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Robert G. Nelson, Ed.D.

BOARD COMMUNICATIONS – NOVEMBER 09, 2023

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
S-2 Ambra O'Connor Thanksgiving Break Office Closures

BUSINESS AND FINANCIAL SERVICES – Patrick Jensen, Chief Financial Officer

BFS-1 Kim Kelstrom School Services Weekly Update Reports for
October 26, 2023 through November 03, 2023
BFS-2 Ashlee Chiarito October Legislative Committee Meeting

ENGAGEMENT & EXTERNAL PARTNERSHIPS – Wendy McCulley, Chief Officer

E&EP-1 Wendy McCulley Giving Tuesday 2023

INSTRUCTIONAL DIVISION – Dr. Natasha Baker, Chief Officer

ID-1 Marie Williams Community Responsive Education

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: November 09, 2023

Phone Number: 457-3884

Regarding: Superintendent Calendar Highlights

The purpose of this communication is to inform the Board of notable calendar items for the last two weeks:

- Attended the Principals' Meeting
- Held press conference to announce Tentative Agreement between Fresno Teachers Association and Fresno Unified
- Attended Fresno Compact Meeting
- Spoke at the Grand Opening of *The American and the Holocaust: A Traveling Exhibition*, at the Fresno County Library
- School site visits at Ayer, Aynesworth, Leavenworth and Roosevelt
- Met with Executive Cabinet
- Attended Breakfast with Blue at Roosevelt
- Held interviews for Principal on Special Assignment, Leadership Development
- Met with the Latino Educators Roundtable
- Attended the Farber Community Open House
- Met with Principals to review the Tentative Agreement with Fresno Teachers Association
- Attended the Fresno County Superintendent's Networking Meeting
- Attended the Sunnyside vs. Lemoore quarterfinal football game


Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 11/09/23

Fresno Unified School District
Board Communication

BC Number S-2

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Ambra O'Connor, Chief of Staff
Cabinet Approval: 

Date: November 09, 2023

Phone Number: 457-3838

Regarding: Thanksgiving Break Office Closures

The purpose of this communication is to provide the Board information on planned office closures during Thanksgiving Break.

The Board Office and Superintendent's Office will be closed to the public during Thanksgiving Break (November 20 through November 24, 2023) and will reopen on Monday, November 27, 2023. Board packets will not be delivered during Thanksgiving Break and regular packet delivery will resume on December 4, 2023.

Here is wishing you a wonderful, restful holiday with family. If you have any questions, please call.

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



Date: 11/09/23

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, Chief Executive
Cabinet Approval:

Date: November 09, 2023

Phone Number: 457-3907

Regarding: School Services Weekly Update Reports for October 26, 2023 through November 03, 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 Updates for October 26, 2023 through November 03, 2023 are attached and include the following articles:

- State Revenues Stable Through September, October is Uncertain – October 26, 2023
- Suspending Students Leads to Big GPA Drop, According to UCSF Study – October 25, 2023
- California Should Look to Pentagon's Schools to Improve Lagging Academic Skills – October 23, 2023
- Don't Sound the Alarm (Yet)! – November 02, 2023
- California's Budget Gap is Likely to Grow as State Tax Collections Fall Far Below Projections – October 31, 2023
- Schools Take on New Designs for Extra Security in Era of Campus Shootings – October 31, 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 Superintendent
Robert G. Nelson Ed.D.



Date: 11/09/23



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DATE: October 26, 2023

TO: Robert G. Nelson
Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

RE: ***SSC's Sacramento Weekly Update***

With the Legislature on recess until January and with Governor Gavin Newsom done acting on bills, it was a very quiet week in Sacramento. The big news out of the Governor's office is that Newsom kicked off his weeklong climate tour in China, where he met with Chinese President Xi Jinping and, in the Governor's own words, discussed ways to "accelerate our progress on climate in meaningful and substantive ways."

New House Speaker Elected

Over the last several *Sacramento Updates*, we have been keeping you apprised of the search for the new Speaker of the House of Representatives. After three weeks of failed votes, the GOP was able to elect Louisiana Representative Mike Johnson to the speakership by a vote of 220 to 209. Johnson was the fourth nominee put forward by the GOP conference after Kevin McCarthy (R-CA) lost the gavel over three weeks ago.

With a new Speaker in place, the House can now resume its activities, including bringing bills to the floor, conducting hearings, and negotiating with the Senate and White House on a fiscal year (FY) 2024 budget. While Johnson was among the 90 Republicans who voted against the continuing resolution (CR) to keep the government funded through mid-November, he did release a "Dear Colleague" [letter](#) just hours before he was elected Speaker that signals his support for another stopgap measure if the FY 2024 budget is not completed by the November 17 deadline. Should another CR be necessary, Johnson proposes that it expire on either January 15 or April 15, whichever can obtain GOP conference consensus.

Johnson is considered by Washington insiders to be a hard-lined conservative. The education bills that he has championed in the House largely reflect the priorities passed by Republican lawmakers at the state level. He supports a ban on mask mandates and a ban on gender-affirming care for minor students. He also cosponsored the parents' rights bill that passed the House earlier this year but has stalled in the Democratically controlled Senate. He has additionally expressed support for a proposal to create a federal tax credit for private school choice and another that would permit states to receive their federal education funds via block grant.

As Speaker, Johnson will have the power to influence and push the GOP policy agenda, as he now controls what bills are brought to the House floor for debate. He will also play a key role in the federal budget process and thus will likely spearhead the GOP proposal to cut funding for the U.S. Department of Education by \$22.5 billion. The Republican-backed proposal includes a \$14.7 billion cut to Title I, which would reduce funding for the program by 80%. President Joe Biden and Senate Leader Chuck Schumer (D-NY) oppose these significant reductions to education spending but may need to make some concessions to Johnson in order to get the FY 2024 budget approved.

Butler Won't Run for Senate in 2024

Less than three weeks into the job, U.S. Senator Laphonza Butler put an end to the speculation that she might run for the seat next year by saying she would not run for the full six-year term.

The decision means that Butler will finish out the rest of the late Senator Dianne Feinstein's term and then hand the office over to whoever wins next November. The field right now includes Congressional Representatives Barbara Lee, Katie Porter, and Adam Schiff.

Leilani Aguinaldo

State Revenues Stable Through September, October is Uncertain

By Brianna García and Wendi McCaskill
 School Services of California Inc.’s *Fiscal Report*
 October 26, 2023

The Department of Finance released its most recent *Finance Bulletin* on Monday, October 23, 2023, via a new interactive format. The October release reflects both national and state economic data through September 2023 and indicates General Fund revenues continue to be in alignment with the 2023 Budget Act projections.

September General Fund revenues exceeded budget projections by \$796 million (5.7%), with total actual revenues at \$14.77 billion versus a forecasted \$13.97 billion. The 2023-24 Budget year-to-date, actual General Fund revenues of \$36.76 billion exceed the forecast of \$35.88 billion by \$879 million (2.4%).

As indicated below, when looking more specifically at the “Big Three” (i.e., personal income tax, corporation tax, and sales and use tax), both personal income tax and sales and use tax were slightly below projections on a year-to-date basis, and corporation tax actual revenue outpaced forecasted revenue. September 2023 revenues show both corporation tax and personal income tax exceeding projected figures and sales and use tax actual revenue falling slightly below projections.

| Dollars in millions | September 2023 | | | | 2023-24 Year-to-Date | | | |
|----------------------------|----------------|----------|------------|---------------|----------------------|----------|------------|---------------|
| | Forecast | Actual | Difference | Percent Diff. | Forecast | Actual | Difference | Percent Diff. |
| Personal Income Tax | \$8,561 | \$8,576 | \$16 | 2% | \$22,593 | \$22,566 | \$27 | -0.1% |
| Corporation Tax | \$2,118 | \$2,966 | \$848 | 40.1% | \$3,386 | \$3,925 | \$539 | 15.9% |
| Sales and Use Tax | \$2,788 | \$2,697 | -\$91 | -3.3% | \$8,171 | \$8,067 | -\$104 | -1.3% |
| | \$13,467 | \$14,239 | \$773 | | \$34,150 | \$34,558 | \$408 | |

Source: [Finance Bulletin, October 2023 Issue \(ca.gov\)](#)

At the 2023 Budget Act enactment, the payment and filing tax deadline, which impacts both personal income and corporate taxes, was delayed for most Californians until October 16, 2023. Cashflow projections for 2023-24 factored into this delay. On October 16, the payment and filing tax deadline was further delayed until November 16, 2023. The impact of this extension is not fully known at this point. However, the Franchise Tax Board receipts provide potential insights—whether as a result of the twice-extended filing deadline or just from economic headwinds in general.

According to Jason Sisney, the State Assembly’s budget director, October revenues are reported as coming in below projections for the month of October. Notably, the month is not yet at its close, and the lower than anticipated revenues are at least partially due to the later tax deadline. We are now looking to December for a clearer picture of November revenues and to glean a hint of what the Governor may propose in January.

Turning to the economy, September U.S. unemployment held steady at 3.8%—unchanged since August. On the other hand, California unemployment increased slightly from 4.6% to 4.7% between August and September.

September U.S. headline inflation matches August at 3.7%, while U.S. core inflation decreased slightly from 4.3% in August to 4.1% in September. As a reminder, core inflation exempts food and energy prices from the calculation. California headline inflation increased to 3.6% in August from 3.1% in June, though California’s core inflation fell from 4.6% in June to 4.0% in August.

Regarding housing, permits were up 4.5% from July but remain down 7.7% year over year. The median price of single-family homes is up 3.3% from July to \$859,800, while sales of existing single-family homes were down 5.3% from July.

We will continue to track economic indicators and state cash flow and will report out regularly on the U.S. and California economies as well as the alignment between projections and actual cash flow data.

Note: On October 8, the Governor signed Senate Bill 274 (Skinner), which prohibits the suspension or expulsion of a student enrolled in 6th through 12th grade in a public school on the basis of willful defiance until July 1, 2029.

Suspending Students Leads to Big GPA Drop, According to UCSF Study

By Emma Gallegos
EdSource
October 25, 2023

Excluding students — particularly Black, Latino and indigenous students — from class leads to a big drop in their GPAs, according to a study by researchers with UCSF.

[The study](#), published in JAMA Network Open, followed 16, 849 sixth through tenth grade students from an unnamed large urban district in California from 2014 to 2017. The district does not allow expulsions. It found that students who were removed from a classroom or suspended in the first year of the study saw their GPAs drop by .88 points, or nearly a full letter grade by the study’s end.

The impact on Black and Latino students was even more dramatic. Black students were 10 times more likely to be removed from a classroom or suspended than white students. Their GPAs dropped 1.44 points by the end of the study. Latino students saw a drop of 1.39 points, and American Indian/Alaskan Natives saw a drop of 1.33 points.

“These children are experiencing discrimination in how school discipline is applied,” said Camila Cribb Fabersunne, MD, UCSF assistant professor of pediatrics and the study’s author, in a statement. “When students are subject to trauma in a place that should be a sanctuary – a place where they think they will be safe from racism and the adults will support them – it impacts them in a profound way.”

Researchers call these findings showing stark racial disparities “worrisome” because GPA is a common metric that influences student’s opportunities to participate in extracurricular activities, high school graduation and college admission.

Crib Fabersunne said that being excluded from the classroom should be considered an adverse childhood event (ACE) that puts students at risk for chronic illnesses like diabetes, asthma and also mental illness and depression. She recommends that pediatricians screen for exclusionary discipline during health care visits, the same way that they do for attention issues or learning disabilities. She also recommends they intervene.

“Pediatricians should call the school and ask the assistant principal why the disciplinary action was taken,” Cribb Fabersunne said. “They should explain that the student’s behavior may reflect difficult things going on outside of school, and that practices like restorative justice and mindfulness are more effective responses.”

The authors recommend that state and federal policymakers replace exclusionary practices, including the presence of school police, with in-school behavioral and mental health support.

Note: On the National Assessment of Educational Progress, the Defense Department’s schools outscored every jurisdiction in math and reading last year.

California Should Look to Pentagon’s Schools to Improve Lagging Academic Skills

By Dan Walters
CalMatters
October 23, 2023

The state Department of Education released results from the latest round of academic achievement tests of California’s nearly 6 million public school students last week and there were – unfortunately – no surprises.

California’s kids continue to display subpar skills in English language arts and mathematics – fewer than half meeting standards in the former and scarcely a third in the latter, with fractional gains at best.

As usual, the state’s educational establishment tried to put a positive spin on the results while blaming the pandemic for any deficiencies.

“These results suggest that California’s public schools are beginning to turn the corner on pandemic recovery, with gains on most assessments and a substantial reduction in chronic absenteeism, especially for our most vulnerable groups of students,” Linda Darling-Hammond, president of the state school board, said in a statement.

As usual, too, Darling-Hammond and other officials touted their efforts to improve educational outcomes, most recently an extra jolt of money called an “equity multiplier,” that Gov. Gavin Newsom sought. It gives more money to schools whose students trail the most, on top of the extra money that predecessor Jerry Brown gave them through the Local Control Funding Formula.

As usual, the state’s politicians and education officials, backed by school unions, see money as the only important factor in California’s chronic inability to climb out of the lower tier of states in educational performance.

California has been mired in that lower tier for years as shown by the National Assessment of Educational Progress testing program. Consistently, states that spend less than California does on its students – \$22,000 per pupil in the current state budget – score higher.

By happenstance, California’s academic test results were issued just a few days after the New York Times, after extensive research, declared which U.S. school system works the best. Surprisingly, it is the 66,000-student system operated by the Department of Defense for offspring of military personnel and employees scattered across the globe.

The Times reported that “the Pentagon’s schools for children of military members and civilian employees quietly achieve results most educators can only dream of.

“On the National Assessment of Educational Progress, a federal exam that is considered the gold standard for comparing states and large districts, the Defense Department’s schools outscored every jurisdiction in math and reading last year and managed to avoid widespread pandemic losses. Their schools had the highest outcomes in the country for Black and Hispanic students, whose eighth-grade reading scores outpaced national averages for white students.

“Eighth graders whose parents only graduated from high school – suggesting lower family incomes, on average – performed as well in reading as students nationally whose parents were college graduates.”

In a nutshell, the Pentagon’s schools are everything that California’s schools should be and are not.

“If the Department of Defense schools were a state, we would all be traveling there to figure out what’s going on,” Martin West, an education professor at Harvard who serves on the NAEP governing board, told the Times.

“How does the military do it? In large part by operating a school system that is insulated from many of the problems plaguing American education,” the Times concluded. “Defense Department schools are well-funded, socioeconomically and racially integrated, and have a centralized structure that is not subject to the whims of school boards or mayors.”

Maybe, just maybe, California’s politicians and educational bureaucrats should pay attention to what’s working in the Pentagon’s schools – and even in some exemplary California schools – and stop chanting that spending more money is the key to success while tinkering incessantly with curricula and teaching methodology.



