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**INTERIM SUPERINTENDENT**  
Mao Misty Her

## **BOARD COMMUNICATIONS – SEPTEMBER 06, 2024**

TO: Members of the Board of Education  
FROM: Interim Superintendent, Mao Misty Her

### **OFFICE OF THE SUPERINTENDENT – Mao Misty Her, Interim Superintendent**

S-1	Mao Misty Her	Interim Superintendent Calendar Highlights
S-2	Ambra O'Connor	Agreements for Leadership Coaching and Facilitation Services

### **BUSINESS & FINANCIAL SERVICES – Patrick Jensen, Chief Officer**

BFS-1	Kim Kelstrom	School Services Weekly Update Reports for August 28, 2024
BFS-2	Kim Kelstrom	Legal Services by Category

### **INSTRUCTIONAL DIVISION – Natasha Baker, Ed.D., Chief Officer**

ID-1	Marie Williams, Ed.D.	Overseas Educational Learning Trip for Hmong Teachers
ID-2	Marie Williams, Ed.D.	Agreement with District Management Group

### **OPERATIONAL SERVICES – Paul Idsvoog, Chief Officer**

OS-1	Ann Loorz	Resolution 25-12, Vehicle Procurement Delegation
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Fresno Unified School District  
Board Communication

**BC Number S-1**

From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Mao Misty Her, Interim Superintendent  
Cabinet Approval:

Date: September 06, 2024

Phone Number: 457-3884

Regarding: Interim Superintendent Calendar Highlights

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

- Site visits to Addicott, Birney, Hidalgo, LaVera Willams Child Development Center, McCardle, Phoenix Secondary, Robinson, Scandinavian, Williams, and Webster
- Visited 14 classrooms during site visits
- Met with Leading Schools Team
- Held Measure H Open House
- Gave interview with, Jessica Harrington, ABC30, regarding Let's Talk
- Attended Dailey Board Meeting
- Attended Labor Management Partnership Meeting
- Held listening session with Fresno City College Interim President, Dr. Kim Armstrong
- Held listening session with former special education teacher
- Spoke at Fresno Association of Mexican American Educators Back to School Social

Approved by Interim Superintendent


Mao Misty Her



Date: 09/06/24

Fresno Unified School District  
Board Communication

**BC Number S-2**

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

Date: September 06, 2024

Phone Number: 457-3838

Regarding: Agreements for Leadership Coaching and Facilitation Services

At the request of Board leadership, the purpose of this communication is to provide the Board with an overview of the services provided through agreements with multiple vendors and organizations.

Information regarding each agreement is outlined in attachment A, attached.

If you have any questions pertaining to the information in this communication, or require additional information, please contact Ambra O'Connor at (559) 457-3838.

Approved by Interim Superintendent

Mao Misty Her  \_\_\_\_\_



Date: 09/06/24

ATTACHMENT A

ORGANIZATION/ VENDOR	COST	SERVICES PROVIDED
Battelle for Kids	\$83,748	Facilitate 8 Regional Sessions with 100-150 lead teachers, 9 Regional Sessions with 100-150 high school students, and 8 Regional Community meetings with community and district partners to develop the Portrait of a Learner in alignment with other districts nationwide.
CORE Districts (9 <sup>th</sup> Grade On Track)	\$200,000	Work collaboratively with all nine high schools focusing on data monitoring tools, change ideas, and meeting routines that have been proven to show improvement in student 9 <sup>th</sup> grade on-track. The CORE Collaborative is comprised of the following districts: Fresno, Garden Grove, Long Beach, Los Angeles, Oakland, Sacramento, Sacramento, San Francisco, Santa Ana, and San Jose Unified.
CORE Districts (Network)	\$235,000	Co-construct a continuous improvement strategy – provide infrastructure for collaboration, manage logistics, serve as a steward for improvement, community integrity and effectiveness. Support the development of continuous improvement structures, mindsets and routines to foster learning at the district and site level.
Council of Great City Schools	\$100,000	Provide professional services and coaching support to the district's governance team and other district staff, as needed. Supports include leadership training and support coaching; confidential and closed session participation and advising.
Council of Great City Schools – Dr. Kishimoto	\$15,000	Interim Superintendent coaching
Holt Legacy Consulting	\$97,750	Provide Year 1 Equity Based Decision Making professional learning to leaders in the Diversity, Equity & Inclusion division through individual and group sessions.
Holt Legacy Consulting	\$201,250	Provide multiple leadership coaching and cultural proficiency training sessions to classified professionals and provide Year 2 of Executive Equity Leadership Series training to Interim Superintendent and executive cabinet, in alignment with district goals.
MCEL United	\$579,000	Facilitate affinity group professional development and provide individualized mentoring for affinity group members and coherence building and support for Instructional Superintendents, Human Resource team, Interim Superintendent & Executive Cabinet.
MCEL United	\$42,500	Support the white-identifying affinity group to build their capacity in the pursuit of the district's efforts to build staff cultural proficiency.
PELP Public Education Leadership Program	\$36,000	Held at the Harvard Business School, by invitation only. Discuss district priorities of improving student outcomes and closing the achievement gap and receive direct facilitation support focused on our problem of practice: Achieve double digit gains by getting 15 points closer to proficiency annually over the next two years.

