BOARD COMMUNICATIONS – FEBRUARY 05, 2021

TO: Members of the Board of Education
FROM: Superintendent, Robert G. Nelson, Ed.D.

SUPERINTENDENT – Robert G. Nelson, Ed.D.
S-1 Robert G. Nelson Superintendent Calendar Highlights

ADMINISTRATIVE SERVICES – Santino Danisi, Interim Chief Financial Officer
AS-1 Kim Kelstrom School Services Weekly Update Report for January 29, 2021
AS-2 Kim Kelstrom Medi-Cal Administrative Activity Program
AS-3 Kim Kelstrom Every Student Succeeds Act Per-Pupil Expenditure Reporting
AS-4 Kim Kelstrom Legal Services by Category

COMMUNICATIONS – Nikki Henry, Chief Information Officer
C-1 Zuleica Murillo Parent University 2021 Spring Parent Learning Opportunities

EQUITY & ACCESS – Lindsay Sanders, Chief Equity & Access
EA-1 Kristi Imberi-Olivares Differentiated Assistance and Comprehensive Support and Improvement in Fresno Unified School District Update

OPERATIONAL SERVICES – Karin Temple, Chief Operations Officer
OS-1 Amanda Harvey Food Services Department Updates
OS-2 Philip Neufeld Wide Area Network Services, Leased Fiber, and Letter Received from AT&T

SCHOOL LEADERSHIP – Kim Mecum, Chief Academic Officer
SL-1 Sandra Toscano Language Supports to School Sites & Departments
Fresno Unified School District
Board Communication

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

Regarding: Superintendent Calendar Highlights

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

- Gave interview with Tad Weber, Fresno Bee, regarding vaccines for teachers and potential “red shirt year”
- Attended the 7th Annual Edison Black History Month Virtual Program
- Met with Executive Cabinet
- Attended Edison LCAP Town Hall meeting
- Attended the Spanish LCAP Town Hall meeting
- Participated in weekly call with Fresno County Superintendents
- Attended the Fresno State President Commission on Teacher Education Virtual meeting
- Gave interview with Vanessa Vasconcelos, ABC30, regarding plan for returning to in person instruction
- Gave interview with Kalie Hunt, KSEE24, regarding plan for returning to in person instruction
- Met with labor partners
- Attended Sunnyside LCAP Town Hall meeting
- Attended Hmong LCAP Town Hall meeting
- Attended Fresno Compact Board Virtual meeting
- Attended Fresno K-16 Collaborative Virtual meeting

Approved by Superintendent
Robert G. Nelson Ed.D. Date: 02/05/21

Phone Number: 457-3884

Date: February 05, 2021

BC Number S-1
Regarding: School Services Weekly Update Report for January 29, 2021

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

The SSC Weekly Update for January 29, 2021 is attached and includes the following articles:

- Educators, Food Workers Join California’s Priority List for Vaccines – January 26, 2021

If you have any questions or require further information, please contact Kim Kelstrom at 457-3907.
DATE: January 29, 2021
TO: Robert G. Nelson
    Superintendent
AT: Fresno Unified School District
FROM: Your SSC Governmental Relations Team
RE: SSC's Sacramento Weekly Update

Legislature Begins to Shape 2021 Education Agenda

Since the Legislature officially convened the 2021–22 Legislative Session on December 7, 2020, the day that the new legislators were sworn into office, there have been more than 600 bills introduced. While we expect that there will be at least another 1,000 bills introduced before the February 19, 2021, deadline, we are beginning to see the legislative education agenda being shaped for the 2021 year.

The top two issues that lawmakers will look to negotiate with the Newsom Administration on is how to safely reopen schools for in-person instruction and how to make up for learning loss under COVID-19 through expanded learning opportunities. The two bills that will be debated alongside the Governor’s $2 billion reopening incentive grant and $4.6 billion expanded learning initiative budget proposals are:

- Assembly Bill (AB) 10 (Ting, D-San Francisco) would require local educational agencies (LEAs) to adopt plans that offer in-person instruction (and outline plans to meet local and state public health school campus safety standards) within two weeks of the issuance of local or state public health orders allowing school campuses to be open. The bill also would require LEAs to implement a plan for tiered reengagement for all unduplicated pupils that are performing below grade level.

- AB 104 (Gonzalez, D-San Diego) would allow students to change letter grades to pass/no pass for the 2020–21 schoolyear, allow parents to request students retake their 2020–21 grade for the 2021–22 schoolyear, require schools to allow high school students to enroll in a fifth year of high school if that would enable them to graduate, and would provide funding to LEAs based on their Local Control Funding Formula supplemental and concentration grant funding to provide supplemental instructional programs to unduplicated, disengaged, and migrant pupils.
There are also a number of bills that have been introduced on early childhood education, to place a bond on the 2022 ballot, and to increase broadband access, including the following:

- **AB 14** (Aguiar-Curry, D-Winters) would extend the ongoing collection of funds deposited into the California Advanced Services Fund to provide communities with grants to bridge the digital divide.

- **AB 34** (Muratsuchi, D-Torrance) would place a general obligation bond measure of up to $10 billion on the November 2022 ballot to fund increased access to broadband services to rural, urban, suburban, and tribal unserved and underserved communities.

- **AB 22** (McCarty, D-Sacramento) would expand the Transitional Kindergarten (TK) program to include all four-year-olds in California and would require LEAs offering TK to admit four-year-olds into their program by the 2030–31 school year.

- **AB 75** (O’Donnell, D-Long Beach) would place a statewide K–14 school bond on the 2022 ballot providing an unspecified amount of funds that focus primarily on new construction, modernization, career technical education, and charter school projects.

- **Senate Bill (SB) 22** (Glazer, D-Contra Costa) would place the Public Preschool, K–12, and College Health and Safety Bond Act of 2022 on the ballot in 2022 to provide $15 billion in funding to construct and modernize education facilities.

- **SB 50** (Limón, D-Santa Barbara) would look to establish the California Early Learning and Care Program to create a seamless, integrated, and mixed-delivery early learning and care system from birth to school age to advance the state’s Master Plan for Early Learning and Care.

- **SB 70** (Rubio, D-Baldwin Park) would, beginning with the 2022–23 school year, require a child to have completed one year of kindergarten before that child may be admitted to the first grade, effectively making kindergarten mandatory and a required grade for students to complete.

As we dive deeper into a new legislative year and State Budget cycle, it will be worth watching how the COVID-19 pandemic affects the Legislature’s operations. Last year, the pandemic forced the Legislature to take several unplanned or extended recesses and reduced the number of budget and legislative hearings. Additionally, the truncated process affected the number of bills presented to Governor Gavin Newsom, sending him just one-third of what he would typically receive during a legislative year.

*Leilani Aguinaldo*
Note: Over the last two weeks, the Legislature has pushed back hard against the Governor’s $2 billion reopening incentive grant proposal, signaling that the negotiations will result in a significantly different proposal or an outright rejection from the Legislature.

With Gov. Newsom’s Back-To-School Plan All But Doomed, What Might it Take To Salvage It?

Negotiations continue to meet objections of school districts, alternative ideas of the Legislature

By John Fensterwald
EdSource
January 27, 2021

Odds are increasingly remote that Gov. Gavin Newsom’s plan to provide financial incentives for districts to reopen schools in February and March will get off the ground. During two hearings on the proposal, legislators repeated districts’ complaints that the initial Feb. 1 deadline to apply was unrealistic and should be pushed back.

“Why is the administration holding to these days when all I am hearing from is districts that they will not be applying?” Sen. Connie Leyva, D-Chino, who chairs the Senate Education Committee, asked administration officials last week at a Senate hearing.

There’s no indication that the Legislature will act this week to approve the $2 billion the state would offer to districts that meet Newsom’s timeline and conditions. That needs to happen before the proposal can take effect. But the demise of one plan could lead to the birth of another.

On Tuesday, Jessica Holmes, a financial analyst with the California Department of Finance, acknowledged the Feb. 1 date may be pushed back. At an Assembly budget hearing, she indicated that continuing talks with legislative leaders could lead to substantive changes to the plan, including the start date, requirements for Covid testing and broader exemptions for dozens of school districts that had reopened schools for in-person instruction before the latest surge.

Superintendents have cited those issues and with ensuring staff vaccinations as obstacles deterring districts from participating in the programs.

“The governor’s reopening plan, combined with the lack of vaccination coordination, has set all school districts back to a weaker position than we were in October,” Palo Alto Unified Superintendent Don Austin said.

Meanwhile, the organization representing the state’s school superintendents and administrators, is advising districts to take a wait and see approach.

“It’s a moving target. Until there is negotiated agreement between the governor and Legislature, there is nothing to apply for,” said Edgar Zazueta, senior director of policy and government relations for the Association of California School Administrators.
Holmes said that the state based the $2 billion figure on the assumption that 70% of districts would seek the funding — either for $450 to $700 per student by applying by Feb. 1 or $335 to about $635 per student by apply on March 1. At this point, it appears more likely that more than 70% of districts won’t seek the money.

Among those is Los Angeles Unified. In a symbolic gesture, Beutner announced Tuesday the district would submit a draft “application” for the incentive program to state officials to reaffirm its “good-faith effort to demonstrate our commitment to reopen schools as soon as possible and in the safest way possible.” But Newsom and Beutner, along with many superintendents, disagree over what that phrase means. Beutner said the district faces losing $275 million because of the state’s “flawed” approach.

Still, although legislators panned the specifics of Newsom’s incentives plan at the hearings, there may be room for compromise. Legislators reiterated that they share Newsom’s goal, as Assembly Budget Committee Chair Phil Ting, D-San Francisco, said Tuesday, “to reopen as soon and as safely as possible.”

Ting, whose staff is among those negotiating with the Newsom administration, is the primary author of Assembly Bill 10, which offers an alternative to Newsom’s approach to school reopenings. He said Tuesday he “would love to come to an agreement,” and didn’t dismiss that one might come soon.

Two different tacks

Newsom’s plan relies on incentives to reopen schools when Covid rates fall in each county to the upper range of the “purple tier” of the state’s pandemic monitoring system — 25 positive cases per 100,000 county residents. The system is color-coded from yellow to purple, the most restrictive. Currently, many counties, including Los Angeles, San Diego, Fresno and Riverside, have double to triple the rate Newsom outlines in his plan. The California Teachers Association has consistently said that they don’t want to send teachers back in the purple tier, calling it non-negotiable.

Districts that don’t seek the money can decide on their own, based on negotiations with their employee unions, when or if to reopen this year.

AB 10 would mandate that all districts that haven’t already reopened must adopt comprehensive plans to send students back within two weeks of Covid rates falling to the red, orange or yellow tiers, with much lower infection rates than purple. The threshold for the red tier is 4 to 7 positive cases per 100,000 residents. For districts that since last fall had been negotiating with labor unions to return to campuses in the red tier, AB 10 would eliminate that point of contention.

“We have been ready to move in red. It feels like the goalposts moved with new requirements,” Shelly Viramontez, Campbell Union School District superintendent, testified at the Senate hearing.

Newsom’s plan would require first sending back elementary school students — transitional kindergarten to sixth grade — who are least likely to catch the virus and transmit it, with no timeline for sending back middle school and high school students. Districts would also have to accommodate — in small groups — students with disabilities, homeless and foster children, and students without internet access at home.