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DATE: November 3, 2023

TO: Robert G. Nelson
Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

RE: ***SSC's Sacramento Weekly Update***

With the Legislature on recess until January 3, 2024, and Governor Gavin Newsom three weeks removed from his final bill actions, it was another quiet week here in Sacramento.

The big news of the week was that Governor Newsom returned from his China trip, where he looked to normalize relationships between the Golden State and China. The Governor said he prioritized three goals during the trip: advancing climate action and cooperation, promoting economic development and tourism, and strengthening cultural ties.

While the Governor continues to insist that he is not running for president next year, the trip gave Newsom a chance to showcase his international chops and take photo ops with the leader of a global superpower.

Federal Budget Update

Last week, we reported that the House of Representatives elected Mike Johnson (R-LA) as Speaker after a three-week vacancy.

Now that the House has a speaker, they will be able to participate in budget negotiations with the White House and Senate for fiscal year (FY) 2024. With the current continuing resolution (CR) set to expire on November 17, Congress will need to approve another stopgap measure within the next two weeks to avoid a government shutdown.

Just hours before he was elected Speaker, Johnson released a "Dear Colleague" letter in which he proposed updates to the appropriations calendar. In the letter, he says that if another stopgap measure is needed, he proposes that the CR expire on January 15 or April 15. In a recent interview, Johnson appeared to endorse the January 15, 2024, option.

Johnson's proposal to punt budget negotiations into the next calendar year is on a collision course with the Senate, which is currently mulling a CR that funds the government through mid-December with a goal to approve an appropriations package before their holiday break. House Republicans have emphasized that they want to approve all 12 appropriations bills that comprise

the federal budget individually and thus want to avoid combing the bills into one omnibus measure. In his “Dear Colleague” letter, Johnson emphasizes that he wants to “ensure the Senate cannot jam the House with a Christmas omnibus.”

While House Republicans support taking budget negotiations into the new year, a number of their GOP colleagues in the Senate have aligned with Democrats who would like to see the FY 2024 budget approved before the new year. Senator John Boozman (R-AK), a senior member of the Senate Appropriations Committee, said approving a budget as soon as possible is much more efficient for federal agencies and that the longer Congress waits, the more money they waste. Committee Vice Chair Susan Collins (R-ME) agrees with Senator Boozman and says passing a full-year appropriations package is “the most important action Congress can take to bolster our national security.”

The two chambers have made modest progress in approving the 12 annual appropriations bills. As of this writing, the House has approved half of the dozen bills, while the Senate has approved only three. Even after the two chambers approve their versions of the budget, they still have to negotiate a final budget deal with each other and the Biden Administration. Those negotiations are bound to be contentious, with the GOP-controlled House wanting significant cuts and the Democrat-controlled Senate opposed to reductions.

It is important to note that the debt ceiling deal reached back in May does set some fiscal parameters around the FY 2024 and FY 2025 budget negotiations. In exchange for suspending the debt ceiling until January 1, 2025, the Biden Administration and Senate Democrats agreed to keep nondefense spending flat in FY 2024 and cap total spending increases for FY 2025 at 1%.

This is an issue we will continue to monitor, especially to see how the FY 2024 education budget looks after a deal is cut.

Leilani Aguinaldo

Don't Sound the Alarm (Yet)!

By Patti F. Herrera, EdD
School Services of California Inc.'s *Fiscal Report*
November 2, 2023

With the initial October 16 tax filing deadline just two weeks behind us, on which the Internal Revenue Service (IRS) unexpectedly announced another month-long extension for California personal and corporate tax filers, budget hawks have been grasping at air to assess the state's current revenue landscape. Most notably, key budget staff in the Assembly correctly pointed out that, as of October 27, 2023, the state Franchise Tax Board (FTB) had collected a mere \$18.1 billion of the expected \$44.8 billion (or net \$14.8 billion of \$42.7 billion when accounting for anticipated refunds) for the month of October.

Of course, the question the current \$27.9 billion hole provokes is whether the revenue will materialize on November 16 and if the IRS will once again defer the filing deadline? A potential deficit of tens of billions of dollars is nothing to look away from. In fact, a deficit that size would have significant ramifications on the Proposition 98 minimum guarantee of approximately \$10.7 billion across the three-year budget period that Governor Gavin Newsom no doubt would have to address in January. However, it is too early to sound the alarm.

While it could be argued that the IRS's late notice, and the FTB's even later notice, of the filing extension would mean that very few Californians had yet to put their tax payments in the mail, this is a good time to remind our readers that only 1% of Californians pay half of all personal income tax revenue, which accounts for the lion's share of all state General Fund revenue. And we have good reason to believe that the state's billionaires were aware that the IRS would be extending the deadline by which they had to pay their taxes. So, perhaps the \$18.1 billion in collections as of October 27 reflect payments made by ordinary Californians like me and you, while the balance could be paid in just a few short days by our few wealthy co-inhabitants in Silicon Valley and Beverly Hills.

Only time will tell.

The Legislative Analyst's Office (LAO) is expected to release its annual *Fiscal Outlook* report in mid-November, which should provide a clearer revenue picture, as well as provide its most recent estimate of the cost-of-living adjustment for 2024-25. We will be sure to cover the highlights of the LAO's forecast in the coming weeks, and of course, we look forward to seeing all of you in January for our [Governor's Budget Workshop!](#)

Note: For the second year in a row, Governor Newsom cited underperforming revenues as a rationale for vetoing a number of bills that would have added spending to the State Budget.

California's Budget Gap is Likely to Grow as State Tax Collections Fall Far Below Projections

By Maggie Angst
The Sacramento Bee
October 31, 2023

Gov. Gavin Newsom and California lawmakers will probably need to address a larger deficit next year than previously forecast due to an "increasing likelihood" that state tax revenue will be significantly below projections, according to the state Department of Finance.

The department projected that, because of an unprecedented six-month extension in the state's tax filing deadline earlier this year, California would collect \$42 billion in October. That figure represented nearly a quarter of this fiscal year's total projected personal income tax and a third of the corporation tax.

But, as of Oct. 25, California collected just \$18 billion, according to new disclosures from the agency.

Should the revenue collected and tallied by the state in the coming weeks fail to catch up to its forecasts, Newsom and lawmakers will need to fill a wider budget gap than anticipated next year. The 2023 Budget Act signed by Newsom in June projected a \$14 billion shortfall in the next fiscal year, which begins July 1, 2024.

A lot was riding on the amount of state revenue collected this month.

The Internal Revenue Service earlier this year postponed the tax deadline from April to October for the vast majority of California residents and businesses because of destructive winter storms. The move pushed back the state's collection of tens of billions of dollars, making for a riskier and more difficult budgeting process.

The state, amid a new state bond sale, was required to provide a preliminary financial snapshot of October revenues to potential investors ahead of the end of the month.

H.D. Palmer, a spokesman for the Department of Finance, emphasized that it's not a final assessment and the state may wind up closer to its target by the time the department releases its routine monthly revenue report in mid-November.

The financial disclosure released as part of the bond sale does not include the revenue raised during the last week of October and some tax returns filed before the report may not have been processed yet. Additionally, the IRS on Oct. 16 announced a postponement of the state and federal tax filing deadline to Nov. 16, which means some Californians who procrastinated until the last day may still not have filed their taxes.

"There is still a lot of important data that's going to come in," Palmer said. "How much of it is related to timing issues and how much is related to issues with how personal and corporate cash receipts came in under projections is going to be clearer in the coming weeks."

Newsom foreshadowed this in many of his veto messages earlier this month when he cited fiscal concerns regarding the state's current and expected budget deficits in the coming year.

State Budget Chairs — Sen. Nancy Skinner, D-Berkeley, and Assemblyman Phil Ting, D-San Francisco — could not be reached for comment Monday.

Note: Across the state and country, new schools are being designed, and older schools are being retrofitted, to make them as safe as possible for students and staff and as difficult as possible for a potential assailant to gain entrance and cause harm.

Schools Take on New Designs for Extra Security in Era of Campus Shootings

By Larry Gordon
EdSource
October 31, 2023

A would-be intruder would have a difficult time trying to sneak into the new Del Sol High School in Oxnard, which opened in August with its first group of 475 first-year students.

That's because the \$189 million campus was planned and built with security at the top of the list of concerns, officials say. And that puts it at the forefront of a trend throughout California and the nation as school districts respond to school shootings and try to prevent any more violence.

At Del Sol, two perimeters of 8-foot-high black fencing — designed to deny a foothold to potential climbers — surround the campus and fill in openings between the buildings' edges. After incoming students file through Del Sol's two gates under the watchful eyes of campus employees, the only entry is through a glass cube-like lobby. There, visitors are screened carefully from behind a bulletproof glass window and, if approved, admitted through a locked metal interior door. Cameras survey the courtyards and exterior walkways. Coming soon is a new schoolwide door-locking system for emergencies.

"Nowadays safety and security are the first priority. The rest follows that," explained Oxnard Union High School District Superintendent Tom McCoy on a recent tour of the school, which opened this fall. Many of the same safety features built into the new 47-acre campus are being added as retrofits where possible to the district's 11 other high schools and one adult school. That includes Hueneme High School, where 22 years ago, a teenage gunman took a student hostage but was soon killed by a police sniper while the hostage was saved.

Throughout the nation, new schools are being designed — and older schools retrofitted — to make them as safe as possible for students and staff and as difficult as possible for a potential assailant to gain entrance and cause deadly trouble. Those features often include a single point of entry, new fencing, limited visibility into classrooms, bulletproof glass in vulnerable spots and new alert and locking systems.

McCoy and educators and architects throughout the state and country say the challenge is to make a school safe without making it look like a bunker or penitentiary. They say Del Sol and other campuses succeed in showing that a pleasant and secure learning environment can be created.

“It’s a fine line,” Del Sol principal Terri Leon said. “We want our kids to feel safe, but we don’t want them to feel imprisoned. I think (the design) does a good job of balancing that. Our kids seem to like the design and the spaces and how everything is set up. But then we are pretty secure.”

The campus was designed by the PBK architecture firm, which has nine offices throughout California. So far, the school consists of eight buildings, mainly two stories and connected by walkways. All share plenty of outdoor space and plazas. Corridors and classrooms have large windows, providing much light and views of mountains. Students can present projects or hold meetings in big, flexible interior spaces. While a sense of openness exists inside the campus, there is no mistake that the exterior’s decorative black metal mesh fence presents a strong impression of do-not-enter to an uninvited visitor — even without old-fashioned barbed wire or chain link.

In California, many older schools were built when openness and a sense of freedom were important, taking advantage of the climate with unprotected breezeways, unfenced lawns and multiple easy entries. School officials and architects and parents say they don’t want to entirely lose that, at least inside secure perimeters.

“Security is on everyone’s minds,” said Michael Pinto, design director at NAC Architecture firm’s Los Angeles office, which has worked on many school projects with anti-crime features. “It is really a concern of parents. And when someone is concerned about the safety of their children, there is nothing you can do but respect that and take those concerns seriously.”

That does not mean designing a dark, windowless bunker or having excessive fencing, said Pinto, whose projects include the current rebuilding of the century-old Belvedere Middle School in East Los Angeles. Belvedere’s new buildings were placed to form much of the campus’ exterior boundaries. As a result, the amount of fencing is actually reduced from the old arrangement, according to Pinto. Meanwhile, inside the campus, students get a lot of outdoor space and light.

“We don’t want hermetically sealed schools,” said Pinto, who served on the Los Angeles city attorney’s commission on school safety. That panel’s 2018 report called for improved security measures like single entries, along with better mental health services and more societal gun controls. The federal government has issued similar guidelines that emphasize clear sight lines and access control, along with clean and upbeat school environments.

The Saugus Union School District in northern Los Angeles County recently spent much of a \$148 million bond issue for security measures at its 15 K-six schools. Those include new single-point-of-entry lobbies with secondary locked doors leading into the campuses, better fencing and lighting, new door-locking systems and window shades that can be closed in an emergency. Identification letters and numbers have been painted on roofs so police or fire crews can see them from the air and get to the right location quickly in an emergency, according to Nick Heinlein, the district’s assistant superintendent of business.

The goal is to make campuses “as safe as we can make them without them seeming unappealing,” Heinlein said.

The need was brought home by a tragic 2019 episode at Saugus High School, a hometown campus run by a separate district, Heinlein said. A student armed with a pistol shot five schoolmates, killing two, before killing himself. When something like that happens, “there is always something that can be learned,” Heinlein said. Among other things, changes were made to allow students to flee if necessary through campus exits with

panic bars that can be opened from the inside or that can be easily unlocked by adults in an emergency, he said.

Responses to school violence go beyond architecture and window panes. Staffs are getting better trained on how to lead lockdowns, evacuations and student drills. Campus and municipal police are being better trained for a faster response to shootings, searching quickly for assailants and being well-armed enough to counter them. Schools look more closely for students' behavioral and emotional problems that could escalate. Mental health resources have been boosted, as have methods of reporting threats.

Architecture and engineering help a lot, but they aren't sufficient without other efforts, according to Scott Gaudineer, who is president of the California branch of the American Institute of Architects, a professional organization representing 11,000 architects in the state. "Human intelligence is just as important," said Gaudineer, who also is president of the Flewelling & Moody firm, in the Los Angeles area, which has worked on school projects. "Schools must keep a watchful eye and offer counseling to a student "who is going through a divorce, who is stressed."

"The challenge is you never know who is going to show up with an AK-47 and is mentally deranged. It is shocking how often this is happening," he added.

Two of the most infamous school shooting sites have taken different approaches in the aftermath. In Connecticut, the Sandy Hook Elementary School was demolished in the wake of the 2012 rampage that left 20 children and six educators dead. A new school was built with a moat-like rain garden around it, bulletproof windows and an elevated first floor to make it harder to see in.

In contrast, Columbine High in Colorado remained pretty much the same after the 1999 assault, during which two students killed 12 classmates and one teacher before committing suicide. Some new security measures have been added such as more fencing.

McCoy, the Oxnard Union superintendent, has personal experience encountering violence. In 2001, a troubled teenage boy who was not a student there easily got into Hueneme High School. McCoy, a vice principal then, escorted him off the grounds. The intruder came back, holding a female student at gunpoint as he entered a campus quad through an unguarded gate. A police sniper shot and killed the gunman, and the girl was not wounded.

McCoy, who was nearby but did not witness the shooting, said its lessons are reflected in Del Sol's design and in improved emergency sheltering and evacuation procedures. Adult staff, he said, must be prepared since "the kids look to the adults immediately and follow our directions."

During the tour, McCoy pointed out what he said is one of the most important anti-violence features: a wellness center, a big sunny room with beanbag chairs where students under emotional stress can chill out and meet with a counselor. "If they are having a bad day, instead of acting out in the classroom, they can hang out here and spend the time they need and go back to class," he said. About 60 students a day spend at least some time there, usually at lunch.

Del Sol, built on a former strawberry and citrus farm in the eastern part of Oxnard, serves a predominately Latino and low-income population, including some whose parents work in the fields. As additional classes enter each of the next three years and the current freshmen become seniors, enrollment is expected to grow to about 2,100 students.

