BOARD COMMUNICATIONS – August 13, 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, Ed.D. Superintendent Calendar Highlights

ADMINISTRATIVE SERVICES – Santino Danisi, Chief Financial Officer
AS-1 Kim Kelstrom School Services Weekly Update Report
AS-2 Kim Kelstrom August Legislative Committee Meeting

OPERATIONAL SERVICES – Karin Temple, Chief Operations Officer
OS-1 Amanda Harvey Nutrition Services Update
OS-2 Karin Temple Ventura and 10th Business Campus - Building Improvements

SCHOOL LEADERSHIP – Kim Mecum, Chief Academic Officer
SL-1 Carlos Castillo Academic Calendars
SL-2 Teresa Morales-Young 2021 Teacher Academy Summer Program
SL-3 Dr. Sean Virnig 2021/22 Community Advisory Committee on Special Education
SL-4 Edith Navarro Donation from Gender Nation
SL-5 Ed Gomes Back to School Night Dates
From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Robert G. Nelson, Superintendent

Cabinet Approval:

Regarding: Superintendent Calendar Highlights

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

- Attended Golden Charter Academy Ribbon Cutting Ceremony
- Met with Executive Cabinet team
- Attended CART Board Meeting
- Participated in weekly call with Fresno County Superintendents
- Gave interviews with Shayla Girardin, ABC30; Jenna Liston, FOX26 and Natalie Vera, KSEE24, regarding first day of school
- Site visits to Baird, Bakman, Bullard, Bullard Talent, Burroughs, Easterby, Ericson, Ewing, Gibson, Leavenworth, Norseman, Powers-Ginsburg, Rata, Tenaya and Turner

Approved by Superintendent
Robert G. Nelson Ed.D.  Date: 08/13/21
Regarding: School Services Weekly Update Report for August 05, 2021

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

The SSC Weekly Update for August 05, 2021 is attached and includes the following articles:

- U.S. Department of Education Releases “Return to School Roadmap” – August 02, 2021
- Why Some Schools Are Mandating COVID Tests While Others Aren’t – August 05, 2021
- O.C. Board of Education to Sue Gov. Newsom Over K-12 School Mask Mandate – August 04, 2021

If you have any questions or require further information, please contact Kim Kelstrom at 457-3907.
DATE: August 5, 2021
TO: Robert G. Nelson
   Superintendent
AT: Fresno Unified School District
FROM: Your SSC Governmental Relations Team
RE: SSC’s Sacramento Weekly Update

Legislature Summer Recess

It was a slow week in Sacramento as the Legislature is enjoying the third week of their summer recess and will not come back for session until Monday, August 16, 2021. Upon returning, the Legislature will have two weeks to move bills through the Appropriations Committees and four weeks to complete floor votes. The last day for the Legislature to approve bills and send them to Governor Gavin Newsom is Friday, September 10, 2021.

New Polling Shows Recall Race Is Tightening

Two new polls came out over the last couple of weeks that shows the race for the September 14, 2021, recall election is tightening.

Emerson College/Nexstar Media Group Poll

A poll conducted July 30–August 1, 2021, by the California Emerson College/Nexstar Media Group found that likely voters are split on whether to oust Governor Gavin Newsom as California’s Chief Executive with 48% against the recall, 46% in favor, and 6% undecided. Support for the recall has increased 3 percentage points from Emerson College’s July 2021 poll that found 48% were against the recall and 43% were in favor.

Unsurprisingly, Republicans are far more likely to support the recall (80% recall vs. 16% keep) than Democrats (23% recall vs. 73% keep); however, a majority that identity as Independents (or any other party aside from Democrats and Republicans) are also in favor of the recall (54% recall vs. 34% keep). Hispanics or Latinos, a key demographic of California voters, are the only racial group in favor of the recall (54% recall vs. 41% keep). The poll found that men are evenly split (47% recall vs. 47% keep) on the recall while a majority of women (44% recall vs. 51% keep) are against the campaign to eject the sitting Governor.

Asked which candidate they would like to see replace Newsom should he be recalled, a plurality (40%) of likely voters are undecided. Of the dozens of candidates that have declared, conservative radio host Larry Elder is leading the field at 23%, followed by businessman John Cox and television personality
Caitlyn Jenner at 7%, and Assemblymember Kevin Kiley (R-Rocklin) at 5%. A plurality (44%) of Republicans and 29% of Independents are planning to vote for Elder. A majority of Trump voters from 2020 (55%) are supporting Elder, while 70% of Biden 2020 voters are either undecided or voting for someone else. It’s important to note that voters can vote no on the recall (first question on the ballot) and still select a candidate to replace Governor Newsom (second question on the ballot) should support for the recall cross the 50% +1 margin.

The poll also asked voters to rank the number one issue facing California today. The top issues facing the state according to the respondents are homelessness (19%), housing (16%), COVID-19 (15%), crime (13%), the environment (13%), jobs (6%), and education (3%). With crime jumping 6 points since Emerson College’s last poll, Spencer Kimball, the Director of Emerson College Polling, said, “this poll suggests that the tightening of the race could be attributed to people’s increased concern on crime.”

The poll’s margin of error is +/- 3 percentage points.

**Berkeley IGS Poll**

The poll released by the Berkeley Institute of Governmental Studies (IGS) was conducted July 18–24, 2021, and found that the proportion of voters in the overall electorate who favor recalling Governor Newsom has not changed much over the past year with 36% in favor of the recall and 51% against the campaign. However, when asked exclusively among likely voters who plan to participate in the September 14 election the numbers narrow significantly with 47% in favor of ousting the Governor and 50% against the recall.

This poll shows that there is a clear enthusiasm gap between Democrats and Republicans for the upcoming recall election. While Republicans only make up one-quarter of all voters, the poll finds that among those most likely to participate in the recall election their share increases to 33%. Although, 46% of voters in the state’s overall electorate are registered Democrats and 24% are No Party Preference, the share of Democrats declines to 42% and No Party Preference voters drops to 18% among those most likely to vote.

The poll mirrors the Emerson College data with 40% of likely voters undecided on who they would vote for to replace Governor Newsom. Elder is also the frontrunner in the poll with 18% of likely voters saying they would vote for him followed by fellow Republicans John Cox (10%), former San Diego Mayor Kevin Faulconer (10%), and Kevin Kiley (5%).

There are a few key differences between the Berkeley IGS poll and the Emerson College poll that will be interesting to watch as the election takes shape. For example, the Emerson College poll found 54% of Hispanics or Latinos are in favor of the recall, but the Berkeley IGS poll found 56% of likely Latino voters indicated they would vote no on the recall election. Additionally, the Emerson College poll found that 54% of Independents are in favor of the recall while the Berkeley IGS poll found those with No Party Preference to support the recall at a 46% rate and 50% against the recall. Finally, the gender gap for the election is far more significant in the Berkeley IGS poll with 53% of men likely to vote in favor of recalling the Governor with 46% against the recall compared to 42% of women who support the recall and 55% who say they want to retain the Governor. With the race narrowing these could be the key demographics that shift the race one way or another.

The poll’s margin of error is approximately +/-2 percentage points.
Analysis

With just 40 days before the election (September 14) and just 11 days before ballots are mailed to registered voters (August 16), it is clear that the election is tightening and that there is more enthusiasm among Republicans than Democrats. While Democrats enjoy nearly a 2:1 margin among registered voters in the state, if turnout for the election is low there is a higher chance that Governor Newsom will be recalled as those right of center are currently more motivated to get to the polls than those on the left.

Recognizing this enthusiasm gap, Governor Newsom admitted in a speech last Friday, July 30, 2021, that there is a real chance that he could lose this election and warned that it could have profound consequences nationally for Democrats. Newsom has significantly more money to spend on the election than those looking to replace him, so we will see an increase of anti-recall advertisements over the next several weeks until the election. Additionally, you will begin to see Democrats both statewide and nationally coalesce around Governor Newsom to fend off the recall campaign.

