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Robert G. Nelson, Ed.D.

BOARD COMMUNICATIONS – September 10, 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 September Legislative Committee Meeting
Cancellation

ENGAGEMENT & EXTERNAL PARTNERSHIPS – Wendy McCulley, Interim Chief

EEP-1 Wendy McCulley 2020/21 Program Awards – Grants Department
Update

OPERATIONAL SERVICES – Karin Temple, Chief Operating Officer

OS-1 Karin Temple Potential Facility Naming Opportunities

Fresno Unified School District
Board Communication

BC Number S-1

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

Date: September 10, 2021

Phone Number: 457-3884

Regarding: Superintendent Calendar Highlights

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

- Met with Fresno Teachers Association Leadership
- Met with Executive Cabinet
- Spoke with School Librarians at the Library Launch meeting
- Met with County Superintendent Jim Yovino regarding placing county counselors at Fresno Unified Schools
- Met with Dr. Amy Gerstein, Gardner Center at Stanford, regarding potential partnership
- Performed National Anthem at the Sunnyside football game
- Attended Fresno Compact Meeting
- Met with SEFCEDA Board Members to discuss potentially partnering on projects in Southeast Fresno and the 49 Acre Park Project
- Taught Fresno Unified/San Diego State University Doctorate Class, Re-Thinking Leadership

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



Date: 09/10/21

Fresno Unified School District
Board Communication

BC Number AS-1

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



Date: September 10, 2021

Phone Number: 457-3907

Regarding: School Services Weekly Update Report for September 03, 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 September 03, 2021 is attached and includes the following articles:

- Not Enough Subs: California Schools Face Severe Teacher Shortage – September 01, 2021
- California Leads the Way on Safe School Reopening – September 01, 2021
- Newsom, Elder Sharpen Their Attacks After Poll Shows Support for Recall Effort Waning – September 02, 2021

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

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 09/10/21



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DATE: September 3, 2021

TO: Robert G. Nelson
Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

RE: *SSC's Sacramento Weekly Update*

Legislature Races to Meet Key Deadlines Before the End of Session

The Legislature has one week left to wrap up its business on bills for the first year of the 2021–22 legislative session. Last Thursday, August 26, 2021, the Appropriations Committees in both the Senate and the Assembly took up their suspense files and disposed of more than 500 bills. Many of the measures that made it out of the fiscal committees were amended to reduce costs or make the bill more palatable for stakeholders and lawmakers. The bills that did not make it out of the committees will, absent rule waivers, be considered inactive for the rest of 2021.

Some of the key education bills that survived the Appropriations Committee deadline that are currently on the Assembly and Senate floors awaiting full floor votes, include:

- Assembly Bill (AB) 27 (Rivas, L., D-Arleta) is an urgency measure (meaning it would take effect immediately) that would require local educational agencies (LEA) to ensure that each of their schools identify all homeless children and youths and unaccompanied youths enrolled at the school
- AB 101 (Medina, D-Riverside) would add the completion of a semester-long course in ethnic studies to the list of state high school graduation requirements beginning with those graduating during the 2029–30 school year
- AB 367 (Garcia, D-Bell Gardens) would require all public schools maintaining any combination of classes from grades 6 to 12 to stock the school's restrooms with an adequate supply of free menstrual products by the beginning of the 2022–23 school year
- AB 438 (Reyes, D-San Bernardino) would extend the existing layoff protocols granted to certificated employees to permanent classified employees

- Senate Bill 14 (Portantino) is an urgency measure that would add “for the benefit of the behavioral or mental health of the pupil” to the list of categories of excused absences for purposes of school attendance

Along with these bills, we are also monitoring when the clean-up budget trailer bill for education will be released. This is the bill that will look to make changes to AB 130, the education omnibus budget trailer bill that was signed into law by Governor Gavin Newsom in July. The trailer bill will likely include changes to the independent study language from AB 130 as well as other issues. Once that bill is in print, it will need to quickly clear the major deadlines remaining in order to hit Governor Newsom’s desk by the end of the legislative session.

There are two other critical deadlines that the Legislature needs to consider before the close of session on September 10. By its own rules, Friday, September 3, 2021, is the last day for the Legislature to amend bills on the floor. Despite this deadline, the Legislature has the power to suspend its own rules and many things can happen in the final days, notwithstanding the passage of certain deadlines in the legislative calendar. However, the Legislature cannot waive the requirement that a bill be in print for at least 72-hours in its “final form” before each house can vote on it. Derived from 2016’s Proposition 54, this constitutional requirement sets Tuesday, September 7, 2021, as the absolute last day for any legislative measures to be amended before the end of the session.

Latest PPIC Polling on Gubernatorial Recall

Earlier this week the Public Policy Institute of California (PPIC) came out with its final poll before the September 14 special election that asks voters whether they would like to oust Governor Newsom and who they would like to replace him with to finish out the current gubernatorial term.

The poll finds that among likely voters, 39% would vote to remove Governor Newsom, while 58% would vote no. The share saying they would vote yes is nearly identical to previous PPIC surveys in March (40%) and May (40%). Governor Newsom’s approval rating also remains steady as 53% of likely voters approve of how the Governor is handling his job.

With these strong polling numbers heading into the election, it seems at this point the number one factor that can hurt Newsom is the enthusiasm gap between Democrats and Republicans. According to the poll, 54% of likely Republican voters and 53% of likely independent voters say that they are more enthusiastic about voting in the recall election than usual, compared to just 40% of Democrat likely voters. With registered Democrats outnumbering Republicans by a near 2:1 margin in the state, high turnout will undoubtedly benefit Governor Newsom; however, given the enthusiasm gap between Republicans and Democrats, a low turnout would likely hurt the Governor and increase his chances of being recalled.

Bottom line seems to be that the Governor needs to turn out enough Democrats in this election in order to counteract the strong enthusiasm that the Republicans have in voting in this off-year special election.

Leilani Aguinaldo

Note: The teacher shortage issue could be something that the clean-up trailer bill may look to address by changing statute to ease the burden of LEAs that are struggling to find enough teacher for their classrooms.

Not Enough Subs: California Schools Face Severe Teacher Shortage

By Joe Hong
CalMatters
September 1, 2021

Kelly Rhoden, the principal at Nevada Union High School, spent her morning Monday scrambling to find substitutes for her absent teachers.

The school, about 60 miles northeast of Sacramento, has 86 teachers. Thirteen were out on Monday.

“We have quite a few teachers out either because they’ve tested positive, they’re symptomatic, or they have their own children who are in quarantine,” she said. “At the end of the day, we just don’t have enough substitutes.”

Across California, the substitute teacher shortage is another burden in an already challenging school year. Administrators are taking desperate steps to make sure there’s an adult in the classroom when teachers are absent, resorting to using non-teaching staff who have their own critical responsibilities during the typical school day, especially during the first fully in-person school year of the pandemic.

Nevada Union High and the rest of the Nevada Joint Union High School District share a pool of substitute teachers with eight other districts in Nevada County. Last year, the pool was stretched so thin that Nevada Joint Union shut down schools due to a sub shortage. District officials are worried it’ll happen again.

“Last October, we had to go back to distance learning because I ran out of substitutes,” said Brett McFadden, superintendent of Nevada Joint Union High. “Not because we didn’t have enough protective equipment. I ran out of adults.”

McFadden said even he has had to sub for a class.

According to County Superintendent Scott Lay, the county went from having about 200 substitute teachers before the pandemic to less than 70 today. As a result, principals like Rhoden are forced to place counselors and administrators in classrooms. Even then, Rhoden fell short three substitutes on Monday.

The substitute shortage is worsened by an underlying teacher shortage. Several district officials interviewed by CalMatters said they started the school year with some classrooms being assigned a long-term substitute.

In hopes of attracting more subs, districts have increased their pay rates, triggering similar raises at neighboring districts. But administrators say money won’t create more educators.

“You get to a point where you’re just begging and borrowing people from all over the district,” McFadden said. “I love my students dearly, but I’m not gonna leave 30 of them alone in a room.”

How bad is the sub shortage?

California has seen declining numbers of new substitute teachers every year, according to the California Commission on Teacher Credentialing, the agency that licenses full-time and substitute teachers.

In the 2018-19 school year, the agency issued about 64,000 substitute teaching permits. In 2020-21, it issued close to 47,000.