The land cost \$25 million, and construction bills so far total \$194 million, including \$30 million to the city for street improvements, funded by bonds, certificates of participation and other sources, according to McCoy. Athletic fields are being finished to the rear of the site, and plans call for a performing arts center, swimming pool and football stadium to be added when more state or local funds can be found.

The contemporary-style buildings are clad in complementary panels of gray, cantaloupe and white. The black metal fencing has narrow vertical openings that make it nearly impossible to get a foothold, but there are no barbed wire or top stakes that could hurt a student who tries to climb out, according to Mark Graham, its principal architect, at the PBK firm. The company has installed similar security measures at the new \$200 million Chino High, which opened last year, and at retrofits at three campuses in the Cucamonga School District in San Bernardino County.

The fence aims to look porous, Graham said. “We wanted to use something that didn’t look so penal. It is there, but it is not like you are being caged in.” Going fenceless is not an option on most school projects these days since security is “at the top of the list of concerns, especially for parents and school board members.”

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: Ashlee Chiarito, Executive Officer,
Cabinet Approval:

Date: November 09, 2023

Phone Number: 457-3934

Regarding: October Legislative Committee Meeting

The purpose of this board communication is to provide the Board information shared at the October 26, 2023, Legislative Committee Meeting.

Budget and Economic Update:

The structure of the 2023/24 enacted state budget solved a \$26.5 million budget problem. As of June 2023, there was a \$14 billion deficit. Due to the postponement of personal income tax and corporate tax returns, this year's budget is the most risky in a decade. The Department of Finance projects a 3.94% COLA in 2024/25, a decrease from 8.24% in 2023/24. The enacted budget did not include a forecast for a recession, but the economy is predicted to be vulnerable to risk.

Current state revenues are ahead of budget projections by \$980 million; thus far 2023/24 revenues are on target with monthly projections. The Internal Revenue Service (IRS) extended the federal deadline until November 16, 2023. The Budget anticipated \$52.3 billion of General Fund revenue receipts in October, including \$41.7 billion of personal and corporate income taxes. With the deadline extension, the Franchise Tax Board (FTB) collected \$17.3 billion for 2022 income tax liabilities, translating into a larger deficit projection for 2024/25.

Legislative Update – the following bills were signed into law:

AB 5 (Zbur) – Support – Safe Supportive Schools Action' requiring the district to provide at least one hour of cultural competency in supporting LGBTQ+ students, starting during the 2025/26 school year through 2029/30.

AB 1078 (Jackson) – Prohibiting a governing board from barring the use of any textbook, or other instructional or supplemental materials for classroom instruction or any book or other resource in a school library on the basis that it includes the role and contributions of any individual or group.

SB 616 (Gonzalez, D-Long Beach) – Expands sick leave for non-union and substitute workers to five days starting January 01, 2024.

SB 848 (Rubio) – Provides employees with up to five days of unpaid reproductive loss leave. Allows up to four times within in a year (20 days total).

AB 452 (Addis) – Eliminates the statute of limitations applicable to civil actions for damages as a result of childhood sexual assaults that occur on or after January 01, 2024.

AB 1722 (Dahle, Megan) – Support – Allows districts to hire a licensed vocational nurse (LVN), supervised by a credentialed if, initially, a search was completed to fill the position with a credentialed nurse.

SB 765 (Portantino) – Increases postretirement compensation earnings limit under the Teachers' Retirement Law (TRL).

SB 760 (Newman) – Requires all schools grades 1-12 will have at least one all-gender restroom for student use by July 01, 2026.

AB 275 (Ward) – Support – Authorizes the board to award a student member elective course credit, monthly financial compensation, or both.

AB 714 (McCarty) – Support – Requires the California Department of Education (CDE) to publish and maintain information relating to immigrant students and to annually publish specified information of newcomers on its website.

AB 278 (Reyes) – Support – Dream Resource Center Grant program to create resources centers at high schools to support students with financial aid, social services, state-funded immigration legal services, academic opportunities, and family workshops.

SB 348 (Skinner) – Support – Requires CDE to submit a waiver to serve breakfast and lunch to students in a non-congregate setting on short days, provide students adequate time to eat determined by the school district, and providing the maximum daily added sugar and sodium intake recommended for each grade level.

SB 274 (Skinner) – Prohibits the suspension or expulsion of students enrolled in 6-12 grades in public school on the basis of willful defiance.

SB 10 (Cortese) – Support – Adds a list of requirements for a comprehensive school safety plan and protocol in the event a student suffers from an opioid overdose for grades 7-12.

AB 579 (Ting) – Support – Requires 100% of newly purchased or contracted school buses to be zero-emission vehicles by January 01, 2035.

SB 88 (Skinner) – Watch – Requires for drivers of students for compensation, regardless of their employment status with the district or a contracted entity to support student transportation safety and well-being guidelines.

The following bills were vetoed:

AB 1699 (McCarty) – Oppose – Would have required classified job vacancies to be offered with priority to current regular non probationary classified employees who meet the minimum job qualifications for the positions.

AB 249 (Holden) – Support – Would have required the community water system to reports its findings to the applicable school for district and to the State Water Resources Control Board in regard to testing for lead.

SB 541 (Menjivar) – Would have required free contraceptives and other information on sexual activity education to students in grades 9-12.

The School Services Legislative Committee October 2023 report is attached. The next Legislative Committee meeting is scheduled for December 07, 2023.

If you have any questions pertaining to the information in this communication or require additional information, please contact Ashlee Chiarito at 457-3934 or Patrick Jensen at 457-6226.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 11/09/23

Fresno Unified School District

**LEGISLATIVE COMMITTEE MEETING
OCTOBER 26, 2023**

2023-2024 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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October 24, 2023

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1

Structure of the 2023-24 Enacted State Budget

- The 2023-24 Enacted Budget solved a \$26.5 billion budget problem, \$22 billion of which was caused by revenue declines compared to June 2022 expectations
 - A \$14 billion deficit is assumed in 2024-25—could get better or worse with actual revenues and expenses!
- Postponement of personal income tax and corporate tax returns until October (and then November) makes this year’s Budget the riskiest in a decade



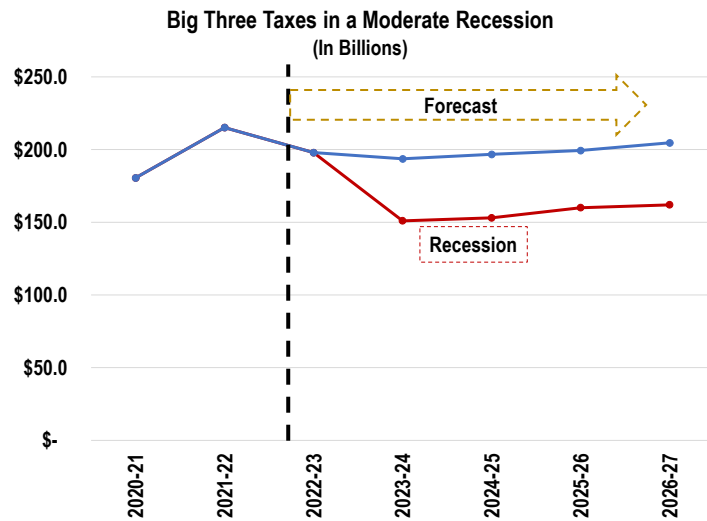
- Reliance on one-time revenue to pay for an ongoing cost-of-living adjustment (COLA) increases risk to future budgets
 - One-time grant programs that local educational agencies (LEAs) have planned on have been reduced in the Enacted Budget as compared to both the Governor’s Budget and the May Revision
 - At Enacted Budget, DOF projected 3.94% COLA for 2024-25

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Big Three Taxes Forecast

- The 2023-24 Enacted Budget does not contemplate a recession
- However, at the May Revision, the Department of Finance (DOF) projected what could happen to the Big Three tax revenues if we should experience a moderate recession
 - Revenues could drop by nearly \$50 billion in 2023-24
 - Would not fully recover by the end of the forecast period



Source: Data extrapolated from 2023-24 May Revision Budget Summary, DOF

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How Are Revenues Faring Since Budget Enactment?

- Relative to the revised estimates included in the 2023-24 Enacted Budget, state revenues beat projections by \$980 million for the 2022-23 fiscal year
- Thus far, 2023-24 revenues are on target with monthly projections
 - July preliminary General Fund cash receipts: More than \$1.2 billion below the 2023-24 Budget Act forecast
 - August preliminary receipts: \$1.344 billion above the forecast
 - September preliminary receipts: \$796 million above the forecast
 - So far, receipts for the first three months of the 2023-24 fiscal year were \$879 million, or 2.4%, above the forecast

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Taxes Are Finally Due . . . Sort Of!!

- In total, the Budget anticipated \$52.3 billion of General Fund revenue receipts in October
 - Including \$41.7 billion of personal and corporate income taxes delayed from prior months to October, the majority of which relate to 2022 income tax liabilities
- On October 16, the Internal Revenue Service extended the federal deadline until November 16, and the Franchise Tax Board (FTB) aligned
 - With the announcement coming on the deadline, one would anticipate that most taxpayers submitted their return by then
 - It takes up to one week after key deadlines for the FTB to receive and process the bulk of payments
- Weak October results would translate into a larger deficit projection for 2024-25
 - The 2023-24 Enacted Budget planned for a \$14 billion deficit in 2024-25
 - As of October 20, FTB has collected only \$17.3 billion of personal and corporate income taxes for 2022 income tax liabilities



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UCLA Economists Forecast Slow Growth Economy

By: Patti F. Herrera, EdD

October 5, 2023

After three consecutive Anderson Forecasts (Forecast) in which the UCLA Anderson School of Management offered two equally likely scenarios—one including a mild recession and the other with a slow growing economy—the October Forecast definitively predicts a weak economy in 2024 and slow growth into 2025. The current Forecast no longer includes a near-term recession scenario, although the economy is predicted to be especially vulnerable to risk.

UCLA economist Ed Leamer pointed out that while inflation is anticipated to decrease to 2.8% by the end of the projection period, it will still rest above the 2.0% goal stated by the Federal Reserve. Dr. Leamer further noted that, historically, inflation has been resolved through recessions and that although many indicators point to a recession, “looking backward to see the future may not work this time.” As for reasons why the predicted recession did not occur, the Forecast notes the combination of tightening monetary policy and simultaneous easing fiscal policy, including the federal Creating Helpful Incentives to Produce Semiconductors Act, the Infrastructure Act, and the Inflation Reduction Act, which created additional demand and increased business investment. The fact that housing and auto sectors that are not overbuilt is also mentioned as a contributing factor in avoiding a recession.

While there is no projected contraction, the Forecast sees real gross domestic product (GDP) falling to 0.9% at the lowest point in the fourth quarter of 2024, and rising to 2.4% by the fourth quarter of 2025, the end of the forecast period. The Forecast projects a 0.25% increase to the federal funds rate later this fall, followed by a reversal of that increase in mid-2024, as well as two more 0.25% reductions, resulting in a predicted 4.80% federal funds rate by the end of the Forecast period. National unemployment is projected to remain strong and stable. Housing is anticipated to stay slightly under the historical average but not low enough to trigger a recession.

While the move away from a projected near-term recession is a welcome one, a weak economy can withstand less risk. The notable risks to the economy and forecast are the Russia/Ukraine and China/Taiwan conflicts, decisions made by (or impasse of) our elected officials, the impact of policy changes due to the 2024 election, and climate change.

The Forecast paints a more attractive picture of the California economy than that of the U.S. UCLA economist, Jerry Nickelsburg, points out, consistent with recent forecasts, the California economy is growing faster than the U.S. economy. Most parts of California outpace the U.S. in growth in jobs, with San Diego, the Inland Empire, Silicon Valley, and the San Joaquin Valley being the only regions to fall below statewide job growth. The California economy is also bolstered by strong defense spending, tourism revenue, and growing technology employment as investments in high tech manufacturing increase. While the median price of single-family homes in California overall has declined on a seasonally adjusted basis by 8.0%, there are some parts of the state, i.e., San Diego, Los Angeles, and San Francisco, where prices have been increasing.

Like the U.S. economy, the Forecast makes mention of political and geopolitical risks to the California economy as well as the potential negative impact of interest rates on expansion. One

additional notable area of risk to California was wildfires. UCLA economist Zhiyun Li noted that wildfire exposure has been found to negatively influence business performance and county-level GDP. Dr. Li also announced that climate impact will be integrated into the California model in the Forecast in the future.

We will be covering both U.S. and California economic indicators and projections, as well as their impact on education funding, in the upcoming [Governor's Budget Workshop](#) scheduled for January 17, 2024, in Sacramento and January 19, 2024, in Anaheim. To register, please click [here](#).

LAO: Revenues Up, but Deficit Remains

By: Patti F. Herrera, EdD

October 6, 2023

The Legislative Analyst's Office's (LAO) latest blog on state revenues offers comforting news that recent trends indicate that the "Big Three" taxes could bring in \$9.5 billion more than 2023 Budget Act estimates across the three-year budget window. This welcomed news is accompanied by warnings that, despite better-than-expected revenue performance, the state would still face a \$10 billion budget deficit in 2024-25, and a caution that it is early in the fiscal year and, consequently, actual revenues could be significantly higher or lower than revised estimates.

Specifically, the LAO notes that actual revenues for the current year could be \$15 billion above or below forecast. The margin is even wider when looking at potential revenue scenarios for 2024-25, at \$30 billion higher or lower than the LAO's latest projection. The improved revenue outlook is based on upward trends in income tax withholdings and the stock market. Similar to the latest UCLA Anderson Forecast (see "[UCLA Economists Forecast Slow Growth Economy](#)" in the October 2023 *Fiscal Report*), the LAO explains that indicators that have historically signaled impending economic contractions (and consequently lower state revenues) may not be as reliable as they have in the past.

Higher revenues increase two spending obligations for the state: Proposition 98 and Proposition 2 requirements. Proposition 98 generally requires the state to spend 40 cents of every state dollar on K-12 agencies and community colleges. Proposition 2 requires the state to make certain debt payments and set aside funds in its rainy day account. After meeting the two requirements, from the \$9.5 billion in unexpected revenue, the state would net \$6 billion.

Finally, the LAO reminds us that the Budget Act contemplated a \$14 billion budget deficit in 2024-25, and that actual state revenues would need to exceed that amount to maintain current spending levels. Consequently, even with its latest projection of above-forecast revenues, the LAO predicts that Governor Gavin Newsom and California lawmakers will have to contend with a \$10 billion budget deficit next year.

Inflation Rates Hold Steady

By: Patti F. Herrera, EdD and Wendi McCaskill

October 13, 2023

The U.S. Bureau of Labor Statistics reported on October 12, 2023, that the Consumer Price Index (CPI)—the U.S. measure of inflation—grew at a similar year-over-year pace in September as in August, with September headline inflation matching August at 3.7%. While we are experiencing improvement in some areas that drive inflation like used cars and apparel, other areas like higher gas prices and shelter are boosting inflation. Shelter costs accounted for more than 50% of the increase.