It's important to note that if the campaign to recall Governor Newsom is successful, whoever replaces the current Governor would still face a veto-proof Democratic supermajority in the Legislature and a General Election in November 2022, which will have substantially more voters than this special election will have. However, whoever ends up being the Governor when the recall election is settled will have significant consequences on the 2022–23 State Budget, considering the Governor’s Office needs to submit a budget proposal for the 2022–23 fiscal year to the Legislature by January 10, 2022.

Leilani Aguinaldo
U.S. Department of Education Releases “Return to School Roadmap”

By Charlene Quilao
School Services of California Inc. ’s Fiscal Report
August 2, 2021

Today, August 2, 2021, the U.S. Department of Education released its “Return to School Roadmap” (Roadmap) to help “students, schools, educators, and communities” as they return to in-person learning for the 2021–22 school year. Within the course of the next several weeks as schools reopen, the Roadmap will include strategies in line with the Centers for Disease Control and Prevention’s (CDC) updated guidance for K–12 schools, such as resources for practitioners and the community that highlight local educational agencies (LEAs) using innovative practices to address the following three “Landmark” priorities:

- Landmark 1: Prioritize the health and safety of students, school personnel, and families
- Landmark 2: Build school communities, and support students’ social, emotional, and mental health
- Landmark 3: Accelerate academic achievement

As part of the launch of the Roadmap, the U.S. Department of Education released the following documents:

- A fact sheet addressing each of the above-referenced priorities
- A guide for LEAs to protect the health and safety of students, school personnel, and families
- A checklist for parents as their children return for in-person instruction in the 2021–22 school year

The Roadmap also recommends that LEAs follow the CDC’s masking guidance for K–12 schools recommending that “universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status.” However, schools in California are subject to guidance released by the California Department of Public Health that requires masks for all students indoors and for staff when sharing indoor spaces with students (see “CDPH Issues Updated Guidance for 2021–22 School Year” in the July 2021 Fiscal Report). Within the next couple of weeks, the U.S. Department of Education will provide additional resources to LEAs and to parents and students which will include:

- Working with the federal government to provide support to LEAs and answer questions relating to the expansion of accessing vaccinations for students 12 years of age or older and implementing the CDC’s recent K–12 school guidance
- Holding town hall meetings for parents and parent organizations to highlight ways that LEAs are preparing for students to return to a safe, in-person learning environment with an emphasis in providing social, emotional, and mental health supports for students
- Providing implementation tools for schools, educators, and parents to address the three Landmark priorities
- Updating the U.S. Department of Education’s COVID-19 Handbooks (Volumes 1 and 2) to align with the updated CDC K–12 guidance
We will keep you posted as we receive updated information from the U.S. Department of Education.

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Note: While the state is urging schools to test students and staff regularly and encourage everyone on campus who’s eligible to get vaccinated, neither vaccinations nor testing is required, and schools have flexibility as to how they implement measures to prevent COVID outbreaks.

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Why Some Schools Are Mandating Covid Tests While Others Aren’t

Community infection rates are a big factor in schools’ Covid safety plans

By Carolyn Jones

EdSource
August 5, 2021

As students in California prepare to return to in-person instruction, schools are piecing together Covid testing and vaccination measures that are as varied as the state itself.

The state is urging schools to test students and staff regularly and encourage everyone on campus who’s eligible to get vaccinated. But neither vaccinations nor testing is required, and schools have flexibility as to how they implement measures to prevent Covid outbreaks.

The result is a patchwork of safety plans that are likely to change as conditions evolve. Los Angeles Unified, for example, is testing all students and staff weekly, regardless of whether they’ve been vaccinated. San Francisco Unified, meanwhile, is recommending that students and staff get tested if they have symptoms, but is not requiring tests.

“Testing is an important part of tracking the spread of Covid,” said Dr. Robert Schooley, an infectious disease specialist at UC San Diego and co-creator of the university’s Covid safety plan. “There’s no optimal way for schools to use testing, but we do know that it should be targeted and done frequently enough for school and public health officials to know what’s going on with the school population.”

The rapidly changing safety plans come amid a surge of Covid cases linked to the delta variant, a dramatically more transmissible strain of the original coronavirus that’s now dominant in California. Over the past month, new Covid infections in California grew by more than 400%, with young people leading the surge, according to the California Department of Public Health.

As a result, many California counties have reinstated indoor mask mandates, even for people who are vaccinated.

Many employers, including California-based companies Google, Apple, Lyft, Uber and Twitter, have delayed plans to bring employees back to the office, according to the New York Times. Disneyland is requiring most of its employees to be vaccinated. On July 26, Gov. Gavin Newsom announced all state employees are required to be vaccinated or face weekly Covid tests.

But for most schools, tests are only one part of a broader safety plan. Vaccinations, social distancing, ventilation, regular cleaning, contact tracing and masking are also important ways to stop the spread of Covid, public health officials said. The only measure that the state requires is masking. Everyone on campus, regardless of whether they’re vaccinated, must wear masks indoors, the state announced last month.
Public health experts predict a jump in Covid cases linked to schools reopening. Although children are less likely than adults to get sick or die from Covid, they’re also less likely to be vaccinated. Vaccines are only available to those age 12 and older, and only 11.5% of 12-to-18-year-olds nationwide have been fully vaccinated, according to the Mayo Clinic.

Children are also at risk of contracting a rare disorder called multisystem inflammatory syndrome, a potentially deadly condition linked to Covid. So far, more than 300 children in California, and 4,196 nationwide, have been diagnosed with MIS-C, according to the Centers for Disease Control and Prevention. At least 37 nationally have died.

Testing in K-12 schools “remains a powerful tool” for preventing transmission of Covid, according to state public health authorities. The state is offering free tests for all public, charter and private schools in California and suggesting schools use one of four testing protocols depending on the infection rate in the community or if there’s an outbreak at school:

- Low community rate: periodic testing of asymptomatic students and staff;
- High community rate: weekly or biweekly testing of everyone who’s unvaccinated;
- Outbreak at school: testing every unvaccinated person who’s been in close contact with someone who’s tested positive;
- Symptomatic individuals: testing anyone who has symptoms of Covid.

Another choice facing schools is the type of test to offer: either polymerase chain reaction, also called a PCR test, or a rapid test. Both are done by inserting a cotton swab in the nose. PCR tests are slightly more accurate but take about 48 hours to produce a result. Rapid tests are less accurate but might be more convenient for schools trying to test large numbers of people, Schooley said.

Vaccination policies are up to each individual district, and in many cases are subject to union approval. Teachers and other school staff are exempt from the state’s vaccination requirement because they’re employees of their districts.

Meanwhile, districts are adopting a variety of testing policies.

Merced City Schools is offering free tests to students and staff but isn’t requiring tests unless there’s been an outbreak. In that case, the district will test anyone who’s been in contact with someone who’s tested positive or has symptoms.

The decision was a collaborative effort between school and local public health authorities, said Sergio Mendez, the district’s director of pupil services.

“We’re feeling very confident in the layers of mitigation we’ve put in. Testing is a big part of it,” Mendez said.

San Bernardino City Schools is assigning “Covid liaisons” to coordinate testing and contact tracing at each school campus. The liaisons, who work for an outside company, will “be responsible for responding to Covid-19 concerns at the school level, providing guidance and information for students, families, and staff. Liaisons will also play a key role in mitigation and management,” said district spokeswoman Maria Garcia.
Testing will be available for free at each school, but it won’t be required. The district is also asking children and their families to complete a health assessment every day before school.

