BOARD COMMUNICATIONS – APRIL 09, 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, Chief Financial Officer
AS-1 Kim Kelstrom School Services Weekly Update Report for April 02, 2021
AS-2 Kim Kelstrom Medi-Cal Administrative Activity Program
AS-4 Kim Kelstrom April Legislative Committee Meeting
AS-5 Tammy Townsend Senate Bill 86 Student Learning Recovery Grant

COMMUNICATIONS – Nikki Henry, Chief Information Officer
C-1 Amy Idsvoog Naming Process for Ventura and 10th Campus

EQUITY & ACCESS – Lindsay Sanders, Chief Equity & Access
EA-1 Kristi Imberi-Olivares State Assessment Update

SCHOOL LEADERSHIP – Kim Mecum, Chief Academic Officer
SL-1 Sandra Toscano District English Language Advisory Committee’s Third Virtual Meeting of the Year-March 18, 2021
SL-2 Bryan Wells Update on 2021 Graduation Schedule
SL-3 Edward Gomes Update on Student Academic Level Status and Aligning to Needs
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
Phone Number: 457-3884

Cabinet Approval:

Regarding: Superintendent Calendar Highlights

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

- Gave interview with Caroline Collins, KSEE24, regarding return to school
- Site visits at Ahwahnee, Eaton, Hoover, McCardle, Robinson and Wolters
- Gave interview with Jessica Harrington, ABC30, regarding return to school
- Gave interview with Janie Har, The Associated Press, regarding return to school and plans for August
- Attended and spoke at Fresno Compact
- Attended Fresno K-16 Collaborative Steering Committee Meeting

Approved by Superintendent
Robert G. Nelson Ed.D.  Date: 04/09/21
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 April 02, 2021 is attached and includes the following articles:

- FAQs: Expansion of COVID-19 Supplemental Paid Sick Leave – April 01, 2021
- Biden Infrastructure Plan Calls for $100 Billion for School Construction, Upgrades – March 31, 2021
- A Majority of School Districts are Now Open. But Not Everyone Wants to Return – March 29, 2021

If you have any questions or require further information, please contact Kim Kelstrom at 457-3907.
DATE: April 2, 2021

TO: Robert G. Nelson
Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

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

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**Legislature Returns From Spring Recess on Monday**

Legislators were in their districts on spring recess this week, so there were no hearings in Sacramento. When the Legislature returns from its recess on Monday, April 5, 2021, they will have four weeks to ensure that any bills with fiscal implications pass out of the first house policy committees, while bills without fiscal effects have an additional week to clear policy committees.

**PPIC Polling Shows Majority of Likely Voters Don’t Want to Recall the Governor**

The Public Policy Institute of California (PPIC) released their latest statewide survey this week, which found that 56% of likely voters would not recall Governor Gavin Newsom if the election was held today, while 40% said they would vote yes and 5% indicating that they were unsure. This is some of the first major polling data on the potential recall election since the proponents of the measure submitted more than 2.1 million signatures in an attempt to trigger an election that would ask voters if they would like to oust the sitting governor. Recall supporters need approximately 1.5 million of those signatures to be valid in order for the recall election to take place.

PPIC’s survey also found that Governor Newsom’s approval rating from likely voters is at 52%, which is the exact same percentage as February 2020, the month before the Governor issued the statewide stay-at-home order. However, this is 12% lower than Governor’s Newsom’s peak approval rating in May 2020 where 64% of likely voters approved of the way the Governor was handling his job.

The survey overall gives Governor Newsom some welcome news as he prepares to fend off the likely recall election. While it is likely that recall proponents have submitted enough valid signatures to trigger an election, counties have until April 29, 2021, to certify the number of valid signatures. Then there will be a 30-day process that will allow any voter who signed the recall petition to withdraw their signature. Counties then have ten business days to report to the Secretary of State an updated valid signature total. Then the Secretary of State, if there are still sufficient signatures, notifies the Department of Finance to
request a fiscal estimate, in consultation with county elections officials, of the cost of the recall election. Once the Secretary of State certifies that enough signatures have been collected, the Lieutenant Governor then has 60–80 days to call an election.

Leilani Aguinaldo
FAQs: Expansion of COVID-19 Supplemental Paid Sick Leave

By Danyel Conolley and Elizabeth (Lisa) B. Mori
School Services of California Inc.’s Fiscal Report
April 1, 2021

[Editor’s Note: From time to time, we include guest authors that we think can help to inform readers on timely and relevant issues related to local educational agency (LEA) operations, and most recently, how operations are impacted by Senate Bill (SB) 95, which expands COVID-19 supplemental sick leave. Elizabeth B. (Lisa) Mori (Partner, F3 Law) has partnered with us in writing this article.]

On Friday, March 19, 2021, Governor Gavin Newsom signed SB 95, which creates uniform, statewide policy to ensure employees have access to COVID-19 supplemental paid sick leave through September 30, 2021, (see “Legislation Expands COVID-19 Supplemental Paid Sick Leave“ in the March 2021 Fiscal Report). SB 95 reinstates COVID-19 leave as a provision of state law and expands it to all public and private entities, including LEAs. Since the time that SB 95 was signed into law, many questions have arisen regarding the implementation of COVID-19 Supplemental Paid Sick Leave, and operational considerations to maintain legal compliance. Below are some of the most frequently asked questions (FAQs) in the management of this new leave entitlement for LEA employees.

Q: Is the 80 hours of COVID-19 supplemental paid sick leave in addition to the original 80 hours of Emergency Paid Sick Leave (EPSL) through the Families First Coronavirus Response Act (FFCRA), or is it just extending the usage dates?

A: SB 95 provides a new leave entitlement that is in addition to FFCRA leave. The distinction is that the FFCRA was federal leave which expired December 31, 2020. The recently enacted COVID-19 supplemental paid sick leave is a state provision, which is similar to the FFCRA, but there are important differences in the details.

Q: Our LEA opted to grant an extension of FFCRA leave through March 31, 2021. How do we implement the new expanded COVID-19 leave provided in SB 95?

A: Implementation of SB 95 is complicated due to the retroactive application to leave taken for COVID-related reasons between January 1, 2021, and March 29, 2021. LEAs who granted extensions of FFCRA leave are authorized to retroactively score qualifying absences taken as FFCRA leave since January 1, 2021 against this new leave entitlement. For example, if a full-time employee took 40 hours of COVID-related leave in February 2021 due to symptoms related to COVID-19 and sought medical advice, then the reason for the leave aligns with SB 95, reason (E)—the provider is experiencing symptoms of COVID-19 and seeking a medical diagnosis. After deducting the 40 hours of leave, the employee would then have a balance of 40 hours of COVID-19 supplemental paid sick leave available for use through September 30, 2021.

Q: With the new law, is the 2/3 pay rule now gone if a teacher has to stay home to care for their quarantined child?

A: Yes. The calculation of payment for COVID-19 supplemental paid sick leave is one area that is not as complicated as the FFCRA. Authorized leave provided by SB 95 is provided at full pay. However,
employers cannot be required to pay more than $511 per day and $5,110 in the aggregate to a covered employee for COVID-19 supplemental paid sick leave.

Additional information related to the calculation of pay for this leave entitlement:

- Exempt employee rate of pay is calculated in the same manner as wages and other forms of paid leave time.

- Non-exempt employee rate of pay is calculated by dividing the employee’s total wages, not including overtime premium pay, by the employee’s total hours worked in the full pay periods of the prior 90 days of employment.

- In no event shall pay be below the California minimum wage (which is currently $14.00/hour for employers with 26 employees or more) or the local minimum wage to which the employee is entitled.

If your organization agreed to extend FFCRA leave or to provide additional leave for qualifying purposes under SB 95, you should carefully review those agreements to the extent that greater benefits may have been authorized (i.e. full pay).

Q: Do all employees get 80 hours of leave, regardless of their full-time equivalent (FTE) status?
A: No, the amount of leave entitlement is based on the number of hours the employee works, or their FTE status; however, it is important to note that all full-time employees, regardless of the number of hours designated as qualifying for full-time status, are entitled to 80 hours of supplemental paid sick leave. Part-time employees working a normal weekly schedule are entitled to supplemental paid sick leave in an amount equal to the number of hours scheduled to be worked over two weeks.

Q: Is supplemental paid sick leave available for an employee to care for a child home and engaged in their school’s distance learning or hybrid instructional model?
A: Supplemental paid sick leave under SB 95 differs significantly from the leave available under the FFCRA with regard to leaves taken to care for children due to school closures. Under the FFCRA, paid leave was available if the child’s school or place of care was closed, including intermittent leave for those days of distance learning under a hybrid instructional model. Under SB 95, qualifying leave is limited to those situations where the “school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.” (Emphasis added.) As such, supplemental paid sick leave would only appear available if the place of care or school had to close or temporarily revert to distance learning based on a positive COVID-19 case or outbreak at the school site.

Q: If an employee begins a qualifying period of leave under SB 95 on September 30, 2021, and still has a balance of supplemental paid sick leave hours available, are they entitled to remain off work through the duration of the covered event until their leave is exhausted?
A: Yes. Similar to leave under the FFCRA, as long as the qualifying leave begins on or before the expiration date of the legislation (September 30, 2021), the employee would still be entitled to access and apply their full leave entitlement until exhausted (assuming the leave is continuous). At that point, any remaining leave balance will expire and no longer be available.
Q: The statute provides no guidance on whether the employer may ask for supporting documentation. LEAs, at times, experience employees who misuse benefitted time and would like to be able to counter any anticipated abuse by requiring some form of documentation confirming the need for supplemental paid sick leave time.

A: Nothing in the legislation prohibits an employer from requiring verification of the qualifying purpose of the leave.

Q: How does supplemental paid sick leave apply when an employee is required to quarantine due to a confirmed COVID-19 workplace exposure?

A: Under the California Department of Occupational Safety and Health (Cal/OSHA) Emergency Temporary Standards, employers are required to maintain an employee’s earnings when excluded from the workplace due to a confirmed workplace exposure to COVID-19. SB 95 authorizes, but does not require, employers to mandate that employees first exhaust all available supplemental paid leave sick in such circumstances prior to providing required exclusion pay. Employers should carefully review their internal policies and practices as well as all applicable labor agreements to ensure consistency in leave application policies.

Note: President Joe Biden proposed a $2 trillion infrastructure plan Wednesday, March 31, that would provide $100 billion for new school construction and upgrades to existing buildings.

**Biden Infrastructure Plan Calls for $100 Billion for School Construction, Upgrades**

By Evie Blad
*EducationWeek*
March 31, 2021

President Joe Biden proposed a $2 trillion infrastructure plan Wednesday that would provide $100 billion for new school construction and upgrades to existing buildings, meeting a long-time push by some education advocacy groups.

Separate parts of the American Jobs Plan would also provide $100 billion to expand broadband internet access and $45 billion to replace lead pipes around the country, which would reduce lead exposure in 400,000 schools and child-care facilities, the White House said.

The massive proposal comes after Congress passed the $1.9 trillion American Rescue Plan, a COVID-19 relief bill that included an unprecedented infusion of cash for schools. And, while infrastructure has been seen as an area of possible bipartisan compromise in recent years, the American Jobs Plan is sure to face resistance from members of Congress who have called for less government spending or more-targeted proposals.

The infrastructure plan would be paid for over 15 years by increasing corporate tax rates and closing tax loopholes, backtracking on some cuts made through a tax bill signed into law by President Donald Trump.
Dating back to his time as a candidate, Biden has frequently mentioned school buildings alongside more typical infrastructure priorities, like roads and bridges.

