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Robert G. Nelson, Ed.D.

## **BOARD COMMUNICATIONS – JUNE 03, 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 Superintendent Calendar Highlights

### **BUSINESS AND FINANCIAL SERVICES – Santino Danisi, Chief Officer**

BFS-1 Kim Kelstrom School Services Weekly Update Report  
BFS-2 Kim Kelstrom May Legislative Committee Meeting

### **SCHOOL LEADERSHIP – Dr. Natasha Baker, Chief Officer**

SL-1 Sandra Toscano Rosetta Stone/Lexia Learning Student Data Update  
SL-2 Rita Baharian Learning Communities for School Success Program Grant Update  
SL-3 Michelle Lira American Indian Education Update

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: June 03, 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 the Wallace American Recovery Plan Professional Learning Community meeting
- Held press conference regarding Academic Growth
- Attended graduation ceremonies for the following schools:
  - Cambridge
  - DeWolf
  - Fresno Adult
  - J.E. Young
  - Rata
- Met with Labor Partners
- Met with Oliver Baines and the Black Chamber of Commerce
- Met with MCEL Principals

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



Date: 06/03/2022

Fresno Unified School District  
Board Communication

**BC Number BFS-1**

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

Date: June 03, 2022

Phone Number: 457-3907



Regarding: School Services Weekly Update Report for May 27, 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 May 27, 2022 is attached and includes the following articles:

- ADA Mitigation Proposals – May 25, 2022
- Texas Shooting Taxes Students' Mental Health Even More – May 26, 2022
- California Schools Try to Outpace Covid Outbreaks – May 25, 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: 06/03/2022



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DATE: May 27, 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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### **2022-23 State Budget Update**

None of the Assembly or Senate budget committees or subcommittees met this week to discuss the 2022-23 State Budget due to legislative rules barring all committees, except for each house's Rules Committee, from conducting hearings. The reason no other committee was allowed to meet is because the Assembly and Senate have until the end of Friday, May 27, 2022, to approve bills introduced in their respective houses and send them to the second house. This means that legislators have only been conducting floor sessions all week in order to meet this critical deadline.

However, we continue to hear rumors that the Legislature wants to forgo the formal conference committee process, whereby both houses approve their own version of the State Budget and then form a committee to reconcile the differences, and instead have legislative leadership and the budget committee chairs come to an agreement on the State Budget package by the end of the Memorial Day weekend. If the parties are able to come to an agreement by the end of the weekend, they will provide a joint press release highlighting the key points of their State Budget. They will then hold budget committee hearings and floor sessions to approve the State Budget before the June 15, constitutional deadline.

However, even if the Legislature is able to reconcile their differences over the three-day weekend, they will still need to work with the Administration and compromise on the State Budget prior to the start of the 2022-23 fiscal year.

### **House of Origin Deadline**

As mentioned above, both houses have been conducting lengthy floor sessions all week in order to consider bills before the May 27 house of origin deadline. As of this writing we know that the following noteworthy education bills have cleared the first-house deadline and are now in the second house:

- Assembly Bill (AB) 1948 (Ting, D-San Francisco) would increase the Local Control Funding Formula (LCFF) base by 15%, amend the "low-income pupil" definition to mean students whose household income level is at or

below 250% of the federal poverty level as adjusted annually, add homelessness as a category of the unduplicated pupils under the LCFF, and add language that the fiscal year average daily attendance (ADA) for a school district be computed based on the greatest of current-year ADA, prior-year ADA, or the average of the three most recent prior fiscal years.

- AB 2573 (McCarty, D-Sacramento) would remove exemptions that currently exist in statute for certain credentialed employees in determining permanent employee status. Under this bill, permanent status would be granted to Regional Occupational Centers and Programs teachers; certificated employees at districts with an ADA of 250 or less; and teachers at a county office of education with an ADA of 250 or less. In addition, the bill also deletes the differentiated dismissal process for school districts with fewer than 250 students in ADA and any employee who was in their probationary period prior to the 1983-84 fiscal year.
- Senate Bill (SB) 830 (Portantino, D-La Cañada Flintridge) would provide supplemental LCFF funding to local educational agencies (LEAs) based on a calculation of how much additional funding the LEA would receive if the student count methodology of the LCFF were based on enrollment instead of attendance.
- SB 878 (Skinner, D-Berkeley) would require LEAs to offer home-to-school transportation to all pupils beginning in the 2027-28 school year, and also establish a fund to reimburse LEAs for their transportation costs.
- SB 906 (Portantino) would require LEAs to provide information to parents or guardians about California’s child access prevention laws and laws relating to the safe storage of firearms, and would also require school officials to report to law enforcement any threat or perceived threat of an incident of mass casualties.
- SB 976 (Leyva, D-Chino) would establish a free universal system of preschool by expanding access to the State Preschool Program to all three- and four-year-old children, regardless of family income, and expands the types of childcare providers who may be eligible to offer state preschool.
- SB 1479 (Pan, D-Sacramento) would require each LEA to create a COVID-19 testing plan that is consistent with guidance from the California Department of Public Health.

There are still a number of significant measures that we have been tracking that need to clear the house of origin by the end of today. While most bills being considered will clear the house of origin deadline, it is much harder to get out of the second house than the first for various reasons: policy committee members expect the kinks of a bill to be substantially worked out by this point in the process and are not as forgiving as when a bill was just a few weeks old—as is the case during the first round of policy committee hearings; additionally, priorities of one house may not align with the priorities of the other, making certain measures more difficult to pass.

*Leilani Aguinaldo*

## ADA Mitigation Proposals

By Matt Phillips, CPA, and Wendi McCaskill  
 School Services of California Inc.’s *Fiscal Report*  
 May 25, 2022

Local educational agencies (LEAs) have been struggling with the fiscal implications of declining enrollment, which is only further accelerated by the drop off in student attendance rates. As you may recall, the Governor’s Budget proposal in January included a declining enrollment mitigation proposal to help quell the impact of lower student attendance. The recent release of the May Revision has created a buzz in the education field as the Governor’s proposed State Budget for 2022-23 now includes an additional proposal that builds upon the one from January and would significantly improve the short-term fiscal trajectory for many LEAs by further altering the average daily attendance (ADA) factors used in the calculation of revenues for the Local Control Funding Formula (LCFF). It’s important to note that both of these options are still proposals and will not take effect unless they are included in the Enacted Budget.

### COVID-19 ADA Relief

The first proposal, as currently written, would benefit school districts, county offices of education, and classroom-based charter schools. The intent is to mitigate the decline in student attendance rates in the 2021-22 fiscal year by adjusting the “attendance yield.” The mechanics behind the adjustment would allow the California Department of Education to compare the 2019-20 attendance yield with the 2021-22 attendance yield. If the attendance yield in 2019-20 is greater, the 2021-22 attendance yield would be increased commensurately, which would increase the 2021-22 ADA used for LCFF funding purposes. This calculation is based on the reported ADA and enrollment for each respective year, not the funded ADA.

<b>Sample District—Reported ADA</b>		
	<b>2019-20</b>	<b>2021-22</b>
ADA	95.00	83.00
Enrollment	100.00	90.00
Attendance Yield	95.00%*	92.22%

\*Amount capped at 100%

If the proposed language is included in the Enacted Budget, the 2021-22 ADA used for calculating the LCFF would increase to 85.50 because the attendance yield from 2019-20 is greater than the attendance yield from 2021-22 and an effective attendance yield of 95% results in 85.50 ADA after the attendance yield adjustment is applied.

<b>Sample District—Reported ADA for the LCFF</b>		
	<b>2019-20</b>	<b>2021-22</b>
ADA	95.00	<b>85.50</b>
Enrollment	100.00	90.00
Attendance Yield	95.00%	<b>95.00%</b>

The proposed language does not explicitly step out how the percentage would be applied beyond requiring that ADA be adjusted by an overall attendance yield factor; however, the LCFF includes grade spans with varying funding for each. It is reasonable to conclude that the attendance yield, while calculated on total reported ADA and enrollment, would then be applied to each grade span to determine ADA for funding purposes. This proposal would only be applied to the 2021-22 ADA, but could impact funding under the LCFF for several years, especially if the proposed declining enrollment protection is also included in the Enacted Budget.

**Declining Enrollment Protection**

Since initial implementation the LCFF has provided districts two options for determining ADA used in the funding calculation, current- or prior-year ADA, whichever is greater. This provision is intended to provide districts with time to adjust to declining ADA. The second ADA loss mitigation proposal, which was included in the proposed Governor’s Budget in January, as currently written, continues to apply to school districts only, and would modify Education Code Section 42238.05. If enacted, this proposal would add a third option for determining funded ADA by including language that allows the use of the “average of the three most recent prior fiscal years.” This language is intended to combat the more precipitous decline in enrollment over the past two years.

<b>Sample District</b>		
	<b>Without COVID-19 ADA Relief</b>	<b>With COVID-19 ADA Relief</b>
2019-20	95.00	95.00
2020-21	95.00	95.00
2021-22	83.00	<b>85.50</b>
Three-Year Average	91.00	91.83
2022-23	85.00	85.00

Using the example above, and absent any change in law, a school district in the 2022-23 year would be funded on the greater of the current or prior year—85.00 or 83.00. The effect of the proposed language would provide a third option, which is 91.00—the three-year average. Layering on the COVID-19 ADA relief further increases the three-year average to 91.83. This change in law is proposed to be permanent, which means each fiscal year a school district’s LCFF entitlement would be calculated on the greater of current-year, prior-year, or the average of the three most recent prior years’ ADA.

**Next Steps**

We are encouraged that Governor Gavin Newsom included both of these proposals in the May Revision, but now must wait for the Legislature and Governor Newsom to negotiate whether or not these items will ultimately part of the final State Budget package. The good news is that the declining enrollment protection is included in Assembly Bill 1948 (Ting, D-San Francisco), which signals that the Legislature is strongly considering including this provision in its version of the State Budget that needs to be approved by June 15.

However, the Legislature has yet to fully vet Governor Newsom's ADA relief proposal, which is something that we will be watching closely during deliberations between the Legislature and Administration.

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*Note: As students and parents grapple with the Texas school shooting, it is worth noting that California lawmakers have poured millions into youth mental health, on school campuses, within the health care system and in the community since the onset of the COVID-19 pandemic.*

## **Texas Shooting Taxes Students' Mental Health Even More**

By Carolyn Jones  
*EdSource*  
May 26, 2022

For many young people, Tuesday's massacre at a Texas elementary school could not have come at a worse time. Emotional scars are lingering from the pandemic, and schools are closing for the summer, cutting off students from their routines and access to campus mental health services.

But in some ways, students and schools are better prepared than ever to deal with tragedies like the one at Robb Elementary School. Investment in youth mental health is at an all-time high in California, and some schools' relentless focus on emotional wellness has reduced the stigma and led to a plethora of mental health options that did not exist a few years ago.

"There's been such a focus at schools on how we can support each other's mental health," said Melissa Wood, a school psychologist at a Kern County special education consortium. "There's still a lot more work to do, but I think we're on the right track."

Tuesday's shooting, in which a gunman in Uvalde, Texas, killed 19 children and two teachers, followed less than two weeks after a shooting at a Buffalo, New York, grocery store left 10 people dead. The tragedies come at the end of a difficult year for students and school staff, as they struggled with learning loss and behavioral and emotional challenges related to the pandemic. Although some students endured the pandemic with little adversity, others lost loved ones to Covid, saw their parents lose jobs or become seriously ill, and struggled intensely with remote schoolwork or caring for younger siblings.

Back-to-back difficulties can lead some children to experience "complex trauma," which can have longer-lasting, and more serious, effects on children's well-being than a single traumatic event, according to the National Child Traumatic Stress Network. Prolonged "fight-or-flight" reactions can affect children's ability to learn, form attachments, regulate behavior and make decisions. Complex trauma can also affect children's physical health into adulthood, leading to a greater risk of heart disease and cancer.

"Compounding trauma is real. It can literally shape a child's development," said Chris Williams, director of school-based mental health and wellness at the Sacramento Office of Education. "The higher your score of (adverse childhood experiences), the more likely you are to have detrimental impacts."

Dr. Nadine Burke Harris, California's former surgeon general, made childhood trauma a cornerstone of her work. She encouraged schools to screen students for trauma, provide ample counseling services and teach social and emotional skills in the classroom.

Since the pandemic, Gov. Gavin Newsom and the Legislature have poured millions into youth mental health, on school campuses, within the health care system and in the community. The state has encouraged districts to open mental health clinics and wellness centers on campus, contract with local clinics to provide therapy services, hire more counselors, invest in social-emotional learning, train teachers to recognize signs of trauma, start peer counseling programs and take other steps to help students cope with depression and anxiety.

The Sacramento County Office of Education recently teamed with the county public health department to bring mental health clinicians to every school in the county, adding to schools' existing counseling staff. Other counties and districts have made similar moves to streamline the ties between schools and public health departments, so students can get access to free mental health care whenever they need it.

These kinds of day-to-day, systemic changes are necessary if schools want to see long-term improvements in students' emotional well-being, Williams said. Responding to incidents like school shootings is important, he said, but students' mental health should be an ongoing priority.

"We have to get away from the notion of 'treating' mental health," he said. "Trauma is not an isolated incident. A school shooting is a horrific event, period, but it's just one thing students might be facing."

There's plenty that parents, teachers and other adults can do to help children process trauma, Wood said. For younger children, playing and art can help them work through feelings of sadness, fear or confusion. Older students can learn healthy, nondestructive ways to cope, such as talking to trusted friends or adults, exercising, writing in a journal, doing artwork, being alone or going somewhere safe and blowing off steam.

Wood encouraged parents to use the summer months to slow down and relax with their children.

"Make the most of every opportunity you have with your kids," she said. "Put the phone down. Spend time with them one-on-one. It'll strengthen their bond with you. I think collectively, we all need more of that."

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*Note: Despite a rise of COVID-19 cases in California schools over the past several weeks, most districts have resisted reinstating mask mandates.*

## **California Schools Try to Outpace Covid Outbreaks**

By Mark Kreidler  
*California Healthline*  
May 25, 2022

A fourth-grade camping trip led to one outbreak, a high school prom to another. But even with covid cases rising as schools head into the final stretch of the academic year, most California districts have not moved toward reinstating mask mandates.

That stance has left many parents confused and concerned as they witness or hear about covid outbreaks among students after field trips and proms.

Up and down California, school administrators are running out the clock, hoping to outpace the outbreaks. The Berkeley school system and a few others have reversed their mask-optional policies, and the San Diego district sent letters to parents warning that masks could be reinstated if cases continue to rise. But most

districts — including those in Los Angeles, San Francisco, and Oakland — haven't revisited their guidance as summer draws near.

