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

Regarding: Superintendent Calendar Highlights

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

- Met with Executive Cabinet
- Met with DM Group to plan for a joint presentation on strategic budgeting with Fort Worth Independent School District at the upcoming DM Group Superintendents Strategy Summit
- Attended Dailey Board Meeting
- Participated in virtual meeting on State Seal of Civic Education progress
- Attended the Urban Education Dialogue Meeting
From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Kim Kelstrom, Chief Executive
Cabinet Approval:

Regarding: School Services Weekly Update Reports for February 16, 2023

The purpose of this board communication is to provide the Board a copy of School Services of California’s (SSC) Weekly Updates. 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 February 16, 2023 is attached and includes the following articles:

- LAO Analysis of the Governor’s K-12 Spending Plan – February 14, 2023
- Newsom’s Big Bet on Fixing California’s Poorest Schools and Narrowing Achievement Gaps – February 16, 2023
- LAUSD Bus Drivers, Food Workers, Teacher Aides Give Union OK To Call Strike if Talks Fail – February 12, 2023

If you have any questions pertaining to the information in this communication, or require additional information, please contact Kim Kelstrom at 457-3907.

Approved by Deputy Superintendent
Misty Her ________________________________ Date: 02/24/2023
DATE: February 16, 2023

TO: Robert G. Nelson  
Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

RE: SSC’s Sacramento Weekly Update

February 17 Bill Introduction Deadline

Friday, February 17, 2023, is the deadline for lawmakers to introduce legislation to be considered for the first year of the 2023-24 Legislative Session. As of this writing, there have been nearly 1,800 bills introduced, including a number of significant education measures. We fully expect legislators to introduce several hundred more bills prior to tomorrow’s deadline.

It is important to note that there have not been any education bills introduced pertaining to COVID-19, nor do we expect any to be introduced before the deadline. This means that after three years of COVID-19 being the main issue for lawmakers, it looks as though we have finally arrived at a more “normal” legislative year.

Below we highlight some of the more significant measures that have been introduced over the past week that we have not already covered in previous Sacramento Updates:

- Assembly Bill (AB) 599 (Ward, D-San Diego) would, commencing July 1, 2025, remove unlawfully possessing, using, or being under the influence of a controlled substance from the list of acts for which a pupil may be suspended or recommended for expulsion for

- AB 659 (Aguiar-Curry, D-Winters) would add the human papillomavirus (HPV) immunization to the list of compulsory vaccines for students to attend school in person and would prohibit schools from admitting a student to the 8th grade without being fully immunized against HPV

- AB 984 (McCarty, D-Sacramento) would add the completion of a one-semester course in personal finance to the graduation requirements commencing with pupils graduating in the 2028-29 school year

- Senate Bill (SB) 323 (Portantino, D-La Cañada Flintridge) would, beginning with the 2025-26 school year, require the Individualized Education Program (IEP) for students with disabilities to include a description of the necessary accommodations regarding emergency safety procedures
• SB 445 (Portantino) would require a local educational agency (LEA) to provide a translation of a student’s IEP within 30 calendar days of a parent’s request, if that parent’s native language is one of the eight most commonly spoken languages in the LEA.

• SB 541 (Menjivar, D-San Fernando Valley) would require each public school to make condoms available to all pupils free of charge and, commencing with the 2023-24 school year, require schools to post at least one notice regarding these requirements on campus.

• SB 551 (Portantino) would amend the Mental Health Services Act to require each county to use at least 20% of their prevention and early intervention funds to provide direct services on school campuses in collaboration with LEAs.
  
  o As currently written, this bill would require a two-thirds vote to be approved.

Policy bills must be in print for 30 calendar days before any action, such as amendments or being heard in a committee, can be taken. With the introduction deadline passing, bills will be assigned to policy committees, and the hearing will begin in March. We will continue to monitor the significant preK-12 bills moving through the process and provide our summaries and analyzes in subsequent updates.