Fresno Unified School District  
Board Communication

**BC Number BFS-1**

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

Date: September 06, 2024

Phone Number: 457-3907

Regarding: School Services Weekly Update Reports for August 28, 2024

The purpose of this communication is to provide the Board with a copy of the School Services of California (SSC) Weekly Update Reports. 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 Reports for August 28, 2024, are attached and include the articles as follows:

- Average Daily Attendance Improvement – August 26, 2024
- When Should Police Be Involved at School? A California Bill Would Let Teachers Make the Call – August 26, 2024
- Jewish Legislators Not Giving Up on More 'Guardrails' on Ethnic Studies – August 23, 2024

If you have any questions pertaining to the information in this communication, or require additional information, please contact Kim Kelstrom at (559) 457-3907.

Approved by Interim Superintendent

Mao Misty Her 

Date: 09/06/24



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[www.sscal.com](http://www.sscal.com)

DATE: August 28, 2024  
TO: Misty Her  
Interim Superintendent  
AT: Fresno Unified School District  
FROM: Your SSC Governmental Relations Team  
RE: ***SSC's Sacramento Weekly Update***

### **Legislature Inches Closer to End of Session Deadline**

As of this writing the Legislature still has more than 600 bills left to consider with just a couple of days remaining in the 2023-24 legislative session. Those measures need to be approved and sent to Governor Gavin Newsom by 11:59 p.m. this Saturday, August 31, 2024, or they will die on the house floor.

Last Friday, August 23, was the last day for the Legislature to amend bills on the floor. However, as we mentioned in last week's update, the August 23 deadline is a rule set by the Legislature itself, meaning it can waive that rule and make further amendments to bills until today, August 28. The reason today is the true drop-dead deadline to amend legislation is that Proposition 54 (2016) requires bills to be in print for at least 72 hours in their "final form" before being voted on by the Legislature.

Below we provide an update on two Local Control Funding Formula (LCFF)-related two-year bills that we have been tracking and reporting on for the last two years.

### **AB 938—Classified and Certificated Staff Salaries**

One bill that was significantly amended last Friday was Assembly Bill (AB) 938 by Assembly Education Committee Chair Al Muratsuchi (D-Torrance). AB 938 is a two-year bill that would have originally established new LCFF targets for the 2030-31 fiscal year and require local educational agencies (LEAs) to submit employee salary data to the California Department of Education (CDE) annually.

Friday's amendments remove the language that would have set new LCFF target rates. Now the bill would only require LEAs to submit employee salary data to the CDE annually. More specifically the bill would:

- Require the CDE to, by July 1, 2025, update the Salary and Benefits Schedule for the Certificated Bargaining Unit (Form J-90) to include salary data collection for classified school staff in the same manner as collected

for certificated staff and rename the form as the Salary and Benefit Schedule for the Bargaining Units (Form J-90)

- Require, by January 31, 2026, and annually thereafter, LEAs to complete the Form J-90 for classified and certificated staff and report the Form J-90 to the CDE
- Require, by August 31, 2026, and annually thereafter, the CDE to report to the Legislature on the progress of LEAs in increasing salaries for classified and certificated staff

The Senate unanimously approved AB 938 yesterday and is now awaiting a concurrence vote in the Assembly to ensure that the lower house is okay with the amendments taken in the Senate. We expect that vote will happen before the Saturday deadline.

**SB 98—Enrollment-Based Funding Report**

Another two-year bill that we have been tracking and reporting on over the last two legislative years officially cleared the Legislature this week and is on its way to the Governor Newsom’s desk. Senate Bill (SB) 98 by Senator Anthony Portantino (D-Burbank) originally would have created a mechanism to provide additional funding to LEAs based on a calculation of how much additional funding the LEA would receive if the student count methodology of the LCFF were based on enrollment instead of attendance.

However, SB 98 was significantly amended back in May to remove the language that would establish this funding mechanism. Now the bill would require the require the Legislative Analyst’s Office (LAO) to, by January 1, 2026, submit a report to the Legislature on the effects of changing the pupil count methodology of the LCFF from average daily attendance to pupil enrollment.

**Next Week’s Update**

In next week’s *Sacramento Update* we will provide a more detailed update of which education measures survived the end-of-session deadline and those that failed passage.

*Leilani Aguinaldo*

## Average Daily Attendance Improvement

By Wendi McCaskill and Matt Phillips, CPA  
School Services of California Inc.’s *Fiscal Report*  
August 26, 2024

August marks the start of the instructional year for many California students. Although statewide enrollment decline continues to be a focal point, we are pleased to see the progress made in this last year’s attendance rates as local educational agencies (LEAs) worked to return to pre-pandemic levels or even better. Attendance gains will provide assurance that students are accessing much-needed instructional time and indicate stability in average daily attendance (ADA) based funding.