San Jose Unified is requiring teachers and school staff to get tested twice a week for Covid if they’re not vaccinated. West Contra Costa Unified, in the East Bay Area, is strongly encouraging — but not requiring — regular tests for those who are unvaccinated. The district is only testing those who have symptoms.

Los Angeles Unified’s interim superintendent, Megan Reilly, last week announced the district’s requirement that all students and staff be tested weekly, citing recommendations from the Los Angeles County Department of Public Health. The district is offering free tests at a dozen locations around the city, as well as a mobile testing clinic that will visit school campuses. It’s also upgrading its ventilation systems, encouraging social distancing, regularly cleaning classrooms and urging everyone to get vaccinated.

“We believe Los Angeles Unified has the highest Covid safety standards of any public school district in the nation,” Reilly wrote in a letter to parents last week.

—Ali Tadayon contributed to this report.

Note: The California Department of Public Health’s recent guidance mandates that all students wear masks indoors regardless of vaccination status; however, enforcement of the mandate is left to local school districts.

O.C. Board of Education to Sue Gov. Newsom Over K-12 School Mask Mandate

By Colleen Shalby
Los Angeles Times
August 4, 2021

The Orange County Board of Education — which last year unsuccessfully sued Gov. Gavin Newsom to reopen schools for in-person instruction — has voted to challenge him again over a state mandate requiring K-12 students to wear masks in classrooms and other indoor campus facilities, saying the rule is a burden on children.

The decision to sue comes as Orange County’s 28 school districts — along with districts throughout the state — are hashing out masking enforcement strategies and other safety policies as the school year begins. How districts choose to enforce the rule on campus is up to them.

In a 4-0 closed-session vote, the board approved a legal challenge that targets the governor’s emergency rule-making powers, which includes the recent school mask mandate issued as California schools are fully reopening for in-person learning against a troubling coronavirus uptick fueled by the highly contagious Delta variant. The surge in cases has prompted Los Angeles and Bay Area counties to mandate indoor masking, regardless of vaccination status.

The board called the governor’s and executive agencies’ use of emergency decrees a violation of “constitutional and statutory law,” referring to the latest student mask rule as a burden that “compounds the harm to California’s children previously caused by prior school closures and unwarranted masking requirements.”
The California Department of Public Health said the lawsuit is a distraction from COVID-19 mitigation efforts.

“California’s COVID-19 prevention strategies are the best way to fully open our schools while protecting students and staff, and the state’s guidance fully aligns with the CDC and the American Academy of Pediatrics,” the department told The Times. AAP has previously said that universal masking is key to reducing transmission largely because a significant number of students are not yet eligible for a vaccine.

“Our top priority and singular focus remains ensuring that the return to in-person learning for all students is successful this fall. These lawsuits are a disappointing distraction from a common goal — getting kids back into schools safely and limiting the spread of COVID-19,” the department said.

The Orange County board did not present any data that showed adverse effects of masking on children, or acknowledge public health studies that have shown masking reduces the spread of the virus. Board members disputed that there is a scientific basis for masking schoolchildren.

“Putting aside for the moment, the lack of sound, medical or scientific basis of the governor’s requirement to mask school children — who in general are neither at risk from COVID-19 nor likely to spread it — and putting aside the lack of any thoughtful well-considered transparent balancing of substantial harms of forced masking of juveniles against the reported benefits, the governor and the state level administrative agencies do not have the power to continue the state of emergency indefinitely,” the board said.

Board members Mari Barke, Tim Shaw, Lisa Sparks and Ken Williams were present for the Tuesday vote. Board member Beckie Gomez had departed before the vote.

While children have largely escaped coronavirus infections, it’s still possible for a child to contract and spread the virus. And while cases of a multisystem inflammatory syndrome — known as MIS-C — that has infected some children exposed to the coronavirus are rare, they can be serious.

Last August, the Orange County board sued Newsom to reopen schools that had been closed because of COVID-19. A petition went to the state Supreme Court asking it to review the case, but was ultimately denied.

The lawsuit will probably be filed next week, and according to Nada Higuera, an attorney with the firm representing the case, there is no evidence that the decision was prompted by school district officials’ concerns. Board member Williams concurred, adding that the opinion of residents was key to the decision.

The board is an advisory body and does not have the authority to implement rules over the county’s school districts

“It doesn’t matter what a school district wants — it matters what parents want,” Williams said. “Not educrats, not administrators — but constituents.”

Some school districts are still sorting out logistics around masking enforcement before the start of the new semester. Capistrano Unified School District, for example, said it is still reviewing state guidance and working out plans ahead of the Aug. 17 start date.
Others have a strategy in place. Nearby Santa Ana Unified School District, for example, will require masking indoors, allowing for medical exemptions, while offering a virtual learning alternative for those who want to stay away from campus or forgo a mask.

Unofficial survey data show that roughly 11% of the Santa Ana district families want their children to continue virtual learning, chief communications officer Fermin Leal said. That could be due to concerns over the Delta variant or perhaps mask policies, though there has not been much mask pushback.

“In our community, we found that mask wearing was not an issue for us,” Leal said. Santa Ana was one of the regions hit hardest by COVID-19. “People here tend to be more on the cautious side.”

Irvine Unified School District is also enforcing masking indoors, while offering virtual alternatives to meet student needs.

At Newport-Mesa Unified District, the current policy is similar: Indoor masking will be required, and any issue that arises will prompt a discussion with the student and parent. Virtual learning could be an alternative for students who decline to wear a mask, public relations officer Annette Franco said, but most are opting for in-person instruction.

Orange County has long pushed against COVID-19 restrictions throughout the pandemic, and residents’ opposition to face covering rules contributed to the implementation of the statewide mandate in June last year.

That month, the county’s health officer, Dr. Nichole Quick, resigned after residents vehemently challenged her mask mandate, leading to at least one death threat.

Dr. Clayton Chau, then the county’s acting public health officer, dropped Quick’s mandate because no statewide order existed, a decision that was believed to be a factor in the county’s surge in cases. But shortly afterward, Chau said he spoke directly to state officials urging them to issue a statewide order.

“I personally was the one who talked to the state about having it as a mandate,” Chau said last August. “If you remember correctly, after I pulled back the order … a week later, the governor came down with a mandate.”
From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Kim Kelstrom, Executive Officer  
Cabinet Approval:  

Regarding: August Legislative Committee Meeting

The purpose of this communication is to provide the Board information shared at the August 05, 2021 Legislative Committee Meeting.

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

The Expanded Learning Opportunities Program provides funding to expand before and after school offerings, with particular focus on unduplicated pupils, at elementary schools. Expansion must include an additional 30 non-instructional days during school breaks, such as winter, spring, and summer breaks. The program requires an offer to all unduplicated students and provides increased instructional time for at least 50% of those unduplicated students.

Concentration Grant funds will increase from 50% of funded base grant amounts to 65% to hire additional site staff that provide direct support to students for schools with a 55% or greater unduplicated pupil percentage. A one-time supplemental Local Control and Accountability Program (LCAP) template will be due by February 2022. The anticipated template will be available from the California Department of Education by December 2021.

The Governor signed AB 138 which reduces the unemployment rate for 2021/22 and 2022/23 from 1.23% to .50%.

As a requirement of receiving Elementary and Secondary School Emergency Relief III (ESSER III) funds, a Board approved expenditure plan is due by October 2021. In addition, a regular update of the safe return to school plan must be reviewed every six months through September 2023.

AB 104 was signed into law on July 01, 2021 and includes provisions to address student learning loss in 2020/21 due to the COVID-19 pandemic. AB 104 authorizes parents/guardians of high school students to request a grade change on the transcript to a Pass or No Pass. In addition, California State University, University of California, and private colleges are to accept Pass or No Pass grades for 2020/21.