"I do not plan on making any new recommendations in the final three weeks of school," Dublin Unified Superintendent Chris Funk told KHN, noting that the Alameda County Public Health Department lifted mandatory masking rules in classrooms more than two months ago.

Among other factors, administrators are reluctant to expose districts to legal challenges. From the start, the attempt to create statewide covid protocols for schools was met with sometimes-fierce resistance. Some districts, many of them rural, ignored California's school mask mandate. In February, the Roseville Joint Union High School District, which enrolls about 12,000 students in Placer and Sacramento counties, dropped the mask rule even as a statewide mandate remained in effect.

Another reason that schools aren't rushing back to masking, several administrators told KHN, is that even though cases are rising, most districts follow county guidelines that tie public health precautions to either the number of covid hospitalizations or the strain they would put on local health systems. Hospital admission rates tend to lag positive case rates by two weeks. Still, hospitalizations remain low for now, likely because of the availability of vaccines and antiviral treatments.

"We should be past mask mandates, period," said Dr. Jeanne Noble, who directs covid emergency response at Zuckerberg San Francisco General Hospital and Trauma Center. She said that the virus no longer poses a significant health risk to young and vaccinated populations and that people need to adjust to living with covid. That means taking a "test-to-treat" approach, she said, rather than trying to prevent transmission. The Biden administration is moving to a model where patients are tested and then treated with antiviral pills such as Pfizer's Paxlovid or Merck's molnupiravir to lower their risk of going to the hospital.

"I know my advice sounds scary to many, but covid is here to stay," Noble said. "That is the endgame."

That can be a tough sell for some parents.

When 40 out of 100 fourth graders at Deterding Elementary in the San Juan Unified School District in Sacramento County contracted covid after sharing cabins during a sleep-away field trip, the school was overwhelmed by inquiries from parents of students in other grades wondering whether the health rules at school were about to change — and whether the fifth-grade camping trip, scheduled for June 1, would go on.

It will, although the district will monitor local conditions and public health guidance, according to Raj Rai, the district's communications director.

Some parents were confused or upset by the news that the fifth grade trip would remain on schedule, even though the district was following county health recommendations. Melanie Allen, the Deterding principal, said such confusion has been a common theme during a school year marked by shifting public health guidelines.

"Even though information was posted clearly by the district on the website, parents reached out constantly to school administrators to clarify next steps for exposure or positive results," the principal wrote in an email to KHN.

The rising case rates forced the Berkeley district to make a late reconsideration — it reinstated mandatory masking in classrooms from May 23 until the end of its school year, on June 3. Superintendent Brent Stephens noted in an update on the district’s website that in addition to the spiking student infection numbers, the district could find substitutes for only about half of its absent teachers. District administrators, he said, are working in classrooms to cover the shifts. The city’s chief public health officer strongly recommended the move back to mandatory masking.

“As we are not a health agency, we must rely on these experts to guide us,” Stephens wrote.

Very few of California’s more than 1,000 school districts have joined the Berkeley system in making such a decision. On May 16, school officials in Pacific Grove, near Monterey, ordered that masks be worn inside all classrooms by its roughly 2,000 students. Katrina Powley, the district nurse, said the district is one of the few that ties its masking policy to case rates in Monterey County. Therefore, when those rates moved from “low” to “moderate” transmission, a mask mandate was triggered.

The board of trustees for the San Mateo Union High School District voted in early May to extend its mask mandate until June 1 and strengthened protocols after a prom that was held in San Francisco in April resulted in an outbreak among 90 of the 600 students in attendance.

Those districts remain in the minority despite the statewide covid surge. Roughly 20 schools in Marin County experienced outbreaks in early May. And the Dublin school district, in the East Bay, saw rates shoot up fivefold from March to April and continue to rise in May. Those schools haven’t revisited their optional mask policies.

Schools in Davis, in Yolo County, have not reinstated mask requirements despite rising cases, in large part because the county health director decoupled mandates from test positivity rates.

“We have sufficient protection against the virus, especially with Paxlovid available at test-to-treat locations,” said John Fout, a spokesperson for the county. Only increased hospitalizations straining the health care system would prompt a change, he added.

At this point, an uptick in serious illnesses may not be recognized until after the school year ends — and that is what many school administrators appear to be counting on.

Fresno Unified School District  
Board Communication

**BC Number BFS-2**

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

Date: June 03, 2022

Phone Number: 457-3907



Regarding: May Legislative Committee Meeting

The purpose of this communication is to provide the Board information shared at the May 25, 2022 Legislative Committee Meeting.

**Economic and Budget Update** – Ms. Leilani Aguinaldo provided an update on the May Revise presented by Governor Gavin Newsom on May 13, 2022. The May Revise proposed significant increases from the January Governor’s budget and provides changes to Proposition 98 and new allocations:

- The statutory Cost-of-Living Adjustment (COLA) increases to 6.56% compared to the Governor’s January proposal of 5.33%
- Increases the base Local Control Funding Formula (LCFF) by \$2.1 billion which equates to almost 3.3%
- Recognizes impacts of attendance in 2021/22 and proposes relief to utilize a modified version of 2021/22 Average Daily Attendance (ADA) for purposes of the LCFF calculator
- Provides for a three-year rolling average for declining attendance for purposes of the LCFF calculator
- One-time discretionary block grant of \$8.0 billion intended to help with increasing operational costs, such as pensions, staffing levels, addressing student learning challenges, supporting mental health and wellness needs of students and staff
- Expanded Learning Opportunities Program increases funding from \$1,170 to \$2,500 per K-6 ADA (same as proposed in January Governor’s proposal). In addition, transportation must be provided
- School Facilities one-time funding increases from the January Governor’s proposal from \$1.8 billion to \$4.0 billion
- Deferred Maintenance allocates \$1.8 billion in one-time funding

The legislature will provide their counterproposals to the May Revision by June 15, 2022 and the Governor will finalize the 2022/23 State Budget by June 30, 2022.

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

- AB 1868 (Rivas, Luz) – Support – Sets goals and delineates investments in the Local Control and Accountability Plans where at least 25% of the elementary or secondary population are English learners at risk of becoming long term English learners. The bill has been amended and will now require the California Department of Education to annually report the specified data instead of school districts
- AB 1655 (Jones-Sawyer) – Support – Adds June 19<sup>th</sup> to the list of state holidays known as “Juneteenth”
- AB 2638 (Bloom) – Support – Requires districts to equip schools with a water bottle filling station during new construction or modernization projects

- AB 1973 (McCarty) – Watch – Funding for Class Size Reduction for grades K-3 would add a requirement for kindergarten to have the same minimum minutes as grades 1-3
- AB 1797 (Weber, Akilah) – Support – Schools may access the California Immunization Registry “in the event of a public health emergency, to perform immunization status assessments of pupils, adults, and clients to ensure health and safety”
- SB 866 (Wiener) – Support – Permits minors twelve and older to be vaccinated without parental consent for any vaccine approved by the U.S. Food and Drug Administration and that are recommended by the Committee on Immunization Practices of the Centers for Disease Control and Prevention
- SB 1479 (Pan) – Support – Requires the California Department of Public Health to continue its COVID testing programs for local educational agencies and requires a COVID testing plan
- AB 2034 (O’Donnell) – Support – Provides standardization of the Medi-Cal audits
- SB 113 (Bogh) – Support – Promotes the inclusion of students with disabilities and adds administrative credentialing requirements for learning design

The following bills are no longer active for the fiscal year:

- AB 1786 (Davies) – Watch – Requires districts to approve an intra-district transfer request for a low-performing pupil if the school of attendance is in the red or orange performance band for three consecutive years
- AB 1877 (Fong) – Support – Exempts Special Education retirees from the earnings limit
- AB 1993 (Wicks) – Requires an employer to ensure employees or independent contractors provide proof of vaccination
- AB 1888 (Flora) – No Position – Requires Fresno Unified and the City of Fresno to partner with the California College and University Police Chiefs to establish a pilot real-time active shooter and mass emergency coordinated response program
- SB 871 (Pan) – Support – Adds the COVID-19 vaccine to the list of compulsory vaccines required for students to attend school

The School Services Legislative Committee May 2022 report is attached. The next Legislative Committee meeting is scheduled for June 17, 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: 06/03/2022

# Fresno Unified School District

**LEGISLATIVE COMMITTEE MEETING  
MAY 25, 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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**May 24, 2022**

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# Fresno Unified School District Legislative Committee Meeting Overview of May Revision to the Governor's 2022-23 State Budget May 25, 2022

## 1 Proposition 98 funding levels

**\$110.3 billion**

Unprecedented Proposition 98 funding in 2022-23

**\$19.6 billion**

With adjustments to Proposition 98 funding in the prior and current years, \$19.6 billion in new revenues (relative to the January proposal) is available, mix of ongoing and one-time

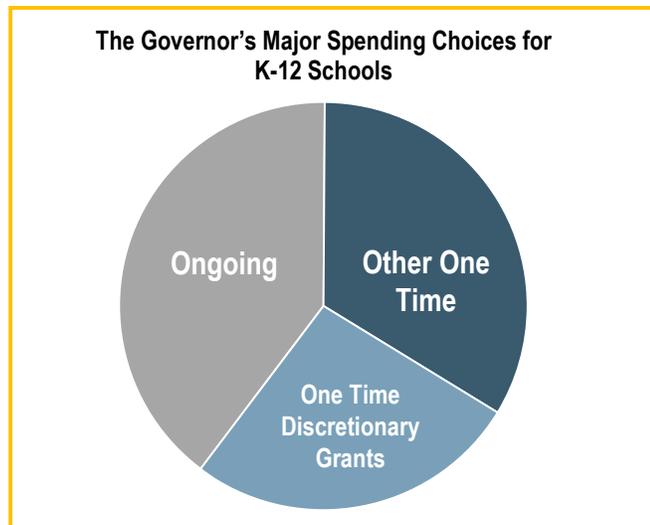
	2021 Enacted State Budget	January Budget Proposal	May Revision
2020-21	\$93.4 billion	\$95.9 billion	\$96.1 billion
2021-22	\$93.7 billion	\$99.1 billion	\$110.2 billion
2022-23	-	\$102.0 billion	\$110.3 billion

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## 2 Allocating the Proposition 98 Surplus

- Governor Gavin Newsom's May Revision includes \$32.9 billion K-12 Proposition 98 spending proposals
  - \$15.9 billion in proposals from January, \$17 billion new proposals in May
- The Governor proposes allocating \$13.8 billion for ongoing program increases and \$19.1 billion for one-time purposes
  - The largest one-time augmentation is for discretionary block grants



Source: Legislative Analyst's Office

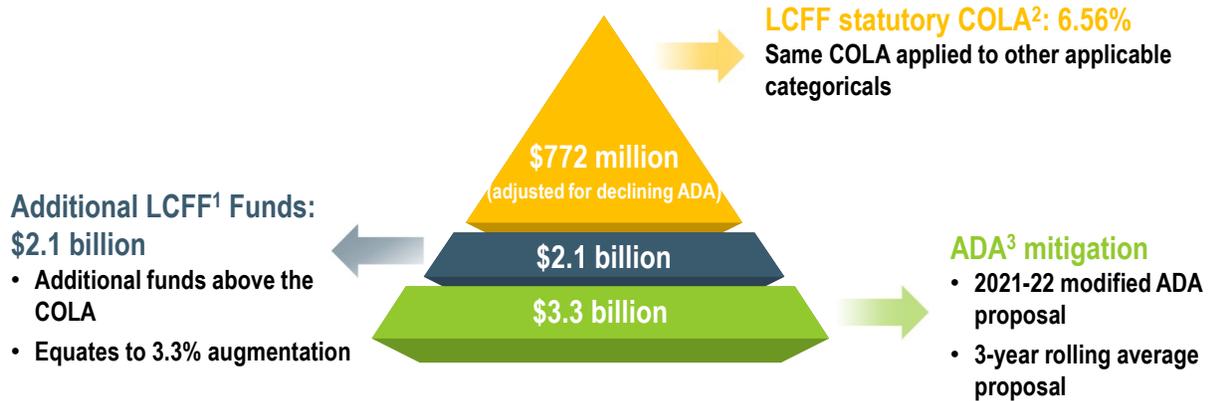
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# Fresno Unified School District Legislative Committee Meeting Overview of May Revision to the Governor's 2022-23 State Budget May 25, 2022

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## Local Control Funding Formula Proposals



<sup>1</sup>Local Control Funding Formula (LCFF)   <sup>2</sup>Cost-of-living adjustment (COLA)   <sup>3</sup>Average daily attendance (ADA)

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## LCFF ADA Rolling Average Proposal

● The Governor's proposal would allow a third option for funded ADA which averages the actual ADA from the prior three years. If enacted, this would allow a school district in 2022-23 to be funded on the greater of the following:

- Actual ADA from 2022-23 (current year)
- Actual ADA from 2021-22 (prior year)
- Average ADA based on actuals from 2019-20, 2020-21, and 2021-22 (rolling average)

Fiscal Year	Actual ADA	Funded ADA for 2022-23	
2019-20	38,325	Current Law	35,902
2020-21	38,325*	Governor's Proposal	36,991
2021-22	34,324	Difference	1,089
2022-23	35,902	<b>LCFF per ADA @ \$11,944</b>	<b>\$13 million</b>

\*Result of hold harmless, uses 2019-20 ADA

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# Fresno Unified School District Legislative Committee Meeting Overview of May Revision to the Governor's 2022-23 State Budget May 25, 2022

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## LCFF Proposed 2021-22 ADA Modification

- Recognizes anomalous 2021-22 school year because of impacts of the Delta and Omicron surges on attendance
- May Revision proposes to allow all classroom-based local educational agencies to utilize a modified version of 2021-22 ADA to determine 2021-22 LCFF allocations
- Three-year rolling average ADA proposal would conform with this adjustment for 2021-22

### COVID-19 2021-22 ADA Relief

2021-22 ADA would be based on  
greater of:

attendance yield from 2019-20  
or  
attendance yield from 2021-22

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## LCFF Proposed 2021-22 ADA Modification

- Hypothetical scenario for a school district under the Governor's proposal

	2019-20	2020-21	2021-22	2022-23
Enrollment	10,500	10,000	10,000	9,500
ADA	10,000	10,000*	9,000	9,000
ADA-to-Enrollment	95.24%	N/A	90.00%	94.74%

- Applying the ADA Relief would result in a significant increase in the ADA used for calculating the LCFF in 2021-22

	2019-20	2020-21	2021-22	2022-23
Enrollment	10,500	10,000	10,000	9,500
ADA	10,000	10,000*	9,524	9,000
ADA-to-Enrollment	95.24%	N/A	95.24%	94.74%

