



## **BOARD OF EDUCATION**

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## **INTERIM SUPERINTENDENT**

Mao Misty Her

## **BOARD COMMUNICATIONS – SEPTEMBER 13, 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

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

BFS-1 Kim Kelstrom School Services Weekly Update Reports for  
September 05, 2024

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

ID-1 Marie Williams, Ed.D. Charter School Renewal Timeline

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 13, 2024

Phone Number: 457-3884

Regarding: Interim Superintendent Calendar Highlights

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

- Met with Sue Deigaard from Council of the Great City Schools
- Met with Executive Cabinet
- Attended the California State University Fresno President's Commission on Teacher Education
- Met with labor partners
- Speaking at the Inspiring Others to Encourage Tomorrow Symposium
- Attending Luau of Love Event

Approved by Interim Superintendent



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



Date: 09/13/24

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 13, 2024

Phone Number: 457-3907

Regarding: School Services Weekly Update Reports for September 05, 2024

The purpose of this communication is to provide the Board a copy of School Services of California's (SSC) Weekly Updates. Each week SSC provides an update and commentary on different educational fiscal issues. In addition, they include different articles related to education issues. The SSC Weekly Updates for September 05, 2024 are attached and include the following articles:

- Legislature Wraps Up the 2024-25 Legislative Session – September 05, 2024
- California Passes Bill to Limit Student Cellphone Use on K-12 Campuses – August 29, 2024
- California Lawmakers Approve Banning Synthetic Food Dyes in School. Will Newsom Sign It? – August 30, 2024

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: 09/13/24



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

DATE: September 5, 2024

TO: Misty Her  
Interim Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

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

### **Bill Signing Protocol**

Into the wee hours last Sunday, September 1, 2024, the Legislature concluded its work for the final year of the 2023-24 legislative session. The Legislature is now on recess and will not return to the Capitol for regular session until December 2, 2024. Below we provide a Fiscal Report article that details the key bills that were approved by the Legislature during the final days of the session.

With the Legislature on recess from regular session until after the midterm elections, all eyes turn to Governor Gavin Newsom, who has until the end of the month to sign or veto legislation. While the Governor can take action on bills sent to him at any time this month, he has yet to take up any of those noteworthy bills that would have implications for local educational agencies (LEAs). For this reason, we thought this week's update would be a good time to provide a rundown on how the Governor will unveil his actions over the next several weeks.

The Governor reveals his actions via press releases, which are typically issued by legislative category (education, healthcare, energy, public safety, labor, etc.). Historically, education bills are among the last batches of legislation that the Governor acts on, meaning he typically waits towards the end of the month to reveal what key education bills he has signed or vetoed. For some noteworthy bills, the Governor will host a bill signing ceremony either in Sacramento or at a location that is relevant to the measure being signed. Since this is an election year, it would not be surprising to see the Administration strategically utilizing bill signing ceremonies as they typically generate positive media coverage for the authors.

When a bill is vetoed by the Governor it is accompanied with a veto message, which provides the rationale behind returning the bill to the Legislature without his signature. The veto messages are often an interesting read as they provide critical insight to the Governor's legislative priorities and can also offer a roadmap on how a bill can be more successful in a future legislative attempt.

While legally the Legislature can override a gubernatorial veto with a two-thirds vote, the state has not seen that happen since 1980. Even with the comfortable

supermajority that Democrats currently hold in both houses, there is little to no chance that they would look to challenge a veto from a governor that shares their party affiliation, especially during an election year. If a lawmaker wishes to pursue a proposal that had previously been vetoed, the best course of action is to heed the roadmap presented in the veto message and work with the Administration to craft the measure so that it is more palatable to the governor.

The Governor has until the end of Monday, September 30, 2024, to sign or veto the bills sent to him at the end of session. We will continue to provide bill signing updates over the next several weeks.