Even though LEAs have no control over some things that can have long-term effects on student attendance, like the COVID-19 pandemic, or other unforeseen emergencies, there are strategies within an LEA’s control that can be implemented to improve student attendance. Attendance is an area where even a slight improvement can make a substantial financial difference as well as improvement to student outcomes and well-being measures.

While school calendars are adopted and in place for the current school year, there are still some decisions that can be made regarding the attendance reporting calendar and strategies that can help maximize ADA in the current year. In addition, by tracking 2024-25 attendance patterns, LEAs can use that information in the calendar development process for the 2025-26 school year to improve student attendance moving forward.

### Maximizing ADA

Absenteeism costs LEAs more than the loss of ADA—students cannot learn when they are not engaged in school. This is an even more pressing reality considering the impact of the COVID-19 pandemic on student attendance and statewide testing metrics. Based on 2018-19 data—the last full year of attendance data prior to COVID-19—the average unified school district student missed 10.19 days of school per year. Based on average attendance rates for unified school districts in 2023-24, the average unified school district student missed 13.57 days of school per year. Extrapolating the single year data across 14 years (transitional kindergarten through grade 12) suggests that the average student will miss approximately 190 days of school. This equates to a loss of a full school year plus an additional 10 of a second school year in missed opportunities for learning. In this example (based on a school year of 180 days), an LEA will lose approximately \$78.38 for each absence (approximately \$1,063.77 per student, per year). Other funding based on ADA—such as special education funding, Lottery, federal funding, or grants—will also be impacted. Average attendance rates by school district type are shown below and discussed in more detail in the July 2024 *Fiscal Report* article, “[Year-Over-Year Attendance Rates Show Improvement.](#)”

School District Type	2022-23	2023-24	Difference Between 2022-23 and 2023-24 at P-2 <sup>1</sup>
Elementary	92.28%	93.76%	1.48%
High	91.17%	91.77%	0.60%
Unified	91.27%	92.46%	1.19%

<sup>1</sup>Second Principal Apportionment



Although the calculation of ADA is straightforward mathematically, there are some nuances to planning and reporting student attendance that can help improve ADA. Maximizing ADA through calendar development is part art and part science. The calculation consists of a numerator and a denominator. The numerator is the number of apportioned days, and the denominator is the total days in the attendance period. The art component is maximizing the apportioned days in the numerator, while minimizing the number in the denominator.

The attendance period consists of multiple school attendance months (not to be confused with calendar months). Each school attendance month consists of 20 days, defined as 4 weeks of 5 days each, beginning on a Monday and ending on a Friday, regardless of whether there are students in attendance on all those days. LEAs can start the first school attendance month either the first Monday of July or the Monday of the first week of school. The number of days in the denominator is the number of instructional days offered. If your school attendance month begins on a non-instructional day, you will have fewer than 20 days in the denominator for that month. As you complete each school month, any holidays, staff development days, and other locally defined non-instructional days would not be included in the denominator and would not be possible days of attendance. For example, the first month consists of 20 total days, but only 17 days of student instruction, so the denominator for the first month is 17. This calculation is performed for each school month that is eligible to be reported in the attendance period, and the sum of the days becomes the denominator.

The numerator represents the number of students present on each instructional day. Let us assume that this LEA has 10 students. If all 10 students show up every day in a month with 17 instructional days, the numerator would be 170, also known as apportioned days. ADA is calculated by dividing 170 instructional days into the 170 apportioned days, for an ADA of 10.

School district calendars for each school site must comply with the equity length of time requirements in Education Code Section (EC §) 37202, as well as the required annual instructional minute and day offering requirements per EC § 46207 and 46208. Similarly, charter school site calendars must comply with the annual instructional minute and day offering requirements in EC § 47612.5 and Title 5 California Code of Regulations, Section 11960. While LEAs must plan within instructional time requirements, LEAs have some control over absenteeism by arranging the school calendar to prevent commonly missed school days; for instance, setting the first student attendance day on a Wednesday or a Thursday may create a lower numerator.

The art of calendar development includes maximizing both sides of the equation. To maximize attendance, start by looking at monthly trends by school site:

- Does ADA start to decline after the winter semester, or does it increase?
- Does your LEA have a higher-than-normal absence rate when neighboring LEAs are out of school?
- When staff development activities are scheduled that close the school, do students miss the day following, the day before, or both?
- When midweek holidays occur, is attendance low before or after the holiday?
- Have you calculated the LEA's cost of absenteeism and communicated this to the parents and teachers?
- Do parents understand that excused absences do not generate ADA? Do teachers?

- Is absenteeism high among teachers? If teachers do not show up, the students will not either.
- Are local calendars for elementary school districts and high school districts aligned?