\* Carried forward as result of hold harmless

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**ADA Relief—Proposed Solution**

Fiscal Year	Actual ADA	ADA with 21-22 ADA Relief
2019-20	10,000	10,000
2020-21	10,000*	10,000*
2021-22	9,000	9,524
2022-23	9,000	9,000

\*Carried forward as result of hold harmless

- Application of both the Declining Enrollment and COVID-19 ADA protections result in a significant boost to funded ADA in 2022-23

Funded ADA for 2022-23	
Current Law	9,000
Governor’s Proposal (Average of 2019-20 through 2021-22)	9,841
Difference	841

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**Alternative Legislative LCFF Proposals**

**Senate: Proposes additional \$5 billion for LCFF in 2022-23, on top of COLA**

**Assembly: Proposes changes to the formula in addition to additional LCFF funds**

- For unduplicated students, replaces students eligible for free or reduced-price meals with low-income students that are at or below the 250% federal poverty level
- Adds homeless students to the category of unduplicated students
- 15% increase to the base grant, inclusive of COLA
- Includes Governor’s 3-year rolling average ADA proposal

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## One-time Discretionary Block Grant

### May Revision Proposal

- \$8 billion in one-time Proposition 98 funds for a discretionary block grant**
- Allocated on a per pupil basis
- SSC estimate: \$1500 per ADA
- Intended to help with increasing operational costs, such as pensions, staffing levels, addressing student learning challenges, supporting mental health and wellness needs of students and staff

### Senate Proposal

- Two one-time block grants
- COVID-Related Learning Recovery Block Grant: \$10 billion Proposition 98 funds for unique challenges brought on by the COVID-19 pandemic, such as staffing costs, targeted interventions**
- Student Enrichment Block Grant: \$5 billion Proposition 98 funds for arts, music, and other instructional materials**
- Distribution methodology for these two block grants not yet available

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## Major Proposals in the May Revision

<ul style="list-style-type: none"> <li><b>Expanded Learning Opportunities Program</b></li> <li><b>Community Schools Partnership Program</b></li> <li><b>Universal Meals</b></li> <li><b>Educator Effectiveness Block Grant</b></li> <li><b>Residency Slots for Teachers and School Counselors</b></li> <li><b>School Facilities Program</b></li> <li><b>Deferred Maintenance</b></li> </ul>	<ul style="list-style-type: none"> <li><b>\$403 million additional, ongoing Prop. 98 funds</b></li> <li><b>\$1.5 billion one-time Prop. 98 funds</b></li> <li><b>\$611.8 million additional, ongoing Prop. 98 funds</b></li> <li><b>\$300 million one-time Prop. 98 funds</b></li> <li><b>\$500 million one-time Prop. 98 funds</b></li> <li><b>\$1.8 billion additional, one-time non-Prop. 98 funds</b></li> <li><b>\$1.8 billion one-time Prop. 98 funds</b></li> </ul>
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# Fresno Unified School District Legislative Committee Meeting Overview of May Revision to the Governor's 2022-23 State Budget May 25, 2022

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## Expanded Learning Opportunities Program Funding



- May Revision proposes ongoing funding level for the Expanded Learning Opportunities Program (ELOP) of \$4.8 billion starting in 2022-23
- This will provide \$2,500 per student in grades TK-6 that is low-income, foster youth, or an English language learner at eligible school districts and charter schools

	Current Law	January Budget Proposal	May Revision Proposal
<b>Total State Funding Level</b>	\$1 billion ongoing plus \$754 million one-time	\$4.4 billion	\$4.8 billion
<b>Per Pupil Amount</b>	UPP ≥ 80%: \$1,170 UPP < 80%: \$672	UPP ≥ 75%: \$2,500 UPP < 75%: \$2,027	UPP ≥ 75%: \$2,500 UPP < 75%: \$2,500

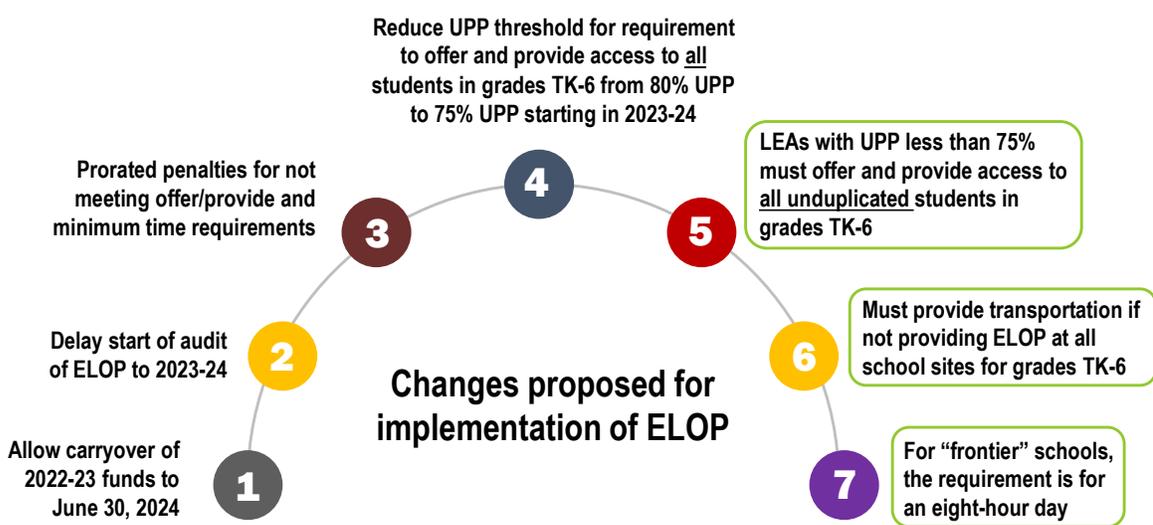
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## Expanded Learning Opportunities Program Implementation

Reduce UPP threshold for requirement to offer and provide access to all students in grades TK-6 from 80% UPP to 75% UPP starting in 2023-24



Changes proposed for implementation of ELOP

1 Allow carryover of 2022-23 funds to June 30, 2024

2 Delay start of audit of ELOP to 2023-24

3 Prorated penalties for not meeting offer/provide and minimum time requirements

4 LEAs with UPP less than 75% must offer and provide access to all unduplicated students in grades TK-6

5 Must provide transportation if not providing ELOP at all school sites for grades TK-6

6 For "frontier" schools, the requirement is for an eight-hour day

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# Fresno Unified School District Legislative Committee Meeting Overview of May Revision to the Governor's 2022-23 State Budget May 25, 2022

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School Facilities Program

- The School Facilities Program (SFP) has traditionally been funded by statewide, voter-approved bonds
  - Proposition 51 (2016) was the last successful statewide bond—\$7 billion for K-12 facilities
  - All funds have been exhausted!
- In January, the Governor proposed funding the SFP with a one-time General Fund appropriation
  - Also, selling remaining \$1.4 billion in Proposition 51 bonds
- The May Revision adds \$1.8 billion to Governor's Budget proposal
  - Per trailer bill language, initial \$2.2 billion must be used by December 31, 2024

Statewide Funding Pipeline (Need) <sup>1</sup>	
\$1.41 billion New Construction	\$2.03 billion Modernization
<b>TOTAL: \$3.44 BILLION</b>	

<sup>1</sup>As of March 31, 2022

Governor's Budget  
General Fund Appropriation:  
\$2.225 billion in 2022-23 and 2023-24

May Revision  
General Fund Appropriation: \$4.025 billion in 2021-22, 2023-24, and 2024-25

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Deferred Maintenance

- The May Revision allocates \$1.8 billion in one-time Proposition 98 General Fund dollars to deferred maintenance

Eligibility

- School districts
- Charter schools operating in school district facilities
- County offices of education

Funding

- \$100,000 for each county office
- Remaining funds apportioned to school districts and eligible charter schools on an equal amount per unduplicated pupil enrolled in K-12 in 2021-22
  - Minimum allocation \$100,000

Uses

- Major repair or replacement of building systems
- Investigation and removal of asbestos- and lead-containing materials
- Painting of school buildings
- Any other significant maintenance items

Requirements

- Establish a restricted fund known as the "2022-23 deferred maintenance fund"
- Governing board to discuss proposals and plans for the use of the funds at a regularly scheduled public hearing
- Funds must be encumbered or expended by June 30, 2026

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15		<b>Facilities – Alternative Proposals</b>
	<b>May Revision</b>	<ul style="list-style-type: none"> <li>• Appropriate \$4.025 in one-time General Fund monies over three years                             <ul style="list-style-type: none"> <li>• \$2.2 billion in 2021-22</li> <li>• \$1.2 billion in 2023-24</li> <li>• \$625 million in 2024-25</li> </ul> </li> <li>• \$1.8 billion in one-time Proposition 98 General Fund dollars to deferred maintenance</li> </ul>
	<b>Assembly</b>	<ul style="list-style-type: none"> <li>• Fully fund expected school, TK, and child care facilities needs for next two years</li> </ul>
	<b>Senate</b>	<ul style="list-style-type: none"> <li>• \$4.5 billion over three years, above Governor's Budget proposal, for school facilities, including \$1 billion for TK and \$1 billion for deferred maintenance</li> </ul>

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16		<b>Major Ongoing Proposed Investments in January Budget Proposal</b>
• Additional Universal Transitional Kindergarten (UTK) ADA	<b>\$614 million</b>	
• UTK 12:1 ratio	<b>\$383 million</b>	
• California State Preschool Program (CSPP) reimbursement rate	<b>\$166.2 million</b>	
• CSPP special education/dual language learner adjustment	<b>\$197.8 million</b>	
• After School Education and Safety Program	<b>\$149 million</b>	
• Special education funding formula	<b>\$500 million</b>	
• Universal meals	<b>\$596 million</b>	

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### Major One-Time Proposed Investments in January Budget Proposal

- Inclusive Early Education Expansion Program \$500 million
- Early literacy coaches \$500 million
- Multilingual school libraries \$200 million
- Expanded Learning Opportunities Program infrastructure \$937 million  
(increases to \$1 billion in May Revision)
- Critical sector college and career pathways \$1.5 billion
- Dual enrollment expansion \$500 million
- Green buses \$1.5 billion
- Kitchen infrastructure upgrades \$450 million

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### Not Included in the May Revision

- 1 Additional funds for the Home to School Transportation Program
- 2 Investments to help with CalSTRS\* or CalPERS\* employer contribution rates
- 3 No mitigation for impact of universal meals on unduplicated pupil counts

\* California State Teachers' Retirement System (CalSTRS); California Public Employees' Retirement System (CalPERS)

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# The FISCAL REPORT *an informational update*

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

By SSC Team  
May 13, 2022

### **Overview of the Governor’s Budget Proposals**

Governor Gavin Newsom’s spending plan is an eye-popping \$300.7 billion budget to “provide relief from rising inflation, ensure public safety, address homelessness, transform public education, and combat climate change.” General Fund revenues are estimated to be nearly \$55 billion higher than in January, four short months ago. Just two May Revisions ago, schools were facing a potential 10% cut alongside billions of dollars in deferred state payments, helping the state address an estimated \$54 billion State Budget shortfall. While no longer framing this as the “California Comeback,” the cover of the May Revision document displays five individuals in front of a rising sun, hands clasped high, reminiscent of victorious Olympians on the medal stage.

Outside of education, the Governor is focused on inflation relief in the form of direct payments to Californians; significant infrastructure investments, including broadband and new housing; a commitment to address the effects of climate change; increased support in public safety; and investing in his characterization of a “pro-life” agenda, including universal preschool, health care accessibility, environmental clean-up, and violence prevention.

After the Governor released his January Budget, many speculated that the state would have a significant issue relating to its spending limit, or Gann Limit, in the current fiscal year moving forward as the increase in state General Fund revenues outpace the annual adjustment to how much the state can spend annually. However, the May Revision includes a multitude of investments, including tax credits, rebates, and infrastructure spending, that help it avoid reaching its Gann Limit in 2021-22 and 2022-23.

As it relates to education funding in the May Revision, some of the significant proposals that help the state spend below its Gann Limit are highlighted below, including increased investments to the State School Facility Program, funding for deferred maintenance, and infrastructure to support the new Universal Meals Program.

## Economy and Revenues

In response to the robust revenue collections from January through April, Governor Newsom has revised his estimated revenue collection for 2021-22 upward by \$30.8 billion. This upward revision recognizes both the robust revenue collections to date and assumes that the increased tax collection will continue through the end of the year.

<b>Big Three Taxes for 2021-22 (in billions)</b>		
	<b>January 2022</b>	<b>May 2022</b>
Personal Income Tax	\$120.9	\$136.4
Sales and Use Tax	\$30.9	\$32.7
Corporation Tax	\$32.9	\$46.4
<b>Total</b>	<b>\$184.7</b>	<b>\$215.5</b>

This positive forecast is also reflected in the estimated tax revenues for 2022-23 as the Governor has increased the estimates from January by \$23.8 billion.

<b>Big Three Taxes for 2022-23 (in billions)</b>		
	<b>January 2022</b>	<b>May 2022</b>
Personal Income Tax	\$130.3	\$137.5
Sales and Use Tax	\$32.2	\$34.0
Corporation Tax	\$23.7	\$38.5
<b>Total</b>	<b>\$186.2</b>	<b>\$210.0</b>

In spite of the increased revenues, the Governor used much of his introductory statement paralleling the current tax collections with the robust tax collections in 2000. The words were meant as a warning, and signal that history may be on the cusp of repeating itself—that had the Legislature known that a crash was about to happen in 2000, much more of the surplus would have been allocated in one-time investments. This admonishment is interspersed throughout the Governor’s revised spending plan.

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

As California’s larger economy prospers, yielding tens of billions of dollars more in unanticipated revenue for the state General Fund, funding for K-12 and community college agencies has skyrocketed. This is because the Proposition 98 minimum guarantee is determined by the Test 1 formula, which ensures that funding for public K-14 education receives approximately 40 cents of every state General Fund dollar. According to the May Revision, the Proposition 98 minimum guarantee across the three-year State Budget window has increased by \$19.6 billion above Governor Newsom’s January Budget estimates.

### Proposition 98 Funding From January to May (In millions)

	2020-21		2021-22		2022-23	
	January	May	January	May	January	May
General Fund	\$70,035	\$70,231	\$71,845	\$83,640	\$73,134	\$82,292
Local Property Tax	\$25,901	\$25,869	\$27,219	\$26,560	\$28,846	\$28,042
<b>Total Minimum Guarantee</b>	<b>\$95,936</b>	<b>\$96,100</b>	<b>\$99,064</b>	<b>\$110,200</b>	<b>\$101,980</b>	<b>\$110,334</b>

In 2014, California voters approved Proposition 2, requiring the state to deposit funds into an education rainy day fund (the Public School System Stabilization Account) under certain conditions. In January, Governor Newsom estimated that the state’s requirement totaled \$9.7 billion across the three fiscal years. However, as a result of decreased capital gains revenues as a share of total General Fund revenues, the May Revision reduces the required total deposit amount by \$200 million to \$9.5 billion in 2022-23.