*Leilani Aguinaldo*

## Legislature Wraps Up the 2024-25 Legislative Session

By Kyle Hyland  
School Services of California Inc.'s *Fiscal Report*  
September 5, 2024

Into the wee hours on Sunday, September 1, 2024, the California Legislature concluded its work for the final year of the 2023-24 legislative session. While the California Constitution explicitly states that no bill can be approved by the Legislature after August 31 of the second year of the legislative session, that deadline does not apply to urgency measures, which was the case for the final bills heard by lawmakers before they gaveled the session to a close.

The Legislature sent a number of significant bills to Governor Gavin Newsom over the final days of session that have implications for local educational agencies (LEAs), should they be signed into law. Below, we highlight the noteworthy education measures that lawmakers approved during the final days of session and summarize the significant bills that failed to meet the August 31 deadline.

As a reminder, since we are in the final year of the legislative session, any bill that did not meet the August 31 deadline is officially dead. This means if a legislator wants to pursue any of these proposals next year when the 2025-26 legislative session begins, they will have to reintroduce the proposal as a new bill and start the legislative process anew.

### Bills Sent to Governor Newsom

**[Assembly Bill \(AB\) 176](#) (Committee on Budget)—Education Finance: Education Omnibus Trailer Bill.** This is the education cleanup trailer bill that mostly makes technical, cleanup changes to the education provisions of the 2024-25 Enacted Budget (see "[Budget Cleanup Legislation Introduced](#)" in the August 2024 *Fiscal Report*).

**[AB 359](#) (Holden, D-Pasadena)—Pupil Instruction: Dual Enrollment: College and Career Access Pathways Partnerships.** This bill would amend the College and Career Access Pathways (CCAP) program to align with best practices from other dual enrollment programs and to streamline access to dual enrollment for K-12 students throughout the state.

**[AB 938](#) (Muratsuchi, D-Torrance)—Education Finance: Classified and Certificated Staff Salaries.** The bill would require schools to report certificated and classified staff salaries annually. The bill would also require the California Department of Education (CDE) to report the changes in school staff wages over time to the Legislature.

**[AB 1997](#) (McKinnor, D-Inglewood)—Teachers' Retirement Law.** This bill would redefine "annualized pay rate" to mean the salary a person could earn during a school term in a position subject to membership if creditable service was performed for that position on a full-time basis, to be determined pursuant to a publicly available pay schedule by a prescribed method.

**[AB 2088](#) (McCarty, D-Sacramento)—K-14 Classified Employees: Part-Time or Full-Time Vacancies: Public Postings.** This bill would establish a statutory right of first refusal to current, regular non-probationary classified employees of K-14 districts for vacant classified positions.

**AB 2165 (Reyes, D-Colton)—Pupil Instruction: Financial Aid Application.** This bill would require that LEAs, prior to exempting a student from the requirement to complete a Free Application for Federal Student Aid or a California Dream Act Application, provide students specified information, including the consequences of not completing those applications.

**AB 2245 (Carrillo, D-Los Angeles)—Certificated School Employees: Permanent Status: Regional Occupational Centers or Programs Operated by Single School Districts.** Starting July 1, 2025, this bill would require service as an instructor in classes conducted at a regional occupational center or program operated by a single school district to be included in computing the service required to attain permanent employee status at a school district.

**AB 2316 (Gabriel, D-Encino)—Pupil Nutrition: Substances: Prohibition.** This bill would prohibit, beginning December 31, 2027, LEAs from offering, selling, or otherwise providing any food or beverages containing the following food dye additives: Blue 1, Blue 2, Green 3, Red 40, Yellow 5, and Yellow 6.

**AB 2887 (Maienschein, D-San Diego) School Safety Plans: Medical Emergency Procedures.** This bill would require LEAs to update school safety plans to include procedures for incidents involving sudden cardiac arrest or a similar life-threatening medical emergency.

**AB 2999 (Schiavo, D-San Fernando Valley)—Homework Policy.** This bill would encourage each LEA to develop a homework policy for all grades by the start of the 2027-28 school year, formally adopt a final homework policy by the start of the 2028-29 school year, and update the policy at least once every five years.