“How many schools [are there] where the kids can’t drink the water out of the fountain?” Biden said at a press conference last week. “How many schools are still in the position where there’s asbestos? How many schools in America we’re sending our kids to don’t have adequate ventilation?”

Those concerns have been highlighted during the COVID-19 pandemic as some administrators say crowded or dated school buildings make it difficult to carry out recommended procedures, like social distancing, to reduce the risk of transmission. Some of those concerns can be addressed through K-12 aid provided through multiple federal relief bills that have already been enacted.

But the White House says there is more work to be done. It cited a report by the American Society of Civil Engineers that gave America’s school infrastructure a D+ grade.

That’s why groups like national teachers’ unions and the Center for American Progress have pushed to include schools in federal infrastructure spending for years.

Organizations including Chiefs for Change and the National Association of Secondary School Principals praised Biden’s plan Wednesday.

“As the COVID-19 pandemic has exposed and exacerbated the inequities of every system in America, the need to improve our nation’s public-school facilities has never been more acutely apparent,” National Education Association President Becky Pringle said in a statement.

But some Republican members of Congress have not been receptive to the push to include school facilities in infrastructure bills, saying that proposals should be more narrowly targeted to address needs like highway upgrades. That’s in part because K-12 education is largely funded and governed at the state and local levels, and they see a more limited federal role.

Senate Minority Leader Mitch McConnell, a Kentucky Republican, called Biden’s proposal “a Trojan horse for the largest set of tax hikes in a generation” Wednesday. He said in a statement that the nation needs a “serious, targeted infrastructure plan” that focuses more on roads and bridges.

Biden’s plan would direct $50 billion in grants and an additional $50 billion to be “leveraged through bonds” to help cover the costs of school construction, according to a White House fact sheet. The funds would first be prioritized to health and safety upgrades, like ventilation. The funding would also be used to “invest in cutting-edge, energy-efficient and electrified, resilient, and innovative school buildings with technology and labs that will help our educators prepare students to be productive workers and valued students,” the plan says.

The plan would provide an additional $100 billion to help expand broadband access in communities nationwide. This funding would not be targeted at schools, but it would help address the lack of reliable internet that has made remote learning and homework difficult for many students. Funding to help address that concern was also included in the COVID-19 relief bill.
And Biden’s infrastructure proposal would provide $45 billion for the Environmental Protection Agency’s existing Drinking Water State Revolving Fund and in Water Infrastructure Improvements for the Nation Act. Resulting upgrades would help homes, businesses, and schools, the White House said.

Concerns about lead exposure in children have become more prominent as Flint, Michigan, grapples with a water crisis that has led to a surge in need for special education services for affected children.

In a 2017 report, the nonpartisan Government Accountability Office found that fewer than half of schools it surveyed had tested their water for lead within the previous year.

The K-12 portions of Biden’s infrastructure plan mirror previous bills proposed by Democrats in the House and Senate, which also called for $100 billion for school facilities.

The new proposal will likely change as Congress works to convert it into legislation and win support from members. And it is unlikely to win adequate GOP support to win the 60 Senate votes needed to bring it to a vote under current rules. Democratic leaders may seek to pass it through budget reconciliation, a process that requires a simple majority.

Note: Los Angeles Unified School District (USD), San Diego USD, and Fresno USD have said they will begin to allow grade-school students back onto campus later in April, as new coronavirus cases have fallen sharply statewide.

A Majority of School Districts are Now Open. But Not Everyone Wants to Return.

By Shawn Hubler
The New York Times
March 29, 2021

Elementary students returned to classrooms in Long Beach, Calif., on Monday and campuses from Los Angeles to Boston prepared for significant expansions of in-person instruction as a majority of the nation’s districts have now begun to reopen school buildings, many of which have been closed for more than a year.

On Monday, Burbio, which monitors some 1,200 districts including the largest 200 in the country, reported that 53.1 percent of students were in schools offering daily, in-person classes, and that for the first time, the proportion of students attending school virtually or in hybrid classes had dropped.

The change, Burbio officials said, appeared to be driven by the return in elementary and middle schools to in-person classes, and by the new rules from the Centers for Disease Control and Prevention permitting schools to allow three feet of social distance instead of six feet in elementary schools.

But a number of roadblocks to reopening remain. On the West Coast, large urban districts generally have lagged behind their counterparts across the rest of the nation. Surging infections in Southern California after the winter holidays were partly to blame for a slow rebound in the Los Angeles school system.

Part of the slow start can be traced to resistance from teachers, whose unions generally are more powerful in Democratic-led Washington, Oregon and California than in many other states, and who have been wary of
returning to what they regard as a hazardous workplace, despite federal guidance that elementary schools in particular are safe when health precautions are followed.

Even some schools where teachers have agreed to return are still experiencing setbacks. Schools in Oakland and San Francisco, for example, are scheduled to reopen next month for elementary and special-needs students. But labor agreements in both of those California cities have allowed substantial numbers of teachers to opt out, leaving some schools without enough teachers to reopen and prompting others to scramble for substitutes.

Public schools in California’s top three districts by enrollment — Los Angeles, San Diego and Fresno — have said they will begin to allow grade-school students back onto campus later in April, as new coronavirus cases have fallen sharply statewide.

And on Monday, Long Beach — the state’s fourth-largest district, with about 70,000 students — began allowing about 14,000 elementary students back into school buildings for about 2½ hours each day, five days a week.

The Long Beach school district was able to open earlier than other large California school systems because labor unions there agreed last summer to reopen as soon as health conditions permitted, and because the city was able to start vaccinating teachers earlier than other districts in the state.

Unlike most other cities in Los Angeles County, Long Beach has its own public health department, giving the city its own vaccine supplies and the power to set its own vaccine priorities, at a time when the county as a whole was making teachers wait until after other groups, like residents 65 and older, were vaccinated.

“A city with its own health department has the ability to be more nimble,” said Jill Baker, the city’s schools superintendent, who called the return to classrooms this week “exciting and momentous.”

The school district is among the city’s largest employers, and two-thirds of its students qualify for free or reduced-price lunches, so vaccinating school employees and reopening classrooms was viewed as economically important, Ms. Baker said.

In-person classes for older students are scheduled to resume April 19, with grades 6 to 8 getting the option to return on April 20 and grades 9 to 11 on April 26. The last day of school will be in mid-June.
Regarding: Medi-Cal Administrative Activity Program

The purpose of this communication is to provide the Board information regarding the reimbursements from the Medi-Cal Administrative Activity Program (MAA).

The district recently received $650,398 in MAA reimbursements from 2018/19 fourth quarter claims. As mentioned in previous board communications and budget revisions, the California Department of Health Care Services (DHCS) held back reimbursement funds. After several years of uncertainty, invoices are now being processed.

In December 2016, the State released a new claims method for submission of reimbursements beginning with January 2015. The district is working with the Madera County Superintendent of Schools (MCSOS) to submit claims. The district has received $2.9 million in reimbursements thus far in 2020/21.

The MCSOS continues to recommend that districts recognize MAA revenues only after they are received since future funding adjustments may occur. Therefore, additional funds will be recognized once received.

If you have any questions or require further information, please contact Kim Kelstrom at 457-3907.
From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Kim Kelstrom, Executive Officer  
Cabinet Approval:  

Regarding: Charter School 2019/20 Audit Reports and 2020/21 Second Interim Financial Reports 

The purpose of this communication is to provide the Board an update on the Charter School 2019/20 Audit Reports and the 2020/21 Second Interim Financial Reports.

2019/20 Audit Reports 
Each charter school provided a copy of their audited financial statements as of June 30, 2020 to Fresno Unified School District. SB 98 extended the timeline for 2019/20 audit reports from December 15, 2020 to March 31, 2021. Aspen Meadow, Aspen Valley Prep, Dailey, Sierra Charter, School of Unlimited Learning, University High School and Woodson had unmodified opinions. Aspen Meadow, Aspen Valley Prep, Sierra Charter and University High School received one audit finding as summarized below.

- Aspen Meadow and Aspen Valley Prep received one state compliance finding regarding documentation in the After-School Education and Safety grant. The charters have amended their policies and have implemented software for attendance tracking and budget monitoring.
- Sierra Charter received one state compliance finding regarding appropriate expenditures charged to the Education Protection Accounts (EPA) funds. The charter expended $6,007 that did not qualify under Proposition 30 and will be making a General Fund contribution for the inappropriate use of funds in prior year.
- University High School received one state compliance finding regarding under-reported Average Daily Attendance (ADA). The charter underreported $21,900 for P-2 and $400 for the Annual Attendance Report.

In addition, the following charter schools had a net adjustment to the unaudited actuals:

- Both Aspen Meadow and Aspen Valley Prep’s ending fund balance was decreased by $121,324 and $14,642, respectfully due to an accounts receivable and accounts payable adjustment.
- School of Unlimited Learning ending fund balance increased by $57,076 due to an accounts receivable, accounts payable, and Net Property, Plant, and Equipment adjustment.
2020/21 Second Interim Financial Reports

The chart below shows 2020/21 Charter Schools Second Interim Financial Projections and Average Daily Attendance (ADA). At this time all charter schools are projected to have a positive ending fund balance.

<table>
<thead>
<tr>
<th>Charter School</th>
<th>Audited Beginning Balance</th>
<th>Estimated Revenues</th>
<th>Estimated Expenditures</th>
<th>Estimated Ending Fund Balance</th>
<th>Funded ADA</th>
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<tbody>
<tr>
<td>Aspen Meadow Charter</td>
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<td>$ 3,621,845</td>
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<td>Aspen Valley Prep</td>
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<td>$ 2,288,911</td>
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The following observations were made regarding the charter schools’ financial activities and projections that will continue to be monitored by the district. In addition, a letter of concern was submitted to Fresno County Superintendent of Schools and Aspen Meadow and Aspen Valley Prep Charter Schools:

- Aspen Meadow and Aspen Valley Prep applied for and received two loans from the Paycheck Protection Program (PPP) in May 2020 in the amount of $365,000 and $700,000, respectively. The Second Interim submitted to the district by Aspen Meadow and Aspen Valley Prep are recognizing these funds as federal grant revenue, due to Aspen Public Schools Inc. anticipating that 90% of this loan will be forgiven before June 30, 2021. The revenue is overstated since the schools are assuming forgiveness of the PPP loan, prior to forgiveness by the loaning agency.
  - For Aspen Meadow, if the PPP loan was not recognized in the Second Interim, the ending fund balance would have been negative by $5,838 and below the 3% reserve for economic uncertainties that is recommended in the memorandum of understanding between the charter and the district. Aspen Meadow would require a temporary loan from Aspen Valley Prep at year-end to meet the 3% reserve for economic uncertainties requirement.
  - For Aspen Valley Prep, if the PPP loan was not recognized in the Second Interim, the ending fund balance would have been reduced to $1,069,307 and would have still met the 3% reserve for economic uncertainties that is recommended in the memorandum of understanding between the charter and the district. If Aspen Meadow would require a temporary loan from Aspen Valley Prep, the fund balance would still meet the 3% reserve for economic uncertainties.

The district continues to work with the charter schools to address changes in financial reporting to ensure compliance. Staff will continue to update the Board as information becomes available.

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: 04/09/21
From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Kim Kelstrom, Executive Officer  
Cabinet Approval:

Regarding: April Legislative Committee Meeting

The purpose of this communication is to provide the Board information shared at the April 01, 2021 Legislative Committee Meeting.

**Economic and Budget Update** – Ms. Leilani Aguinaldo provided an update on the Governor’s budget and economic outlook.

The Department of Finance reports for the first eight months of the fiscal year state revenues are $14.3 billion above projections. Personal income tax is the main reason for the increase, however due to the tax deadline extension from April to May, revenues may fluctuate through June 30, 2021. As revenue projections continue to rise, the Governor’s May Revise is expected to include edits to January’s Governor’s Proposal.