Then consider the following:

- Utilizing the flexibility allowed in EC § 37201 by including or excluding all, or part, of the winter recess to adjust the P-2 cutoff date to end earlier, if needed. If in a growth area, consider the advantage of a longer period to P-2
- Planning for special events or staff development days on or around days when there are religious or cultural holidays that are generally low-attendance days
- Looking at other holidays for opportunities to schedule staff development (a Monday before a Tuesday holiday or the day following Halloween)
- Extending winter recess if trends show low ADA the first week back
- Utilizing short-term independent study
- Implementing Saturday makeup school
- Evaluating whether implementing an attendance recovery program would improve attendance and, if so, using the 2024-25 school year to plan and ensure the program can be implemented beginning with the 2025-26 school year
- Seeking a waiver when there has been a material decrease in ADA due to inclement weather, a fire, or other catastrophic events allowed through EC § 46392
- If you are part of a high school district or elementary school district, aligning your calendars with the other districts so that families do not have differing winter, spring, and summer break schedules to navigate for their children when planning family trips

We will be going over attendance and instructional time requirements in detail, including a discussion of the use of attendance months in generating and reporting ADA, in the upcoming [Attendance Accounting and Instructional Time](#) webinar scheduled for September 17, 2024. To register, please click [here](#).

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*Note: AB 2441 (Kalra, D-San Jose) would clarify “willful disturbances at a public school meeting” does not apply to students enrolled in the school district at the time of the willful disturbance and requires a school principal to report incidents to law enforcement.*

## **When Should Police Be Involved at School? A California Bill Would Let Teachers Make the Call**

By Jenna Peterson  
*CalMatters*  
August 26, 2024

**Update:** *The bill has been amended to keep mandatory police notification requirements if a student assaults or threatens a teacher. The bill would still let teachers choose to call the police if a student is using or possessing controlled substances, and it would also decriminalize willful disturbance by students.*

During Zuleima Baquedano’s first year as a teacher, she faced an important choice.

One of her students had difficulty controlling her emotions. One day, she had a meltdown and kicked Baquedano down.

The principal asked Baquedano if she wanted to call the police, because the incident legally counted as assault. But not long before, the student had moved in with her family after being in and out of foster care, was beginning the diagnostic process for her disability and had been working with Baquedano on coping mechanisms.

“Any contact with police would have really put all of that in jeopardy,” Baquedano said. “Calling the police, getting Child Protective Services involved and all that would have completely just ruined any kind of progress she’d made.”

Baquedano decided against calling the police. “I’m never going to regret advocating for her, despite the fact that several teachers told me I couldn’t let her get away with it, and that she did this on purpose when they didn’t even know her,” she said.

She had a choice because she worked at a charter school in Los Angeles. Staff at traditional public schools don’t have the same freedom: Under California law, they are required to make a police report if a student assaults them — and can be prosecuted if they don’t.

A bill before the Legislature in its final week would change that.

But what supporters see as a common sense bill, opponents see as going too far, raising partisan tensions in an election year in which crime and education are top of mind for many voters.

### **A difficult path to the Senate**

Assemblymember Ash Kalra, a San Jose Democrat, has been trying to get similar legislation passed for four years.

“The data very clearly shows that when law enforcement is required to come onto campus, those that they choose to arrest are disproportionately people with disabilities and students of color,” Kalra said in an interview.

[A 2021 study by the ACLU of Southern California](#) found that students with disabilities make up 26% of school arrests, despite being 11% of total enrollment. According to a [2024 report by the California Racial and Identity Profiling Advisory Board](#), students of color are handcuffed by police at a disproportionate rate — 20% of Black students compared to 9% of white students.

“This bill is really a turning point in addressing issues around school climate,” said Oscar Lopez, an associate managing attorney at Disability Rights California, a sponsor of the bill.

This is the first time Kalra’s bill has made it to the Senate, and it wasn’t easy. It barely squeaked out of the Assembly by a vote of just 41-22, with seven Democrats voting “no.”

“It’s unfortunate that a common sense bill like this has struggled so hard to make it through the Legislature,” Kalra said.

And opposition is organizing.

Last week, Senate Republicans released their own bill analysis, listing concerns about school safety, drug possession and the relationship between schools and law enforcement.

“The bottom line is this is going to make our school campuses less safe,” Senate GOP Leader Brian Jones of San Diego told CalMatters. “It’s going to endanger our students, teachers, administrators and even the law enforcement professionals who have to serve on these campuses.”

Law enforcement officials worry that AB 2441 could open the door to eliminating school resource officers.

“School officials and law enforcement should work together, especially when it comes to pupils whose behavior violates the law and puts school safety in jeopardy,” said Cory Salzillo, legislative director of the California State Sheriffs’ Association. “Removing requirements just runs counter to that notion.”

If AB 2441 were to pass, there would still be times when staff are required to call the police. Under federal law, local education agencies must call law enforcement if a student has a firearm or is caught selling controlled substances.

Some opponents have also raised concerns about school administrators’ ability to discern between students who are selling controlled substances or just possessing them — a task they think should be left to law enforcement, particularly amid the fentanyl crisis.

“Schools are not isolated in the community, so when there are crimes being committed, even if it’s simple possession of a controlled substance, that’s something that law enforcement should be aware of,” Salzillo said.

The California Department of Public Health plans to announce a new fentanyl education campaign on Wednesday.

“Fentanyl is so dangerous that we need to be all hands on deck on dealing with that crisis on our school campuses,” Jones said. “Removing this requirement of reporting is just unbelievable to me at this point in time.”