The revised rainy day fund total represents approximately 9.7% of K-12’s portion of the minimum guarantee. Existing law imposes a 10% cap on the amount local school districts can maintain in their reserves in the year succeeding the fiscal year in which the education rainy day fund deposit is at least 3% of K-12 Proposition 98 funding—a condition that was met with the 2021-22 deposit amount, triggering the local reserve cap for the 2022-23 fiscal year. Thus, local school districts will need to take action to comply with the law with the adoption of their budgets by June 30, 2022, as well as anticipate that the cap on their reserves will be in place for the foreseeable future.

### Local Control Funding Formula, Cost-of-Living Adjustment, and Average Daily Attendance

As part of the January State Budget, the Governor proposed increasing funding for the Local Control Funding Formula (LCFF) by the then-estimated statutory cost-of-living-adjustment (COLA) of 5.33%. In addition, he proposed amending how school districts are funded under the LCFF by building upon current law and allowing school districts to calculate LCFF funding based on the greater of prior, current, or the average of three prior years’ average daily attendance (ADA).

With the May Revision, the statutory COLA for LCFF has increased to 6.56%, which the Administration proposes to fully fund. 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—will also receive the 6.56% statutory COLA.

Further, the Administration includes three other proposals in the May Revision. First, it provides an additional \$2.1 billion in ongoing Proposition 98 General Fund monies to increase LCFF base funding. The Budget summary notes that this additional funding is meant “to mitigate the impacts of rising pension obligations, increased costs for goods and services, and other ongoing local budget concerns.” Second, the May Revision includes an additional \$101.2 million in ongoing Proposition 98 General Fund to augment LCFF funding for county offices of education that are facing cost pressures similar to school districts and charter schools.

Lastly, the May Revision proposes to mitigate the drop in enrollment, and subsequent ADA that is being experienced in 2021-22 by local educational agencies (LEAs) due to the pandemic. To do this, the May Revision proposes allowing all classroom-based LEAs the ability to be funded in 2021-22 on the greater of their current-year ADA or their current-year enrollment adjusted for pre-COVID-19 absence rates. The proposal to allow school districts the use of the average of the three prior years’ ADA for LCFF funding purposes will be adjusted to allow for this change in 2021-22. These two proposals represent an estimated \$3.3 billion in ongoing General Fund plus an additional \$463 million in one-time Proposition 98 General Fund dollars.

### **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 6.56%. Not included in the table below are the impacts of the additional \$2.1 billion proposed to increase LCFF base funding. If this proposal moves afford, it would result in a total increase over 2021-22 of approximately 10%.

<b>Grade Span</b>	<b>2021-22 Base Grant Per ADA</b>	<b>6.56% COLA</b>	<b>2022-23 Base Grant Per ADA</b>
TK-3	\$8,093	\$531	\$8,624
4-6	\$8,215	\$539	\$8,754
7-8	\$8,458	\$555	\$9,013
9-12	\$9,802	\$643	\$10,445

The Transitional Kindergarten (TK)-3 base grant increase for the class-size reduction (CSR) grade span adjustment is \$897 per ADA in 2022-23, and the grade 9-12 base grant per ADA is increased by \$272 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.

Both the grade span adjustments and supplemental and concentration grant amounts would increase proportionately should the LCFF base funding be increased by the proposed \$2.1 billion.

### **Universal Transitional Kindergarten**

The May Revision makes no significant changes to the state's plan to achieve Universal TK in 2025-26 by expanding the age eligibility window each year beginning with the 2022-23 school year. Next year, LEAs will be required to offer TK to any student whose fifth birthday occurs between September 2 and February 2, inclusively, and maintain average TK classroom ratios of 12 to 1. The Governor's January State Budget proposed to pay for the additional cost of lower classroom ratios by providing a TK add-on equal to \$2,813 per TK ADA, and to pay for the increased students being served by TK expansion with a \$640 million increase to Proposition 98 funding. The May Revision reduces the estimated cost of TK expansion by \$25.2 million, to \$614 million, due to decreased estimates for TK enrollment in 2022-23.

Many advocated for dedicated funding in the May Revision for TK facilities, recognizing the need to build or modernize existing classrooms that are developmentally appropriate for TK-age students; however, the May Revision includes no specific investment for TK facilities.

Perhaps the most significant proposal in the May Revision relative to universal TK is allowing preschool teachers with preschool teaching permits, who have bachelor's degrees that meet basic skills requirements and who are enrolled in coursework toward a teaching credential, to teach TK. The May Revision proposes to sunset this flexibility on June 30, 2026.

### **Special Education**

The Governor makes no significant changes to his proposals in January for students with disabilities, which included:

- \$500 million in Proposition 98 General Fund dollars above the COLA
- \$500 million one-time funding for the Inclusive Early Education Expansion Program to support general education and special education students in inclusive preschool classrooms and facilities
- Serving at least 10% students with disabilities and providing children with an individualized education plan categorical eligibility to participate in State Preschool

According to the Department of Finance, the per-ADA Assembly Bill 602 rate will remain unchanged at the May Revision, at \$820 per ADA in 2022-23, due to downward ADA growth adjustments.

## **One-Time Discretionary Dollars**

The Governor's May Revision proposes \$8 billion in one-time Proposition 98 dollars on a per-pupil basis to K-12 LEAs. It is the Administration's intent that these discretionary one-time dollars be used to address student learning challenges, protecting staff levels and supporting the mental health and wellness of students and staff. These funds would also serve as an offset to any outstanding mandate debt owed to LEAs.

### **Nutrition**

To help with the implementation of the Universal Meals Program, the Governor's January State Budget proposal included \$596 million, to provide two free meals per day to any student that requests a meal, on top of \$54 million provided in the 2021 State Budget Act. Essentially, this is what the Administration is projecting the program to cost the state after accounting for federal reimbursement. The May Revision continues to include this augmentation.

Recall that California schools were reimbursed through the federal Seamless Summer Option for providing all students with a subsidized meal; however, this option is set to expire on June 30, 2022. In turn, the Administration is also proposing an additional \$611.8 million ongoing to maintain meal reimbursement rates beginning in 2022-23 so LEAs can continue to offer students high-quality, nutritious subsidized meals. If the federal government extends the flexibilities, any unused state funding for rate increases in 2022-23 will go towards kitchen infrastructure grants.

Finally, the Governor's proposal includes an increase of \$45 million one-time to support the implementation of the California Healthy School Meals Pathway Program, which supports workforce readiness for school food service workers.

### **Early Childhood Education**

In addition to maintaining the proposed investments to expand access to state subsidized child development programs and increase provider reimbursement rates, the May Revision includes several new proposals, largely designed to mitigate the continuing effects of COVID-19 and to address the pressures that historic inflation rates put on California's neediest families. These proposals include:

- \$157.3 million to waive family fees for state subsidized programs through June 30, 2023
- Holding funding for child development contractors and providers harmless for the 2022-23 year, including reimbursing voucher-based providers based on authorized hours of care rather than actual hours of care
- Increased \$34 million investment in the California State Preschool Program for adjustment factors for children with disabilities and dual language learners

## **Facilities**

The Governor’s Budget included the sale of the remaining \$1.4 billion in Proposition 51 bond funds, as well as new General Fund appropriations for K-12 school facilities to the tune of \$2.225 billion over two years—\$1.3 billion in 2022-23 and \$925 million in 2023-24. These monies would support existing facilities projects submitted under the state’s School Facility Program (SFP).

The May Revision increases this support by allocating an additional \$1.8 billion in General Fund monies for a total of \$4.025 billion in new facilities investments geared toward the SFP. These investments are to be appropriated over a three-year period—\$2.2 billion in 2021-22, \$1.2 billion in 2023-24, and \$625 million in 2024-25. Further, the May Revision includes approximately \$1.8 billion in one-time Proposition 98 General Fund dollars for deferred maintenance.

### **Expanded Learning Opportunities Program**

In the Governor’s January State Budget proposal, funding for the Expanded Learning Opportunities Program (ELOP) was proposed to increase to \$4.4 billion ongoing. In the May Revision, additional ongoing funds are proposed to raise the funding level to \$4.8 billion starting in 2022-23. At this higher level of funding, school districts and charter schools will receive \$2,500 for every student eligible for the program that is low-income, an English language learner, or in foster care. The implementation plan proposed earlier this year remains, such that compliance via the audit process would not start until 2023-24. In addition, as proposed, starting in 2023-24, LEAs with an unduplicated pupil percentage (UPP) greater than or equal to 75% must offer the program to all students in grades TK-6. LEAs with a UPP below 75% would only be required to offer the program to unduplicated students in grades TK-6 and provide access to at least half of these students.

The May Revision also adds \$63 million to the one-time ELOP infrastructure funds that the Governor proposed in January, bringing this total grant to \$1 billion. These funds are intended for infrastructure and arts and music programming needs for the ELOP.

### **Other One Time Proposals**

#### **Community Schools**

In response to a projected shortfall in Community School Partnership Program funding based on the anticipated number of eligible applicants exceeding the amount of funding available, Governor Newsom’s May Revision includes \$1.5 billion in one-time funds to augment the original \$3 billion allocated for the program through the 2021 Budget Act. The Community Schools Partnership Program provides Planning, Implementation, and Coordination Grants as well and Regional Technical Assistance Center Contracts.

Community schools represent a holistic approach to education whereby schools partner with other education, county, and non-profit entities to provide integrated health, mental health, social services, and educational support.

## **Community Engagement**

Prioritizing community support and engagement through positive relationships with LEAs, Governor Newsom proposes an increase of \$100 million one-time funds to expand the Community Engagement Initiative to additional LEAs. The intention is to bolster relationships between LEAs and the communities they serve. To date, the Community Engagement Initiative, administered by the California Collaborative for Educational Excellence with an initial investment of \$13.3 million in 2018, has supported several dozen LEAs through peer-to-peer coaching.

## **Categorical Program COLA**

The May Revision increases the statutory COLA provided in the January Governor's Budget to 6.56%. This is extended to select categorical programs as well, and an additional \$62.1 million is provided for this purpose.

## **California School for the Deaf-Riverside: Athletic Complex Replacement and Expansion**

Governor Newsom proposes an increase of \$2.5 million to support the study and preliminary phases of an overall \$43.1 million General Fund investment in replacing all outdoor athletic fields and an addition of a stand-alone practice soccer field at the Riverside School for the Deaf.

## **Educator Workforce**

The May Revision builds on the Governor's January Budget educator workforce investments through additional one-time Proposition 98 and non-Proposition 98 General Fund proposals. First, on the Proposition 98 side of the General Fund, the May Revision proposes \$500 million to increase the teacher and school counselor pipeline by expanding residency slots, an additional \$20 million to support a K-12 Teacher Residency Program Technical Assistance Center, and \$1.7 million to support the educator recruitment work of the Center on Teaching and Careers.

The May Revision proposes significant one-time Proposition 98 investments in educator support for Science, Technology, Engineering, and Mathematics (STEM) instruction as well as reading and literacy. The Governor proposes \$85 million in PreK-12 educator resources and professional learning opportunities to support implementation of the Next Generation Science Standards, California Math Framework, the California Computer Science Standards, and the math and science domains of the California Preschool Learning Foundations. Another \$300 million is proposed to augment resources available to LEAs for professional learning through the Educator Effectiveness Block Grant, with a priority for STEM educator supports. Finally, the May Revision includes an increase of \$15 million one-time Proposition 98 dollars, over three years, to encourage and support teacher supplementary state certification in reading and literacy.

On the non-Proposition 98 side of the Budget, the May Revision proposes additional one-time investments; \$30 million over a three-year period to continue the work of the Educator Workforce Investment Grant program. The proposal focuses \$15 million on computer science and \$15 million on special education and support for English learners.

In addition to these one-time investments, the May Revision proposes statute to expand eligibility for the Golden State Teacher Grant program which provides incentives to individuals to consider earning a credential and serving at a priority school in California for four years, within eight years after completing a preparation program. Specifically, this proposal would extend eligibility to school counselor, social worker, and psychologist candidates.

### **Minimum Wage**

California's minimum wage is projected to increase to \$15.50 per hour for all workers effective January 1, 2023, triggered by increasing costs due to inflation. Per Labor Code, the minimum wage rate will be adjusted annually for inflation based on the national consumer price index for urban wage earners and clerical workers (CPI-W). Because the CPI-W exceeded 7%, the first adjusted increase was accelerated; therefore, employees will be guaranteed the \$15.50 rate even if they work for small employers—those employers with 26 employees or less (Labor Code Section 1182.12[c][3][A-B]) and the ongoing increase in the future is caused by Labor Code Section 1182.12(c)(1).

### **Retirement Systems**

In a proposal that unfortunately does not benefit LEAs but recognizes the prudence of paying down liabilities when cash is available, Governor Newsom proposes \$11 billion of supplemental payments for the next four years to reduce state retirement liabilities. Therefore, the California State Teachers' Retirement System and the California Public Employees' Retirement System employer rates for 2022-23 would remain as set recently by each board, at 19.1% and 25.37%, respectively.

### **In Closing**

At the May Revision, our lens is what the Governor has changed since his January proposal for education. In those regards, no significant changes were presented in the May Revision in the areas of school transportation, independent study, college and career preparation, and early literacy.

What has changed is a significant increase in discretionary funding for LEAs, both in terms of LCFF base grant increases and flexible, per-ADA, one-time funding. We think this is laudable, meets the needs of LEAs facing significant cost increases, and credit the Governor for listening to the education community.

While the May Revision avoids a Gann Limit issue, California's leaders anticipate that the issue will need to be addressed next fiscal year and beyond, or the state could find itself having to reduce non-education spending.

## SSC School District and Charter School Financial Projection Dartboard 2022-23 May Revision

This version of School Services of California Inc. (SSC) Financial Projection Dartboard is based on the Governor's 2022-23 May Revision. We have updated the cost-of-living adjustment (COLA), Consumer Price Index (CPI), and other planning factors. We have also updated the Local Control Funding Formula (LCFF) factors. We rely on various state agencies and outside sources in developing these factors, but we assume responsibility for them with the understanding that they are general guidelines.

