians in writing of the decision.
- D. For denial of an appeal of a request for an interdistrict transfer from FUSD to another school district, the parents/guardians may appeal to the Fresno County Governing Board ("FCBE"). Parents/guardians must make an appeal to the FCBE within 30 days of being notified that the FUSD denied their transfer application.

Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or

regulation, in its educational program(s) or employment.

Regulation FRESNO UNIFIED SCHOOL DISTRICT
approved: November 10, 1999 Fresno, California
revised: January 21, 2020
revised: December 14, 2020

Policy Section: 5000 Students

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 and Brian Beck
Cabinet Approval:

Date: January 29, 2021

Phone Number: 457-3896

Regarding: Special Education Progress Update for Quarter 2

The purpose of this communication is to provide the Board information regarding Fresno Unified's Special Education (SPED) programs and services. Please note that all data shown in the attached infographic only includes students in TK-12 who receive SPED services. In 2019/20, the SPED enrollment was 8,580 students, and the current SPED enrollment is 8,813 students for the 2020/21 school year, not including students in early learning and adult programs.

The following metrics for 2019/20 and 2020/21 are included on the attached infographic:

- Quarter 2 Special Education enrollment
 - Enrollment information by program type, and disproportionality among student groups
 - Enrollment in the infographic includes students in grades TK to 12 who were eligible to receive special education services, in alignment with CDE, however, the Special Education Department serves students birth to TK and in adulthood (18 to 22 years of age). There are 533 students in early learning programs and 245 students in adult programs.
- 2019/20 and 2020/21 Quarter 2 academic grades in ELA and Math Grades
 - Only students in grades 3-12 receive letter grades.
 - Note that passing grades include C- and above
- 2020/21 Quarter 1 and Quarter 2 academic grades in ELA and Math Grades
 - Only students in grades 3-12 receive letter grades.
 - Note that passing grades include C- and above
- Quarter 2 suspension rates, including disproportionality among student groups
 - Please note that students with no disproportionality calculation had no student currently suspended for Quarter 2 in the 2020/21 academic year. Also, there were no expulsions for Quarter 2 in the current school year, so this metric was not included.
- Quarter 2 chronic absenteeism rates, including disproportionality among student groups
- Quarter 2 IEP compliance rate for IEPs that were completed up to Quarter 2
 - IEP compliance rate includes the number of students enrolled at the end of Quarter 2 who completed an IEP meeting between the start of school and the end of Quarter 2.
 - Please note that this may include students who completed their IEPs late (past the expected date in Q1 or Q2) and early (before the expected date in Q3 or Q4).
 - The State still considers late IEPs, completed outside of their due date, compliant as long as it still occurs within the academic year.
 - Students who still have an upcoming IEP later this year (Q3 and Q4), even if it has not yet been held, are still considered in compliance.

Please note that disproportionality refers to a student group's representation in a particular category that differs from the representation of other student groups in that same category. A disproportionality ratio of 1.0 indicates that the student group is being equally represented in that specific data measure as they are in our total population. The higher the ratio, the higher they are being represented. Student groups that have a disproportionality ratio above 1.0 are over-represented in a particular category. Student groups that have a disproportionality ratio below 1.0 are under-represented in a particular category. For example, a ratio of 2.0, means that a particular student group is being represented twice as much in the category compared to their representation in the total student population.

The Special Education Department has taken the following action steps to improve student outcomes

- Case managers working closely with families to meet individual needs and implement IEP services
- Continued focus on inclusionary opportunities to increase access
- Winter session with appropriate IEP support
- Provide credit recovery for high school students
- Conduct in-person eligibility assessments
- Provide in-person designated instructional services (DIS) for students with greatest need
- Provide IEP supports for in-person cohorts at each campus
- Piloting in-person services for youngest students in moderate/severe program at five sites
- Provide online resources for both staff and parents
- Provide specialized equipment and technology for increased access
- Provide professional learning opportunities to support distance learning for teachers and paraprofessionals
- Facilitate department collaboration through professional learning communities and job-alike meetings for teachers

The Special Education department in collaboration with Equity and Access will continue to monitor the progress of programs and services to provide the board with quarterly updates.

If you have further questions or require additional information, please contact Lindsay Sanders at (559) 457-3471 or Brian Beck at (559) 457-3226.

Approved by Superintendent

Robert G. Nelson Ed.D. 

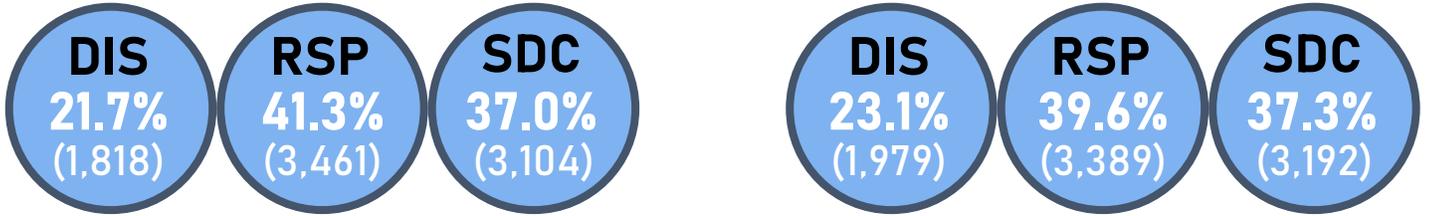
Date: 01/29/2021

Special Education Quarter 2 Progress

Student Enrollment in Special Education

2019-20 Q2

2020-21 Q2

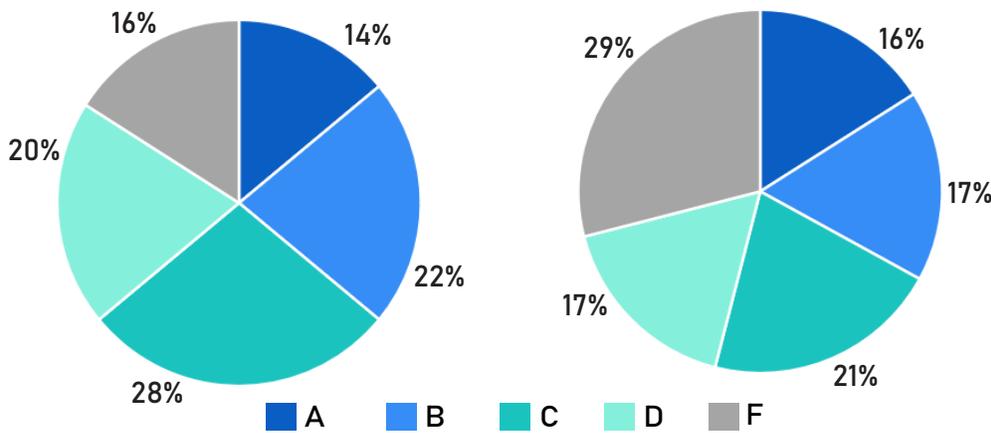


Enrollment is based on grades TK-12th.

Letter Grade Breakdown: ELA

2019-20 Q2

2020-21 Q2



Change in the percent of passing grades (C- or Better) from 2019-20 to 2020-21 Q2

-10%

2020-21 Q1

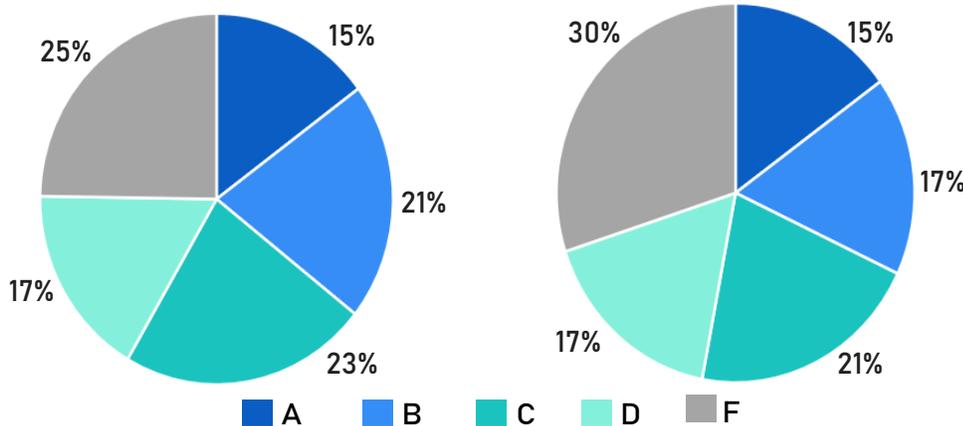
2020-21 Q2



Letter Grade Breakdown: Math

2019-20 Q2

2020-21 Q2



Change in the percent of passing grades (C- or Better) from 2019-20 to 2020-21 Q2

