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**BOARD COMMUNICATIONS – January 21, 2022**  
**Delivered January 24, 2022**

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 Officer**

AS-1 Kim Kelstrom School Services Weekly Update Report  
AS-2 Kim Kelstrom January Legislative Committee Meeting  
AS-3 Santino Danisi Budget Briefing Meetings

**EQUITY & ACCESS – Lindsay Sanders, Chief Officer**

EA-1 Lindsay Sanders 2020/21 Seal of Biliteracy DataQuest Omission

**SCHOOL LEADERSHIP – Kim Mecum, Chief Officer**

SL-1 Edith Navarro Literacy in Grades Kindergarten through Second  
SL-2 Edith Navarro Professional Learning Summit, Winter 2022

Fresno Unified School District  
Board Communication

**BC Number S-1**

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

Date: January 21, 2022

Phone Number: 457-3884

Regarding: Superintendent Calendar Highlights

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

- Met with Executive Cabinet
- Participated in weekly call with Fresno County Superintendents
- Participated in meeting with Wallace Foundation
- Attended Fresno Cradle to Career Leadership Council Meeting
- Attended Wallace Equity Centered Pipeline Initiative Superintendents Meeting
- Met with Labor Partners

Approved by Superintendent  
Robert G. Nelson Ed.D. \_\_\_\_\_



Date: 01/21/22

Fresno Unified School District  
Board Communication

**BC Number AS-1**

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

Date: January 21, 2022

Phone Number: 457-3907


Regarding: School Services Weekly Update Report for January 13, 2022

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

The SSC Weekly Update for January 13, 2022 is attached and includes the following articles:

- Executive Order Provides Temporary Staffing Relief – January 12, 2022
- California Official: Schools Can Return to Remote Learning Due to Staff Shortages – January 12, 2022
- Teachers at West Contra Costa Unified Plan Sick-Out Protests Throughout the Week – January 11, 2022

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

Approved by Superintendent  
Robert G. Nelson Ed.D.



Date: 01/21/22



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DATE: January 13, 2022

TO: Robert G. Nelson  
Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

RE: *SSC's Sacramento Weekly Update*

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## **Governor Newsom Releases the 2022-23 State Budget Proposal**

On Monday, January 10, 2022, Governor Gavin Newsom released his proposal for the 2022-23 State Budget, the final Budget of his first term as California's chief executive. We at School Services of California Inc. released a comprehensive *Fiscal Report* article detailing the Governor's education proposals, which can be found [here](#).

Since the next step in the process is in the hands of the Legislature, we are providing excerpts from responses of legislative leaders and key education policymakers.

### **Legislative Leaders**

“The Senate’s budget priority is to put California’s wealth to work for those who need it most—middle class families and those struggling to get by. The Governor’s initial budget [State Budget] proposal is in line with that goal, and we are already working to ensure the final 2022-23 Budget will meet the needs of the present, build for the future, and reflect the lessons of the past.”

—*Senate President pro Tempore Toni Atkins*

“The Governor’s proposal sets the stage for continued, careful implementation of last year’s bold budget initiatives and new investments in education, transportation, and climate-related infrastructure to benefit all Californians. I want to thank the Governor for his continued support of expanding health care coverage to all Californians.”

—*Assembly Speaker Anthony Rendon*

“As the pandemic continues to ravage families, schools and small businesses, we will pay particular attention to supporting those still struggling as well as increased investments in affordable and homeless housing, our essential workforce, health and mental health services, education infrastructure and actions that strength California’s leadership on climate protection.”

—*Senate Budget and Fiscal Review Committee Chair Nancy Skinner*

“We’re a stronger state when we are all doing better. Clearly, with Omicron cases surging, we should consider taking some early budget actions to respond, including more COVID sick time. In the long term, we must continue making sure California’s strong economic recovery touches every resident... I’m happy to see a number of the Governor’s priorities is aligned in the Assembly Budget Blueprint, Delivering Prosperity & Strengthening the Future.”

—*Assembly Budget Chair Phil Ting*

“The Governor’s proposal to increase the Local Control Funding Formula (LCFF) cost-of-living adjustment (COLA) by 5.33%, the highest COLA since the Great Recession, address enrollment loss, alleviate COVID-19 demands on schools, and bolster resources in higher education are a good start for our work ahead.”

—*Senate Budget Subcommittee on Education Chair John Laird*

“I’m pleased to see funding to implement Universal Transitional Kindergarten, and for new child care slots and higher reimbursement rates. This will be a key issue for the Legislature as we work to make high quality 0-5 early education universal for all families.”

—*Assembly Budget Subcommittee on Education Finance Chair Kevin McCarty*

“As chair of the Senate Education Committee, I am delighted by the historic funding for education, which will continue to set California as an educational leader across the nation. Specifically, I celebrate the additional option for an ADA [average daily attendance] hold-harmless, as well as investments in green school buses, \$373 million for early learning rate reform, additional \$3.4 billion for expanded learning, \$1.5 billion for new career pathways, \$500 million for special education, and addressing the total cost of attendance in higher education through efforts such as student housing.”

—*Senate Education Committee Chair Connie Leyva*

“While the proposed 5.33% COLA (cost-of-living adjustment) for the Local Control Funding Formula (LCFF) is [a] very good start, it’s too low. Given the amount of funds that are available, we have an opportunity to make a historic investment by building up the LCFF base. We don’t need a lot of new programs this year. We created many new programs in the current year’s budget and school districts do not have the staff or capacity to implement more programs. Instead, we should increase the base to support local needs in the years to come.”

—*Assembly Education Committee Chair Patrick O’Donnell*

## **Next Steps**

The release of the 2022-23 State Budget proposal kicks off the months-long State Budget process. The Senate Budget and Fiscal Review Committee will hold their first hearing on the Governor’s proposal next Wednesday, January 19, 2022. The committee will hear a high-level overview of the State Budget proposal from representatives of the Department of Finance and Legislative Analyst’s Office. The Assembly Budget Committee’s overview hearing is scheduled for the following Wednesday, January 26, 2022. State Budget trailer bills, which provide the details and mechanics of the Budget proposals, are generally not available until early February.

However, since the Governor is asking the Legislature to take early action to allocate \$1.4 billion to increase vaccination rates/expand testing and modify the COVID-19 Supplemental Paid Sick Leave (SPSL), the trailer

bill for that proposal is likely to be released sooner. As a reminder, the COVID-19 SPSL provided employees with up to 80 hours of COVID-19-related paid sick leave for themselves or a family member subject to quarantine or isolation, to attend a vaccine appointment, or if they were unable to work or telework due to vaccine-related symptoms. The leave was given pursuant to Senate Bill 95 (Chapter 13/2021), which expired on September 30, 2021.

Over the next several months, the Legislature will delve into the Governor's 2022-23 State Budget proposal and discuss their own funding priorities. Governor Newsom will negotiate with members of the Legislature, and we will likely see many changes to the 2022-23 State Budget before the June 15 constitutional deadline for the Legislature to pass the Budget.

*Leilani Aguinaldo*

## Executive Order Provides Temporary Staffing Relief

By Danyel Conolley and Leilani Aguinaldo  
School Services of California Inc.'s *Fiscal Report*  
January 12, 2022

In response to the rise in COVID-19 cases driven by the Omicron variant, Governor Gavin Newsom issued [Executive Order N-3-22](#) (Order) on January 11, 2022, which provides additional staffing options to address short-term staffing needs for in-person instruction. The flexibilities provided in the Order are in place through March 31, 2022, and are focused on providing flexibility for substitute teacher requirements and remove limitations currently in place for retired teachers to return to the classroom.

In response to substitute pools that have been depleted during the pandemic, relief is provided by allowing student teachers to serve in classrooms on their own, extending the number of days that a substitute can serve in a general education assignment, and streamlining the emergency credential application process:

- In line with existing requirements for an Emergency 30-day Substitute Teaching Permit, county offices of education may issue a temporary certificate to expedite placing a substitute teacher in a classroom, and the Order waives the requirement to submit an application to the Commission on Teacher Credentialing. However, substitute teachers who receive the temporary certificate under the Order still must possess a bachelor's degree and obtain a certificate of clearance.
- Substitutes may serve in a single general education assignment no more than 120 days through March 31, 2022. The 30-day limitation was previously extended to 60 cumulative days for general, special, and career technical education assignments, which remains in effect until July 1, 2022.
- The current law under Education Code Section 46300, which requires that student teachers are supervised by a credentialed teacher, is waived until March 31, 2022.

To help with eligibility for teacher retirees to serve as substitute teachers, current limitations on post-retirement earnings and the break-in-service requirement for retirees who are at the normal retirement age have been waived:

- Post-retirement compensation limitations are suspended for compensation earned during the 2021-22 school year through March 31, 2022, for all teacher retirees
- The 180-day break-in-service requirements are suspended through March 31, 2022

In order to utilize the temporary staffing options authorized in Executive Order N-3-22, the local educational agency must make a written finding stating that the staffing options will support in-person services despite staffing shortages caused by the Omicron-driven rise in COVID-19 cases. The document must be signed by the superintendent or designee and made available to the public upon request.