<b>LCFF PLANNING FACTORS</b>					
Factor	2021-22	2022-23	2023-24	2024-25	2025-26
Department of Finance Statutory COLA <sup>1</sup>	1.70%	6.56%	5.38%	4.02%	3.72%
Planning COLA	5.07% <sup>2</sup>	6.56%	5.38%	4.02%	3.72%

<b>LCFF GRADE SPAN FACTORS FOR 2022-23</b>				
Entitlement Factors per ADA*	K-3	4-6	7-8	9-12
2021-22 Base Grants	\$8,093	\$8,215	\$8,458	\$9,802
Statutory COLA of 6.56%	\$531	\$539	\$555	\$643
Additional LCFF Investment of \$2.1 billion <sup>3</sup>	\$266	\$270	\$278	\$322
2022-23 Base Grants	\$8,890	\$9,024	\$9,291	\$10,767
Grade Span Adjustment Factors	10.4%	–	–	2.6%
Grade Span Adjustment Amounts	\$925	–	–	\$280
2022-23 Adjusted Base Grants <sup>4</sup>	\$9,815	\$9,024	\$9,291	\$11,047

\*Average daily attendance (ADA)

<b>OTHER PLANNING FACTORS</b>						
Factors		2021-22	2022-23	2023-24	2024-25	2025-26
California CPI		6.55%	6.11%	3.14%	1.97%	2.31%
California Lottery	Unrestricted per ADA	\$163	\$163	\$163	\$163	\$163
	Restricted per ADA	\$65	\$65	\$65	\$65	\$65
Mandate Block Grant (District)	Grades K-8 per ADA	\$32.79	\$34.94	\$36.82	\$37.98	\$39.14
	Grades 9-12 per ADA	\$63.17	\$67.31	\$70.93	\$73.16	\$75.39
Mandate Block Grant (Charter)	Grades K-8 per ADA	\$17.21	\$18.34	\$19.33	\$19.94	\$20.55
	Grades 9-12 per ADA	\$47.84	\$50.98	\$53.72	\$55.41	\$57.10
Interest Rate for Ten-Year Treasuries		2.17%	3.71%	3.25%	3.08%	3.10%
CalSTRS Employer Rate <sup>5</sup>		16.92%	19.10%	19.10%	19.10%	19.10%
CalPERS Employer Rate <sup>5</sup>		22.91%	25.37%	25.20%	24.60%	23.70%
Unemployment Insurance Rate <sup>6</sup>		0.50%	0.50%	0.20%	0.20%	0.20%
Minimum Wage <sup>7</sup>		\$15.00	\$15.50	\$16.00	\$16.40	\$16.70

<b>STATE MINIMUM RESERVE REQUIREMENTS</b>	
Reserve Requirement	District ADA Range
The greater of 5% or \$76,000	0 to 300
The greater of 4% or \$76,000	301 to 1,000
3%	1,001 to 30,000
2%	30,001 to 400,000
1%	400,001 and higher

<sup>1</sup>Applies to Special Education, Child Nutrition, Foster Youth, Adults in Correctional Facilities Program, American Indian Education Centers/American Indian Early Childhood Education, and Mandate Block Grant.

<sup>2</sup>Amount represents the 2021-22 statutory COLA of 1:70% plus an augmentation of 1.00%, compounded with the 2020-21 unfunded statutory COLA of 2.31%.

<sup>3</sup>Amounts are estimated by SSC and are subject to change.

<sup>4</sup>Additional funding is provided for students who are designated as eligible for free and reduced-price meals, foster youth, English language learners. A 20% augmentation is provided for each eligible student with an additional 65% for each eligible student beyond the 55% identification rate threshold.

<sup>5</sup>California State Teachers' Retirement System (CalSTRS) and California Public Employees' Retirement System (CalPERS) rates in 2021-22 were brought down by a prior year \$2.3 billion payment from the state of California. Rates in the following years are subject to change based on determination by the respective governing boards.

<sup>6</sup>Unemployment rate in 2021-22 and 2022-23 are final based on the 2021 Enacted State Budget, and the subsequent years' rates are subject to actual experience of the pool and will be calculated in accordance with California Unemployment Insurance Code Section 823(b)(2)

<sup>7</sup>Minimum wage increases and are effective January 1 of the respective year.

# FISCAL REPORT

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## The COLA Defined

By Matt Phillips, CPA, Brianna García, and John Gray  
 May 16, 2022

The cost-of-living adjustment (COLA) is one of the most discussed items in school finance. It’s a focal point during the release of annual budget proposals, and over the course of the fiscal year especially as local negotiation considerations are discussed. To ensure consistency across each of the conversations, it’s critically important that all parties understand what it means to “receive a COLA.”

First, the statutory COLA, as defined in the state of California in [Education Code Section 42238.02\(d\)\(2\)](#), is a federally derived figure that compares the changes in state and local government consumption expenditures and gross investment aggregated at the national level. More simply put, it measures the increases, or decreases, in the cost of doing business using national governmental activity as a proxy. This can be a point of contention, especially in a high-cost state such as California where the consumer price index, and related cost of living, are considerably higher than the majority of states. The state of California does not calculate funding increases for education based on the cost of living increases specific to California.

Second, the application of the funded COLA does not automatically result in new revenues for local educational agencies (LEAs). The funded COLA, simply stated, increases the funding per unit of measurement. It is not a pot of gold at the end of the rainbow. The largest, and most significant, funding source for most LEAs are the revenues generated through the Local Control Funding Formula. The primary unit that is measured is average daily attendance (ADA), or more commonly referred to as attendance. The application of the current statutory COLA of 6.56% increases the funding per unit of attendance. However, if attendance is down year-over-year, which is pervasive statewide amidst the drastic decline in enrollment, the number of units used to calculate funding may also decline.

Grade Span	2021-22 Base Grant per ADA	6.56% Statutory COLA	2022-23 Base Grant per ADA
TK-3	\$8,093	\$531	\$8,624
4-6	\$8,215	\$539	\$8,754
7-8	\$8,458	\$555	\$9,013
9-12	\$9,802	\$643	\$10,445

Using a simplistic illustrative example, let’s assume that a school district had 100 kindergartners in 2021-22, and all 100 kindergartners attended school 100% of the time. In 2022-23, only 95 of those kindergartners progressed into first grade, and the other five moved to another district. The district “received a COLA” of 6.56% in 2022-23—meaning that the funding per ADA increased—but, because the ADA decreased, the revenue growth is less than the COLA. In the example below, the revenue growth is \$9,980, or 1.2%.

	<b>2021-22</b>	<b>2022-23</b>
Funding per ADA	\$8,093	\$8,624
ADA	100	95
Total Funding	\$809,300	\$819,280

The third, and final, point is that the COLA, or growth in funding per unit, is intended to cover all the costs associated with educating children. This includes, but is not limited to, the cost of staffing, instructional materials, utilities, and supplemental services for children. It’s critically important to recognize this component, especially as LEAs grapple with levels of inflation that match a 40-year high. The cost of doing business for the employer and the employee are going up, and it’s the new ongoing revenues generated by the funded COLA that are used to cover these costs.

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## Legislature Positions Itself Ahead of the May Revision

By Michelle McKay Underwood  
May 11, 2022

Last week, we highlighted the “Putting Wealth to Work” Plan (see “[Senate Democrats Release 2022-23 State Budget Priorities Blueprint](#)” in the May 2022 *Fiscal Report*), which is the Senate Democratic Caucus’s list of funding priorities developed over the winter and spring hearings on the 2022-23 State Budget. Last week, we also saw the latest version of Assembly Bill (AB) 1948 (Ting, D-San Francisco), which is said to represent the Assembly Democrats’ preferred changes to the Local Control Funding Formula (LCFF). As amended, AB 1948 would:

- Deem the statutory cost-of-living adjustment in 2022-23 to be 15%
- Increase, from 185% to 250% of the federal poverty limit, the qualifying threshold for a student to be considered low income (which would replace free or reduced-price meals eligibility to be considered an unduplicated pupil [UP])
- Add students experiencing homelessness as a UP type (which is a change in name only since these students already qualify as low income)
- Add language that the fiscal year average daily attendance (ADA) for a school district be computed based on the greatest of current-year ADA, prior-year ADA, or the average of the three most recent prior fiscal years, which aligns with the proposal Governor Gavin Newsom presented in his January 2022-23 State Budget proposal (see “[Confirmation of Governor’s ADA Proposal](#)” in the February 2022 *Fiscal Report*)

These changes are estimated to cost approximately \$8.4 billion and would take place all at once under AB 1948. In order to benefit from the poverty threshold change, local educational agencies (LEAs) would utilize alternative income verification forms since the current free or reduced-price meals eligibility form does not capture eligibility above 185% and below 250%. LEAs that are towards the middle range of the unduplicated pupil percentage spectrum—and are able to authenticate newly eligible students—would likely fare the best under AB 1948 as they move into concentration grant status and experience the corresponding sharp uptick in funding.

While not made public, we understand the Democratic Assembly’s budget plan would utilize half of the Proposition 98 increase towards the LCFF, though it is unclear whether this priority includes the UP changes in AB 1948.

The two houses have set the table for the final stages of negotiations among the Assembly, Senate, and Governor. It is very likely that Democratic leadership in the Legislature will reach agreement between the two houses, skip the formal budget conference committee process, and adopt a main State Budget bill by June 15 to present to the Governor by their constitutional deadline. This playbook, utilized last year, puts them in a strong negotiating position and buys additional time to finalize the 2022-23 State Budget. The more meaningful deadline for a completed State Budget may prove to be the beginning of the Legislature's month-long summer recess, July 1.

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## Senate Democrats Release 2022-23 State Budget Priorities Blueprint

By Kyle Hyland  
May 3, 2022

Last week, the Senate Democratic Caucus released the second phase of their “[Putting California’s Wealth to Work for a More Equitable Economy](#)” budget plan, which highlights their 2022-23 State Budget priorities. The education priorities from the document, which was subsequently supplemented by information presented to the Senate Budget Subcommittee on Education, include the following:

- \$5 billion, growing to \$10 billion by 2024-25, above the cost-of-living adjustment, for ongoing Local Control Funding Formula increases
- \$10 billion in one-time, formula-based funds spread over multiple years for a COVID-related Learning Recovery Block Grant, which would be used by local educational agencies to address unique challenges brought on by the COVID-19 pandemic
  - Allowable uses would include, but not be not limited to, staffing costs (salaries, benefits, retirement costs), targeted interventions such as literacy coaches, and mental health and wellness services
- Ending the charging for school bus rides, eliminating parent-owed debts, and beginning to phase in universal Home-to-School transportation
- \$4.5 billion over three years, above the Governor Gavin Newsom’s proposal, for school facilities, including \$1 billion for transitional kindergarten (TK), and \$1 billion for K-12 deferred maintenance
- Ensure successful implementation of programs established in the 2021 State Budget, including Universal School Meals, expanded learning, TK, and others
- \$5 billion one-time, formula-based funds for student enrichment materials in music, arts, technology, instructional materials, and others
- \$1 billion to increase provider reimbursement rates and improve benefits; continue family fee waivers; and to stabilize the state preschool program

The document provides a blueprint of the upper houses’ budget priorities and signals the investments that the Senate will be advocating for when they negotiate the 2022-23 State Budget

package with their Assembly colleagues. It is likely that the Assembly will release its set of priorities ahead of the May Revision in order to lay out their negotiating position as well.

Once the Governor's revised Budget proposal is released in mid-May (the May Revision is statutorily obligated to be released by May 14) the Legislature is constitutionally required to approve a State Budget by June 15 or risk forfeiting their pay until a Budget is approved. However, the Legislature also needs to work with the Newsom Administration on finalizing the State Budget as the Governor has the power to veto the entire Budget or use his "blue pencil" to make line-item reductions to proposed investments. With the state operating as a Democratic trifecta, legislative leadership and Governor Newsom will do everything they can to avoid any potential line-item vetoes, especially during an election year. Stay tuned.

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## Mental Health in the May Revision

By Anjanette Pelletier  
May 20, 2022

May is Mental Health Awareness Month, providing an opportunity to focus on developing and expanding mental health supports in schools and community colleges. The mental health wellness of staff and students has been a concern of the education community in response to events such as the COVID-19 pandemic, economic uncertainty, political and social turbulence, and ongoing staffing shortages. Schools have struggled to keep up with the demand for mental health services, and mental health needs are only increasing. [Studies](#) from 2020 estimate that one in five children are in need of mental health support, a Centers for Disease Control and Prevention [study](#) among high school students in 2019 revealed that 36.7% reported persistently feeling sad or hopeless, and a recent [survey](#) by the Public Policy Institute of California found that 67% of students in California community colleges reported high levels of anxiety, stress, depression, or other mental distress.

### Investment for Mental Health

California has seen a multi-year increase in support for [Children and Youth Behavioral Health](#) partnerships focused on the mental health needs of students, and nearly \$3 billion for the California Community Schools Partnership Program (CCSPP) in 2021-22. Governor Gavin Newsom indicated that applications to the CCSPP exceeded expectations and, therefore, an additional \$1.5 billion is included in the May Revision for 2022-2023. With the revenue available for allocation to the K-14 system, the administration is planning another round of substantial investments including “supporting the mental health and wellness needs of students and staff” for school and community college districts via a portion of a proposed \$8 billion Discretionary Block Grant for school districts and \$750 million for community colleges.

### Educationally Related Mental Health Services

Many have been paying attention to a proposal that would shift Educationally Related Mental Health Services (ERMHS) funding from allocation at the Special Education Local Plan Area level to a direct allocation to the district of residence. The 2020-21 Budget Act granted a large portion of the ERMHS funds expanded flexibility, with funds no longer restricted to spending on students with disabilities (SWDs) requiring services under the Individuals with Disabilities Education Act, and the Administration intends to flow unrestricted funds to districts directly. The May Revision did not change the proposal to implement the shift of ERMHS funds in 2022-23 and added funding to allow the California Department of Education to hire sufficient staff to support the monitoring and allocation of dollars for mental health services.

## Workforce Investment

Governor Newsom also proposes expanding investments in ensuring sufficient mental health service providers and has committed \$500 million to an expansion of the Teacher Residency Grant to include a residency for school counselors. This proposal complements the proposed investment from President Joe Biden’s fiscal year 2023 budget of \$1 billion to help schools hire additional counselors, school psychologists, and other health professionals. As part of the [unity agenda](#), the U.S. Department of Education (ED) will support using relief funds—including funds invested by the American Rescue Plan in the Elementary and Secondary School Emergency Relief and Higher Education Emergency Relief Fund—to address the mental health needs of students. The ED notes that, “schools have already seen a 65% increase in social workers, and a 17% increase in counselors.” The ED announced a virtual [summit](#) to support SWDs and students with mental health needs to be held on May 23, 2022. The summit will include presentations relevant to K-14 education, including supporting students as they enter higher education, and will highlight a [resource](#) for schools, colleges, and communities to promote mental health and the social and emotional well-being of children and students.