-6%

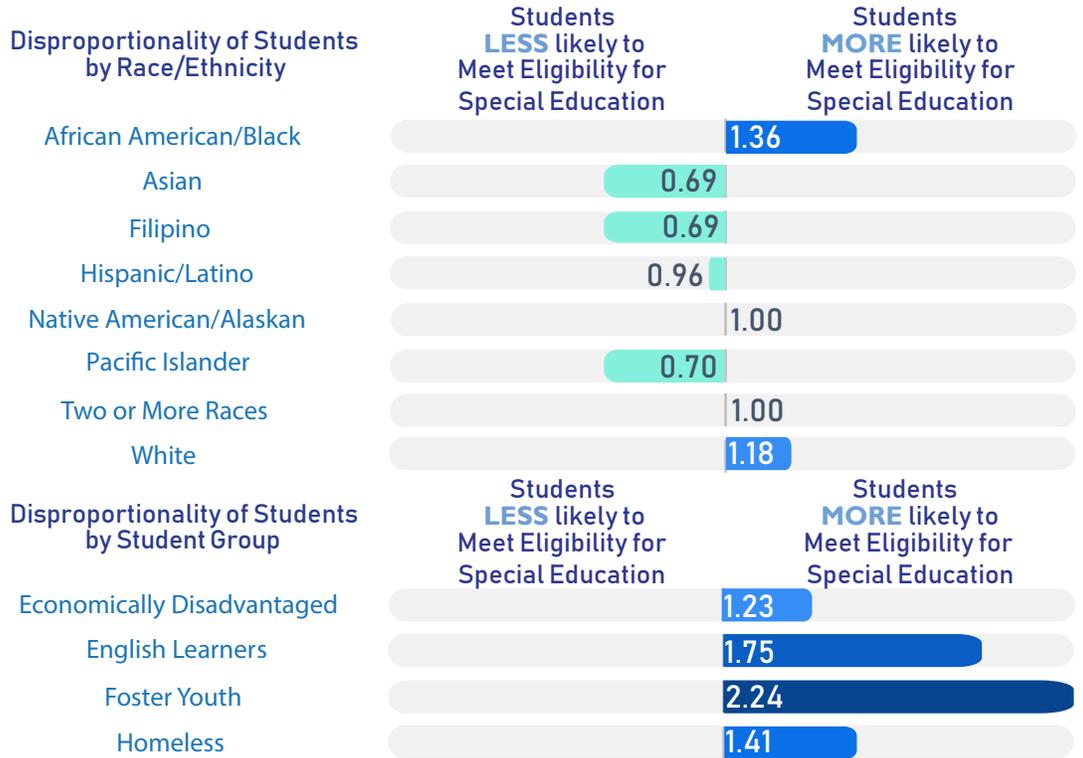
2020-21 Q1

2020-21 Q2



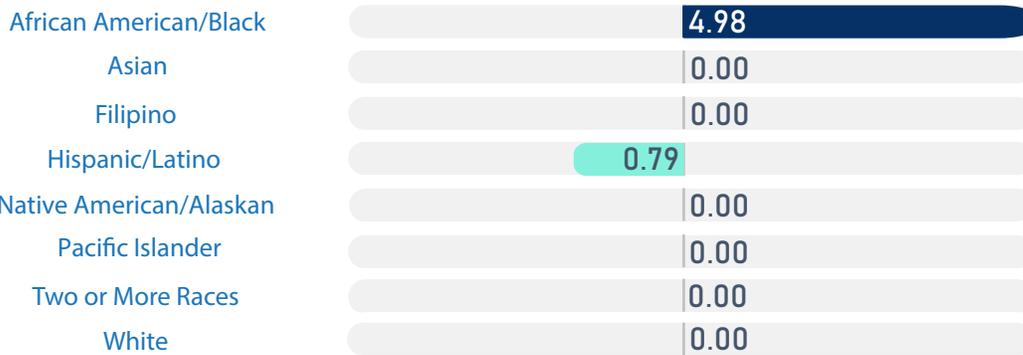
Enrollment

Enrollment Rate



Suspensions

Disproportionality of Students by Race/Ethnicity



Suspension Rate



Disproportionality of Students by Student Group



Student groups with no disproportionality calculation had no students currently suspended for the 2020-21 academic year.

Chronic Absenteeism

Chronic Absenteeism Rate

19/20 to 20/21 Comparison

20/21 Q1 to Q2 Comparison

18.7%
(1,476)
2019-20 YTD

32.1%
(2,637)
2020-21 Q1

28.4%
(2,283)
2020-21 YTD

27.2%
(2,221)
2020-21 Q2

Disproportionality of Students by Race/Ethnicity

African American/Black

Asian

Filipino

Hispanic/Latino

Native American/Alaskan

Pacific Islander

Two or More Races

White

Disproportionality of Students by Student Group

Economically Disadvantaged

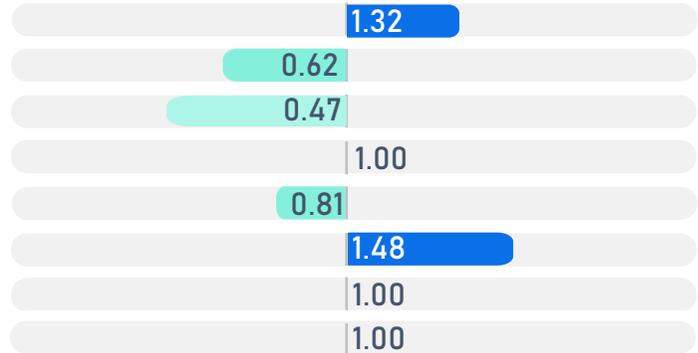
English Learners

Foster Youth

Homeless

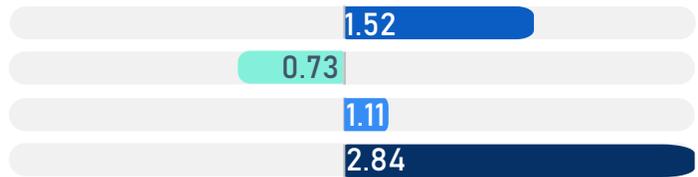
Students **LESS** likely to be Chronically Absent

Students **MORE** likely to be Chronically Absent



Students **LESS** likely to be Chronically Absent

Students **MORE** likely to be Chronically Absent



IEP Compliance Rate for Students in Special Education

97.0%
(8,243)
2019-20 Q2

94.2%
(8,059)
2020-21 Q2

IEP compliance rate includes the number of students enrolled at the end of Quarter 2 who completed an IEP meeting between the start of school and the end of Quarter 2. Please note that this may include students who completed their IEPs late (past the expected date in Q1 or Q2) and early (before the expected date in Q3 or Q4).

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: Kristi Imbert-Olivares, Director in Equity and Access
Cabinet Approval:

Date: January 29, 2021

Phone Number: 457-3896

Regarding: Student Voice Collaborative

The purpose of this communication is to provide the Board an update of our Student Voice Collaborative. To further address the climate/culture of our district, a collaborative team of African American Academic Acceleration, Communications, English Learner Services, Equity and Access, Goal 2, Prevention and Intervention, Special Education, and State and Federal have begun a Student Voice Collaborative to advance equity in our schools by elevating student voices to create change and foster school site partnerships with students at the forefront. This collaborative aims to have representation across diverse student groups, with a particular focus on increasing student voice among historically underrepresented and marginalized groups to ensure all student groups have a voice and a platform to be heard. The team meets monthly to share resources, training opportunities and to continue to align efforts.

During quarter 2, our collaborative met with Superintendent Robert G. Nelson Ed.D. on Monday, December 07, 2020 to discuss the focus of our Student Voice Initiative student groups and share current challenges and barriers being faced. They also had an opportunity to engage in dialogue around topics such as returning to school in person and their health concerns. We also presented to the Board of Trustees at a regularly scheduled Board meeting on Wednesday, December 16, 2020 to introduce our Student Voice Initiative student groups and provide them with the opportunity to share a little about their group's focus this year.