Prospective substitute teachers need to hold a bachelor's degree and meet the "basic skills requirement" either by providing a standardized test score or by having B's or better in college-level reading, writing and mathematics courses.

"It's not terrifically challenging to get a sub permit in California," said Mary Sandy, the executive director of the Commission on Teacher Credentialing. "But the need is utterly critical."

At San Bernardino City Unified, the number of substitutes at the district's disposal shrank from 1,000 before the pandemic to 700.

Marcus Funchess, who oversees human resources for the district, said only about 92% of teacher absences are covered each day.

"Right now our substitute teacher shortage is a concern due to the number of teachers who might need to quarantine," he said. "On one day we could have up to 45 jobs uncovered."

Why is the substitute teacher force shrinking?

Aaron Estrada, a substitute in the Chula Vista Elementary School District, said many substitutes left the profession last year because the pay wasn't worth the risk of being surrounded by unvaccinated students and staff.

"It's difficult to try to make a living off substitute teaching," he said. "For a lot of people, it didn't seem worth it."

Some school districts, especially those in rural communities, rely heavily on retired teachers to work as substitutes. But for those older educators, the risk of returning to the classroom is even greater.

"Retirees have their own fears," said Rhoden, the principal at Nevada Union High. "They want to keep their own health at the forefront."

Mike Teng, CEO of Swing Education, a company that helps over 200 school districts find substitute teachers, said the sub shortage is consistent with staff shortages in the service sector.

"It's tough. Substitute teachers have left and haven't come back," he said. "And we're potentially trying to compete with all the other industries for workers."

Rosi Martinez, the president of the local teachers union at Chula Vista Elementary, said former substitute teachers are reluctant to return because they're making more money from unemployment benefits.

“At one point we were only filling about half of teacher absences,” she said. “That’s pretty much unheard of.”

Rising pay and lowering barriers

In an effort to entice substitute teachers back into the classroom, the administration at the Chula Vista Elementary School District held an emergency meeting in early August to increase pay for subs.

The district increased pay for short-term subs from \$122 to \$200 a day. For long-term substitutes, the pay went from \$180 to \$283 a day. In response, the neighboring Sweetwater Union High School District increased its rate from \$160 to \$240 a day.

“You can say it’s a bidding war, but that’s just the market,” Teng said. “But substitute teachers still aren’t paid enough.”

Elk Grove Unified has proposed raising its substitute pay rates, especially for current and retired teachers and counselors. These substitutes could make \$350 a day, once the district’s school board approves the raises.

At San Bernardino City Unified, the district gave substitutes a 2% raise and paid \$12,000 for digital billboards to advertise its substitute positions on the freeways. Funchess said the district would increase pay if this aggressive advertising campaign doesn’t attract enough substitutes.

Apart from raising pay, district leaders said the Commission for Teacher Credentialing could take steps to remove other barriers like the \$100 fee and the requirement for a bachelor’s degree.

“We could use any temporary reprieve,” Funchess said. “Some other states don’t require a bachelor’s degree to be a substitute teacher. It’s worth a discussion here.”

A sub shortage on top of a teacher shortage

The substitute shortage is just a symptom of an ongoing teacher shortage, according to district administrators. Because some districts across the state started the school year with unfilled teaching positions, some students have only had a substitute teacher in the weeks since school started.

In the 2020-21 school year, 13,558 of California’s teachers retired, 1,000 more than the previous year, according to data from the California State Teachers’ Retirement System.

Mary Sandy at the Commission on Teacher Credentialing said the agency must credential about 20,000 teachers a year to keep up with the staffing needs of districts across the state. Last year, only about 14,000 teachers received their credentials.

And while this year’s state budget includes a historic amount of funding for California’s schools, no amount of money can overcome the bottom line of a personnel shortage.

At Nevada Joint Union High School District, Superintendent Brett McFadden said despite raising the daily rate from \$100 to \$150 per day, finding substitutes continues to be a challenge especially in more rural and remote parts of the county.

“I don’t have a money problem,” he said. “I have a resource problem.”

Until district and state officials find more effective ways to recruit qualified teachers, principals like Rhoden will start their days rushing to put an adult in every classroom.

“I don’t know if another pay raise would work to be honest,” Rhoden said. “I just don’t think there’s enough teachers out there.”

Note: State Board President Linda Darling-Hammond’s commentary looks to provide a positive narrative on California’s school reopening by highlighting the unprecedented actions that state has taken to get to this point.

California Leads the Way on Safe School Reopening

By Linda Darling-Hammond
EdSource Commentary
September 1, 2021

California is launched on a new in-person school year just as the highly contagious Delta variant of Covid-19 is sweeping across the country.

Delta has certainly complicated the well-laid plans of our school leaders, as it required expanded testing and some quarantines but, in contrast to many other states, the path to opening schools in this state has shown promising results thus far — thanks to the focused efforts of principals, teachers, support staff, parents and students.

And, with continued vigilance and state policy support, the year promises to be even smoother in the coming months.

As of this week, our 20 largest districts, plus hundreds of smaller districts, will have opened on schedule. The remainder are on course to do so as well. While community-based infections have been identified by schools’ testing programs and required some quarantines as students return, schools have largely made the necessary preparations to manage those processes.

As just one example of the strong planning that has allowed safe reopening, Los Angeles Unified tested students on their way back to school, identifying about 3,250 positive cases of Covid-19 out of 350,000 tests (less than 1%). The district sent those students and their close contacts (another 3,000 students) home to quarantine under medical care, preventing community cases from becoming a source of more widespread quarantine within the school system.

Regular testing that can reduce infection, along with universal mask use and improved ventilation systems, will continue for students and staff to ensure a safe and stable school year. The large majority of parents and educators have voiced support and gratitude for these safety measures, as 97% of students have returned for in-person instruction.

This was made possible by the extensive planning of local leaders and by an intensive set of state supports designed to enable schools to safely engage in in-person instruction this school year in the face of the ever-shifting pandemic. Gov. Gavin Newsom, along with state public health and education leaders, has been laser-focused on providing the tools and resources that would be needed. In March, Newsom signed a \$6.6 billion

package to fund safety measures such as personal protective equipment, classroom ventilation upgrades and Covid-19 testing to help schools bring students back on campus.

In addition to funds for safety and prevention measures, the package included \$4.6 billion to expand academic, mental health and social-emotional supports, including over the summer. As a result, 9 out of 10 districts offered summer school and expanded learning programs that helped students reengage with in-person learning and reconnect safely with each other and their teachers. Moreover, 98% of districts used those funds to kick off the school year with expanded mental health, after-school and learning supports, like high-dose tutoring.

Alert to public health signals about the coming wave of Delta, on July 12 California was the first state in the nation to issue a renewed masking mandate for all adults and children in schools. Sixteen other states have now done the same — most of them in the last week — as they were overwhelmed with Covid cases in their schools. On Aug. 11, California also became the first state to require vaccines or weekly testing of all school employees, on the heels of a similar requirement for all government workers. Now other states and large cities across the nation have begun to follow suit.