AB 10 would not dictate the order in which students return, but, at a minimum, districts would have to prioritize the most struggling students: those who have been chronically absent, low-income, English learners and foster children who have performed below grade level and students at risk of not graduating from high
school. This approach could work for districts with persistently high Covid rates that question the value of reopening for all students with only a month or two left in the school year.

Even if they could blend Newsom’s and Ting’s approaches, negotiators would have to address a number of contentious issues:

**Timing:** Covid rates would determine when students would return to campuses, but Newsom’s decision to require all districts to negotiate terms of their safety plan and submit it by Feb. 1 to get the money is backfiring. Districts say the daunting logistics of setting up Covid testing systems and negotiating with unions can’t be done that quickly. Pushing back the deadline a month or six weeks would give districts more time to set up testing and educate parents about the health data supporting returning to school. If Covid rates plummet nationwide, as Columbia University scientists project (see graph), then less frequent and less expensive surveillance testing would be required. On Wednesday, Los Angeles County Public Health Department Director Barbara Ferrer projected that the fast-falling infection rate in the county could reach the level permitting the return of elementary school students by the second week in February.

**Vaccinations:** Newsom didn’t include vaccination requirements in his “Safe Schools for All” plan, but many teachers and classified workers say getting it is a condition for returning to campuses. Without a concerted effort by districts and county offices of education to organize vaccination clinics for school employees, employees in some counties may not get the first of two shots until March, jeopardizing a return to school before summer.

**Testing:** In a letter to Newsom, Beutner and superintendents of six other large urban districts want the state to pay the full cost of testing — perhaps the most expensive item to reopening schools — in addition to the $2 billion in state funding. At the hearings, Homes said a discounted testing price for schools that use a state-built lab in Valencia and a Medi-Cal exemption the state is seeking from the Biden administration to cover testing costs for students will substantially lower districts’ expenses.

“We are working very hard to ensure that the testing component is not the biggest barrier in all of this and is made as inexpensive and efficient as possible for schools,” she said.

Covid testing of all staff and consenting students would be done as often as weekly for schools in the purple tier under the governor’s plan. School management organizations representing school boards, administrators and small districts want to work with local health officials to modify some requirements.

**Funding:** Money may not be the issue thwarting reopening, as some superintendents assert, but it remains an issue. San Diego Unified board President Richard Barrera expressed the view of many districts when he called for rolling the $2 billion into the larger $4.6 billion that Newsom is proposing for school districts to reopen, to provide extra learning time and reacclimate students to the classroom. “Allow us to use resources to meet needs now and plan for the summer and then the next year,” he testified at last week’s hearing.

But on this one key point, the Newsom administration, Ting, Assembly Education Chairman Patrick O’Donnell, D-Long Beach, and co-authors of AB 10 agree: More money, without pressure to reopen — whether incentives or mandates — won’t force all districts to send at least some students back to class this school year, where they need to be after nearly a year under distance learning.

“We are trying to salvage as much of the school year as possible, knowing we are in January,” Holmes said.
Last summer, Ting said, Newsom directed $5 billion in federal money to help bring back students in the summer and fall, when infection rates were lower, but most districts missed that opening and held on to the bulk of the money.

“We don’t want to repeat the mistake when we gave out resources to open up, and it did not happen,” Ting said.

Note: The Newsom Administration announced this week that teachers, childcare workers, food and farm workers, and first responders will join Californians age 65 and over who have priority to qualify for the coronavirus vaccine.

Educators, Food Workers Join California’s Priority List for Vaccines

By Barbara Feder Ostrov
CalMatters
January 26, 2021

Educators, childcare workers, food and farm workers and first responders will join Californians age 65 and over who have priority to qualify for the coronavirus vaccine, state officials announced today.

After that large group is vaccinated, the next priority group will be based on age — and middle-aged Californians are likely to be next in line.

The new statewide standard takes effect mid-February and will apply to all 58 counties in an effort to accelerate California’s low vaccination rate. It’s unclear how long it will take to vaccinate this new group, but the announcement dovetails with Gov. Gavin Newsom’s effort to reopen schools and small businesses.

California’s leaders hope the new system will simplify a confusing and chaotic county-by-county vaccine rollout that has deeply frustrated millions of Californians vying for still-scant supplies.

Counties will “move in unison,” according to state officials, and have much less leeway than they did to set eligibility criteria. Some counties allow people 65 and older to be vaccinated, while others still restrict it to those 75 or older.

More than 2.5 million people in California have been vaccinated in the past seven weeks, and about 125,000 now are receiving doses each day, the state’s top health official, Dr. Mark Ghaly, said at a briefing today. About 6.2 million people in California are 65 or older.

“At this moment of scarcity, we need to make sure vaccine is not just used to get to herd immunity, but to ensure that our most vulnerable” people are protected from severe COVID-19 illness, hospitalization or even death, Ghaly said.

Federal officials told the nation’s governors today that they can expect about a 16% rise in their weekly allotments over the next three weeks. But state and county health officials still cannot plan more than a week ahead for how many doses they’ll be able to administer, Yolanda Richardson, secretary of the Government Operations Agency, said at the briefing.
The new system emphasizes age rather than people with chronic medical conditions that make them vulnerable to severe effects of COVID-19. As a result, someone younger than 65 with a condition such as diabetes, heart disease, an organ transplant, or cancer will not be prioritized for weeks, even months.

“I am 22, disabled, and immunocompromised. Because of the pandemic, I no longer have access to regular medical care, and COVID-19 could kill me if I got it,” Stanford University student Ariela Algaze wrote on Twitter Tuesday. “Gavin Newsom just sent me to the back of the line to get vaccinated.”

The standards upend months of careful planning by a working group of experts convened by state health officials to develop statewide eligibility rules for counties. The group sought to develop a distribution order that balanced competing aims: vaccinating as many people as possible as quickly as possible, keeping society functioning by protecting essential workers first and assuring fairness in distribution.

“In a well-meaning effort to achieve equity, we are creating systems so complex and messy that they can thwart the goal of equity. Simpler is better,” said Dr. Robert Wachter, chair of the department of medicine at University of California, San Francisco, who has advocated for a vaccine eligibility system based on age. “People at the highest risk of dying should come first.”

Some health advocates worry that vaccine doses won’t go first to the people most at risk of contracting COVID-19 – primarily lower-income Latino and Black Californians – but rather to the wealthy and powerful.

Ghaly said today that the state would continue to focus on equity issues to make sure vaccine gets to the communities “ravaged” by COVID-19. But there were few details about what that means in practice.

The state’s vaccine working group early on had proposed allocating vaccine doses first to communities scoring low on the state’s Healthy Places Index, which evaluates income, insurance coverage, education, pollution, density and other factors affecting residents’ health. After Newsom announced that people 65 and older were eligible, however, the group suggested that only 20 percent of doses go to those low-scoring communities, with the remaining vaccine earmarked depending only on age.

The advocates’ concerns appear to be warranted: Racial disparities in vaccination rates have emerged nationwide, although it’s impossible to tell whether such disparities are occurring in California. The state has not publicly released vaccination rates by county, race or age, although it is required to report that data to the federal government.

Variety, an entertainment trade publication, reported that Hollywood elites have jetted to Florida where eligibility criteria are less strict, or sought vaccinations from pricey “concierge” doctors. In the California desert city of Rancho Mirage, Eisenhower Medical Center invited wealthy donors – albeit over 65 – to be vaccinated at a “test clinic” not open to the public, the Desert Sun reported.

The eligibility guidelines come a day after Newsom ended the virtually statewide stay-at-home order and returned to the color-coded county reopening system launched last summer.

Outdoor dining, outdoor gym workouts, hotels and haircuts may soon resume operations in some counties, depending on the orders issued by local public health officers. Monday’s announcement took many business owners — and state lawmakers — by surprise.
For weeks, Newsom and other state officials have drawn withering criticism for a chaotic vaccine rollout in which they largely deferred logistics and eligibility decisions to counties.

Californians spent hours fruitlessly navigating online registration and notification systems managed by county and city governments, hospitals and even supermarkets — only to find there were no vaccine appointments available. Some online platforms have buckled under the strain, going dark for hours at a time.

Earlier this month, state officials quietly launched a statewide vaccine registration website called MyTurn (myturn.ca.gov) allowing Californians to sign up to be notified when they are eligible for vaccination, and in some cases, register for an appointment. For now, the site is in pilot mode. While residents in some counties can now register to be notified of their turn, the site only allows appointment sign-ups in Los Angeles and San Diego counties.

“The biggest problem we have is lack of supply. That has highlighted all the flaws in delivering the vaccine,” said Leah Russin, co-founder of the advocacy group Vaccinate California. “We have consistently overpromised and under-delivered, and we should be doing the opposite.”

$19 Billion in New State Spending—What That Means for You

By Patti F. Herrera, EdD, and Matt Phillips, CPA
School Services of California Inc.’s Fiscal Report
January 25, 2021

By now, you’ve likely had an opportunity to digest the Governor’s Budget proposal for 2021–22. The Governor’s Budget includes a mix of ongoing spending, mostly in the form of a cost-of-living adjustment (COLA), and one-time spending for the retirement of deferrals and specific programs. As is the case with each of the three budget releases (the Governor’s Budget, the May Revision, and the Enacted Budget), chief business officers across the state must synthesize the deluge of financial information, and translate the statewide messaging into a digestible format so that it is communicable and understood by local stakeholders.

The Legislative Analyst’s Office (LAO) recently released its analysis of the Governor’s Budget, which we discussed in our January 2021 Fiscal Report article, “LAO Analyzes Governor’s Spending Plan“. The analysis itemizes the Governor’s proposed spending plan.

<table>
<thead>
<tr>
<th>Proposition 98 Spending Proposals (in millions)</th>
<th>TK-12</th>
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<tbody>
<tr>
<td>Ongoing</td>
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<tr>
<td>LCFF growth and COLA (3.8%)</td>
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<tr>
<td>COLA for select categorical programs (1.50%)</td>
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<td>Preschool-aged children with disabilities grant</td>
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<td>Mental health services grant</td>
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<td>One-Time</td>
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<tr>
<td>Deferred paydown</td>
<td>7,316</td>
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<td>Expanded learning and academic intervention</td>
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<td>In-person instruction</td>
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<tr>
<td>Other restricted grants</td>
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<tr>
<td>One-Time Total</td>
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<tr>
<td>K-12 Total</td>
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<tr>
<td>Community College</td>
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<tr>
<td>Ongoing</td>
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<td></td>
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<tr>
<td>COLA for appropriations (1.50%)</td>
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<td>6%</td>
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<tr>
<td>Enrollment growth</td>
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<td>Other specific programs</td>
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<td>Ongoing Total</td>
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<td>One-Time</td>
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<td>Deferred paydown</td>
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<td>Emergency student financial aid grants</td>
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<td>Other specific programs</td>
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<td>One-Time Total</td>
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<tr>
<td>Community College Total</td>
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<tr>
<td>Total Proposition 98 “New” Spending</td>
<td>$19,074</td>
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Source: LAO Overview of the Governor’s Budget proposal for 2021–22
While it may be helpful to see the consolidated $19.1 billion in Proposition 98 spending—$17.3 billion is for K–12 and $1.8 billion is for community colleges—it’s important to put the proposals in context. A significant share of the revenue that funds Governor Gavin Newsom’s proposals come from unexpected state revenues beyond the 2020 Enacted Budget estimates. Those projections assumed draconian decreases in General Fund revenues, and consequently, staggering decreases in the minimum funding guaranteed under Proposition 98.