The following student groups met with Superintendent Robert G. Nelson Ed.D.: African American Academic Acceleration, Black Student Union, Communication Advisory Group, Fresno Unified GSA Youth Voice Collaborative, Global Student League, and the Special Education Advisory Committee.

Included with this communication is a summary of updates from the following student groups: African American Academic Acceleration, Fresno Unified GSA Youth Voice Collaborative, Global Student League, Race and Social Action Advisory Council, and the Special Education Advisory Committee.

The Student Voice Collaborative will be meeting again with the Superintendent the week of February 8th and will report out to the Board of Education on February 17, 2021.

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: 01/29/2021



Student Voice Initiative: An Update From Our Student Voice Initiative Groups

Below are 2020/21 Quarter 2 updates from each of our student voice initiative groups' goals and objectives, actions being taken to obtain student voice from their targeted student group, celebrations that they've experienced this quarter, a description of challenges/barriers they've encountered, and what their next steps are toward moving this work forward.

African American Academic Acceleration

Quarter 2 updates on goals and objectives: We have continually added students from high school sites and various grade levels to continue to diversify our student voice.

Current actions implemented to gather student voice: We are holding group sessions/labs and building documentation from student led conversations for future board or superintendent meetings.

Celebrations: Our student group has launched an Instagram/lived experience project that will allow students to share stories of their academic experience and highlight FUSD students and staff. This group of students will meet weekly to review, edit and post the stories of their peers.

Challenges/barriers: We have been unable to keep our student group at the number that we hoped to have. Though we initially had a number that was up to our expectation, we lost many due to other obligations and virtual fatigue. This continues to be a challenge as we move forward with our group.

Next steps: We will continue to recruit students to add to the variety of student voices and to eventually acquire representation from all regions. After obtaining these new members we will transition into the next series of design thinking labs.

Fresno Unified GSA Youth Voice Committee

Quarter 2 updates on goals and objectives: We have three main goal projects started for our GSA Group. First is on LGBTQ+ Inclusive Curriculum. We met with district administrators who oversee curriculum on October 22nd. We are going to work as "student consultants" and help them with their year-long plan they are developing. Second is our goal to work on improving Gender Inclusive Facilities/Restrooms. We met with Ambra O'Connor, Executive Director of the Department of Prevention & Intervention on November 5th. She shared some of the history about bringing All Gender/Gender Neutral restrooms to our schools and updated us that district leaders are in the process of working on improvements we suggested that can be made during distance learning when campuses are empty. Third is our Media/Communications Project. We met with Nikki Henry and Brittany Waters in Communications on November 17th to discuss our ideas. At our next meeting we are going to come up with a campaign focus to start in 2021.

Current actions implemented to gather student voice: All GSA Advisors were sent a survey link to share with their club members. So far, about 45 students from schools across the district have



completed the “GSA Youth Voice Forms link”. They shared if they wanted to be a part of any of our three goal projects and we are forming work teams with them now.

Celebrations: We are excited about all of the meetings we have had so far. Also, we had our first District GSA Youth Voice Committee event on October 28th. This is where students from all our schools GSAs come together to build community and share our voice. Our next event will be on December 8th and we are helping to spread the word to get more students to join us.

Challenges/barriers: Many of us are very busy and exhausted with homework, working at jobs and family responsibilities. The extra time and workload involved in our three goal projects is a lot to balance on top of so much homework in all of our classes. Some students are not sure if they can make the commitment to one of the three goal projects right now even though the topics are really important to them personally. We have also heard that some school’s GSAs have low attendance right now because of students feeling overwhelmed.

Student group needs: District leaders have helped us shape our goals into three projects: LGBTQ+ Inclusive Curriculum; Gender Inclusive Facilities/Restrooms; and Media/Communications. We feel confident that our advisors will continue working with us on these. We hope that the other district leaders are able to make our goals a reality.

Next steps: We are planning meetings for our three goal projects for January 2021.

Global Student League

Challenges/barriers: English Learners and their parents need more resources in their primary language and more than just in print. Some of our parents may not have the literacy skills in their primary language. This is more evident the senior year when parents need to be involved in the college application process, especially with FAFSA. Parents want to be a part of their child’s education and support, but they do not know how to. Many of the meetings are scheduled at a time when parents cannot attend or are offered only one time, at a certain hour.

Another concern is that the extra supports offered by teachers and other students are not being taken advantage of by students, more so for the students who are struggling academically.

Student group needs to continue to move forward: GSL is asking for supports by adults in FUSD. It basically comes down to communication between home and the school site.

In regards to the needs of seniors, provide an on-call service in home language for students and parents to call for support with the college application process.

In terms of building capacity for parent(s) so they can become a stronger partner with the school site, offer Rosetta Stone English to parents to become proficient alongside their children. This will allow for



flexibility for parent to advance at their own pace and from home. Also, provide courses in technology for parents in home language along with certificate of completion.

Provide units and/or financial incentives for teachers to become proficient in a second language and possibly offer courses through the district with current staff.

Lastly, inform and celebrate biliteracy k-12 to parents and community. Develop an informational campaign and possibly reach out to alumni to provide testimonials and community to honor biliteracy.

Race & Social Action Advisory Council

Quarter 2 updates on goals and objectives: We have reviewed our goals and objectives for the 2020-2021 school year and have made some revisions to our plan. As we continue to navigate through these challenging times, we want to ensure we are setting up our students for success in this new endeavor.

Celebrations: McLane High School- Our student leader Julio had a successful meeting with Principal Wulf and club advisor to discuss goal setting for the site level Race and Social Action Advisory Council.

Bullard High School- Our student leader Michael and his site level RSAAC advisor have had multiple meetings regarding goal setting and next steps for the site level RSAAC. Principal Alvarado has been extremely supportive of RSAAC and has provided a budget for the student group. In addition, the RSAAC advisor and Principal Alvarado are in the process of becoming certificated Trainers of Trainers in Cultural Proficiency which will greatly positively impact the future of RSAAC at Bullard.

Challenges/barriers: Identifying 9 staff advisors for sites as well as identifying 5 student leads.

Next steps: RSAAC Advisors will be reaching out school sites that do not have an advisor or student rep. RSAAC will be scheduling meetings with site leaders to provide support for student reps.

Special Education Advisory Committee

Quarter 2 updates on goals and objectives: The Special Education Advisory Council: #StudentVoicesUnited have held 4 meetings with our small but mighty group of students. Students have worked on providing direct insight on their concerns regarding distance learning as well as concerns when students were in a brick and mortar setting.

Students discussed concerns and provided basic solutions that could potentially satisfy their needs and other students in similar situations. Are goal with the #StudentVoicesUnited is to Engage, Educate, Advise, and Grow on issues related to students with disabilities visible and invisible.

Current actions implemented to gather student voice: Working with RIM, School Site Psychologist, DHH counselor, Interpreter and students across the 7 regions. Active recruitment of students is on-going until we meet our group goal of 30 students.



Celebrations: One student representative Angelique participated as a student panel member on the Special Education Department Board Presentation on November 11th, 2020

Two student Advisors, Interpreter and DHH Counselor are supporting teaching sign language to a song with the Edison Region Black History Month presentation lead by Lisa Nichols.

Challenges/barriers: Getting the word out that our group exist, time/scheduling where all students can be present, and student recruitment virtually.

Next steps:

- Virtual Social Activity: Movie Night with snacks delivered
- T-Shirt Design
- Guest Speaker (with Disability)

Fresno Unified School District
Board Communication

BC Number EA-3

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Kristi Imber-Olivares and Karin Temple
Cabinet Approval:

Date: January 29, 2021

Phone Number: 457-3896

Regarding: Stakeholder Voice Regarding Police on Campus - Update

The purpose of this communication is to provide the Board information regarding Fresno Unified's collaborative work to gather stakeholder input on school safety and police on campus. Equity and Access, Communications, Operational Services, and African American Academic Acceleration have partnered to conduct student focus groups with middle and high school students. Eighteen student focus groups are currently occurring across the seven regions within our district during this month and February. These students represent mixed ethnic/racial backgrounds and include English Learner students, African American students, foster and homeless students, Gay Straight Alliance (GSA) club members, and students with disabilities. Facilitator and note-taker trainings were held during the week of January 11th. Student focus groups began on January 18th and conclude on February 5th.