Leilani Aguinaldo
LAO Analysis of the Governor’s K-12 Spending Plan

By Anjanette Pelletier and Patti F. Herrera, EdD
School Services of California Inc.’s Fiscal Report
February 14, 2023

The Legislative Analyst’s Office (LAO) recently released its Proposition 98 Overview and K-12 Spending Plan, which analyzes Governor Gavin Newsom’s proposed 2023-24 education budget, including his spending solutions to address projected multiyear deficits in the State Budget affecting the Proposition 98 minimum guarantee. The LAO generally applauds the Governor’s emphasis on spending solutions instead of tapping into reserves. Across the State Budget, the LAO recommends that the Legislature prepare for a larger budget deficit than anticipated by Governor Newsom, as well as deal with outyear deficits he leaves unaddressed in his 2023-24 spending plan. Specifically, the LAO recommends the Legislature identifies more reductions and plans for a future without deficit spending.

Proposition 98 Minimum Guarantee and Proposition 98 Reserve

The LAO provides detailed background information on the Proposition 98 minimum guarantee, the three tests and protections for schools inherent in the system, and the recalculation of the minimum guarantee that adjusts K-12 school funding annually. The LAO additionally notes that the Governor’s Budget revises its estimate of the Proposition 98 minimum guarantee compared to the 2022-23 Enacted Budget levels up $178 million for 2021-22 due to increased local property tax revenues, and then down in 2022-23 by $3.4 billion due to lower General Fund revenue estimates.

However, given recent weak economic indicators, the LAO projects an 80% chance that state revenues will be at least $5 billion below the Governor’s January estimates, which will result in a commensurate downward adjustment of the minimum guarantee of approximately $2 billion for each of fiscal years 2022-23 and 2023-24.

Lowered estimates of the minimum guarantee are also likely to result in downward adjustments to required deposits into the Proposition 98 reserve, freeing up resources to pay for education budget priorities. The LAO explains that deposits into and withdrawals from education’s rainy day fund are driven by constitutional formulas. Specifically, the constitution requires the state to make a withdraw from the Proposition 98 reserve only when the budget year minimum guarantee is less than the current-year level, adjusted for inflation and attendance. Under the Governor’s estimates, the 2023-24 minimum guarantee is $1.8 billion higher than the revised levels for 2022-23, averting the constitutionally mandated withdrawal. That said, if the Governor declares a budget emergency, the Legislature would have the discretion to make a withdrawal from the Proposition 98 reserve and use the funds for any education purpose. Importantly, the Governor has not declared a budget emergency.

The Governor’s Budget uses $5.2 billion of available Proposition 98 resources largely to pay for his estimated 8.13% cost-of-living adjustment (COLA) for the Local Control Funding Formula (LCFF) and categorical programs, as well as his newly proposed LCFF equity multiplier add-on ($300 million ongoing). The LAO highlights that the Governor’s education spending proposal relies on $1.4 billion in one-time funds to support the new ongoing costs of the LCFF, with $1.2 billion coming from his planned 30% mid-year reduction to the 2022-23 Enacted Budget’s Arts, Music, and Instructional Materials Discretionary Block Grant. This creates a budget deficit for education in that the minimum guarantee in 2024-25 would have to increase by
at least $1.4 billion to backfill the loss of one-time funding. Even if the minimum guarantee were to increase, the deficit would reduce funding available for the COLA or other education spending priorities.

Recommendations

With respect to the COLA, the LAO estimates that the Governor’s 8.13% rate will be lower than their estimate of 8.4%, which would increase costs by $200 million relative to the Governor’s Budget. However, the LAO recommends that the Legislature cap the COLA at the Governor’s level to avoid creating new costs that the Proposition 98 minimum guarantee may not be able to afford. The LAO also recommends that the Legislature consider further reducing the COLA to avoid relying on one-time resources for ongoing costs and deficit spending altogether. They note that each 0.5% reduction in the COLA would reduce education costs by $400 million. Eliminating the use of $1.4 billion to cover LCFF costs would require reducing the COLA by 1.7% to 6.4%.

Finally, the LAO recommends the Legislature consider changes to the Governor’s proposed LCFF equity multiplier, including delaying implementation until fiscal conditions improve. Additional recommendations include reducing certain existing programs, including the Expanded Learning Opportunity Program, by making programmatic adjustments that would result in savings and eliminate the cost of local educational agency-operated state preschool slots that remain unused.