Because of an amendment to the bill, staff would also need to notify law enforcement if someone needed immediate medical attention.

After the Senate Republican Caucus released its analysis — and sent it to its entire press list for the first time — supporters of the bill accused them of fear mongering and spreading misinformation.

“There’s been a lot of untruths shared and promoted by the opposition to this bill,” said Rachel Bhagwat, legislative advocate at ACLU California Action, a bill sponsor.

Jones denied that’s what’s happening.

“California voters and taxpayers are fed up with the criminal justice system in California right now,” he said. “They’re fed up with the progressive wing that’s continuing to decriminalize crime.”

### **Preventing the school-to-prison pipeline**

Research has shown that when young people face severe discipline at school — such as police interaction, suspension or expulsion — they are less likely to graduate high school and more likely to go to prison.

“The interpretation of normal, age-appropriate behaviors as being threatening and criminal and dangerous is leading to a situation where young people are not getting educational opportunities in school, and they’re being funneled into further criminal contact and the criminal system,” Bhagwat said.

Under current state law, staff are required to try other methods — such as meeting with parents, speaking with a psychologist, creating an individualized education plan or restorative justice programs — before resorting to something more severe.

“Between counseling and other programs, there are methods to use that don’t involve punitive consequences such as a misdemeanor crime,” Naj Alikhan, senior director of marketing and communications for the Association of California School Administrators, wrote in a statement to CalMatters.

The bill would also get rid of a clause that makes it a crime to “willfully disturb” public schools and meetings. Under this provision, students could be criminally prosecuted for running in hallways or knocking on doors.

“It’s somewhat of a vague term,” Kalra said, “and it’s been used against students who might have behavior issues. There’s a lot of different reasons why a student may be causing a disturbance and we want to give schools the ability to decide how they want to handle those situations.”

An amendment to the bill would make it an infraction for someone to prevent a school staff member from calling the police.

Baquedano — who testified on the bill before the Senate education committee in July and now teaches in Santa Ana — said that if the bill passes, there are serious situations, like having a deadly weapon or being in possession of drugs, where she would still call.

“There’s an assumption that we’re going to stop calling the police, and that’s not the case,” she said. “The idea that we wouldn’t have that common sense is a little insulting.”

It’s a decision Baquedano said teachers deserve to have.

“People should trust us — the professionals in the situation, who’ve been trained, who’ve gone through education to do this — they should be trusting our judgment,” she said. “We’re the ones who best know our students. We spend all these hours with them a year, sometimes more than parents do.”

Kalra remains optimistic that AB 2441 will pass the Senate this week and make it to Gov. Gavin Newsom’s desk.

“You would hope,” he said, “that legislators would understand the need for us to support all students, and I’m hopeful that at least we can get this bill through to see that it’s not going to create some doomsday outcome.”

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*Note: The Jewish caucus chose not to move forward with AB 2918 (Zbur, D-Los Angeles), which would have required LEAs to ensure that an ethnic studies course and instructional materials are developed in conjunction with specified interest holders.*

## **Jewish Legislators Not Giving Up on More ‘Guardrails’ on Ethnic Studies**

*Bill fails to gain traction amid opposition from college ethnic studies faculty and California Teachers Association*

By John Fensterwald  
*EdSource*  
August 23, 2024

A solution to curb antisemitic content they say is infecting some districts’ ethnic studies courses is eluding Jewish legislators. The legislation they authored has failed to gain traction so far, despite the support of State Superintendent of Public Instruction Tony Thurmond and Gov. Gavin Newsom.

Assemblymembers Rick Zbur, D-Los Angeles, and Dawn Addis, D-Morro Bay, are pledging to return next year with a new version of their bill and a bigger coalition behind it. Last week, they pulled Assembly Bill 2918 from consideration amid sharp opposition from the California Teachers Association and college ethnic studies faculty. And they have yet to make the case to the largely progressive Legislature that some ethnic studies courses are problematic, and that it’s not just a Jewish problem.

The bill would have added levels of public review, additional disclosure and additional anti-bias provisions to 2021 law (Assembly Bill 101) that set a mandate for students to take high school ethnic studies as a graduation requirement, starting in 2030-31. Zbur said that he, Addis and the backers are ready to “really start from scratch, put everything on the table, and try to share something that addresses the problem that we are facing.”

The “problem,” they charge, is anti-Israel content that is bleeding over to antisemitism in the classroom. The primary intent of California’s high school ethnic studies is to focus on the historic struggles and achievements

of minority groups within the United States. But a collection of groups, called the Coalition for Liberated Ethnic Studies, led primarily by college ethnic studies faculty, have made the Palestinian conflict with Israel a theme of a high school ethnic studies course. They have characterized Israel as an oppressive settler colonialist nation that compels the liberation of Palestine. Jewish families complain that teaching a biased and one-sided view of the conflict has provoked antisemitic remarks, bullying and antagonism toward Jewish students. The courses also stress the continuing harms of white supremacy and corporate capitalism.