In addition to student focus groups, the district is partnering with the Sociology Department of Fresno State to gather input from parents/guardians and school site staff regarding police presence on campus through a survey and focus group interviews. Communications will be sent to all parents/guardians of students in grades 7 to 12, school site staff, and student resource officers (SROs) and student neighborhood resource officers (SNROs) to provide them with an opportunity to participate in the online survey. The survey is anticipated to open next week and be available until February 26th. Also, next week, Fresno State will begin outreach to a diverse, random sample of Fresno Unified parents/guardians and staff inviting them to participate in focus group interviews. Focus group interviews are planned to be held from February 8th to February 22nd.

All survey and focus group data, both quantitative and qualitative, will be gathered and analyzed to identify trends in an unbiased fashion. Our team will then utilize those analyses to share a summary of student input with the Board, targeted for late February, and a summary of parent/guardian and staff input in April in conjunction with the budget development process.

If you have further questions or require additional information, please contact Lindsay Sanders at (559) 457-3471 or Karin Temple at (559) 457-3134.

Approved by Superintendent

Robert G. Nelson Ed.D. 

Date: 01/29/2021

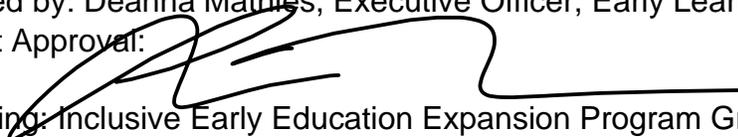
Fresno Unified School District
Board Communication

BC Number EA-4

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Deanna Mathies, Executive Officer, Early Learning
Cabinet Approval:

Date: January 29, 2021

Phone Number: 457-3687

Regarding:  Inclusive Early Education Expansion Program Grant

The purpose of this communication is to provide the Board an update regarding the California Department of Education, Early Learning and Care and Division Inclusive Early Education and Expansion Program (IEEEP) Grant. Fresno Unified School District was awarded the 4-year grant in June 2020. It is a multi-department collaboration between Early Learning, Special Education, Grants, and Facilities to target the following areas– Adaptive Equipment, Facilities, and Professional Development with a goal to increase access to inclusive early learning programs for young children (birth – 5 years old) with disabilities, including children with severe disabilities.

The goal is to develop and realize the vision of inclusive practices in order to increase meaningful access to inclusive settings for all children by providing individualized and appropriate supports with a focus on building capacity within involved Fresno Unified departments to become a more collaborative and inclusive organization.

2020/21 School Year updates:

- Increased to eleven sites, from five initial pilot sites, implementing three different models of inclusion support:
 - Co-teach (2 sites) where children are supported by both General Education and Special Education Teacher in the AM and PM sessions – Sites: Holland, Lincoln
 - PM session Itinerant (7 sites – one in each region) where Special Education support is provided by the site Early Childhood Special Education Teacher as a push-in – Sites: Lawless, Columbia, Fremont, Wolters, Hidalgo, Anthony, Storey
 - Regional Itinerant (2 sites) where support is provided by an Early Childhood Special Education Teacher serving multiple sites within a region. – Sites: Roeding, WilsonAll models have Special Education paraeducator support.
- Collaboration with Facilities to support in the areas of classroom restroom modifications for accessibility (all sites) and relocation of classrooms (3 sites).
- Identification of needed adaptive materials through consultation with Special Education specialists to create and maintain itemized inclusive preschool classroom start-up and classroom refresh materials documents.

Thank you for your continued support of young children and their families. If you have any questions, please contact Deanna Mathies at 457-3687.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

Fresno Unified School District
Board Communication

BC Number HR-1

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Paul Idsvoog, Chief of Human Resources
Cabinet Approval: *Paul Idsvoog*

Date: January 29, 2021

Phone Number: 457-3548

Regarding: Approve the 2020/2021 Classified Hourly, Classified Food Services Hourly and Management 261 Duty Days Revised Salary Schedules

The Purpose of this communication is to provide background information for an agenda item on the February 03, 2021 Board Agenda to approve the 2020/2021 Classified Hourly, Classified Food Services Hourly and Revised Management 261 Duty Days Salary Schedules.

Annual salaries for each of the schedules are set by negotiated collective bargaining agreements with the exception of Classified Confidential, Supervisory and Management Schedules which are set by the Board consistent with increases negotiated by the bargaining units.

- Classified management must be reported as a daily rate as PERS calculates benefits based on 2,088 hours

The current salary schedules are brought for approval consistent with CalSTRS and CalPERS requirements to have publicly available Board-approved salary schedules. Board approval of annual updated salary schedules for all employee classifications is consistent with best practices and is aligned with the recommendations from the Fresno County Superintendent of Schools.

Sufficient funds are available in the budget.

If you have any questions, or require additional information, please contact Paul Idsvoog at 457-3548.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

Fresno Unified School District
Board Communication

BC Number OS-1

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Karin Temple, Chief Operating Officer
Cabinet Approval: 

Date: January 29, 2021

Phone Number: 457-3134

Regarding: Update on School Facility Improvement Projects

The purpose of this communication is to provide the Board information on facility improvement projects in design, underway, and recently completed.

Major Construction (by school)

- Bullard – Construction contract for fencing/security improvements recommended on February 3, 2021 Board meeting agenda
- Bullard – Softball and baseball bleacher and field upgrades in design, contract recommendation to Board targeted for early 2022 to accommodate turf establishment and field use
- Centennial – Cafeteria HVAC construction contract recommendation to Board in May 2021
- Columbia – Construction contract for new classroom building and site safety/security improvements recommended on February 3, 2021 Board meeting agenda
- Duncan CTE Building – Construction contract recommendation to Board targeted for May 2021
- Edison – Gym expansion and vestibule project in construction
- Edison – Construction contract for softball and baseball bleacher and field upgrades targeted for recommendation to Board in April 2021
- Edison – Locker room remodel in design, contract recommendation to Board targeted for Fall 2021
- Edison – Cafeteria acoustical upgrades in design, contract recommendation to Board targeted for Fall 2021
- Ericson – Early learning complex construction underway, completion in Spring 2021
- Ewing – Early learning complex construction underway, completion in Winter 2021
- Fresno High – CTE building construction underway, completion targeted for August 2021
- Herrera Elementary School – Campus construction underway, completion in Summer 2022
- Hoover – CTE Digital Media Arts classroom remodel is substantially complete
- Hoover – Construction contract for CTE Construction Trades classroom remodel recommended on February 3, 2021 Board meeting agenda
- Hoover – Construction contract for Library renovation targeted for October 2021 Board recommendation (Library project rescheduled to coordinate use of interim classrooms after completion of Construction Trades CTE project)
- Hoover – Cafeteria HVAC in bidding process, planned for Spring 2021 recommendation to Board
- Jackson – New cafeteria with air conditioning in bidding process, contract recommendation to Board targeted for April 2021
- McLane – Library modernization substantially complete
- McLane – CTE classroom remodel for Media Arts and Entertainment underway, completion targeted for February 2021

- McLane – Installation of new stadium scoreboard underway
- Roosevelt – Cafeteria modernization completion targeted for February 2021
- Scandinavian – Cafeteria HVAC construction contract recommendation to Board in May 2021
- Sunnyside – Construction contract for softball and baseball bleacher and field upgrades targeted for recommendation to Board in April 2021
- Ventura & 10th, South Campus (District Support Services) – Construction contract for interior remodel of Buildings C and D and site improvements targeted for recommendation to Board in March 2021
- Viking – New modular classrooms and restrooms complete
- Wishon – Cafeteria HVAC construction contract recommendation to Board in May 2021

Deferred Maintenance and Facility Infrastructure Improvements/Replacement (by project type)