The legislature is in recess until August 16, 2021 with all policy deadlines and appropriations due to the Governor by September 10, 2021. The Governor will have until October 10, 2021 to approve or veto bills.

The School Services Legislative Committee August 2021 report is attached. The next Legislative Committee meeting is scheduled for September 02, 2021.

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

Approved by Superintendent  
Robert G. Nelson Ed.D.  Date: 08/13/21
Fresno Unified School District

LEGISLATIVE COMMITTEE MEETING
AUGUST 5, 2021

2021–2022 Legislative Session

Prepared By:

Leilani Aguinaldo
Director, Governmental Relations
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Governor Newsom Signs 2021–22 State Budget Deal

By Kyle Hyland
July 13, 2021

On the evening of July 12, 2021, Governor Gavin Newsom approved the $262.6 billion spending plan for the 2021–22 fiscal year by signing Senate Bill (SB) 129 into law. SB 129 reflects the State Budget agreement that Governor Newsom reached with legislative leadership by amending Assembly Bill (AB) 128 (Chapter 21/2021), the main State Budget bill that the Legislature sent to the Governor in order to meet its June 15 constitutional deadline (see “By the Way... Governor Newsom Signs State Budget Bill” in the June 2021 Fiscal Report).

Although Governor Newsom has the authority to veto any budget line item, he used his “blue pencil” only once (on a wildfire issue), as the State Budget is based on negotiated compromises between Democratic legislative leadership and Governor Newsom.

While Governor Newsom has already signed a number of budget trailer bills, including the education omnibus budget trailer bill (see “By the Way... Governor Newsom Signs 2021–22 State Budget Education Trailer Bill” in the July 2021 Fiscal Report), we are still waiting for him to take action on AB 138, the employment budget trailer bill that reduces the School Employees Fund contribution rate from 1.23% down to 0.50% for the 2021–22 and 2022–23 fiscal years.

Governor Newsom has until Monday, July 19, 2021, to sign or veto AB 138 or the measure automatically becomes law without his signature.
Expanded Learning Opportunities Program Details

By Leilani Aguinaldo
July 26, 2021

[Editor’s note: Subsequent to the release of School Services of California Inc.’s (SSC’s) estimates for the Expanded Learning Opportunities Program, an error related to the identification of classroom-based and nonclassroom-based charters was discovered that impact many of the estimates for local educational agencies (LEAs).

The data has been updated and reflects SSC’s best estimates as to what LEAs can expect to receive for this program.]

A significant new investment included in the 2021–22 Enacted State Budget is $1.75 billion for expanded learning opportunities for California’s elementary school students, with a focus on students that are low-income, foster youth, or English learners. While the title of the program is nearly identical, these funds and the accompanying requirements are completely separate from the Expanded Learning Opportunities Grant that was included in Assembly Bill (AB) 86 (Chapter 10/2021) from earlier this year (see “Deal Reached on Reopening Grants” in the March 2021 Fiscal Report).

Funds for the new ongoing program will be distributed to any LEA that serves classroom-based students in grades kindergarten through 6. LEAs with an unduplicated pupil percentage (UPP) greater than 80% will receive $1,170 per unit of the LEA’s prior year K–6 classroom-based average daily attendance (ADA), multiplied by the LEA’s UPP. Remaining funds will be distributed to all other eligible LEAs on a per unit basis, using the LEA’s prior year K–6 classroom-based ADA, multiplied by the LEA’s UPP. Estimates of an LEA’s share of the Expanded Learning Opportunities Program are available here. LEAs that serve eligible students will receive at least $50,000 for the program.

In addition, an LEA that becomes eligible to receive the higher rate of funding provided to LEAs with a UPP greater than 80% will receive at least three years of funding. This provides an LEA some stability for planning without worrying about falling below the 80% threshold each year.

As a condition of receiving the funds, in the 2021–22 school year, LEAs must offer expanded learning to all of its classroom-based unduplicated students in grades K–6 and must provide expanded learning to at least half of these students. In the 2022–23 school year, this requirement ramps up such that expanded learning must be offered to all classroom-based students in grades K–6 and must be provided to all students who request it.
Expanded learning provided through this program must comply with the following requirements:

- On school days, before or after school expanded learning opportunities plus the instructional day must total at least nine hours.

- During summer break or other intersessional periods, at least 30 days of 9 hour expanded learning opportunities days must be provided.

- Programs that serve transitional kindergarten or kindergarten students must maintain a pupil-to-staff ratio of no more than 10 to 1. For all other students, the ratio must be no more than 20 to 1.

- Educational enrichment and tutoring or homework assistance must be provided in accordance with the After School Education and Safety (ASES) Program.

- A nutritious snack, meal, or both, must be provided.

LEAs are not required to provide the expanded learning opportunities at all schools that participating students attend, but LEAs must prioritize the services in its schools in the lowest income communities. LEAs may partner with community-based organizations or other third-party providers in order to comply with the requirements of the program. LEAs may also charge pupil fees for the expanded learning program, but must waive the fee for students who are eligible for free or reduced-price meals, are homeless youth, or are foster youth. Family fees that are charged shall be on a sliding scale that considers family income and ability to pay. Finally, compliance with the requirements of the program will be evaluated as part of the LEA’s audit by the county office of education.

While the Expanded Learning Opportunities Program is not required, a mechanism for opting out of the program is still being developed by the state. But, given the significant investment made by the state, and other funds that may be used for this purpose such as federal Elementary and Secondary School Emergency Relief funds and the AB 86 Expanded Learning Opportunities Grant, LEAs are encouraged to expand or establish before and after school programs for families that would greatly benefit from the extended care and enrichment for their elementary-aged children.
2021–22 Education Investments—Preliminary Allocations

By Patti F. Herrera, EdD and Dave Heckler
July 15, 2021

[Editor’s note: Subsequent to the release of School Services of California Inc.’s (SSC’s) estimates for the Expanded Learning Opportunities Program, an error related to the identification of classroom-based and nonclassroom-based charters was discovered that impact many of the estimates for local educational agencies (LEAs).

The data has been updated and reflects SSC’s best estimates as to what LEAs can expect to receive for this program.]

The 2021–22 State Budget includes major investments in special K–12 programs in addition to increased funding for standing investments, such as the Local Control Funding Formula (LCFF) and special education programs. We have observed that as we move further from the original enactment of the LCFF in 2013, these annual investments are becoming more prevalent—harking back to the days of the maze categorical funding.

To help local educational agencies (LEA) plan for their share of the various pots of state education funding, we are providing preliminary estimates of a few of the programs based on the allocation formulas described in Assembly Bill 130 (Chapter 44/2021).

LEA-specific preliminary estimates for the following programs through the drop-down tool below:

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<th>Program</th>
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<tbody>
<tr>
<td>A–G Completion Improvement Grant</td>
<td>$6,468,849</td>
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<tr>
<td>California Prekindergarten Planning and Implementation Grant</td>
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<tr>
<td>Expanded Learning Opportunities*</td>
<td>$40,527,052</td>
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*Represents a single year’s funding. LEAs with a UPP greater than 80% will receive at least three years of funding

Expanded Learning Opportunities estimates updated 7/30/21

Please note that these are preliminary estimates that may differ slightly from the final estimates and allocations provided by the California Department of Education.
By the Way . . .

By Kyle Hyland
July 16, 2021

Governor Newsom Signs Bill to Reduce SEF Contribution Rate. Today, July 16, 2021, Governor Gavin Newsom signed over a dozen budget trailer bills, the implementing language of the 2021–22 State Budget, including Assembly Bill (AB) 138.

AB 138 is the employment trailer bill that reduces the School Employees Fund (SEF) contribution rate from 1.23% to 0.50% for the 2021–22 and 2022–23 fiscal years (see “Ask SSC . . . Does the Legislature’s 2021–22 State Budget Agreement Reduce the School Employees Fund Contribution Rate?” in the June 2021 Fiscal Report).