We will be following the mental health funding conversation throughout these final weeks of State Budget negotiations and report on the outcomes at our School Finance Conference in July.

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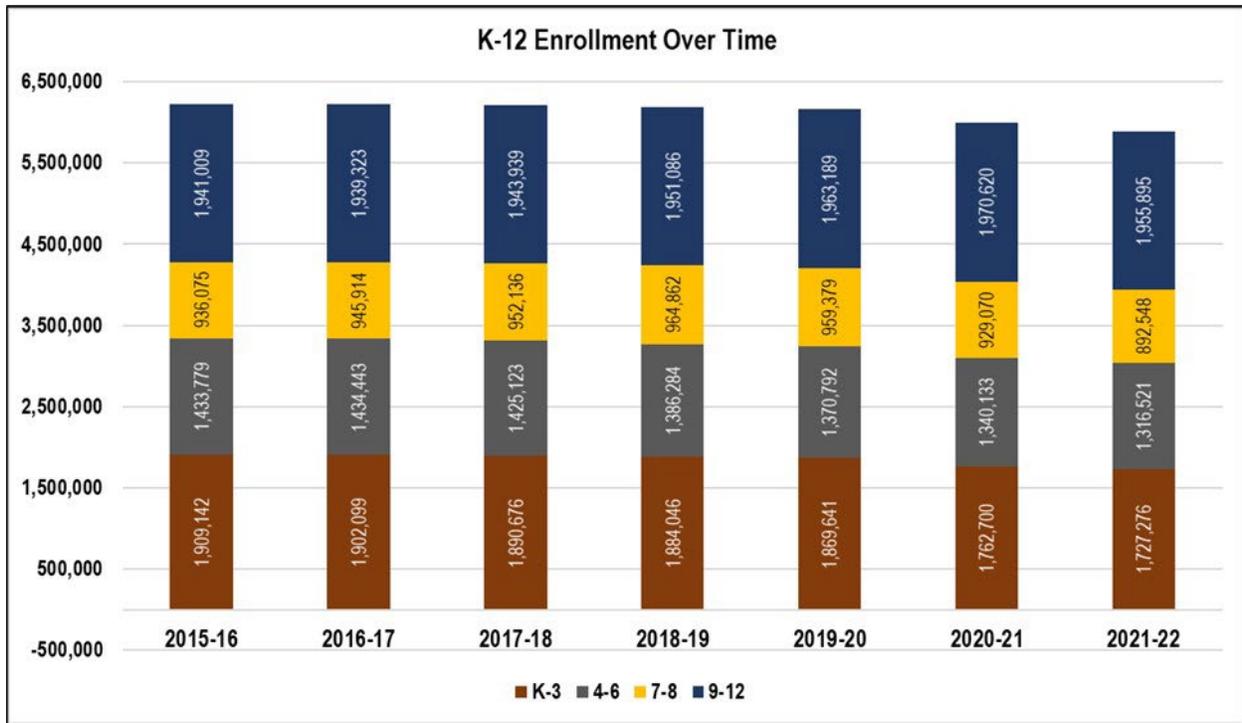
## As Expected, Enrollment Down in 2021-22

By Patti F. Herrera, EdD and Dave Heckler  
 April 14, 2022

On April 11, 2022, the California Department of Education released student enrollment data for the 2021-22 school year, affirming local anecdotes that school agencies across California continue to feel sharp drops in the number of students they serve, accelerated by the COVID-19 pandemic.

In the first year of the global health crisis, K-12 enrollment plummeted by 2.6% with the largest percentage declines in high school, followed by declines in kindergarten. In numeric terms, kindergarten enrollment dropped by over 60,000 students from 2019-20, when in previous years, enrollment in kindergarten was naturally declining by a few thousand students per year.

For the 2021-22 school year, with a statewide emphasis on returning students back to the classroom, student enrollment continued to decline, but more modestly than 2020-21, or by 1.8%.



Statewide enrollment is down by more than 110,000 students from 2020-21, with the largest percentage reductions in grades 7 and 8. Despite the overall decline, kindergarten was the only

grade to experience an increase in enrollment from 2020-21. In 2021-22, kindergarten enrollment increased by more than 7,700 pupils (1.7%), a complete turnaround from 2020-21, when kindergarten enrollment declined by roughly 11.6%.

While declining enrollment is not a new phenomenon and is something local educational agencies (LEAs) have been grappling with for the better part of the last decade, some are beginning to wonder if student enrollment will ever return to pre-COVID-19 trends. LEAs are having to adjust their budgets to reflect lower-than-anticipated state funding, which is largely (though temporary) offset by historic levels of emergency federal and state aid. They are peering past ephemeral funds and “hold harmless” policies to face difficult fiscal realities of reduced revenues and increasing costs.

In light of this, lawmakers—including Governor Gavin Newsom—are pursuing policies designed to ease this fiscal slope and give LEAs time to plan and budget accordingly. These proposals include extending a “hold harmless” policy for average daily attendance (ADA), making permanent changes to how we calculate ADA for funding purposes, and a one-year COVID-19 attendance relief policy that recognizes the numerous, deleterious, and anomalous effects that the protracted health crisis has had on student attendance in 2021-22.

We will review these proposals at our upcoming [May Revision Workshop](#) and what they mean for local budget development.

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## CDPH Delays Student Vaccine Mandate the Same Day Senator Pan Shelves Bill

By Kyle Hyland  
April 15, 2022

There were two big announcements yesterday, April 14, 2022, on the student COVID-19 vaccine front. Just hours after Senator Richard Pan (D-Sacramento) announced that he was shelving Senate Bill (SB) 871, the California Department of Public Health (CDPH) announced that it was delaying the regulatory process used to require students to be inoculated against COVID-19. We detail both of these announcements below as well as the other significant bills still alive related to vaccines and testing.

### Senator Pan Shelves SB 871

Senator Pan's announcement that he is holding SB 871 effectively puts an end to perhaps the most controversial K-12 bill on the docket for the 2022 Legislative Session. The bill would have prohibited parents from opting their children out of the COVID-19 vaccine requirement for their strongly held personal or religious beliefs. In other words, SB 871 would have effectively only allowed for medical exemptions as the opt-out criteria for the state's COVID-19 inoculation requirement to attend school.

In his [press release](#), Senator Pan provided his rationale for shelving the bill, stating that, "until children's access to COVID vaccination is greatly improved, [he] believe[s] that a state-wide policy to require COVID vaccination in schools is not the immediate priority, although it is an appropriate safety policy for many school districts in communities with good vaccine access."

Over the last several weeks many Capitol insiders were speculating that Senator Pan was going to shelve SB 871 due to the opposition it was receiving. The bill's prospects took a huge blow when Senate Education Committee Chair Connie Leyva (D-Chino) publicly announced that she would not support the bill if and when it came to her committee. When the chair of a committee does not support a measure, it significantly hurts its chances of passing.

### CDPH Delays COVID-19 Vaccine Requirement

Despite SB 871 being held, the student vaccine mandate announced by the CDPH back in October 2021 is still scheduled to go into effect via a two-phase approach (grades 7-12 in the first phase and grades K-6 in the second phase) and will become effective once the COVID-19 vaccine has been fully approved by the Food and Drug Administration (FDA) for the two grade spans (see "[Student COVID-19 Vaccine Requirement Announced](#)" in the October 2021 *Fiscal Report*). With

SB 871 no longer moving forward, parents can still opt their children out of the vaccine requirement for their strongly held personal or religious beliefs, in addition to legitimate medical exemptions.

Following Senator Pan’s earlier announcement regarding SB 871, the CDPH [announced](#) that it was delaying the regulatory process for the vaccine mandate. Before initiating the rulemaking process for the vaccine mandate, the CDPH stated that the FDA would need to fully approve the vaccine for each grade span, starting with students in grades 7-12. However, the FDA has only granted full approval for Pfizer's COVID-19 vaccine for ages 16 and up, and for Moderna's vaccine for ages 18 and up, meaning they have yet to fully approve a vaccine that covers the entire 7-12 grade span.

For this reason, the CDPH said that it will not initiate the regulatory process for a COVID-19 vaccine requirement for the 2022-23 school year and would not approve a process sooner than July 1, 2023.

As a result, there will not be a state COVID-19 vaccine mandate for students for the entirety of the 2022-23 school year. However, this announcement does not preclude local jurisdictions, including county health offices and local educational agencies (LEAs), from implementing their own COVID-19 vaccine mandate for students sooner than the state requirement.

### **Active Vaccine and Testing Bills**

Senator Pan’s announcement on holding SB 871 comes just two weeks after Assemblymember Buffy Wicks (D-Oakland) decided to hold her bill, Assembly Bill (AB) 1993, which would have required California employers to ensure their employees were vaccinated against COVID-19 (see [“COVID-19 Employer Vaccine Mandate Bill Stalls”](#) in the April 2022 *Fiscal Report*). Now that both SB 871 and AB 1993 are shelved for the year, there are only a handful of vaccine and testing bills still active that would have implications for LEAs:

- AB 1797 (Weber, D-San Diego) would make changes to the statute governing the California Immunization Record Database by requiring those with access to the database (healthcare providers, schools, childcare facilities, family childcare homes, and county human services agencies) to disclose specified immunization information
  - This bill is scheduled to be heard by the Assembly Health Committee next Tuesday, April 19, 2022
- SB 866 (Wiener, D-San Francisco) would permit minors 12 years and older to get vaccinated without parental consent for all vaccines approved by the FDA that meet the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention
  - This bill has yet to be scheduled for a hearing by the Senate Judiciary Committee
- SB 1479 (Pan) would require the CDPH to coordinate LEA COVID-19 testing programs that are currently federally funded or organized under the California COVID-19 Testing Task Force

- This bill was approved by the Pan-chaired Senate Health Committee 9-2 on March 30, 2022, and is scheduled to be heard by the Senate Education Committee on Wednesday, April 27, 2022

AB 1797 and SB 1479 need to clear policy committee by Friday, April 29, 2022, or they will be considered dead under legislative rules. As a nonfiscal bill, SB 866 has until Friday, May 6, 2022, to be approved by the Senate Judiciary Committee. We will continue to provide updates on these bills in subsequent *Fiscal Report* articles and our “Top Legislative Issues” series.

# ***Bill Update***

**SCHOOL SERVICES OF CALIFORNIA, INC.**

**Legislative Report Prepared for:  
Fresno Unified School District  
Status as of May 23, 2022**

<b>Bill No./ Author</b>	<b>Title</b>	<b>Position</b>	<b>Current Status</b>	<b>Page</b>
<b>Accountability and Assessments</b>				
AB 1786 Davies	Intradistrict and Interdistrict Transfers: Low-Performing Pupils	Watch	Assembly Education Committee—Bill Did Not Met Deadline	36
*AB 1868 Rivas, Luz	School Accountability: English Language Acquisition Status: Data	Support	Assembly Floor—Third Reading	36
<b>Employees</b>				
*AB 1655 Jones- Sawyer	State Holidays: Juneteenth		Assembly Floor—Second Reading	36
AB 1877 Fong	State Teachers' Retirement: Retirees	Support	Assembly Public Employment and Retirement Committee— Bill Did Not Meet Deadline	37
AB 1993 Wicks	Employment: COVID-19 Vaccination Requirements		Assembly Labor and Employment Committee—Bill Did Not Meet Deadline	37
<b>Facilities</b>				
AB 75 O'Donnell	Education Finance: School Facilities: Kindergarten-community Colleges Public Education Facilities Bond Act of 2022		Senate Education Committee	37
*AB 2638 Bloom	School Facilities: Drinking Water: Water Bottle Filling Stations	Support if Amended	Assembly Floor—Third Reading	37
SB 22 Glazer	Education Finance: School Facilities: Public Preschool, K-12, and College Health and Safety Bond Act of 2022		Assembly Education Committee	38
<b>Instruction</b>				
AB 102 Holden	Pupil Attendance at Community Colleges: College and Career Access Pathways Partnerships: County Offices of Education	Support	Senate Education Committee	38
AB 1785 Davies	California Parents' Bill of Rights Act	Watch	Assembly Education Committee—Bill Did Not Meet Deadline	38

*AB 1973 McCarty	Education Finance: Base Grants: Adjustments: Kindergarten: Minimum Schoolday		Senate Rules Committee	39
*SB 532 Caballero	Pupil Instruction: High School Coursework and Graduation Requirements: Exemptions and Alternatives	Support	Assembly Education Committee	39
<b>Miscellaneous</b>				
AB 408 Quirk-Silva	Homeless Children and Youths: Reporting	Support	Senate Education Committee	39
AB 1888 Flora	School Safety: City of Fresno and The Fresno Unified School District: Active Shooter and Mass Emergency Coordinated Response Program		Assembly Education Committee—Bill Did Not Meet Deadline	40
AB 2933 O'Donnell	School Transportation: Apportionments	Support	Assembly Floor—Third Reading	40
*SB 878 Skinner	School Transportation		Senate Floor—Third Reading	40
*SB 906 Portantino	School Safety: Mass Casualty Threats	Support	Senate Floor—Third Reading	41
<b>State Budget, Education Finance, and LCFF</b>				
*AB 1607 Muratsuchi	Education Finance: Local Control Funding Formula	Watch	Assembly Education Committee—Bill Did Not Meet Deadline	41
*AB 1609 Muratsuchi	Education Finance: Local Control Funding Formula: Attendance Yields	Watch	Assembly Education Committee—Bill Did Not Meet Deadline	41
*AB 1614 Muratsuchi	Education Finance: Local Control Funding Formula: Base Grants: Aspirational Funding Level: Reports	Support	Assembly Education Committee—Bill Did Not Meet Deadline	41
*AB 1948 Ting	Education Finance: Local Control Funding Formula: Low-income Pupils: Pupils Experiencing Homelessness	Support	Assembly Floor—Third Reading	42
AB 2774 Weber, Akilah	Education Finance: Local Control Funding Formula: Supplemental Grants: Lowest Performing Pupil Subgroup or Subgroups	Support	Assembly Floor—Third Reading	42
AB 2924 O'Donnell	Education Finance: Base Grants: Adjustments: Reduced Class Size	Support if Amended	Assembly Education Committee—Bill Did Not Meet Deadline	42
SB 579 Allen	Education Finance: Local Control Funding Formula	Watch	Assembly Education Committee	43

SB 830 Portantino	Education Finance: Additional Education Funding	Watch	Senate Floor—Second Reading	43
SB 1431 Rubio	Local Control Funding Formula: Base Grants: Adjustment: Class Size Reduction	Watch	Senate Floor—Second Reading	43
<b>Student Health and Nutrition</b>				
*AB 1797 Weber, Akilah	Immunization Registry	Support	Assembly Floor—Third Reading	44
SB 866 Wiener	Minors: Vaccine Consent		Assembly Judiciary Committee	44
SB 871 Pan	Public Health: Immunizations	Support	Senate Judiciary Committee— Bill Did Not Meet Deadline	44
SB 1479 Pan	COVID-19 Testing In Schools: COVID-19 Testing Plans	Support	Senate Floor—Third Reading	44

## Accountability and Assessments

### [AB 1786 \(Davies\)](#)

**Title:** Intradistrict and Interdistrict Transfers: Low-Performing Pupils

**Status:** Assembly Education Committee—Bill Did Not Meet Deadline

**Position:** Watch

#### **Summary:**

Requires a school district to approve an intradistrict transfer request for a low-performing pupil if the school of attendance is in the red or orange performance band in two or more of the state measures for three consecutive years on the California School Dashboard. If the school of attendance is in the red or orange performance band in two or more of the state measures for three consecutive years on the California School Dashboard, a low-performing pupil of a school district may apply for an interdistrict transfer, and the school district of residence shall not prohibit the transfer if the school district of proposed enrollment approves the application for transfer.