- Audio-Visual Upgrades (Cafeterias) – Projects at Ahwahnee, Burroughs, Centennial, Heaton, Scandinavian and Sunset are underway and planned for completion in early 2021; Balderas, Greenburg, Lawless, Terronez and Williams are in design and scheduled for Summer 2021
- Boiler Replacement – Project at Sunnyside planned to start in April 2021
- Electrical Upgrades – Panels replaced at Cooper and Fort Miller; new service and equipment for Cooper planned for Summer 2021; planning for future Duncan project
- Energy Management Systems – Upgrades at Burroughs, Eaton and Rowell in planning
- Filtered Water Bottle Filling Stations – Installation complete at all elementary schools
- Gym Bleachers – Projects at Ahwahnee, Computech, Cooper and Sequoia complete in February 2021; Hoover auxiliary gym planned for Summer 2021
- Gym Cooling Upgrades – Scandinavian project complete; Yosemite project in design
- Gym Scoreboards – Installation underway at Ahwahnee, Computech, Cooper, Hamilton, Kings Canyon, Scandinavian, Tehipite, Tenaya, Tioga and Yosemite with completion early Spring 2021
- HVAC Controls/Equipment – Upgrades at Bullard Talent, Greenberg, Malloch, Tehipite and Terronez are complete
- Intrusion/Fire Alarm System Upgrades – ongoing at various schools
- Kitchens – Hood replacements planned for Bullard and Fresno High
- Marquees – Installation at Aynesworth and Ewing complete; Cooper, Roosevelt and Scandinavian underway; Baird and Sunnyside in design; Tehipite in planning
- Play Structures – Birney, Figarden, Gibson, Heaton, King, Kratt, Robinson projects complete
- Public Address/Intercom System Upgrades – Cooper, Gibson, Muir, Patiño and Webster planned for completion Spring 2021
- Quad/Common Area Improvements – Bullard Talent and Kirk are in design
- Safety/Security Upgrades – Fencing/single point-of-entry projects complete at A Street Early Learning Center, Fort Miller and Pyle; Kings Canyon planned for Summer 2021
- Security Cameras – Projects at Hamilton and Wawona bidding, scheduled for late Spring 2021
- Theater Sound System – Project in design for Roosevelt Theater improvements
- Track Renovation – Edison and McLane complete; Sunnyside planned for Spring 2021

Projects in Design Development

- Addams – Early learning complex and campus safety/security improvements
- Dailey – Cafeteria HVAC and electrical service upgrade
- Del Mar – New cafeteria with air conditioning, early learning complex and campus safety/security improvements

- Edison – CTE Building
- Education Center – Accessibility, safety/security, and public service renovations
- Ericson – New cafeteria with air conditioning
- Fresno High – Auxiliary gym
- McLane – Auxiliary gym and tennis court replacement
- Roosevelt – Library renovation and West Hall accessibility improvements
- Sunnyside – CTE Building
- Tehipite – E-Sports Center
- Ventura & 10th, North Campus – New Alt Ed/CTE/eLearn campus including student union
- Yosemite – Classrooms and office modernization

If you have questions or need further information, please contact Karin Temple at 457-3134.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

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: Nancy Witrado, Director
Cabinet Approval: 

Date: January 29, 2021

Phone Number: 248-7451

Regarding: National School Counseling Week 2021

The purpose of this communication is to provide the Board information on National School Counseling Week. National School Counseling Week is sponsored by the American School Counselor Association (ASCA). It will be celebrated February first through fifth, 2021, to focus public attention on the unique contribution of professional school counselors within the United States school systems and how students benefit from the work of school counselors. National School Counseling Week highlights the tremendous impact school counselors can have in helping students achieve school success and plan for a career. The special week honoring school counselors provides recognition to those who implement comprehensive school counseling programs for students across our district.

If you have any questions or require additional information, please contact Nancy Witrado at 248-7451.

Approved by Superintendent.

Robert G. Nelson Ed.D. 

Date: 01/29/2021

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: Teresa Morales-Young, Administrator
Cabinet Approval: 

Date: January 29, 2021

Phone Number: 457-6072

Regarding: The Fresno Internship Credential Program

The purpose of this communication is to provide the Board information regarding the Fresno Internship Credential Program. Teacher Development is committed to building a workforce that reflects the values and cultural diversity of the community of students we serve in partnership with Human Resources. As a part of the "Grow Our Own" model, the Fresno Internship Credential Program is a teacher pipeline program that provides an alternative pathway to obtain a teaching credential in hard to fill areas and increase diversity within the teaching workforce.

In partnership with Tulare County Office of Education (TCOE), Teacher Development offers a unique opportunity for current pipeline participants and teachers who hold a Short Term Staff Permit or Provisional Internship Permit to enroll in an accredited credential program through Fresno Unified. The TCOE contract was approved in the June 2020 bundle. Fresno Unified will provide academic advising, coursework, and supervision to meet California Commission on Teacher Credentialing requirements under the guidance of Tulare County Office of Education. All coursework will be taught by Fresno Unified employees and will have a focus on district aligned initiatives.

Participants enrolled in the program, will save up to \$10,000 as compared to the least expensive tuition from local Institutions of Higher Education. In addition, the participants will not be charged an internship supervision fee; charged at some universities. The Fresno Internship Credential Program has a total cost to the participant of \$10,500, paid over the course of two years. Tuition is taken through payroll deduction to avoid upfront costs for the participants. The revenue collected from participants will pay for program instructors, supervisors, and operations. The program will be no cost to the District.

Fresno Internship Credential Program has a focus on credentialing teachers for grades K-6, Bilingual Authorization, Special Education Mild/Moderate, and Special Education Moderate/Severe. The program has recruited and enrolled 19 participants. Fresno Internship Credential Program coursework will begin Fall 2021. Prerequisite courses began over the Winter break.

If you have any questions or require additional information, please contact Teresa Morales-Young at 457-6072.

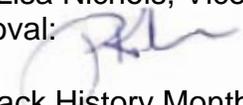
Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

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: Lisa Nichols, Vice Principal on Special Assignment
Cabinet Approval: 

Date: January 29, 2021
Phone Number: 577-9793

Regarding: Black History Month Celebrations and Events

The purpose of this communication is to provide the Board information on the Black History Month Celebrations and events happening during the month of February 2021.

Schools throughout the District were provided a variety of Black History resources, activities, and events from the Curriculum, Instruction, and Professional Learning Department to be used during the month of February. In addition, site leaders were provided resources from Supervisors of Schools (SOS) via the SOS Bi-Weekly Newsletter.

Gaston Middle School will be hosting their seventh Annual Black History Month Program on Monday, February first. The evening virtual show will be live streamed from the Fresno Unified Live Webcast and Fresno Unified Facebook page from 6:00 p.m. to 6:45 p.m. for our students, parents, district leaders and community partners. This year's collaboration includes King, Kirk, Computech, and Edison High students, community partners, and Purposed II Praise School of Dance. This collaborative effort is GOAL 2 Extreme!! This year's event is sponsored by Educational Employees Credit Union, Fresno County Superintendent of Schools, ABC30, Let's Talk About Culture, Fresno State Athlete Department and Mad Illustrators.

The Fresno County Superintendent of Schools is hosting the African American Student Leadership Conference (Virtual) on Tuesday, February second from 1:00 p.m. to 3:30 p.m. This year's theme is: Together We Have Risen Above, and Together We Will Rise Again. The event is free for our middle and high school students. The event will honor seniors who have exemplified black excellence and in spite of Covid-19 and have persevered. Two seniors selected from each high school will be recognized.

Schools are also in the process of reserving the Mobile Museum displays. These displays highlight prominent African Americans and their contributions in academia, sports, politics, science, and entertainment. Students can also scan embedded Quick Reference codes to gain additional information about the individuals on display. The schools reserving the displays will be using them as a display in a virtual setting for gallery walks with their students. The reservation process will be ongoing throughout the school year.

If you have any questions or require additional information, please contact Lisa Nichols at 577-9793.

Approved by Superintendent
Robert G. Nelson Ed.D. 

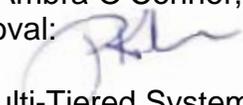
Date: 01/29/2021

MOBILE MUSEUM DISPLAYS



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: Ambra O'Connor, Executive Director
Cabinet Approval: 

Date: January 29, 2021

Phone Number: 457-3340

Regarding: Multi-Tiered System of Support Update

The purpose of this communication is to provide the Board an update on ongoing work related to our districtwide Multi-Tiered System of Support (MTSS) framework. As outlined in BP 6120.1, MTSS is an integrated, comprehensive framework that focuses on academic standards, core instruction, differentiated learning, student-centered learning, individualized student needs, and the alignment of systems necessary for all students' academic, behavioral, and social success. The framework provides a direct avenue for application of a diversity, equity, and inclusion lens towards equitable student outcomes.