As you can see, 42% and 64% of the K–12 and community college spending, respectively, is dedicated to paying down the deferrals that were introduced as part of the 2020 Enacted Budget. While we applaud the Governor for addressing the deferrals, the repayment of the deferrals does not translate into new resources for K–14 local agencies. Additionally, another 44% of K–12 spending is earmarked for restricted COVID-19 recovery programs to assist schools with reopening and/or providing expanded learning. While this represents additional resources for K–12 education, it comes, in part, at the expense of restoring lost revenue from the suspended COLA to the Local Control Funding Formula (LCFF) for 2020–21. We recognize that Governor Newsom is proposing a “catch-up” COLA in 2021–22; however, his spending proposals exclude a restoration of the funding lost in the current year.

Helping local communities understand the impact of the Governor’s Budget on local agency finances is a critical transparency step to engender trust and engagement. It is equally critical to remind stakeholders that the Governor’s Budget is subject to the scrutiny of state lawmakers and ultimately must be adopted by the Legislature before it, or any of its components, becomes law. As the Governor and Legislature begin to negotiate the 2021–22 State Budget, the top priorities of the Governor, the Senate, and the Assembly will become more evident after Governor Newsom releases his May Revision when California’s revenue picture for the upcoming fiscal year is clear.

The entire table and details of one-time spending can be found [here](#).
From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Kim Kelstrom, Executive Officer  
Cabinet Approval: 

Regarding: Medi-Cal Administrative Activity Program

The purpose of this communication is to provide the Board information regarding the reimbursements from the Medi-Cal Administrative Activity Program (MAA).

The district recently received $783,108 in MAA reimbursements from 2018/19 third quarter claims and $705,854 from 2017/18 fourth quarter claims. As mentioned in previous board communications and budget revisions, the California Department of Health Care Services (DHCS) held back reimbursement funds. After several years of uncertainty, invoices are now being processed.

In December 2016, the State released a new claims method for submission of reimbursements beginning with January 2015. The district is working with the Madera County Superintendent of Schools (MCSOS) to submit claims. The district has received $2.3 million in reimbursements thus far in 2020/21.

The MCSOS continues to recommend that districts recognize MAA revenues only after they are received since future funding adjustments may occur. Therefore, additional funds will be recognized once received.

If you have any questions or require further information, please contact Kim Kelstrom at 457-3907.
From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Kim Kelstrom, Executive Officer  
Cabinet Approval:  

Regarding: Every Student Succeeds Act Per-Pupil Expenditure Reporting

The purpose of this communication is to provide the Board an update regarding school level per-pupil expenditure (PPE) reporting requirements.

The Every Student Succeeds Act (ESSA) requires states to prepare and publish annual report cards containing specified data elements, including district and school level PPE. Although California school districts collect and report on most of the required report card data elements, including district level expenditures, districts were not reporting school level expenditures to the state prior to 2019/20. This is the second year this information will be reported.

The PPE report includes expenditures directly supporting students from the General Fund and the Cafeteria Fund, based on ESSA requirements from the California Department of Education (CDE) and recommendations from School Services of California and the Fresno County Superintendent of Schools. For the report, the CDE populates student enrollment data extracted from the October census. The district provides school site expenditures, which includes expenditures directly charged to school sites and support which were prorated to each school based on student enrollment.

Staff examined site by site variables to further understand site per-pupil expenditure results. These variables included:

- Enrollment
- Average Teacher Years of Service
- Special Education Enrollment
- Special Education Cost by Special Education Student
- Average Teacher Salary and Benefits
- Unduplicated Pupil Percentage
- Total FTE
- Teacher/Student Ratio

Staff also utilized regression analysis to assist in estimating the relationships between variables. Similar to the prior year, two distinct and significant factors contributed to the funding differences by school: Special Education services and teachers' years of service.

The average per pupil expense in 2019/20 was $13,701 which is an increase of $409 compared to the per pupil expense reported in 2018/19. For a full list of per pupil expenses by school site please refer to the attachment. The attached also includes a bell curve breakdown by elementary, middle, high, specialty, and all schools.

The Per-Pupil Expenditure ranges are as follows:
<table>
<thead>
<tr>
<th>Level</th>
<th>Low</th>
<th>High</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>$11,175</td>
<td>$17,373</td>
<td>$13,553</td>
</tr>
<tr>
<td>Middle</td>
<td>$11,848</td>
<td>$17,269</td>
<td>$14,133</td>
</tr>
<tr>
<td>High</td>
<td>$12,773</td>
<td>$14,561</td>
<td>$13,646</td>
</tr>
<tr>
<td>Specialty Schools</td>
<td>$12,336</td>
<td>$118,068</td>
<td>$43,839</td>
</tr>
</tbody>
</table>

Excludes: Central Administration, Adult Education, Preschool, capital outlay, community services, debt service, transfers, county services to districts per CDE guidance.

The district report is due to the CDE March 01, 2021. Once submitted, the CDE will publish the data to the Local Educational Agency Accountability Report Card (LARC) website.

If you have any questions or require further information, please contact Santino Danisi at 457-6226 or Kim Kelstrom at 457-3907.

Approved by Superintendent

Robert G. Nelson Ed.D. [Signature] Date: 02/05/21
<table>
<thead>
<tr>
<th>Type</th>
<th>School Name</th>
<th>Gov.</th>
<th>URP</th>
<th>All SPED</th>
<th>Aug. in Gov</th>
<th>Medically Fragile</th>
<th>Free/Reduced Lunch</th>
<th>ELEM</th>
<th>MS ELEM</th>
<th>Specialty HS</th>
<th>MS</th>
<th>Specialty HS ELEM</th>
<th>MC</th>
<th>MC</th>
<th>MC</th>
<th>MC</th>
<th>MC</th>
<th>MC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fresno Unified School District</td>
<td>2019/2020 Teaching Staff</td>
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</tr>
<tr>
<td>Fresno Unified School District</td>
<td>2019/2020 Enrollment</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Source Information:**
- URP: U.S. Department of Education
- Gov: California Department of Education
- Medically Fragile: Students identified as medically fragile by school district
- ELEM: Elementary
- MS: Middle School
- MC: Middle College

**Additional Notes:**
- The data includes all schools within the Fresno Unified School District for the 2019/2020 academic year.
- Enrollment figures include both full-time and part-time students.
- The data reflects the number of students served by the district, along with the types of special education services provided.
- The data does not include private schools or charter schools affiliated with the district.
- The information is based on the most recent data available as of December 2019.
- This document includes all schools within the district, including charter and privately operated schools.

**Specialty Schools:**
- *Science* includes: Science HS, Alternative HS, and Medical fragility schools.
<table>
<thead>
<tr>
<th>School</th>
<th>Per Pupil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comm-Patino Elementary</td>
<td>$18,643</td>
</tr>
<tr>
<td>Phoenix Secondary</td>
<td>$37,993</td>
</tr>
<tr>
<td>Fulton</td>
<td>$39,664</td>
</tr>
<tr>
<td>Addicott</td>
<td>$66,081</td>
</tr>
<tr>
<td>Rata</td>
<td>$118,068</td>
</tr>
<tr>
<td>JE Young Independent Study</td>
<td>$19,352</td>
</tr>
<tr>
<td>Dewolf High School</td>
<td>$18,044</td>
</tr>
<tr>
<td>Cambridge</td>
<td>$12,859</td>
</tr>
<tr>
<td>Design Science High School</td>
<td>$12,336</td>
</tr>
<tr>
<td>Fulton</td>
<td>$39,664</td>
</tr>
<tr>
<td>Phoenix Secondary</td>
<td>$37,993</td>
</tr>
<tr>
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</tr>
<tr>
<td>JE Young Independent Study</td>
<td>$19,352</td>
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<tr>
<td>Dewolf High School</td>
<td>$18,044</td>
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<tr>
<td>Cambridge</td>
<td>$12,859</td>
</tr>
<tr>
<td>Design Science High School</td>
<td>$12,336</td>
</tr>
</tbody>
</table>
Regarding: Legal Services by Category

The purpose of this communication is to provide the Board an update on legal services by category for the 2020/21 fiscal year.

**General Fund Legal Services by Category**
*July 01, 2020 – December 31, 2020*

<table>
<thead>
<tr>
<th>Departments</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Education</td>
<td>$28,341</td>
</tr>
<tr>
<td>Charter School</td>
<td>375</td>
</tr>
<tr>
<td>Facilities Management &amp; Planning</td>
<td>25,961</td>
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<tr>
<td>General Legal Services</td>
<td>77,219</td>
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<tr>
<td>Human Resources</td>
<td>249,169</td>
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<tr>
<td>Prevention &amp; Intervention</td>
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<tr>
<td>Special Education</td>
<td>32,848</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$428,918</strong></td>
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</table>

**Other Funds Legal Services by Category**
*July 01, 2020 – December 31, 2020*

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liability</td>
<td>$148,808</td>
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<tr>
<td>Workers' Compensation</td>
<td>271,551</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$420,359</strong></td>
</tr>
</tbody>
</table>

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

Approved by Superintendent
Robert G. Nelson Ed.D. Date: 02/05/21
From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Zuleica Murillo, Executive Director
Cabinet Approval:  

Regarding: Parent University 2021 Spring Parent Learning Opportunities

The purpose of this communication is to provide the Board information regarding Parent University's parent learning opportunities.

The Board's continued investment has allowed Parent University to continue our services to families. This fall, 1,131 parents participated in virtual parent learning that empowered families with tools they needed to support their students during distance learning. A total of 19,262 parents participated via Facebook Live in English, Hmong, and Spanish. Utilizing Facebook Live is a new tool for our parents and partners and after seeing its success we will continue to provide this option to our families through virtual learning as an added resource.

Spring virtual parent learning started January 20, 2021, and will continue through April 9, 2021, in English, Hmong, Spanish, Mixteco, Lao, Khmer, and Punjabi.

Parent University and our community-based partners will continue using Microsoft Teams, Zoom, and Facebook Live platforms to present our virtual sessions. Flyers are provided on Peachjar in addition to our direct phone call recruitment of parents.

Attached is a copy of the spring master schedule. Should you have additional questions or need more information, please contact Zuleica Murillo at 457-3390 or visit Parent University's website at [https://parentu.fresnounified.org/](https://parentu.fresnounified.org/).

Approved by Superintendent
Robert G. Nelson Ed.D.  