### [\\*AB 1868 \(Rivas, Luz\)](#)

**Amended:** 4/18/2022

**Title:** School Accountability: English Language Acquisition Status: Data

**Status:** Assembly Floor—Third Reading

**Position:** Support

#### **Summary:**

As amended, this bill requires the California Department of Education to annually report on its website specified data on English learners, including enrollment data by English language acquisition status and disability and specified student performance and outcome data by English language acquisition status.

## Employees

### [\\*AB 1655 \(Jones-Sawyer\)](#)

**Amended:** 5/19/2022

**Title:** State Holidays: Juneteenth

**Status:** Assembly Floor—Second Reading

**Position:**

#### **Summary:**

This bill would add June 19, known as “Juneteenth,” to the list of state holidays. The bill would require community colleges and public schools to close on June 19.

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**AB 1877 (Fong)**

**Title:** State Teachers' Retirement: Retirees

**Status:** Assembly Public Employment and Retirement Committee

**Position:** Support

**Summary:**

This bill would exempt from the California State Teachers' Retirement System postretirement compensation limit, the compensation of a retired member who has returned to work to fulfill a critical need in special education.

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**AB 1993 (Wicks)**

**Title:** Employment: COVID-19 Vaccination Requirements

**Status:** Assembly Labor and Employment Committee—Bill Did Not Meet Deadline

**Position:**

**Summary:**

This bill would require an employer to ensure employees or independent contractors provide proof that they have been vaccinated against COVID-19. This bill would exempt any individual who is ineligible to receive a COVID-19 vaccine due to a medical condition, disability, or because of a sincerely held religious belief.

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**Facilities**

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**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

**Position:**

**Summary:**

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

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**\*AB 2638 (Bloom)**

**Amended:** 4/21/2022

**Title:** School Facilities: Drinking Water: Water Bottle Filling Stations

**Status:** Assembly Floor—Third Reading

**Position:** Support if Amended

**Summary:**

As amended, this bill would require new construction or modernization projects to include water bottle filling stations, as specified. The bill would require, for modernization projects, a minimum of one water bottle filling station for each school undergoing modernization, and for new construction projects, a minimum of one water bottle filling station per 350 people at each school being constructed. The bill would require water bottle filling stations to be placed in or near high traffic and common areas and to meet specified requirements, including dispensing drinking water that meets certain standards.

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**SB 22 (Glazer)****Amended:** 5/20/2021**Title:** Education Finance: School Facilities: Public Preschool, K-12, and College Health and Safety Bond Act of 2022**Status:** Assembly Education Committee**Position:****Summary:**

This bill would place a statewide school bond for K-14 and the University of California and the California State University on the 2022 ballot providing \$15.5 billion of funds that focus primarily on new construction, modernization, career technical education, and charter school projects.

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**Instruction**

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**AB 102 (Holden)****Amended:** 5/18/2022**Title:** Pupil Attendance at Community Colleges: College and Career Access Pathways Partnerships: County Offices of Education**Status:** Senate Education Committee**Position:** Support**Summary:**

Removes the January 1, 2027, sunset date for the College and Career Access Pathways (CCAP) program. Also expands the program to allow county offices of education to enter into CCAP partnerships with community colleges.

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**AB 1785 (Davies)****Title:** California Parents' Bill of Rights Act**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Watch**Summary:**

- Establishes the California Parents' Bill of Rights which recognizes certain rights of parents, including the right of a parent or guardian to advise on the moral or religious training of their minor child, and the right to access and review all school attendance and academic records, among other rights. The bill specifies that the recognition of these rights does not preclude an employee from acting in the employee's official capacity.
- Requires local educational agencies (LEAs) to provide parents and guardians with opportunities to participate in schools to improve parent and teacher cooperation in areas, including homework, school attendance, and discipline each quarter.
- Requires LEAs to post information for parents or guardians on its website including, among other topics, opting out of comprehensive sexual health education, immunization requirements, and school choice options offered by the LEA.

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**\*AB 1973 (McCarty)****Amended:** 5/2/2022**Title:** Education Finance: Base Grants: Adjustments: Kindergarten: Minimum Schoolday**Status:** Senate Rules Committee**Position:****Summary:**

Under current law, a K-3 grade span adjustment (GSA) is provided as part of the Local Control Funding Formula (LCFF) to fund the requirement to maintain an average class enrollment of no more than 24 pupils in K-3 classes. Under Assembly Bill 2573, an additional condition for receiving the K-3 GSA would be a requirement to provide a minimum day for the kindergarten program equivalent to the length of the minimum school day for grades 1-3, beginning with the 2027-28 school year for schools with an enrollment of 50% or more of unduplicated pupils, and with the 2030-31 school year for all schools.

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**\*SB 532 (Caballero)****Amended:** 5/12/2022**Title:** Pupil Instruction: High School Coursework and Graduation Requirements: Exemptions and Alternatives**Status:** Assembly Education Committee**Position:** Support**Summary:**

Among other things, this bill would require a local educational agency (LEA) to inform a pupil in foster care, a pupil who is homeless, a former juvenile court school pupil, a pupil who is a child of a military family, or a pupil who is a migratory child, of the pupil's right to remain in the pupil's school of origin if the LEA determines the pupil is reasonably able to complete the LEA's local graduation requirements within the pupil's fifth year of high school. The bill would require the LEA to provide an option for these pupils to remain in school for a fifth 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.

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**Miscellaneous**

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**AB 408 (Quirk-Silva)****Amended:** 1/3/2022**Title:** Homeless Children and Youths: Reporting**Status:** Senate Education Committee**Position:** Support**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.

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**AB 1888 (Flora)****Amended:** 3/23/2022**Title:** School Safety: City of Fresno and The Fresno Unified School District: Active Shooter and Mass Emergency Coordinated Response Program**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:****Summary:**

Requires Fresno Unified School District and the City of Fresno to partner with the California College and University Police Chiefs Association to establish a pilot real-time active shooter and mass emergency coordinated response program.

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**AB 2933 (O'Donnell)****Amended:** 5/2/2022**Title:** School Transportation: Apportionments**Status:** Assembly Floor—Third Reading**Position:** Support**Summary:**

Starting with the 2022-23 fiscal year, this bill provides funding to school districts, county offices of education, and Regional Occupational Centers and Programs to cover the greater of:

- 100% of its school transportation apportionment for the 2020-21 fiscal year, adjusted for the cost-of-living adjustment starting in 2023-24
- 100% of reported home-to-school transportation costs

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**\*SB 878 (Skinner)****Amended:** 4/18/2022**Title:** School Transportation**Status:** Senate Floor—Third Reading**Position:****Summary:**

This bill requires school districts, county offices of education, and regional occupational programs to offer free transportation to all students to and from their neighborhood schools. Transportation would be required to be offered to students in transitional kindergarten through grade 6 who live more than half a mile from their neighborhood school, and more than one mile for students in grades 7-12. Establishes the Transportation Access to Public Schools Fund to provide funds to local educational agencies (LEAs) for this purpose.

Recent amendments delay the date by which LEAs are required to offer to transport students from the 2023-24 academic year to the 2027-28 academic year.

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**\*SB 906 (Portantino)****Amended:** 4/7/2022**Title:** School Safety: Mass Casualty Threats**Status:** Senate Floor—Third Reading**Position:** Support**Summary:**

As significantly amended, this bill no longer requires parents to disclose whether any firearms are located at the home of a student. The bill still would require schools to include information related to the safe storage of firearms in the annual notification provided to parents or guardians for pupils in grades 6-12.

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

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**\*AB 1607 (Muratsuchi)****Amended:** 4/18/2022**Title:** Education Finance: Local Control Funding Formula**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Watch**Summary:**

This is an urgency bill that would shift to using a three-year rolling average of average daily attendance (ADA) or the ADA for the current fiscal year, whichever is higher, for the Local Control Funding Formula, in place of the current methodology, which relies on current- or prior-year ADA.

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**\*AB 1609 (Muratsuchi)****Amended:** 4/18/2022**Title:** Education Finance: Local Control Funding Formula: Attendance Yields**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Watch**Summary:**

As amended, this bill would allow local educational agencies to use an adjusted average daily attendance (ADA) to determine Local Control Funding Formula apportionment for 2021-22. The attendance yield from 2019-20 would be applied to attendance data for 2021-22 in order to generate an adjusted ADA for 2021-22.

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**\*AB 1614 (Muratsuchi)****Amended:** 4/18/2022**Title:** Education Finance: Local Control Funding Formula: Base Grants: Aspirational Funding Level: Reports**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Support**Summary:**

This bill would increase the Local Control Funding Formula by \$4.2 billion above the 2022-23 cost-of-living adjustment. Recent amendments remove references to the national average, instead aspiring to top ten states' funding status.

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**\*AB 1948 (Ting)****Amended:** 5/3/2022**Title:** Education Finance: Local Control Funding Formula: Low-Income Pupils: Pupils Experiencing Homelessness**Status:** Assembly Floor—Third Reading**Position:** Support**Summary:**

This bill would make the following significant changes to the Local Control Funding Formula (LCFF) statute:

- Require, for the 2022-23 fiscal year, the grade span adjusted base grant for a school district or charter school's LCFF entitlement to be increased by 15%
- Amend the "low-income pupil" definition to mean students whose household income level is at or below 250% of the federal poverty level as adjusted annually, instead of "eligible for free or reduced-price meals"
- Add homelessness as a category of the unduplicated pupils under the LCFF
- Add language that the fiscal year average daily attendance (ADA) for a school district be computed based on the greatest of current-year ADA, prior-year ADA, or the average of the three most recent prior fiscal years

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**AB 2774 (Weber, Akilah)****Title:** Education Finance: Local Control Funding Formula: Supplemental Grants: Lowest Performing Pupil Subgroup or Subgroups**Status:** Assembly Floor—Third Reading**Position:** Support**Summary:**

Beginning with the 2023-24 fiscal year, adjusts the definition of "unduplicated pupils" to also include students that are identified as the lowest performing subgroup(s) based on the most recently available California Assessment of Student Performance and Progress math and English language arts scores.

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**AB 2924 (O'Donnell)****Title:** Education Finance: Base Grants: Adjustments: Reduced Class Size**Status:** Assembly Education Committee—Bill Did Not Meet Deadline**Position:** Support if Amended**Summary:**

Under current law, the K-3 grade span base grant is adjusted by 10.4% for school districts and charter schools that maintain an average class enrollment of not more than 24 pupils for each school site. Starting in 2022-23, this bill would apply the 10.4% adjustment to additional grade spans (K-3, 4-6, 7-8) that maintain an average class enrollment of no more than 24 pupils for each school site, unless a collectively bargained alternative ratio is agreed to by the school district or charter school.

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**SB 579 (Allen)****Amended:** 1/20/2022**Title:** Education Finance: Local Control Funding Formula**Status:** Assembly Education Committee**Position:** Watch**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.

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**SB 830 (Portantino)****Amended:** 5/19/2022**Title:** Education Finance: Additional Education Funding**Status:** Senate Floor—Second Reading**Position:** Watch**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 30% of the supplemental education funds on efforts focused on chronic absenteeism and habitual truancy.

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**SB 1431 (Rubio)****Amended:** 5/19/2022**Title:** Local Control Funding Formula: Base Grants: Adjustment: Class Size Reduction**Status:** Senate Floor—Second Reading**Position:** Watch**Summary:**

Commencing with the 2022-23 school year, would increase the K-3 grade span adjustment from 10.4% to 32.5% for a school district or charter school that maintains an average class enrollment of not more than 20 pupils for each school site. Transitional kindergarten classes shall be excluded from this calculation, and these additional funds shall not be included for purposes of calculating Local Control Funding Formula supplemental or concentration grants. Districts that qualify for this funding are ineligible for the 10.4% adjustment for maintaining average class enrollment of not more than 24 pupils.

## Student Health and Nutrition

### **[\\*AB 1797 \(Weber, Akilah\)](#)**

**Amended:** 5/2/2022

**Title:** Immunization Registry

**Status:** Assembly Floor—Third Reading

**Position:** Support

#### **Summary:**

As amended on May 2, this bill would require vaccine providers to disclose specified immunization information for the California Immunization Registry (CAIR), and would, until January 1, 2026, authorize schools and childcare providers to access CAIR to determine the COVID-19 immunization status of students for local educational agencies that have adopted a local policy mandating COVID-19 immunization for school attendance.

### **[SB 866 \(Wiener\)](#)**

**Amended:** 3/9/2022

**Title:** Minors: Vaccine Consent

**Status:** Assembly Judiciary Committee

**Position:**

#### **Summary:**

This bill would permit minors 12 and older to get vaccinated without parental consent for any vaccine approved by the U.S. Food and Drug Administration that meet the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

### **[SB 871 \(Pan\)](#)**

**Title:** Public Health: Immunizations

**Status:** Senate Judiciary Committee—Bill Did Not Meet Deadline

**Position:** Support

#### **Summary:**

This bill would add the COVID-19 vaccine to the list of compulsory vaccines required for students to attend school. The bill would also repeal Health and Safety Code Section 120338, which is the statute that requires any vaccine mandate enacted via the regulatory process to include a personal belief exemption.

### **[SB 1479 \(Pan\)](#)**

**Amended:** 4/4/2022

**Title:** COVID-19 Testing In Schools: COVID-19 Testing Plans

**Status:** Senate Floor—Third Reading

**Position:** Support

#### **Summary:**

Senate Bill 1479 requires the California Department of Public Health (CDPH) to continue its COVID testing programs for local educational agencies (LEAs), and also requires LEAs to create a COVID testing plan that is consistent with the CDPH's guidance. As part of the testing plan, LEAs are required to designate one staff member to report information about the testing program to the CDPH, and each school within a district shall have a designated staff member to report information on the testing program to the district.