**AB 3216 (Hoover, R-Folson)—Pupils: Use of Smartphones.** By July 1, 2026, this bill would require an LEA governing board to adopt, and update every five years a policy to limit or prohibit student use of smartphones while at school or under the supervision and control of school employees. Senate Bill (SB) 98 (Portantino, D-Burbank)—Education Finance: Local Control Funding Formula: Enrollment-Based Funding Report. By January 1, 2026, this bill would require the Legislative Analyst's Office to submit a report on the effects of changing the pupil count methodology of the Local Control Funding Formula from average daily attendance to pupil enrollment.

**SB 445 (Portantino)—Standardized Individualized Education Program Template: Translation.** This bill would require, by January 1, 2026, the CDE to translate the final draft of the state standardized Individualized Education Program template into the top ten most spoken languages used across the state other than English and make those templates available on the CDE's website.

**SB 897 (Newman, D-Fullerton)—Pupil Attendance: Interdistrict Attendance: School Districts of Choice.** This bill extends the district of choice (DOC) program in perpetuity, prevents DOCs from discriminating based on various student characteristics in their communication and admission processes, requires DOCs to accept transfers for foster youth and homeless children, allows districts with a qualified or negative budget status to limit students transfers to DOCs, and requires DOC program requirements to be subject to annual audit.

**SB 937 (Weiner, D-San Francisco)—Developmental Projects: Fees and Charges.** This bill would prohibit a local government from requiring payment of fees or charges for public improvements or facilities (such as schools) on a designated residential development project before the development receives a certificate of occupancy, except under certain conditions. The bill would also authorize a local government

to collect certain unpaid fees or charges following a specified procedure if the housing developer does not post a performance bond or letter of credit.

**SB 1244 (Newman)—Pupil Instruction: Dual Enrollment: College and Career Access Pathways Partnerships.** This bill would authorize a community college district (CCD) to enter a CCAP partnership with an LEA located within the service area of another CCD under specified circumstances.

**SB 1248 (Hurtado, D-Sanger)—Pupil Health: Extreme Weather Conditions: Physical Activity.** This bill would require, by July 1, 2026, each LEA in the state to develop, implement, and annually review extreme weather protocols related to student physical activities outdoors.

**SB 1288 (Becker, D-Menlo Park)—Public Schools: Artificial Intelligence Working Group.** This bill would require the State Superintendent of Public Instruction (SSPI) to convene a working group on artificial intelligence (AI) and requires that working group to develop expanded guidance and a model policy on AI for use by LEAs.

**SB 1315 (Archuleta, D-Pico Rivera)—School Accountability: Local Educational Agencies: Annual Reporting Requirements.** By March 1, 2025, this bill would require the CDE to provide a report to the SSPI, the Governor, and the Legislature on the number and types of reports that LEAs are required to annually submit and include recommendations for which reports can be consolidated, eliminated, or truncated.

**SB 1374 (Becker)—Net Energy Metering.** By July 1, 2025, this bill would require the California Public Utilities Commission to update to a more generous compensation scheme the credits customers in multi-unit residential apartments or public schools receive from behind-the-meter renewable generation facilities.

### **Bills That Failed the End-of-Session Deadline**

**AB 1917 (Muratsuchi)—Local Educational Agencies: Governance Training.** This bill would have required all LEA governing board members to receive training in K-12 public education governance laws at least once during their tenure.

**AB 2441 (Kalra, D-San Jose)—School Safety: Mandatory Notifications.** This bill would have clarified that 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 would have required a school principal to report incidents to law enforcement.

**AB 2901 (Aguiar-Curry, D-Winters)—School and Community College Employees: Paid Disability and Parental Leave.** AB 2901 would have required a K-14 district to provide up to 14 weeks of paid pregnancy leave for employees who experience pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions.