As a budget bill, AB 138 went into effect immediately upon Governor Newsom’s signature, effectively changing the SEF contribution rate to 0.50% for the next two fiscal years.
ESSER III Plan Requirements

By Leilani Aguinaldo and Matt Phillips, CPA
July 14, 2021

Local educational agencies (LEAs) expecting to receive Elementary and Secondary School Emergency Relief (ESSER) III funds have a number of requirements to fulfill as a condition of receiving the substantial federal one-time resources. As detailed in our previous article (see “ESSER III Assurances and Plan Template Available,” in the June 2021 Fiscal Report), LEAs must complete assurances, fulfill the requirement for a Safe Return to In-Person Instruction and Continuity of Services Plan, and adopt an ESSER III Expenditure Plan.

The ESSER III Expenditure Plan template and instructions are available on the California Department of Education (CDE) website. Pursuant to federal law, the Expenditure Plan must detail how the LEA will use ESSER III funds to address students’ academic, social, emotional, and mental health needs, as well as opportunity gaps that were exacerbated by the COVID-19 pandemic. In developing the plan, LEAs must consult with specified stakeholders, and must provide for public input that is considered.

The ESSER III Expenditure Plan must be adopted by the LEA’s local governing board at a public meeting by October 29, 2021, and submitted for review and approval within five days of adoption. The State Board of Education and the California Department of Education (CDE) delayed the original deadline for plan adoption from September 30 after consulting with the U.S. Department of Education. School districts must submit their adopted plans to the county office of education (COE), and COEs must submit their plans to CDE. Charter schools must submit their plans to both the chartering authority for review and to the COE in which they operate for review and approval.

LEAs looking for additional resources to help with completion of the Expenditure Plan can refer to a webinar that CDE recently provided.

Finally, LEAs should anticipate further reporting on the use of ESSER III funds. Assembly Bill 130 includes a requirement for a one-time supplement to the 2021–22 Local Control and Accountability Plan (LCAP). In the supplement, LEAs will be required to include an update on the implementation of the ESSER III Expenditure Plan, including successes and challenges. A template for the LCAP supplement will be available by November 30, 2021, and LEAs must present the LCAP supplement to their local governing boards by February 28, 2022.
CDPH Issues Updated Guidance for 2021–22 School Year

By Leilani Aguinaldo
July 13, 2021

On July 12, 2021, the California Department of Public Health (CDPH) released its updated guidance applicable for K–12 schools in the 2021–22 school year. The COVID-19 Public Health Guidance for K-12 Schools in California, 2021-22 School Year (CDPH Guidance) is aligned with updated recommendations released on July 9, 2021, by the Centers for Disease Control and Prevention. The safety measures included in the CDPH Guidance were crafted with the foundational principle that “all students must have access to safe and full in-person instruction and to as much instructional time as possible.”

For this reason, the CDPH Guidance does not include any requirement nor recommendation for minimum physical distancing, but rather it requires universal masking in schools. Masks are required for all students indoors and for staff when sharing indoor spaces with students, and are optional for all individuals when outdoors in K–12 school settings. Exceptions are permitted to accommodate medical conditions or developmental reasons that make wearing a mask difficult. The reliance on masks as a core mitigation strategy is a tradeoff for physical distancing standards that would have hampered efforts to return all students to full in-person instruction. In addition, the CDPH believes requiring masks for all students and associated staff removes the operational barriers for local educational agencies (LEAs) to track vaccination status and any potential detrimental effects that may otherwise result from differentiated mask policies, such as bullying or stigmas.

The CDPH Guidance also provides quarantine recommendations with different actions depending on details, such as the vaccination status of the impacted individuals, whether masks were worn, and if the individual is asymptomatic. The document also touches on other safety measures such as screening testing, ventilation, and cleaning, and it provides suggestions for food service operations.

In addition to the CDPH Guidance, LEAs are reminded that as an employer, the Cal/OSHA COVID-19 Emergency Temporary Standards also apply and should be reviewed for additional applicable requirements.

Childcare settings continue to be subject to separate guidance, and additional information will be provided in the future to address other K–12 settings, such as band and drama. The CDPH will continue to assess conditions and reevaluate mask recommendations and requirements by
November 1, 2021. In the meantime, the CDPH still strongly advises all eligible people to obtain the COVID-19 vaccine in order to reduce COVID-19 transmission throughout the state, especially in light of the variants circulating around the country.
CDE Posts AB 104 Grade Change Form and Postsecondary List

By Kyle Hyland
July 23, 2021

On July 1, 2021, Governor Gavin Newsom signed Assembly Bill (AB) 104 (Chapter 41/2021), which includes several provisions to address student learning loss that occurred during the 2020–21 school year due to the COVID-19 pandemic (see “Legislature Sends Student Retention Bill to Governor Newsom” in the June 2021 Fiscal Report). As an urgency measure, the bill took effect upon signature, meaning local educational agencies (LEAs) are already required to follow these provisions.

Included in AB 104 is language that authorizes parents/guardians of students who were enrolled in a high school course during the 2020–21 school year (or students, if 18 years old or older) to request a grade change. Eligible individuals may apply to the student’s LEA to change the letter grade on the student transcript to Pass or No Pass. LEAs are not allowed to limit the number or type of courses eligible for the grade change, and the grade change cannot negatively impact a student’s grade point average.

The bill also requires the California State University (CSU) and requests the University of California (UC) and private colleges to accept Pass or No Pass grades on a student’s transcript for those courses taken during the 2020–21 school year. Additionally, the bill required the CSU, and requested the UC and private colleges, to confirm and notify the California Department of Education (CDE) that they will accept Pass or No Pass grades on a student’s transcript.

Over the past week, the CDE has released the Grade Change Request Form and the list of postsecondary institutions in California that will accept, for admission purposes, a transcript with a Pass or No Pass grade instead of a letter grade. AB 104 stipulates that within 15 calendar days of the CDE releasing the application template, LEAs serving high school students must post the following to their website:

- The application to request a grade change (we recommend using the CDE template found here)
- The list of postsecondary educational institutions that will accept Pass or No Pass grades on the student’s transcript for admission purposes (you can find that list here)
- A statement that some postsecondary educational institutions, including those in other states, may not accept a Pass or No Pass grade instead of a letter grade for admission purposes
Since the CDE posted the template on July 16, 2021, that gives LEAs serving high school students until July 31, 2021, to post the above information on their website.

Once this information is posted by the applicable LEAs, parents and students have 15 calendar days to apply for a grade change; LEAs cannot accept grade change applications after those 15 days. An LEA has 15 calendar days from when the grade change request is submitted to make the change on the student’s transcript and notify the student and/or parents.

We strongly recommend that all LEAs serving high school students post the required information on their website as soon as possible and follow the process of making grade changes that are detailed above.
Bill Update
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*Summary amended since last report
Accountability and Assessments

*AB 599 (Jones-Sawyer)*
Amended: 6/29/2021
Title: Public Schools: Accountability: County Superintendents of Schools
Status: Senate Appropriations 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 388 (Medina)*
Amended: 3/16/2021
Title: Certificated School Employees: Probationary Employees.
Status: Senate Appropriations Committee—Suspense File
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)*
Amended: 6/28/2021
Title: School Employees: Classified Employees: Layoff Notice and Hearing
Status: Senate Appropriations Committee—Suspense File
Position: No Position

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

*Summary amended since last report*
**Instruction**

**AB 22 (McCarty)**  
**Amended:** 7/1/2021  
**Title:** Childcare: Preschool Programs and Transitional Kindergarten: Enrollment: Funding  
**Status:** Senate Appropriations Committee  
**Position:** Support  

**Summary:**  
As amended, among other things, Assembly Bill (AB) 22 expands eligibility for transitional kindergarten (TK) by adding one month of eligibility per year over a ten-year period to achieve universal TK eligibility by 2032–33. The bill would require an additional adjustment to the existing grades K–3 Local Control Funding Formula base grant of 14.2% for each TK pupil enrolled in the school district or charter school. To provide funding for AB 22, the bill requires, for each fiscal year in which TK pupil enrollment is required to increase, an additional appropriation from the General Fund to Proposition 98 in an amount equal to the estimated fiscal year enrollment increase.