In sum, the LAO believes that the Governor’s January estimates may be too optimistic and recommends that the Legislature take a more prudent approach when considering the education budget by avoiding unnecessary new costs and a reliance on one-time resources that could create budget problems if economic and fiscal conditions deteriorate.

Note: Governor Gavin Newsom’s $300 million “equity multiplier” proposal looks to walk the tight rope of providing additional support to targeted student populations without violating the provisions of Proposition 209 (1996).

Newsom’s Big Bet on Fixing California’s Poorest Schools and Narrowing Achievement Gaps

Proposal implicitly acknowledges that school districts have not narrowed achievement gaps under the Local Control Funding Formula.

By John Fensterwald, Emma Gallegos, and Daniel J. Willis
EdSource
February 16, 2023

By directing funding to the state’s poorest schools and targeting racial disparities statewide, Gov. Gavin Newsom is proposing the biggest changes in a decade to the state system of funding and governing schools.

His plan would be an implicit acknowledgment that school districts’ efforts under the Local Control Funding Formula have not narrowed achievement gaps. Nor have districts sufficiently steered supplemental money from the formula to schools with the greatest needs.
His proposal, announced last month, grew out of a push by Black legislators to direct new money specifically toward helping Black students raise achievement. Since the 1996 voter initiative Proposition 209 bans affirmative action in public schools, Newsom is proposing a different approach.

A small proportion of Black students would benefit from attending the state’s poorest schools that would receive $300 million in new ongoing funding — a strategy Newsom is calling an “equity multiplier.”

But the legislation would do something else that officials say would benefit nearly all Black students: It would direct school districts to use the yearly state funding to help all student groups improve academic achievement.

The assumption behind the legislation is that supports and extra assistance will address underachievement. Black students have long scored lowest among students grouped by race and ethnicity.

“We cannot afford to hesitate in our ongoing efforts to deliver on the promise of equitable educational opportunity that is the heart of the Local Control Funding Formula,” said Brooks Allen, executive director of the State Board of Education and an education adviser to Newsom. “The needs of our children are as urgent as ever, and the governor’s budget proposals represent the next step in the evolution of the LCFF.”

Indeed, this next step would be more focused but is based on the same measures that districts have always used. Using statewide metrics on the California School Dashboard — test scores, chronic absences and graduation rates among them — districts already set districtwide goals for underperforming student groups. Under local control, they set their own priorities and how much to spend. They must consult with parents about their strategies and write the commitments into a strategic plan called the Local Control and Accountability Plan, an often unwieldy, parent-unfriendly document.

An example might be to set a goal of cutting an 18% rate of chronic absences in district middle schools in half within three years. Actions could include funding home visits, training all teachers in strategies for encouraging higher attendance and adding a half-time social worker in each school at an annual cost of $750,000.

Under Newsom’s plan, the LCAP process would apply to every low-performing student group in every school. Schools would have to say how parents had a voice in setting measurable goals and actions with needed funding. For the first time, they would also have to examine staffing issues, including disparities in credentialed and fully qualified teachers and training needs. Schools that can’t show progress annually would be required to change strategies in their LCAPs.

Districts would get help in tackling these challenges from county offices of education and a small state agency, the California Collaborative for Educational Excellence, which are charged with helping schools improve and monitor their efforts.

Several county offices would be designated “equity leads” and give priority for help and expertise to the high-poverty schools receiving the $300 million.

So far, representatives for school boards, district administrators and county offices have been silent on the extra demands, including an expansion of the LCAP which critics say is already burdensome for districts. Once they take positions, they’ll have several months to negotiate with Newsom’s office and legislative leaders on what should be in the final 2023-24 budget.
“The $300 million is the start of the conversation. The hard work is doing the systems change at the school site level so that you actually drive outcomes in a sustainable way,” said Derick Lennox, senior director of governmental relations and legal affairs with the California County Superintendents.

Heather Hough, executive director of PACE, a California university-based research nonprofit, commended Newsom for increasing funding for schools with the lowest-income students, especially because districts have failed to do so on their own. “The idea of the equity multiplier is a really good idea and very important,” she said.