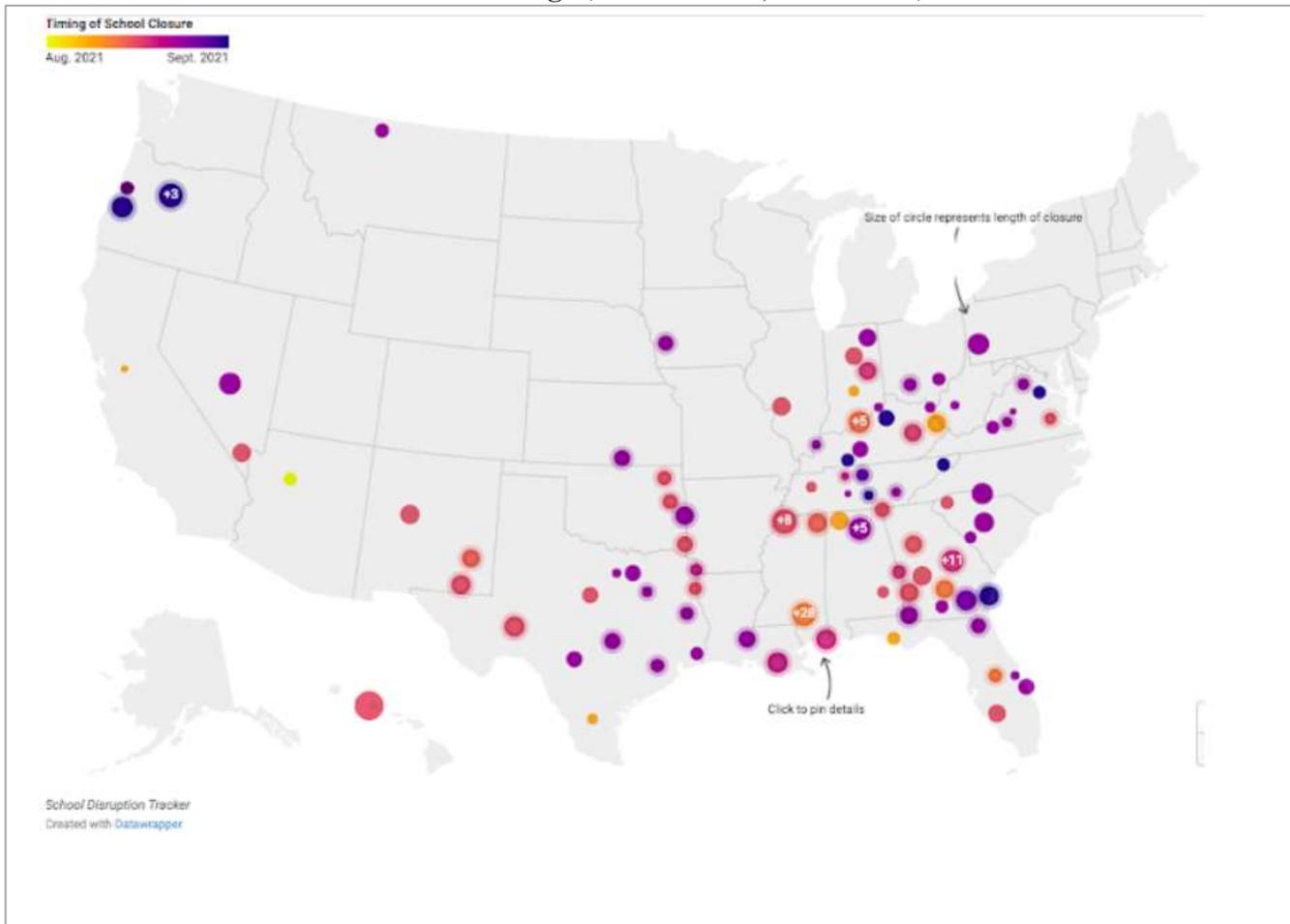
Since last spring, the state has at least partially vaccinated more than 80% of its eligible population. California has expanded outreach in multiple ways, including the deployment of vaccine vans for high-needs neighborhoods and school-located vaccine clinics for all who will host them. This can be an especially critical strategy for getting students vaccinated, given the important role that schools can play in encouraging parents to vaccinate their children.

The state also mounted a program to provide free Covid-19 testing to all schools and districts, including multiple options for the types of testing systems to meet community needs, and has distributed over 3 million testing kits. Nearly 700 of the state's more than 1,000 districts have taken advantage of these programs to set up testing systems. School outbreak response teams offering testing and vaccine resources are being deployed to schools with the most acute challenges as schools deal with the cases that are coming in from the community.

By contrast, reopenings have been much more chaotic in states that have not embraced clear safety measures. Although schools have not yet opened in the Northeast and most of the Midwest, there have already been school closures for more than 700 schools in 158 districts across 25 states in the first two weeks. Most of these cases are coming in from the community.

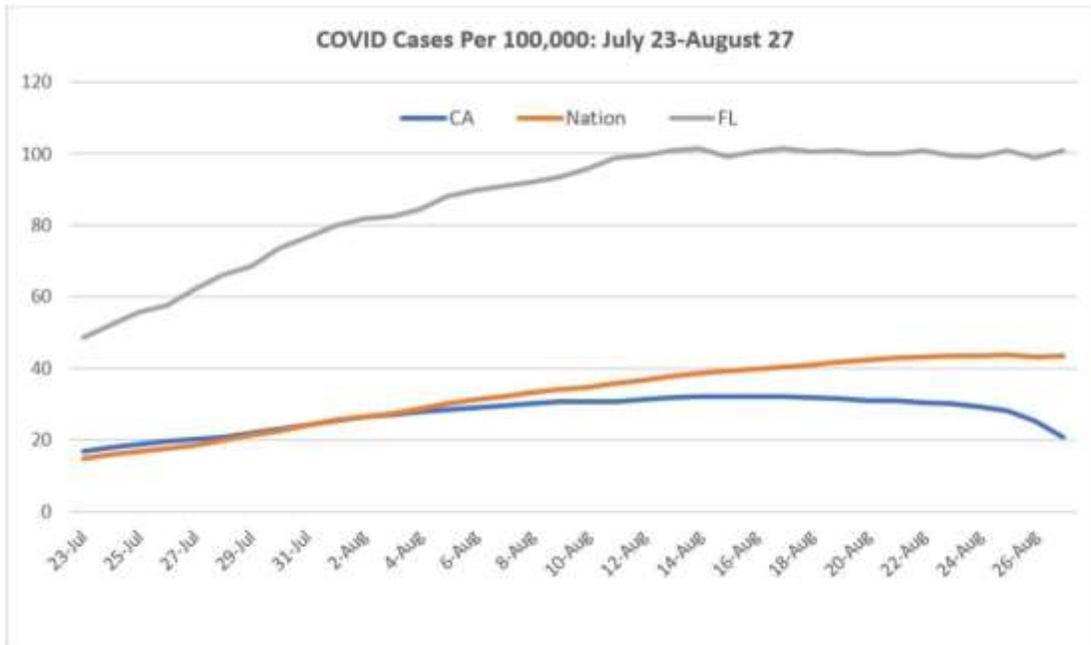
But when schools do not engage in safe practices — attention to masking, ventilation, hygiene, testing, tracing and quarantining — transmission can occur within the building.

School Closings (As of 8/30/21, via Burbio)

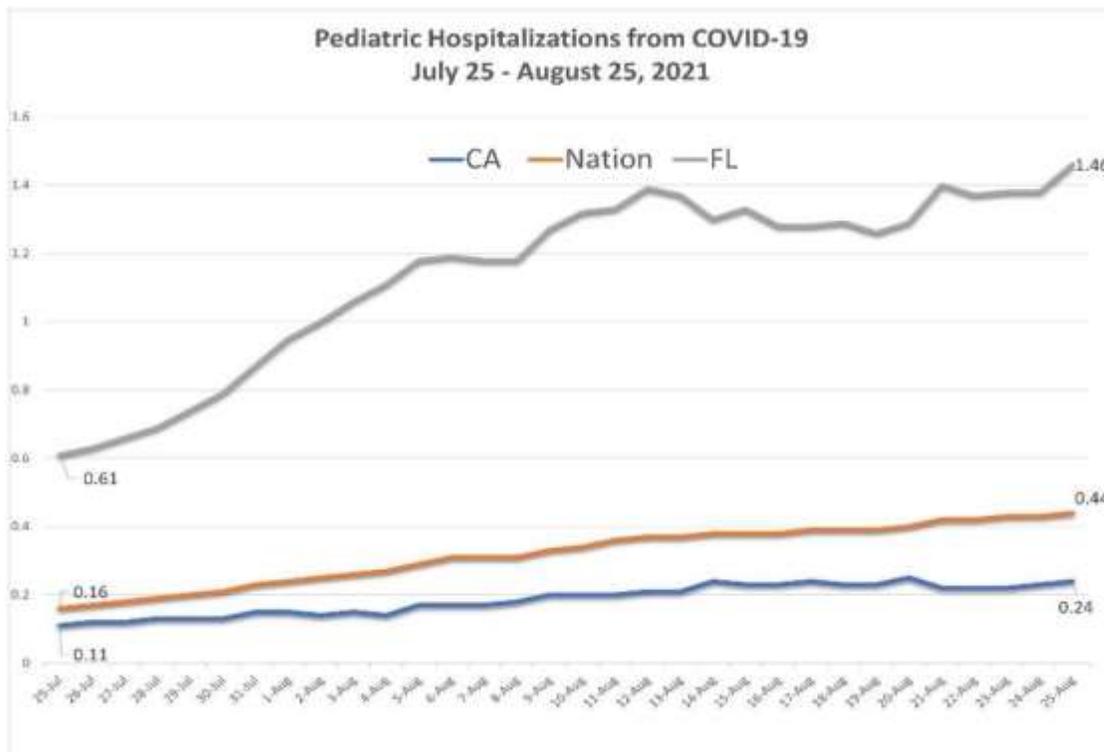


Until last week, few states required universal masking in schools, and at least eight states had forbidden mask mandates despite evidence that Covid cases were rapidly climbing in camps and school settings where children — and many adults — were unvaccinated and unmasked. Overall case rates, as well as pediatric hospitalizations, have grown rapidly in these states.