Date: 02/05/21
<table>
<thead>
<tr>
<th>Course Topics</th>
<th>Date</th>
<th>Time</th>
<th>Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>How to Create a Gmail Account</td>
<td>2/9/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>How to Create a Gmail Account</td>
<td>2/9/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>How to Create a Gmail Account</td>
<td>2/9/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
</tr>
<tr>
<td>Advanced Microsoft Teams</td>
<td>2/16/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>Advanced Microsoft Teams</td>
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<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>Advanced Microsoft Teams</td>
<td>2/16/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
</tr>
<tr>
<td>Social and Emotional Development 1</td>
<td>2/10/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>Social and Emotional Development 1</td>
<td>2/10/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>Social and Emotional Development 1</td>
<td>2/10/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
</tr>
<tr>
<td>Social and Emotional Development 2</td>
<td>2/17/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>Social and Emotional Development 2</td>
<td>2/17/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>Social and Emotional Development 2</td>
<td>2/17/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
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<tr>
<td>Positive Discipline I</td>
<td>2/11/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>Positive Discipline I</td>
<td>2/11/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>Positive Discipline I</td>
<td>2/11/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
</tr>
<tr>
<td>Positive Discipline II</td>
<td>2/18/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>Positive Discipline II</td>
<td>2/18/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>Accessing ATLAS</td>
<td>2/12/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>Accessing ATLAS</td>
<td>2/12/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>Accessing ATLAS</td>
<td>2/12/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
</tr>
<tr>
<td>12th Grade Expectations</td>
<td>4/20/2021-4/27/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>12th Grade Expectations</td>
<td>4/20/2021-4/27/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>12th Grade Expectations</td>
<td>4/20/2021-4/27/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
</tr>
<tr>
<td>High School Expectations</td>
<td>04/20/2021-04/27/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>High School Expectations</td>
<td>4/21/2021-2/28/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>High School Expectations</td>
<td>4/21/2021-2/28/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
</tr>
<tr>
<td>Middle School Expectations</td>
<td>4/21/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>Middle School Expectations</td>
<td>4/21/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>Middle School Expectations</td>
<td>4/21/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
</tr>
<tr>
<td>Introduction Special Education (SPED)</td>
<td>4/22/2021-4/29/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>English</td>
</tr>
<tr>
<td>Introduction Special Education (SPED)</td>
<td>4/22/2021-4/29/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Hmong</td>
</tr>
<tr>
<td>Introduction Special Education (SPED)</td>
<td>4/22/2021-4/29/2021</td>
<td>2:30 PM-4:00 PM</td>
<td>Spanish</td>
</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/22/2021-3/22/2021</td>
<td>3:30 PM-4:30 PM</td>
<td>English</td>
</tr>
<tr>
<td>Event</td>
<td>Start Date</td>
<td>End Date</td>
<td>Time</td>
</tr>
<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/22/2021-3/22/2021</td>
<td></td>
<td>3:30 PM-4:30 PM</td>
</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/23/2021-3/23/2021</td>
<td></td>
<td>2:00 PM-3:00 PM</td>
</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/24/2021-3/24/2021</td>
<td></td>
<td>2:00 PM-3:00 PM</td>
</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/25/2021-3/25/2021</td>
<td></td>
<td>2:00 PM-3:00 PM</td>
</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/26/2021-3/26/2021</td>
<td></td>
<td>2:00 PM-3:00 PM</td>
</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/22/2021-3/22/2021</td>
<td></td>
<td>3:30 PM-4:30 PM</td>
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<tr>
<td>Game on Nutrition</td>
<td>2/23/2021-3/23/2021</td>
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<td>2:00 PM-3:00 PM</td>
</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/24/2021-3/24/2021</td>
<td></td>
<td>2:00 PM-3:00 PM</td>
</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/25/2021-3/25/2021</td>
<td></td>
<td>2:00 PM-3:00 PM</td>
</tr>
<tr>
<td>Game on Nutrition</td>
<td>2/26/2021-3/26/2021</td>
<td></td>
<td>2:00 PM-3:00 PM</td>
</tr>
</tbody>
</table>
The purpose of this communication is to provide the Board updated information regarding the District’s ongoing work with foster youth, homeless students, and students with disabilities, the student groups identified for differentiated assistance, as well as supports for schools identified as Comprehensive Support and Improvement (CSI) sites. As a reminder, school districts and schools will continue to receive assistance through 2020/21 if they were already identified based on the 2019 Dashboard.

Foster youth, homeless students, and students with disabilities were identified as the student groups in differentiated assistance with two or more red indicators. Foster youth and students with disabilities have two red indicators for Graduation and the College and Career Indicator (CCI). Homeless students have two red indicators in Chronic Absenteeism and Suspension Rates. In addition, fifteen school sites were identified as CSI: Addicott, Ahwahnee MS, Cambridge HS, DeWolf HS, Heaton ES, King ES, Lowell ES, Phoenix ES, Phoenix Secondary, Scandinavian MS, Tehipite MS, Tenaya MS, Terronez MS, Webster ES, and Yosemite MS.

We have some Quarter 2 updates regarding our work. During COVID-19, the Special Education Department and seven high schools have continued to collaborate with Fresno County Superintendent of Schools (FCSS) as part of a Network Improvement Community (NIC) to continue digging into special education students low performance on the indicators for Graduation and the College and Career Indicator (CCI). To address differentiated assistance for foster and homeless youth, the Department of Prevention and Intervention, Equity and Access, and College and Career Readiness have been working with a cross-departmental team and partnered with FCSS to apply an improvement science approach centered on continuous inquiry and learning. During Quarter 2, the team has identified the problem of practice as a lack of process for identification and enrollment of foster and homeless youth which may impact a delay in intervention and additional support. If students are identified upon enrollment it will allow sites and Project ACCESS to monitor foster and homeless youth early and identify any barriers to graduation as well as monitor attendance and suspension rates. During this quarter and next quarter, the team will remain focused on developing and implementing an aligned process and standardized protocol for foster and homeless identification and enrollment. Our next steps involve communicating with school sites and stakeholders regarding the necessary changes to the current enrollment process.

In addition, during Quarter 2, CSI schools have continued to be afforded the opportunity to slow down and learn the process of Continuous Improvement through Bridge meetings. After the Bridge meetings, CSI Guiding Coalition Meeting team members then reviewed research questions/data collection to ask “what do we want to learn about our system”, following those meetings, sites focused on examining
qualitative and quantitative data to inform Root Cause Analysis and focus on Theory of Action (what are some theories we have about addressing the Root Cause/Problem).

The attached infographic includes a Quarter 2 update on actions that are being implemented for differentiated assistance for foster students, homeless students, and students with disabilities, as well as an update on actions being taken for CSI. CSI actions include: Bridge, Debrief, Research Plan, Problem of Practice, Root Cause Analysis, Theory of Action, and Leadership Collaborative Meetings and meetings with site administrators to discuss next steps/processes sites can use with their ILT and/or Climate and Culture Teams to delve deeper in their data/problem of practice. Also included with this communication is a school-level report for these metrics.

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

Approved by Superintendent
Robert G. Nelson Ed.D. ___________ Date: 02/05/21
COMPREHENSIVE SUPPORT AND IMPROVEMENT (CSI)
Sites Area of Focus

Chronic Absenteeism
- Elementary: Addicot, Heaton, King, Lowell, Phoenix, Webster
- Middle: Scandinavian
- High: Phoenix Secondary

Graduation Rate
- High: Cambridge, Dewolf

MTSS
- Middle: Ahwahnee

Literacy
- Middle: Terronez

Suspended
- High: Phoenix Secondary

Aligned Instruction and Climate/Culture
- Middle: Tenaya

EL's in ELA
- Yosemite

Ahwahnee Middle

COMPREHENSIVE SUPPORT AND IMPROVEMENT
15 Schools

COMPREHENSIVE SUPPORT AND IMPROVEMENT PROCESS
(COVID-19)

Bridge
Continuous Improvement Framing

Research Plan
What do we want to learn about our system?
Research question, data collection, data analysis leading to a Problem of Practice.

Root Cause Analysis
Understand our Problem
What are some root causes of the problem that we are experiencing based on our Problem of Practice?

Focus of Action
Focus Collective Efforts
What are some theories we have about how might we address the Problem?

Aim & Driver
Focus Collective Efforts
Based on our aims and drivers, what are some goals that we can set to address the problem?

Change Ideas
Generate Ideas for Change
Based on our aims and drivers, what are some ideas for changes that we can test?

Prepared by Equity and Access
2/1/2021
### DIFFERENTIATED ASSISTANCE -- A District Focus

<table>
<thead>
<tr>
<th></th>
<th>Students with Disabilities</th>
<th>Foster Youth</th>
<th>Homeless Youth</th>
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<td></td>
</tr>
<tr>
<td>Suspension Rate</td>
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<tr>
<td>Graduation Rate</td>
<td></td>
<td></td>
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<tr>
<td>College &amp; Career</td>
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<td></td>
<td></td>
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<tr>
<td>English Language Arts</td>
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<tr>
<td>Mathematics</td>
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</table>

#### Percent and Count of Students Enrolled

<table>
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<tr>
<th></th>
<th>2019-20 Q1</th>
<th>2020-21 Q1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foster Youth</td>
<td>869</td>
<td>600</td>
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<tr>
<td>Homeless Youth</td>
<td>518</td>
<td>248</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>8409</td>
<td>8606</td>
</tr>
<tr>
<td>Total Enrollment</td>
<td>74,169</td>
<td>73,811</td>
</tr>
</tbody>
</table>

#### Foster & Homeless Youth 2020-21

**Goal 1:**
By Spring of the 2020/2021 school year, a written business process and standardized protocol will be developed for identification and enrollment for Foster and Homeless students within Fresno Unified.

**Planned Actions:**
- By October 2020, a completed Action Plan will be developed as measured by the completion of the Action Plan template that will include action items, ownership, timeline, monitoring cycles, and measurements.
- By Spring of 2021, develop a business process and standardized procedures for enrollment of foster and homeless students as measured by written policies, procedures that include clarity around roles and responsibilities to support student success.
- Within the 2020/2021 school year, identify a school site to pilot the draft procedures as measured by a process of Plan, Do, Study, Act (PDSA) cycle.
- By Fall of 2021/2022, implement the adopted written procedures district wide as measured by the identified monitoring system and process.

**Homeless students to participate in small cohort return to school:**
- Project ACCESS staff conducted 133 phone calls to all families who were coded as motel, shelter, and transient to inquire of their interest in participating in the first small cohort of students returning to school to participate in distance learning on campus.
- The Project ACCESS Shelter Clinical School Social Worker conducted visits to shelters and coordinated support with various shelter case managers to reach all Project ACCESS families who had unsuccessful phone contact. Each family was provided the opportunity for their student(s) to participate in Phase 1 of students returning to school. A total of 87 students residing in shelters, motels, cars and other unstable living environments were part of the first cohort return to campus.
- Prevention and Intervention Child Welfare Attendance Specialists conducted home visits to motels to reach all Project ACCESS families who had unsuccessful phone contact. Each family was provided the opportunity for their student(s) to participate in the first small cohort return to campus.

**Goal 2:**
By August 2021, a written business process and standardized protocol will be implemented district wide for identification and enrollment of Foster Youth and Homeless students within Fresno Unified.
**Actions Completed:**
- In January 2020, the Fresno County Superintendent of Schools provided differential assistance (DA) to FUSD and created a task force which includes: College and Career Readiness (CCR), Department of Prevention and Intervention (DPI), Equity and Access, and representatives from the Fresno County Superintendent of Schools Foster Youth Department, and Fresno County Department of Social Services.
- Monthly meetings were held from January 2020 through August 2020 and are continuing to be conducted during the 2020/2021 school year. The task force leadership is made up of Nancy Witrado, Director of CCR, Tumani Heights, Project Access Manager II, and Fresno County Superintendent of Schools DA team.
- From January 2020 through March 2020 there was progress monitoring and analyzing of qualitative and quantitative data which included:
  - Student outcomes: suspension, absenteeism, academic, career readiness
- During March and April of 2020, the team conducted a causal analysis of existing barriers within the system and determined three primary barriers including: a lack of a clearly defined standardized identification and enrollment process, lack of staff training, and lack of communication across the system.
- 547 phone calls were made to foster students and their families to inquire of their interest in participating in the first small cohort return to participate in virtual learning on campus. A total of 218 foster students expressed interest in potentially returning as part of a cohort.
- Demographic; cohort tracking, ethnicity, student group,
- Perception data: Empathy interviews across the system and protocols to solicit user voice
- Process data; current district protocols enrollment forms and identification process, education code, Dashboard business rules

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**Special Education**

**Department Network Improvement Community (NIC)**

**Goal**
Improve outcomes for ALL students by using improvement science to develop people to solve problems and improve performance!