Within the MTSS framework are five elements: High-Quality Instruction, Ongoing Student Assessment, Tiered Instruction and Intervention, Collaborative Teaming Structures and Stakeholder Agency. In alignment with the recommendations from the Council of Great City Schools, staff from the Instructional Division and Equity & Access have focused fall semester efforts in the following areas.

Within Tier One, all school sites are utilizing foundational Tier One teaming structures (Climate and Culture Team (CCT), Instructional Leadership Team and Professional Learning Communities (PLCs)) to support and accelerate student learning. Each team's general role is to improve academic, social emotional, and behavioral outcomes for all students in response to data. Teams engage in identifying needs, analyzing relevant data, designing, and implementing solutions, and measuring and monitoring effectiveness.

To support the improvement of Tier One instruction, synchronous instruction has increased for every grade level. Teachers are utilizing a planning day each Monday to prepare lessons that engage in rigorous learning. School staff work together to ensure students engage in weekly asynchronous assignments grounded in the standards and ensure that observations guide feedback and collaborative dialogue toward improvement strategies and unearthing common problems of practice.

Using the Fall semester Climate and Culture survey results, site CCT teams and site administration are implementing the actions they identified to increase student sense of belonging and school connectedness. Spring semester results will be used to monitor progress. Intervention staff are providing social emotional and mental health interventions such as individual and group counseling, skill building groups, mentoring, and check-in/check-out virtually. During the Spring semester, 18 of our secondary schools are implementing the district's evidenced based Social Emotional Learning curriculum to provide explicit instruction and guaranteed curriculum.

The MTSS framework calls for the need for assessment components that initiate the multi-tiered responses to individualized student needs. To that end, FUSD students take part in the i-Ready academic diagnostic screener. During COVID-19, i-Ready's online platform has allowed students to maintain access to the diagnostic assessment as well as individualized online instruction and tiered response to student outcomes. In the near future, Fresno Unified School District plans to unveil a

complimentary social-emotional screener to be used in tandem with i-Ready towards a comprehensive, and holistic set of data points that meet a student where they are.

In Tier Two we continued to strengthen and expand the implementation of Tier Two systems and Targeted Support Teams (TST), which are now at 33 school sites. The role of the TST is to identify students' needs and match them to Tier Two interventions, implement interventions, progress monitor, and evaluate the site's overall implementation of the Tier Two system. Teams and intervention staff continue to adjust as necessary to best serve students through distance learning.

COVID-19 provided opportunities for creating Tier Two academic interventions in a variety of ways. Schedules were created to include intervention time for both individual teacher level and school wide staff support time (MTSS) to allow small grouping of students with specific needs and gaps. Sites were provided intervention and acceleration curriculum and resources for use with groups. Additional professional learning opportunities were provided through the Fall and Winter Professional Learning Summits, and through facilitated PLCs to improve engagement strategies and identify students in need of intervention. A variety of community partnerships and integrated technology tools supported additional opportunities of academic intervention including credit recovery, after school programs, and Winter break learning sessions.

Within the MTSS framework, the tiered approach allows and encourages specific attention to student needs by both individual and student populations. Examples include intervention and academic support for English Learners (EL) and students with special needs (SPED). Intervention and academic support to EL includes contracted and trained mentoring, academic tutoring, and supplemental language development resources for grades fourth through sixth with attention to newcomers and at-risk youth to provide increased opportunities to develop skills in English. Summer school intervention is planned to address learning loss of ELs, Dual Language learners, migrant students, and newcomers. For those redesignated, supports include student and peer mentoring to ensure maintenance of language acquisition, overcoming learning loss, and providing both academic and social emotional support.

MTSS also provides a frame for special education services and interventions. A student's Individual Education Plan addresses academic and social-emotional concerns related to a disability within the MTSS framework. SPED services do not supplant interventions within the MTSS framework. Instead, services are designed to supplement and work in tandem with interventions throughout the framework. School Psychologists and other SPED staff members are uniquely qualified to identify student needs and help design and implement supports. They are integral and important members of site-based teams in the MTSS framework.

Sites districtwide continue to respond to incidents of misbehavior using the Behavior Response Matrix, which guides administrators in utilizing the appropriate level of consequence paired with intervention for the student. The Department of Prevention & Intervention continues to monitor suspensions weekly and follow up with site and student, as needed.

If you have further questions or require additional information, please contact Ambra O'Connor at (559) 457-3340.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/29/2021

Fresno Unified School District
Board Communication

BC Number SL-5

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Edith Navarro, Administrator
Cabinet Approval: 

Date: January 29, 2021

Phone Number: 457-3874

Regarding: Professional Learning Summit Winter 2021

The purpose of this communication is to provide the Board information regarding the Professional Learning (PL) Summit, Winter 2021(PL Summit) held on January 7, 2021 and January 8, 2021.

The goal of the PL Summit was to provide professional learning options to teachers with specific topics to address distance learning, engaging students in distance learning, and planning for more synchronous time in the spring semester. This is the second summit held in the 2020/21 school year. The first PL Summit was held on August 10 and August 11.

The PL Summit was attended by 1,389 teachers. Each day teachers had the option to attend up to three sessions and a possible six sessions over the two-day event. Over the course of the two days there were 6,462 session log ins for the 95 different PL Summit course offerings. The PL Summit had presenters from ten different departments. Departments had Managers and Teachers on Special Assignment serve as presenters for sessions. Some sessions were presented by classroom teachers for classroom teachers.

Participants were offered supplemental compensation with funding through the CARES ACT. Teacher survey responses stated 97% of the teachers expect to apply what they learned in the PL Summit as they plan for the second semester.

If you have any questions or require additional information, please contact Carlos Castillo at 457-3554.

Approved by Superintendent
Robert G. Nelson Ed.D. 

Date: 01/29/2021

Fresno Unified School District
Board Communication

BC Number SL-6

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Carlos Castillo, Instructional Superintendent
Cabinet Approval: 

Date: January 29, 2021

Phone Number: 457-3673

Regarding: Golden Charter Academy Charter Petition

A Fresno Unified School District board meeting was held on January 13, 2021 during which the Board considered whether to grant or deny the Golden Charter Academy (GCA) Charter Petition. At such Board meeting, various inquiries were made individual Board members resulting in the board and GCA mutually agreeing to an extension of time to allow the Board additional time for its decision. The decision is now scheduled for February 03, 2021.

Following the January 13, 2021 Board meeting, the District's Charter Review Team reviewed the inquiries and prepared an Explanation document to be included with the Agenda Item for the February 03, 2021 Board meeting. It is also attached here for your ease of review.

If you have questions or require additional information, please contact Carlos Castillo at 457-3673.

Approved by Superintendent
Robert G. Nelson Ed.D. 

Date: 01/29/2021

Explanation following Inquiries from Board Members

Date: January 28, 2021

Regarding: Golden Charter Academy Charter Petition

During the Board discussion regarding the approval or denial of the Golden Charter Academy school (GCA) at the Board meeting on Wednesday January 13, 2021, Board members requested additional information relating to the Golden Charter Academy school. This Explanation following Inquiries from Board Members (“Explanation”) is to provide responses to inquiries made by the individual Board members.

A Certificated Principal Is In the Budget

October 23, 2020	Petition with Original Budget submitted
November 30, 2020	First revised budget submitted at the District’s request
December 7, 2020	Second revised budget submitted at the District’s request
December 9, 2020	Public Hearing
December 14, 2020	Revised petition which reflected the first revised budget submitted
December 14, 2020	District’s fiscal department brought discrepancies in the budget narrative to the Charter review team’s attention
December 16, 2020	GCA submitted its Revised Petition dated December 15, 2020 ¹
December 16 2020	Board Communication providing the Board with GCA’s revised petition. The revised petition included the first revised budget and uncorrected FTE chart.
December 29, 2020	The District published the Charter Review Team’s Report of Findings
January 13, 2021	Board Meeting
January 14, 2021	GCA provided a corrected budget narrative reflecting an FTE principal for all five years of the charter term.

Golden Charter updated the budget to include the expenses relating to the principal position for all five years. However, Golden Charter did not update the corresponding FTE section of the budget narrative. This error was noted by the fiscal department and included in the Report of Findings:

“The multiyear projection provided in the petition adds a principal in 2024-2025, but this is likely an error as the petition states that there will be a certificated administrator in the first year of operation.”