The American Rescue Plan’s latest installment of stimulus funds provides $15.1 billion to schools with Fresno Unified receiving $385 million. In addition, the state has also been allocated stimulus funds and anticipate the Governor will utilize the May Revise to inform on how the state will allocate. As districts develop plans to utilize all sources of stimulus funds, community involvement is highly encouraged even though the Expanded Learning Grant is the only resource that requires board approved plans.

The Governor signed SB 95 which expands COVID-19 supplemental paid sick leave retro actively to January 01, 2021 through September 30, 2021. The previous legislation sunset on December 31, 2020. A full-time employee who qualifies for leave under SB 95 would be allocated 80 hours of sick leave in addition to the annual allotments to employees.

**Legislative Update** – Ms. Aguinaldo provided an update on the legislative process. The following bills were discussed:

- **AB 102 (Holden) Dual Enrollment** – (Support) – Extends dual-enrollment at school districts indefinitely.
- **AB 104 (Gonzales, Lorena) Retention, Grade Changes, and Exemptions** – (No Position) – Requires an interim policy for retaining students in the same grade in the 2021/22 school year, allows a student to request a high school letter grade to Pass or No Pass, and exempts juniors and seniors from all coursework and other requirements that are in addition to the statewide graduation requirement.
- **SB 309 (Leyva) College Readiness** – (Support) – Establishes the A-G Completion Improvement Grant Program, a $200 million program to provide additional supports to help increase the number of pupils completing A-G requirements.
- **AB 967 (Frazier) COVID-19 Special Education Fund** – (Watch) – Provides funding to support conflict resolution between parents of students with disabilities and their district.
• AB 563 (Berman) School Based Health Programs – (Support) – Requires California Department of Education to establish an Office of School-Based Health Programs for the purpose of improving the operation of, and participating in, school based health programs including Medi-Cal activities.

The School Services Legislative Committee April 2021 report is attached. The next Legislative Committee meeting is scheduled for May 21, 2021.

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

LEGISLATIVE COMMITTEE MEETING
APRIL 1, 2021

2021-2022 Legislative Session

Prepared By:

Leilani Aguinaldo
Director, Governmental Relations
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## Legislative and Economic Update

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DOF Releases March Finance Bulletin

By Robert McEntire, EdD
March 24, 2021

The Department of Finance (DOF) issued its March Finance Bulletin this week, and it memorializes the financial results for the first eight months of the 2020–21 fiscal year.

The state’s General Fund continues to enjoy robust revenues that outperform the forecasted numbers used in the recently released 2021–22 Governor’s Budget. For the first eight months of the year, state revenues are $14.3 billion (12.9%) above projections, while revenue collections from January 2021 are $3.8 billion (76.1%) higher than forecast. Examination of the “Big Three” taxes year-to-date show personal income tax receipts are $12.8 billion above estimates, while sales and use tax and corporation tax receipts are $760 million and $721 million over their forecast, respectively.

A significant portion of the positive data in February—revenues are $3.8 billion above forecast—was driven by lower tax refunds due to delayed enactment of Governor Gavin Newsom’s Golden State Stimulus. Additionally, the delayed opening of tax filing season by the Internal Revenue Service moved many refunds further into the calendar year. We expect a netting of these revenues in the coming months. The next major marker for tax collections will be May 2021, when taxpayers make their final tax payments for the 2020 calendar year. At that point, the financial landscape will be much clearer.

California housing units authorized by building permits increased 12.5% in January 2021 compared to January 2020. In a reversal from last month’s data, single family home permits for January 2021 were down 2.6% from the prior month and 2.1% from January 2020, while multi-family permits increased 36.2% from the prior month and 30.6% from the previous year. Existing single family home sales volume fell 4.9% from the prior month, but remained up 22.5% over the prior year. The median price of existing single family homes sold in January 2021 was down 2.5% from December to $699,980, but remains 21.7% above the same month last year.

Continuing to examine the true impact of the recession on 2020, the Finance Bulletin highlighted revised statistics, many of which were worse than originally published. California’s labor force size was believed to have contracted by 2.3% in 2020, but updated data shows more people left the labor force and current data places the decline at 2.8%. Similarly, originally published data showed unemployment at the end of December 2020 at 7.0%. More recent data shows that figure was a bit optimistic, and was actually 7.4%. Not all revisions were negative, however, as the peak unemployment rate for the state was revised down from 16.4% to 16.0% for April 2020. State
employment figures demonstrate the distance still yet to travel to reach full recovery. As of January 2021, the state had 15.9 million non-farm jobs, 10.2% below the February 2020 pre-pandemic level. These figures recognize combined net job losses for December 2020 and January 2021 of roughly 145,300 non-farm jobs. Industry data shows modest growth in the trade, transportation, and utilities sector of 13,700 jobs, while professional and business services, and government increased in size by 3,600 each. Leisure and hospitality continues to lead job decline as a sector.
Fund Balances Rise in 2019–20

By Dave Heckler and John Gray
March 26, 2021

The California Department of Education released the 2019–20 Unaudited Actual data that allows for the calculation of district and statewide average reserve levels.

The reserve levels are defined as the unrestricted ending fund balance for the General Fund, plus the ending balance for Fund 17 (Special Reserve for Other Than Capital Outlay Projects), as a percentage of the total General Fund (including restricted programs) expenditures, transfers out, and other uses. The averages by district type are as follows:

<table>
<thead>
<tr>
<th>District Type</th>
<th>2019–20 Average Unrestricted General Fund, Plus Fund 17; Fund Balances as a Percentage of Total General Fund Expenditures, Transfers, and Other Uses</th>
<th>Change From Prior Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unified School Districts</td>
<td>18.82%</td>
<td>+1.56%</td>
</tr>
<tr>
<td>Elementary School Districts</td>
<td>22.70%</td>
<td>+2.23%</td>
</tr>
<tr>
<td>High School Districts</td>
<td>17.34%</td>
<td>+1.70%</td>
</tr>
</tbody>
</table>

In our opinion, California public school districts have done a remarkable job at maintaining their reserves at or near the percentages recommended by the Governmental Finance Officers Association—17%.

Recall that the COVID-19 pandemic shut down in-person learning in most California school districts in March 2020, which resulted in a slow down in recurring expenses, but also created a need for increased supplies to accommodate distance learning. Also, in May 2020, California school districts were planning for an ongoing 10% reduction in their Local Control Funding Formula revenues based on Governor Gavin Newsom’s May Revision of the California State Budget. This ongoing reduction was expected to take effect beginning with the 2020–21 school year, which prompted local educational agencies to conserve cash and limit spending.

School districts with average daily attendance (ADA) of 2,501 or above and those that are not community funded (basic aid), are subject to the reserve cap that is projected to be triggered in 2022–23. The cap is defined as any assigned and unassigned categories of fund balance in the General Fund (01) and the Special Reserve Fund for Other Than Capital Outlay (17), inclusive, in excess of 10% of total General Fund expenditures. Any funds that are in the committed portion of the fund balance, meaning that the Board of Education took action to set aside the funds, are not
subject to reserve cap limits. As school districts are planning the year-end closing of the books for
2020–21, consider committing funds for the uncertain road ahead.

Having an adequate reserve allows school district governance teams the ability to be more strategic
in reducing expenditures when faced with a financial crisis, and balance cash flow needs resulting
from deferrals and unequal cash flow distribution schedules. An adequate reserve protects
students, employees, and the public.

The percentages outlined in this article are statewide averages. Each school district should
independently evaluate their reserve levels.
Slight Increase in State Funding Share for Students with Disabilities

By Michelle McKay Underwood
March 9, 2021

For decades, local educational agencies (LEAs) advocated for more equitable and adequate funding for students with disabilities. With Governor Gavin Newsom in office and a continued push from the education community, progress is being made. A first small step towards equity came in 2019–20, when the state invested $152 million to set a floor for special education funding. With this contribution, and for the first time in nearly a decade, the state’s share of supporting the education of students with disabilities increased.

Overall, special education expenditures continue to rise as LEA operational costs increase. However, the increase in 2019–20 was the smallest in recent history, from $16.23 billion to $16.65 billion. Salaries and benefits, step and column, and the rates of both the California Public Employees’ Retirement System and the California State Teachers’ Retirement System affect special education expenditures in the same manner they affect the unrestricted General Fund programs.

The chart below shows the trend of growing contributions from LEAs’ unrestricted General Funds that were needed to backfill special education expenditures in the last decade. In 2019–20, the state contributed 25.14% of funding; federal funds accounted for only 7.69% of funding; and local funds accounted for 67.17% of the total funds expended.
A larger step towards equity and adequacy was made in 2020–21, with a $545 million ongoing increase to the state’s contribution to special education funding. We expect the balance of funding support to rightly tip more towards the state as a result.
Congress Approves the $1.9 Trillion American Rescue Plan

By Kyle Hyland and Dave Heckler
March 10, 2021

Today, Wednesday, March 10, 2021, the House of Representatives approved the Senate’s version of the $1.9 trillion “American Rescue Plan,” sending the relief package to President Joe Biden, who is expected to sign the measure on Friday.

ESSER Fund Provisions

The stimulus bill earmarks nearly $170 billion for education, including $122.8 billion for a third round of funding into the Elementary and Secondary School Emergency Relief (ESSER) Fund. Of the nearly $123 billion assigned to ESSER III, $800 million is set aside for the U.S. Department of Education to provide grants to identify and provide services to homeless children and youth.

The rest of the nearly $122 billion in ESSER III funding will be allocated to states based on the same methodology of the first two iterations, whereby states are required to allocate at least 90% of the funds to local educational agencies (LEAs) in proportion to LEAs’ Title I, Part A funding. However, unlike the first two ESSER iterations, LEAs are required to reserve at least 20% of the ESSER III funding for learning loss mitigation measures, such as expanded learning programs and summer school. While the bill stipulates the deadline for the ESSER III funds as September 30, 2023, the federal Tydings provision grants recipients an additional year after the stated deadline to obligate the funds. This means that the ESSER III funds are available for obligation through September 30, 2024.

Rather than apply an equitable services requirement to the ESSER III funds, the bill provides $2.75 billion for governors to allocate to private schools that enroll a significant percentage of low-income students. This means that LEAs will not have to calculate an equitable services set aside for the ESSER III funds that they receive from the American Rescue Plan.

To ensure greater accountability and transparency, the bill requires LEAs to publish a reopening plan within 30 days of receiving their ESSER III dollars. LEAs that have already adopted a reopening plan are deemed to have satisfied this requirement as long as they allowed for a public comment period and the plan details a “safe return to in-person instruction and continuity of services.”

For the remaining 10% of ESSER III funds that the states are permitted to keep, at least 5% must be used to carry out activities to address learning loss, at least 1% must be used for summer
enrichment programs, at least 1% must be used for comprehensive afterschool programs, and no more than half a percent can be used for administrative costs.

As with the prior COVID-19 relief bills, the American Rescue Plan includes a maintenance of effort requirement that stipulates states must maintain at least as much funding for education in fiscal years 2022 and 2023 as a proportion of the state’s overall spending. In addition, the bill includes a new maintenance of equity requirement, which prevents states and LEAs from disproportionately reducing spending in high poverty schools in fiscal years 2022 and 2023 in amounts greater than the average spending reductions across all other schools in the LEA.