The seven comprehensive FUSD high schools have committed to becoming a NIC. NICs bring diverse expertise to bear on specific problems of practice, and what is learned in one part of the network can be quickly spread to and tested in other contexts

**VIRTUAL MEETINGS:**
- Each site has a LEAD and CO-LEAD for their team
- The LEADS and CO-LEADS participate in 4 virtual meetings with our WestED and FCSS Partners

**Vision**
Further develop our knowledge and skills to lead improvement outcomes for students with disabilities related to graduation rate and college/career readiness.

**IN-PERSON MEETINGS**
- Each site has a team of 6 various staff members, (GE Teachers, SPED Teachers, School Psychologist, Counselor, etc.) based on site needs.
- Site Teams participate in 3 Site huddle meetings lead by assigned coach, in a plan, do, study, act cycle.
- Site Teams participate in 3 face to face professional learnings using the consultancy model to reflect and refine their identified area of need.

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Prepared by Equity and Access 2/1/2021
Goal #1: Improve SPED Graduation Rate
- By June 2021, the SPED graduation rate will increase from 66.6% (18-19 rate) to 74% (APR Target), as measured by annual performance review.
- By June 2022, the SPED graduation rate will increase by 8%, as measured by annual performance review.
- By June 2023, the SPED graduation rate will be >90%, as measured by annual performance review.

Goal #2: Decrease Disproportionality of African American and English Learner Students
- By June 2021, the percentage of African American students identified for Special Education services will decrease from 15.3% (current) to 10.7% (overall identification rate), as measured by annual performance review.
- By June 2021, the percentage of English Learner students identified for Special Education services will decrease from 18.9% (current) to 10% (overall identification rate), as measured by annual performance review.
- By June 2021, the percentage of African American students with disabilities who are suspended or expelled for more than 10 days will decrease from 3.4% (current) to 1.4% (overall rate), as measured by annual performance review. *This goal is not applicable thus far this year*

Goal #3: Increase Time in the Least Restrictive Environment (LRE)
- By June 2021, the percentage of students with disabilities who participate in general education environments less than 40% of the day will decrease from 30.22% (current) to <21.6% (APR target), as measured by annual performance review (APR)
- By June 2021, the percentage of students with disabilities who participate in general education environments more than 80% of the day will increase from 53.29% (current) to 60%, as measured by annual performance review (APR). *Current APR target is >52.2%*

Goal #4: Improve Student Achievement on Statewide Assessments
- By June 2021, the percentage of students participating in statewide assessments will increase from 94.0% (current ELA) and 92.6% (current MATH) to >95% (APR target), as measured by annual performance review.
- By June 2021, the average distance from Standard for ELA will decrease from -117.2 (current) to -107 as measured by annual performance review.
- By June 2021, the average distance from Standard for MATH will decrease from -142.6 (current) to -132 as measured by annual performance review.
- By June 2021, 85% of students using Unique curriculum will improve on the 3rd Unique Benchmark, as measured by the Unique Learning System.

Goal #5: Improve IEP compliance
- By June 2021, all initial, annual, and triennial IEPs will be 100% compliant, as measured by SEIS data reporting system.

Goal #6: Improve Instruction (Refine metrics when district develops guidelines, currently in development)
- By June 2021, 85% of SPED classrooms will score 3 or 4 in Tenet 1, as measured by IPG observation tool data.
- By June 2022, 80% of SPED classrooms will score 3 or 4 in Tenet 2A, as measured by IPG observation tool data.
- By June 2021, 60% of SPED classrooms will score 3 or 4 in Tenet 2B, as measured by IPG observation tool data.
- By June 2021, 60% of SPED classrooms will score 3 or 4 in Tenet 3, as measured by IPG observation tool data.
From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Amanda Harvey, Food Services Director  
Cabinet Approval: 

Regarding: Food Services Department Updates

The purpose of this communication is to provide the Board information regarding Food Services Department initiatives.

A competitive bid for environmentally friendly packaging for student meals is being developed. This involves working with current vendors to test environmentally friendly products to ensure they accommodate menu items and are easy for staff and students to use, and evaluating potential changes to the meal distribution model which may require additional/different packaging products. The original intent was to already have moved to updated packaging, however given the reduced volume of meals provided in the current grab-and-go conditions, vendor pricing would likely be less competitive at this time and therefore bidding for new products has been delayed.

The district is responding to a variety of grant opportunities, which will be presented for Board ratification due to tight timelines for submission:

- Farm to School Planning Grant – Supports work with community partners to better connect the district with local farmers
- Specialty Crops Block Grant (by invitation) – Provides funding for education for high school students on how to organize, develop, and promote a farmers market, and for students to obtain Food Handlers Certification, which is required for jobs in the food services industry
- Farm to School Incubator Grant – Funds education and procurement; staff is evaluating the introduction of organic produce into the district’s meal program
- Breakfast and Summer Expansion Grant – Provides funding for equipment used at schools to support meal distribution including increased breakfast participation
- Equipment Assistance Grant – Provides up to $100,000 for equipment; the proposal will focus on upgrading equipment at the Nutrition Center as needed for an updated meal distribution model
- Fresh Fruits and Vegetables Grant (annual) – The application includes all eligible schools; for 2020/21, 60 district schools were awarded funding

If you have questions or need further information, please contact Amanda Harvey at 457-6278 or Karin Temple at 457-3134.

Approved by Superintendent  
Robert G. Nelson Ed.D.  
Date: 02/05/21
From the Office of the Superintendent

To the Members of the Board of Education

Prepared by: Philip Neufeld, Executive Officer, Information Technology
Phone Number: 457-3164

Regarding: Wide Area Network Services, Leased Fiber, and Letter Received from AT&T

The purpose of this communication is to provide the Board information related to Bid 21-17 for Wide Area Network (WAN) services, the value of leased fiber, procurement of WAN services, and AT&T’s letter dated January 8, 2021. The WAN connects all district sites and the Ed Center. The Ed Center connects district sites to the internet via FCOE and the K12 High Speed Network.

Bid 21-17 for WAN Services

In April 2020, Bid E23001 was awarded to CVIN to provide WAN services for the district’s Core Ring using leased fiber to connect high schools, CART, the Service Center and the Ed Center. There has been substantial progress on the delivery of this service with expected completion in April 2021. The current Bid 21-17 is to extend the leased fiber from the Core Ring to 62 elementary and middle schools. The lowest responsive bidder was CVIN and a bid award recommendation is planned on the March 10, 2021 Board meeting agenda. CVIN’s annual cost will be $1,615,630, with a net cost to the district of $161,500 after the E-Rate grant. Compared to September 2020, the CVIN WAN service will be 20x faster for middle schools and 100x faster for elementary schools.

Rationale for Leased Fiber

AT&T provided lit fiber WAN services to the district for over ten years. Service interruptions occurred during this time, but the district did not receive remedy. Between 2014 and 2019, the district’s internet use increased 14x (1.4Gbps to 19.6 Gbps). A move to leased fiber is required to affordably realize the higher speeds necessary to support modern learning. For example, Clovis USD with its fiber has 10x faster connections at elementary schools (1 Gbps versus 100 Mbps) with lower costs than Fresno Unified. The CVIN WAN service at 10 Gbps are just 40% of Calnet3 costs for a similar service.

The FCC found that incumbent carriers, like AT&T, were often not lowering costs nor bringing innovative solutions to markets where their monopoly power reduced competition. As a means of increasing access to high-speed internet for all schools, the FCC Modernization Order of 2014 encouraged increased competition by comparing costs of lit and leased fiber over 20 years. In 2015 staff began exploring leased fiber and engaged experts on FCC E-Rate and WANs, and other districts like Houston ISD which successfully deployed leased fiber and realized improved speed, resilience, and lower costs.
Procuring WAN Services

Bid E23001 for WAN services (November 2019) was developed by Purchasing and Information Technology, with the expert assistance of Cynthia Schultz (attorney with expertise in broadband and FCC regulations), Kim Friends (national E-Rate expert) and district legal counsel Mark Creede. This was a strong and carefully crafted bid and proforma contract for WAN services. AT&T took exception to many items on Bid E23001, and its bid was deemed non-responsive. AT&T protested the recommended bid award to CVIN. Attorney Mandy Jeffcoat adjudicated the protest process and dismissed AT&T’s protest. The Board awarded Bid E23001 to CVIN on April 1, 2020.

Bid 21-17 for WAN services and Bid 21-30 for a point-to-point connection include the same clearly articulated bid approach that does not allow for exceptions, and the same proforma contract that meets the Board’s requirements for liquidated damages and a performance bond. CSM, the district’s E-Rate consultant, provides E-Rate consulting services to large districts across the U.S. as well as state agencies such as California and Tennessee. Kim Friends, a principal at CSM, notes that Fresno Unified’s bid and proforma contract are “national exemplars that are fair to all bidders and ensure a competitive process.”

Letter Received from AT&T

AT&T’s January 8, 2021 letter indicated it chose not to participate in Bid 21-17. The letter suggests the district consider the structure of future solicitations, and staff will review the suggestions. Recent procurement processes for WAN services, including Bid 21-17, reflect improvements based on previous concerns and Board direction, with consultation from recognized broadband and E-Rate experts and legal counsel. The attached letter from Mark Creede provides comments on AT&T’s letter.

If you have questions or require additional information, please contact Philip Neufeld at 457-3164.
February 1, 2021

Mr. Philip Neufeld, Ed. D., MBA, PMP
Executive Director, Information Technology
FRESNO UNIFIED SCHOOL DISTRICT
2309 Tulare Street
Fresno, California 93721

Re: AT&T Letter of January 8, 2021
E-rate 470/IFB Sub-Rings for Wide Area Network Services Bid(s) 21-17 and 20-30
Our File No. 35898

Dear Mr. Neufeld:

I have reviewed AT&T’s correspondence of January 8, 2021, and my comments are as follows:

Regarding prior projects referred to, I have represented Fresno Unified School District ("District") in two prior solicitations involving AT&T bids which were rejected as nonresponsive to the applicable bid solicitations. The first rejection involved the Wide Area Network Dark and Lit Fiber Options Bid No. E20005 project, and was documented by District letter dated August 28, 2017. District’s letter outlined over twenty bid irregularities, including material instances of 1) nonconformance with Bid Terms and Conditions requirements; 2) nonconformance with the Technical Specifications; 3) nonresponsive to requirements for Implementation Plan; and 4) numerous exceptions taken to Bid requirements rendering the bid nonresponsive. A copy of such letter outlining the rationale for rejection of the bid is attached hereto as Exhibit "A." The noncompliance was so prevalent that the decision to reject the bid was not a close call. An independent expert engaged by the District concluded that District’s rejection of the AT&T bid was justified and the Board rejected the bid after a hearing was held.