The situation is perhaps most challenging in Florida, where the governor not only banned mask mandates but threatened school funding and employees’ salaries if they required students to wear masks in school. Florida case rates and pediatric hospitalizations have climbed to a level more than five times greater than California’s, with no signs of improving.



Source: Centers for Disease Control Data Table for 7-Day Moving Average of New Cases (per 100,000) https://covid.cdc.gov/covid-data-tracker/#compare-trends_comptrends-cases-daily-rate-log



Graph shows the number of new hospital admissions per 100,000 for the 0-17 age group. Source: Centers for Disease Control Covid Data Tracker (<https://covid.cdc.gov/covid-data-tracker/#new-hospital-admissions>)

Meanwhile, California's rates remain significantly below the national average. Case rates here actually began declining in the last week while continuing to rise in most other states.

The path to a safe and stable school year depends on continuing to increase vaccination rates in all households, and on continuing safe mitigation practices in schools. Science shows that multilayered strategies such as masking; vaccination; testing and screening; handwashing; and ventilation are highly effective at preventing infection. Many studies have shown that in schools and child care settings where these rules have been followed, there is little or no transmission within schools, even when there are high rates of cases in the community as a whole.

In particular, masking is the most fundamental and effective tool against this airborne virus. In the countries that have kept their schools and societies open throughout the pandemic, masking has been a core strategy. It prevents transmission so well that, according to the Centers for Disease Control and Prevention and the California Department of Public Health, even when there is a case of Covid discovered, if the person infected and those exposed are all masked, quarantine is not needed if the exposed people are tested and remain asymptomatic. This, too, will support in-person instruction with minimal disruptions throughout the school year.

The surest path to safe and full in-person instruction throughout the school year is a strong emphasis on these reliable prevention measures: vaccines, masks, testing, tracing and ventilation. Currently, nearly half (46%) of California's 12- to 17-year-olds are vaccinated, and concerted efforts can increase this number in the weeks to come. A vaccine for 5- to 11-year-olds is expected by early winter, followed within a few months by a vaccine for 2- to 4-year-olds.

As more of our districts hold vaccine clinics onsite for students and families, and as all of our schools continue their vigilance, Californians will be able to rely on safe schools, and we will likely see a continuing decline in case rates. While there will be many challenging moments ahead, California's policies can continue to lead the way through this pandemic to a safer future that supports students' learning and development, their relationships and friendships, their social and emotional well-being, and their educational progress.

...

Linda Darling-Hammond is president of the California State Board of Education and an adviser to Gov. Gavin Newsom.

Note: Conservative talk show host Larry Elder has been the polling favorite to replace Governor Newsom should the voters vote to remove him from office.

Newsom, Elder Sharpen Their Attacks After Poll Shows Support for Recall Effort Waning

By Phil Willon and James Queally
Los Angeles Times
September 2, 2021

Gov. Gavin Newsom and Republican Larry Elder, the leading candidate trying to replace him in the upcoming recall election, on Thursday accused each other of putting the lives of Californians at risk, an increase in campaign hostilities that comes a day after a new poll showed the governor appeared likely to survive efforts to oust him from office.

Appearing in San Francisco's Chinatown, Newsom attacked Elder for vowing to immediately rescind the state's public school mask mandates and vaccine requirements for state and healthcare workers, a change the governor said would reverse California's success in mitigating the spread of the coronavirus. COVID-19.

"That's a life and death decision," Newsom said of the Sept. 14 recall vote at a news conference with Asian American leaders supporting his campaign.

Meanwhile Elder made an appearance at the the Hall of Justice in downtown Los Angeles on Thursday, where he was flanked by those who have lost loved ones to violent crime, and accused Newsom of failing to keep California safe through his policies and his support of progressive prosecutors such as L.A. County Dist. Atty. George Gascón.

Calling Gascón "soft on crime," Elder blamed him for a spike in violence in the state's largest city and criticized his refusal to make use of sentencing enhancements in most cases.

"Without Gascón, these crimes would be prosecuted to the fullest extent of the law. Gascón ... is a product of our governor, Gavin Newsom," Elder said.

The scenes that played out more than 400 miles apart Thursday morning followed the release of the poll by the nonpartisan Public Policy Institute of California that indicated that Elder has cemented himself as the leading replacement candidate in the recall campaign.

Among likely voters, 26% favored Elder, far more than the 5% supporting the second-place finisher, former San Diego Mayor Kevin Faulconer.

The survey also showed that most likely voters wanted to keep Newsom in office. Fifty-eight percent of voters surveyed in California oppose removing Newsom from office compared to 39% who support recalling the governor.

Newsom said Thursday that he won't allow those findings to make him complacent.

"Polls don't vote, people vote. Period, full stop," Newsom said. "This is an off year, off-month election. That's what recall is about. It's designed to catch you asleep."

While the Democratic governor said California's recall process has been "weaponized," he declined to say if he thought changes to the system were warranted.

Newsom reiterated his concern that many Democratic voters may have been unaware that a recall election was even taking place, while Republicans have by charged up by continual coverage of the recall on Fox News, Newsmax and other conservative media outlets.

"I think people are waking up to what this is about, and what Larry Elder is all about," Newsom said.

As he has for weeks, Newsom ripped Elder for opposing abortion rights, for saying there should be no minimum wage and siding with former President Trump's false assertion that the 2020 presidential election was rigged against him.

Democratic Atty. Gen. Rob Bonta, whom Newsom nominated to the post to fill a vacancy created when Xavier Becerra became secretary of the U.S. Department of Health and Human Services, also accused Elder

of being anti-immigrant and misogynistic. The latter was a reference to Elder's past comments about women, including a 2000 column where he said women "know less than men about political issues."

"Larry Elder is the exact opposite of this governor and he's very dangerous. His leadership will lead to lives lost," said Bonta, who joined the governor on Thursday.

Shortly before Bonta made those comments, Elder did his best to tell California voters what Newsom was all about.

Elder accused Newsom of being directly responsible for the actions of Gascón and San Francisco Dist. Atty. Chesa Boudin and lambasted the governor for a wide range of issues including his management of state forests amidst surging wildfires and steps taken to reduce the state's prison population during the COVID-19 pandemic.

"The No. 1 responsibility of government is to protect people and property. No. 1. By far," Elder said. "And under this Governor, some 20,000 convicted felons were released early ... many of them violent offenders, and based upon statistics, they are likely to re-offend. What could possibly go wrong?"

While crime has risen this year in Los Angeles, the surge traces back to before Gascón took office and mirrors a surge in homicides seen in most American cities last year, regardless of the politics of their elected prosecutor.

Violent crime also actually decreased in San Francisco during 2020, Boudin's first year in office. Presented with those statistics, Elder said the Newsom, Gascón and Boudin were still to blame for their support of "false narratives" about police and for emboldening criminals by supporting policies aimed at reducing high incarceration rates, like Proposition 47.

"It's called the Ferguson effect, or the George Floyd effect, pushed by the left, who are attacking officers for doing their job, and what's happening is officers are pulling back. Arrests are down. Stops are down. When arrests are down and stops are down crime goes up," he said. "When you decrease the possibility of a bad guy being caught, being convicted and being incarcerated, crime will go up and I absolutely trace those policies right to the doorstep of people like Gascón and Boudin and Governor Gavin Newsom."

As he seeks to unseat Newsom, Elder was joined by a number of crime victims who have spearheaded an effort to recall Gascón from office in Los Angeles. The local effort, which Elder supports, has garnered less than half the signatures needed to force a recall election. The recall effort must hit its signature mark by late October.