ESSER Look-up Tool for LEAs

To help gauge how much ESSER III funding your LEA will receive under the latest relief package, School Services of California Inc. has prepared a look-up tool (see below) so that LEAs may search for their estimated allocation determined using the methodology described above. Once official numbers are published, the look-up tool will be replaced with a link to the final allocation schedule.
Plan to Spend, and Spend to Your Plan

By Matt Phillips, CPA, Leilani Aguinaldo, and Danyel Conolley
March 22, 2021

In public education, we constantly find ourselves in a position where the cost of doing business outpaces new available resources. Public education does not operate like private business, where a private business can raise prices or discontinue a line of business that is not profitable. Instead, public education leaders have more, but sometimes limited controls of expenses. The conversations are typically centered around “doing more with less,” or “if we do x, then we can’t do y or z.”

Local educational agencies (LEAs) are in a position where one-time resources for education abound, and the conversations are pivoting to “doing more with more” in some instances and “let’s do x, y, and z!” The current influx of one-time funding—including the In-Person Instruction Grants and Elementary and Secondary School Emergency Relief (ESSER) Funds—comes to LEAs with very few restrictions on spending. LEAs are likely to feel tremendous pressure to spend the money in a variety of areas, and while there is sufficient funding to address many different facets of operations, LEAs should approach the spending from a proactive perspective, rather than reactive.

It’s more important than ever for LEAs to view each of these funding sources as pieces to a puzzle, rather than individual silos, and develop a comprehensive plan with student achievement at the center of the plan. Adopting a proactive approach will allow LEAs to make informed decisions that are supported by data, influenced by stakeholders, and contribute to the long-term fiscal health of the LEA. While there’s no substitute for in-person learning, student achievement is influenced by many factors. Adequate facilities, functioning transportation, and consistent Wi-Fi coverage are all necessary for in-person learning to have the greatest impact.

As LEAs consider the use of the one-time funds, fiscal practices 101 must be considered. At School Services of California Inc. (SSC), we have long used the phrase, “Don’t use one-time sources to increase on-going costs.” LEAs would be wise to attach spending of one-time sources to one-time costs rather than on-going costs, such as compensation increases and additional staff. Further, LEAs that have been experiencing fiscal distress should not view these one-time sources as an opportunity to abandon plans to correct structural deficits. These funds are temporary in nature, and should not be viewed as a long-term solution.

Regardless of an LEA’s current fiscal health, SSC recommends that LEAs prepare two multi-year projections—one with the one-time resources, and one without the one-time resources. The addition of the one-time resources can mask fiscal distress, and it will be important to communicate with stakeholders the temporary nature of the funds.
There’s an opportunity to significantly impact student learning for many years beyond the allowable use period of the one-time funds. While there’s no crystal ball that predicts the future, it is assured that LEAs that develop plans to spend one-time funds in a proactive, versus reactive, manner will improve their ability to raise the bar for student achievement.
AB 86 Allowable Uses

By Matt Phillips, CPA and Leilani Aguinaldo
March 26, 2021

Assembly Bill (AB) 86 introduced two new funding streams to local educational agencies (LEAs) using Proposition 98 resources—the In-Person Instruction and Expanded Learning Opportunity Grants. Much of the focus thus far has been on eligibility for the grants, and distribution of funds (see “AB 86’s Most Frequently Asked Questions,” in the March 2021 Fiscal Report). We are pivoting to the next phase, which addresses the allowable uses and considerations for spending the grants.

The following table describes the allowable uses as authorized by AB 86.

<table>
<thead>
<tr>
<th>In-Person Instructional Grants</th>
<th>Expanded Learning Opportunity Grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>May be used for any purpose consistent with providing in-person instruction, including, but not limited to:</td>
<td>Shall only be expended for the following purposes:</td>
</tr>
<tr>
<td>COVID-19 testing</td>
<td>Extending instructional learning time beyond requirements for the 2020–21, 2021–22, and 2022–23 school years</td>
</tr>
<tr>
<td>Cleaning and disinfecting</td>
<td>Accelerating progress to close learning gaps</td>
</tr>
<tr>
<td>Personal protective equipment</td>
<td>Integrated pupil supports, such as the provision of mental health services, access to school meal programs, before and after school programs, and programs to address trauma</td>
</tr>
<tr>
<td>Ventilation and other school upgrades for health and safety</td>
<td>Community learning hubs that provide pupils with access to technology, high-speed internet, and other academic supports</td>
</tr>
<tr>
<td>Salaries for certificated and classified employees providing in-person instruction or services</td>
<td>Supports for credit-deficient pupils to complete graduation or promotion requirements and to increase or improve pupils' college eligibility</td>
</tr>
</tbody>
</table>
In-Person Instructional Grants | Expanded Learning Opportunity Grants
---|---
Social and mental health support services provided in conjunction with in-person instruction | Additional academic services for pupils, such as diagnostic, progress monitoring, and benchmark assessments of pupil learning
Training for school staff on strategies, including trauma-informed practices, to engage pupils and families in pupils' social-emotional health needs and academic needs

The Expanded Learning Opportunity Grant is further restricted by requiring LEAs to spend no less than 85% on in-person services, and at least 10% of the total grant must be spent on paraprofessionals as defined in Education Code Section 45330. The 10% for paraprofessionals may be scored against the 85% requirement for in-person services.

The California Department of Education has provided resource codes for both grants, but LEAs developing their spending plan for the grants should also leverage the federal Elementary and Secondary School Emergency Relief (ESSER) funds (see “Plan to Spend, and Spend to Your Plan,” in the March 2021 Fiscal Report).

<table>
<thead>
<tr>
<th>Grant</th>
<th>Resource Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-Person Instruction Grant</td>
<td>7422</td>
</tr>
<tr>
<td>Expanded Learning Opportunity Grant (10% paraprofessional set aside)</td>
<td>7426</td>
</tr>
<tr>
<td>Expanded Learning Opportunity Grant (after 10% paraprofessional set aside)</td>
<td>7425</td>
</tr>
</tbody>
</table>

Although both AB 86 grants are available for spending through August 31, 2022, the ESSER funds have similar allowable uses, and can be used in concert with the state funded grants.
AB 86’s Most Frequently Asked Questions

By Matt Phillips, CPA, Leilani Aguinaldo, Patti F. Herrera, EdD, and Danyel Conolley
March 12, 2021

Q. How do the changes to the color tiers established by the Blueprint for a Safer Economy (see “COVID-19 Blueprint Updated to Ease Reopening of Economy” in the March 2021 Fiscal Report) impact local educational agencies (LEAs) trying to meet the funding conditions of the In-Person Instruction Grants?

A. The changes to the color tiers do not change the requirements for receiving the In-Person Instruction Grant, but it will impact how soon an LEA will be required to offer in-person instruction to all elementary students and to all students in at least one secondary grade level. With the positive trajectory of COVID-19 case rates and the increasing number of Californians that are vaccinated, counties are expected to reach the red tier soon if they haven’t already. LEAs should anticipate and plan for being in the red tier by April 1 if they want to ensure they receive the full amount of the In-Person Instruction Grant.

Q. Assembly Bill (AB) 86 includes language that reduces an LEA’s In-Person Instruction Grant allocation. Can you please elaborate on this 1% reduction?

A. In order to receive the full allocation of the In-Person Instruction Grant, LEAs must offer in-person instruction by April 1 to all the students required by the statute in accordance with the color tier they are in (see “Deal Reached on Reopening Grants” in the March 2021 Fiscal Report). For example, if an LEA is in the red tier, then in-person instruction must be offered to all the prioritized student groups in all grade spans, all elementary students, and students in at least one secondary grade level. If in-person instruction is not offered to all these students by April 1, then the grant amount will be reduced by 1% per day between April 1 and May 15 until all the required students are able to access in-person instruction.

Many LEAs are planning to do a phased reopening after spring break. In this situation, the grant will be reduced even if some of the required students are offered in-person instruction. For example, if you are an elementary school district in the red tier and you start a phased reopening on April 5 after spring break but don’t offer in-person instruction to all required students until April 19, then your grant will be reduced by 10% because of the two weeks that only some, and not all, of your students were offered in-person instruction.
As we reported in our March 2021 Fiscal Report article, “Ask SSC . . . Will Spring Break Harm Our In-Person Instruction Grant Fund?”, LEAs who have a spring break that occurs on or after April 1st will not be penalized for not offering in-person instruction on those days.

Q. Please explain when the In-Person Instruction Grant is subject to forfeiture.

A. An LEA’s grant will be forfeited in two situations—if it fails to offer in-person instruction to all the required students by May 15 or if it fails to provide continuous in-person instruction through the end of the school year. To illustrate the latter circumstance, if your LEA is offering in-person instruction as required by AB 86 and your LEA reverts to distance learning for a period of time without a local or state health order requiring the order, then your entire grant amount would be forfeited. Importantly, AB 86 recognizes the continued need for LEAs to implement hybrid instructional models to accommodate health mitigation measures for students and staff. Therefore, LEAs that use hybrid models are deemed in compliance with AB 86.

Q. If I’ve already reopened for in-person instruction or I have a plan to reopen, and my in-person instruction offerings are not in compliance with AB 86, am I eligible to receive the In-Person Instruction Grant?

A. You are eligible to receive the In-Person Instruction Grant only if in-person instruction is offered to all the required students. For example, if you are a unified school district in the red tier, and you are only offering in-person instruction to all your elementary students, then in order to receive the grant, you must expand in-person instruction to at least one of your secondary grades by May 15. There is no partial grant amount for serving some but not all of the required students.

Q. Can you please clarify the paraprofessional requirement for the Expanded Learning Opportunity Grant? Are LEAs required to hire additional paraprofessionals, or can we use allocation of funding for the paraprofessionals we currently have on staff?

A. The Expanded Learning Grant requires an allocation of at least 10% of the LEA’s apportionment for paraprofessional staffing. For purposes of this provision, paraprofessionals are defined in Education Code Section (EC §) 45330. The 10% requirement can be met by hiring additional paraprofessionals, and/or allocating the funding for existing paraprofessional staff. To reflect the temporary nature of the Expanding Learning Grant funding, temporary staffing methods described as classified short-term staffing, which is enumerated in EC § Section 45103, may be applied. In addition, an increase in full time employment for current part-time paraprofessional employees can be applied towards the 10% requirement; however, it is recommended that this method is approached with caution to avoid long-term fiscal implications resulting from short-term staffing adjustments.

In the event that hiring practices are not sufficient to expend the 10% minimum, the statute does not prohibit scoring the 10% for paraprofessionals against current staffing, but all expenditures must align with the allowable uses of the Expanded Learning Grant codified in EC § 43522(b).
Q. The funding for both the In-Person Instruction Grant and the Expanded Learning Opportunity Grant will be appropriated in May and August 2021. What happens if my LEA does not qualify for the In-Person Instruction Grant? Will the money be taken back?

A. AB 86 does not include an opt-out provision for LEAs. All eligible LEAs will receive the May appropriation of the In-Person Instruction Grant and the Expanded Learning Opportunity Grant. Nonclassroom-based charter schools are not eligible for the In-Person Instruction Grant. The May appropriation will be 50% of the calculated total an LEA is eligible to receive for each grant, using 2020–21 First Principal Apportionment certification data and 2020–21 preliminary California Longitudinal Pupil Achievement Data System (CALPADS) Fall 1 data. For the In-Person Instruction Grant, LEAs are required to certify to the California Department of Education by June 1, 2021, that the required students were offered in-person instruction and the dates that in-person instruction commenced. This certification data, along with 2020–21 Second Principal Apportionment certification data, and 2020–21 final CALPADS Fall 1 data will be used to calculate the August appropriations. If an LEA does not comply with the In-Person Instruction Grant requirements by May 15 and is required to forfeit the grant, then the May appropriation for the In-Person Instruction Grant will be applied against the remaining balance owed for the August payment of the Expanded Learning Opportunity Grant.
CDPH Updates Physical Distancing Requirement

By Leilani Aguinaldo
March 22, 2021

On March 20, 2021, the California Department of Public Health (CDPH) again updated its COVID-19 and Reopening In-Person Instruction Framework & Public Health Guidance for K–12 Schools in California, 2020–2021 School Year (Guidance). The changes to the Guidance are intended to align with the latest science related to COVID-19 and as reflected in the March 19 update from the federal Centers for Disease Control and Prevention.