Core inflation, which excludes the costs for food and energy, increased 4.1% year over year. This represents a slight decrease from the 4.3% core inflation reported for August.

Shelter, motor vehicle insurance, education, recreation, personal care, and new vehicle indexes all showed an increase, while used cars and trucks, medical care, and apparel indexes decreased.

The Federal Reserve (Fed) has indicated that its restrictive policy towards interest rates will continue until inflation further abates. The Fed will also be looking at the inflationary indexes in determining whether or not to continue the pause on interest rate increases at its next meeting October 31, 2023, through November 1, 2023. We will continue to monitor the CPI as well and the Fed's actions with regard to interest rates. Inflation influences the annual cost-of-living adjustment (COLA), although COLA is specifically determined by a federal price deflator for government entities.

Tax Deadline Comes and Goes

By: Michelle McKay Underwood

October 17, 2023

The long-awaited tax deadline arrived on Monday, October 16, twice delayed since the beginning of the year to provide extra filing time for those affected by the historic atmospheric rivers to hit the state in early 2023. But the deadline was fleeting—early Monday, the Internal Revenue Service announced (without rationale) another month-long delay for federal income taxes for the majority of California income tax filers, now due on November 16.

Like Lucy pulling away the football, revenue watchers were caught off guard and left wondering for hours whether the state Franchise Tax Board (FTB) would once again follow suit and delay California's income tax deadline too. Late in the day, the FTB announced that it too would be delaying the deadline for state income taxes until November 16.

Due to the late nature of the deadline extension, it seems unlikely to have a significant effect on the long-delayed view of 2022 income taxes. When the State Budget was enacted, about \$42 billion of personal and corporate income taxes delayed from prior months was anticipated in October. We will soon see whether this last-minute deadline extension significantly affected actual revenues.

FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

Mixed Results With 2023 CAASPP Test Results

By: Dave Heckler

October 19, 2023 CAASPP

Overall, California students improved in math, according to the latest California Assessment of Student Performance and Progress (CAASPP) data released Wednesday, October 18, 2023, by the California Department of Education. Compared to the prior year, the percent of students who were at or exceeded the performance standard was 34.62%, an improvement of 1.24 percentage points from 2022's test results (33.38%). This improvement was seen to varying degrees across nearly all student groups and is a welcome improvement from last year's stagnant performance.

However, student performance for English Language Arts (ELA) did not see gains. Statewide, across all students, the percentage of students who met or exceeded the standards saw a slight decrease, 46.66% in 2023 compared to 2022's all-time low of 47.06%. Student performance in ELA across all student groups was also mixed, with most groups experiencing some decline compared to the previous year.

The latest data continues to highlight the impact of two years of disrupted instruction and learning that California's nearly six million students experienced during the COVID-19 pandemic. While math scores are improving across the board, and to a lesser degree ELA, student performance is still far below the peak levels achieved in 2018-19.

| Math | | | | | |
|----------------------------|---------|---------|---------|-----------------|------------------|
| Student Group | 2018-19 | 2021-22 | 2022-23 | One-year Change | Five-year Change |
| All students | 39.73% | 33.38% | 34.62% | 1.24% | -5.11% |
| Students with disability | 12.62% | 11.41% | 12.27% | 0.86% | -0.35% |
| Economically disadvantaged | 27.48% | 21.23% | 22.91% | 1.68% | -4.57% |
| Black or African American | 20.54% | 15.92% | 16.89% | 0.97% | -3.65% |
| Hispanic or Latino | 28.05% | 21.24% | 22.69% | 1.45% | -5.36% |

| ELA | | | | | |
|----------------------------|---------|---------|---------|-----------------|------------------|
| Student Group | 2018-19 | 2021-22 | 2022-23 | One-year Change | Five-year Change |
| All students | 51.10% | 47.06% | 46.66% | -0.40% | -4.44% |
| Students with disability | 16.36% | 15.61% | 15.75% | 0.14% | -0.61% |
| Economically disadvantaged | 39.20% | 35.23% | 35.28% | 0.05% | -3.92% |
| Black or African American | 33.19% | 30.33% | 29.85% | -0.48% | -3.34% |
| Hispanic or Latino | 40.80% | 36.41% | 36.08% | -0.33% | -4.72% |

FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

Updated Education Statistics Released

By: Anjanette Pelletier

September 15, 2023

The National Center for Education Statistics, a division of the Institute for Education Sciences, recently released two data-packed documents—the [Condition of Education 2023](#) (COE 2023) and [Back-to-School Statistics](#). These two resources provide insight into changing demographics and data points, with this year's offerings covering the period from 2019-20 to post-pandemic and issues related to enrollment, learning recovery, and expenditures. National data sources are combined to produce these statistics, with many topics having separate Fast Fact information sheets.

Enrollment

Fall 2021 enrollment of students in public elementary and secondary schools was **49.4 million**, with students served by **3.2 million** teachers in public schools. Public school enrollment declined nationally by **11%** in Pre-K, **4%** in kindergarten to grade 8, and was **1%** higher in grades 9 to 12 between 2019 and 2021.

| | | | |
|---|-----------------------------------|-----------------------------------|--------|
| Number of students enrolled in public schools | 49.37 million Fall 2020 | 49.43 million Fall 2021 | Higher |
| Prekindergarten through grade 8 | 34.06 million Fall 2020 | 34.00 million Fall 2021 | Lower |
| Grades 9 through 12 | 15.31 million Fall 2020 | 15.44 million Fall 2021 | Higher |

Source: [COE 2023 At a Glance](#)

The number of students with disabilities (SWDs) has continued to rise, with the overall percentage of students with disabilities reaching **14.7%** in 2021-22. California's percentage of SWDs is below the national average, at **13.1%**, with effectively no change from 2020-21.

| | | | |
|--|-------------------------|-------------------------|--------|
| Number of students ages 3–21 receiving special education services through the Individuals with Disabilities Education Act (in thousands) | 7,183 2020–21 | 7,259 2021–22 | Higher |
| Students ages 3–21 receiving special education services, as a percentage of public school students ² | 14.5% 2020–21 | 14.7% 2021–22 | Higher |

Source: [COE 2023 At a Glance](#)

Learning Recovery in 2021-22

The average public school reported that **50%** of students were behind in at least one academic subject at the beginning of the school year, compared to **36%** on average at the end of the school year. To support learning recovery, schools implemented some commonly reported strategies:

- Identifying individual needs with diagnostic and formative assessment data
- Summer 2021 learning/enrichment programs
- Remedial instruction and after-school learning/enrichment programs
- Mental health and trauma support
- Professional development in learning recovery

Mental Health

In 2022, mental health was among the top common concerns for students and parents, with:

- **69%** of public schools reported that students seeking mental health services had increased since pre-pandemic referrals.
- **13%** of public schools strongly agreed and **43%** moderately agreed that their school could effectively provide mental health services to all students in need.

Governor Signs LGBTQ+ Education Legislation

By: Michelle McKay Underwood

September 25, 2023

In one of Governor Gavin Newsom's first major legislative actions this fall, several LGBTQ+ related education bills were signed into law over the weekend. These bills, which will become law on January 1, 2024, include the following:

- [Assembly Bill \(AB\) 5](#) (Zbur, Statutes of 2023) requires local educational agencies (LEAs) to provide at least one hour of training annually to all certificated staff, beginning with the 2025-26 school year through the 2029-30 school year, on cultural competency in supporting LGBTQ+ students.
- [Senate Bill \(SB\) 760](#) (Newman, Statutes of 2023) requires LEAs to provide at least one all-gender restroom for pupil use at each of its school sites by July 1, 2026.
- [SB 857](#) (Laird, Statutes of 2023) will require the State Superintendent of Public Instruction (SSPI), on or before July 1, 2024, to convene an advisory task force to identify the statewide needs of LGBTQ+ pupils and report its findings to the Legislature, SSPI, and Governor by January 1, 2026.

These bill signings continue Governor Newsom's focus on LGBTQ+ legislation since his first major action of the bill-signing season when he signed [SB 447](#) (Atkins, Statutes of 2023) into law. SB 447 repeals the 2016 law that prohibited required travel by any of its employees, officers, or members to any state discriminating against individuals on the basis of sexual orientation. As a reminder, the repealed law—[AB 1887](#) (Low, Statutes of 2016)—did not affect LEAs, although some may have adopted local policies along the same lines.

Governor Newsom has until October 14, 2023, to act on bills. Stay tuned.

Governor Newsom Signs Book Banning Bill

By: Kyle Hyland

September 27, 2023

On September 25, 2023, Governor Gavin Newsom signed [Assembly Bill \(AB\) 1078](#) (Jackson, Statutes of 2023) into law. As an urgency measure, the bill went into effect immediately upon the Governor's signature.

AB 1078 prohibits a governing board from refusing to use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction or any book or other resource in a school library on the basis that it includes a study of the role and contributions of any individual or group. Any violation of this requirement from a governing board constitutes as unlawful discrimination and thus authorizes complaints to be filed with the applicable local educational agency (LEA) under the Uniform Complaint Procedures or with the State Superintendent of Public Instruction (SSPI) directly.

AB 1078 requires a fiscal penalty to be imposed when the SSPI determines that a school district's textbooks or instructional materials are insufficient. The fiscal penalty would be equal to the amount of the district's Instructional Materials Block Grant apportionment received for the 2012-13 fiscal year, adjusted for each year's cost-of-living adjustment through the fiscal year in which the district's noncompliance was determined. The fiscal penalty would be levied as a reduction to a district's Local Control Funding Formula allocation.

Additionally, the bill requires the county superintendent of schools to do both of the following if they determine that there are insufficient textbooks or instructional materials:

- The county superintendent of schools must provide the school district with the opportunity to remedy the deficiency no later than the second month of the school term.
- If the deficiency is not remedied, the bill requires the county superintendent to request the California Department of Education (CDE) to purchase the textbooks or instructional materials necessary to comply with the specified sufficiency requirements.

The amount necessary for the textbook or instructional materials purchased by the CDE would be considered a loan. If the district does not repay the loan based on an agreed upon repayment schedule, at the request of the SSPI, the State Controller's Office will reduce the district's Principal Apportionment or another apportionment of state funds to recoup the funds.

Since the provisions of AB 1078 are already in effect, we strongly recommend LEAs review the new law with their legal counsel to fully understand the fiscal implications that could be levied against you should your textbooks or instructional materials be deemed insufficient by the state.

What Would SB 88 Do?

By: Leilani Aguinaldo and Kyle Hyland

September 27, 2023

Ask SSC . . . Senate Bill (SB) 88 (Skinner, D-Berkeley) was amended several times before being approved by the Legislature. Now that the bill is with Governor Gavin Newsom, I want to know the impact it would have on local educational agencies (LEAs) and if there are exemptions?

You are correct that SB 88 was amended several times before being approved by the Legislature and sent to Governor Newsom (see the August 2023 *Fiscal Report* article, "[Pupil Transportation Bill Significantly Amended](#)," for the noteworthy amendments).

Now that the bill can no longer be amended, we will provide a synopsis of what the bill would do, who is exempt from the bill's requirements, and when the measure would take effect if signed into law by the Governor.

What Would SB 88 Do?

SB 88 would establish new requirements for drivers, whether employed by an LEA, contracted by an LEA, or contracted by an entity with funding from an LEA, who are compensated to provide school-related transportation services to students. Specifically, the bill requires a compensated driver transporting students in a vehicle with a maximum capacity of ten persons (including the driver) to comply with all of the following safety standard requirements:

- Be at least 18 years old, hold a valid California driver's license for the appropriate class of vehicle, and have a satisfactory driving record
- Pass a criminal background check, including fingerprint clearance
- Not have demonstrated irrational behavior to the extent that a reasonable and prudent person would have reasonable cause to believe that the driver's ability to perform the duties of a driver may be impaired
- Not have been convicted of a sex offense or violent felony
- Provide their employer, or the private entity contracting with the LEA, a report showing the driver's current public record as recorded by the Department of Motor Vehicles (DMV) and require that they participate in the DMV's pull-notice system
- Comply with drug and alcohol testing subject to cannabis discrimination limitations
- Complete a medical examination and provide a copy of the medical examiner's certificate of clearance. This exam and the certificate of clearance must be completed every two years for those under 65 years old, and annually for those 65 years old and older
- Submit and clear a tuberculosis risk assessment

- Not drive for more than ten hours within a work period, or after the end of the sixteenth hour after coming on duty following eight consecutive hours off duty
- Complete initial and subsequent student transportation training
- Maintain a daily log sheet and complete the daily pre-trip inspection of the vehicle being driven that day
- Hold a valid and current first aid certificate

In addition, vehicles used to provide student transportation for compensation by an LEA must:

- Be equipped with a first aid kit and fire extinguisher
- Be inspected every 12 months (or every 50,000 miles) at a facility licensed by the Bureau of Automotive Repair to ensure that the vehicle passes a 19-point vehicle inspection. This requirement does not apply to vehicles owned or contracted with a LEA already subject to a statutory inspection program

For LEAs that contract with a private entity for pupil transportation, the LEA is required to obtain a written attestation from the private entity that includes all of the following:

- They do not have any applicable law violations at the time of applying for the contract
- They will maintain compliance with applicable laws for the duration of the contract
- That only drivers who meet the above safety requirements will be transporting students
- That they have all of the required report and documents on file pursuant to the above requirements

Who Is Exempt From the Increased Safety Standards Requirements?

While originally this bill would have applied the above requirements to any driver being compensated for transporting pupils, Senator Nancy Skinner agreed to exempt the following drivers from the bill's requirements:

- Individuals employed by a municipally owned transit system offering supplementary service, a congregate care facility licensed by the California Department of Social Services, a county human services agency, an entity serving pupils experiencing homelessness (excluding entities whose primary purpose is providing transportation services), a county probation agency, a non-LEA government agency, a foster family agency, or a tribal authority
- A parent or relative named in [Section 361.3](#) of the Welfare and Institutions Code (WIC), or a non-relative extended family member named in [Section 362.7](#) of the WIC, a guardian, a caregiver given temporary or permanent custody of the pupil, a court-appointed educational rights holder, a court-appointed special advocate, or a pupil who drives themselves

- An LEA employee that provides transportation to pupils due to or because of the employee’s supervision for a field trip, extracurricular activity, or athletic program, or when the employee provides transportation for other activities (not to exceed 40 hours of drive time per school year per employee)
 - For this exemption an LEA must first make a reasonable effort to secure a driver who meets the enhanced safety requirements and then must inform the parent or guardian that the school employee driving their student does not meet the additional safety requirements outlined in the bill
- A driver who transports a pupil for a medical emergency or an emergency arising from a fire, flood, earthquake, or epidemic
- A driver providing transportation through a Foster Youth Services Coordinating Program while a pupil’s transportation plan is being finalized
 - This exemption only applies for a period lasting no longer than one month after the first ride is provided to that pupil under this exemption

When Would the Bill’s Provisions Take Effect?