But she also cautioned that Newsom’s proposed changes must be carefully thought through, especially the idea of adding equity leads to a county-driven support system that already designates leading county offices by geography and expertise. Simply “layering on top of the current system of support could add confusion and a lack of clarity over who’s responsible at the end of the day to make sure districts have plans that would help kids learn.”

There has been steady criticism since LCAPs were introduced in 2014 that districts haven’t clearly reported how they have spent state funding given to districts to help student groups like English learners and low-income students. In response to a 2019 report by then-state Auditor Elaine Howle that criticized a lack of spending transparency, Newsom last February eliminated a widely used loophole in the funding formula that districts used to avoid spending money on targeted students. In landmark research in 2021, Julien LaFortune, a senior fellow with the Public Policy Institute of California, calculated that school districts on average directed only 55 cents of every dollar of extra funding to the schools where high-needs students who generated the money attended.

**Funding targets racial disparities**

Newsom announced the initiative in his budget last month and fleshed out the concept in legislation, called the K-12 Omnibus Trailer Bill. The proposal was the outgrowth of talks between his administration and Assemblymember Akilah Weber, D-La Mesa. Last year, she withdrew a bill that would have directed additional money under the funding formula to address the academic needs of Black students, the state’s most underperforming ethnic and racial group.

The governor’s plan would focus extra funding on all low-performing student groups in about 800 out of about 10,000 schools. This bill explicitly calls for addressing disparities among racial groups, with the expectation that districts would use extra funding intended for underperforming students.

There had been some confusion about that issue, Allen acknowledged, because supplemental funding under LCFF is distributed based on the number of English learners, low-income, foster and homeless students attending a district. Some districts assumed that funding therefore could not be focused on the specific needs of low-performing Black students and other racial and ethnic groups — even if identified by dashboard measures — unless they fit into one of those groups.

This new law would tell districts their funding is to benefit all student racial and ethnic groups including Black students. “It’s the difference between should, under the existing law, and must,” Allen said.

The idea that these additional funds cannot be used to address stubborn racial disparities is an “all too widespread misperception,” Weber said in a statement. It is “damaging because it prevents many districts from taking targeted actions to address the demonstrated needs of African American students.”
With that issue clarified, Weber and the Black Legislative Caucus issued statements supporting Newsom’s plan.

Education Trust-West, an Oakland-based advocacy organization, indicated its support, too. Noting data that show that Black students have made little progress after a decade under the existing funding formula, Executive Director Christopher Nellum, said, “We are of the mind that whatever way we can get dollars to Black students in the schools where they are, we’re happy with.”

Ed Trust-West supported Weber’s AB 2774, but is not wedded to a particular bill or approach. “Now that we’re here, we’re happy with the governor’s approach,” he said.

**How $300 million will be divided**

Schools with the most low-income students will share in the extra $300 million in ongoing funding, rising yearly with the cost of living. The money would be allocated based on school enrollment. The minimum award for any eligible school would be $50,000.

Based on details in the trailer bill, EdSource calculated that 806 schools would be eligible for funding. Along with charter and traditional schools, more than a quarter would be juvenile court, continuation and special day schools meeting the needs of students in an alternative setting.

The Newsom administration and the Black Legislative Caucus said that equity multiplier schools would reach nearly 10% of the state’s 299,000 Black students.

But an EdSource analysis shows that the equity multiplier schools would serve only 6.6% of Black students. Latino students would make up 86%, Asian students 1.3% and whites 3.8% of students in those schools.

It’s unclear how the administration derived its 10% number, and it has not responded to multiple requests from EdSource for an explanation. Weber referred EdSource to the California Department of Education, which has not detailed its analysis.

However, Allen said that by extending school improvement requirements to all schools and districts with very low-performing groups, Newsom’s plan would cover 95% of Black students statewide. Districts would
use existing money under the funding formula to serve students outside of the schools receiving the new money.

School eligibility would be determined by the proportion of students whose family incomes qualify for the federal free lunch programs: 90% of enrollment for elementary and middle schools, and 85% for high schools.