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*Note: With the significant rise in cases from the contagious Omicron variant, many schools may be considering temporarily shifting students to virtual learning offered under independent study, which is permissible pursuant to Assembly Bill 130, last year's education omnibus budget trailer bill.*

## **California Official: Schools Can Return to Remote Learning Due to Staff Shortages**

By Alexander Nieves  
*Politico*  
January 12, 2022

Schools faced with the prospect of closing due to Covid-related staffing shortages and student outbreaks can shift students to temporary remote learning programs, the California Department of Education said Wednesday.

"It is within the law for them to switch to independent study," Mary Nicely, chief deputy superintendent of public instruction, said in an interview. "And so we'd actually probably prefer that over actual school closures for staffing shortages."

**Why it matters:** The CDE's statement appears to create an alternative for districts scrambling to staff schools since winter break amid an Omicron surge that has caused widespread absences. State laws and guidelines promoting in-person learning have made local school officials worried about running afoul of the rules and losing state funding. The Hayward school district recently became a test case as its board approved a temporary move to virtual learning, and other school systems might follow suit.

**Key context:** State lawmakers last year tried to avoid a repeat of California's protracted virtual learning experiment by tightening school funding rules. The budget bill CA AB 130 (21R) threatens to withhold funding from school districts that don't offer access to classrooms. That law, however, does allow students to attend virtually through independent study programs if they are required to quarantine or if an in-person option is offered and their parents sign an agreement with the district.

**Test case:** The Hayward Unified School District became the first in the state to switch to a district-wide independent study model this week when parents were given the choice to sign up for virtual learning or send their kids to learning hubs, where they'd receive lessons on their laptops under staff supervision.

April Oquenda, president of the Hayward school board, said the district believes the program meets the criteria of AB 130, but acknowledged the risk the state will withhold the district's funding for that period. She said some schools were missing teachers in 80 percent of classrooms last week, creating safety risks for students.

"I hope that the state sees our logic and understands what we had to do, but ultimately, the risk was secondary, in terms of the funding, because this is an unsafe learning environment and we just in good conscience cannot do that," Oquenda said.

The district could lose \$2.5 million per day if their independent study program is found to violate state rules. Nicely said the Department of Education has not yet reviewed the specifics of Hayward's program and could not say if it meets the state guidelines.

**What's next:** More school districts will likely explore remote learning models in the next few weeks as staff shortages reach breaking points, said Troy Flint, chief information officer for the California School Boards Association.

“We’re seeing numbers above 20 percent in some of our districts, and we haven’t even reached the peak of the surge according to most predictions,” Flint said. “So when you have districts that are probably going to be flirting with 30 percent of their workforce not attending, there’s very little meaningful in-person instruction happening in that setting that’s safe.”

Hayward officials plan to decide Friday if they will reopen campus for in-person learning next week.

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*Note: With the Omicron surge, the state has seen teachers in several districts organize sick-outs, which is exacerbating the already worrisome staffing shortages that schools are facing.*

## **Teachers at West Contra Costa Unified Plan Sick-Out Protests Throughout the Week**

By Ali Tadayon  
*EdSource*  
January 11, 2022

Groups of teachers at West Contra Costa Unified are planning sick-outs throughout the week in protest of what they believe are insufficient safety measures by the district.

Similar actions were taken by groups of teachers in Oakland and San Francisco last week.

A number of teachers at Korematsu Middle School participated in the sick-out protest today, and teachers at Stege Elementary plan to protest Wednesday, said Stege teacher Hannah Geitner. According to the district, nine of 32 Korematsu teachers called in sick. All district schools were closed Monday and last Friday due to high numbers of Covid cases and staff shortages.

Superintendent Chris Hurst, in a statement Tuesday, condemned the protests.

“This type of action is not helpful and just exacerbates our current staffing issues,” Hurst said. “In the end, it is students and families who are not served when staff coordinate together to not show up at school.”

Though teachers at each site have their own set of demands, Geitner said, Stege teachers are calling on the district to provide KN95 masks, rather than just surgical masks, for all students. Currently, the district has only committed to providing two KN95 masks a week to employees and surgical masks for students. The teachers are also calling for weekly required testing for students and a formal Covid-safety plan for the Omicron variant from the district.

Geitner said the school is seeing a lot of families keep their children home from school, either because they don’t feel comfortable sending them amid the Covid surge or because they’ve had others in the family get sick. The school is also short on teachers right now, Geitner said. Two are out on Covid leave, and two other classes don’t have a full-time teacher.

“It’s been really tough at our site,” Geitner said.

The Stege teachers who plan to participate in the action sent emails to their students’ parents letting them know they would be calling out sick through next Tuesday, Jan. 18.

District spokesman Ryan Phillips said the district doesn’t expect widespread sick-outs, and will have enough administrators and substitutes to prevent schools from having to close their campuses.

Fresno Unified School District  
Board Communication

**BC Number AS-2**

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

Date: January 21, 2022

Phone Number: 457-3907



Regarding: January Legislative Committee Meeting

The purpose of this communication is to provide the Board information shared at the January 14, 2022 Legislative Committee Meeting.

**Economic and Budget Update** – Ms. Leilani Aguinaldo provided an economic and budget update.

The Governor's January Proposal for 2022/23 included unprecedented levels for Proposition 98 with a \$102 billion budget. The Legislative Analyst's Office (LAO) projects a slightly higher projection than the Governor's Proposed Budget, which will be a source of negotiations between the administration and the legislature regarding the mix of ongoing and one-time allocations.

The Cost-of-Living Adjustment (COLA) is projected at 5.33% for 2022/23 with the main driver being the rise of inflation.

As many districts face Average Daily Attendance (ADA) challenges of lower enrollment coupled with a higher absence rate, a third option for ADA is proposed to allow a three-year prior year average. Currently, districts may utilize the current year or prior year ADA, whichever is greater. In addition, independent study requirements will continue in 2022/23, however proposals include extended window for contract signatures and allowability of simultaneous instruction attendance in lieu of work samples for ADA credit.

The major ongoing investments proposed by the Governor include:

- Universal TK expansion to support an adult to student ratio of 12:1, investments in teacher pipeline, and facilities
- Expanded Learning Opportunities Grant additional funding
- Special Education increased funding to \$820 per ADA along with additional funding for developing infrastructure and inclusion of all students with emphasis on English learners and Special Education students

One-time investments proposed by the Governor include:

- Inclusive early education expansion programs
- Early literacy coaches
- Teacher pipeline support with a focus on health, education, and technology
- Dual enrollment program expansion
- Kitchen upgrades

**Legislative Update** – Ms. Aguinaldo provided a legislative update. The following bills were discussed:

- AB 408 (Quirk-Silva) Homeless Reporting – Requires districts to establish homeless education program policies and training to staff to recognize signs that students are experiencing homelessness
- SB 579 (Allen) Local Control Funding Formula (LCFF) – LCFF calculates ADA on the greater of a districts' 2019/20, 2021/22, or 2022/23 fiscal year
- AB 1607 (Muratsuchi) Local Control Funding Formula – LCFF calculates ADA on a three-year average of ADA based on the current and two previous fiscal years
- AB 1609 (Muratsuchi) Local Control Funding Formula – LCFF calculates ADA on the greater of a districts' 2019/20, 2020/21, 2021/22, or 2022/23 fiscal year
- AB 1614 (Muratsuchi) Local Control Funding Formula – Increase the LCFF base grants to equal the national average per-pupil funding level

The School Services Legislative Committee January 2022 report is attached. The next Legislative Committee meeting is scheduled for February 04, 2022.

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: 01/21/22

# Fresno Unified School District

**LEGISLATIVE COMMITTEE MEETING  
JANUARY 14, 2022**

**2022–2023 Legislative Session**

**Prepared By:**

**Leilani Aguinaldo  
Director, Governmental Relations**



*Public Education's Point of Reference for Making Educated Decisions*



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# ***Legislative and Economic Update***

**School Services of California, Inc.**  
**Legislative and Economic Update Prepared for:**  
**Fresno Unified School District**  
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**January 13, 2022**

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## An Overview of the 2022–23 Governor’s Budget Proposals

By SSC Team  
January 10, 2021

### Preface

It is not often that we experience a crisis, such as the global health pandemic, that turns our collective and individual lives upside down and inside out, while we enjoy the fruits of an exuberant economy that yields unprecedented revenues. And yet, here we are with the release of Governor Gavin Newsom’s 2022-23 State Budget—a \$286 billion spending plan that aims to tackle COVID-19 head on, builds upon and expands critical services for Californians, and strengthens the resiliency of the state to address uncertainties and crises we cannot yet see.

For education, Governor Newsom proposes a wide range of new investments to reshape Transitional Kindergarten (TK) through Grade 12 education. The significant funding surpluses of California’s COVID-19 economy can support an increase in programmatic offerings through existing education programs and additional investments in several education areas including the Local Control Funding Formula (LCFF), the Expanded Learning Opportunities Program, and special education.