The fiscal department noted that was likely an error given the principal salary was included in the budget for all five years. There was no doubt by the charter review team that there was a certificated principal leading the school. Both GCA’s original and revised petition repeatedly refers to the principal of the school. For example, in the revised petition, the principal is referenced on pages 123, 133, 134, 135,

¹ Following a review by Mr. Golden of the information sent to the District, he realized that he was mistaken in that the updated budget narrative correcting the principal FTE being reflected all five years was not sent to the District after all. Mr. Golden did provide the updated narrative following the January 13, 2021 Board meeting. The updated budget narrative has been provided to the Board.

137, 142, 143, 159, 163, 167, 168, 169, 173, 174,177, and 189. The clerical error did not impact the charter review team's decision to recommend approval given the petition included a principal, GCA represented it intends to have a certificated principal, and the budget reflects a principal.

In summary, GCA will have a certificated principal all five years and the same is budgeted in the multiyear projection. The typographical error in the FTE graph of the budget narrative has been corrected and provided to the Board. GCA has provided all information as well as corrected errors as requested by the District.

As a final note, GCA informed the District that it posted a job posting for the principal position and provided a summary of applications received. The summary shows six applicants with a clear administrative credential, two with a preliminary administrative credential, and one applicant is in progress of obtaining an administrative credential. Please see the attached summary.

GCA Has Identified a Suitable Facility

When a new charter petition is proposed, the charter school facilities are evaluated on a case by case basis. The key issues for the proposed facility are that: (1) there is a facility identified and (2) the facility is suitable for the proposed charter school.

If a charter school does not identify the facilities from which the proposed charter school intends to operate, the charter review team will request the charter school to identify the intended facility. Additionally, if the charter school identifies a facility that was not previously a school, the charter review team may inquire further to ensure the facility is suitable for the proposed charter school.

GCA identified a facility that was utilized as a school through the 2019-2020 school year and as such, the charter review team confirmed it met the key issues. The charter review team does not always request a copy of the lease with respect to charter schools.

In the case of Aspen Ridge Public School, that particular charter school attached as an exhibit to its charter petition a copy of the proposed lease between the Fresno Rescue Mission and Aspen. Inquiries were made by the charter review team as it wanted to ensure that the identified facility was suitable for the charter school proposed. The facility was a former hospital with nearby buildings, it was planned to be shared with other tenants, it needed tenant improvements for classrooms, it lacked green space, etc. Aspen responded to the questions as well as the executive director of the landlord, the Fresno Rescue Mission. The charter review team was satisfied with the responses and determined the facility suitable for the proposed charter school.

The history of the charter review team is that it does not always request a copy of the proposed lease. It is on a case by case basis. A review of the last five years indicates that there are only a couple of occasions in which the charter review team requested a copy of the lease. In most situations, there was no request for a lease. In other situations, the lease was provided voluntarily.

GCA's Charter Petition is Supported by the Requisite Number of Teacher Signatures

Several individual Board members inquired as to whether the credential of one of the teacher's

signatories to the petition was sufficient to be “counted” toward the requirement that the petition be signed by 50% of estimated number of teachers that the charter school intends to employ during the first year of its operation.

California Education Code section 47605 provides that the petition may be submitted to the Board for review provided upon either of the following being met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition *is signed by a number of teachers that is equivalent* to at least one-half of the number of teachers that the charter school *estimates will be employed at the charter school during its first year of operation.* (Emphasis added.)

Once one of the criteria above is met, the charter petition may be submitted to the Board. In the case of GCA, the charter petition was presented to the Board with five teachers’ signatures. Any interpretation of the above suggesting that teachers must teach at the charter school during the first year is incorrect and unsupported by the law. Likewise, any interpretation that the teachers who signed the petition must hold the exact credentials to teach particular grades or subjects is incorrect and unsupported by the law.

The reference to the first year of operation is solely for the purpose of calculating that the number of signatures is the equivalent of 50% of the *estimated* number of teachers the charter school intends to employ during its first year of operation. Because charter schools often add grades during the first term of the charter, the number of teachers employed typically increases. As such, the threshold points out that signatures of only 50% of the *estimated number* of teachers the charter intends to employ during the *first year of operation* need to support the petition as opposed to the number of teachers once the program is fully implemented with maximum teachers.

There is no requirement that such teachers actually teach at the school during the first year of operation. Rather, the teachers who sign the petition need only express a meaningful interest in being employed by the charter school. See Education Code section 47605 (a)(3): “A petition shall include a prominent statement that a signature on the petition means that ... the teacher is meaningfully interested in teaching at the charter school. ...”

The provision referencing signatures which permits a chartering authority to deny a petition if the requisite signatures are not present in the petition is Education Code 47605(c)(3) and it states as follows:

“(c) In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

... (3) The petition does not contain the number of signatures required by subdivision (a).”

Here, individual Board members expressed concern that one of the teachers who holds a credential for secondary school was insufficient as the proposed K-8 charter intends to begin with grades TK-3. While the charter school intends to open with the grades TK-3, the teachers’ signatures required for a petition are simply that Education Code 47605 requires that at least fifty percent of the number of teachers required for the charter school sign a petition indicating that they are meaningfully interested in teaching at the charter school. There is no credential requirement. Indeed, for many years, only core subject charter school teachers needed to be credentialed. Nevertheless, this particular teacher is credentialed at the secondary level and this charter school includes secondary grades of 7-8. There is no requirement in the Education Code that the teachers who sign a petition for charter school maintain a credential enabling them to actually teach at the school during the first year of the charter school.

Further, there exists many options for teachers to secure the requisite authorization to teach at a K-8 school. For example, a teacher may receive an emergency credential and may also receive board approval to teach on an emergency basis if lacking the requisite credential. The fact that this particular teacher held a secondary credential when he signed the petition does not render his signature ineligible. The charter school petition had the requisite number of teacher signatures and is compliant with the Education Code. It should be noted that while there was one name that did not have a signature, that was the sixth name and therefore it was not needed or counted toward the threshold. GCA informed the District that due to COVID-19, it was not able to secure a “wet” signature from the sixth teacher prior to submitting its petition although GCA indicated the teacher did express meaningful interest in teaching at GCA.

Additionally, GCA has provided the District with information relating to multiple teacher applications it has gathered in response to a job posting. Please see the attached summary.

Financial Feasibility/Budget

An individual Board member indicated that GCA did not appear financially feasible. As mentioned above, there was a typographical error in the FTE budget narrative portion which has been corrected.

Along with that error, following the board meeting on January 13, 2021, GCA brought to the attention of the District that there was second error on the FTE chart in the number of paraeducators. Again, the budget amount was and is correct, but the FTE number was incorrect. GCA pointed out that the paraeducators would be part-time which is why the budget amount was accurate, but the additional part-time paraeducators needed to be reflected on the FTE chart. This has now also been corrected and the Board has been provided with the updated budget narrative.

Projected Enrollment Should Be Met

An individual Board member expressed a concern that the enrollment projections were too optimistic and that the charter would not be able to meet such projections. The charter school has indicated that the enrollment projections are at 198 and there are 250 students who have expressed interest in attending the charter school. Mr. Golden informed the Board of the interested students at the public hearing held on December 9, 2020.

Following the January 13, 2021 Board meeting, GCA has informed the District that it has student registrations very near its projected enrollment. A summary of the number of registered students is attached.

GCA Will Not Offer CalPERS

While GCA did not allocate in its budget CalPERS expenditures, it was not required. In the charter petition, GCA indicated that it would either participate in STRS and CalPERS or it would implement a board approved employee retirement program, such as a 401k, and the eligible employees would be participating in social security. GCA confirmed to the District that it would not be participating in CalPERS, but rather it anticipated it would approve a 401k plan and participate in social security.

Community Impact Analysis

Education Code Section 47605 was revised to include two additional provisions in which a chartering authority may consider in determining whether to approve or deny a petition. Education Code Section 47605(c)(7) permits a chartering authority to consider whether or not the charter school is serving the entire community and whether or not the charter school impacts particular programs, existing services or academic offerings.

Here, GCA has a very novel program. The charter review team did not identify that GCA's program duplicated any District program nor did the team identify any adverse impact to the District's programs, services, or academic offering. It also should be noted that there is no legal requirement that mandates a chartering authority to conduct a formal community impact assessment. Any such assessment would be voluntary on the part of the chartering authority. Given this is a new law, the District charter review team analyzed the two new criteria and determined that they were not applicable to the GCA petition.