SB 88 would not become effective until July 1, 2025, or upon the expiration of an LEA’s transportation contract, whichever is later. The delayed implementation of the bill was agreed upon by the author to give LEAs time to plan for the enhanced safety requirements.

Next Steps

SB 88 is currently sitting on Governor Newsom’s desk awaiting his action. He has until October 14, 2023, to sign or veto the measure. We will inform you in a subsequent Fiscal Report article once the Governor takes action on this bill. Stay tuned.

New Sick Leave Law

By: Leilani Aguinaldo and Danyel Conolley

October 10, 2023

Ask SSC . . . Does the new law which provides five days of paid sick leave apply to local educational agencies (LEAs)?

On October 4, 2023, Governor Gavin Newsom signed [Senate Bill \(SB\) 616](#) (Gonzalez, D-Long Beach), which guarantees five paid sick days per year, expanding workers' paid sick leave entitlements. When it comes to employee leave laws there is rarely a short answer, but in this case the answer is "yes," it does apply to LEAs.

SB 616 amends the Healthy Workplaces, Healthy Families Act established by Assembly Bill 1522 (Gonzalez, Statutes of 2014), or "substitute sick leave" entitlement, which for LEAs applies to part-time and temporary substitute employees. Current law provides up to 24 hours or three days of paid sick leave, and substitutes can earn one hour of paid leave for every 30 hours worked. Remember, employees covered by collective bargaining agreements are exempt from this law, and SB 616 does not change this provision.

We highlight the significant revisions to Labor Code [246](#) below for your reference:

- Employee is entitled to no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment or each calendar year, or in each 12-month period, *and no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period.*
- An employer may satisfy the accrual requirements by providing not less than 24 hours or three days of paid sick leave that is available to the employee to use by the completion of the employee's 120th calendar day of employment, *and no less than 40 hours or five days of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment.*
- Employers may limit an employee's use of accrued paid sick days to *40 hours or five days in each year of employment, calendar year, or 12-month period.*

Aligned with the current law, the leave accrual requirements can be satisfied, and no accrual or carryover is required if the full amount of leave (five days or 40 hours of leave) is received at the beginning of each year of employment, calendar year, or 12-month period. SB 616 takes effect January 1, 2024. We recommend that human resources and the business office communicate about this important change and work to plan for the fiscal, instructional, and operational implications of this additional leave entitlement.

Governor Newsom Vetoes Key Education Bills

By: Kyle Hyland

October 11, 2023

The big news over the weekend was that Governor Gavin Newsom vetoed Assembly Bill (AB) 1699 (McCarty, D-Sacramento), which we reported on this past Saturday, October 7, 2023 (see "[Governor Newsom Vetoes AB 1699](#)" in the October 2023 *Fiscal Report*).

However, in addition to AB 1699, Governor Newsom vetoed nearly 150 other measures, including a number of bills that would have had significant implications for local educational agency (LEA) operations.

Below, we summarize the other significant education bills that the Governor vetoed and provide an excerpt of the Governor's veto message, which provides the rationale for rejecting those measures.

Education Bills Vetoes by Governor Newsom

AB 249 (Holden, D-Pasadena)—Water: Schoolsites: Lead Testing. This bill would have required a community water system that serves a schoolsite receiving federal Title I funds to test for lead in each of the schoolsite's potable water system outlets and would have required LEAs to perform specified actions if lead levels exceeded five parts per billion.

The Governor's veto message states, in part:

"While I support the author's commitment to ensure safe drinking water in schools, this bill contains several problematic provisions and cannot be implemented as drafted. The bill constitutes an entirely new enforcement role for the State Water Board, requires the creation of a costly database for tracking compliance and enforcement, and contains an infeasible implementation timeline."

AB 504 (Reyes, D-Colton)—State and Local Public Employees: Labor Relations: Strikes. This bill would have prohibited public employers from disciplining or taking other adverse action against public employees for refusing to enter property of, or perform work for, a public employer involved in a primary strike, or for refusing to cross a primary strike line.

The Governor's veto message states, in part:

"Unfortunately, this bill is overly broad in scope and impact . . . This could have significant, negative impacts on a variety of government functions including academic operations for students, provision of services in rural communities where co-location of government agencies is common, and accessibility of a variety of safety net programs for millions of Californians."

AB 575 (Papan, D-San Mateo)—Paid Family Leave. This bill would have expanded eligibility for the Paid Family Leave program to provide benefits to workers who take time off work to bond with a minor child within one year of assuming the responsibilities of a child in loco parentis.

The Governor’s veto message states, in part:

“This bill, however, would create pressure on the Disability Insurance Trust Fund’s solvency and adequacy resulting in higher disability contributions paid by employees. In addition, it contains implementation costs not accounted for in the annual budget process.”

AB 1517 (Gallagher, R-Yuba City)—Special Education Local Plan Areas: Local Plans. This bill would have required a Special Education Local Plan Area administrator to be included in their LEA’s differentiated assistance team and be consulted in their LEA’s Local Control and Accountability Plan (LCAP) development process.

The Governor’s veto message states, in part:

“This bill does not account for the important changes to California’s school support and accountability system that my Administration worked in partnership with the Legislature to include in the 2023 State Budget requiring districts to specifically address low performance of any student group, including special education students, at the school and district levels in their LCAP. These improvements also provide for related targeted support and assistance from county offices of education and applicable lead agencies in the Statewide System of Support. Therefore, this bill is unnecessary.”

Senate Bill (SB) 354 (Ochoa Bogh, R-Yucaipa)—Inclusive Education: Universal Design for Learning: Inclusive Practices. This bill would have required the Commission on Teacher Credentialing to revise its administrative services credential standards and performance expectations to include and strengthen preparation for inclusion, with a focus on universal design for learning.

The Governor’s veto message states, in part:

“Serving students with disabilities in inclusive settings is an essential strategy for improving the academic achievement of these and all students, and one that my Administration, like the author, is committed to advancing. However, this bill is substantially similar to SB 1113 of 2022, which I vetoed, and several of the same concerns remain. In particular, portions of this bill are subject to an appropriation and should be considered as part of the annual budget process.”

SB 433 (Cortese, D-San Jose)—Classified School and Community College Employees: Disciplinary Hearings: Appeals: Impartial Third-Party Hearing Officers. This bill would have authorized a permanent classified employee in a non-merit K-14 district to appeal disciplinary action to an impartial third-party hearing officer, paid for by the district and jointly selected by the district and the employee union.

The Governor’s veto message states, in part:

“This bill for classified employees requires districts to bear the full costs of a disciplinary hearing before an arbitrator, no matter the outcome. This could increase the number of appeals and would create significant costs for the State and must be considered in the annual budget in the context of all state funding priorities.”

SB 486 (Hurtado, D-Bakersfield)—Interscholastic Athletics: California Interscholastic Federation: State Football Championships: Neutral Locations. This bill would have required the California Interscholastic Federation (CIF) to hold all state football championship games at a neutral location that is comparable to the location of all other state championship games.

The Governor’s veto message states, in part:

“The CIF has already begun taking steps to hold state football championship games for all divisions at comparable neutral locations as called for in this bill. Once fully implemented later this year, these changes will provide equal opportunities for all participating schools, regardless of their division or financial resources. Therefore, this bill is unnecessary.”

SB 541 (Menjivar, D-San Fernando Valley)—Sexual Health: Contraceptives. This bill would have required all public high schools to make condoms available to students by the start of the 2024-25 school year.

The Governor’s veto message states, in part:

“While evidence-based strategies, like increasing access to condoms, are important to supporting improved adolescent sexual health, this bill would create an unfunded mandate to public schools that should be considered in the annual budget process.”

SB 596 (Portantino, D-Burbank)—School Employees: Protection. This bill would have made it a misdemeanor to cause substantial disorder at any meeting of the governing board of a school district, the governing body of a charter school, a county board of education, or the State Board of Education. This bill would have also specified that a person who subjects a school employee to threats or harassment while the employee is away from a schoolsite or after school hours for reasons related to the employee's course of duties would be guilty of a misdemeanor.

The Governor’s veto message states, in part:

“Credible threats of violence and acts of harassment—whether directed against school officials, elected officials, or members of the general public—can already be prosecuted as crimes. As such, creating a new crime is unnecessary.”

Veto Message Theme

In the veto messages for measures with potential cost implications, we see a similar cautious refrain from the Governor citing the \$30 billion shortfall that lawmakers had to close via various budget solutions in the 2023-24 Enacted Budget.

In these veto messages, Governor Newsom underscores that the Legislature has sent him bills that, in aggregate, would add nearly \$19 billion (\$8 billion one-time and \$11 billion ongoing) of unaccounted costs in the 2023-24 State Budget, and thus he cannot sign those measures into law.

This is a nearly identical message that the Governor used in his veto messages last year, which signals that the Governor will continue to reject measures with significant fiscal costs that have not been accounted for in the State Budget.

Governor Newsom Signs Key Education Bills

By: Kyle Hyland

October 11, 2023

Over the weekend, Governor Gavin Newsom acted on over 450 bills, including a number of significant education measures that we have been reporting on via our “Top Legislative Issues” series.

Below, we provide summaries of the significant bills that Governor Newsom signed into law this past weekend that will impact local educational agencies (LEAs).

Education Bills Signed by Governor Newsom

Assembly Bill (AB) 230 (Reyes, Statutes of 2023)—Menstrual Products: Menstrual Equity for All Act of 2021. Existing law requires any public school maintaining any combination of classes from grades 6-12 to stock the school’s restrooms at all times with an adequate supply of menstrual products, to be available and accessible free of cost. AB 230 expands the above requirements to any public school maintaining any combination of classes from grades 3-12 beginning with the 2024-25 schoolyear.

AB 472 (Wicks, Statutes of 2023)—Classified School District and Community College Employees: Compulsory Leaves of Absence: Compensation. This bill requires K-14 districts to provide back pay to any classified employee if the district places the employee on an involuntary leave of absence during the period in which the employee is charged with a criminal offense, under investigation, or waiting due to administrative delay for necessary job-related administrative determinations and the determination is found in favor of the employee. This bill goes into effect on January 1, 2024.

AB 483 (Muratsuchi, Statutes of 2023)—Local Educational Agency: Medi-Cal Billing Option. This bill requires the Department of Health Care Services (DHCS) to revise its audit timelines for the LEA Medi-Cal Billing Option Program. More specifically, the bill requires DHCS to complete an audit and notify an LEA of the audit findings within 18 months of the date that the Cost and Reimbursement Comparison Schedule is submitted. The bill also requires DHCS to provide technical assistance to the LEA specific to the reasons the claims were disallowed and to assist with the preparation of a corrective action plan for audits that disallow more than 25% of an LEA’s total value of claims in a given year. This bill goes into effect on January 1, 2024.

AB 579 (Ting, Statutes of 2023)—School buses: Zero-Emission Vehicles. This bill requires, by January 1, 2035, 100% of all newly purchased or contracted school buses of an LEA to be zero-emission vehicles. The bill authorizes LEAs to request a one-time extension with the California Air Resources Board for no more than five years if the LEA determines that the purchase or contracting of a zero-emission school bus is not feasible due to both terrain and route constraints. This bill goes into effect on January 1, 2024.

In a rare signing message, Governor Newsom states, in part and likely to address concerns about the current utility of zero-emission buses in rural areas:

Technology for electric vehicles is advancing rapidly, leading to zero-emission school buses capable of accommodating longer routes. As the bill's January 1, 2035, implementation date approaches, I strongly encourage future legislatures and administrations to monitor zero-emission school bus technology improvements to ensure these vehicles meet the range needs of school districts and are affordably priced.

AB 897 (McCarty, Statutes of 2023)—Certificated School Employees: Probationary Employees: Service Credit. This bill, beginning July 1, 2024, requires adult education teachers to attain permanent employee status after completing a probationary period akin to general education teachers. The bill specifies that for adult education teachers, 75% of the number of hours constituting a full-time equivalent position for adult education programs in the school district shall be deemed a complete school year.

AB 1273 (Bonta, Statutes of 2023)—Classified Employees: Classified Employees Staffing Ratio Workgroup. This bill requires the California Department of Education to convene the Classified Employee Staffing Ratio Workgroup by December 31, 2024. The bill requires the workgroup to group classified assignments in a manner that reflects the environmental setting of the assignment; the type of work to be completed; the impact on the assignment made by enrollment at a school site; specialized needs, including certifications or licenses; and other reasonable factors. The bill requires the workgroup to recommend staffing ratios per identified grouping of classified assignments to the Legislature by December 31, 2025.

Senate Bill (SB) 88 (Skinner, Statutes of 2023)—Pupil Transportation: Driver Qualifications. This bill establishes, beginning July 1, 2025, or upon the expiration of an LEA's transportation contract, whichever is later, new requirements for drivers who are compensated to provide school-related transportation services to students whether they are employed or contracted by an LEA (see "[What Would SB 88 Do?](#)" in the September 2023 *Fiscal Report*).

SB 274 (Skinner, Statutes of 2023)—Suspensions and Expulsions: Willful Defiance: Interventions and Supports. This bill extends the prohibition against the suspension of pupils enrolled in grades 6-8 for willful defiance to July 1, 2029. The bill also prohibits the suspension of pupils enrolled in grades 9-12 for willful defiance until July 1, 2029, but retains a teacher's existing authorization to suspend any pupil in any grade from class for willful defiance for the day of the suspension and the day following. This bill will go into effect on January 1, 2024.

SB 531 (Ochoa Bogh, Statutes of 2023)—Local Educational Agency Contractors: Background Checks. This bill exempts contracts for work-based learning from current requirements related to fingerprinting but preserves student safety by ensuring that at least one adult employee at the workplace that supervises the student is fingerprinted and that school staff visit the workplace at least once every three weeks. As an urgency measure, this bill went into effect immediately upon the Governor's signature.

Action Deadline

Governor Newsom's deadline to sign or veto legislation is this Saturday, October 14, 2023. This means he has only a few days left to act on the final bills sent to him by the Legislature at the end of the 2023 year. We will continue to provide updates in subsequent *Fiscal Report* articles. Stay tuned.

New Employee Leave Signed Into Law

By: Leilani Aguinaldo and Sarah Neimann, EdD

October 16, 2023

On October 10, 2023, Governor Gavin Newsom signed [Senate Bill \(SB\) 848](#) (Rubio, Statutes of 2023), which provides employees with a new form of leave, reproductive loss leave. Under existing law, the California Fair Employment and Housing Act guarantees any employee the right to take up to five days of bereavement leave upon the death of a family member. Many collective bargaining agreements have extended this right beyond the five days, but the law is clear that the allotment can be no less than five days. SB 848 extends this protection to include up to five days of reproductive loss leave following a reproductive loss event.