### Overview of the Governor’s Budget Proposals

Governor Newsom’s Budget proposal seeks to strike a balance between ensuring that the needs of every Californian, and especially the most vulnerable Californians, are met through an array of programs while ensuring that the state is equipped to respond to shocks spawned by natural disasters or economic downturns. To this end, his 2022-23 State Budget proposes investments in California’s core infrastructure to combat the threat of wildfires that have devastated so many lives. The Budget continues and expands programs to address climate change, including workforce investments and funding to green California’s school bus fleets. The Budget recognizes the continuing impacts on COVID-19 and proposes over \$2 billion to increase the state’s capacity to slow the spread of the virus through increased testing capacity and vaccination efforts. Additionally, the struggles of small businesses persist as business owners try to recover from the instability of the last two years and the recent omicron surge. Consequently, Governor Newsom augments federal aid to buoy small businesses.

These investments, alongside obligated spending on public education, are viewed by the Governor as essential to protect California in the here and now. However, he is equally committed to fiscal prudence and laying a budget foundation against future risks. The 2022-23 State Budget plan

reflects over \$34 billion in reserves: \$20.9 billion in the state’s Rainy Day Fund to address fiscal emergencies and \$3.1 billion in operating reserves. Additionally, the Budget includes a sizable deposit into the Proposition 98 reserve (totaling \$9.7 billion). Putting money into a savings account is one way to address future uncertainties; another is to reduce spending obligations. In this regard, Governor Newsom proposes to accelerate buying down the state’s retirement liabilities with \$3.8 billion in the Budget year and another \$8.4 billion over the next three years. While this is welcome news for the stability of the retirement systems of educators, they do not directly benefit school employers.

One of Governor Newsom’s Budget hallmarks is his reliance on onetime spending. We have seen this pattern since he took office, and perhaps was most stark with the 2021 Budget Act. The Governor’s 2022-23 State Budget reflects this tool to ensure stability and budget resilience over time with 86% of his spending proposals being onetime in nature. With this approach, and a deliberate and thoughtful combination of onetime and ongoing investments, Governor Newsom proposes a Budget that is structurally balanced through 2025-26.

## **The Economy and Revenues**

The forecast upon which Governor Newsom bases his proposed State Budget assumes continued economic growth in California. He remains confident in the state’s recovery from the pandemic and in the stability of a strengthened economy. California’s labor force participation rate is expected to improve, along with job growth and reduced unemployment. Resumed tourism and travel into the state is expected to bolster growth in low-wage, high-touch sectors that have been disproportionately impacted by the COVID-19 pandemic, and wage growth (particularly in low-wage sectors) is expected to increase.

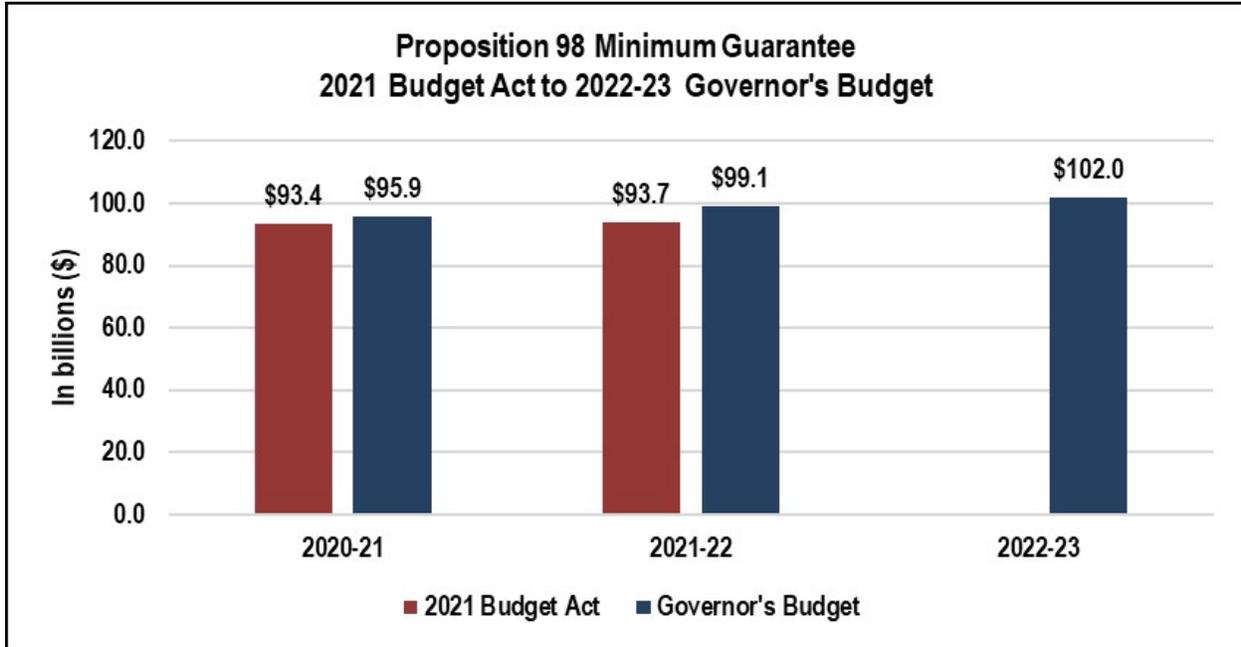
This positive forecast is reflected in the revenue assumptions from the state’s largest revenue source—the “Big Three” taxes. The 2022-23 Governor’s Budget assumes that tax revenues from two of the three main taxes (the personal income and sales and use tax) will increase from 2021-22.

<b>Big Three Taxes (in billions)</b>		
	<b>2021-22</b>	<b>2022-23</b>
Personal Income Tax	\$120.9	\$130.3
Sales and Use Tax	\$30.9	\$32.2
Corporation Tax	\$32.90	\$23.7

Robust state revenues provide the state a general fund surplus of \$45.7 billion surplus for the 2022-23 fiscal year, of which over \$16 billion must be spent on public education through adjustments and increases in the Proposition 98 minimum guarantee. The Legislative Analyst’s Office predicted in its November 2021 Fiscal Outlook that the state would have revenues in excess of its constitutional spending limit (or “Gann Limit”). The Governor holds off on addressing this issue in his January proposal; preferring to wait until the May Revision with clearer revenue estimates before addressing any spending limitations.

## Proposition 98 Minimum Guarantee, Reserve, and Local Reserve Cap

The Proposition 98 minimum guarantee for 2022-23 is expected to increase by \$8.3 billion over the 2021 Budget Act to \$102 billion. In addition, the minimum guarantee for 2020-21 and 2021-22 increases over budget act estimates by \$2.5 billion and \$5.4 billion, respectively.



Test 1 remains operative through the budget window and with an adjustment to the minimum guarantee to account for the additional four-year-olds anticipated to be served by TK (\$639.2 million), Proposition 98 spending would represent 38.4% of General Fund revenues in 2022-23.

Given the robust state revenues, Proposition 2 requires the state to make deposits into the Proposition 98 reserve when certain conditions are met. The 2022-23 Governor's Budget includes a \$3.1 billion deposit, which accompanies adjusted deposits of \$3.1 billion and \$3.6 billion in 2020-21 and 2021-22, respectively, bringing the total deposit amount to \$9.7 billion by the end of the budget year.

Related to education's Rainy Day Fund is the requirement to cap most local school district reserves at 10% when the fund's balance is at least 3% of the K-12 portion of the minimum guarantee. The previous balance of \$6.4 billion in the 2021 Budget Act triggers this cap beginning in 2022-23, and the additional deposit means that the cap will remain in place for some time.

## LCFF, COLA, and ADA

In light of the significant fiscal challenges facing local educational agencies (LEAs) as well as the anticipated continued decline in enrollment, the Governor's Budget is proposing an amendment to how school districts are funded under the LCFF. Building upon the current law which funds LCFF for school districts on the greater of prior- or current-year average daily attendance (ADA), a third option would be added looking at the average of three prior years' ADA.

The Budget proposal notes that the Administration intends to engage interested parties to explore options for providing declining enrollment protections for charter schools. No mention is made in the Budget Summary of similar protections for county offices of education (COEs).

The Governor’s Budget proposal includes an estimated statutory cost-of-living adjustment (COLA) of 5.33% for the LCFF—an increase from the projections of 2.48% that was part of the 2021 Enacted State Budget. The other education programs that are funded outside of the LCFF—Special Education, Child Nutrition, Foster Youth, Mandate Block Grant, Adults in Correctional Facilities Program, American Indian Education Centers, and the American Indian Early Childhood Education program—as well as COEs and community colleges, will also receive the estimated 5.33% COLA.

### **LCFF Entitlements for School Districts and Charter Schools**

The base grants by grade span for 2022-23 are increased over 2021-22 by the estimated statutory COLA of 5.33%.

<b>Grade Span</b>	<b>2021-22 Base Grant Per ADA</b>	<b>5.33% COLA</b>	<b>2022-23 Base Grant Per ADA</b>
TK-3	\$8,093	\$431	\$8,524
4-6	\$8,215	\$438	\$8,653
7-8	\$8,458	\$451	\$8,909
9-12	\$9,802	\$522	\$10,324

The TK-3 base grant increase for the class-size reduction (CSR) grade span adjustment is \$886 per ADA in 2022-23, and the grade 9-12 base grant per ADA is increased by \$268 in recognition of the need for Career Technical Education (CTE) courses provided to students in the secondary grades.