The trailer bill provided additional details on what Newsom is proposing:

- Accountability: The new “equity leads,” likely two to four county offices, will take the lead in helping school leaders create and implement plans to address disparities among student groups. They would work to establish “hubs of experience,” which could include networks of districts and nonprofits to help districts identify barriers and best practices. The state would pay for these efforts, but Newsom has not set an amount.

- Mid-year review: School districts, county superintendents of schools and charter schools would be required to present a midyear progress update to the public by Feb. 28 each year. School leaders must share what has been implemented, how much money has been spent and whether any progress has been made toward goals outlined in the Local Control and Accountability Plan.

- Earlier release of California School Dashboard data: The timeline for local school districts to publicly report their performance data will move from December to October over the next four years.

**Tempered responses**

Before releasing the governor’s proposal, Newsom officials didn’t brief organizations representing schools, school administrators and county offices — those who will be charged with carrying them out. Until they’ve gotten reactions from their members, they’ve been cautious not to say much.

“While we support the goal of providing additional resources to underserved student groups, we are still evaluating whether this particular approach is the best option for the challenges our students face in the current moment.” said Troy Flint, chief information officer of the California School Boards Association.

Edgar Zazueta, executive director of the Association of California School Administrators, declined to comment pending further review.

Lennox, of the California County Superintendents, said his organization also doesn’t yet have a position on the equity multiplier. “There’s a lot to appreciate about how ambitious it is, but the field will be asking a lot of questions in the coming months about some of the mechanics. We feel like this is a really, really good first step in making strides towards system coherence.”
Note: Local 99 of the Service Employees International Union, which represent 30,000 classified employees in the Los Angeles Unified School District, have voted to allow their leaders to call for a strike if negotiations don’t lead to an agreement.

**LAUSD Bus Drivers, Food Workers, Teacher Aides Give Union OK To Call Strike if Talks Fail**

By Howard Blume  
*Los Angeles Times*  
February 12, 2023

Members of the union that represents most nonteaching employees in Los Angeles schools — cafeteria workers, custodians and teacher assistants — have overwhelmingly voted to allow their leaders to call a strike if negotiations don’t lead to an agreement.

The 30,000 workers represented by Local 99 of Service Employees International Union include bus drivers, campus security aides and gardeners — all essential to operations in the nation’s second-largest school system.

The union is seeking a 30% wage increase plus a $2-per-hour “equity wage adjustment” for all — which would especially benefit hourly workers making the least. The union is negotiating for salary terms going back to the start of the 2020-21 school year.

The ballots were tallied Saturday, and the outcome was no surprise — a strike-authorization vote is a standard pressure tactic — and the approval does not mean there will be a strike. But the union leadership now has a strong endorsement to call a strike at its discretion.

The size of the “yes” vote — 96% — was intended to send an unmistakable signal about worker dissatisfaction to the L.A. Unified Board of Education and Supt. Alberto Carvalho.

“Working families cannot wait for living wages,” Local 99 Executive Director Max Arias said. “Students cannot wait for clean, safe and supportive schools. We won’t wait anymore. Workers have made it clear that they don’t want any more empty promises.”

Arias accused L.A. Unified of treating his members with “blatant disrespect.”

“After nearly a year of bargaining, LAUSD has shown no effort to truly move essential workers out of poverty and address dire staffing shortages in our schools,” he said. “Furthermore, throughout the bargaining process and the strike vote, workers have been subjected to surveillance, intimidation and harassment by the school district.”

Local 99 has filed “dozens of unfair labor practice charges” with state regulators, Arias said, “to protest LAUSD’s unlawful interference in workers’ right to vote and participate in union activities.”

The school district on Saturday did not respond to these specific allegations, but provided a statement.

“Los Angeles Unified is committed to fair and equitable negotiations that offset the pressures of inflation for all employees who serve our students and schools,” the statement said. “We are hopeful that we will reach
an agreement at the negotiating table that is beneficial to our dedicated workforce and avoids disrupting the significant improvements we are making in instruction and social emotional support for students, especially in the aftermath of the pandemic.”