We highlight the significant components of SB 848 below for your reference:

- A reproductive loss event is defined as a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.
- If an employee experiences more than one reproductive loss event within a 12-month period, the employer is not obligated to exceed leave time greater than 20 days. In practice, this means an employee may qualify for this leave four times during a 12-month period with a guarantee of workplace protections and without fear of retaliation.
- An employee is eligible for the leave after 30 days of employment.
- The leave must be taken within three months of the event.
- The leave may be taken on nonconsecutive days.
- The reproductive loss leave may be unpaid, but employees may use other paid leave balances available to employee.

As a newly signed bill, SB 848 will take effect on January 1, 2024.

Governor Newsom Takes Final Action on 2023 Bills

Kyle Hyland

October 18, 2023

Governor Gavin Newsom concluded his work on 2023 bills last Friday, October 13, 2023, one day before his October 14 deadline to sign or veto legislation.

Below, we provide summaries of the noteworthy bills that Governor Newsom signed and vetoed over those final days that have (or would have had) an effect on local educational agencies (LEAs).

Education Bills Signed by the Governor

Assembly Bill (AB) 10 (Lowenthal, Statutes of 2023)—Pupils: Body Shaming Model Policy and Resources. This bill requires the California Department of Education (CDE) to, by June 30, 2025, develop and post on its website a model policy and resources about body shaming that LEAs may use to educate staff and pupils about body shaming.

AB 248 (Mathis, Statutes of 2023)—Individuals With disabilities: The Dignity for All Act. This bill strikes the terms “handicapped,” “mentally retarded persons,” “mentally retarded children,” and “retardation” throughout health and safety code and welfare and institutions code and instead uses the terms “individuals with intellectual, developmental disabilities,” “impaired,” or “disability.” This bill goes into effect on January 1, 2024.

AB 446 (Quirk-Silva, Statutes of 2023)—Pupil Instruction: Handwriting. This bill defines handwriting, in the adopted course of study for grades 1-6, to include cursive and joined italics. This bill goes into effect on January 1, 2024.

AB 452 (Addis, Statutes of 2023)—Childhood Sexual Assault: Statute of Limitations. This bill eliminates the statute of limitations applicable to civil actions for damages as a result of childhood sexual assaults that occur on or after January 1, 2024.

AB 721 (Valencia, Statutes of 2023)—School Districts: Budgets: Public Hearings: Notice. On January 1, 2027, this bill repeals a district’s requirement to publish in a newspaper information on how the public may inspect the district’s budget and information regarding the public hearing of the budget adoption. Instead, the bill requires the information to be posted prominently on the homepage of district’s website at least three days before the availability of the proposed budget for public inspection. County superintendents will be required to verify that the posting or publishing requirement is met for all school districts in their jurisdiction.

AB 723 (Quirk-Silva, Statutes of 2023)—Pupil Placement: Special Education: Foster Children: Nonpublic, Nonsectarian Schools or Agencies: School of Origin. This bill defines “school of origin” for purposes of foster youth educational rights to remain enrolled in a school when a residential placement changes, to include placements in nonpublic, nonsectarian schools (NPSs). The bill requires, beginning with the 2024-25 school year, an NPS to provide assurances in its application for state certification that it agrees to serve as the school of origin of a foster youth and allow these students to continue their education in the school.

AB 873 (Berman, Statutes of 2023)—Pupil Instruction: Media Literacy: Curriculum Frameworks. This bill requires the Instructional Quality Commission to consider incorporating the model library standards and media literacy content at each grade level when the English language arts/English language development curriculum framework is next revised and media literacy content into the mathematics, science, and history-social science curriculum frameworks when those frameworks are next revised after January 1, 2024.

AB 908 (Committee on Education, Statutes of 2023)—Education Finance: National Board for Professional Teaching Standards Certification Incentive Program: Local Control Funding Formula. This bill deletes an inoperative Education Code section related to average daily attendance of migratory students and authorizes teachers participating in the National Board for Professional Teaching Standards Certification Incentive Program to receive grant funding for the renewal of their certification when serving at a high priority school. As an urgency bill, this measure went into effect immediately upon signature.

AB 1503 (Lee, Statutes of 2023)—Pupil Attendance: Excused Absences: Religious Retreats. This bill extends the excused absence provision for a student to attend a religious retreat from four hours or a half-day to one full day. This bill goes into effect on January 1, 2024.

AB 1722 (Dahle, Statutes of 2023)—Credentialed School Nurses, Registered Nurses, and Licensed Vocational Nurses. This bill allows, until January 1, 2029, an LEA to hire a licensed vocational nurse who is supervised by a credentialed school nurse if a diligent search has been conducted for a suitable credentialed school nurse. If an LEA hires a licensed vocational nurse as prescribed, the LEA must report this to the CDE, and the CDE must report to the Legislature a list of LEAs that use this authority. The LEA also must seek approval from its local governing board before hiring a licensed vocational nurse. This bill goes into effect on January 1, 2024.

Senate Bill (SB) 10 (Cortese, Statutes of 2023)—Opioid Overdose Prevention and Treatment: Melanie’s Law. This bill requires school safety plans serving students in grades 7-12 to include a protocol for responding to an opioid overdose. The bill also requires the CDE to post informational materials on its website on opioid overdose prevention and would encourage county offices of education to establish working groups on fentanyl education in schools. This bill goes into effect on January 1, 2024.

SB 291 (Newman, Statutes of 2023)—Pupil Rights: Recess. This bill requires, beginning with the 2024-25 school year, that recess offered by a public school be a minimum of 30 minutes on regular instructional days and a minimum of 15 minutes on early release days, offered through one or more periods. This bill excepts days on which there is a field trip or other educational program from this requirement. This bill specifies that recess periods are separate and distinct from physical education or mealtimes but can precede or follow physical education or mealtimes.

SB 348 (Skinner, Statutes of 2023)—Pupil Meals. This bill requires schools to provide students with adequate time to eat following guidelines established by the CDE. The bill also requires the CDE to develop guidelines to reduce the sugar and sodium content in school meals and ensure that breakfast or lunch does not consist of more added sugar than allowed by the federal School Breakfast Program and the federal National School Lunch Program. This bill goes into effect on January 1, 2024.

SB 432 (Cortese, Statutes of 2023)—Teachers Retirement. This bill clarifies certain provisions of last year’s AB 1667 (Cooper, Statutes of 2022) related to the recovery of pension overpayments from the California State Teachers’ Retirement System (CalSTRS) to retired teachers due to errors in reported compensation. As an urgency measure, the bill went into effect immediately upon signature.

SB 494 (Newman, Statutes of 2023)—School District Governing Boards: Meetings: School District Superintendents and Assistant Superintendents: Termination. This bill prohibits the governing board of a school district from taking action to terminate a superintendent or assistant superintendent without cause at a special or emergency meeting of the governing board. This bill also prohibits the governing board of a school district from terminating a superintendent or assistant superintendent without cause within 30 days after the first convening of the governing board after an election at which one or more members of the governing board are elected or recalled. This bill goes into effect on January 1, 2024.

SB 515 (Stern, Statutes of 2023)—School Shade Structures: Exemption. This bill requires projects solely for the instillation of freestanding, open-sided shade structures on the Division of the State Architect pre-checked designs list, where the adjusted construction cost exceeds the valuation threshold for alterations or additions on a public school district, county office of education, charter school, or community college campus to have path of travel improvements required by Title 24 of the California Code of Regulations be limited to 20% of the adjusted construction cost of the shade structure project. This bill goes into effect on January 1, 2024.

SB 765 (Portantino, Statutes of 2023)—Retired Teachers: Compensation Limitation. This bill temporarily increases the CalSTRS postretirement compensation earning limit for retirees from the current 50% to 70% of the median final compensation of all members who retired for service during the fiscal year ending in the previous calendar year. The bill takes effect on July 1, 2024, with a sunset of July 1, 2026 (see “[Retired Teachers Bill Revived](#)” in the August 2023 *Fiscal Report*).

Education Bills Vetoed by the Governor

AB 384 (Calderon, D-Whittier)—School Facilities: Recommended Interior Temperatures: Inventory of Heating and Cooling Systems. This bill would have required the CDE to conduct a research study on recommended indoor air temperature ranges and temperature control standards for public schools and an inventory of heating and cooling systems, and to submit a report to the Legislature. The results of the research study would have been used to develop policy recommendations for safe indoor air temperature standards for K-12 school facilities.

The Governor’s [veto message](#) states, in part:

“While I appreciate the author’s goal of supporting access to indoor temperatures most conducive to student learning, this bill creates significant long-term cost pressures that are not accounted for in the budget.”

AB 1248 (Bryan, D-Los Angeles)—Local Redistricting: Independent Redistricting Commissions. This bill would have required a county or city with more than 300,000 residents, or a school district or community college district with more than 500,000 residents, to establish an independent redistricting commission to adopt district boundaries after each federal decennial census.

The Governor’s veto message states, in part:

“While I share the author’s goal of ensuring community control over the redistricting process, this bill creates a state-reimbursable mandate in the tens of millions and should therefore be considered in the annual budget process.”

AB 1479 (Garcia, D-Coachella)—Pupil Health: Social-Emotional, Behavioral, and Mental Health Supports. This bill would have established the Pupil Social-Emotional, Behavioral, and Mental Health Program to make grants available to LEAs to provide Tier 1 mental health supports to pupils and families.

The Governor’s veto message states, in part:

“Unfortunately, this specific proposal creates additional significant ongoing Proposition 98 General Fund cost pressures up to tens of millions of dollars that are not accounted for in the state budget plan and may be duplicative of other investments made in prior budgets.”

AB 1604 (Bonta, D-Oakland)—Charter Schools: School Facilities: Charter School Facility Grant Program: Conduit Financing. This bill would have made changes to the Charter School Facility Grant Program (CSFGP) with regard to required admissions preferences, requirements for related parties, declaring nonprofit status, and how charter school properties are sold and leased.

The Governor’s veto message states, in part:

“The California State Auditor’s report from earlier this year showed that the CSFGP program was being administered in a manner consistent with the law. It also showed that charter schools that receive the CSFGP grant funds closed less often and were located in areas that needed additional classroom space. Unfortunately, provisions of this bill could have unintended consequences, including increasing facility costs or limiting financing options for charter schools. Furthermore, the potential benefits of the bill are limited and do not outweigh the potential risks to charter school facilities.”

SB 509 (Portantino, D-Burbank)—School Employee and Pupil Training: Youth Mental and Behavioral Health: Mental Health Education. This bill would have required LEAs serving students in grades 7-12 to certify to the CDE that 40% of their classified employees and 100% of their certificated employees received youth behavioral health training identified by the CDE. The bill would have also added instruction in mental health to the course of study for grades 1-6.

The Governor's veto message states, in part:

“However, I have concerns with some aspects of the bill as written, including the appropriate scope of the required, one-time training and the lack of an appropriate mechanism to fund the bill via the Gun Violence Prevention and School Safety Fund. To address these issues, and to ensure alignment with other state investments in this area, I am directing the Department of Finance to propose language for the Legislature's consideration as part of next January's state budget proposal.”

Next Steps

Governor Newsom's final actions effectively puts an end to the 2023 legislative year. The Legislature will return to Sacramento for the second year of the 2023-24 Legislative Session on January 3, 2024. Any bill that missed a deadline in 2023 (two-year bills) may be revived in 2024, but must clear the house of origin by January 31, 2024.

Bill Update

SCHOOL SERVICES OF CALIFORNIA, INC.

**Legislative Report Prepared for:
Fresno Unified School District
Status as of October 24, 2023**

Chaptered

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Employees

[AB 5 \(Zbur\)](#)

Amended: 9/1/2023

Title: The Safe and Supportive Schools Act

Status: Signed by the Governor, Chapter 220, Statutes of 2023

Position: Support

Summary:

Titled “The Safe and Supportive Schools Act,” this bill requires local educational agencies (LEAs) to provide at least one hour of training annually to all certificated staff, beginning with the 2025-26 school year through the 2029-30 school year, on cultural competency in supporting LGBTQ+ students. The bill also requires the California Department of Education (CDE) to complete the development of an online training curriculum and online delivery platform by July 1, 2025, which would meet this requirement, although LEAs would not be required to use the training developed by the CDE. An LEA that chooses not to use the CDE’s training would need to ensure that the in-service training it chooses to use is substantially similar to and meets the same standards as the CDE’s online training.

For compliance purposes, LEAs would be required to track and maintain a record of employees who have received training and post on their website the number of their certificated employees who received online or in-service training.

[AB 1722 \(Dahle, Megan\)](#)

Amended: 7/5/2023

Title: Pupil Health: Credentialed School Nurses, Registered Nurses, and Licensed Vocational Nurses

Status: Signed by the Governor, Chapter 853, Statutes of 2023

Position: Support

Summary:

This bill allows a local educational agency (LEA) to hire a licensed vocational nurse that shall be supervised by a credentialed school nurse if a diligent search has been conducted for a suitable credentialed school nurse. If an LEA hires a licensed vocational nurse as prescribed, the LEA must report this to the California Department of Education (CDE), and the CDE must report to the Legislature a list of LEAs that use this authority. The LEA also must seek approval from its local governing board before hiring a licensed vocational nurse.

SB 765 (Portantino)**Amended:** 8/17/2023**Title:** Teachers: Retired Teachers: Compensation Limitation**Status:** Signed by the Governor, Chapter 885, Statutes of 2023**Position:****Summary:**

This bill increases the postretirement compensation earnings limit under the Teachers' Retirement Law (TRL) from 50% to 70% of the median final compensation of all members who retired from service during the fiscal year ending in the previous calendar year. The bill also modifies the TRL to temporarily authorize an alternative process for educational employers to hire a retired California State Teachers' Retirement System (CalSTRS) member prior to satisfying the statutory 180-day separation from service requirement if a chief executive officer of a community college district, school district superintendent, or county office superintendent seeks an exemption to the 180-day separation from service requirements and zero dollar earnings limit and submits documents to CalSTRS with certification, under penalty of perjury, as to each of the following:

- The nature of the employment;
- That the appointment is necessary to fill a critically needed position before the 180 calendar days have passed;
- That the CalSTRS member is not ineligible for application of these provisions, as provided;
- That the termination of employment of the retired member with the employer is not the basis for the need to acquire the services of the member; and,
- That the employer did not have a reduction-in-force layoff pursuant to existing laws, as specified and provided, within the prior 18 months.

The provisions of the bill will be in effect for two years, from July 1, 2024, to July 1, 2026.

Facilities

SB 760 (Newman)**Amended:** 8/14/2023**Title:** School Facilities: All-Gender Restrooms**Status:** Signed by the Governor, Chapter 227, Statutes of 2023**Position:** No Position**Summary:**

This bill requires all schools that maintain classes for grades 1-12, by July 1, 2026, to have at least one all-gender restroom for student use. The all-gender restroom must have appropriate signage and be unlocked, unobstructed, and easily accessible by students.

Governance and District Operations

[AB 275 \(Ward\)](#)

Amended: 6/19/2023

Title: School Governance: Governing Boards: Pupil Members: Compensation

Status: Signed by the Governor, Chapter 321, Statutes of 2023

Position: Support

Summary:

The bill authorizes local governing boards to award a pupil member elective course credit, monthly financial compensation, or both.