School districts and charter schools are entitled to supplemental grant increases equal to 20% of the adjusted base grant (including CSR and CTE funding) for the percentage of enrolled students who are English learners, eligible for the free or reduced-price meals program, or in foster care. An additional 65% per-pupil increase is provided as a concentration grant for each percentage of eligible students enrolled beyond 55% of total enrollment, with 15% of the concentration grant to be used to increase the number of adults providing direct services (nurses, teachers, counselors, paraprofessionals, and others) to students.

### **Independent Study**

The primary source of general-purpose funding for most LEAs is based on ADA. ADA can either be generated through in-person instruction or through independent study. As such, independent study programs are the means by which LEAs deliver remote instruction and generate ADA. Independent study is offered through two distinct independent study programs, commonly referred to as traditional independent study and course-based independent study.

In response to the increased number of students in need of access to participating in remote instruction due to the pandemic, multiple programmatic changes were made to independent study requirements in 2021-22. The proposed Governor's Budget for 2022-23 continues to recognize the need for independent study as an alternative to in-person instruction by continuing extended timelines for signed independent study agreements implemented in the current year. Additionally, the budget proposes allowing for time spent in synchronous instruction to be included in traditional independent study instructional time calculations beginning in 2022-23. The ability to include synchronous instruction in instructional time calculations used to substantiate ADA, which had solely relied on student work product, represents the first change to the ADA calculation for traditional independent study in decades. This change would provide increased flexibility to LEAs in meeting independent study requirements and generating attendance for the purpose of apportionment through remote instruction.

## **Special Education**

In the wake of \$3.1 billion in special education investments over the last three years, Governor Newsom reinforces his commitment to young children and students with disabilities by proposing an integrated package of investments in early prevention and intervention, proposes commitments for ongoing special education funding of \$500 million in Proposition 98 General Fund dollars, and a 5.33% COLA adjustment as part of the categorical programs that reside outside of the LCFF.

The 2019-20 State Budget called for policy changes underscoring the state's commitment to improving special education instruction and services, and the Governor proposes these policy adjustments as part of the \$500 million special education funding proposal:

- Special education funding formula amendments to calculate special education base funding allocations at the LEA level rather than the Special Education Local Plan Area (SELPA) level.
- Consolidate two special education extraordinary cost pools into a single cost pool to simplify the current funding formula. Currently, there are two \$3 million cost pools, including one targeted for necessary small SELPAs. Pending further information, a simple consolidation would create one \$6 million pool.
- Directly allocate Educationally Related Mental Health Services funding to local educational agencies. Use of these funds was made flexible in 2020-21, with allowable use expanding to any behavioral or mental health service.

Additionally, the Governor's Budget proposes \$500 million onetime support for the Inclusive Early Education Expansion Program to support general education and special education students in inclusive preschool classrooms and facilities. Although not specifically special education funding, the Governor included hefty investments in the State Preschool Program with the goal of serving at least 10% students with disabilities and providing children with an IEP categorical eligibility to participate in State Preschool. Finally, funding to improve early childhood services for children from birth through age five to increase participation of service coordinators in IEP meetings, to establish IDEA specialists at each regional center, and for positions to support the California Department of Education's transition process efforts are also proposed.

## Universal TK

Absent any change in law, LEAs are poised to enter the initial year of expansion towards universal TK. Beginning in 2022-23, students whose fifth birthday occurs between September 2 and February 2 are eligible for TK. The Governor's Budget proposal continues the implementation of universal TK, while doing two things:

- Rebenching the Proposition 98 guarantee to include the continued implementation of universal TK
- Allocating \$383 million to reduce student-to-adult ratios, beginning in 2022-23, to 12 students to every one adult

## Early Childhood Education

Governor Newsom continues to implement the state's Master Plan for Early Learning and Care, which was released on December 1, 2020. Specifically, his 2022-23 State Budget proposal provides approximately \$824 million for additional childcare slots, as well as \$373 million to support a full year of rate increases for childcare providers. Another significant proposal is \$25 million to address areas of underserved health care providers by increasing child care slots and providing increased access to a licensed, comprehensive, quality, and affordable child care and development system.

Additionally, Governor Newsom follows through on his commitments to adjust Proposition 98 to accommodate the cost of expanding TK, beginning in 2022-23, and paying for the costs of lower classroom ratios.

In addition to TK, Governor Newsom proposes specific investments to support certain children served by the California State Preschool Program (CSPP). He proposes \$309 million to provide more of an inclusive instruction for students with disabilities and support for English learners.

Governor Newsom also proposes several programmatic changes for the CSPP, including establishing categorical eligibility for age-eligible children with individualized education plans, 24 months of continuous eligibility, and the ability of providers to enroll 2-year-olds in their programs.

## Early Literacy

The Governor's Budget includes new investments focused on early literacy. A onetime investment of \$500 million is proposed for grants over five years for high-needs schools to train and hire literacy coaches and reading specialists. LEAs also will be able to apply for a onetime \$200 million grant program to create or expand multi-lingual school or classroom libraries offering culturally relevant texts to support reading instruction.

## **Expanded Learning Opportunities**

As foreshadowed in the 2021 Budget Act, the Governor’s Budget increases the ongoing investment in the Expanded Learning Opportunities (ELO) Program to \$4.4 billion. Recall that funding for the ELO Program in 2021-22 was comprised of \$1 billion in ongoing and \$754 million in onetime Proposition 98 funds. The additional \$3.4 billion for the program will increase per-pupil funding and expand the number of LEAs that offer no-cost services. In addition, the Budget proposes a onetime investment of \$937 million for ELO Program infrastructure, though there will be a focus on integrating arts and music programming into the enrichment options for students. The proposed budget trailer bill also will include language to clarify that ELO Program funds may be used to hire literacy tutors as another option for enrichment activities. Finally, the Budget invests \$148.7 million ongoing to continue the onetime reimbursement rate increases that were included in the 2021 Budget Act for the After School Education and Safety and 21st Century Community Learning Centers programs.

## **College and Career Pathways**

The Governor’s Budget proposes a onetime investment of \$1.5 billion to support the development of college and career pathways focused on education, health care, technology, and climate-related fields. These funds will focus on creating local partnerships that bring together school systems, higher education institutions, and employers to develop integrated pathways to college and careers in these high-demand fields. Additionally, the Governor proposes \$500 million onetime (available over four years) to strengthen and expand student access and participation in dual enrollment programs. This investment will be complemented by \$45 million in higher education funding for curricular pathways software and public-private partnerships for STEM, education, and health care career preparation.

## **Facilities**

The Governor’s Budget proposes an unprecedented onetime non-Proposition 98 General Fund investment totaling \$2.225 billion to fund new construction and modernization projects through the School Facility Program. Importantly, the Office of Public School Construction has received applications for such projects, which if approved by the State Allocation Board, would consume the funding. Additionally, the Budget also allocates the remaining \$1.4 billion in Proposition 51 bond funds. Thus, the Governor’s proposal would help alleviate the backlog of local school construction projects that hope to receive state matching funds.

Additionally, the Budget appropriates \$30 million in ongoing Proposition 98 funding for the Charter School Facility Grant program, which can be used for a number of general construction costs, including making modifications to curtail the spread of COVID-19.

## **Universal Meals Program/Nutrition**

Beginning with the 2022-23 schoolyear, all LEAs are required to provide two free meals per day (breakfast and lunch) to any student who requests a meal, regardless of their free or reduced-price meal status. Additionally, all schools eligible for the Community Eligibility Provision will be required to apply for the program by June 30, 2022, (if they are not already participating) in order

to maximize federal reimbursement for meals served. The state will then cover any remaining unreimbursed costs up to the combined state and federal free per-meal rate.

To help with the implementation of the Universal Meals Program, Governor Newsom is proposing \$596 million, on top of \$54 million provided in the 2021 State Budget Act, to fund universal access to subsidized school meals. Essentially, this is what the Administration is projecting the program to cost the state after accounting for federal reimbursement.

The Administration is also proposing \$450 million onetime (available over three years) for LEAs to upgrade school kitchen infrastructure and equipment to incorporate more fresh, minimally processed California-grown foods in school meals.

The Governor is also proposing an additional \$30 million onetime (non-Proposition 98) for the Farm to School Program to establish additional farm to school demonstration projects and \$3 million ongoing (non-Proposition 98) to expand the regional California Farm to School Network by adding 16 new positions at the California Department of Food and Agriculture.

Finally, the Governor's Budget proposal includes \$3 million onetime to support the School Breakfast and Summer Meal Start-Up and Expansion Grant Program. Both of these programs are complementary to the provision of universal school meals and the Farm to School Program investments.

## **Transportation**

As part of his robust environmental goals for the state, Governor Newsom is proposing \$1.5 billion onetime (available over three years) to support school transportation programs, with an emphasis on making school bus fleets greener. This investment would provide grants (of at least \$500,000) to LEAs for the acquisition of electric school buses, construction of bus charging stations, and support other local school bus transportation needs. The investment would prioritize LEAs with a high concentration of unduplicated pupils as well as small and rural LEAs.