Tania Owen, the widow of a murdered L.A. County sheriff's department sergeant who has emerged as one of the leading proponents of the effort to recall Gascón, said she wants Newsom booted out of office because he needs to be held accountable for his role in Gascón's election.

"Gavin Newsom is directly responsible for giving Los Angeles County residents George Gascón. Newsom appointed Gascón [San Francisco police chief and later district attorney], he supported Gascon and he endorsed Gascón... If Gavin Newsom is Dr. Frankenstein, George Gascón is his monster."

Fresno Unified School District
Board Communication

BC Number AS-2

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

Date: September 10, 2021

Phone Number: 457-3907

Regarding: September Legislative Committee Meeting Cancellation

The purpose of this communication is to provide the Board information regarding the September Legislative Committee meeting. Due to scheduling conflicts, the September Legislative Committee meeting was cancelled. However, School Services of California has provided their September 2021 report, attached, which contains information and updates on both budget and legislative matters as of September 02, 2021. In addition, the report includes the following important information:

- Ask SSC... What Determines Attendance Under Independent Study?
- Ask SSC... How Do I Protect ADA When Students Quarantine?
- Help! I've Quarantined and I Can't Get (My ADA) Up!
- Ask SSC... Executing Written Agreements for Quarantined Students
- Changes to Post-Retirement Employment for CalPERS Employees
- 180-Day Sit-Out Period Suspended
- Ask SSC... Does the Vaccine Order Apply to All School Workers?
- Draft LCAP Templates Available for Review
- Assembly and Senate Appropriations Committees Take Up Suspense Files

The next Legislative Committee meeting is scheduled for October 07, 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: 09/10/21

Fresno Unified School District

**LEGISLATIVE COMMITTEE MEETING
SEPTEMBER 2, 2021**

2021–2022 Legislative Session

Prepared By:

**Leilani Aguinaldo
Director, Governmental Relations**



Public Education's Point of Reference for Making Educated Decisions



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Ask SSC . . .

What Determines Attendance Under Independent Study?

By Patti F. Herrera, EdD
July 29, 2021

- Q.** Does student participation in live interaction and/or synchronous instruction as part of an independent study program count toward daily attendance?
- A.** First, thank you for submitting this important question about an issue that no doubt has caused some confusion for local educational agencies (LEAs) planning for the 2021–22 school year, and the answer is “it depends.”

Student participation in live interaction or synchronous instruction alone does not generate a day of attendance for them in independent study. Attendance in independent study is determined and generated by the following elements:

- **Traditional Independent Study:** the time value of student work
- **Course-Based Independent Study:** student enrollment in a course(s) certified by a local governing board to be of equivalent rigor to classroom-based courses and making satisfactory educational progress in that course(s)

The time a student accrues for participating in live interaction and/or synchronous instruction is not sufficient to generate attendance for apportionment purposes if that participation, for traditional independent study, is not accompanied by student work that is evaluated for time value by a teacher, or for course-based independent study, if it is not part of a locally certified course(s) and the student is not making satisfactory educational progress.

If as part of a session of live interaction or synchronous instruction, a student completes and submits work assigned and evaluated by a teacher, then that work may be used to generate attendance for that school day. Again, time value of student work for attendance purposes only applies to traditional independent study programs.

While LEAs are required to document student participation in live interaction and synchronous instruction under traditional independent study, lack of participation by a student is counted as “nonparticipatory” and, in and of itself, does not negatively impact attendance..

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Ask SSC . . .

How Do I Protect ADA When Students Quarantine?

By Patti F. Herrera, EdD and Matt Phillips, CPA
August 20, 2021

Q: We are already experiencing mass quarantines in the first weeks of school, and I'm fearful that our average daily attendance (ADA) will be significantly impacted. How do I protect the ADA when students quarantine?

A: The 2021–22 year presents an opportunity to reengage students after nearly a year of distance learning and a summer recess. However, the COVID-19 Delta variant is causing many local educational agencies (LEAs) to address growing infection and exposure rates among students and staff, driving increases in quarantine cases. Before responding to your question about protecting ADA of affected students, it is important to remind LEAs of the current health guidance for schools from the California Department of Public Health (CDPH) relative to modified quarantine requirements, which will help to limit the number of students subject to quarantine if faithfully implemented.

Quarantine for Fully Vaccinated Students

CDPH guidance allows fully vaccinated students exposed to COVID-19 to be exempted from quarantine and testing if they are asymptomatic. However, guidance requires students to wear masks, or face coverings if eligible, indoors while encouraging testing if students begin to experience COVID-19 symptoms. To access quarantine guidance for fully vaccinated students, click [here](#).

Quarantine for Unvaccinated Students

CDPH guidance also allows unvaccinated students to undergo modified quarantine under certain conditions. Specifically, students who are exposed to COVID-19 when both parties were wearing masks and who were in close contact with a COVID-19 case (exposed for more than 15 minutes over a 24-hour period and within 0–6 feet indoors), may continue to attend school in-person if they:

- Are asymptomatic
- Continue to appropriately mask, as required

- Undergo at least twice weekly COVID-19 testing during the 10-day quarantine period
- Continue to quarantine for all extracurricular activities at school

Health guidance for unvaccinated students who were exposed when one or both parties were not wearing a mask differs from the quarantine guidance above. LEAs are advised to familiarize themselves with these important differences by reviewing the CDPH guidance found [here](#) (see numbers 8 and 9 under “Safety Measures for K–12 Schools”).

Using Short-Term Independent Study for Quarantined Students

Now, in response to your question, in the event that a student must quarantine to comply with the CDPH guidance, an LEA should work to ensure continuity of educational services to students. To do this, LEAs may enroll a quarantined student in short-term independent study as provided for in law. Not only does this approach ensure continued instruction and learning, it also provides the opportunity to preserve attendance for students during a quarantine period.

Short-term independent study is distinct from students enrolled in independent study for more than 15 school days in a school year (or long-term independent study) in some important ways, including that short-term independent study programs are not required to:

- Provide opportunities for live interaction and synchronous instruction
- Have a plan for tiered reengagement
- Swiftly transition students to in-person instruction upon request

Although these are important programmatic distinctions, law maintains the requirement for LEAs to generate ADA for students enrolled in short-term independent study through the time value of student work as evaluated by a certificated teacher.

Furthermore, law continues to require that signed master agreements be in place with all the requisite components before ADA can be claimed for a student participating in short-term independent study—no different from prior law nor long-term independent study. Obtaining a signed master agreement in the face of a quarantine is a daunting task no matter how you look at it, but the failure to obtain master agreements could result in lost funding even if the student is completing the appropriate work while quarantined since those agreements are required to be in place before ADA can be claimed. The impact will affect charter schools and county offices of education immediately because those LEAs do not benefit from the ability to use prior-year ADA for funding purposes. For school districts, the inability to accurately capture ADA in the current year may negatively impact their ADA in fiscal year 2022–23.

To avoid ADA losses because of the absence or delay in obtaining compliant master agreements, LEAs should consider obtaining signed master agreements as close to the beginning of school as possible and maintaining those master agreements on file—similar to the emergency cards or free or reduced-price meals applications. In the event that a student

must quarantine, the signed master agreement is already in place, and the student can continue to complete and submit assignments during quarantine. If work is returned in accordance with the master agreement, and the time value of work is sufficient, the LEA can record ADA for the period the student was quarantined.

At School Services of California Inc., we recognize that this is an immense lift in the face of reopening schools, ensuring appropriate staffing, and maintaining the highest health and safety standards for students and staff. Each LEA should consider its own tolerance for lost ADA, and the prevalence of quarantine as a result of the COVID-19 Delta variant when deciding whether to collect master agreements ahead of time, or on an as-needed basis. Our hope is that every LEA is able to provide a continuous educational experience for all students while avoiding fiscal penalties because of missing paperwork.

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Help! I've Quarantined and I Can't Get (My ADA) Up!

By Patti F. Herrera, EdD and Matt Phillips, CPA
August 25, 2021

In recent weeks and even days, we at School Services of California Inc. (SSC) have been contacted by local educational agencies (LEAs) who have commenced their 2021–22 school year and have already had cases of COVID-19 infections and exposures, compelling them to send students and staff into quarantine. The most common fiscal question we have been receiving is: How do I protect my average daily attendance (ADA) for the period that students are in quarantine?