[AB 1637 \(Irwin\)](#)

Amended: 6/29/2023

Title: Local Government: Internet Websites and Email Addresses

Status: Signed by the Governor, Chapter 586, Statutes of 2023

Position: Oppose

Summary:

This bill requires a local agency that maintains an Internet website for use by the public to ensure that the Internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain. This bill, no later than January 1, 2029, also requires a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. This bill was amended to only apply to cities and counties.

Instruction

[AB 714 \(McCarty\)](#)

Amended: 9/8/2023

Title: Pupil Instruction: Newcomer Pupils: Curriculum Frameworks: High School Coursework and Graduation Requirements: Exemptions and Alternatives

Status: Signed by the Governor, Chapter 342, Statutes of 2023

Position: Support

Summary:

This bill requires the California Department of Education to curate and maintain on its website information relating to the education of recently arrived immigrant students and to annually publish specified information about newcomers on its website.

The bill also requires the Instructional Quality Commission to consider adding content to help teachers meet the unique needs of newcomers to the next revision of the English Language Arts/English Language Development curriculum framework and recommended instructional materials and revising the definition of newcomers to align with the federal definition for purposes of specified educational rights in existing law.

Miscellaneous

[AB 278 \(Reyes\)](#)

Amended: 9/1/2023

Title: High Schools: Dream Resource Center Grant Program

Status: Signed by the Governor, Chapter 424, Statutes of 2023

Position: Support

Summary:

This bill establishes the Dream Resource Center Grant program, administered by the California Department of Education for four years, for purposes of creating Dream Resource Centers at high schools. Dream Resource Centers will provide high school students, including undocumented students, with resources that include:

- Financial aid support
- Social services support
- State-funded immigration legal services
- Academic opportunities
- Parent and family workshops

Nutrition

[SB 348 \(Skinner\)](#)

Amended: 9/1/2023

Title: Pupil Meals

Status: Signed by the Governor, Chapter 600, Statutes of 2023

Position: Support

Summary:

This bill makes a few changes to the Universal Meals Program requirement:

- Requires the California Department of Education (CDE) to submit a waiver to the United States Department of Agriculture to allow schools to serve breakfast or lunch to students in a noncongregate setting on short days.
- Requires local educational agencies to provide pupils with adequate time to eat, as determined by that school district, county superintendent of schools, or charter school in consideration of the recommendations provided by the CDE.
- Requires the CDE, in partnership with specified entities, to provide maximum daily added sugar and sodium intake recommendations for each grade level.

School Safety and Student Discipline

[AB 1165 \(McCarty\)](#)

Amended: 4/17/2023

Title: Pupil Discipline: Racist Bullying, Harassment, or Intimidation: Restorative Justice Practice

Status: Signed by the Governor, Chapter 22, Statutes of 2023

Position: Support

Summary:

This bill, for a pupil who has been suspended or for whom other means of correction have been implemented for an incident of racist bullying, harassment, or intimidation, encourages local educational agencies (LEAs) to have both the victim and perpetrator engage in a restorative justice practice that is found to suit the needs of both the victim and the perpetrator. The bill encourages LEAs to regularly check on the victim of racist bullying, harassment, or intimidation to ensure that the victim is not in danger of suffering from long-lasting mental health issues and also encourages LEAs to require perpetrators to engage in culturally sensitive programs.

[AB 1445 \(Arambula\)](#)

Amended: 6/15/2023

Title: The Neng Thao Drowning Prevention Safety Act

Status: Signed by the Governor, Chapter 370, Statutes of 2023

Position: Support

Summary:

This bill authorizes a local, state, or national drowning or injury prevention organization to provide informational materials to any public school regarding specified topics relating to drowning prevention. The bill authorizes, not requires, beginning with the 2024-25 school year, upon receipt of the informational materials, a public school to provide the informational materials to parents, legal guardians, or caregivers at the time the pupil enrolls at the school and at the beginning of each school year.

[SB 274 \(Skinner\)](#)

Amended: 8/14/2023

Title: Suspensions and Expulsions: Willful Defiance: Interventions and Supports

Status: Signed by the Governor, Chapter 597, Statutes of 2023

Position: No Position

Summary:

This bill prohibits the suspension or expulsion of a student enrolled in grades 6-12 in a public school on the basis of willful defiance until July 1, 2029, authorizes employees to refer students to school administrators for in-school interventions or supports, and requires that administrators document the actions taken in the student's record and inform the referring employee of those actions.

Student Health

[AB 230 \(Reyes\)](#)

Amended: 9/1/2023

Title: Menstrual Products: Menstrual Equity for All Act of 2021

Status: Signed by the Governor, Chapter 421, Statutes of 2023

Position: Support

Summary:

Expands the requirement that schools serving students in grades 6 through 12 stock specified restrooms with free menstrual products to include schools serving students in grades 3 to 5.

[AB 483 \(Muratsuchi\)](#)

Amended: 9/8/2023

Title: Local Educational Agency: Medi-Cal Billing Option

Status: Signed by the Governor, Chapter 527, Statutes of 2023

Position: Support

Summary:

This bill requires the Department of Health Care Services (DHCS) to revise its audit process for the Local Education Agency (LEA) Medi-Cal Billing Option Program to focus on fraud, waste, and abuse as the primary focus of recoupment. Revises timelines in the audit and appeals process and requires the DHCS to give LEAs additional technical assistance and submit additional information on its audits to the Legislature.

[AB 659 \(Aguiar-Curry\)](#)

Amended: 9/8/2023

Title: Cancer Prevention Act

Status: Signed by the Governor, Chapter 809, Statutes of 2023

Position: Support

Summary:

This bill declares that students are advised to adhere to current immunization guidelines regarding full human papillomavirus immunization before 8th grade. Schools are required to give 6th grade parents notification about this policy recommendation.

[SB 10 \(Cortese\)](#)

Amended: 9/7/2023

Title: Pupil Health: Opioid Overdose Prevention and Treatment: Melanie's Law

Status: Signed by the Governor, Chapter 856, Statutes of 2023

Position: Support

Summary:

This bill adds to the list of requirements for a comprehensive school safety plan for schools serving students in grades 7-12, a protocol in the event a pupil is suffering from an opioid overdose.

SB 234 (Portantino)

Amended: 9/6/2023

Title: Opioid Antagonists: Stadiums, Concert Venues, and Amusement Parks

Status: Signed by the Governor, Chapter 596, Statutes of 2023

Position: Support

Summary:

The bill requires stadiums, concert venues, and amusement parks to maintain an opioid antagonist on their premises at all times and to ensure that at least two employees are aware of the location. The bill was amended to no longer apply to public schools and community colleges.

Transportation

AB 579 (Ting)

Amended: 6/29/2023

Title: Schoolbuses: Zero-Emission Vehicles

Status: Signed by the Governor, Chapter 445, Statutes of 2023

Position: Support

Summary:

This bill, by January 1, 2035, requires 100% of all newly purchased or contracted school buses of a local educational agency (LEA) to be zero-emission vehicles. The bill authorizes LEAs that are prevented from purchasing or contracting a zero-emission school bus due to terrain and route constraints to request from the California Department of Education a one-time extension, for a term not to exceed five years, to comply with that requirement.

SB 88 (Skinner)**Amended:** 9/1/2023**Title:** Pupil Transportation: Driver Qualifications**Status:** Signed by the Governor, Chapter 380, Statutes of 2023**Position:** Watch**Summary:**

With some exceptions, Senate Bill 88 applies the same requirements to all drivers providing school-related pupil transportation for compensation, regardless of whether they are employed by a local educational agency (LEA), contracted by an LEA, or contracted by any entity with funding from an LEA. Requirements for drivers who transport students in a vehicle with a maximum capacity of ten or fewer persons include:

- Passing a criminal background check, including fingerprint clearance
- Having a satisfactory driving record
- Complying with drug and alcohol testing requirements
- Completing a medical examination not more than two years prior to the driver transporting students
- Submitting and clearing a tuberculosis risk assessment
- Completing initial and subsequent student transportation training
- Maintaining a daily log sheet and completing a daily pre-trip inspection of the vehicle
- Completing training at least equivalent to the American Red Cross first aid training program

To the extent that these requirements conflict with a contract entered into between an LEA and a private entity before January 1, 2024, these requirements shall not apply until the expiration or renewal of that contract.

The bill exempts certain individuals, including parents and guardians, who are compensated for driving their own child to school from its provisions. Additionally, the bill also exempts a school employee of an LEA from the bill's provisions when the employee provides transportation to pupils due to or because of the employee's supervision of pupils for a field trip, before or after school activity, or athletic program, or when the employee provides transportation to pupils for other activities, not to exceed 40 hours of drive time per school year per employee if both of the following occur:

1. An LEA makes a reasonable effort to secure a driver who meets the requirements of the bill.
2. When an LEA is unable to secure a driver who meets the requirements of the bill, the LEA informs the parent or guardian of the pupil being transported that the driver transporting their pupil does not meet the requirements of this bill.

Vetoed

Employees

[AB 1699 \(McCarty\)](#)

Amended: 9/7/2023

Title: K-14 Classified Employees: Part-Time or Full-Time Vacancies: Public Postings

Status: Vetoed

Position: Oppose

Summary:

This bill would have required classified job vacancies to be offered with priority to current regular nonprobationary classified employees who meet the minimum job qualifications of the position or who could meet the minimum job qualifications before their start date. Current classified employees who meet this criteria would have the right of first refusal for vacancies. If no qualified internal candidate applies for the new position within at least ten business days after the education employer provides notice, or if no internal candidate accepts the new position, only then may the education employer offer the new position to an external applicant.

The bill's provisions did not apply to an employee who is in the process of completing a written performance improvement plan, who was previously involuntarily demoted from the same position as the vacancy, who has been suspended, or who is the subject of a pending disciplinary action for suspension or dismissal. The bill also did not apply to management or confidential positions.

Finally, the bill stated that if its provisions conflicted with a collective bargaining agreement in place as of January 1, 2024, the provisions shall become applicable to the employer upon the expiration or renewal of the collective bargaining agreement.

The Governor's veto message states, in part:

While I support the author's goal of seeking to provide opportunities for current classified staff to apply for other open positions, this bill may have unintended consequences that are not in the best interest of students. Educational employers and classified staff already have the ability to bargain this issue, and many already have agreements that meet the goals of this bill. Unfortunately, this bill also prohibits future bargaining agreements from implementing their own locally determined process.

Facilities

[AB 249 \(Holden\)](#)

Amended: 9/6/2023

Title: Water: Schoolsites: Lead Testing

Status: Vetoed

Position: Support

Summary:

The bill would have required the community water system to report its findings to the applicable school or local educational agency (LEA) and to the State Water Resources Control Board. The bill would have required the LEA or school, if the lead level exceeds five parts per billion, to notify the school's parents and guardians, take immediate steps to make inoperable and shut down all potable water system outlets where the excess lead levels may exist, and work to ensure that a lead-free source of drinking water is provided for pupils. The bill would have also required that if a potable water system outlet is replaced because of excess levels of lead, the community water system test the replacement outlet. The bill would have required the school site, LEA, and State Water Resources Control Board to make the results of the school site lead sampling publicly available.

The Governor's veto message states, in part:

While I support the author's commitment to ensure safe drinking water in schools, this bill contains several problematic provisions and cannot be implemented as drafted. The bill constitutes an entirely new enforcement role for the State Water Board, requires the creation of a costly database for tracking compliance and enforcement, and contains an infeasible implementation timeline. Although some funding was included in the 2023 budget for testing and remediation, the bill lacks key provisions for efficiently administering the funding and is inadequate to cover the full cost of implementation. Additionally, this bill creates a reimbursable state mandate with ongoing Proposition 98 General Fund costs that could range into the hundreds of millions of dollars. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing. With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure

Student Health

SB 541 (Menjivar)

Amended: 9/1/2023

Title: Sexual Health: Contraceptives

Status: Vetoed

Position: Support

Summary:

This bill would have required the following:

- Public schools make free condoms available to all students in grades 9-12.
- These public schools inform students that free condoms are available and where the condoms can be obtained.
- These public schools post at least one notice that includes specified information such as abstinence from sexual activity and injection drug use being the only certain way to prevent human immunodeficiency virus and other sexually transmitted infections, that abstinence from sexual intercourse is the only way to prevent unintended pregnancy, how to use condoms properly, and how to access local resources and students' legal rights to access those resources for sexual and reproductive health care.
- Public schools serving grades 7-12 to allow the distribution of condoms during the course of, or in connection with, educational or public health programs and initiatives.

The Governor's veto message states, in part:

This bill requires all public high schools to make free condoms available to students and would prohibit retailers from refusing to sell condoms to youth. While evidence-based strategies, like increasing access to condoms, are important to supporting improved adolescent sexual health, this bill would create an unfunded mandate to public schools that should be considered in the annual budget process. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing. With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

Two-Year Bills

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Two-Year Bills

Accountability and Assessments

[AB 237 \(Wallis\)](#)

Amended: 3/27/2023

Title: Intradistrict and Interdistrict Transfers: Low-Performing Pupils

Status: Assembly Appropriations Committee—Suspense File

Position: No Position

Summary:

As amended, this bill would require a school district of residence to approve an intradistrict or interdistrict transfer request for a low-performing student if the school of attendance has been identified for federal comprehensive support and improvement.

[AB 728 \(Jackson\)](#)

Amended: 4/17/2023

Title: School Accountability: Local Control and Accountability Plans

Status: Assembly Education Committee

Position: Watch

Summary:

This bill would require the Local Control and Accountability Plan (LCAP) template to include an assessment of the effectiveness, or lack thereof, of the specific actions described in the existing LCAP toward achieving the local educational agency's (LEA's) goals. The bill would require actions that have not proven effective over a three-year period of implementation to be changed and would require the description of changes to include an explanation of the reasons for the lack of progress indicated by the analysis and how the action will be better addressed with a new or strengthened approach. The bill would also require certain actions to be changed for each school within an LEA that, for two consecutive years, receives the lowest performance measure for purposes of the school climate state priority.

Employees

[AB 238 \(Muratsuchi\)](#)

Amended: 4/17/2023

Title: California Student Teacher Support Grant Program

Status: 9/14/2023-S. 2 YEAR

Position: Support

Summary:

Establishes the California Student Teacher Support Grant Program to compensate teacher credential candidates during the student teaching component that is required as part of the teacher preparation program.

[AB 796 \(Weber\)](#)

Amended: 7/6/2023

Title: Athletic Trainers

Status: Senate Business, Professions, and Economic Development Committee

Position: Support

Summary:

This bill would enact the Athletic Training Practice Act, which would establish, until January 1, 2028, the Athletic Trainer Registration Committee (Committee) within the Medical Board of California to register athletic trainers. The bill would require an athletic trainer to register their certification with the newly created Athletic Trainer Registration Committee in order to practice athletic training or use the title of athletic trainer.