## **Educator Workforce**

The Governor's Budget proposal includes \$54.4 million in onetime Proposition 98 and General Funds to deliver relief to the pervasive staffing shortages in the educator workforce. The investments build upon what was provided in the 2021 State Budget and include \$36 million to waive certain teacher examination and credential fees and \$10 million for competitive grant programs for development of teacher preparation programs. An additional \$7.5 million is committed to supporting educator career pathways by establishing prospective candidate career counseling and providing hiring and recruitment resources.

## **COVID-19 Pandemic**

Governor Newsom proposes \$2.7 billion to continue the state's fight against the COVID-19 pandemic. His proposals focus on continued economic growth, keeping schools open, and supporting medical surge efforts. The proposal calls for the Legislature to take early action to allocate \$1.4 billion of the \$2.7 billion to increase vaccination rates and expand testing through

June 30, 2022, and \$1.3 billion through June 30, 2023, to support continued distribution and administration of vaccines and boosters, statewide testing, and support of hospitals to address medical surges.

The Governor also calls for early action to ensure the safety of our state's workforce by modifying the previous COVID-19 Supplemental Paid Sick Leave (SPSL) provided for under Senate Bill 95 (Chapter 13/2021), which expired on September 30, 2021. Recall that SPSL provided employees with up to 80 hours of COVID-19-related paid sick leave for themselves or a family member subject to quarantine or isolation, to attend a vaccine appointment, or if they were unable to work or telework due to vaccine-related symptoms. Beyond the call to action, the Governor's Budget Summary provides no additional information related to paid COVID-19 leave nor did the Governor say more about this proposal during his press conference.

## **Retirement Systems**

Governor Newsom does not propose additional funding for the California State Teachers' Retirement System (CalSTRS) or the California Public Employees' Retirement System (CalPERS) employer contribution rate relief for LEAs. Based on current assumptions, CalSTRS employer contributions would increase from 16.92% to 19.10% in 2022-23, while CalPERS employer contributes rates would increase from 22.91% to 26.10%.

## **Closing**

Educators are working diligently to meet the learning and nonacademic needs of their students and their families. We at School Services of California Inc. continue to be in awe of that monumental task. In 2022-23, we hope that the Governor and Legislature will provide the resources needed to best support educators throughout California. The Governor's Budget proposal is a starting point in that conversation, which will last the next several months.

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

1

## Proposed 2022-23 State Budget

Unprecedented Proposition 98 level in 2022-23—\$102 billion

With adjustments to Proposition 98 in the prior and current year, \$16.7 billion in new revenues available, mix of ongoing and one-time funds

Must wait for proposed trailer bill language to be released in early February for more details about budget proposals

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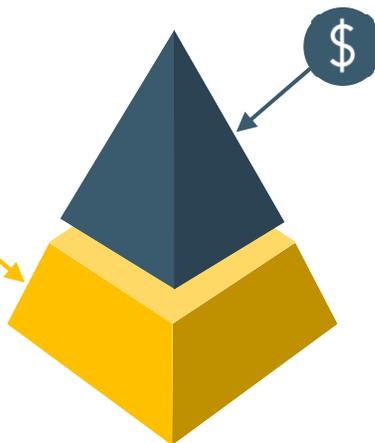
2

## Local Control Funding Formula

### LCFF ADA

Greater of:

- current year
- prior year
- rolling average of prior three years



**LCFF COLA: 5.33%**  
Same COLA applied to other applicable categoricals

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## 3

## Major Ongoing Investments

• LCFF COLA	\$3.3 billion
• ADA 3-year average proposal	\$1.2 billion
• Additional Universal Transitional Kindergarten (UTK) ADA	\$639 million
• UTK 12:1 ratio	\$383 million
• Expanded Learning Opportunities Program	\$3.4 billion
• After School Education and Safety Program	\$149 million
• Special education funding formula	\$500 million
• Universal meals	\$596 million

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## 4

## Major One-Time Investments

• Inclusive Early Education Expansion Program	\$500 million
• Early literacy coaches	\$500 million (over 5 years)
• Multilingual school libraries	\$200 million
• Expanded Learning Opportunities Program infrastructure	\$937 million (over 4 years)
• Critical sector college and career pathways	\$1.5 billion (over 4 years)
• Dual enrollment expansion	\$500 million (over 4 years)
• Green buses	\$1.5 billion (over 3 years)
• Kitchen infrastructure upgrades	\$450 million (over 3 years)
• School Breakfast and Summer Meal Start-up and Expansion Grant Program	\$3 million

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## Executive Order Provides Temporary Staffing Relief

By Danyel Conolley and Leilani Aguinaldo  
January 12, 2022

In response to the rise in COVID-19 cases driven by the Omicron variant, Governor Gavin Newsom issued [Executive Order N-3-22](#) (Order) on January 11, 2022, which provides additional staffing options to address short-term staffing needs for in-person instruction. The flexibilities provided in the Order are in place through March 31, 2022, and are focused on providing flexibility for substitute teacher requirements and remove limitations currently in place for retired teachers to return to the classroom.

In response to substitute pools that have been depleted during the pandemic, relief is provided by allowing student teachers to serve in classrooms on their own, extending the number of days that a substitute can serve in a general education assignment, and streamlining the emergency credential application process:

- In line with existing requirements for an Emergency 30-day Substitute Teaching Permit, county offices of education may issue a temporary certificate to expedite placing a substitute teacher in a classroom, and the Order waives the requirement to submit an application to the Commission on Teacher Credentialing. However, substitute teachers who receive the temporary certificate under the Order still must possess a bachelor's degree and obtain a certificate of clearance.
- Substitutes may serve in a single general education assignment no more than 120 days through March 31, 2022. The 30-day limitation was previously extended to 60 cumulative days for general, special, and career technical education assignments, which remains in effect until July 1, 2022.
- The current law under Education Code Section 46300, which requires that student teachers are supervised by a credentialed teacher, is waived until March 31, 2022.

To help with eligibility for teacher retirees to serve as substitute teachers, current limitations on post-retirement earnings and the break-in-service requirement for retirees who are at the normal retirement age have been waived:

- Post-retirement compensation limitations are suspended for compensation earned during the 2021-22 school year through March 31, 2022, for all teacher retirees
- The 180-day break-in-service requirements are suspended through March 31, 2022

In order to utilize the temporary staffing options authorized in Executive Order N-3-22, the local educational agency must make a written finding stating that the staffing options will support in-person services despite staffing shortages caused by the Omicron-driven rise in COVID-19 cases. The document must be signed by the superintendent or designee and made available to the public upon request.

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## Ask SSC . . .

### School Closure Options Amidst the COVID-19 Surge

By Leilani Aguinaldo, Patti F. Herrera, EdD, and Wendi McCaskill  
January 7, 2022

- Q.** What options do local educational agencies (LEAs) have, if any, to close schools given the surge in COVID-19 cases?
- A.** Unsurprisingly, we have received many questions this week related to school closure options in the midst of the Omicron variant, and it feels like déjà vu from exactly a year ago when COVID-19 positivity rates were also escalating. We recognize the pressures school leaders face in this situation and that any consideration of physically closing schools is one that you approach with great care and with the safety of your students and staff at the forefront.

To answer these questions, it's important to remember that LEAs must abide by minimum instructional day requirements—180 school days for school districts and 175 school days for charter schools. This is in addition to [requirements](#) for minimum instructional minutes, which vary by grade span.

### Emergency Days

With this in mind, if an LEA decides it must close schools completely, one option that may be available is to utilize emergency days already built into or added to the school calendar. Sometimes also known as “snow days,” this option would allow an LEA to immediately close schools for a certain number of days and make up the days later in the school year, as determined based on the school calendar. As such, the LEA retains the number of days in the school year, and there is no need to seek a J-13A waiver to protect against loss in attendance based funding or instructional time.

### J-13 Attendance and Instructional Time Requests

While the J-13A process is still available for losses in attendance and instructional time resulting from extraordinary conditions such as fire, flood, or earthquakes, recent changes in statute significantly narrow the availability of the J-13A process for impacts related to COVID-19. Under [Education Code Section \(EC §\) 41422](#), from September 1, 2021, to June 30, 2022, LEAs may not use the J-13A process to mitigate losses of average daily attendance (ADA) based funding “if the school closure was due to impacts from COVID-19,” with only a few exceptions. LEAs may pursue approval of a J-13A to avoid losses of attendance-based

funding for students with disabilities whose Individualized Education Program does not provide for independent study and for closure of community day schools related to COVID-19. In addition, a J-13A request may be filed for school closures necessitated by a COVID-19-related staffing shortage.

In the event of a school closure due to a severe staffing shortage, J-13As may be submitted if the following conditions are met:

- Unable to provide in-person instruction due to staffing shortages as a result of staff quarantine due to COVID-19
- Exhausted all options for obtaining staff coverage
- Consulted with the county office of education and the State Superintendent of Public Instruction in determining that staffing needs cannot be met through any option

It should also be noted all J-13A requests must now include a plan to offer independent study to all impacted students within ten days after the first day of the qualifying event. Additional information about J-13A requests submitted during the 2021-22 school year is available on the California Department of Education's [website](#).