### **Next Steps**

The Legislature is now on recess from regular session until Monday, December 2, 2024. When they return in December, they will swear in the new legislators that won their November 2024 elections and then will not return until January 2025, which is when the 2025-26 legislative session officially begins.

It is important to note that while the Legislature is technically on recess from regular session until December, Governor Newsom did call for a [special session](#) on August 31 to address gasoline prices. Assembly Speaker



Robert Rivas (D-Salinas) has already told reporters that he plans on scheduling hearings for the special session in the coming weeks. However, Senate President pro Tempore Mike McGuire (D-North Coast) released a [statement](#) that the Senate will not be conducting a special session but looks forward to continuing conversations with the Governor and Speaker on this issue.

The Governor has until September 30 to sign or veto the bills sent to him during the final days of the legislative session. Any budget bills or urgency measures will go into effect immediately upon the Governor's signature. The remaining bills would take effect beginning January 1, 2025, unless an alternative implementation date is included in the bill.

We will monitor the Governor's actions on these bills over the next month through subsequent *Fiscal Report* articles and provide analysis on how these bills will impact LEAs.

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*Note: Assembly Bill (AB) 3216 (Hoover, R-Folsom) would require all LEAs develop a policy limiting the use of smartphones by July 1, 2026.*

## **California Passes Bill to Limit Student Cellphone Use on K-12 Campuses**

By Diana Lambert  
*EdSource*  
August 29, 2024

California state legislators passed a bill Wednesday requiring school districts to ban or restrict student smartphone use on campuses during school hours.

Assembly Bill 3216, renamed the Phone-Free School Act, requires that every school district, charter school and county office of education develop a policy limiting the use of smartphones by July 1, 2026.

"Extended studies have demonstrated that the use of smartphones in classrooms can detract from students' academic performances while contributing to higher rates of academic dishonesty and cyberbullying," said the authors' statement. "In consideration of California's deficiency when it comes to academic performance, as compared to other states, it is imperative for the legislature to take action to resolve this issue."

The Phone-Free School Act was authored by a bipartisan group of Assembly members that includes Republican Josh Hoover and Democrats Josh Lowenthal and Al Muratsuchi.

The legislation comes as states, school districts and individual schools are increasingly banning cellphones, smartwatches and other personal devices on campuses in an effort to curb classroom distractions, bullying and addiction to the devices.

At least five other states, including Florida, Indiana, Louisiana, South Carolina and Ohio have similar laws in place.

It is likely that Gov. Gavin Newsom will sign the legislation into law. He sent a letter to school district leaders earlier this month urging them to take immediate action to restrict cellphone use this school year. Excessive smartphone use increases anxiety, depression and other mental health issues in children, he said.

The use of personal devices increased during pandemic school closures, resulting in some students doubling their recreational screen time, according to research. This has led to concerns about addiction to the devices.

This legislation builds on a previous law passed in 2019 that gave school districts the authority, but did not require them, to regulate smartphones during school hours.

Assembly Bill 3216 allows school districts to enforce their cellphone policies by limiting student access to their smartphones. Currently, some schools enforce phone bans by requiring students to check them into “cellphone hotels” or stow them in locked pouches that can only be unlocked by school staff with a special magnet.

Many schools with cellphone prohibitions confiscate phones until the end of the school day if students flout the rules.

The legislation allows for some exemptions. Students will not be prohibited from using their phones if there is an emergency, when they are given permission by school staff, when a doctor says that the student needs the phone for medical reasons or when a smartphone is required in a special education student’s individualized education program.

The legislation also prohibits school officials and staff from accessing or monitoring a student’s online activities.

School districts are required to have “significant stakeholder participation” in developing their cellphone policy to ensure it is responsive to the needs of students, teachers and parents, according to the legislation. The policies must be updated every five years.

Adopting cellphone policies could collectively cost school districts hundreds of thousands of dollars, according to a state analysis of the legislation. Because it is a state mandate, the costs could be reimbursed by the state.