**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:**  
Assembly Bill 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.

**AB 101 (Medina)**  
**Amended:** 7/5/2021  
**Title:** Pupil Instruction: High School Graduation Requirements: Ethnic Studies  
**Status:** Senate Appropriations Committee  
**Position:** Support  

**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.

*Summary amended since last report*
AB 104 (Gonzalez, Lorena)
Amended: 6/2/2021
Title: Pupil Instruction: Retention, Grade Changes, and Exemptions
Status: Chapter 41, Statutes of 2021
Position: No Position
Summary:
This bill includes the following:

• Requires local educational agencies (LEAs) to implement an interim policy for retaining students in the same grade for 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 a 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’s 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 fourth or fifth year of high school.

*SB 224 (Portantino)
Amended: 5/20/2021
Title: Pupil Instruction: Mental Health Education
Status: Assembly Appropriations Committee
Position: No Position
Summary:
As amended, this bill would require each local educational agency (LEA) that offers one or more courses in health education to pupils in middle school or high school to include in those courses instruction in mental health. The bill would require that the instruction and related materials to, among other things, be appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds, pupils with disabilities, and English learners. The bill would require the California Department of Education to develop a plan to increase mental health instruction in California public schools on or before January 1, 2024.

*Summary amended since last report
**Miscellaneous**

*AB 27* (Rivas, Luz)

**Amended:** 6/18/2021  
**Title:** Homeless Children and Youths and Unaccompanied Youths: Reporting  
**Status:** Senate Appropriations Committee  
**Position:**

**Summary:**

This bill would require the California Department of Education (CDE) to develop best practices for identifying and obtaining accurate data on homeless and unaccompanied children enrolled in schools, including a model housing questionnaire for local educational agencies (LEAs) to identify their homeless and unaccompanied students. The bill would require an LEA to ensure that each of their schools identify all of their homeless and unaccompanied students, administer and annually provide a housing questionnaire for purposes of identifying homeless and unaccompanied children based on best practices developed by the CDE, and report that data to the CDE. The bill would also require LEAs to post to their website a list of homeless liaisons with their contact information, as well as specific information on homelessness, including information regarding the educational rights and resources available to persons experiencing homelessness.

*AB 262* (Patterson)

**Amended:** 3/15/2021  
**Title:** Human Trafficking: Vacatur Relief for Victims  
**Status:** Senate 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)

**Amended:** 6/22/2021  
**Title:** Pupil Attendance: Excused Absences: Cultural Ceremonies or Events  
**Status:** Senate Floor—Consent  
**Position:** No Position

**Summary:**

Adds participation in a cultural ceremony or event to the list of required excused absences.
### State Budget, Education Finance, and LCFF

**AB 1112 (Carrillo)**  
**Amended:** 4/13/2021  
**Title:** Before and After School Programs: Maximum Grant Amounts  
**Status:** Senate Appropriations Committee  
**Position:**

**Summary:**
As amended, requires the California Department of Education to conduct a statewide cost study utilizing an expanded learning stakeholder group, to determine adequate funding levels for expanded learning programs and make associated recommendations.

**SB 692 (Cortese)**  
**Amended:** 4/7/2021  
**Title:** Local Control and Accountability Plans: State Priorities: Least Restrictive Environment  
**Status:** Assembly Appropriations Committee  
**Position:**

**Summary:**
As amended, adds the least restrictive environment as another local measure of the state priority of school climate for purposes of a local educational agency’s Local Control and Accountability Plan (LCAP). By January 31, 2023, requires the LCAP template to reflect this local measure. Standards for this local measure would be consistent with the state’s targets for the federal indicators. Also requires the California School Dashboard to display the enrollment percentage of students with mild to moderate disabilities and moderate to severe disabilities compared to the statewide average.

### Student Health and Nutrition

**AJR 8 (Rivas, Luz)**  
**Title:** School Meals: Federal National School Lunch Program  
**Status:** Assembly Education Committee  
**Position:** Support

**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.

*Summary amended since last report*
**Summary:**

This bill would add an absence for the benefit of the behavioral or mental health of a student to the list of categories of excused absences for purposes of school attendance. As amended, the bill would also require the California Department of Education, contingent upon an appropriation, to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address youth behavioral health.
### Charter Schools

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### Employees

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<tr>
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<td>Career Technical Education: California Career Technical Education Incentive Grant Program</td>
<td>Support</td>
<td>Assembly Appropriations Committee—Suspense File—Bill Did Not Meet Deadline</td>
<td>26</td>
</tr>
<tr>
<td>AB 508</td>
<td>Pupil Nutrition: Reduced-Price Meals</td>
<td>Support</td>
<td>Assembly Education Committee—Bill Did Not Meet Deadline</td>
<td>27</td>
</tr>
</tbody>
</table>

*Summary amended since last report*
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Title</th>
<th>Committee</th>
<th>Status</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 563</td>
<td>Berman School-Based Health Programs</td>
<td>Support</td>
<td>Senate Education Committee—Bill Did Not Meet Deadline</td>
<td>27</td>
</tr>
<tr>
<td>SB 364</td>
<td>Skinner Pupil Meals: Free School Meals for All Act of 2021</td>
<td>Support</td>
<td>Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline</td>
<td>27</td>
</tr>
</tbody>
</table>

*Summary amended since last report*
Charter Schools

**AB 1316** (O’Donnell)
Amended: 5/24/2021
Title: School Accountability: Financial and Performance Audits: Charter Schools: Contracts
Status: Assembly Appropriations Committee—Suspense File—Bill Did Not Meet Deadline
Position:  
Summary:
Makes significant changes to the statutes governing nonclassroom-based charters and independent study.

Employees

**AB 95** (Low)
Amended: 3/22/2021
Title: Employees: Bereavement Leave
Status: Assembly Appropriations Committee—Suspense File—Bill Did Not Meet Deadline
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 1284** (Rubio, Blanca)
Title: Certificated School Employees: Permanent Status
Status: Assembly Education Committee—Bill Did Not Meet Deadline
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** (Rodriguez)
Amended: 3/29/2021
Title: Certificated School Employee Evaluations: Distance Learning: Exemptions
Status: Assembly Education Committee—Bill Did Not Meet Deadline
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.

*Summary amended since last report*
**SB 205 (Leyva)**
**Title:** School and Community College Employees: Absences Due to Illness or Accident  
**Status:** Senate Floor—Inactive File—Bill Did Not Meet Deadline  
**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.

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**Facilities**

**AB 75 (O’Donnell)**  
**Amended:** 5/24/2021  
**Title:** Education Finance: School Facilities: Kindergarten-Community Colleges Public Education Facilities Bond Act of 2022  
**Status:** Senate Education Committee—Bill Did Not Meet Deadline  
**Position:**  
**Summary:**

This bill would place a statewide K–14 school bond on the 2022 ballot providing an $12 billion of funds that focus primarily on new construction, modernization, career technical education, and charter school projects.

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**Instruction**

**AB 10 (Ting)**  
**Amended:** 1/12/2021  
**Title:** Pupil Instruction: In-person Instruction: Distance Learning  
**Status:** Assembly Education Committee—Bill Did Not Meet Deadline  
**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 102 (Holden)**  
**Amended:** 3/25/2021  
**Title:** College and Career Access Pathways Partnerships: County Offices of Education  
**Status:** Assembly Education Committee—Bill Did Not Meet Deadline  
**Position:** Support  
**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.