The second rejected bid involved the Central Ring for Wide Area Network Services project, Bid #E23001. After a responsiveness review was conducted, AT&T’s bid was rejected as nonresponsive, and AT&T filed a bid protest. An E-Rate expert from Washington DC was engaged with respect to the solicitation and responsiveness review. The bid dispute was heard by an outside attorney engaged as a hearing officer, and District’s position was set forth in counsel’s letter brief to the hearing officer dated March 4, 2020, a copy of which is attached as Exhibit “B.” In its bid, AT&T took exception to IFB requirements or otherwise
noted its response was non-binding or subject to further negotiation or different proposed contract terms in no less than 70 different instances. Again, the noncompliance was so prevalent that the decision to reject the bid was not a close call. AT&T’s bid took exception to most of the contractual provisions included in the contract which was part of the Invitation For Bids (“IFB”). The exceptions taken by AT&T were extensive, materially affecting the price, performance, and obligations of AT&T. AT&T refused to be bound by District’s Liquidated Damages clause, stating “AT&T takes exception to and does not agree to be bound by this liquidated damages provision . . . ,” and “AT&T takes exception to this provision.” Like numerous other Bid provisions listed in the Responsiveness Review, this deviation provided AT&T a clear and distinct advantage over other bidders in that AT&T refused the performance guarantee of a liquidated damages provision and thereby reduced its risk on the project and eliminated District’s ability to ensure timely performance. Similarly, AT&T refused to be bound by indemnification provisions, stating instead that its own contract language will apply. District’s Responsiveness Review demonstrated that AT&T simply treated this IFB as a Request For Proposal (“RFP”) open to negotiation, despite the clear instructions of the IFB that competitive bids were being sought. The outside hearing officer and the Board agreed, and AT&T’s bid protest was denied as being without merit.

AT&T’s letter alleges that District’s Bid requirements are “problematic and financially constraining,” thereby precluding AT&T from bidding. Upon review, however, District’s Bid requirements are neither problematic nor financially constraining. AT&T is opposed to the solicitation being structured as a hard bid as opposed to an RFP. However, hard bids allow District to make direct comparisons of all bids received based upon uniform solicitation requirements. AT&T simply refuses to bid based upon a fixed set of requirements, opting instead to require District to sign on to AT&T’s contract terms and conditions. AT&T contends that District’s solicitation “causes confusion” because it is not structured as an RFP, allowing AT&T to propose other contract vehicles. District does use AT&T in connection with an existing CALNET 3 contract, and that contract is not at issue here.

As referenced above, AT&T’s bids on the previously referenced projects were nonresponsive to the solicitations in so many material regards that they had to be deemed nonresponsive. Many of the bid errors were fundamental, such as failure to sign the bid as an example. The issues raised are unrelated to existing work AT&T has performed or is performing by District. District has never contended that AT&T is not a responsible bidder, but only that AT&T submitted nonresponsive bids on those occasions. The terms of the IFB does not “prevent AT&T from participating” as AT&T contends. AT&T has chosen not to participate. When AT&T did participate in the above-referenced solicitations, they submitted bids that materially deviated from requirements in so many ways that the bids had to be rejected by District. District’s staff personnel handling these procurements are always available to discuss these solicitations, and District would like to see AT&T participating in competitive hard bids solicited by District. Such bids are not inflexible, exclusionary, or unreasonable in nature.
Regarding Exhibit A to AT&T’s letter, AT&T objects to firm requirements set forth in District’s solicitation. However, District performs many projects based upon a uniform set of Bid Requirements, and the hard bid delivery method enables District to measure each bid in comparison to others received, knowing that all must conform to uniform requirements.

RFP Section 1.19 (Availability of Funds)

District does not expect its vendor to work for free. The intent of this language is to allow District to cancel the agreement in the event funding is not approved. If District exercises its right to proceed with the project without E-Rate approval via AT&T’s standard E-Rate Rider, and authorizes the vendor to proceed with work, proper documentation would be put in place to provide for alternate source funding for work performed if E-Rate funding were to be denied.

AT&T’s proposed language does not allow for flexibility for District to authorize work to start before E-Rate approval is received. AT&T’s Paragraph B. requires the agreement to live on for 60 days following a denial of a funding request, which District would not normally want. The ramifications AT&T outlines are not supported by the recent history of bidding, in which multiple vendors submitted bids.

Section II(B)(2) (Non-Recurring Charge)
Section II(B)(3) (Monthly Service Fee)
Section II(B)(4) (Collection of SLD Funds)
Section II(D)(1) (Monthly Service Fee)

Again, District does not expect its vendor to work for free. This clause states that “Upon issuance of a Purchase Order and approval of E-Rate funding, . . .” (thereby establishing that funding has been approved) and “District shall pay the Non-Recurring Charge within thirty (30) days of the invoice.” If E-Rate funding was reduced, the matter would be dealt with appropriately to ensure there is a source of funds for work authorized to be performed. The vendor will invoice on a per site basis, and the agreement does not require the vendor to perform work there is no funding for. Additionally, if E-Rate funding is not approved after the first year of the Agreement, the Agreement requires only that the vendor make a reasonable effort to maintain services for District “upon written agreement of both parties,” which of course would have to include provisions for payment by District for such services or else the vendor would not so agree to continue services.
RFP + Proposed Contract (Absence of Limitation of Liability Applicable to Vendor)

Portions of AT&T's proposed clause are acceptable and portions are not. The portions that are acceptable are those that set forth liability based upon fault, which is the case with District's contract.

In summary, District is careful to treat all bidders and vendors equally, whether dealing with a hard bid or an RFP scenario. A hard bid scenario requires all bidders to meet one uniform specification requirement, allowing direct comparisons to be more easily made. It is unfortunate that AT&T refuses to bid based upon a fixed set of requirements. District is always thankful for the input regarding its procurements. In this instance, however, District’s solicitation does not “cause confusion,” as the bid standards are clear and concise, and constitute a uniform standard which all bidders are required to meet.

Very truly yours,

LANG, RICHERT & PATCH

Mark L. Creede

Enclosures
MLC/ydc
EXHIBIT A
August 28, 2017

AT&T Corp

To Lon Maisonneuve:

Mr. Maisonneuve after extensive review we have determined that your response to Bid # E20005, Wide Area Network Services Dark Fiber and Lit Fiber Options; is non-responsive. If you wish to protest this determination the administrative remedies require you to notify me of your protest by 4:45 p.m. on Wednesday August 30, 2017.

Attached please find
1) District’s Formal Bid/Proposal Protest Procedure
2) FUSD Notes on determining AT&T Bid as non-responsive (based on initial review, this is not necessarily an all-inclusive list)
3) Evaluation of AT&T Bid Response – Bid Irregularities (based on initial review, this is not necessarily an all-inclusive list)

Please Contact me at (Office) 559-457-3460 or (Cell) 559-994-7203 if you have any questions or concerns regarding the recommendation.

Sincerely,

Paul Rosencrans,
Executive Director of Purchasing
Formal Bid/Proposal Protest Procedure

This district review procedure must be followed by any bidder who believes that a bid award recommendation is not consistent with district regulations, the bid specifications, or in compliance with law.

1. Protest on a bid must be filed in writing with the Executive Director of Purchasing within two working days after receipt of the bid summary and its recommendations are sent to the bidders. Failure to file a timely bid protest shall constitute a bidder's waiver of the right to have the bid award reviewed.

2. The Executive Director of Purchasing will convene a meeting with the review requestor to attempt to resolve the problem.

3. In the event the protest is not resolved, the protest will be referred to the Superintendent or his designee, normally the Chief Financial Officer.

4. Should the protest not be resolved at this level, it shall be referred to the Board along with all documentation regarding the protest and the responses at each level.

5. The Board will not act upon a protest until each of the proceeding steps has been exhausted.

Please Note:

- Bid Tabulations will be made available with the Bid Agenda.
- RFP (Request for Proposal) notes and scores will be made available after the Board Award.

Paul Rosencrans
Executive Director of Purchasing
4498 N. Brawley
Fresno, CA 93722
Office: 559-457-3588
Fax: 559-457-6040
E-mail: paul.rosencrans@fresnounified.org
FUSD Notes on determining AT&T Bid as non-responsive:

AT&T bid is non-responsive and/or non-conformant in the following substantive ways:

1. Non-Conformant to Bid Terms and Conditions: AT&T’s bid response explicitly subjugates AT&T’s bid responses as well as Bid #E20005 terms and conditions to the “Proposed Contract Documents” and the “Contract”. The Proposed Contract Documents include a Unified Agreement and a Master Agreement which is not allowed by the Bid and which AT&T does not attach to the Bid. Regarding the AT&T’s “Contract”, Bid #E20005 was a bid and not an RFP to respond to and negotiate. Not meeting every specification as called out in the bid will renders AT&T submittal unresponsive.

2. Non-Conformant with Technical Specifications: AT&T bid response lacks industry-standard engineering specifications for dark leased fiber (which each of the other bidder responses included). Specifications indicating sites, connection types (P2P, Ring, etc.), distances between nodes, loop lengths, etc. indicate the vendor has performed engineering analysis thereby ensuring conformance with bid requirements, viability of implementation plan, and validity of the construction cost estimates. This non-conformance is especially acute in the lack of prescribed attributes on the Node Allocation List.

3. Non-Responsive with Implementation Plan: AT&T’s bid response describes AT&T’s project management services but not an implementation plan for the dark leased fiber solution. No information was supplied detailing implementation plans that included costs/time for each site as well as an implementation schedule. This is a large public works project that requires demonstrated engineering take-offs and project plans to ensure the work is completed by August 12, 2018 (so schools and departments can function on August 13, 2018).

4. General Non-Responsiveness: AT&T makes numerous exceptions to bid terms and conditions and was not sufficient with all of the bid submittal requirements.
Evaluation of AT&T Bid Response – Bid Irregularities

1. Page IV, paragraph 1 – Notwithstanding anything contained in this RFP to the contrary, AT&T Corp. on behalf of itself and its service-providing affiliates ("AT&T") submits this RFP response (the "Response") subject to the provision of this Response and the terms and conditions contained in the attached Unified Agreement, corresponding Pricing Schedule(s), the E-rate Rider and any associated transaction-specific documents to be entered into between Fresno Unified School District ("Customer" or the "District") and AT&T (collectively the "Proposed Contract Documents"), (collectively, the "Proposed Contract Documents") and not pursuant to the terms and conditions contained within or referenced to in this RFP document. Neither party is under any obligation to the other with respect to this RFP until the parties have agreed upon and executed mutually agreed to order documents (the "Contract"). The following sections within AT&T Bid response include a similar subjugation exception making the bid response and the bid terms and conditions subject to the Proposed Contract Documents (e.g., Unified Agreement, Master Agreement, Contract, etc.): Awards, Execution of Contract, Default by Contractor, Assignment of Contracts, Entire Agreement, Force Majeure Clause, Hold Harmless, Prevailing Law, Permits and Licenses, Contract Documents, Product Shortages, and Requested Services.

FUSD response – The “Unified Agreement” is not included in the bid response. There is a later reference to a “Master Agreement” which is also not included in the bid response.

2. Page IV, paragraph 2 – While submission of this proposal does not obligate either party to enter a contract of any kind, upon being selected as your vendor under this RFP, AT&T will work cooperatively to negotiate provisions required for compliance with the RFP as responded to by AT&T.