SSC posted an article about an option for generating ADA under quarantine prospectively (see “[Ask SSC . . . How Do I Protect ADA When Students Quarantine?](#)” in the August 2021 *Fiscal Report*), but for LEAs that have already quarantined students—some by the hundreds—retroactively implementing an independent study program for them may not be viable, even with the 30-day window in [Education Code Section \(EC §\) 51747\(g\)\(9\)\(F\)](#) to collect agreements after the first instructional day. So, what can an LEA do in this circumstance?

There are two salient laws that provide a path to help an LEA preserve ADA and funding under this circumstance. First, [EC § 46392](#) authorizes LEAs that experience a material decrease in ADA due to emergencies, including health epidemics, to file requests for protection with the State Superintendent of Public Instruction (SSPI)—we refer commonly to this provision as the J-13A waiver. Normally, LEAs must experience at least a 10% loss in ADA in order to qualify for a J-13A waiver; however, during declared states of emergency like the COVID-19 emergency we are currently under, this threshold does not apply. Thus, an LEA may apply for a J-13A waiver even when only partial classrooms and/or partial school ADA is impacted.

The second salient law is found in [EC § 46393](#), which established a new requirement for LEAs to have a plan to offer independent study to students impacted by an emergency. The important provision in this section for LEAs that have already quarantined students and have experienced a material decrease in ADA as a result, is that the new independent study requirement only applies to emergency events occurring *after* September 1, 2021, and for which J-13A waiver requests are filed.

Therefore, LEAs for which the 2021–22 school year has already begun and that have had to quarantine students infected by or exposed to COVID-19 may file J-13A waiver requests with the SSPI without a plan to offer independent study. If approved, the waiver will protect LEAs from any material loss in ADA and funding.

It is worth reiterating that this option exists only for emergencies occurring *before* September 2, 2021. On or after September 2, LEAs will be required to include in their J-13A affidavits a plan to offer independent study for impacted students. It is also worth noting that the plan to offer independent study to impacted students is not subject to [EC § 51747\(d\) – \(f\)](#), which includes opportunities for students to participate in live interaction or synchronous instruction, tiered reengagement or intervention strategies, and plans to transition students back to in-person instruction.

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Ask SSC . . .

Executing Written Agreements for Quarantined Students

By Matt Phillips, CPA and Patti F. Herrera, EdD
August 27, 2021

- Q.** I read your article, “[Ask SSC...How Do I Protect ADA When Students Quarantine?](#)” proposing that we consider collecting independent study written agreements as soon as possible so that we can claim average daily attendance (ADA) for any student we may have to quarantine due to COVID-19. Can you provide more guidance about how this would work and how we might implement this locally?
- A.** This is a great question since local educational agencies (LEAs) traditionally have not collected written agreements in a time of crisis for students who may need temporary instruction outside the classroom. But, these are extraordinary times that require extraordinary measures, along with a dose of innovation.

Before offering administrative options for how to collect agreements, let’s first address some technical aspects of the written agreement to ensure that those you collect from your students, parents, and staff are valid when you quarantine a student and temporarily enroll them in independent study.

Duration of Agreement and Student Participation

Law requires, and the 2021–22 Annual Audit Guide includes, that written agreements include the duration of the agreement, including the beginning and end dates of a student’s participation in independent study, which is not to exceed one year (see [Education Code Section \[EC §\] 51747\(g\)\(5\)](#) and [2021–22 Annual Audit Guide, D\(3\)\(h\)\(6\)](#)).

In this case LEAs may elect to use the beginning and end dates of their 2021–22 school year as the duration of the agreement, during which time a student may participate in independent study. Because LEAs may not know when a student will be subject to a COVID-19 quarantine at the time written agreement is signed, LEAs would also need to document, either on the written agreement, or on an addendum to the written agreement, the beginning and end dates of a student’s participation in independent study if those dates differ from the duration of the agreement.

Required Signatures and Dates

Law also requires that a written agreement be signed and dated by the student (and their parent, guardian or caregiver if the student is less than 18 years of age), the general supervising teacher, and all persons who have direct responsibility for providing assistance to the student before the commencement of independent study (see [EC § 51747\(g\)\(9\)](#) and [2021–22 Annual Audit Guide, D\(3\)\(h\)\(9\)](#)). If all required signatures and dates of those signatures are in place before the beginning of independent study instruction begins, an LEA may claim attendance for the instructional days when a student is under quarantine.

Now that we have addressed two main elements of the written agreements to help address the unusual year, let's talk about your options for collecting them from your students and families.

Depending on your local context, LEAs may consider one of two options, or modifications of either. One option LEAs may consider, which is only viable because of a unique provision of the law that applies to the 2021–22 school year only, is to issue the written agreement to any student subject to quarantine at the time of quarantine. What makes this option is feasible is [EC §51747\(g\)\(9\)\(F\)](#), which authorizes LEAs to collect signed written agreements from all parties no later than 30 days after the first day of the student's instruction. If LEAs choose this option, they should consider starting the term of the agreement from the day the student is subject to quarantine through the remainder of the academic school year in the event the student needs to be quarantined at a future date.

A second option is to send the written agreements to all your families with students that have elected to return to in-person instruction and request that they sign the agreement, which inherently acknowledges your plan to continue their students' academic program through independent study if they should be quarantined. This approach will ensure that you have a valid independent study written agreement for any student who may be subject to quarantine at any time during the school year. And since the agreement will be on file, you can commence instruction and collect ADA through independent study immediately. This approach may require significant administrative effort and time upfront. Furthermore, LEAs should carefully consider how to message their plans to their families so as not to create confusion or spawn concern.

Although the 2021–22 Annual Audit Guide has not been updated to incorporate the provisions of Assembly Bill (AB) 130 (Chapter 44/2021), AB 130 did not amend the legal requirements pertaining to the duration of the written agreements and required signatures.

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Changes to Post-Retirement Employment for CalPERS Employees

[Editor’s Note: The table below has been edited to clarify that the 960-hour limitation and the 60-day bona fide separation in service requirements continue to be suspended.]

By Charlene Quilao, Danyel Conolley, and Suzanne Speck
July 30, 2021

On July 20, 2021, the California Public Employees Retirement System (CalPERS) issued [Circular Letter #200-046-21 – Revised](#) to provide updates regarding the impact to post-retirement employment for public employees as a result of Governor Gavin Newsom’s Executive Order N-08-21.

Effective July 1, 2021, Executive Order N-08-21 rescinds the sit-out period and work-hour limitation requirements, which were waived by a prior Executive Order (Executive Order N-25-20) to support staffing during the COVID-19 pandemic. Accordingly, CalPERS post-retirement employees and employers must adhere to the following requirements per Executive Order N-08-21 effective July 1, 2021:

Executive Order N-25-20	Executive Order N-08-21 (Effective July 1, 2021)
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|--|---|
| <ul style="list-style-type: none"> • Suspends: Work-hour limitation of 960 hours and wait period requirements for retired annuitants | <ul style="list-style-type: none"> • Suspension Remains in Effect: Work-hour limitation of 960 hours' suspension is still in effect for those retired annuitants that are hired to provide “adequate staffing during the statewide state of emergency due to COVID-19” until further notice • Resumes: Tracking of hours (i.e. 960 hours in a fiscal year for CalPERS) worked by rehired retirees that are not hired for purposes of ensuring “adequate staffing during the statewide state of emergency due to COVID-19” |
|--|---|

Executive Order N-25-20

**Executive Order N-08-21
(Effective July 1, 2021)**

- **Suspends:** 180-day break-in-service requirement for retired annuitants hire
- **Resumes:** 180-day break-in-service requirement is met prior to rehiring a retiree
- **Suspends:** Retirees employed in vacant positions (Government Code 21221[h]) can only be appointed to the position once
- **Update:** Governor Newsom signed Executive Order N-84-20 on December 14, 2020, to allow retirees to be appointed more than once to the same vacancy
- **Suspends:** 60-day bona fide separation in service
- **Suspension Remains in Effect:** 60-day bona fide separation in service suspended