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*Note: AB 2316 (Gabriel, D-Encino) would prohibit LEAs from offering, selling, or otherwise providing any food or beverages containing the following food dye additives: Blue 1, Blue 2, Green 3, Red 40, Yellow 5, and Yellow 6.*

## **California Lawmakers Approve Banning Synthetic Food Dyes in Schools. Will Newsom Sign It?**

By Nicole Nixon  
*The Sacramento Bee*  
August 30, 2024

Days in California schools are numbered for snacks like Flamin’ Hot Cheetos, some cereals, baked goods and other products that contain a number of synthetic food dyes.

State lawmakers on Thursday sent a bill to Gov. Gavin Newsom to ban schools, beginning in 2028, from distributing or selling products containing six common food dyes: red No. 40, Yellow 5, Yellow 6, Blue 1, Blue 2 and Green 3.

Products containing the additives could still be sold throughout the rest of the state; the ban only applies to California public schools and charter schools.

Assemblymember Jesse Gabriel, D-Encino, the bill's author, said the "dangerous" synthetic ingredients "harm our children (and) interfere with their ability to learn."

Gabriel has cited a state study linking synthetic food dyes with hyperactivity and neurological behavioral problems in children.

The San Fernando Valley Democrat noted the bill had received bipartisan backing and was supported by doctors, teachers and agricultural groups.

"I know many of you were skeptical about this effort when we first started, but you have taken the time to listen and to learn and to look at the research and the science and the evidence and the data" he said before the legislation's final vote. "The issue of food safety is and should be a bipartisan one."

His bill passed the Assembly by a 55-0 vote.

Industry groups representing candymakers opposed the bill, arguing it would overstep the FDA's authority.

"All of these additives have been thoroughly reviewed by the federal and state systems and many international scientific bodies and continue to be deemed safe," the Consumer Brands Association wrote against the measure.

Gabriel authored a similar bill last year to ban four other food additives from being sold anywhere in California beginning in 2027.


Among the ingredients that law will ban is brominated vegetable oil, which is used to prevent separation in some citrus-flavored drinks.

Earlier this month, the federal Food and Drug Administration voted to ban brominated vegetable oil from use in food products for human consumption.

"The work we're doing here is driving this debate nationally," Gabriel said.

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 13, 2024

Phone Number: 457-3731

Regarding: Charter School Renewal Timeline

The purpose of this board communication is to provide the Board with information regarding the charter school renewal timeline for four charter schools that will undergo the charter renewal process during the 2024/25 school year.

The charter renewal timeline is mandated by Education Code sections 47605.9, 47607, and 47607.2 and requires a public hearing on the charter petition submission to be held no later than sixty days from receipt of a certified delivery of a petition. Within 90 days, the governing board must vote to grant or deny the petition request, and a report of factual findings must be published on or before 15 days prior to the governing board's vote. A schedule of public hearings and board action is included with this board communication.

The following charter schools have submitted/will be submitting renewal petitions on the anticipated submission dates listed below:

- University High School – September 03, 2024
- Aspen Valley Prep Academy – September 17, 2024
- Aspen Meadow Public School – October 01, 2024
- Sierra Charter School – December 02, 2024

Renewal petitions are delivered to Trustees a week after the certified delivery. As such, Trustees will receive a copy of the renewal petition for University High School during the week of September 09, 2024.

If you have any questions pertaining to the information in this communication, or require additional information, please contact Felicia Olais at 457-3923.

Approved by Interim Superintendent

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

Date: 09/13/24

# FUSD Charter School Renewal Board Dates 2024/25

<b>Charter School</b>	<b>Public Hearing Date</b>	<b>Board Decision Date</b>
University High School	October 9, 2024	November 6, 2024
Aspen Valley Prep	October 23, 2024	November 20, 2024
Aspen Meadow Public	November 6, 2024	December 11, 2024
Sierra Charter School	January 22, 2025	February 12, 2025