With the update, the Guidance now states, “Maintaining a minimum of 3 feet between student chairs is strongly recommended.” The prior version of the Guidance called for 6 feet between student desks when possible, but required at least 4 feet of spacing. The Guidance still includes 6 feet of distance between the teacher’s desk and all other staff and student desks. In addition, 6 feet of spacing should be provided as much as possible when students and staff are not masked, such as while eating or drinking.

The CDPH update also allows middle and high schools to open for in-person instruction in the purple tier when adjusted daily case rates are below 25 per 100,000 population. Previously, only elementary schools were allowed to reopen in the purple tier. In order to reopen in the purple tier, a local educational agency must post its COVID-19 Safety Plan (CSP) on its website and submit its CSP to the local health officer and the State Safe Schools for All Team at least five days prior to providing in-person instruction.

It’s important to note that other mitigation strategies must continue to be utilized in order to reduce or eliminate in-school transmission of COVID-19. The Guidance emphasizes layering mitigation strategies, including the requirement for all students and staff to wear face masks while at school, implementing stable groups of students and staff, and ensuring sufficient ventilation in school facilities and on school buses.

The updated Guidance is available on the State’s Safe Schools for All Hub at schools.covid19.ca.gov and is also available here.
Legislation Expands COVID-19 Supplemental Paid Sick Leave

By Danyel Conolley and Suzanne Speck
March 24, 2021

[Correction Note: We have amended this article to clarify the qualifying reasons for leave under SB 95]

On Friday, March 19, 2021, Governor Gavin Newsom signed Senate Bill (SB) 95, which creates uniform, statewide policy to ensure employees have access to COVID-19 supplemental paid sick leave through September 30, 2021. You may recall that the federal stimulus bill enacted in December 2020 did not provide an extension of the Families First Coronavirus Response Act (FFCRA), thus Emergency Paid Sick Leave and the Emergency Family and Medical Leave Expansion Act expired December 31, 2020 (see “Ask SSC . . . How Does the New Stimulus Package Impact the Families First Coronavirus Act (FFCRA)?” in the December 2020 Fiscal Report). Absent federal or state law requiring local educational agencies (LEAs) to provide FFCRA leave, many have relied on local ordinances or accrued leave, unpaid leave, and other statutory leave entitlements to manage employee absences for COVID-19-related reasons.

SB 95 reinstates COVID-19 leave as a provision of state law and expands it to all public and private entities, including LEAs. SB 95 is retroactive to sick leave taken beginning January 1, 2021, and employers with 25 or fewer workers are exempt from this leave provision. LEAs that have provided COVID-19 leave locally since January 1, 2021, are in compliance with SB 95 due to the retroactive nature of the statute.

The qualifying reasons for leave under SB 95 are similar to those for FFCRA leave, with the addition of leave provided for employees to receive a COVID-19 vaccine. To qualify for the leave, a worker must be unable to work due to one of the following reasons:

- The worker is subject to a federal, state, or local quarantine or isolation order related to COVID-19
- The worker is advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19
- The worker is prohibited from working by the worker’s hiring entity due to health concerns related to the potential transmission of COVID-19
- The worker is attending an appointment to receive a vaccine for protection against contracting COVID-19
• The worker is experiencing symptoms related to a COVID-19 vaccine that prevents the worker from being able to work

• The worker is experiencing symptoms of COVID-19 and seeking a medical diagnosis

• The worker is caring for an individual who is subject to a quarantine or isolation order, has been advised to self-quarantine or self-isolate, or is experiencing symptoms of COVID-19 and seeking a medical diagnosis

• The worker is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises

A worker who is considered full-time or who worked, or was scheduled to work, an average of at least 40 hours per week in the two weeks before the leave is taken is entitled to 80 hours of COVID-19 Supplemental Paid Sick Leave.

As stated above, if your LEA extended leave entitlements for COVID-related reasons beyond the expiration of the FFCRA and has been providing supplemental paid sick leave, your LEA is already providing leave in compliance with SB 95. Any supplemental paid sick leave provided since January 1, 2021, would be inclusive of the required 80 hours, or simply put, is running concurrent with SB 95 leave. We recommend that you work closely with legal counsel to ensure the application of leave is legally compliant.
Federal School Meal Waivers Extended Through September 2021

By Kyle Hyland
March 10, 2021

On Tuesday, March 9, 2021, the U.S. Department of Agriculture (USDA) announced the extension of waivers that will allow all children to continue to receive free meals through the Summer Food Service Program and Seamless Summer Option. The waivers, which were originally set to expire on June 30, 2021 (see “Flexibility to Serve Free Meals Extended through End of School Year” in the October 2020 Fiscal Report), will be extended through September 30, 2021.

The extension applies to several waivers and allows local educational agencies (LEAs) to continue serving free meals via the summer meal programs, permits meals to be served outside of the normally required settings and times, and continues to allow parents and guardians to pick up their children’s meals.

While the three-month extension will cover the summer, USDA Secretary Thomas Vilsack recently said that over the next several weeks, the USDA will be weighing whether to extend the waivers to cover the entire 2021–22 school year. An extension through the next school year would provide LEAs with much needed relief and flexibility as they gradually transition students back to full-time in-person instruction.
SBE Takes Additional Action on Federal Accountability and Assessment Waivers

By Kyle Hyland
March 17, 2021

On the first day of its three day March meeting, the State Board of Education (SBE) took additional action pertaining to federal accountability and assessment waivers.

The action taken on March 16, 2021, is a follow-up to the action that the SBE took at its February 24, 2021, meeting (see “SBE to Seek a Federal Accountability Waiver and Assessment Flexibilities” in the February 2021 Fiscal Report), in which the board approved the following motions:

• Directed the California Department of Education (CDE) to submit a waiver to the federal government, consistent with the U.S. Department of Education’s (ED’s) template, which decouples federal accountability requirements from this year’s assessments, suspends the requirement to identify schools for support and improvement using 2020–21 data, and waives federal penalties if the student participation rates for the English Language Arts (ELA) and mathematics Smarter Balanced assessments are below 95%

• Extended the 2020–21 test administration window for the California Assessment of Student Performance and Progress (CAASPP) exams and the English Language Proficiency Assessments for California (ELPAC) to July 30, 2021

• Directed the CDE to prepare a federal waiver requesting relief for the administration of the California Science Test California Science Test (CAST) for the 2020–21 school year

The goal of the March 16, 2021, meeting was for the SBE to approve a plan for 2020–21 school year assessments that provides data to parents, educators, and the public by monitoring the progress of students in ELA and math.

The proposal that the CDE brought forward, which was unanimously approved by the SBE, will allow local educational agencies (LEAs) to use the most viable option for assessments in their local context, which includes the Smarter Balanced Summative Assessments and California Alternative Assessments for ELA and math, or any other diagnostic, benchmark, or interim assessments.

While LEAs have the discretion to choose the assessment that best tells their story, the assessment must be aligned with California Common Core State Standards; must be available to assess
students in grades 3–8 and 11; can be uniformly administered across a grade span, school, or district; and must provide results that can be reported to parents, educators, and the public by school and by district and are disaggregated by student group.

It is important to note that the motion approved by the board satisfies the ELA and math requirements, but does not waive the requirement for LEAs to administer the Summative ELPAC to all English learners for the 2020–21 school year. Additionally, LEAs are still required to publicly report the performance of students by assessment as well as the number, and percentage, of students tested and not tested in the School Accountability Report Card and the Local Educational Agency Report Card, disaggregated by student group.

With official SBE approval, the CDE will quickly prepare and submit California’s federal waiver and flexibility requests to the ED. When asked about the timeline for approval, CDE staff said it was unknown but they expect a quick turnaround from the ED as they understand the timing implications of these requests.

A very important caveat to note is, even if the ED does approve the waiver, those flexibilities would only extend to federal accountability and assessment requirements. State legislation or an executive order from Governor Gavin Newsom would still be needed in order to waive the state accountability and assessment requirements that are in California statute. CDE staff signaled that they will be working on legislation to ensure that these flexibilities are also reflected in state law, so it will be something to monitor moving forward.
SBE Approves Ethnic Studies Model Curriculum

By Kyle Hyland
March 19, 2021

On Thursday, March 18, 2021, the State Board of Education (SBE) adopted California’s Ethnic Studies Model Curriculum after hours of public comment. Statute required the board to approve the model curriculum by March 31, 2021.

SBE approval of the model curriculum culminates a more than four year process, in which California Department of Education staff fielded more than 100,000 comments resulting in over 200 edits to the document. Every iteration of the model curriculum, including the final version, has been considered controversial and criticized by various stakeholders. When the draft of the model curriculum was released in 2019, many labeled it as too ideologically left-wing and some stakeholders protested that the draft did not mention anti-Semitism. The critiques led the Legislature to extend the deadline to approve the model curriculum by one year while the Instructional Quality Commission worked with stakeholders to make edits to the document.

The changes that were made to the 2019 draft, which reflect the SBE-approved version, led the original writers of the model curriculum to demand that their names be removed from the document, stating the revisions no longer reflected the original mission of ethnic studies. This critique was echoed by many of the hundreds that phoned in to provide public comment to the SBE before they ultimately approved the document.

With the model curriculum now adopted, the pressure increases for Governor Gavin Newsom to sign Assembly Bill (AB) 101 (Medina, D-Riverside) should it make it to his desk. AB 101 would add the completion of a semester-long course in ethnic studies to the list of state high school graduation requirements, beginning with the graduating class of 2029–30, and would require high schools to begin offering a course in ethnic studies by the 2025–26 school year.

Governor Newsom vetoed an identical bill from Assemblymember Medina last year, citing the uncertainty of the model curriculum and the need to make further revisions to ensure its inclusivity (see “Governor Newsom Vetoes LCFF and Ethnic Studies Bills” in the October 2020 Fiscal Report). The veto came despite Governor Newsom signing another bill into law that requires California State University to add the completion of an ethnic studies course to its graduation requirements beginning with the graduating class of 2024–25.

Perhaps in preparation for AB 101 hitting his desk and the SBE approving the model curriculum, Governor Newsom has proposed $5 million (one-time Proposition 98) in his 2021–22 State Budget package to fund professional development and resources for LEAs that are offering new and
expanded ethnic studies courses, making ethnic studies a noteworthy measure to monitor during this budget and policy cycle.
Bill Update
# Legislative Report Prepared for:
Fresno Unified School District
Status as of: March 30, 2021

## Accountability and Assessments

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*New and or amended summary since last report
Accountability and Assessments

**AB 599 (Jones-Sawyer)**

*Amended:* 3/29/2021  
**Title:** Public Schools: Accountability: County Superintendents of Schools  
**Status:** Assembly Education Committee  
**Position:** No Position

**Summary:**

Seeks to establish a new list of schools in compliance with the *Williams* settlement that would require county superintendents to annually inspect those schools on the list in the county, and submit a report that describes the state of those schools. This bill proposes to include on the list schools identified for federal comprehensive support and improvement, and additional targeted support and improvement.