*Summary amended since last report*
**SB 70 (Rubio)**
**Amended:** 5/20/2021  
**Title:** Elementary Education: Kindergarten  
**Status:** Senate Floor—Inactive File—Bill Did Not Meet Deadline  
**Position:** Support

**Summary:**  
Starting with the 2022–23 school year, this bill requires the completion of kindergarten before entering first grade.

**SB 309 (Leyva)**
**Amended:** 5/20/2021  
**Title:** School Finance: College Readiness: Grants and Notification  
**Status:** Assembly Education Committee—Bill Did Not Meet Deadline  
**Position:** Support

**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:** 4/8/2021  
**Title:** Pupil Instruction: High School Coursework and Graduation Requirements: Exemptions  
**Status:** Senate Floor—Inactive File—Bill Did Not Meet Deadline  
**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.

**SB 545 (Wilk)**
**Amended:** 4/15/2021  
**Title:** Pupil Retention: COVID-19 Impact  
**Status:** Assembly Education Committee—Bill Did Not Meet Deadline  
**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.

*Summary amended since last report*
**SB 723 (Rubio)**
Amended: 5/5/2021  
**Title:** Pupil Instruction: Tutoring Program: Learning Loss Mitigation  
**Status:** Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline  
**Position:** No Position

**Summary:**

This bill would establish the California Leadership, Excellence, Academic, Diversity, and Service-Learning Tutoring Program to be administered by the California Department of Education (CDE), for the purpose of providing supplemental individualized learning assistance to address learning loss.

The bill would require each county office of education (COE) to use the CDE’s regulations for the program to facilitate and implement the program in their county, and would require geographic lead agencies to be available to provide technical assistance to COEs and school districts. Additionally, the bill would require each school district that chooses to participate in the program, upon a subsequent appropriation by the Legislature, to develop and implement supplemental individualized learning assistance for students. The bill specifies that the program would only become operative upon an appropriation by the Legislature.

**Miscellaneous**

**SB 732 (Bates)**
**Title:** Communications: Broadband  
**Status:** Senate Energy, Utilities, and Communications Committee—Bill Did Not Meet Deadline  
**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.

**Special Education**

**AB 967 (Frazier)**
Amended: 5/24/2021  
**Title:** Special Education: COVID-19 Special Education Fund  
**Status:** Senate Education Committee—Bill Did Not Meet Deadline  
**Position:**

**Summary:**

Assembly Bill 967 would provide funding to local educational agencies through their SELPA to support conflict resolution between the parents of students with disabilities and their district, and provide funding for services to accelerate learning for students with disabilities. Funding would come from the federal stimulus, which has not yet been allocated.
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 annually in grades K–3 for risk of dyslexia. As amended, the bill would also require an LEA to provide a pupil identified as being at risk for dyslexia with appropriate instruction, progress monitoring, and early intervention in the regular general education program.

State Budget, Education Finance, and LCFF

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.

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.

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.
**Student Health and Nutrition**

**AB 508 (Rivas, Luz)**

**Title:** Pupil Nutrition: Reduced-Price Meals  
**Status:** Assembly Education Committee—Bill Did Not Meet Deadline  
**Position:** Support

**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.

**AB 563 (Berman)**

**Amended:** 4/5/2021  
**Title:** School-Based Health Programs  
**Status:** Senate Education Committee—Bill Did Not Meet Deadline  
**Position:** Support

**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.

**SB 364 (Skinner)**

**Amended:** 4/14/2021  
**Title:** Pupil Meals: Free School Meals for All Act of 2021  
**Status:** Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline  
**Position:** Support

**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 school day to any pupil who requests a meal without consideration of the pupil’s eligibility for federally funded free or reduced-price meals. Upon appropriation in the State Budget, the California Department of Education is required 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 school days.

- 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.

*Summary amended since last report*
• For schools that use a federal universal school meal provision, carries over the number of free or reduced-price meals eligible students for Local Control Funding Formula purposes for each of the following three school years.
From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Amanda Harvey, Nutrition Services Director

Regarding: Nutrition Services Update

The purpose of this communication is to provide the Board Nutrition Services Department updates.

**Fresh Fruit and Vegetable Program (FFVP)**
Fresno Unified leads the state in participation in the California Department of Education (CDE)-funded FFVP, which provides individually packaged seasonal fruits and vegetables to elementary students daily. For a school to be eligible, at least 50% of the students must qualify for free/reduced price meals, and schools with the highest free/reduced percentages are prioritized. Applications were submitted for all 69 eligible K-6/K-8 schools, and 60 were funded. Students at the nine schools not funded by the CDE will receive the same daily snacks as the other schools, with funding in the district’s 2021/22 budget.

**Milk and Juice**
Flavored milk has been removed from elementary school breakfast, snack, and SuperSnack menus; only regular milk will be provided for those meals. Juice has been removed from elementary breakfast menus and replaced with fresh fruit.

**New Menu Items**
A variety of new menu items are being introduced to students this year, and we encourage feedback on the Nutrislice app:

- Cinnamon crumble breakfast bread
- Pancake chicken sausage breakfast bites
- Turkey sausage breakfast bowl
- Cheese quesadilla served with Spanish rice and salsa
- Orange chicken served with a rice blend
- Cheese lasagna served with a whole wheat roll
- Hot and spicy fish sandwich
- Better than Beef vegetarian burger

The Nutrition Services Department’s objective is to be a reliable source of quality, nutritious meals for our students, to help them do their best in school each day. If you have questions or need further information, please contact Amanda Harvey at 457-6278 or Karin Temple at 457-3134.

Approved by Superintendent
Robert G. Nelson Ed.D.  Date: 08/13/21
Regarding Ventura and 10th Business Campus – Building Improvements

The purpose of this communication is to provide the Board information regarding the ongoing project to improve the existing office buildings at the Ventura and 10th site for use by district central office staff. The district purchased the 12.8 acres at Ventura and 10th, location of the former County Juvenile Detention Center, for $1.2 million in 2018. The primary plan for the property is to develop a new educational facility on the northerly part of the site, which is in progress. Supplemental to purchase of the future school site is 40,000 square feet of office space on the southerly part of the property, built in the 1970s and included in the purchase “as is” without inspection that would be required if a lender were involved. After the district took ownership, an architect was engaged to design building improvements to district standards for central office departments.

In March 2021, the Board awarded a $5.5 million contract for construction of improvements to office buildings C and D and site work including utilities, asphalt and fencing. During the hazardous materials demolition process, in building C extensive termite and water infiltration damage around some of the window framing was discovered, along with compromised structural fire rated corridors. These conditions could not have been known until the building envelope interior finishes were removed and inspected, similar to what might be found in an older home undergoing renovation. The issues began to be identified in late June and required thorough investigation by the architect in consultation with the contractor, leading to recommendations for additional abatement remedy through fumigation, repair, and building systems replacement. The total estimated additional cost to repair and replace affected framing, windows, building insulation, sheet rock and sheet metal, is approximately $1.3 million.

Under the existing construction contract, the change order process provides authority to fund needed work up to 10% of the original contract cost (approximately $550,000). Therefore, to complete the required repair and replacement work will require a new scope of work and bidding a separate contract. To keep the project moving, the existing contract is being evaluated (in coordination with the contractor and architect) to identify scopes of work that can be eliminated/added within available funding including change orders, to ensure the essential building envelope work is accomplished in the near term. To complete the project will require an additional scope of work that will be advertised for bidding, with future contract recommendation to the Board. Funding for the additional work will be identified. Occupancy of the buildings by the Special Education and Prevention and Intervention Departments will be delayed to Summer 2022 while work on the buildings continues.