An employer will need to review and monitor the circumstances surrounding each retiree hired—or whose employment was extended—during the period of COVID-19 to determine if any action needs to be taken to comply with the reinstated rules that may affect an employee’s continued post-retirement employment. Below are a few scenarios for an employer to consider as it is evaluating each retired annuitant in its agency:

Scenario	Resolution
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- **Scenario #1:** Retiree with a start date after July 1, 2021, who plans to return to work prior to waiting the 180-day wait period
- **Resolution #1:** The local educational agency’s governing body must approve the appointment through a resolution as an action item

Scenario	Resolution
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- | | |
|---|--|
| <ul style="list-style-type: none"> • Scenario #2: Retiree was approved to return to work prior to the 180-day wait period under Executive Order N-25-20 with a start date prior to July 1, 2021, and is still in the same position after July 1, 2021 | <ul style="list-style-type: none"> • Resolution #2: Not required to stop working and wait 180 days before returning to work; however, if the retiree changes positions, then resolution #1 above would apply |
|---|--|

An employer must continue to report work hours to CalPERS if it employs any retired annuitants, so as to not violate any of the retirement laws. For additional information regarding CalPERS retirees employed as retired annuitants, contact CalPERS Customer Contact Center at 888-CalPERS or via email at ExecOrderReview@calpers.ca.gov.

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180-Day Sit-Out Period Suspended

By Michelle McKay Underwood
August 17, 2021

Citing the need to “provide staffing flexibility for schools to ensure continuity of in-person instruction for all students,” on August 16, 2021, Governor Gavin Newsom provided flexibility with a new [executive order](#) that allows retired educators to return to the workforce during the customary 180-day sit-out period.

The 180-day break-in-service requirement for retired California Public Employees’ Retirement System (CalPERS) annuitants is once again suspended. This flexibility was provided early on in the pandemic and then revoked in July 2021 (see “[Changes to Post-Retirement Employment for CalPERS Employees](#)” in the July 2021 *Fiscal Report*).

A new flexibility granted, California State Teachers’ Retirement System (CalSTRS) members may work during the 180-day period after retirement without the requirement for a local board to pass a resolution to seek an exemption from the \$0 earnings limitation of the member during that period.

Other requirements/prohibitions for a CalSTRS retired annuitant to work during the 180-day period remain, including:

- The retiree must have reached normal retirement age
- The retiree could not have received a retirement incentive
- The retiree cannot be backfilling his/her own position

Documentation of the employee’s eligibility, excluding the board resolution, is still required prior to commencing work. Finally, the overall CalSTRS earnings limitation was not suspended with this Executive Order.

The Executive Order did not state an end date for these flexibilities.

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Ask SSC . . .

Does the Vaccine Order Apply to All School Workers?

By Leilani Aguinaldo, Danyel Conolley, and Suzanne Speck
August 26, 2021

- Q:** Does the new requirement that school workers be vaccinated or submit to weekly testing apply only to those who work at school sites?
- A:** This is a good question since the August 11, 2021, [order](#) by the California Department of Public Health (CDPH) references schools throughout the order and defines a worker as “all paid and unpaid adults serving in . . . school settings.” Further, school settings are defined as “public and private schools serving students in transitional kindergarten through grade 12,” but it does not apply to childcare programs.

To clarify the order, the CDPH recently published [frequently asked questions](#) (FAQs) and specifically addressed this question. Per the CDPH FAQs, the order applies to all workers employed by a local educational agency, regardless of their assigned job site. However, the order does not apply to school employees working exclusively in a state preschool program or other early learning or childcare program, even if the program operates on a school campus.

For additional information about the CDPH order regarding school workers, see “[State Requires School Staff Vaccinations](#)” in the August 2021 *Fiscal Report*.

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Draft LCAP Templates Available for Review

By Leilani Aguinaldo
August 12, 2021

Assembly Bill (AB) 130 (Chapter 44/2021) includes a new requirement for a one-time Supplement for the Annual Update to the 2021–22 Local Control and Accountability Plan (LCAP) (Supplement). The bill also calls for updates to the LCAP template, expenditure tables, and instructions which must be in place by the July 1, 2022, deadline for local educational agencies (LEAs) to adopt their next LCAP. As part of the process leading up to adoption of the templates by the State Board of Education (SBE), the California Department of Education (CDE) released [draft templates, expenditure tables, and instructions](#) in order to solicit feedback.

Among the details included in the draft revisions to the LCAP template and the draft Supplement template are prompts for school districts and charter schools to describe their use of the additional concentration grant funds provided in the 2021–22 Enacted State Budget to increase the number of staff at particular school sites. The LCAP template also incorporates changes needed to implement the new carryover requirement for the Local Control Funding Formula supplemental and concentration grant funds. Pursuant to AB 130, the draft Supplement template also includes prompts related to the new funds provided to LEAs through the Budget Act of 2021.

Feedback on the drafts can be provided through August 31, 2021, and should be sent to LCFF@cde.ca.gov. The CDE plans to provide final drafts of the documents for the SBE's approval at its November 2021 meeting.

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**Assembly and Senate Appropriations Committees
Take Up Suspense Files**

By Kyle Hyland
August 26, 2021

On Thursday, August 26, 2021, the Appropriations Committees in both the Senate and the Assembly, chaired by Senator Anthony Portantino (D-La Cañada Flintridge) and Assembly Member Lorena Gonzalez (D-San Diego), respectively, took up their suspense files and dispensed with over 500 measures.

Thursday's hearings released hundreds of bills to the house floors. Many of these bills were able to proceed because authors agreed to amendments that addressed fiscal concerns, added coauthors, or reduced costs. We will not know the extent of the amendments until they are officially made public, which should happen in the next couple of days.

The bills that cleared the Appropriations Committees now go to the house floors for consideration before they can head to Governor Gavin Newsom's desk. Since we are in the first year of the two-year legislative session, any bill that did not meet a legislative deadline will be considered inactive for the rest of 2021 (barring any rule waivers), but can potentially be revived next year.

Below we highlight some of the significant education bills that were approved and will be moving forward in the process:

- Assembly Bill (AB) 27 (Rivas, L., D-Arleta) is an urgency measure (meaning it would take effect immediately) that would require local educational agencies to administer a housing questionnaire to identify students who are homeless and annually report this information to the California Department of Education
- AB 101 (Medina, D-Riverside) would add the completion of a semester-long course in ethnic studies to the list of state high school graduation requirements beginning with those graduating in 2029–30
- AB 367 (Garcia, D-Bell Gardens) would require all public schools maintaining any combination of classes from grades 6 to 12 to stock the school's restrooms with an adequate supply of free menstrual products by the beginning of the 2022–23 school year
- AB 438 (Reyes, D-San Bernardino) would extend the existing layoff protocols granted to certificated employees to permanent classified employees

- Senate Bill (SB) 14 (Portantino) is an urgency measure that would add “for the benefit of the behavioral or mental health of the pupil” to the list of categories of excused absences for purposes of school attendance and would require the State Board of Education to update its illness verification regulations to account for including a student’s absence for this purpose

Note: SB 14 was approved by the Assembly Appropriations Committee last week and is already awaiting a vote by the full Assembly

There were also a number of bills that were held by the committees, meaning they are considered dead for the year absent any rule waivers. Of those bills that were held, there were a handful of noteworthy education bills, including:

- AB 22 (McCarty, D-Sacramento) would have required any increases in student enrollment for transitional kindergarten to be funded with General Fund appropriations outside of the Proposition 98 guarantee
- AB 388 (Medina) would have required the following employees to attain permanent employee status after completing a probationary period: certificated employees at county offices of education, instructors at regional occupational centers and programs, and certificated employees at school districts with an average daily attendance of 250 or less

The several hundred bills passed by the Appropriations Committees, along with the scores of bills already waiting for consideration by the full Senate and Assembly, will be debated and will need to be approved by the Legislature prior to moving to the Governor’s desk. The Legislature will resume their work on Monday, August 30, 2021, and will have until the end of September 10, 2021, to send bills to Governor Newsom for this consideration.

Bill Update

SCHOOL SERVICES OF CALIFORNIA, INC.