The bill would define the practice of athletic training and require an athletic trainer to practice only under the supervision of a physician and surgeon.

The bill would provide that an athletic trainer's registration would be valid for two years and subject to renewal, and it would authorize the Committee to deny, suspend, or revoke a registration and to discipline an athletic trainer for specified reasons. The bill would make it a misdemeanor for any person to violate the act.

[AB 1555 \(Quirk-Silva\)](#)

Amended: 3/30/2023

Title: Transitional Kindergarten: Teacher Assignments: Qualification Requirements

Status: Senate Desk

Position: Support

Summary:

This bill extends the requirement from August 1, 2023, to August 1, 2025, for credentialed teachers assigned to transitional kindergarten classrooms to meet specified early childhood education requirements.

Facilities

[AB 247 \(Muratsuchi\)](#)

Amended: 7/13/2023

Title: Education Finance: School Facilities: Transitional Kindergarten Through Community College Public Education Facilities Bond Act of 2024

Status: Senate Appropriations Committee—Suspense File—Two-Year Bill

Position: Watch

Summary:

As amended on May 18, 2024, Assembly Bill (AB) 247 would place a school bond on the 2024 statewide ballot in an unspecified election for \$14 billion. If passed by the voters, the bond would support the K-12 and community college facilities projects. AB 247 would replenish funding under the School Facility Program (SFP) to support new construction, modernization, and charter school projects while also establishing new processes to better support local educational agencies (LEA) that qualify for financial hardship. The bill would also reform the SFP's state and local matching contribution requirements to make them more equitable based on an LEA's local financial capacity. Finally, the bill would authorize LEAs to replace, rather than modernize, facilities that are at least 50 years old.

AB 247 is largely a reintroduction of AB 75 (O'Donnell, D-Long Beach) from 2021, with some minor differences. Senate Bill (SB) 28 (Glazer, D-Orinda) is a Senate measure that would also place a school bond on the 2024 ballot and contains a few policies that are significantly different than AB 247, particularly the policy that governs the order in which K-12 projects would be funded. AB 247, as amended on April 3, 2023, would retain the existing project funding process, while SB 28 establishes a new funding process that prioritizes certain types of projects and LEAs over others. SB 28 is largely a reintroduction of AB 48 (O'Donnell), which placed Proposition 13 on the 2020 primary election ballot but failed to gain the requisite votes to pass.

SB 28 (Glazer)

Title: Education Finance: School Facilities: Public Preschool, K-12, and College Health and Safety Bond Act of 2024

Status: Assembly Appropriations Committee—Suspense File—Two-Year Bill

Position: Watch

Summary:

This bill would place a \$15.5 billion preschool through higher education bond before voters on the March 5, 2024, statewide Primary Election ballot. The bill proposes the following funding allocations for K-12:

- \$2.8 billion for new construction
- \$5.2 billion for modernization
- \$150 million for the remediation of lead in water
- \$500 million for charter schools
- \$500 million for career-technical facilities
- \$250 million for school mental health and wellness centers
- \$250 million for school stadium lighting projects

This bill would make significant changes to the existing school facilities program by requiring a school district to submit a five-year school facilities master plan if applying to access facilities funds and creating a score based on local bonding capacity and unduplicated pupil percentage that affects the school district's required local match and also affects the priority for application processing.

SB 499 (Menjivar)

Amended: 5/18/2023

Title: School Facilities: School Extreme Heat Action Plan Act of 2023

Status: Assembly Appropriations Committee—Suspense File

Position: No Position

Summary:

This bill would enact the School Extreme Heat Action Plan Act of 2023. Among many provisions, the bill would require that the next time outdoor surfaces are resurfaced or replaced at the school site, all school sites are to replace low-specific heat surfaces, such as cement, asphalt, brick, pebbles, sand, aggregates, rubber, and synthetic turf, with high specific heat surfaces, such as cool pavement technologies, natural grass, shrubs, trees, wood chips, or other natural systems that mitigate heat and pollution.

This bill would, on or before January 1, 2025, require all school sites to develop an extreme heat action plan. The bill would require the plan to address the installation or planting of (1) shade trees, or mini-forests, positioned on school sites where pupils can access them when in attendance; (2) school garden infrastructure and plantings; and (3) green barriers between the school site and any adjacent high-polluting streets or commercial projects. This bill would also require, on or before January 1, 2027, school sites to begin implementation of their extreme heat action plan. The bill would make implementation of the plan contingent upon appropriation by the Legislature.

Governance and District Operations

[SB 328 \(Dodd\)](#)

Amended: 6/28/2023

Title: Political Reform Act of 1974: Contribution Limits

Status: Senate Appropriations Committee—Suspense File—Two-Year Bill

Position: Support

Summary:

As amended on May 18, 2023, this bill applies the same contribution limitations for candidates seeking city and county elective offices to candidates for school districts, community college districts, and other special districts beginning January 1, 2025.

Instruction

[SB 767 \(Rubio\)](#)

Amended: 3/22/2023

Title: Elementary Education: Kindergarten

Status: Senate Appropriations Committee—Suspense File

Position: Support

Summary:

Starting with the 2024-25 school year, this bill requires the completion of kindergarten before entering first grade in a public school.

Miscellaneous

[SB 333 \(Cortese\)](#)

Amended: 7/3/2023

Title: Homeless Pupils: California Success, Opportunity, and Academic Resilience (SPAR) Guaranteed Income Program

Status: Assembly Education Committee

Position: Support

Summary:

This bill would require the State Department of Social Services to establish the California Success, Opportunity, and Academic Resilience Guaranteed Income Program, which would award high school seniors who are homeless youths a guaranteed income of \$1,000 each month for five months from April 1, 2025, to August 1, 2025.

Nutrition

[AB 1178 \(Rivas, Luz\)](#)

Amended: 7/3/2023

Title: School Nutrition: Guardian Meal Reimbursement

Status: Senate Appropriations Committee—Suspense File

Position: Support

Summary:

This bill would, contingent upon an appropriation for its purposes and to the extent authorized by federal law, require the State Department of Education to establish a process for state reimbursement for meals served to guardians of eligible pupils receiving a meal pursuant to a summer meal program. A guardian of an eligible pupil would be required to be present at the summer meal program site in order for the summer meal program operator to receive reimbursement for that meal.

School Safety and Student Discipline

[AB 599 \(Ward\)](#)

Amended: 3/28/2023

Title: Suspensions and Expulsions: Tobacco

Status: Senate Appropriations Committee—Suspense File

Position: No Position

Summary:

This bill removes the possession or use of tobacco products on school grounds or at a school activity as bases for suspension from school or recommendations for expulsion, as of July 1, 2025. It requires the California Department of Education to develop and make available a model policy for a public health approach to addressing student possession and use of illicit drugs on school property, by July 1, 2025.

[SB 31 \(Jones\)](#)

Amended: 3/22/2023

Title: Encampments: Sensitive Areas: Penalties

Status: Senate Public Safety Committee

Position: Oppose

Summary:

This bill would prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon any street, sidewalk, or other public right-of-way within 1000 feet of a school, daycare center, park, or library. A violation may be charged as a misdemeanor or infraction, and a person may not be found in violation unless provided at least 72 hours' notice.

State Budget, Education Finance, and LCFF

AB 938 (Muratsuchi)

Amended: 9/1/2023

Title: Education Finance: Local Control Funding Formula: Base Grants: Classified and Certificated Staff Salaries

Status: Senate Floor—Inactive File

Position: No Position

Summary:

Starting in 2030-31, this bill would double the school district and charter school Local Control Funding Formula (LCFF) base rates that were put in place when the LCFF was established in 2013-14 to be as follows:

- \$13,749 for average daily attendance (ADA) in kindergarten and grades 1-3
- \$13,956 for ADA in grades 4-6
- \$14,370 for ADA in grades 7-8
- \$16,653 for ADA in grades 9-12

As amended, the bill also includes the goal that the additional LCFF funds be used to increase salaries for school staff. To that end, the bill requires the California Department of Education to update the existing J-90 data collection process to include classified staff, and local educational agencies would be required to submit certificated and classified bargaining unit salary data annually starting on September 1, 2024.

As amended, the bill also creates five classifications for reporting classified employee salary information:

- Secretaries or administrative assistants
- Custodians
- Bus drivers
- School food service workers
- Instructional aides

SB 98 (Portantino)

Title: Education Finance: Additional Education Funding

Status: Assembly Education Committee

Position: Support

Summary:

This bill would, beginning with the 2023-24 fiscal year, provide local educational agencies (LEAs) with supplemental education funding, in addition to their Local Control Funding Formula (LCFF) entitlement. The funding would be based on the difference between what the LEA would have received if LCFF funds were apportioned using enrollment numbers, and what the LEA did receive under the LCFF using average daily attendance information. At least 30% of the supplemental funds would have to be used to address chronic absenteeism and habitual truancy. In addition, there is a maintenance of effort requirement such that LEAs would need to 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.

Student Health

[AB 19 \(Patterson, Joe\)](#)

Amended: 6/22/2023

Title: Pupil Health: Opioid Antagonists

Status: Senate Appropriations Committee—Suspense File

Position: Support

Summary:

As amended on June 22, 2023, this bill would only require local educational agencies to maintain at least two units of naloxone hydrochloride if they have elected to have a school nurse or trained personnel administer naloxone hydrochloride.

[AB 915 \(Arambula\)](#)

Amended: 7/10/2023

Title: Pupil Health: Drug Education: Opioid Overdose Training Program

Status: Senate Appropriations Committee—Suspense File

Position:

Summary:

As amended, this bill requires the California Department of Public Health to develop an opioid overdose training program and toolkit to be made available to high schools for students to be trained on how to identify and respond to an opioid overdose. The toolkit will be available upon request to those high schools that opt to host the program.

[AB 1314 \(Essayli\)](#)

Amended: 3/9/2023

Title: Gender Identity: Parental Notification

Status: Assembly Education Committee

Position:

Summary:

This bill would provide that a parent or guardian has the right to be notified in writing within three days from the date any teacher, counselor, or employee of a school becomes aware that a pupil is identifying at school as a gender that does not align with the child's sex on their birth certificate, other official records, or sex assigned at birth; using sex-segregated school programs and activities, including athletic teams and competitions; or using facilities that do not align with the child's sex on their birth certificate, other official records, or sex assigned at birth.

[AB 1362 \(Davies\)](#)

Title: Pupil Instruction: Adopted Course of Study: Physical Education

Status: Assembly Education Committee

Position: Support

Summary:

This bill would authorize the instruction in the physical education area of study to include information on the physical and mental dangers associated with the use of opioids, such as fentanyl, steroids, and other harmful addictive drugs.

SB 283 (Ochoa Bogh)

Amended: 8/14/2023

Title: Pupil Health: Individualized Asthma Action Plan

Status: Assembly Appropriations Committee—Suspense File

Position: Support

Summary:

Starting with the 2024-25 school year, requires local educational agencies (LEAs) to create an individualized asthma action plan for a student with asthma and encourages LEAs to provide professional development for staff that includes information about symptoms and common triggers of asthma.

SB 472 (Hurtado)

Amended: 4/17/2023

Title: Pupil Health: Opioid Overdose Reversal Medication

Status: Senate Appropriations Committee—Suspense File

Position: Support

Summary:

Requires all public schools to maintain at least two doses of naloxone or another opioid antagonist on their campus. Requires local educational agencies to report to the California Department of Education and the Department of Health Care Services specified information by July 31, 2024, and annually thereafter. The information shall include the total supply of opioid antagonists at each school, the number of incidents in which an opioid antagonist was used to provide emergency aid, and the number of doses of opioid antagonists that expired during the school year. As amended, the requirement to maintain an opioid antagonist only applies to schools that have a person trained on the administration of the opioid antagonist.

Fresno Unified School District
Board Communication

BC Number E&EP-1

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

Date: November 09, 2023

Phone Number: 457-3749

Regarding: Giving Tuesday 2023

The purpose of this communication is to provide the Board information about the Giving Tuesday campaign which will start on November 27, 2023 and run through November 28, 2023.

Two friendly competitions between the regions will take place on November 27-28, 2023. Each Board member will represent their respective region, with the Superintendent also representing a special eighth region – consisting of our alternative education, magnet, and specialty schools.

Board members will be asked to use social media, text, email and phone calls throughout the two days to encourage members of the public to donate to the FUSD Scholarship fund on behalf of their favorite high school region. Board members will be provided with communication materials to support their outreach.

Throughout the day, there will be social media announcements for matching donations and donor thank you items.

Last year, 180 donations from 160 individual donors brought in a total of \$11,195 to fund regional scholarships. A breakdown of those donations is shown here:

- Edison Region: \$5,545, Donors: 44
- Fresno High Region: \$1,695, Donors: 35
- Magnet, Specialty & Alternative Education Region: \$1,240, Donors: 27
- McLane Region: \$895, Donors: 22
- Bullard Region: \$570, Donors: 19
- Hoover Region: \$490, Donors: 20
- Roosevelt Region: \$395, Donors: 15
- Sunnyside Region: \$365, Donors: 13

All monies raised were given as scholarships for 2023 graduates.

In addition, there were two challenges that day with the winning region receiving an extra \$500 in scholarship funds for each. Trustee Thomas, representing the Edison region, won both challenges for largest number of donors by noon and the largest donation of the day.

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


Approved by Superintendent
Robert G. Nelson Ed.D.

Robert G. Nelson

Date: 11/09/23

Fresno Unified School District
Board Communication

BC Number ID-1

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Marie Williams, Ed.D., Instructional Superintendent
Cabinet Approval: 

Date: November 09, 2023

Phone Number: 457-3554

Regarding: Community Responsive Education

The purpose of this board communication is to provide the Board with information regarding the existing contract with Community Responsive Education (CRE), and the proposed addendum to the agreement that was pulled from the Board Agenda on November 01, 2023.

On June 21, 2023, the Board approved a contract with CRE to provide professional learning to deepen the implementation of our current Ethnic Studies draft curriculum. The Fresno Unified Ethnic Studies draft curriculum is grounded in California's Model Ethnic Studies Curriculum and focuses on the experiences of four historically marginalized racialized groups – African American, LatinX, Asian/Pacific Islanders, and Native Americans. Our District's Ethnic Studies draft curriculum embodies a local context, and all lessons are locally developed by our own staff. The framework emphasizes Voices, Ancestors, Liberation, Love, Empathy, and Yearning (VALLEY). The proposed addendum to the contract was intended to widen the opportunity for coaching cycles with CRE staff in order to continue the implementation of our Ethnic Studies draft curriculum.

Following the publication of the November 01, 2023, Board agenda, community concerns regarding the proposed contract addendum was brought to the attention of Constituent Services. The concerns were regarding another organization whose staff members are also associated with CRE. The district does not contract with the organization about whom concerns were raised; however, out of abundance of public concern, we are choosing to not move forward with the addendum to the contract.

If you have any questions pertaining to the information in this communication, or require additional information, please contact Pam Taylor at 457-3874.

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



Date: 11/09/23