More than two dozen unified school districts, including Santa Ana, San Diego, Hayward, San Diego, Oakland, Castro Valley and Berkeley unified school districts, have signed contracts with consultants affiliated with the “liberated” approach to ethnic studies. The groups include the Liberated Ethnic Studies Model Curriculum Consortium, Community Responsive Education, the Association of Raza Educators, and the Xicanx Institute for Teaching and Organizing.

“Unfortunately, we are witnessing harmful situations where, intentionally or not, some ethnic studies curriculum and instruction is creating classrooms that Jewish students are not experiencing as safe, inclusive, or affirming,” Addis said at an Aug. 5 hearing of a Senate committee.

The clash between the Legislative Jewish Caucus and the authors of liberated ethnic studies instruction predates the adoption of the state’s ethnic studies model curriculum framework in 2021. But the ongoing conflict in Gaza, in which 1,200 Israelis were slaughtered and 40,000-plus Palestinians have perished, has heightened tensions. Since Jan. 1, the Office of Civil Rights in the U.S. Department of Education has opened investigations of Berkeley, Oakland and San Francisco unified districts on charges they have failed to respond properly to incidents of antisemitism.

Several UC and CSU ethnic studies faculty advised or participated in creating the first draft of the state’s ethnic studies model curriculum, which the State Board of Education ordered rewritten in 2019 to present a more balanced perspective on race. The final draft excised the initial draft’s endorsement of the Boycott, Divestment and Sanctions movement against the Israeli government and universities.

### **Addition of guardrails**

At the encouragement of the Legislative Jewish Caucus and Gov. Newsom, Assembly Bill 101 establishing the high school graduation mandate explicitly stated that the Legislature intended for school districts to not use unadopted portions of earlier drafts of the model curriculum.

The law also states that ethnic studies materials and instruction should be appropriate for use with pupils of all races, religions, nationalities and other legally protected student groups and that it “not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons.”

California Attorney General Rob Bonta and the Newsom administration have reminded school districts to follow the law’s requirements for “inclusivity, sensitivity, and accuracy.”

“Vendors have begun promoting curriculum to use for ethnic studies courses. We have been advised, however, that some vendors are offering materials that may not meet the requirements of AB 101, particularly the second requirement (not reflecting or promoting any bias, bigotry, or discrimination), an important guardrail highlighted when the bill was signed,” Brooks Allen, executive director of the State Board of Education and an education adviser to Newsom, wrote in a memo to districts a year ago. “Accordingly, before any curriculum or instructional materials for ethnic studies courses are selected, we strongly encourage you to closely scrutinize them to ensure that they meet the above requirements.”

Allen’s guidance does not single out any vendor or group, but the UC Ethnic Studies Faculty Council assumed it was aimed at them. In response, the council denounced the guardrails as censorship. “We vehemently oppose the preemptive restriction of what can be taught, examined, and researched as part of ethnic studies. ... In a very real sense, the guardrails are themselves a form of bias, bigotry, and discrimination. California teachers should be able to deliver lessons on important concepts such as settler colonialism, apartheid, and resistance without having to fear censorship or legal action by the state.”

The Legislative Jewish Caucus, however, argues that the “guardrails” and transparency requirements under the law must be more explicit to be effective.

The last version of AB 2918, posted July 3, included compromise language suggested by staff of the Senate Education Committee. Among its key provisions, it called for districts to create a committee to review ethnic studies curriculum and materials prior to adoption. Although the majority would be teachers, it would include parents and guardians and representatives from community organizations “with experience assisting children build cultural awareness and understanding.” The district would notify parents how they could participate in the process or comment on the courses and materials once they are produced.

And, once materials or a curriculum is approved, the school board or superintendent would certify to the California Department of Education that it followed the review process — requirements that do not apply to other academic programs.

Under current law, districts must hold a hearing on a proposed ethnic studies curriculum before adopting it at a second board meeting. But some parents have complained that they were unaware that an ethnic studies course had been adopted, and some boards had placed the curriculum on a "consent" calendar for automatic approval without discussion.

In August 2023, the Washington, D.C.-based Louis Brandeis Center and other legal groups sued Santa Ana Unified school board for violating the Brown Act, the state’s open meeting law, in passing a liberated ethnic studies curriculum without proper notice, and for allowing members in the audience to insult Jewish speakers.

“By failing to intervene in the heckling and harassment of Jewish speakers at its board meeting, the board contributed to creating a hostile environment that prevented Jewish members of the public from fully exercising their right to participate in SAUSD Board meetings as the Brown Act requires,” the lawsuit read.

The bill also would have added another protection to the existing “guardrails” in the current law, that the curriculum “foster respect and acceptance and focus on the experiences of communities of the United States” — as opposed to tensions abroad. The implication is that a lesson on the war in Gaza should incorporate the perspective of Israel and American Jews. And the principle would apply to other minority groups portrayed negatively, he said.

“A lot of people think we are ‘trying to water down the curriculum’ “and steer away from the four primary groups that are the focus of ethnic studies (Blacks, Latinos, Native Americans and Asian Americans), Zbur said at the Aug. 5 Senate hearing. “We’re not. But to the extent there is content that is about or affects other communities, you need to look at how it will be viewed by the community itself.”