### **Remote Instruction**

If an LEA is considering pivoting to remote instruction, then this must be done within the construct of the independent study statutes, which makes shifting to 100% remote learning problematic. Previous Fiscal Report articles have detailed independent study requirements (see "[Budget Trailer Bill Reinforces Independent Study for Quarantines](#)" in the September 2021 *Fiscal Report*), and the important detail to reinforce here is that students and parents must opt-in to independent study by completing a required learning agreement. Per EC § [51747](#) and [51749.6](#), students may not be required to participate in independent study, including remote learning, and must retain the option for in-person instruction. With the exception of students participating in independent study either due to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance or COVID-19-related school closure, students participating in independent study who do not have the option of in-person instruction cannot generate ADA for funding purposes. Students that must isolate or quarantine because of COVID-19 should already be captured by an LEA's independent study plans for these situations. To the extent that LEAs have not already captured signed learning agreements for students that must isolate or quarantine because of COVID-19, all independent study agreements need to be completed within 30 days of the commencement of independent study.

We recognize the tremendous and never-ending challenges that all LEAs face amidst the pandemic, and we remain hopeful that 2022 will soon improve. All of us at School Services of California Inc. remain here to assist you the best that we can.

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## Special Education Reports Released

By Michelle McKay Underwood  
December 20, 2021

As a prelude to anticipated conversations around special education funding, governance, and accountability in 2022, two special education reports were released this month.

First up is the belated “[Special Education Governance and Accountability Study](#).” This report was required by the 2020-21 State Budget and was completed by WestEd with the intention to focus on the end goals of improved outcomes for students with an Individualized Education Program (IEP) and increasing special education services provided in the least restrictive environment.

Many of the key findings will be familiar to those in education, including:

- California has both separate and overlapping special education governance and accountability structures
- Local educational agencies (LEAs) participate in and provide mutual aid through a strong network of special education service connections
- California has among the country’s lowest rates for including students with disabilities in general education; greater participation in a general education setting is a strong predictor of academic growth and improved outcomes

Findings that may warrant further examination include:

- Students with disabilities who were taught by educators with more experience and, specifically, with longer tenure in their current LEA, had better academic outcomes and higher graduation rates
- The two-system distribution of funds (Local Control Funding Formula [LCFF] and AB 602) is a potential barrier to strategic coordination of human and fiscal resource allocation across general and special education
- Special Education Local Plan Area (SELPA) community advisory committees (CACs) are required to support Local Control and Accountability Plan (LCAP) parent advisory committees as a way of ensuring that parents of students with disabilities are represented in the LCAP process, but CACs have relatively little access to and provide relatively little input

- Many general education early learning and early childhood programs are administered through direct contracts with the state or other entities and not through LEAs, SELPAs, or county offices of education (COEs), where preschool special education programs and services are administered

The 245-page study provided five recommendations around special education governance and accountability:

1. Clearly establish that each LEA is responsible for the education of students with disabilities; give each LEA full authority to make special education funding and program decisions for its students
2. Provide each LEA with the sole decision-making authority, autonomy, and necessary resources for entering into and exiting from agreements with other LEAs, either individually or as consortia, and other types of agencies (e.g., COEs, SELPAs, nonpublic agencies) to offer a flexible continuum of services to meet the variable needs of its students with an IEP
3. Align improvement planning requirements and supports provided through the Statewide System of Support across general and special education. Align other intermediary supports for LEAs through COEs, allowing COEs to use county-operated educational service agencies or to pool funds across COEs to support LEAs as needed
4. Increase transparency and alignment of the state’s general and special education accountability, monitoring, and technical assistance structures. Amplify the voices of special education stakeholders, including families, in all governance and accountability structures
5. Increase state communication and guidance to LEAs, communities, and families about the state’s special education priorities and available resources for increasing the provision of special education services in general education settings and improving academic and functional outcomes for students with an IEP

Last week, the Legislative Analyst’s Office (LAO) posted an [“Overview of Special Education Funding Models”](#) in anticipation of a funding model conversation in 2022. This analysis looks at three criteria (Appropriate Fiscal Incentives, Alignment of Funding and Costs, and Transparency and Ease of Implementation) and discusses the strengths and limitations of the four models: census-based, weighted, reimbursement, and resource-based.

Figure 3

### Summary of Trade-Offs for Special Education Funding Models

	Appropriate Fiscal Incentives	Alignment of Funding and Costs	Transparency and Ease of Implementation
<b>Census-Based</b>	<ul style="list-style-type: none"> <li>+ Does not encourage overidentification of students.</li> <li>+ Allows for service flexibility and innovation.</li> <li>+ Encourages services to be delivered in most cost efficient way.</li> </ul>	<ul style="list-style-type: none"> <li>- Does not account for significant differences in cost.</li> </ul>	<ul style="list-style-type: none"> <li>+ Simple, easy to understand formula.</li> <li>+ Does not require routine updating.</li> </ul>
<b>Weighted</b>	<ul style="list-style-type: none"> <li>- May introduce incentive to overidentify and serve students for special education.</li> </ul>	<ul style="list-style-type: none"> <li>+ Provides additional funding based on students likely to have higher costs.</li> </ul>	<ul style="list-style-type: none"> <li>+ Easy to understand formula.</li> <li>- Formula weights may need to be updated over time to reflect changes in relative cost.</li> </ul>
<b>Reimbursement</b>	<ul style="list-style-type: none"> <li>+ Less likely to encourage overidentification.</li> <li>- Does not encourage cost efficiency.</li> </ul>	<ul style="list-style-type: none"> <li>+ Provides additional funding for schools with higher special education costs.</li> </ul>	<ul style="list-style-type: none"> <li>- Typically administratively burdensome to calculate costs eligible for reimbursement.</li> </ul>
<b>Resource-Based</b>	<ul style="list-style-type: none"> <li>- Could constrain service delivery based on how staff ratios are set.</li> <li>- Could encourage identifying students to fill slots in more restrictive classrooms with higher funding.</li> </ul>	<ul style="list-style-type: none"> <li>+ Provides additional funding based on resources needed to support students with disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>- Specific funding requirements can vary in complexity.</li> <li>- May require updates to align with changes in service delivery.</li> </ul>

The report concludes with a key framing of special education funding model conversations:

Each special education funding model has certain strengths and limitations. During the last overhaul of the special education funding system in 1997-98, the state identified many strengths to transitioning to a census-based model, namely avoiding adverse fiscal incentives and being administratively efficient. The strengths of the census-based model continue to apply today, as does its inability to provide more funding for significantly higher costs. As the Legislature discusses potential changes to the current special education funding system, it will want to consider whether the strengths and limitations of an alternative funding model are preferable to that of the census-based model, and whether the shortcomings of an alternative model can be sufficiently addressed through other programs.

The LAO will bring these considerations to any State Budget hearings this spring related to special education funding.

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## Legislature Gavels in the 2022 Legislative Year

By Kyle Hyland  
January 6, 2021

On Monday, January 3, 2022, the California State Legislature reconvened for the final year of the 2021-22 legislative session.

While the first floor session of the year tends to be organizational and uneventful, the Capitol community was stunned to hear that Assemblymember Lorena Gonzalez (D-San Diego) resigned her seat to assume the role of chief officer at the California Labor Federation later this summer.

Gonzalez's resignation not only leaves the 80-member Assembly chamber with four vacancies as the new year begins, but also left an opening for chair of the powerful Assembly Appropriations Committee, a committee that every bill with fiscal implications must clear before making it to the Assembly floor. Assembly Speaker Anthony Rendon (D-Lakewood) made sure the vacancy was brief by tapping Assemblymember Chris Holden (D-Pasadena) to succeed Gonzalez as chair of this important committee.

The day after Gonzalez's announcement, Senator Connie Leyva (D-Chino), who chairs the Senate Education Committee, released a statement saying that she will not seek reelection for the 20th State Senate District in 2022 despite having four more years of eligibility to serve. Since Senator Leyva has committed to finishing out her term, there's a good chance that she retains her chairmanship of the Senate Education Committee, but Leyva bowing out of running for reelection in 2022 means that there will be a new chair in 2023.

Just one day after Leyva's announcement, her Assembly counterpart Patrick O'Donnell (D-Long Beach), who chairs the Assembly Education Committee and sits on the Assembly Budget Subcommittee on Education Finance, announced that he will also not seek reelection this November despite also having four more years of eligibility in the Legislature. Like Leyva, O'Donnell plans to finish out his current term, which means that he will likely remain chair of the Assembly Education Committee through the end of the 2022 legislative year.

While these announcements are big news for the education community, there is no time to dwell as the Legislature is already set to begin policy hearings next week. The reason hearings begin more quickly in the second year of the session is because the final year is more condensed than the first due to the Legislature needing to wrap up by midnight of August 31, 2022. Additionally, any bill that was introduced in 2021, but did not make it out of the first house last year, must clear the

house of origin by January 31, 2022, or it is considered dead. The deadline for lawmakers to introduce new bills for 2022 is Friday, February 18, 2022.

As we begin this new legislative year, we would like to remind you that School Services of California Inc. will continue to keep you apprised of all the important legislative news and the implications of key education legislation introduced by lawmakers in subsequent *Fiscal Report* articles and our “Top Legislative Issues” series. Stay tuned.