FUSD response – Bid #E20005 was a bid, not an RFP to respond to and negotiate. Not meeting every specification as called out in the bid will render the AT&T submittal unresponsive.

3. Page 2 – AT&T’s proposed dark leased fiber solution is stated as follows: "AT&T dark fiber will allow FUSD to connect all its school sites based upon the ring and spoke requested design providing ultimate flexibility in speed with the limitless possibilities constrained only by the technological capabilities of the fiber itself."

FUSD response – The limited and vague definition of the solution lacks industry-standard engineering specifications for dark leased fiber (which each of the other bidder responses included). Specifications indicating sites, connection types (P2P, Ring, etc.), distances between nodes, loop lengths, etc. indicate the vendor has performed engineering analysis thereby ensuring conformance with bid requirements, viability of implementation plan, and validity of the construction cost estimates. AT&T indicates the solution will match the specified topology. This might be construed as compliant with the core and central rings. However, there the absence of a properly constructed Node Allocation List provides no indication that the star node connections are compliant with the solution specified in Bid #E20005.
4. Page 5 – The products, services and pricing provided herein are offered subject to the terms and conditions of this Response and the Proposed Contract Documents. Except as may be specifically clarified by AT&T in this Response, AT&T takes exception to any terms or conditions contained in the RFP that are inconsistent with the Proposed Contract Documents.

5. Page 7 – AT&T’s bid proposal will be signed by an AT&T Corp. representative with appropriate authority to act on behalf of the company in such regard.

FUSD response – The Bid Submittal Form (AT&T page 83) is not signed.

6. Page 8-9 – AT&T may apply other fees based upon “Section 4.2 (“Additional Charges and Taxes”) of the Master Agreement”. This master agreement is not attached. These fees are not stated on the Bid Pricing Form.

FUSD response – As stated in the Bid #E20005 “The successful bidder(s) shall list separately any taxes payable by the District.” The response from AT&T implies the right of AT&T to pass through taxes and levy surcharges even if those taxes or surcharges are not currently listed on the bid.

7. Page 27 – AT&T specifies 114 connections; however, the bid specifications list 111 connections.

FUSD – This inaccurate connection count demonstrates an inaccurate reading of the bid documents and hence inaccurate engineering specifications.

8. Page 60 – Service and Maintenance; AT&T exception indicates “No credit shall be allowed for an interruption period of less than 30 minutes.”

FUSD – AT&T bid does not match service outage credit specified by the Bid.

9. Page 60 – Service and Maintenance; AT&T exception indicates “Charges will apply for erroneous reported trouble and/or trouble that is isolated to the Customer’s equipment.”

FUSD – This exception to the bid service and maintenance requirement does not meet bid terms and conditions; further, it creates an adversarial vendor relationship reducing collaborative effort to quickly restore services.

10. Page 62 – Fiber Optic Terminations should be LC.

AT&T takes exception to the LC requirement and instead specifies SC fiber optic termination.

11. Page 69 – AT&T takes an exception to all terms within the Bid Instructions and Conditions unless AT&T has expressly indicated it will agree to such terms. This is within the Special Terms and Conditions section on Term of Contract; although, the AT&T’s response is global in form.
12. Page 69 – AT&T takes exception to the Special Terms and Conditions Termination clause referencing AT&T's Pricing Terms and Termination Charges of the Unified Agreement. AT&T takes exception stating “AT&T reserves the right to terminate the fiber license upon 30-day written notice to the [School District] either upon order of the California Public Utilities Commission or if, in AT&T's sole judgment, the fibers are needed or desirable in order to meet CPUC regulatory obligations and/or other legal obligations. In the event of any such termination, AT&T will work in good faith with the district to migrate services to a replacement.”

FUSD – The District is seeking a resilient dark leased fiber solution that improves reliability and performance at school sites for instruction, learning, assessments and administration. This exception allows AT&T to change service delivery if the CPUC or AT&T deem it's required.

13. Page 69 – AT&T takes exception to the Special Terms and Conditions Scope clause noting that “to the extend AT&T could become familiar with local conditions in order to respond to this RFP by RFP response will be subject to change on account of any error or omission in the RFP information provided by the Customer or upon further investigation(s) as to local conditions and the exact requirements of any future order.

FUSD – Bid #E20005 was a bid, not an RFP to respond to and negotiate subsequent to future "investigation(s)".

14. Page 69 – AT&T takes exception to the Special Terms and Conditions Scope clause noting “Customer will be responsible for obtaining any easements, rights-of-way or other consents required, at its cost.”

FUSD – Bid #E20005 was a bid. All costs associated with the implementation of the dark leased fiber solution and the delivery of services were to be included in the bid.

15. Page 74 – Authorized Signatures – Bids must be signed by an authorized individual or officer of the firm submitting the bid. Unsigned bids will not be accepted.

FUSD response – The Bid Submittal Form (AT&T page 83) is not signed.

16. Page 76 – AT&T takes exception to the Special Terms and Conditions Right to Accept or Reject clause. AT&T makes District’s rights inherent in the bid document contingent on District accepting AT&T’s right to contest an award.

FUSD – The District’s terms regarding Right to Accept or Reject are not subject to negotiation.

17. Page 76 – AT&T takes exception to the Special Terms and Conditions Right to Accept or Reject clause. AT&T makes District’s rights to use the RFP response as part of the RFP process contingent on District agreeing to not share the RFP with third party vendors competing for this RFP.

FUSD – Bid #E20005 was a bid and not an RFP. The Bid document may be subject to public records requests from competing vendors and the District can fulfill these requests without
violating intellectual property (note AT&T provides no engineering documents that would indicate AT&T fiber paths, fiber capacity, or any other proprietary information except perhaps pricing).

FUSD – The District must reserve its right to a fair and competitive bidding process. Agreeing to not share bid documents, even with competitive vendors, may violate FCC rules related to fair bidding practices.

FUSD – The District cannot agree with these terms and hence cannot use this RFP document for the designated procurement process.

18. Page 80 – Sites and Bandwidth Commitment Levels – AT&T altered the table.
19. Page 81-82 – AT&T did not use pricing table provided.
   FUSD is unable to determine the year by year costs AT&T is bidding.
20. Page 83 – AT&T did not sign their bid.
21. Page 84-84 – Vendor Requirements – Bidder did not initial clauses as required by bid. AT&T did not sign the form. See below.
   FUSD – Vendor Requirements section explicitly does not permit for exceptions to Vendor Requirements. AT&T’s subjugation of all bid response as well as bid terms and conditions to the Unified Agreement likely violates Bid #E20005 Vendor Requirements explicit disallowance of exceptions.
22. Addendum No. 1 Vendor Requirements Page 34-35 – Point #2 and Point #12 not initialed acknowledging acceptance of requirements. Form not signed by AT&T.
23. Addendum No. 1 FUSD WAN Layout was removed. This is the layout that shows which sites are on the Core Ring, East Central Ring, West Central Ring and provide an example of a properly load balanced star with elementary and middle school sites connected to the proximal central ring node.
   FUSD – In the absence of a Node allocation List with bid specified attributes, the removal of the FUSD WAN layout eliminates any contractual adherence to any engineering specificity as outlined in Bid #E20005.
24. P.34-35 – Point #2 and Point #12 not initialed acknowledging acceptance of requirements. Form not signed by AT&T.
25. P. 81-82 – Construction costs do not appear to conform to “fiber must not be older than 30 years within 20-year term”
   FUSD – The Bid requires that all fiber that is older than 30 years during the 20-year term of the bid must be replaced with new fiber. AT&T does not appear to make provisions for replacing
fiber during the 20-year term. The construction costs listed by AT&T are $1,109,470. This is 1/6 the cost of Conterra and CVIN and 1/13 the cost of Sunesys. Much if not most of this fiber will be over 30 years within 5 to 15 years within the 20-year time period. Further, the absence of a Node Allocation List and the lack of a detailed response on the dark fiber solution indicate AT&T may not comprehend the point-to-point connections necessary for the star. AT&T’s fiber currently runs from each school site to AT&T’s central office and then to the Ed Center. Therefore, without specific indications to the contrary, it appears AT&T’s cost estimates only include the costs to build out the core and central rings but do not include the costs for the costs for the point-to-point connections within each star nor the costs to comply with the requirement to keep fiber less than 30 years old during the 20-year period.
March 10, 2020

VIA E-MAIL

Ed Collins
Executive Director of Purchasing
Fresno Unified School District
4498 N. Brawley
Fresno CA 93722

Re: AT&T’s January 31, 2020 Protect of Fresno USD January 29, 2020 Award Recommendation for Invitation to Bid #E23001

Dear Mr. Collins:

Pursuant to Resolution 02-07, the undersigned was delegated authority to act as a hearing officer in the Bid Protest for the above referenced matter. The hearing occurred on March 4, 2020 with representatives of Fresno Unified School District (FUSD), AT&T and CVIN/VAST (“VAST”) present. Prior to the hearing, I was provided with voluminous documents, including the original Invitation to Bid (“Invitation”), the bids from AT&T, CVIN/VAST and Zayo Networks, the bid review sheets, AT&T’s original and supplemental bid protest (including information referenced therein) and correspondences from counsel for FUSD and VAST. During the hearing, extensive arguments were made by counsel for FUSD, AT&T and VAST.

The basis for AT&T’s protest were based on two main contentions: (1) whether any of the bids were responsive; and (2) whether FUSD applied its standards consistently. As discussed below, based on the evidence presented and considering the legal standards applicable to this matter, I find that AT&T’s bid was non-responsive to the Invitation and that it was properly disqualified by FUSD. Further, I find that FUSD appropriately awarded the bid to VAST.

AT&T argues that none of the bids were responsive, and therefore, FUSD should disregard all of them and start over. The flaw in its argument is that it assumes the irregularities in the bids were of the same nature. They were not. Specifically, AT&T’s argument overlooks the fact that its bid, as discussed herein, contained numerous (approximately 70) irregularities and exempted critical

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1 AT&T raised other points during the protest hearing, including whether FUSD violated its own policies by utilizing an Invitation to Bid as opposed to a Request for Proposal. These points will be addressed herein.
aspects of the Invitation which would have placed it in an unfair advantageous position as compared to the other bidders.

A responsive bid must substantially conform to the specifications in the solicitation. Bay Cities Paving & Grading, Inc. v. City of San Leandro (2014) 223 Cal.App.4th 1118, 1188. Stated differently, a bid must respond in all material respects to be responsive. Strict adherence is required to avoid potential abuse of the competitive bidding laws. Konica Business Machines U.S.A. v. Regents of University of California (1998) 206 Cal.App.3d 449, 456. Factors to consider in determining whether deviations in a bid are substantial include whether the deviation could be a vehicle for favoritism, the effect on the amount of the bid, the influence upon other bidders from bidding or the ability to compare bids. Id. at 454-455.

The standard of review for an awarding agency’s decision was articulated in Mike Moore’s 24-Hour Towing v. City of San Diego (1996) 45 Cal.App.4th 1294, a case relied upon by AT&T:

In essence, the question is whether substantial evidence supports the agency's decision (Joint Council, supra, 210 Cal.App.3d at p. 1214), although it has also been stated that “what constitutes reasonable evidentiary support may vary depending upon the nature of the action.” (Shapell Industries, Inc., supra, 1 Cal.App.4th at p. 232.) In a challenge to a legislative decision, the petitioner has the burden of proof to show that the decision is unreasonable or invalid as a matter of law. (Corona-Norco, supra, 17 Cal.App.4th at p. 993.) “There is also a presumption that the board ascertained the existence of necessary facts to support its action, and that the "necessary facts" are those required by the applicable standards which guided the board.