**Legislative Report Prepared for:
Fresno Unified School District
Status as of: September 1, 2021**

Current 2021 Bills

<i>Bill No./ Author</i>	<i>Title</i>	<i>Position</i>	<i>Current Status</i>	<i>Page</i>
Accountability and Assessments				
AB 599 Jones- Sawyer	Public Schools: Accountability: County Superintendents of Schools	No Position	Senate Floor—Consent	19
Employees				
*AB 438 Reyes	School Employees: Classified Employees: Layoff Notice and Hearing	No Position	Senate Floor—Third Reading	19
Instruction				
AB 86 Committee on Budget	COVID-19 Relief and School Reopening, Reporting, and Public Health Requirements		Chapter 10, Statutes of 2021	19
AB 101 Medina	Pupil Instruction: High School Graduation Requirements: Ethnic Studies	Support	Senate Floor—Third Reading	20
AB 104 Gonzalez, Lorena	Pupil Instruction: Retention, Grade Changes, and Exemptions	No Position	Chapter 41, Statutes of 2021	20
*SB 224 Portantino	Pupil Instruction: Mental Health Education	No Position	Assembly Floor—Third Reading	20
Miscellaneous				
*AB 27 Rivas, Luz	Homeless Children and Youths and Unaccompanied Youths: Reporting		Senate Floor—Third Reading	21
*AB 262 Patterson	Human Trafficking: Vacatur Relief for Victims	Support	Senate Floor—Third Reading	21
AB 516 Dahle, Megan	Pupil Attendance: Excused Absences: Cultural Ceremonies or Events	No Position	Assembly Floor—Third Reading	21

Student Health and Nutrition

SB 14 Portantino	Pupil Health: School Employee and Pupil Training: Excused Absences: Youth Mental and Behavioral Health		Assembly Floor—Third Reading	22
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Accountability and Assessments

[AB 599 \(Jones-Sawyer\)](#)

Amended: 6/29/2021

Title: Public Schools: Accountability: County Superintendents of Schools

Status: Senate Floor—Consent

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 438 \(Reyes\)](#)

Amended: 8/26/2021

Title: School Employees: Classified Employees: Layoff Notice and Hearing

Status: Senate Appropriations Committee—Suspense File

Position: No Position

Summary:

Applies to classified employees a similar layoff process that currently applies to certificated staff. As amended, the bill retains the 60 day notice and layoff provision for classified positions that are funded with temporary funds.

Instruction

[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 Floor—Third Reading**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.

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:** 8/30/2021**Title:** Pupil Instruction: Mental Health Education**Status:** Assembly Floor—Third Reading**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.

Miscellaneous

*[AB 27](#) (Rivas, Luz)

Amended: 8/26/2021

Title: Homeless Children and Youths and Unaccompanied Youths: Reporting

Status: Senate Floor—Third Reading

Position:

Summary:

As amended, the bill would require a local educational agency (LEA) to ensure that each of their schools identify all of their homeless and unaccompanied students. In addition, LEAs that receive designated federal funds would be required to administer a housing questionnaire developed by California Department of Education. 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: 8/26/2021

Title: Human Trafficking: Vacatur Relief for Victims

Status: Senate Floor—Third Reading

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: Assembly Floor—Third Reading

Position: No Position

Summary:

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

Student Health and Nutrition

[SB 14 \(Portantino\)](#)

Amended: 6/17/2021

Title: Pupil Health: School Employee and Pupil Training: Excused Absences: Youth Mental and Behavioral Health

Status: Assembly Floor—Third Reading

Position:

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.

SCHOOL SERVICES OF CALIFORNIA, INC.

**Legislative Report Prepared for:
Fresno Unified School District
Status as of: September 1, 2021**

Two-Year Bills 2021–22

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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 388\(Medina\)](#)

Amended: 3/16/2021

Title: Certificated School Employees: Probationary Employees.

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

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 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.

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.

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.

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 schooldays or 60% of a school week. AB 10 requires these tiered reengagement strategies to include offering at least 50% of instructional minutes each week via in-person instruction. The bill also expands the use of tiered reengagement strategies to also apply after March 1, 2021, to unduplicated pupils who are performing significantly below grade level.

[*AB 22 \(McCarty\)](#)

Amended: 8/16/2021

Title: Transitional Kindergarten: Enrollment: Funding: Planning Workgroups

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

Position: Support

Summary:

As amended on August 16, this bill would require an additional adjustment to the existing grades K–3 Local Control Funding Formula base grant of 14.2% for each transitional kindergarten (TK) pupil enrolled in the school district or charter school. To provide funding for Assembly Bill 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 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.

[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.

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.

SB 237 (Portantino)**Amended:** 6/28/2021**Title:** Special Education: Dyslexia Risk Screening**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**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 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

AB 531 (Quirk-Silva)**Title:** Education Finance: Local Control Funding Formula: Supplemental and Concentration Grants**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**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**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** No Position**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**Status:** Assembly Appropriations Committee—Suspense File—Bill Did Not Meet Deadline**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)**Amended:** 4/13/2021**Title:** Before and After School Programs: Maximum Grant Amounts**Status:** Senate Appropriations Committee—Suspense File—Bill Did Not Meet Deadline**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—Suspense File—Bill Did Not Meet Deadline**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

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.

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.

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 schoolday 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 schooldays.
- 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 meals eligible students for Local Control Funding Formula purposes for each of the following three school years.

Fresno Unified School District
Board Communication

BC Number E&EP-1

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Wendy McCulley, Interim Chief of
Engagement & External Partnerships
Cabinet Approval: 

Date: September 10, 2021

Phone Number: 457-3749

Regarding: 2020/21 Program Awards - Grants Department Update

The purpose of this communication is to provide the Board information regarding the scope of specialized grant programs facilitated through the Grants Department in supporting the advancement of district departments and schools. The Grants Department has historically operated at the Office of State & Federal Programs and recently moved to the Office of Engagement & External Partnerships in June. The Grants Department engages departments, schools, and community leaders to support the development of external funding awards through grants research and development, including program strategy, data analysis, budget development, community partnerships, program reporting and compliance.

Over the 2020/21 school year, the Grants Department supported and developed several specialized grant programs collaborating with multiple departments including Special Education Services, Nutrition Services, Transportation Operations, Early Learning Services, Fiscal Services, the Fresno Adult School, and the Department of Prevention & Intervention. Additional work with district leaders and staff included grant applications to address and/or mitigate the harmful impacts of COVID-19 on students, staff, and families. Concurrently to grants development, the Grants Department provides ongoing management support for the administration of awarded grants during program implementation.

Among grant applications significantly supported from the Grants Department, 22 programs were awarded in 2020/21 generating \$31,623,257 in external funding to the district. Four grant programs from the California Department of Food & Agriculture; the United States Department of Agriculture; Kaiser Permanente Thriving Schools, and Federal Emergency Management Agency remain pending for a potential addition of \$1,093,192.

Through the reassignment of the Grants Department to the Office of Engagement & External Partnerships, the department's focus will be directed to support the five key priorities of the District's Strategic Plan.

If you have any questions or require additional information, please contact Wendy McCulley at 457-3749.

Approved by Superintendent

Robert G. Nelson Ed.D.



Date: 09/10/21

Fresno Unified School District
Board Communication

BC Number OS-1

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

Date: September 10, 2021

Phone Number: 457-3134

Regarding: Potential Facility Naming Opportunities

The purpose of this communication is to provide the Board information regarding potential naming opportunities for school and support services facilities. Below is a sample of the types of district facilities/buildings that may provide naming opportunities.

School Facilities (some are named, most are not)

- Administration Buildings
- Academic Buildings/Wings
- Multi-Purpose Rooms (Cafeterias)
- Libraries
- Ball Fields
- Tracks/Football Fields
- Football Stadiums
- Gymnasiums
- Swimming Pool Complexes
- Tennis Courts
- Other Sports Complexes
- Campus Quads

Support Services Facilities (none are named)

- Education Center
- Board Room and Cabinet Room in Education Center
- Brawley Service Center
- Facilities at Service Center including Maintenance Yard, Bus Yard, Warehouse and Nutrition Center
- E Street Facilities
- Ventura and 10th, South Business Campus – Building A (Professional Learning), Building B (Conference Space), Building C (Special Education, and Prevention and Intervention), Building D (Prevention and Intervention)

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

Approved by Superintendent

Robert G. Nelson Ed.D. _____

Robert G. Nelson

Date: 09/10/21