Local 99 had declared an impasse in negotiations. The next step under California labor rules is mediation, scheduled to begin Feb. 21. Members cast ballots for the strike authorization from Jan. 23 through Friday.

The teachers union has pledged to support a Local 99 strike. Members also have not reached a contract settlement, but their negotiations are not as far along in the process. Even so, teachers union leaders have been especially specific in accusing the district of sitting on billions of dollars in reserves that could be used for additional hiring and higher pay.

In a recent interview, Carvalho addressed claims related to district reserves.

“We’re not sitting on $5 billion worth of reserves,” Carvalho said. “And to say that is inspiring false hope — period. I stand by it.”

Carvalho also said that the district is actively filling vacancies and has done well in a tight labor market, adding 2,100 teachers for the current school year.

While members of the teachers union have highlighted their struggles to get by in high-cost Southern California, Local 99 workers generally make considerably less, with wages well below the federal threshold for “very low income.”

The average annual pay for the unit with instructional aides, including for special education, is $27,531. The average for the unit that includes bus drivers, custodians and food service workers is $31,825. Teacher assistants on average make $22,657. Those in the unit that includes after-school program workers on average make $14,576.

About 24,000 Local 99 members work fewer than eight hours a day, and about 6,000 work eight-hour jobs. Many union members are part of households with school-age students, including many in L.A. Unified.

“This over-reliance on a low-wage, part-time workforce makes it difficult for the school district to retain and recruit workers, leading to serious staffing shortages,” a union spokeswoman said.

More than 10,000 Local 99 members do not get healthcare coverage through the school district.

A challenge for the union is winning meaningful raises for work that typically does not pay well and continues to be low paid in other school systems. It has been commonplace for Local 99 members to work second jobs and rely on the employment of other family members.
From the Office of the Superintendent  Date: February 24, 2023
To the Members of the Board of Education
Prepared by: Jeremy Ward, Assistant Superintendent &
Kristen Boroski, Director
Cabinet Approval:

Regarding: Career Technical Education Drones and Aviation Enrichment Opportunities

The purpose of this communication is to provide the Board with information about the Fresno Unified Career Technical Education’s Drones and Aviation Winter Camp. This camp provides real world learning experiences to students across our district with an introduction to drones and the careers in aviation.

The Career Technical Education (CTE) department plans and offers drones and aviation camps with New Vision Aviation, a local nonprofit dedicated to providing access to aviation education and training to students in underserved populations and WorkEd Incorporated. The goal is to provide opportunities for students to learn about associated careers and access an industry with high skill and high paying jobs. In January 2023, the CTE department, in partnership with Extended Learning offered the first winter session camp in drones and aviation. More than 60 students participated in the week-long camp and learned from aviation professionals and Reedley College Aviation Program instructors.

Drones and aviation camps will be offered during intersessions to engage students and gauge interest in future aviation related programs.

If you have any questions pertaining to the information in this communication, or require additional information, please contact Jeremy Ward at 248-7465.

Approved by Deputy Superintendent
Misty Her ___________________________ Date: 02/24/2023
The purpose of this board communication is to provide the Board an update on the current status and future expansion of Elementary Athletics.

**Elementary Athletics – Current Status**
Currently, we offer eight athletic opportunities for our elementary students: Flag Football (B/G), Volleyball (G), Soccer (B/G), Cross Country (B/G), Basketball (B/G), Wrestling (B/G), Track & Field (B/G), and Softball (B/G). These sports are spread out over the school year, with specific season options available during each quarter for students. Each sport culminates with a championship tournament, where the top eight teams are recognized with trophies, medals, or ribbons.

**Future Expansion**
We have been looking into expansion opportunities, or modification options to our current programming. These include the addition of Volleyball (B) (tentatively scheduled to launch in Spring of 2024), introduce Baseball (B) instead of Softball, Tackle Football in lieu of Flag Football. These modifications are intentional so that skills developed earlier in the students’ athletic career will assist with the growth of these sports as the students’ progress through middle school and then high school.

If you have any questions pertaining to the information in this communication, or require additional information, please contact Bryan Wells, Assistant Superintendent at 457-3508.

Approved by Deputy Superintendent
Misty Her ____________________________ Date: 02/24/2023