**Employees**

**AB 95 (Low)**

*Amended:* 3/22/2021  
**Title:** Employees: Bereavement Leave  
**Status:** Assembly Labor and Employment Committee  
**Position:** Support

**Summary:**

Requires an employer with 25 or more employees to grant up to ten business days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner.

**AB 388 (Medina)**

*Amended:* 3/16/2021  
**Title:** Certificated School Employees: Probationary Employees  
**Status:** Assembly Appropriations Committee  
**Position:** Watch

**Summary:**

Changes the process for obtaining permanent status for certain certificated employees including the following:

- A probationary employee employed in an assignment that is less than full-time and who, in any one school year, has served for at least 75% of the number of days required of the assignment in which the employee is employed is deemed to have served a complete school year

- A probationary employee of an adult education program is deemed to have served a complete school year if the employee serves for at least 75% of the hours constituting a full-time equivalent position for adult education programs in the school district

- Service by an instructor at regional occupational centers or programs are included in computing the service required for classification as a permanent employee
**AB 438 (Reyes)**

**Title:** School Employees: Classified Employees: Layoff Notice and Hearing  
**Status:** Assembly Public Employment and Retirement Committee  
**Position:** No Position

**Summary:**

Applies to classified employees the same layoff process that currently applies to certificated staff.

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**AB 1284 (Rubio, Blanca)**

**Title:** Certificated School Employees: Permanent Status  
**Status:** Assembly Education Committee  
**Position:**

**Summary:**

Extends the probationary period for certificated employees from two years to three years, and makes permanent status permissive if the employee is reelected for the next school year. Allows the probationary period to continue for up to five school years.

---

**AB 1505 (Rodríguez)**

**Amended:** 3/29/2021  
**Title:** Certificated School Employee Evaluations: Distance Learning: Exemptions  
**Status:** Assembly Education Committee  
**Position:**

**Summary:**

This bill would require school districts that have closed their schools and implemented distance learning due to the COVID-19 pandemic to exempt all certificated employees with permanent status, and all employees with certificated status who have worked in the same position for at least two years, from formal evaluations during distance learning. The bill would prohibit resuming formal evaluations of the exempted certificated employees until schools have reopened.

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**SB 205 (Leyva)**

**Title:** School and Community College Employees: Absences Due to Illness or Accident  
**Status:** Senate Appropriations Committee—Suspense File  
**Position:** No 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)**
Amended: 3/29/2021
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 school days 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)**
Amended: 3/29/2021
Title: Childcare: Preschool Programs and Transitional Kindergarten: Enrollment
Status: Assembly Education Committee
Position: Support

Summary:
Expands transitional kindergarten to all four-year-olds.

**AB 86 (Committee on Budget)**
Amended: 3/1/2021
Title: COVID-19 Relief and School Reopening, Reporting, and Public Health Requirements
Status: Chapter 10, Statutes of 2021
Position:  

Summary:
AB 86 reflects the reopening and extended learning time deal reached by Governor Gavin Newsom and legislative leaders. The bill distributes $2.0 billion for In-Person Instruction Grants and $4.6 billion for Expanded Learning Opportunity Grants.

*New and or amended summary since last report*
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<td><strong>Position:</strong> Support</td>
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**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.

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**Summary:**

Removes the January 1, 2027, sunset date for the CCAP program. Also expands the program to allow county offices of education to enter into CCAP partnerships with community colleges.

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<td><strong>Status:</strong> Assembly Appropriations Committee</td>
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**Summary:**

As amended, 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.

- Allows a student to request to change a high school letter grade to Pass or No Pass. Requires the California State University system 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.

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**Summary:**

Starting with the 2022–23 school year, this bill requires completion of kindergarten before entering first grade.
**SB 86 (Committee on Budget and Fiscal Review)**
Amended: 3/1/2021
Title: COVID-19 Relief and School Reopening, Reporting, and Public Health Requirements
Status: Assembly Budget Committee
Position:

Summary:

SB 86 reflects the reopening and extended learning time deal reached by Governor Gavin Newsom and legislative leaders. The bill distributes $2.0 billion for In-Person Instruction Grants and $4.6 billion for Expanded Learning Opportunity Grants.

**SB 224 (Portantino)**
Amended: 3/17/2021
Title: Pupil Instruction: Mental Health Education
Status: Senate Appropriations Committee
Position: No Position

Summary:

Requires all students to receive medically accurate, age-appropriate mental health education from instructors trained in the appropriate courses at least once in elementary school, at least once in middle school, and at least once in high school.

**SB 309 (Leyva)**
Title: School Finance: College Readiness: Grants and Notification
Status: Senate Appropriations Committee—Suspense File
Position:

Summary:

Establishes the A–G Completion Improvement Grant Program, a $200 million program to provide additional supports to local educational agencies to help increase the number of California high school pupils—particularly unduplicated pupils—who graduate high school meeting the A–G subject matter requirements for admission to the University of California and the California State University.

**SB 532 (Caballero)**
Amended: 3/24/2021
Title: Pupil Instruction: High School Coursework and Graduation Requirements: Exemptions
Status: Senate Appropriations Committee
Position: Support

Summary:

This bill would require a local educational agency (LEA) to inform a pupil in foster care or a pupil who is homeless of the pupil’s right to remain in the pupil’s school of origin pursuant to federal law if the LEA determines the pupil is reasonably able to complete the LEA’s graduation requirements within the pupil’s fifth year of high school. For a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, or a pupil who is a migratory child, the bill would require the LEA to provide an option for the pupil to remain in school for a 5th year to complete the statewide course requirements in order to graduate from high school if the LEA determines that the pupil is reasonably able to complete these requirements, but is not reasonably able to complete the local graduation requirements, within the pupil’s fifth year of high school.

*New and or amended summary since last report*
**SB 545 (Wilk)**
Title: Pupil Retention: COVID-19 Impact  
Status: Senate Education Committee  
Position: No Position

Summary:

Authorizes a student to be retained in the grade level in which the student was enrolled in the 2020–21 school year if deemed necessary because of the impact of the COVID-19 pandemic on the student, as determined solely by the student’s parent or guardian.

**SB 723 (Rubio)**
Title: Pupil Instruction: Tutoring Program: Learning Loss Mitigation  
Status: Senate Education Committee  
Position: No Position

Summary:

This bill would establish the California Leadership, Excellence, Academic, Diversity, and Service-Learning Tutoring Program. The bill would require the California Department of Education to administer the tutoring program to provide supplemental individualized learning assistance, both in-person and online, to address COVID-19 learning loss.

**Miscellaneous**

*AB 262 (Patterson)*
Amended: 3/15/2021  
Title: Human Trafficking: Vacatur Relief for Victims  
Status: Assembly Appropriations Committee  
Position: Support

Summary:

Makes various changes to the Penal Code to assist victims of human trafficking in clearing their record:

- A human trafficking victim’s unpaid fines and unmet probation requirements cannot prohibit a victim from petitioning the court to clear their record
- Clarifies that after a victim is removed from trafficking, the victim can petition the court to clear their record at any time

Allows victims to appear at all hearings by counsel if the petition is unopposed

*AB 516 (Dahle, Megan)*
Title: Pupil Attendance: Excused Absences: Cultural Ceremonies or Events  
Status: Assembly Appropriations Committee  
Position: No Position

Summary:

Adds participation in a cultural ceremony or event to the list of required excused absences.
**SB 732  Bates)**

**Title:** Communications: Broadband  
**Status:** Senate Energy, Utilities, and Communications Committee  
**Position:** Support

**Summary:**

This bill would require the California Department of Education to develop a program for local educational agencies to issue no-cash value vouchers to be distributed to households with eligible pupils to be used during the 2021–22 fiscal year to assist those households with the impacts of distant or remote learning due to the COVID-19 pandemic. The vouchers may be used to purchase broadband service or the hardware and software necessary to access broadband service to enable eligible pupils to undertake distant or remote learning.

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**Special Education**

**AB 967 (Frazier)**

**Amended:** 3/18/2021  
**Title:** Special Education: COVID-19 Special Education Fund  
**Status:** Assembly Education Committee  
**Position:**

**Summary:**

AB 967 would provide funding to local educational agencies through their SELPA to support conflict resolution between parents of students with disabilities and their district, and provide funding for services to accelerate learning for students with disabilities. Funding would come from federal stimulus funding that has not yet been allocated.

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**SB 237 (Portantino)**

**Amended:** 3/3/2021  
**Title:** Special Education: Dyslexia Risk Screening  
**Status:** Senate Appropriations Committee—Suspense File  
**Position:** Support

**Summary:**

Requires the State Board of Education to establish by June 30, 2022, an approved list of screening instruments to be used by a local educational agency (LEA) to screen pupils for risk of dyslexia. Beginning in the 2022–23 school year, requires LEAs to screen students in grades K–2 for risk of dyslexia.

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**State Budget, Education Finance, and LCFF**

**AB 531 (Quirk-Silva)**

**Title:** Education Finance: Local Control Funding Formula: Supplemental and Concentration Grants  
**Status:** Assembly Education Committee  
**Position:** No Position

**Summary:**

This bill would require local educational agencies (LEAs) to identify unspent Local Control Funding Formula supplemental and concentration grant funds by annually reconciling and reporting to the California Department of Education its estimated and actual spending of those moneys. Unspent funds identified
pursuant to these provisions would be required to be expended to increase and improve services for unduplicated pupils, and would require each LEA to report the amounts of unspent funds identified in its Local Control and Accountability Plan.

**AB 533 (Quirk-Silva)**  
**Title:** Education Finance: Local Control Funding Formula: Supplemental and Concentration Grants  
**Position:** Assembly Education Committee

**Summary:**

By January 1, 2022, the California Department of Education (CDE) shall develop a tracking mechanism for local educational agencies (LEAs) to use to report the types of services on which they spend their supplemental and concentration grant funds. Starting July 1, 2022, each LEA shall annually report to CDE the types of services on which it spends its supplemental and concentration grant funds using that tracking mechanism.

**AB 839 (O’Donnell)**  
**Amended:** 3/25/2021

**Title:** Career Technical Education: California Career Technical Education Incentive Grant Program  
**Position:** Support

**Summary:**

Starting in 2021–22, this bill changes the funding for the Career Technical Education Incentive Grant program from the current $100 million annually to $300 million.

**AB 1112 (Carrillo)**

**Title:** Before and After School Programs: Maximum Grant Amounts  
**Position:**

**Summary:**

This bill would repeal the maximum grant amounts for the After School Education and Safety and High School After School Safety and Enrichment for Teens programs and the minimum grant amount for the 21st Century Community Learning Centers program. The bill would instead require the department to determine the grant amounts and daily rate of funding per pupil for those programs on the basis of the amount of funding available for each program. The bill would require the department to establish an annual process and methodology for determining those amounts and rates by July 1, 2023, as provided.

**SB 692 (Cortese)**

**Title:** Local Control and Accountability Plans: State Priorities: Least Restrictive Environment  
**Status:** Senate Education Committee

**Summary:**

This bill would add least restrictive environment (LRE), as measured by the percentage of pupils ages 6–21 with Individualized Educational Programs who are served inside a regular classroom at least 80% of the day, as a state priority under the Local Control Funding Formula. The bill would require the state and local indicators for the LRE priority to be the same as the federal indicator and would require the standards for these indicators to be consistent with the state’s targets for the federal indicator.
# Student Health and Nutrition

<table>
<thead>
<tr>
<th><strong>AB 508 (Rivas, Luz)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title:</strong> Pupil Nutrition: Reduced-Price Meals</td>
</tr>
<tr>
<td><strong>Status:</strong> Assembly Education Committee</td>
</tr>
<tr>
<td><strong>Position:</strong> Support</td>
</tr>
</tbody>
</table>

**Summary:**

Would require a school district to provide free meals to students who are eligible for a reduced-priced meal. The state would be required to provide sufficient funding to school districts to cover the cost of providing the free meal.