Substantial evidence demonstrates that AT&T’s bid was nonresponsive and FUSD’s decision was appropriate. AT&T’s bid consisted of approximately 70 deviations, all specified in the review summary. While some of them are minor (and could have been waived if they were isolated), there were some irregularities that were substantial and would have placed AT&T at an advantage over other bidders. For instance, AT&T refused to accept the liquidated damage provision of $400 a day. Without a consequence for failing to timing complete the work AT&T could have ignored the schedule and completed the project whenever it wanted without consequence. Not only has it been recognized that liquidated damages in public contracts are favored, but they are also expressly permitted by statute. Nomellini Constr. Co. v. State of California ex rel. Dept. of Wat. Resources (1971) 19 Cal.App.3d 240, 246; Cal.Gov.Code § 53069.85. AT&T’s refusal to agree to the
liquidated damages placed it in an advantageous position\(^2\) as to all other bidders, thereby making this irregularity substantial, particularly as FUSD would have had no leverage to compel timely performance. AT&T also took exception to the indemnity provisions of the contract and did not execute the agreement, instead indicating that it would negotiate with FUSD a contract after it was selected. These two exceptions undoubtedly place AT&T in an advantageous position to other bidders as it was advocating for a lesser indemnity obligation and did not even agree to the contract. Finally, FUSD pointed out that the bid also included qualifying language about taxes which could have called into question the price. There is no question that price could, and would, create a situation where one bidder was at an advantage over others. Simply put, FUSD properly exercised its discretion in finding that AT&T’s bid was non-responsive. Thus, the question then becomes whether FUSD should have found the other bids non-responsive as AT&T urges.

The bids from VAST and the Zayo Group, while containing minor and insignificant deviations, were responsive and properly considered. While AT&T argues that FUSD should have waived its deviations because FUSD waived deviations that appeared in the bids for VAST and the Zayo Group, the flaw in AT&T’s argument is that the deviations in the other bids were minor and inconsequential.

The deviation in VAST’s bid was its failure to date (it did sign the document) the separate prevailing wage certification for special construction. However, VAST signed and dated all aspects of the bid, which included an agreement to pay prevailing wage. While its failure to date was an “irregularity”, FUSD was within its discretion to waive it because VAST agreed in writing to perform the contract pursuant to FUSD’s contract. Further, the prevailing wage only applied to special construction which was not applicable to this project. AT&T cited to California Code of Civil Procedure section 2015.5 to argue that the failure to date something renders it invalid and unenforceable. However, that statute applies to declarations under penalty of perjury and other documents filed with the court. It has not been extended to a situation similar to the instant matter and there is nothing in the statute that would suggest it was intended to apply\(^3\). Additionally, this

\(^2\) While a bid discrepancy can be waived if it is insignificant, when it gives a bidder an advantage over others, among other things, it is non-responsive and should not be disregarded. Ghilotti Constr. Co. v. City of Richmond (1996) 45 Cal.App.4\(^\text{th}\) 897; Menefee v. County of Fresno (1985) 163 Cal.App.3d 1175.

\(^3\) AT&T also argued that VAST could have dated the provision in the future (year 2050), meaning that it would have never have had to comply. However, consideration of whether the deviation is material “must be evaluated from a practical rather than a hypothetic standpoint with reference to the factual circumstances of the case.” Bay Cities Paving & Grading, \textit{supra}, at 1189. From a practical standpoint, this argument makes no sense, particularly when VAST agreed to performed and signed and dated the contract.
“irregularity” did not place VAST in an advantageous situation over other bidders because there were no special construction projects to be performed and it already agreed to be bound to all provisions of the contracts. As such, because VAST agreed to perform all aspects to the contract in writing by executing the subject contract, waiving the lack of a date on an unnecessary document was appropriate.⁴

AT&T’s reliance on the irregularities in the Zayo Group’s bid is likewise misplaced⁵. AT&T focuses on the disclaimer language of the Zayo Group’s bid on the first page and argues that it too simply agreed to negotiate a future contract. On the surface, the language in the Zayo Group’s bid and AT&T’s language appear similar and would be problematic. However, there is one significant difference – AT&T did not sign the contract while the Zayo Group did. Stated differently, the Zayo Group agreed to perform all aspects of the contract in writing, despite the disclaimer language, so FUSD could have enforced the bid against the Zayo Group had it been the lowest responsive bidder. This is in contrast to AT&T who never signed the contract and, thus, FUSD could not have enforced the contract. At the hearing, AT&T argued that the Zayo Group had not actually signed the contract. However, a review of the bid demonstrates otherwise. In particular, the signature agreeing to the contract appeared on the next page (page 60 of the bid).

In sum, the minor deviations that appeared in the bids for the Zayo Group and VAST were appropriately waived, FUSD’s determination of non-responsiveness was not arbitrary or capricious and AT&T was not treated unfairly and/or different.

AT&T made additional arguments in support of its protest which warrant discussion. First, it claims that FUSD violated its own policy as specified in a September 14, 2017 memorandum by then executive director of purchasing Paul Rosencrans. However, the memorandum simply provides a side-by-side comparison of the differences between an invitation to bid (like the instant matter) and a RFP (request for proposal). AT&T argued that this policy, along with California’s contracting manual, made clear that an Invitation to Bid can only be used for commodities. This is not accurate. While the contracting manual can be used for guidance if an agency so chooses, neither dictates when a RFP should be used and when an Invitation to Bid should be used. It is noteworthy, too, that FUSD was clear from the beginning that these services were being awarded

⁴ AT&T argued at great length that FUSD previously refused to waive the lack of a signature in 2017 so it should not be permitted to do so now. The undersigned reviewed the evidence related to the 2017 contract and finds that the situations were materially different. The missing signature was on a material document was one of many irregularities in 2017. This is in contrast to one missing date on an irrelevant/unnecessary form.

⁵ Even if FUSD’s waiving of the irregularities in the Zayo Group’s bid was improper, it is of no consequence given the fact that VAST’s bid was responsive.
through an Invitation to Bid and not a RFP. Thus, if AT&T wanted an RFP situation, then it should have declined to participate\textsuperscript{6}. Irrespective, AT&T has failed to provide any evidence that the use of an Invitation to Bid was inappropriate.

AT&T also make a “policy” argument about the fairness of the process – “what is good for the goose is good for the gander”. It is true that FUSD cannot apply different standards to bidders in an effort to thwart the competitive bidding nature of the Invitation. However, it is equally true that FUSD did not apply different standards. Rather, FUSD considered the deviations that appeared in all of the bids and appropriately disregarded those that did not place other bidders at a disadvantage.

In sum, substantial evidence supports FUSD’s recommendation that AT&T’s bid was non-responsive. As such, the award of the contract to VAST was appropriate.

Very truly yours,

\[\text{[Signature]}\]

Mandy L. Jeffcoach

\textsuperscript{6} This project required a mandatory bid meeting prior to the contractor’s bids being submitted. If AT&T believed that the wrong bidding vehicle was selected, it could have raised an issue at that time. There is no evidence that such a question was raised. Arguably, such an argument was waived. However, no finding is necessary in that regard because the evidence relied upon by AT&T to argue that the wrong vehicle was used simply does not support its argument.
Regarding: Language Support to School Sites & Departments

The purpose of this communication is to provide the Board an update on translation (written) and interpreting (oral) processes at the district level through English Learner (EL) Services that have improved communication to families during COVID-19 pandemic.

At the school-site level, there are support staff (i.e. bilingual Home School Liaison (HSL) or office staff) that provide outreach, translation, and interpreting support to families based on the school’s language needs. If sites need additional support, they can request assistance from EL Services.

**On-the-Spot Language Requests**
Parents, school sites and/or district departments may call EL Services at (559) 457-3928 during regular business hours (8:00am to 4:45pm) with on-the-spot Spanish or Hmong communication requests with the goal of improved communication between home and school. Those calls are supported by any of our three Spanish or two Hmong HSLs (new positions added in January of 2021) and the department’s Customer Service Representative, Rose Ornelas. Parents and sites are supported over the phone on a three-way conference call.

**Oral Interpreting and Written Translation Requests**
All requests from school sites and departments are emailed to: translationrequest@fresnounified.org and EL Services processes each request in a timely manner. District practice is to provide a two-week window for jobs to be completed and returned to the requestor. Requests are processed on a first come, first served basis. Nancy Thao-Martin records and disperses the requests depending on the individual language needs. Requests are assigned to the three Spanish or two Hmong HSLs as a meeting invite on an individual’s Outlook calendar to track completion.

An electronic translation request form must accompany the word document to be translated (see attached request form). Translations are available in Spanish and Hmong. Requests are drafted and proofread before being returned to the requestor. In the case that a deadline cannot be met, prior communication and agreement between both parties takes place for adjustments to be made.

The same request process is used for oral interpreting appointment requests by providing the necessary appointment information (template attached). Once the request is received, the requestor will receive an email response with the assigned HSL that will support the request.

For languages other than Hmong and Spanish, a request is sent to Orchid Interpreting to secure support in the requested language and deploy appropriate supports. (See attachment for Fresno Unified School District language group data, CDE 2019-2020.)
How language support is communicated to Fresno Unified School District

- English Learner Site Representative Monthly Meetings
- Home School Liaison Meetings
- Office Manager Meetings
- District Updates
- English Learner Department Web Site- Translator Button link
- Oral interpreter list found in the Translator file is updated and new names are added to the list
- District English Learner Advisory Committee Meeting and The English Learner Advisory Committee Meetings by Guillermo Berumen, Community Relations Liaison (Spanish)
- Supervisors of Schools (Bi-Weekly Newsletter
- Community Partnerships

In order to meet the needs of our Fresno Unified School District families, we must continue to work toward strengthening our current district communication structures, use technology tools to amplify service to parents immediately, and build capacity in our teams to develop effective communication plans at every site using the skills of our bilingual employees.

If you have questions or require additional information, please contact Sandra Toscano at (559) 457-3648.

Approved by Superintendent
Robert G. Nelson Ed.D.  Date: 02/05/21
# Fresno Unified District
## Language Group Data - Districtwide for 2019 - 20

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<th>Language</th>
<th>Total Enrollment</th>
<th>Number of English Learners (EL)</th>
<th>Number of Fluent English Proficient (FEP) Students</th>
<th>Total Number of EL and FEP Students</th>
<th>Percent of Total Enrollment that is EL and FEP</th>
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*Language spoken in district above 15% threshold
Please email to: translationrequest@fresnounified.org

TIME FRAME: Requests are processed on a first-come/first-served basis. Graphic, forms and hard copies will require additional time. For questions or requests requiring special consideration, please call Nancy Thao-Martin at 457-3924 or email.

Oral Interpreting Requests:
Event Type: (i.e. IEP, Initial or Annual, Assessment, etc.)
Student Name: _______________
Student ID#: _______________
Language: _______________
Date: _______________
Time: _______________
Location: _______________
Contact Person: _______________

COMMENTS OR INSTRUCTIONS:

REV. 1/27/2021