## **A threat to ethnic studies?**

Opposition to the bill was strong. In an urgent call to action to ethnic studies supporters at UC Santa Cruz, Christine Hong, professor of critical race and ethnic studies and literature at the university, wrote that AB 2918 would require an extra round of approval and another round of state certification.

“No other K-12 discipline has these requirements — ethnic studies, a field forged by students of color, is specifically being targeted by special political interests,” she wrote. And she charged that undefined community “stakeholders” would be able “to shut down an ethnic studies program if they don’t like what is being taught.”

Seth Bramble, a lobbyist for the California Teachers Association, agreed, saying the bill singled out ethnic studies courses and educators “as the only discipline where we need extra scrutiny and where we need extra red tape to ensure the class is appropriate for all learners.”

“These unnecessary hurdles replicate the very inequality that ethnic studies seek to address, limiting the potential reach and impact of ethnic studies,” he said at the hearing.

Although most of the speakers who identified themselves as Jewish expressed support, Maya Steinhardt, who said she was a Jewish teacher and former Sacramento State student who had spent time at a pro-Palestinian encampment, dissented. “I’m concerned that this bill will result in the same kind of biased education that the authors say they are combating. As the authors stated, marginalized communities should have a voice in how their stories are told. But what happens when different marginalized communities have differing views on the same history? Do you privilege one group’s perception over another?”

The authors and the caucus say that ethnic studies require a different response because it is different. For other subjects — math, English language arts, history, and science — the state has adopted academic standards with a state-led textbook and materials adoption process. For ethnic studies, there is only a voluntary model curriculum framework, leaving it to districts to choose what to teach.

The lack of academic standards, along with a materials review, “makes school districts susceptible to adopting variations of curricula that go beyond the law’s guardrails,” Sen. Josh Becker, D-Menlo Park, and a caucus member, wrote in an email. He said the ethnic studies course at a high school his son attended was “a clear and dramatic violation of the law” on ethnic studies “with obvious factual inaccuracies.”

## **More time to build support**

Zbur and Addis introduced AB 2918 late in the legislative session, leaving too little time to assemble a coalition outside the Legislative Jewish Caucus, Zbur acknowledged. He said he would spend the coming weeks negotiating with education unions, including the CTA, and increasing the support by showing that “these guardrails protect all communities,” not just Jewish Californians.

He said he expects support from Thurmond, who has not participated in negotiations thus far, and Newsom, who committed in his April 2024 Golden State Plan to Counter Antisemitism that he “will work with the Jewish Caucus and Legislature to pursue legislation strengthening the guardrails established by AB 101.”

Along with setting a high school graduation mandate, AB 101 requires that all high schools begin offering an ethnic studies course in 2025-26. In preparation, many school districts will approve courses and materials this year.

AB 2918's delay could mean the window for affecting that process will close too soon to affect that process in many districts.

Fresno Unified School District  
Board Communication

**BC Number BFS-2**

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

Date: September 06, 2024

Phone Number: 457-3907

Regarding: Legal Services by Category

The purpose of this communication is to provide the Board an update on legal services by category for the 2023/24 fiscal year.

**General Fund Legal Services by Category  
July 1, 2023 – June 30, 2024**

**Departments**

Board Of Education	\$55,680
Charter School	\$29,149
External Partnerships	\$21,370
Facilities Management & Planning	\$106,728
Human Resources	\$775,046
Labor Relations	\$476,765
Legal Services	\$263,495
Management-Special Education	\$353,248
Prevention & Intervention	\$27,337
<b>Total</b>	<b>\$2,108,818</b>

**Other Funds Legal Services by Category  
July 1, 2023 – June 30, 2024**

<b>Fund</b>	
Liability	\$1,200,814
Workers' Compensation	\$581,130
<b>Total</b>	<b>\$1,781,944</b>

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


Approved by Interim Superintendent

Mao Misty Her 

Date: 09/06/24

Fresno Unified School District  
Board Communication

**BC Number ID-1**

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

Date: September 06, 2024

Phone Number: 457-3731

Regarding: Overseas Educational Learning Trip for Hmong Teachers

The purpose of this board communication is to provide the Board with information regarding an overseas educational learning experience for 15 Hmong language educators in Fresno Unified School District through an enriching opportunity to visit Laos and Thailand in January 2025.

The California Wellness Foundation has donated \$40,000 to support and build educators' capacity in our Hmong language program. Since the inception of the high school Hmong Heritage courses in 2016, and the expansion of the Hmong dual immersion program, a challenge has been recruiting teachers who possess deep knowledge of the Hmong culture, history, and academic language. Teachers have expressed an interest in visiting Hmong villages and connecting with elders in their ancestral country to build their capacity and network with institutions to provide cultural exchange experiences for their students. Inspired by this ambition, Pao Yang, Chief Executive Officer of The Fresno Center, who also serves on The Foundation for Fresno Unified Students, helped to secure an additional \$10,000, bringing the total amount to \$50,000. We are awaiting responses from additional potential donors.