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## SB 830 Would Provide Enrollment-Based Funding

By Leilani Aguinaldo  
January 5, 2021

On January 3, 2022, Senator Anthony Portantino (D-La Cañada Flintridge) introduced [new legislation](#) that would provide school districts and county offices of education (COEs) with the opportunity to receive additional funds using enrollment data applied to the Local Control Funding Formula (LCFF) instead of average daily attendance (ADA).

As introduced, [Senate Bill \(SB\) 830](#) would establish a process for school districts and COEs to apply for “supplemental education funding” using “average daily membership” data. SB 830 defines average daily membership as “the quotient of the aggregate enrollment days for all pupils in a local educational agency [LEA], from transitional kindergarten to grade 12, inclusive, as applicable, divided by the total number of instructional days for the LEA in an academic year.” The amount of supplemental education funding available to an LEA would be the difference between what the LCFF would generate using average daily membership minus what the LEA receives using ADA.

In order to be eligible for the supplemental funds, an LEA must maintain at least the same per-pupil spending level on staff who address chronic absenteeism and habitual truancy as in the 2019-20 school year. LEAs also would be required to report by July 1 their average daily membership for the prior academic year.

Finally, LEAs would be required to use at least 50% of the supplemental education funds to “supplement existing LEA expenditures to address chronic absenteeism and habitual truancy by providing services and supports that have been determined to improve school attendance, or addressing the root causes that contribute to pupils being chronically absent or habitually truant.” Conversations about the current LCFF model often note that using ADA forces LEAs to prioritize addressing chronic absenteeism and truancy in order to maximize funding under the ADA model. Proponents of SB 830 counter that the existing accountability system will preserve the focus on students who are chronically absent or habitually truant.

As currently drafted, SB 830 excludes charter schools and applies only to school districts and COEs. The bill is sponsored by the Los Angeles Unified School District and the California School Employees Association. As a new bill, SB 830 may not be acted upon until February 2022 at the earliest. Future *Fiscal Report* articles will provide updates on SB 830 and similar bills as they proceed through the legislative process.

# ***Bill Update***

**SCHOOL SERVICES OF CALIFORNIA, INC.**

**Legislative Report Prepared for:  
Fresno Unified School District  
Status as of January 13, 2022**

<i><b>Bill No./ Author</b></i>	<i><b>Title</b></i>	<i><b>Position</b></i>	<i><b>Current Status</b></i>	<i><b>Page</b></i>
<b>Two-Year Bills</b>				
AB 102 Holden	Pupil Attendance at Community Colleges: College and Career Access Pathways Partnerships: County Offices of Education	Support	Assembly Appropriations Committee	23
AB 408 Quirk-Silva	Homeless Children and Youths: Reporting		Assembly Appropriations Committee	23
SB 579 Allen	Education Finance: Local Control Funding Formula		Senate Appropriations Committee	23
<b>Newly Introduced Bills</b>				
AB 1607 Muratsuchi	Education Finance: Local Control Funding Formula		Assembly Desk	24
AB 1609 Muratsuchi	Education Finance: Local Control Funding Formula		Assembly Desk	24
AB 1614 Muratsuchi	Education Finance: Local Control Funding Formula: Base Grants: Aspirational Funding Level: Reports		Assembly Desk	24
SB 830 Portantino	Education Finance: Supplemental Education Funding		Senate Rules Committee	24

## Two-Year Bills

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### **[AB 102 \(Holden\)](#)**

**Amended:** 1/3/2022

**Title:** Pupil Attendance at Community Colleges: College and Career Access Pathways Partnerships: County Offices of Education

**Status:** Assembly Appropriations Committee

**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.

### **[AB 408 \(Quirk-Silva\)](#)**

**Amended:** 1/3/2022

**Title:** Homeless Children and Youths: Reporting

**Status:** Assembly Appropriations Committee

**Position:**

**Summary:**

This bill does the following:

- Requires local educational agencies (LEAs) to establish homeless education program policies and to update these policies at least every three years
- Requires homeless education liaisons to offer annual training to staff who work with students on the homeless education program policies and recognizing signs that students are experiencing homelessness
- Requires the California Department of Education (CDE) to develop a risk-based monitoring plan for homeless education requirements.

### **[SB 579 \(Allen\)](#)**

**Amended:** 1/3/2022

**Title:** Education Finance: Local Control Funding Formula

**Status:** Senate Appropriations Committee

**Position:**

**Summary:**

For the 2022-23 fiscal year, requires apportionments to local educational agencies (LEAs) under the Local Control Funding Formula to be calculated based on the greater of each LEA's 2019-20, 2021-22, or 2022-23 average daily attendance.

## Newly Introduced Bills

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### [AB 1607 \(Muratsuchi\)](#)

**Title:** Education Finance: Local Control Funding Formula

**Status:** Assembly Desk

**Position:**

**Summary:**

Starting with 2022-23 and for LCFF purposes, calculates ADA using a three year average of ADA based on current fiscal year and previous two fiscal years.

### [AB 1609 \(Muratsuchi\)](#)

**Title:** Education Finance: Local Control Funding Formula

**Status:** Assembly Desk

**Position:**

**Summary:**

For the 2022-23 fiscal year, requires apportionments to local educational agencies (LEAs) under the Local Control Funding Formula to be calculated based on the greater of each LEA's 2019-20, 2020-21, 2021-22, or 2022-23 average daily attendance.

### [AB 1614 \(Muratsuchi\)](#)

**Title:** Education Finance: Local Control Funding Formula: Base Grants: Aspirational Funding Level: Reports

**Status:** Assembly Desk

**Position:**

**Summary:**

Expresses the intent of the Legislature that the state aspire to increase the Local Control Funding Formula base grants to amounts equal to the national average per-pupil funding level. Commencing with the 2022–23 fiscal year, this bill would increase the base grants to specified amounts.

### [SB 830 \(Portantino\)](#)

**Title:** Education Finance: Supplemental Education Funding

**Status:** Senate Rules Committee

**Position:**

**Summary:**

Establishes a process for school districts and county offices of education to apply for “supplemental education funding” using “average daily membership” data which relies on enrollment. In order to be eligible for the supplemental funds, a local educational agency (LEA) must maintain at least the same per-pupil spending level on staff who address chronic absenteeism and habitual truancy as in the 2019-20 school year. LEAs would be required to use at least 50% of the supplemental education funds on efforts focused on chronic absenteeism and habitual truancy.

Fresno Unified School District  
Board Communication

**BC Number AS-3**

From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Santino Danisi, Chief Financial Officer  
Cabinet Approval: 

Date: January 21, 2022  
Phone Number: 457-6226

Regarding: Budget Briefing Meetings

The purpose of this communication is to provide the Board information regarding upcoming budget briefings with staff to discuss the 2022/23 Strategic Budget Development.

Beginning with the February 02, 2022 Board meeting and concluding with the June 15, 2022 Board meeting, staff would like to offer the opportunity for Trustees to meet to discuss the upcoming budget presentations. For consistency and planning, staff is recommending meetings be held prior to each Board meeting on Mondays at 12pm and 4pm (except May 30), Tuesdays at 5pm, and Wednesdays at 12pm. Below is the schedule:

Board Meeting	Board Briefing Dates		
	Monday, 12pm & 4pm	Tuesday, 5pm	Wednesday, 12pm
February 02	01/31/2022	02/01/2022	02/02/2022
February 16	02/14/2022	02/15/2022	02/16/2022
March 09	03/07/2022	03/08/2022	03/09/2022
March 16	03/14/2022	03/15/2022	03/16/2022
April 06	04/04/2022	04/05/2022	04/06/2022
April 20	04/18/2022	04/19/2022	04/20/2022
May 04	05/02/2022	05/03/2022	05/04/2022
May 18	05/16/2022	05/17/2022	05/18/2022
June 01 <sup>1</sup>	N/A	05/31/2022	06/01/2022
June 15	06/13/2022	06/14/2022	06/15/2022

<sup>1</sup> Due to the Monday, May 30 Holiday, 4pm on Tuesday, May 31 has been added

Trustees will receive an email Friday prior to the Board meeting. Please respond to the email with your preferred date/time option. Currently, all meetings will be held via Microsoft Teams.

If you have any questions, or require additional information, please call Santino Danisi at 457-6226.

Approved by Superintendent  
Robert G. Nelson Ed.D.



Date: 01/21/22

Fresno Unified School District  
Board Communication

**BC Number EA-1**

From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Lindsay Sanders, Chief of Equity and Access  
Cabinet Approval: 

Date: January 21, 2022  
Phone Number: 457-3471

Andrew Scherrer (Jan 24, 2022 11:45 PST)

Regarding: 2020/21 Seal of Biliteracy DataQuest Omission

The purpose of this communication is to provide Board information on the recently released 2020/21 Four-Year Adjusted Cohort Graduation Rate district report from California Department of Education (CDE). The results for graduating students completing the State Seal of Biliteracy were omitted from the district data upload. The omission of the data does not impact graduation rates for Fresno Unified, but the report does omit the number of students who completed the Seal of Biliteracy. The CDE report on DataQuest now includes the disclaimer that Fresno Unified School District has notified the CDE of the omission of data and to contact the district for more information.