The second new criterion is that a chartering authority may consider the fiscal impact to the District in granting or denying the petition. In the case of GCA, the fiscal impact was noted to be approximately \$1.18 million in 2021/22 and it was determined that the amount is not likely to affect the District's budget such that it could not meet its obligations

No grounds were identified to support a denial of the GCA under the two new criteria.

There is No Conflict of Interest

An individual Board member inquired whether or not GCA's future plans to lease a facility from GCA's CEO, Robert Golden, would create a conflict of interest. The Board was informed that such lease possibility was not, at this time, a conflict of interest. The District's fiscal department has indicated that it will certainly review any future lease relationship between GCA and its CEO and/or an entity controlled by the CEO. Further, any change in facility by a charter school is a material revision to the charter and must be brought before the Board for consideration and approval. Accordingly, any such future relationship between the landlord of a facility and GCA will be reviewed at the time of the material revision to the charter.

GCA Student Applicants

Website Registrations	
TK Students	20
Kindergarten	51
1st Grade	49
2nd Grade	37
3rd Grade	38
4th Grade and above	7

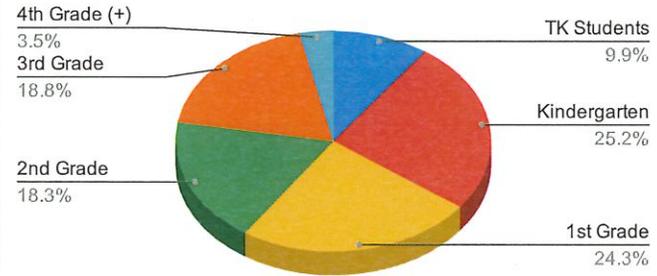
Total Students 202

The pie chart reflects the percentage of students that have applied in each grade level out of the total number of applicants.

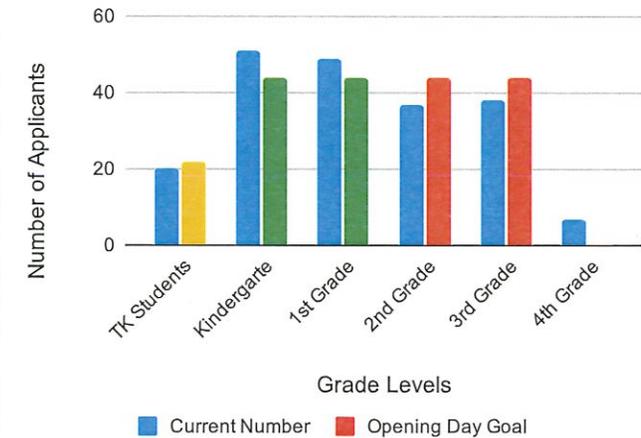
The bar graph shows the current number of applicants against the goal per grade for opening day, showing a margin of deviation for applications in which the grade level was left blank.

****Note:** Opening day goal is 44 students for grades K-3 and 22 students for TK.

Student Applicants



Student Registrations



Manage Job Postings

This screen allows you to create and maintain job postings for your organization. To create a new job posting, click the Add Posting button. To create a new posting based on an existing posting, click the Copy Posting button. To Edit a posting, click on the EDIT link next to the job posting title from the list below. To remove a closed posting, once all applicant tracking has been completed, click the Archive this Posting link.

[Add Posting](#)

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Current Certificated Staff postings for Golden Charter Academy

[Archive Selected Posting\(s\)](#)

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#) [Show All](#)

Displaying 1 to 3 of 3 Show per page

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<input type="checkbox"/>	Posting	Application	Posting Date	Display Until	Contact
<input type="checkbox"/>	Edit View Transitional Kindergarten (TK) teacher at The Golden Charter Academy	Certificated Application	12/1/2020	3/25/2021	Dr. Ed Gonzalez
<input type="checkbox"/>	Edit View Teacher (K-3) at The Golden Charter Academy	Certificated Application	12/1/2020	3/25/2021	Dr. Ed Gonzalez
<input type="checkbox"/>	Edit View Principal at The Golden Charter Academy	Certificated Management Application	12/1/2020	2/19/2021	Dr. Ed Gonzalez

APPLICANTS NO.	ADMIN CREDENTIAL		CONTACT INFO CITY, STATE	GOOGLE DRIVE - FILE LINKS	
	CLEAR/PRELIM	EXP DATE		CREDENTIALS	TRANSCRIPTS
1	Y - CLEAR	9/1/2021	Visalia, CA	https://drive.google.com/file/d/1dQgPJrM32	
2	N		Kingsburg, CA	https://drive.google.com/file/d/19aqXVHaxIn_I	
3	Y - CLEAR	6/1/2023	Fresno, CA		
4	Y - CLEAR		Atascadero, CA	https://drive.google.com/file/d/1cNwthl3tr7Yd	
5	N		Clovis, CA		https://drive.google.com/file/d/1yizCQ-I32Yk3C
6	Y - CLEAR	4/1/2024	Fresno, CA	https://drive.google.com/file/d/1oPTwyMnM	
7	Y - PRELIM	7/20/2018 ?	Clovis, CA	https://drive.google.com/file/d/133oR9Y-DM	
8	Y - CLEAR	8/1/2025	Fresno, CA	https://drive.google.com/file/d/1P4ZZDyked	
9	Y - CLEAR	5/5/2022	Woodland, CA	https://drive.google.com/file/d/1hTd4Tj9FKx	
10	Y - PRELIM	12/1/2015	Fresno, CA	https://drive.google.com/file/d/1PCnoYpKV	
11	Y - IN PROGRESS	7/1/2021	Campbell, CA	https://drive.google.com/file/d/1ZXD7jnpHnI	
12	N		Honolulu, HI		

APPLICANTS NO.	PROGRAMS		EL AUTHORIZATIONS			CONTACT INFO	GOOGLE DRIVE - FILE LINKS
	INDUCTION	CLEAR CRED	BCLAD	CLAD	STAFF DEV	CITY, STATE	TRANSCRIPTS
1						Fresno, CA	
2						Fresno, CA	X
3		X		X		Long Beach, CA	X
4			X	X		Clovis, CA	X
5	X			X		Fresno, CA	X
6						Fresno, CA	X
7						Fowler, CA	
8						Clovis, CA	X
9				X		Tulare, CA	X
10		X				Clovis, CA	
11				X		Clovis, CA	X
12		X		X		Fresno, CA	X
13		X				Fowler, CA	X
14						Clovis, CA	
15						Visalia, CA	X
16						Fresno, CA	X
17						Clovis, CA	
18		X				Fresno, CA	X
19						Tulare, CA	X
20						Fresno, CA	X
21						Willow Grove, PA	
22						Fresno, CA	X
23			X	X		Bakersfield, CA	X
24		X				Madera, CA	X
25				X		Hanford, CA	X

APPLICANTS	TEACHING CREDENTIAL										
NO.	30-DAY	30-DAY EXP	PIP	PIP AUTH	PIP EXP	STIP	STIP AUTH	STIP EXP	EC AUTH	CLEAR	PRELIM
1	X	7/1/2020									
2	https://drive.google.com	9/1/2018	X		10/1/2019						
3											
4											
5										https://drive.google.com	
6											
7											
8											
9											
10											
11										https://drive.google.com	

PROGRAMS			EL AUTHORIZATIONS - FILE LINKS			CONTACT INFO	GOOGLE DRIVE - FILE LINKS
INTERN	INDUCTION	CLEAR CRED	BCLAD	CLAD	STAFF DEV	CITY, STATE	TRANSCRIPTS
X						Fresno, CA	
X						Fresno, CA	
						Fresno, CA	
https://drive.google.com		X				Clovis, CA	
https://drive.google.com/file/d/1i8hL-JHm3pt6fG3-MFzyppJiVxqk						Fresno, CA	https://drive.google.com/file/d/1GfG45Hr
						Fresno, CA	
				X		Clovis, CA	https://drive.google.com/file/d/1adqV_9VR
		X				Fresno, CA	https://drive.google.com/file/d/12CBXcGuN
						Orosi, CA	https://drive.google.com/file/d/1TkTjtigJ-dC
						Fresno, CA	
https://drive.google.com/file/d/1Mqt3Ui7_k4TnrLV-IQP3MWQhp4j				X		Clovis, CA	