The goal of this trip is to provide the participating teachers with an immersive and educational experience to deepen their knowledge and understanding of the Hmong language, cultural practices, and livelihood in Laos and Thailand. Educators will visit Hmong villages and schools in Laos and Thailand to engage with elders and leaders on Hmong academic language and cultural practices. After this enriching experience, teachers will develop and deliver culturally sustaining lessons to students. This will lead to deeper cultural appreciation by students, increased student engagement, and improved family communications and relationships.

The estimated cost of the trip is \$58,375. Current expenses and funding sources are shown below:

- \$42,375 for airfare, lodging, meals, and educational activities (paid by donations)
- \$6,000 consultant fee (paid by donations)
- \$10,000 to cover teacher sub coverage (solicitation of donations is ongoing)

If you have any questions pertaining to the information in this communication, or require additional information, please contact Erica Piedra at (559) 457-3928.


Approved by Interim Superintendent

Mao Misty Her 

Date: 09/06/24

Fresno Unified School District  
Board Communication

**BC Number ID-2**

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

Date: September 06, 2024

Phone Number: 457-3731

Regarding: Agreement with District Management Group

The purpose of this board communication is to provide the Board with information regarding an agreement with District Management Group (DM Group) scheduled for Board approval on Wednesday, September 11, 2024.

The DM Group's Breakthrough Results (BTR) program has been used by 5,100 educators to support 30,000 students nationwide. BTR provides dedicated coaching, job-embedded professional learning, data analysis and visualization, and facilitates teacher collaboration. BTR's program involves collaborating with teams of teachers to set goals and progress monitor student growth in rapid ten-week cycles of instruction and assessment. Participation in BTR has shown to build the capacity of teacher teams to replicate the BTR process.

The Bullard Region piloted BTR with 12 teams and 263 students from 9 schools in Spring 2024. On average, participating students in first grade increased their words correct per minute by 154%, and students in second grade increased their words correct per minute by 70%, from the baseline to post assessment. Among the 53 participating teachers, coaches, and site leaders surveyed, 100% agreed their students benefited from participating in Breakthrough Results, they grew professionally, and they felt inspired and empowered to reach the goals they set as a team.

The East Baton Rouge Parish School System (EBR) launched a 10-week Breakthrough Results Literacy Challenge for students in third grade in Fall 2022. On average, participating students increased their fluency (i.e., words correct by minute) from 44 to 77.

Los Angeles Unified School District implemented BTR in support of their Primary Promise initiative, aimed at building foundational skills in literacy, mathematics, and critical thinking skills, in Spring 2021. A total of 131 teams (750 participants), representing 5 local districts and 2500 first grade students, participated in a 10-week cycle. On average reading fluency (i.e., words read correctly) increased from 11 to 36; letter sounds (i.e., correct letter sounds) increased from 26 to 48; and decoding (i.e., correctly blending sounds) increased from 6 to 14.

As a result of partnering with the DM Group, it is expected that participating third grade teams will realize positive student outcomes as measured by achieving double-digit gains on the statewide summative assessment (i.e., SBAC) in Spring 2025. In addition to site-based progress-monitoring metrics, student growth throughout the school year will be measured using iReady administered in fall, winter, and spring.

If you have any questions pertaining to the information in this communication, or require additional information, please contact Marie Williams at (559) 457-3554.

Approved by Interim Superintendent

Mao Misty Her 

Date: 09/06/24

Fresno Unified School District  
Board Communication

**BC Number OS-1**

From the Office of the Superintendent  
To the Members of the Board of Education  
Prepared by: Ann Loorz, Executive Director  
Cabinet Approval:

Date: September 06, 2024

Phone Number: 457-3134

Regarding: Resolution 25-12, Vehicle Procurement Delegation

The purpose of this communication is to provide the Board with information regarding the September 11, 2024, Board Resolution 25-12, to approve the procurement of specialty vehicles required for various operational and student transportation uses. The district has sought to procure specialty vehicles in a manner required by Public Contract Code Section 20111(a) but has been unsuccessful due to the limited number of vendors and the scarcity of such items, as well as the very high demand in the general market for the vehicles arising, in part, from the pandemic including chip shortages.

While the district's procurement of supplies and equipment is normally subject to requirements for competitive bidding, as set forth in Public Contract Code Section 20111 *et seq.*, the California Court of Appeal in *Graydon v. Pasadena Redevelopment Agency*, (1980) 104 Cal. App. 3d 631, determined that there are well-recognized exceptions to requirements for competitive bidding, including when competitive proposals would be unavailing or would not produce an advantage, or where there is no likelihood of acquiring required items through competitive bidding (*Id.* at 635-637). The district has determined that vehicles may be obtained in a timely manner and at a reasonable price directly from dealerships or manufacturers.

The district recommends approval of the delegation of authority to purchase specialty vehicles as it represents the best interest of the district by obtaining vehicles in a timely manner to fulfill operational needs and requirements.

If you have questions or need further information, please contact Ann Loorz at (559) 457-3582 or Paul Idsvoog at (559) 457-3134.

Approved by Interim Superintendent

Mao Misty Her



Date: 09/06/24