<table>
<thead>
<tr>
<th><strong>AB 563 (Berman)</strong></th>
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<tbody>
<tr>
<td><strong>Title:</strong> School-Based Health Programs</td>
</tr>
<tr>
<td><strong>Status:</strong> Assembly Health Committee</td>
</tr>
<tr>
<td><strong>Position:</strong></td>
</tr>
</tbody>
</table>

**Summary:**

Requires California Department of Education to establish an Office of School-Based Health Programs for the purpose of improving the operation of, and participation in, school-based health programs, including the School Medi-Cal Administrative Activities program and the Local Educational Agency Medi-Cal Billing Option program.

<table>
<thead>
<tr>
<th><strong>AJR 8 (Rivas, Luz)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title:</strong> School Meals: Federal National School Lunch Program</td>
</tr>
<tr>
<td><strong>Status:</strong> Assembly Education Committee</td>
</tr>
<tr>
<td><strong>Position:</strong> Support</td>
</tr>
</tbody>
</table>

**Summary:**

This measure would urge the federal government to provide school lunches free of charge to all elementary, middle school, and high school students in the United States.

<table>
<thead>
<tr>
<th><strong>SB 364 (Skinner)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Amended:</strong> 3/24/2021</td>
</tr>
<tr>
<td><strong>Title:</strong> Pupil Meals: Free School Meals for All Act of 2021</td>
</tr>
<tr>
<td><strong>Status:</strong> Senate Education Committee</td>
</tr>
<tr>
<td><strong>Position:</strong> Support</td>
</tr>
</tbody>
</table>

**Summary:**

SB 364 includes the following provisions related to school nutrition:

- Requires a local educational agency (LEA) to provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil’s eligibility for a federally funded free or reduced-price meal. Upon appropriation in the state budget, requires California Department of Education to reimburse LEAs for all non-reimbursed expenses accrued as a result of this bill.

- Establishes the Better Out of School Time (BOOST) Nutrition EBT Program to prevent child hunger during regularly scheduled school breaks or any school campus closure caused by a state of emergency that lasts five or more schooldays.

*New and or amended summary since last report*
• Establishes a noncompetitive grant for LEAs to cover costs incurred in purchasing food produced or grown in California.

• Subject to the State Budget, establishes a competitive grant of up to $30,000 per school site every year in order to increase the number of meals that can be prepared fresh and served to pupils.

• For schools that use a federal universal school meal provision, carries over the number of free or reduced-price meal eligible students for Local Control Funding Formula purposes for each of the following three school years.
Regarding: Senate Bill 86 Student Learning Recovery Grant

The purpose of this communication is to provide the Board information regarding Senate Bill 86, the Safe Schools for All Plan intended to facilitate a safe and phased in approach to reopening all public schools for in-person instruction this year.

The bill contains three distinct components:

1. Public Health & School Status Data and Vaccines
2. School Reopening Incentive Grants
3. Student Learning Recovery Grants

For the Student Learning Recovery Grant, the bill provides $4.56 billion in one-time funds to be expended by August 2022 intended to launch multi-year learning loss mitigation plans. Fresno Unified’s allocation is projected to be $54.9 million. Receipt of the grant requires the implementation of a comprehensive learning recovery program with a written plan adopted by the Board on or before June 01, 2021. Eighty-five percent must be used to support in-person instruction and ten percent must support paraprofessionals. Possible uses for funding include the following:

- Extending instructional learning time beyond the adopted academic calendar of instructional minutes, for summer or out-of-school time for instructional learning
- Tutoring or other one-on-one or small group instruction
- Learning recovery programs
- Educator training in accelerated learning, learning gap strategies, and trauma-informed and social-emotional practices
- Integrated pupil supports, including health, youth-development, counseling and mental health services
- Community learning hubs for pupil access to technology and other academic supports
- Supports for credit-deficient high school pupils, and to improve pupil college eligibility
- Additional academic services, including diagnostic assessments

The template for the plan includes sections describing how parents, teachers and school staff were involved in the development of the plan, how students will be identified and assessed, and a description of how parents, guardians, and students will be informed of opportunities for supplemental instruction and support. As a reminder, the district’s LCAP survey, which closed in February, is a tool that is used to gather input from students, teachers, parents, community members, and public agencies to determine the goals, actions, and budget priorities for the district. In anticipation of funding for student
learning recovery, the district’s survey this year specifically asked the question, “Given that students have been distance learning for some time, what unique needs do you feel that students will have when they return to campus?” The district received 4,691 responses from that question. A ranked summary of top themes from this question includes the following:

- Allow students time to reconnect with peers and adjust to school
- Instructional day and time preferences
- Supports for students coping with anxiety
- Tutoring, summer school or small group supports
- Technology use
- Build social skills
- Safety precautions, including wearing masks and social distancing
- Target supports for students experiencing learning loss

To accommodate the very short planning window of this grant and ensure that Fresno Unified School District creates a plan that both incorporates feedback from stakeholders and meets identified student needs, the following strategy will be implemented:

- March 29, 2021 – Revisited LCAP survey around supports for the return to campus
- April 09, 2021 – Board Communication informing the Board of the grant and strategy
- April 12, 2021 to April 30, 2021 – Staff to draft plan incorporating stakeholder input
- May 05, 2021 – Review and discuss proposed plan at Board of Education Meeting as part of the strategic budget development process
- May 03, 2021 to May 14, 2021 – Translation and outreach to ensure stakeholder accessibility and awareness of planned supports
- May 06 and May 13 – Review the proposed plan with the District Advisory Committee (DAC) and District English Learner Advisory Committee (DELAC)
- May 14, 2021 – Board communication with finalized proposed plan
- May 19, 2021 – Plan presented and recommended for Board adoption
- May 24, 2021 – Submit completed plan to the Fresno County Superintendent of Schools

If you have any questions or require additional information, please call Tammy Townsend at 457-6204.

Approved by Superintendent
Robert G. Nelson Ed.D. Date: 04/09/21
Regarding: Naming Process for Ventura and 10th Campus

The purpose of this communication is to provide the Board information regarding naming the alternative education site located at Ventura and 10th.

In accordance with AR 7310, the Communications office is seeking community input for 30 days through an online survey. The survey opened April 7, 2021 and will close May 7, 2021. We anticipate bringing a list of potential names to the Board by early June.

As a reminder, Board Policy (BP) 7310 states, the Governing Board shall name schools or individual facilities in recognition of:

1. Individuals, living or deceased, who have made outstanding contributions to the county or community
2. Individuals, living or deceased, who have made contributions of state, national or worldwide significance
3. The geographic area in which the school or building is located

The public survey is available on the district website. Communications is notifying the public of the community survey through a press release, school messenger, email, social media, and district text message.

If you have any questions, please feel free to contact Lindsay Sanders at 457-3471.

Approved by Superintendent
Robert G. Nelson Ed.D. Date: 04/09/21
Regarding: State Assessment Update

The Purpose of this communication is to provide the Board information regarding state assessment update. The California Department of Education recently requested and received approval for a federal waiver written to allow districts flexibility in administering end-of-the-year English-language arts and mathematics assessments and accountability beyond the Smarter Balance Summative Assessment. As you may recall, last school year—due to COVID closures—the assessments were waived entirely and Fresno Unified utilized Curriculum Associate’s i-Ready tool as a measure of student learning during the pandemic. Using this tool allowed our district to collect baseline and national comparison data for use throughout the pandemic.

i-Ready Diagnostic #3 is already planned for administration for all students, kindergarten through 10th grade beginning at the start of May. Fresno Unified will use the opportunity of flexibility to give only i-Ready as opposed to giving both SBAC and i-Ready in the last two months of school to 3rd through 8th graders. i-Ready meets the criteria set forth by the California State Board of Education and will continue to enable our district to identify student strengths and areas for growth over the past year by continuing its use. 11th grade students will still take the SBAC assessments as they are not scheduled to take i-Ready, and SBAC for 11th grade includes the Early Assessment Program portion for California State Universities. Both assessments can be administered in-person, remotely, or a combination of both.

There are clear advantages to utilizing i-Ready in this capacity in the midst of a safe return of students to school campuses, including:

- All teachers in Fresno Unified are trained on the i-Ready suite of assessment materials, have administered the assessment twice in the 2020/21 school year, and are preparing to give i-Ready in the last quarter. SBAC has new remote administration which will require increased district-wide training.
- Parents and families are familiar with the data and reporting and have assisted with their students using the data in personalized learning “My Path” lessons throughout the school closures.
- Similar to SBAC reporting, parents will receive an individual report (English and Spanish) upon completion of the assessment.
- Comparison data are already available from a Fall and Winter administration in order to understand areas of focus for students, teachers, and schools across the district while the most recent SBAC was administered at the end of the 2018/19 school year.
- Summer extended learning opportunities are designed to use i-Ready data to ensure areas of need are the primary focus of these programs and provide opportunity for universalized measurement and personalized instruction.
- i-Ready data will be used for appropriate placement in summer programming, as well as to monitor anticipated growth.
- As an approved alternative, i-Ready data is available for local, state, and national comparisons in order to better understand the impacts COVID closures have had on all students, as well as how to meet needs unearthed with the tool.

This decision does not impact the 2020/21 Summative ELPAC administration as districts are still required to assess all English learners. A separate waiver has been submitted for the suspension of the California Science Test and California Alternate Assessment-Science assessments for students in 5th, 8th, 11th and 12th grades for 2021. A decision has not yet been made for these assessments and we are awaiting guidance from the California Department of Education.

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

Approved by Superintendent
Robert G. Nelson Ed.D. Date: 04/09/21
The purpose of this communication is to provide the Board information about agenda items discussed and content shared at the third District English Language Advisory Committee (DELAC) meeting of the year, held virtually on Microsoft Teams and publicly aired on Fresno Unified School District live stream, on March 18, 2021 from 5pm to 7:30pm.

There were 33 official DELAC parent representatives along with several parents/community members and Fresno Unified School District employees presenting all agenda items in Spanish and aired through livestream. The Spanish language meeting was designed as the main meeting with translation in Hmong and English in separate Microsoft Teams meetings. Parents received information on the following topics:

- Welcome and update provided by Sandra Toscano on students returning to school and the different schedules being provided by the District.
- Local Control Accountability Plan (LCAP) updates provided by Miguel Vega on adjustments made to the LCAP process as a result of the pandemic. The presentation included parent and community feedback from 11 LCAP workshops shared through Thought Exchange identifying major themes that are important to Fresno Unified School District stakeholders.
- A presentation on Social Emotional Supports to families during COVID-19 provided by Noreida Perez, Social Worker with the Department of Prevention and Intervention. Noreida shared several tools that families can access to request support during this difficult time.
- A Food Service presentation provided by Amanda Harvey, was interpreted, and presented by Guillermo Berumen following parent requests and desire to improve food menus for students in Fresno Unified School District. Guillermo shared the process Fresno Unified uses to select food items for menus, how food is prepared, how the menus are created, and how community members can provide input for changes to quality and food choice.
- A presentation on the English Language Proficiency Assessment for California (ELPAC) and criteria for redesignation given by two English Learner Teachers on Special Assignment, Alicia Estrada-Correa and Vrisque Santiago. The presentation included key points needed for parents to support growth of their English Learner students (i.e. ELPAC practice, Summative ELPAC extension to June 11, etc.).
- A presentation on support opportunities for English Learner students offered at Central California Education at Fresno State University (FSU) by Art Mota. Mr. Mota shared how to request support if parents are interested in CSUF opportunities.