If you have questions or need further information, please contact Alex Belanger at 457-6126 or Karin Temple at 457-3134.

Approved by Superintendent
Robert G. Nelson Ed.D.          Date: 08/13/21
The purpose of this communication is to provide the Board a description of the Academic Calendar process in preparation for Board adoption of proposed Academic Calendars for the 2022/23 and 2023/24 school years. The Curriculum, Instruction and Professional Learning Department proposes two years of calendars for Board approval every two years in support of student learning, system coherence, and in alignment with California Education Code for holidays. The Academic Calendar Timeline is as follows:

July-August
- Internal department feedback
- Board Communication regarding Academic Calendar process
- Drafting of potential calendars for feedback

August-November
- Feedback from stakeholder organizations
- Feedback from community stakeholders (survey)

December
- Board Communication regarding survey results
- Presentation of feedback and survey results to Executive Cabinet

January
- Receive Board Agenda Item
- Proposal for Board Adoption

Drafts will be completed in August for feedback from the following stakeholder organizations between August and October:

- Fresno Teachers Association (FTA)
- California School Employees Association Units 125 and 143
- Student Advisory Board
- Parent University
- District English Learner Advisory Committee
- Community Advisory Committee
- FTA-Trades/International Association of Machinists and Aerospace Workers/Service Employees International Union

After feedback from stakeholder organizations, a community stakeholder survey will post on the Fresno Unified website from the end of October through November. The survey results will be presented to Executive Cabinet for review and to the Board in a December Board Communication.

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

Approved by Superintendent
Robert G. Nelson Ed.D.  Date: 08/13/21
Regarding: 2021 Teacher Academy Summer Program

The purpose of this communication is to provide the Board information regarding 2021 Teacher Academy Summer Program.

Teacher Development is committed to building a workforce that reflects the values and cultural diversity of the community of students we serve. As part of the “Grow Our Own” model, the Teacher Academy Summer Program is a pipeline program that aims to invest in cultivating teachers as early as high school to address the teacher shortage and increase the diversity within the teaching workforce. Through the collaborative efforts of Teacher Development, College and Career Readiness, and the Human Resources Departments, the Teacher Academy Summer Program offered participating high school sophomores, juniors, and seniors a unique teaching and learning experience. This summer, 180 Teacher Academy program participants provided literacy, math, and language development supports within the elementary summer programs. The teaching experience placements were coordinated in partnership with the Office of Multilingual/Multicultural Education and the Office of African American Academic Acceleration.

All participants engaged in professional learning focused on classroom management strategies, growth mindset, and building a community with positive relationships. The program also offered testing opportunities of the Test for Adult Basic Education (TABE). High school graduates that pass the TABE will be eligible to apply for classified employment.

Sophomore and junior participants were invited to join the Teacher Academy Saturday Program in the fall which explores the development and teaching of Science, Technology, Engineering, and Math lessons. All high school graduates were recruited to join the subsequent teacher pipeline program, Para Academy.

If you have any questions or require additional information, please contact Teresa Morales-Young at 457-6072.
From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Dr. Sean Virnig, Executive Director  
Cabinet Approval: 

Regarding: 2021/22 Community Advisory Committee on Special Education

The purpose of this communication is to provide the Board meeting dates and related information on the Community Advisory Committee (CAC) for the 2021/22 school year. For this year, the CAC will meet from 6:00 p.m. to 7:30 p.m. on a Wednesday of each month August through June with the exception of December when an informational training on transition will be held. The first meeting will be held virtually in hopes that the remainder of the meetings will be held at Parent University.

With transition as the theme of focus for this year, the meeting dates and topics are as follows:

- 08/18 - Special Education Updates and Tips on Navigating the System at Fresno Unified
- 09/22 - Road to Inclusion: An Overview and Year Three Update
- 10/20 - Communication: Speech, Assistive Technology Devices, and American Sign Language
- 11/10 - Resources: Central Valley Regional Center and In-Home Supportive Services
- 01/26 - Transition Program: The California Department of Rehabilitation
- 02/23 - Duality: Two Languages or Two Diagnoses – What to Do?
- 03/23 - Advocacy: Disability Rights and Responsibilities
- 04/27 - Individualized Education Program: An Overview
- 05/04 - Legislative Day in Sacramento hosted by California State SELPA
- 05/25 - Mental Health in Special Education and Celebrations: Graduation and Successes
- 06/08 - Local Plan Public Hearing

The CAC webpage on the Department of Special Education website offers additional meeting information including but not limited to meeting agendas, minutes, current bylaws, online application form in English, Spanish and Hmong: https://sped.fresnounified.org/community-advisory-committee/

If you have any questions or require additional information, please contact Dr. Virnig at 258-2475.

Approved by Superintendent  
Robert G. Nelson Ed.D.  
Date: 08/13/21
From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by Edith Navarro, Administrator  
Cabinet Approval:  

Regarding: Donation from Gender Nation

The purpose of this communication is to provide the Board updated information regarding the donation of books from Gender Nation to Fresno Unified. Recognizing the district’s commitment for inclusive curriculum and the support of our Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) students, Equity California reached out to the Department of Prevention and Intervention (DPI) in June of 2021 to determine the district’s interest in a library donation.

Curriculum, Instruction, & Professional Learning, (CIPL) and the Department of DPI partnered to research our current reality within Fresno Unified School District:

- Reviewed Board AR 6161.1 Instruction, Selection and Evaluation of Instructional and Library Materials
- Reviewed and evaluated donation offer with Fresno Unified School Library Selection Criteria
- Searched current Sora titles, eBooks, or audiobooks, within Fresno Unified relating to LGBTQ themes which have been reviewed by all processes sited above
- Referenced the American Library Association tool kit created to assist schools ALA LGBTQ Materials in School Libraries Toolkit
- Reviewed Library Bill of Rights and the American Association of School Libraries Standards supporting building LGBTQ+ inclusive library collections

During the summer, CIPL and DPI met with Gender Nation and requested sample books to review. CIPL is now in the final completion of reviewing all literature and applying the internal approval process. Communication, professional learning, and training for the new resources is underway and will be ongoing.

A tentative delivery date to the warehouse is scheduled the third week of September with the target date for delivery to elementary libraries in October. On August 25, 2021, members of the Board are invited prior to the board meeting to view copies of the donated books on the third floor in CIPL.

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

Approved by Superintendent.
Robert G. Nelson Ed.D.  
Date: 08/13/21
Regarding: Back to School Night Dates

The purpose of this communication is to provide the Board information on Back to School Night for each school. The attached document has the dates and times for each location. Sites have been asked to hold events both in person and virtually to meet the needs and preferences of the community they serve.

If you have any questions or require additional information, please contact Ed Gomes at 457-3693.
## Back to School 2021-2022

<table>
<thead>
<tr>
<th>SITE</th>
<th>DATE</th>
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<tbody>
<tr>
<td>ADDICOTT</td>
<td>8/18/21</td>
<td>5:00 – 6:00 p.m.</td>
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<td>ADDAMS</td>
<td>8/26/21</td>
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<td>ANTHONY</td>
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<td>AYNESWORTH</td>
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<td>8/18/21</td>
<td>5:00 – 6:30 p.m.</td>
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<td>KIRK</td>
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<td>5:30 – 7:30 p.m.</td>
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<td>KRATT</td>
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<td>LANE</td>
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<td>LAWLESS</td>
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<td>LEAVENWORTH</td>
<td>8/12/21</td>
<td>5:30 – 6:55 p.m.</td>
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<td>LOWELL</td>
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<td>MALLOCH</td>
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<td>MANCHESTER</td>
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<td>5:00 – 6:45 p.m.</td>
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<td>HOOVER</td>
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<td>FULTON SECONDARY</td>
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