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: Sandra Toscano, Instructional Superintendent  
Cabinet Approval: 

Date: June 03, 2022

Phone Number: 457-3928

Regarding: Rosetta Stone/Lexia Learning Student Data Update

The purpose of this communication is to update the Board on Elementary and Secondary Newcomer student engagement with Lexia Learning and Rosetta Stone (both programs are provided by the same company) respectively. Rosetta Stone is a language learning system provided to seventh through twelve grade newcomer students. Lexia Learning is a language learning system provided to Transitional kindergarten through sixth newcomer and Long-Term English Learner (LTELs) students.

All seven through twelve grade students in middle and high schools with English Language Development (ELD) course sections are enrolled in Rosetta Stone. Students can access the app on any device with internet. ELD teachers monitor use. Expectations are for students to use Rosetta Stone up to 15 minutes during class per week and one hour outside class for practice and students earning homework credit. High school students who participate in the English Learner Peer Mentor Program must use Rosetta Stone at least 1.25 hours/week, along with other criteria, in order to earn a \$250 scholarship. Currently Rosetta Stone has 272 seventh through twelve grade users. The total hours used this school year is 2,873. The time a student has spent this year on Rosetta Stone ranges from 0 to 53.8 hours. The average of all students on Rosetta Stone is 10.56 hours.

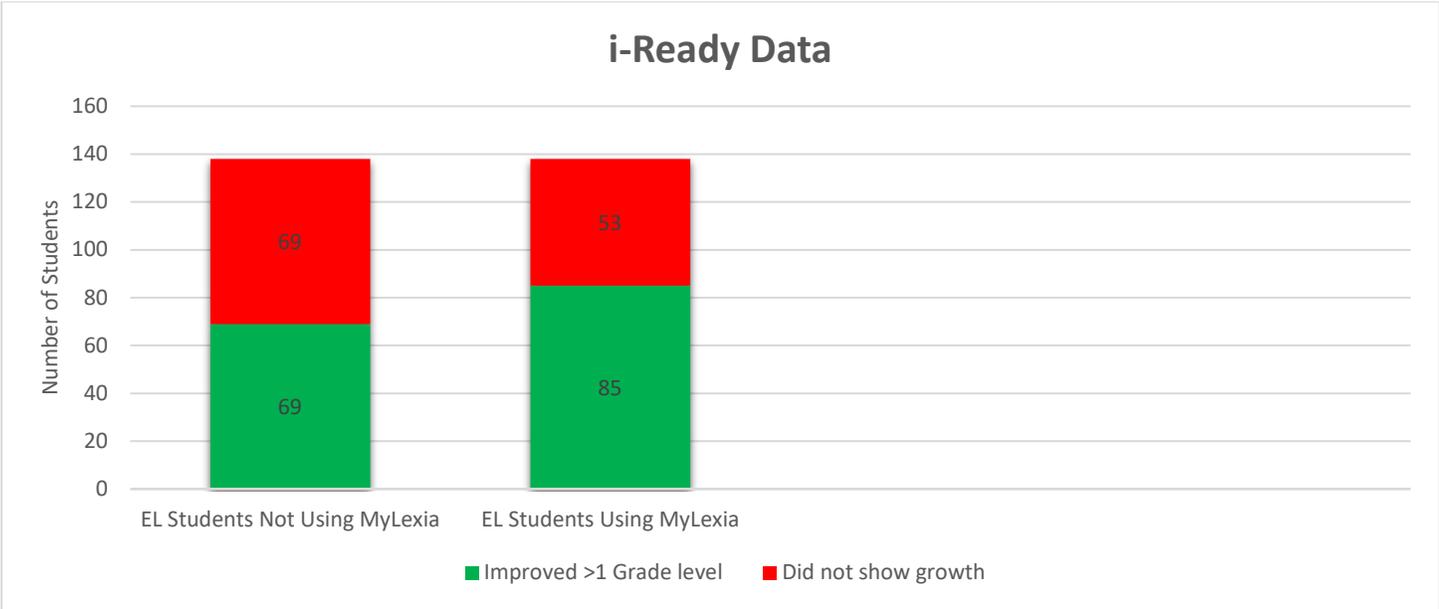
Lexia Learning is currently used by our fourth through sixth grade LTELs enrolled in our ELD After School Program as well as with our third through sixth grade newcomers, enrolled in our virtual ELD after school support. We compared i-Ready data of 138 students using the app to data of 138 randomly selected fourth through sixth grade LTELs who are not using Lexia Learning. The data indicates that of the 138 students who used Lexia English, 85 students showed growth of one or more grade levels on i-Ready compared to 50% of the randomly selected students who are not using the Lexia English app. Of the 85 students who showed growth, 68 students or 80% used the app at least an average of 30 minutes a week. Some students used the app consistently between two to six months. In general, Lexia did have a positive effect on student's i-Ready reading performance.

If you have questions or require additional information, please contact Sandra Toscano at 457-3928.

Approved by Superintendent  
Robert G. Nelson Ed.D.

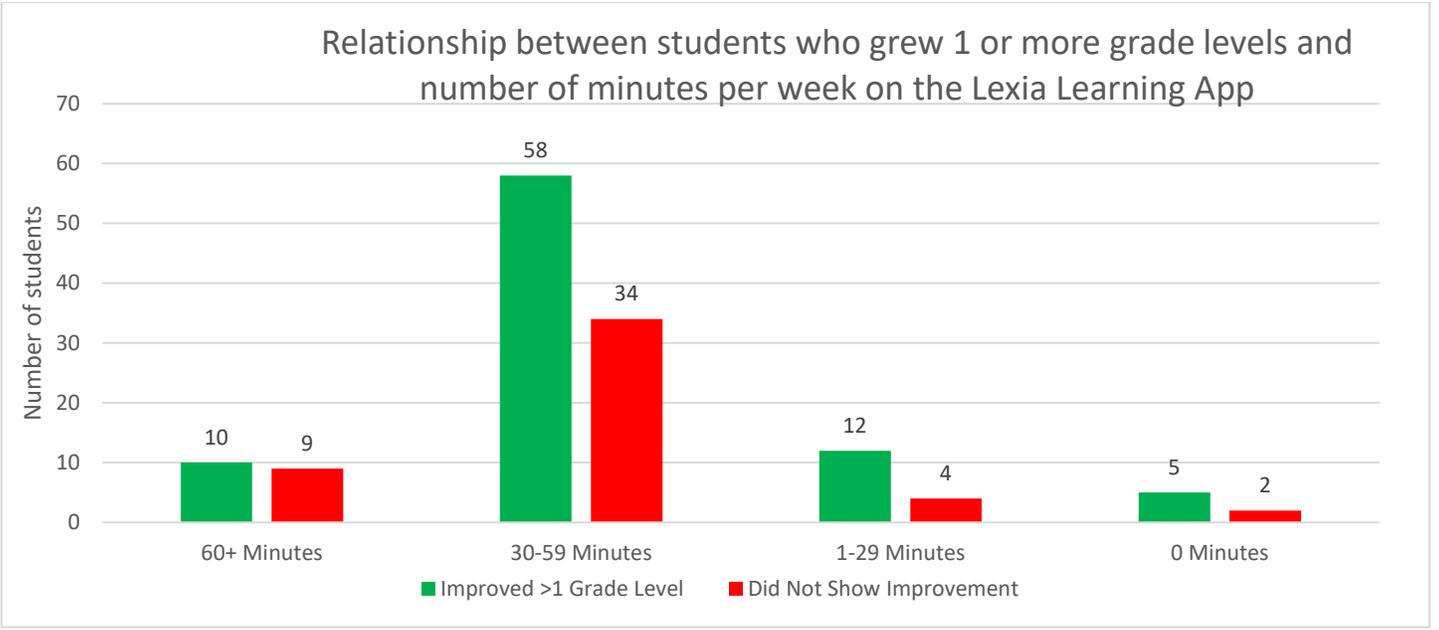


Date: 06/03/2022



The i-Ready Data chart compares 138 randomly selected English learner 4<sup>th</sup> – 6<sup>th</sup> grade students to the 138, 4<sup>th</sup> – 6<sup>th</sup> grade English learner students using the Lexia English app.

The green bar represents the number of students who improved one or more grade levels from the fall i-Ready reading diagnostic as compared to the spring i-Ready reading diagnostic. The red bar represents students who did not show any growth from the fall i-Ready reading diagnostic as compared to the spring i-Ready reading diagnostic.



This graph illustrates the 85 students who showed growth of one or more grade levels from graph 1. Of those 85 students, 68 students or 80% used the app at least an average of 30 minutes a week. Some students used the app consistently between two months to six months.

- 85% of the students who **used Lexia English** for at least 30 minutes a week improved one grade level or more on i-Ready reading diagnostic compared to only 50% of the students who **did not use Lexia English**.
- In general, Lexia did have a positive effect on students i-Ready reading performance.

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: Rita Baharian, Acting Executive  
Cabinet Approval: 

Date: June 03, 2022

Phone Number: 457-6058

Regarding: Learning Communities for School Success Program Grant Update

The purpose of this communication is to provide the Board an update on the three-year Learning Communities for School Success Program grant awarded in August 2021. Grant funds support the development of systems and structures for our Multi-Tiered System of Support (MTSS) framework by enhancing our Tier II academic targeted interventions districtwide, strengthening our social-emotional and behavioral supports, and refining our Tier III system.

With grant funds, we hired:

- Four Child Welfare and Attendance Specialists (CWAS) to assist in implementing Tier II structures, interventions, and supports at eight sites. Four Tier II CWAS positions were funded through the grant, and four positions were funded through the district as part of our commitment to match funds. The Tier II CWAS provide students with evidenced-based targeted interventions to address social emotional, behavioral, and attendance needs. Tier II CWAS support the development of a Targeted Support Team at each of the eight sites; this team aims to identify students and match their needs to appropriate Tier II social emotional, academic, and behavioral interventions.
- An additional Behavior Intervention Specialist to provide intensive behavioral support to expand from kindergarten through third grade to kindergarten through fourth grade.
- A Vice Principal on Special Assignment to oversee grant action items and collaborate across district departments to create professional learning modules and systemwide resources to support MTSS implementation.

The Grant Project Team meets monthly to collaborate on grant action items, review data, and problem solve collectively. Finally, a cross-departmental work team is developing a Student Success Team guidebook that will support sites through the referral process, identify areas of student need, and support the team with the development of a Tier III educational plan for students with intense academic, social emotional, and behavioral needs.

If you have questions or require additional information, please contact Rita Baharian at 457- 6058.

Approved by Superintendent  
Robert G. Nelson Ed.D.

  
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Date: 06/03/2022

Fresno Unified School District  
Board Communication

**BC Number SL-3**

From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Sandra Toscano and Michelle Lira  
Cabinet Approval: 

Date: June 03, 2022

Phone Number: 457-3928

Regarding: American Indian Education Update

The purpose of this communication is to update the Board on current services provided to American Indian students in Fresno Unified through the Title VI Grant and communicate future plans for students who do not qualify. American Indian Education Services funded through Title VI requires that each student complete the ED506 Registration Form ([ED506 Fillable Form](#)). Title VI in conjunction with department funding, provides one full-time Community Liaison, Michelle Lira, who collaborates with schools and families to offer services to the 231 Title VI identified students.

American Indian Education received a total of \$65,981 for 2021/22 through Title VI funding, which supplements the per pupil allocation each student receives through all state and federal monies. The district funds personnel for Indian Education.

231 current registered students listed by region:

- Roosevelt Region: 22 students
- McLane Region: 36 students
- Edison Region: 20 students
- Sunnyside Region: 30 students
- Bullard Region: 36 students
- Fresno Region: 36 students
- Hoover Region: 27 students
- eLearn: 13 students
- Specialty: 11 students

Our Community Liaison contacts families to extend support with completing the Title VI form and offer services. Our goal is to provide improved academic and cultural support services to American Indian students in the upcoming year now that we have a full-time Community Liaison funded by the district.

We recognize that we have more students that identify as Native American or Alaskan Native through registration process not included in Title VI services, and we are working to identify supports to match the student need. We plan to increase service to non-Title VI students identified through ATLAS to include academic and cultural opportunities.

To improve service to American Indian students and families, we held Parent/Community Round Table Listening Sessions on April 21, 2022 (25 attendees, including two Board Members, Valerie Davis, and Claudia Cazares). Instructional Superintendent, Sandra Toscano, Indian Education Community Liaison, Michelle Lira and Tammy Townsend, Office of State and Federal Programs were present to listen to the American Indian parent community and capture feedback to build an improvement plan. The follow-up meeting was held on May 26, 2022 and 20 community members attended.

Recommendations made by the American Indian Community are as follows:

Keep:

- One-on-one tutoring
- Referrals to our local tribal agencies and outside resources
- Parent/teacher consultations
- Monthly parent classes (continue virtual and in-person options)
- School supplies
- American Indian community engagement
- Access to Native American texts/library
- Use monthly Tuesday meetings to guide and continue work (parent meetings organized by Michelle Lira)
- Continue providing supplies to families for 231 Title VI registered students
- Transportation provided to conferences and events

Start:

- Additional staffing to Indian Education to help with outreach to schools
- Norms for community meetings
- Increase parent classes
- Increase cultural workshops
- More guest speakers & cultural youth conferences
- Extended learning opportunities (winter, summer and after school)
- Schedule listening sessions with students
- Increase engagement through an Indian Education site representative/contact (fieldtrips, conferences, workshops, dance classes, cultural events, camps, etc.)
- Detailed data requested for needs assessment from Equity and Access (in progress)
- Increase parent outreach and engagement
- Department resources like the African American Academic Acceleration (A4) Department
- All students that mark Native American in ATLAS get specialized services without having to prove membership through Title VI
- More funding (non-restricted funds, non-Title VI)
- Increase graduate rate for American Indian students
- Networking and professional learning to high school counselors to identify and provide academic support to American Indian students

Stop:

- Arduous process for tribal verification in order to receive district services

Next Steps: The Board will receive an update on parent input as part of our district needs assessment. Findings will be shared with the Indian Education Parent Committee. A data analysis and written proposal is in progress. Data will include educational success indicators (graduation rate, attendance, grades, etc.) in order surface areas of need.

If you have questions or require additional information, please contact Sandra Toscano and Michelle Lira at 457-3928.

Approved by Superintendent  
Robert G. Nelson Ed.D.

  
\_\_\_\_\_

Date: 06/03/2022