The two-hour and 30-minute meeting ended with an open forum where parents were able to ask questions regarding the information presented. Questions were also written in the chat and addressed throughout the presentation. Through feedback from parents and the community, several items require follow-up. We plan to address concerns raised through an open forum (i.e. Item four: Food Services,
LCAP process, and English Learner data in Fresno Unified School District) as the meeting went over the allotted time by 30 minutes. Items will be addressed through a separate meeting with Fresno Unified’s Spanish speaking community.

All communication, including PowerPoint presentations, were translated from Spanish to English and Hmong. All documents were sent to schools through email in the case parents requested additional copies. All documents are accessible on the English Learner Services website under DELAC tab. If you have any questions or require additional information, please contact Sandra Toscano at 457-3648.

Approved by Superintendent
Robert G. Nelson Ed.D. ________________________ Date: 04/09/21
Regarding: Update on 2021 Graduation Schedule

The purpose of this communication is to provide the Board an update regarding the graduation schedule for the Class of 2021 and the combined graduation for the Class of 2020.

The Goal 2 Department held two workshops for trustees to attend. These workshops outlined the following:

- An overview of the research conducted with the Senior Class of 2021. The class size will range from 4,300 to 4,500 students. Approximately 3,100 of the seniors were surveyed (approximately 70%) to gather feedback on wants, needs, and desires.
- Seven Principal and Campus Culture Director meetings were held over 10 weeks to communicate updates and gather feedback from these leaders regarding graduation for the class of 2021.
- Celebration of Resiliency and Dedication emerged as the relevant theme with specific priorities: 1) Graduates will walk across a stage with their name called in their cap and gown, 2) Spectators - family will be present to watch, and 3) A professional photo commemorating the event will be taken for the graduates. With these three guaranteed elements firmly settled upon, the location of each ceremony was shared.

During the workshops, we presented graduation information based upon known criteria. At that time, there would be no overlap of ceremonies which would allow each trustee to attend each graduation. However, due to updated guidance from the California Department of Public Health and Fresno County Department of Public Health, we had to adjust the original plan which was presented during the workshops. Due to the maximum capacity of any venue, attendance will be limited to 33% of total occupancy (based upon Orange Tier expectations). There will now be an overlap of ceremonies for Hoover and Sunnyside High Schools on June seventh, and McLane and Roosevelt on June eighth. Finally, to eliminate any unnecessary social gatherings, the new rules state that there is to be no food served at any venue.

The total for 2019 was $213,342 and the total for 2021 is $234,191. The cost difference between the 2019 and 2021 graduation is $20,849. This increase in cost is due to photos, Jumbo Screen for family viewing for the Class of 2020 and 2021, and facility/vendors fees for both graduating classes.

Attached for your review are the dates, times and locations of the 2021 graduations. The Class of 2020 will lead the graduation season, as promised. Goal 2 will work with sites to communicate and receive RSVP's from alumni.

If you have any questions or require additional information, please contact Bryan Wells at 457-3805.

Approved by Superintendent
Robert G. Nelson Ed.D. Date: 04/09/21
# 2021 High School Graduation Schedule

<table>
<thead>
<tr>
<th>Day</th>
<th>Date</th>
<th>Grad Time</th>
<th>Practice</th>
<th>School</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing</td>
<td></td>
<td>-----</td>
<td>-----</td>
<td>Fresno Adult H.S. &amp; GED</td>
<td>On Site</td>
</tr>
<tr>
<td>Monday</td>
<td>May 24</td>
<td>11:00 AM</td>
<td>N/A</td>
<td>Class of 2020 – All Schools</td>
<td>Paul Paul Theater</td>
</tr>
<tr>
<td>Monday</td>
<td>May 24</td>
<td>7:30 PM</td>
<td>10:30 AM</td>
<td>Design Science</td>
<td>Paul Paul Theater</td>
</tr>
<tr>
<td>Tuesday</td>
<td>June 1</td>
<td>7:30 PM</td>
<td>10:30 AM</td>
<td>Patiño</td>
<td>Paul Paul Theater</td>
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<tr>
<td>Thursday</td>
<td>June 3</td>
<td>9:00 AM</td>
<td>TBD</td>
<td>DeWolf</td>
<td>Paul Paul Theater</td>
</tr>
<tr>
<td>Thursday</td>
<td>June 3</td>
<td>11:00 AM</td>
<td>TBD</td>
<td>J.E. Young</td>
<td>Paul Paul Theater</td>
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<tr>
<td>Thursday</td>
<td>June 3</td>
<td>6:00 PM</td>
<td>TBD</td>
<td>Cambridge</td>
<td>Paul Paul Theater</td>
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<tr>
<td>Thursday</td>
<td>June 3</td>
<td>8:00 PM</td>
<td>TBD</td>
<td>Duncan</td>
<td>Paul Paul Theater</td>
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<tr>
<td>Friday</td>
<td>June 4</td>
<td>11:00 AM</td>
<td>-----</td>
<td>Rata</td>
<td>Rata MPR</td>
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<tr>
<td>Friday</td>
<td>June 4</td>
<td>6:00 &amp; 8:00 PM</td>
<td>9:00 AM</td>
<td>Edison</td>
<td>Paul Paul Theater</td>
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<tr>
<td>Monday</td>
<td>June 7</td>
<td>6:00 &amp; 8:00 PM</td>
<td>9:00 AM</td>
<td>Hoover</td>
<td>Paul Paul Theater</td>
</tr>
<tr>
<td>Monday</td>
<td>June 7</td>
<td>6:00 &amp; 8:00 PM</td>
<td>9:00 AM</td>
<td>Sunnyside</td>
<td>Sunnyside Stadium</td>
</tr>
<tr>
<td>Tuesday</td>
<td>June 8</td>
<td>6:00 &amp; 8:00 PM</td>
<td>9:00 AM</td>
<td>Roosevelt</td>
<td>Paul Paul Theater</td>
</tr>
<tr>
<td>Tuesday</td>
<td>June 8</td>
<td>7:30 PM</td>
<td>8:30 AM</td>
<td>McLane</td>
<td>McLane Stadium</td>
</tr>
<tr>
<td>Wednesday</td>
<td>June 9</td>
<td>6:00 &amp; 8:00 PM</td>
<td>9:00 AM</td>
<td>Bullard</td>
<td>Paul Paul Theater</td>
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<tr>
<td>Thursday</td>
<td>June 10</td>
<td>6:00 &amp; 8:00 PM</td>
<td>9:00 AM</td>
<td>Fresno</td>
<td>Paul Paul Theater</td>
</tr>
<tr>
<td>July TBD</td>
<td></td>
<td>9:00 AM</td>
<td>-----</td>
<td>Summer School</td>
<td>TBD</td>
</tr>
</tbody>
</table>
From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Edward Gomes, Instructional Superintendent  
Date: April 09, 2021  
Phone Number: 457-3781

Regarding: Update on Student Academic Level Status and Aligning to Needs

The purpose of this communication is to provide the Board an update on how school sites know where students are academically, social emotionally, and how school sites respond in real time to those challenges.

Below are ways in which schools can measure where students are academically and how they respond to student needs:

**Daily Measurements:**
Teachers utilize checking for understanding strategies that are incorporated in the adopted curriculum and are provided “in the moment” formative assessments that allows them to intervene in real time to address specific gaps in skills.

Rubrics and assignments/tasks are embedded in the curriculum and/or designed by the teacher. This allows the teacher to provide supports or intervene for the whole class, one on one, and in small groups during instruction.

**Weekly-Monthly**
Common Formative Assessments are built within each curriculum. This provides very specific information on what individual students understand from the instructional objectives and allows teachers to modify instruction, provide intervention, and revise future curriculum to support all students.

Progress Grade Reports are communicated to students and parents/guardians to help them understand performance expectations and identify the student's areas of strength and those areas needing improvement.

This provides students with feedback on their learning, communicates to parents about their student's academic achievement, informs teachers for instructional planning, and demonstrates whether students have mastered the skills needed for the next level of learning.

**Quarterly**
The iReady Diagnostic assessment helps teachers determine what students understand in order to build on the students’ strengths and address their specific needs. These are administered at the beginning, middle, and end of year.

The CDE states that “diagnostic assessments are intended to help teachers identify what students know and can do in different domains to support their students’ learning. These kinds of assessments help teachers determine what students understand in order to build on the students’ strengths and address their specific needs. Diagnostic and formative tools can guide
curriculum planning and teaching in more specific ways than most summative assessments.”

This provides the student, teacher, and parent with specific areas in which the student needs to improve. The student is then assigned specific lessons by group or individually with exact areas needed to support learning gaps.

Quarterly grades help students and parents/guardians understand performance expectations and identify the student's areas of strength and those areas needing improvement. Students receive feedback on their learning, communicates to parents about their student’s academic achievement, informs teachers for instructional planning, and demonstrates whether students have mastered the skills needed for the next level of learning.

Interim Assessment Blocks are used by teachers to provide ongoing formative assessments based on specific state instructional standards for grades 3 to 8 and 11. Teachers utilize the information to modify and improve their curriculum, intervene with small groups, and provide tiered levels of intervention.

Annually
The California Assessment of Student Performance and Progress (CAASPP) is administered as part of California’s state testing program. It assesses student mastery of the Common Core State Standards (CCSS). School sites utilize mastery of the knowledge and skills aligned to the CCSS to design schoolwide, tiered interventions. This year, CAASPP is reduced by 50% and it will only be administered in 11th grade while 3rd – 8th grade iReady will be used in lieu of CAASPP.

Below are ways in which schools can measure where students are socially emotionally, and how they respond to student needs:

Daily/Weekly/Quarterly
During the day and week, the classroom teacher, classified staff, and leadership are using classroom meetings, the Second Step program, visual cues, and referral systems from students, parents, and staff to determine the level of response needed to support students’ social emotional challenges. This leads to Multiple Tiered Systems of Support offered at all sites to begin diagnosing then moving to appropriate next action steps to improve conditions.

Annually
School site staff utilize the parent, student, and staff Panorama Survey results to determine further Multiple Tiered Systems of Supports (MTSS) and to adjust as a school site.

Structures Used When Responding to Students Having Difficulty Learning
- In Class intervention
  - One on One
  - Small Group
  - Whole Class
- Out of class
  - One on One or Small Group Tutoring
  - Monday Targeted in Person Support
  - Tuesday through Friday Targeted Tutoring
  - Curriculum Online Tiered Supports Catered To Specific Student Level (video, lesson path learning)
- MTSS is a systemic, continuous-improvement framework in which data-based problem solving and decision-making are practiced across all tiered levels.
• Students both academically and social emotionally are targeted within specific tiered levels and provided differentiated supports based on their Red/Yellow or Green Tier.

• Available is a model of what our site teachers and leaders use to determine student need. This is our professional learning community model within a cycle of continuous improvement.

If you have any questions or require additional information, please contact Edward Gomes at 457-3781.

Approved by Superintendent
Robert G. Nelson Ed.D.  
Date: 04/09/21
Determine what we want students to learn.

Utilize best instructional practices.

Adjust teaching in response to student performance.

Determine whether or not students have learned.

- Unpack standard
- Create learning goal
- Determine areas of rigor

- Determine pacing
- Align content to social emotional
- Share best instructional practices

- Modify instructional practice
- Differentiate with students
- Provide intervention if needed

- Create assessments aligned with content taught
- Create assessments for learning
- Collaboratively analyze results

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