Students were not negatively impacted as the data was accurately uploaded into ATLAS; seals, certificates, medals, and transcripts were correctly provided to the Class of 2021.

In addition, Senate Bill 98 and Assembly Bill 130 suspended the publication of state indicators on the 2020 and 2021 California School Dashboards; therefore, the information on DataQuest for 2020/21 does not impact district accountability.

Included in this communication is revised district-level reports showing the State Seal of Biliteracy completion by student group and by school.

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

Approved by Superintendent  
Robert G. Nelson Ed.D.



Date: 01/21/22

**2020-21 Four-Year Adjusted Cohort Graduation Rate: SSB Included**

<u>Race / Ethnicity</u>	<u>Cohort Students</u>	<u>Regular HS Diploma Graduates</u>	<u>Cohort Graduation Rate</u>	<u>Graduates Meeting UC/CSU Requirements</u>	<u>Graduates Earning a Seal of Biliteracy</u>	<u>SSB Rate</u>	<u>Graduates Earning a Golden State Seal Merit Diploma</u>
African American	341	277	81.20%	108	4	1.4%	21
American Indian or Alaska Native	27	21	77.80%	12	1	4.8%	3
Asian	510	472	92.50%	319	76	16.1%	139
Filipino	19	19	100.00%	11	0	0.0%	8
Hispanic or Latino	3,108	2,671	85.90%	1,290	649	24.3%	346
Pacific Islander	18	18	100.00%	7	1	5.6%	4
White	424	364	85.80%	238	17	4.7%	108
Two or More Races	61	47	77.00%	28	0	0.0%	9
Not Reported	*	*	*	*	*	*	*

<u>Name</u>	<u>Cohort Students</u>	<u>Regular HS Diploma Graduates</u>	<u>Cohort Graduation Rate</u>	<u>Graduates Meeting UC/CSU Requirements</u>	<u>Graduates Earning a Seal of Biliteracy</u>	<u>SSB Rate</u>	<u>Graduates Earning a Golden State Seal Merit Diploma</u>
<a href="#">Fresno Unified</a>	4,508	3,889	86.30%	2,013	748	19.2%	638
<a href="#">Fresno County</a>	13,484	11,797	87.50%	5,834	1,388	11.8%	2,196
<a href="#">Statewide Total</a>	425,585	373,216	87.70%	193,510	58,450	15.7%	102,058

Data Source: DataQuest and ATLAS  
 Prepared by: Equity and Access

### 2020-21 Four-Year Adjusted Cohort Graduation Rate: SSB Included

<u>Race / Ethnicity</u>	<u>Cohort Students</u>	<u>Regular HS Diploma Graduates</u>	<u>Cohort Graduation Rate</u>	<u>Graduates Meeting UC/CSU Requirements</u>	<u>Graduates Earning a Seal of Biliteracy</u>	<u>SSB Rate</u>	<u>Graduates Earning a Golden State Seal Merit Diploma</u>
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Not Reported	*	*	*	*	*		*

<u>Name</u>	<u>Cohort Students</u>	<u>Regular HS Diploma Graduates</u>	<u>Cohort Graduation Rate</u>	<u>Graduates Meeting UC/CSU Requirements</u>	<u>Graduates Earning a Seal of Biliteracy</u>	<u>SSB Rate</u>	<u>Graduates Earning a Golden State Seal Merit Diploma</u>
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<a href="#">Statewide Total</a>	425,585	373,216	87.70%	193,510	58,450	15.7%	102,058

Data Source: DataQuest and ATLAS  
 Prepared by: Equity and Access

## 2020-21 Four-Year Adjusted Cohort Graduation Rate

<u>Name</u>	<u>Cohort Students</u>	<u>Regular HS Diploma Graduates</u>	<u>Cohort Graduation Rate</u>	<u>Graduates Meeting UC/CSU Requirements</u>	<u>Graduates Earning a Seal of Biliteracy</u>	<u>Rate</u>	<u>Graduates Earning a Golden State Seal Merit Diploma</u>
<a href="#">Bullard High</a>	583	548	94.00%	353	44	8.0%	115
<a href="#">Cambridge Continuation High</a>	341	148	43.40%	0	2	1.4%	0
<a href="#">Design Science Middle College High</a>	63	63	100.00%	63	17	27.0%	32
<a href="#">Dewolf Continuation High</a>	158	107	67.70%	0	2	1.9%	0
<a href="#">District Office</a>	*	*	*	*	*	*	*
<a href="#">Edison High</a>	554	532	96.00%	378	185	34.8%	179
<a href="#">Erma Duncan Polytechnical High</a>	226	219	96.90%	114	73	33.3%	40
<a href="#">Florence E. Rata</a>	*	*	*	*	*	*	*
<a href="#">Fresno High</a>	421	368	87.40%	171	80	21.7%	19
<a href="#">Fulton</a>	*	*	*	*	*	*	*
<a href="#">Herbert Hoover High</a>	380	325	85.50%	133	34	10.5%	44
<a href="#">J. E. Young Academic Center</a>	228	189	82.90%	18	7	3.7%	3
<a href="#">McLane High</a>	387	347	89.70%	226	69	19.9%	55
<a href="#">Nonpublic, Nonsectarian Schools</a>	*	*	*	*	*	*	*
<a href="#">Phillip J Patino School of Entrepreneurship</a>	37	37	100.00%	32	4	10.8%	10
<a href="#">Phoenix Secondary</a>	*	*	*	*	*	*	*
<a href="#">Roosevelt High</a>	464	407	87.70%	186	74	18.2%	45
<a href="#">Sunnyside High</a>	641	597	93.10%	339	157	26.3%	96

<u>Name</u>	<u>Cohort Students</u>	<u>Regular HS Diploma Graduates</u>	<u>Cohort Graduation Rate</u>	<u>Graduates Meeting UC/CSU Requirements</u>	<u>Graduates Earning a Seal of Biliteracy</u>		<u>Graduates Earning a Golden State Seal Merit Diploma</u>
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<a href="#">Fresno County</a>	13,484	11,797	87.50%	5,834	1,388	11.8%	2,196
<a href="#">Statewide Total</a>	425,585	373,216	87.70%	193,510	58,450	15.7%	102,058

Data Source: DataQuest and ATLAS

Fresno Unified School District  
Board Communication

**BC Number SL-1**

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

Date: January 21, 2022

Phone Number: 457-3748

Regarding: Literacy in Grades Kindergarten through Second

The purpose of this communication is to provide the Board an update regarding kindergarten through second grade literacy professional learning (PL) for the 2021/22 school year. The Curriculum Instruction and Professional Learning Department (CIPL) has worked to meet the needs of kindergarten through second grade teachers in a variety of ways during the first semester.

During the 2020/21 school year, the McLane and Edison K-2 regional teachers were supported with literacy PL. This year, CIPL expanded the learning to include as many kindergarten through second grade teachers as possible, including other regions. This was done in a variety of ways:

- Designated Site Days for Professional Learning (before the school year)
- August 09, 2021, September 20, 2021, October 11, 2021, and January 10, 2022, Buyback Days
- All PL Summit(s)
- Regional Support
- Lead Teacher Meetings (regionally and at individual sites)
- PL Community meetings
- Instructional Lead Team supports at individual school sites
- Support for other educators who support instruction: Professional learning provided to part-time Certificated Tutors, Teaching Fellows, Site Teachers on Special Assignment (TSA), department TSAs, and paraprofessionals
- Saturday Pipeline learning (new teachers, new hires, teacher residents, and sub support)

Over 400 individuals have been trained in the first semester of the 2021/22 school year. As we begin the second semester, we have planned a coaching cycle to target more than 160 kindergarten through second grade teachers within a 20-hour cycle of deep learning. This program will guide teachers and teacher teams into planning good, first instruction and high-quality literacy.

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

Approved by Superintendent  
Robert G. Nelson Ed.D.



Date: 01/21/22

Fresno Unified School District  
Board Communication

**BC Number SL-2**

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

Date: January 21, 2022

Phone Number: 457-3748

Regarding: Professional Learning Summit, Winter 2022

The purpose of this communication is to provide the Board information regarding the Professional Learning (PL) Summit, Winter 2022, held on January 06 and 07, 2022.

The goal of the PL Summit was to provide professional learning options to teachers with specific topics to address school climate, social emotional learning, engaging students while addressing unfinished learning, and planning for intervention in the spring semester. This is the second summit held in the 2021/22 school year. The first PL Summit was held on August 05 and August 06, 2021.

The PL Summit was attended by over 800 teachers. Each day teachers had the option to attend up to three sessions with a possibility of six sessions over the two-day event. Over the course of the two days there were over 4,000 session logins for the 119 different PL Summit course offerings. The PL Summit had presenters from nine different departments. Departments had managers, Teachers on Special Assignment and exemplary classroom teachers serve as presenters for the sessions.

Participants were offered supplemental compensation with funding through one-time recovery funding from the Expanded Learning Opportunities Grant. In over 2000 teacher survey responses, 98% of the teachers reported they would apply what they learned as they plan, and 99% said if the class was offered again, they would recommend it to a friend.

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

Approved by Superintendent  
Robert G. Nelson Ed.D.



Date: 01/21/22