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BOARD COMMUNICATIONS – JANUARY 10, 2020

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, Ed.D. Superintendent Calendar Highlights
S-2 Robert G. Nelson, Ed.D. Bullard Incident on October 30, 2019

ADMINISTRATIVE SERVICES – Ruth F. Quinto, Deputy Superintendent/CFO

AS-1 Kim Kelstrom School Services Weekly Update Report
for December 19, 2019
AS-2 Kim Kelstrom December Legislative Committee Meeting
AS-3 Kim Kelstrom Charter School 2018/19 Audit Reports and
2019/20 First Interim Financial Reports
AS-4 Ruth F. Quinto 2020 Further Consolidated Appropriations Act
AS-5 Santino Danisi Federal Program Monitoring

COMMUNICATIONS – Nikki Henry, Chief Information Officer

C-1 Maiyer Vang Southeast Asian Family Education Conference

OPERATIONAL SERVICES – Karin Temple, Chief Operations Officer

OS-1 Karin Temple Fresno Metropolitan Flood Control District –
Recommended Agreement Regarding Fees

SCHOOL LEADERSHIP – Kim Mecum, Chief Academic Officer

SL-1 Ambra D. O'Connor Senate Bill 419- Elimination of Suspension for
Willful Defiance
SL-2 Ambra D. O'Connor Youth Court
SL-3 Brian Beck Special Education Staffing for Designated
Instructional Services
SL-4 Jeremy Ward Winter Learning Opportunities

Fresno Unified School District
Board Communication

BC Number S-1

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

Date: January 10, 2020


Phone Number: 457-3884

Regarding: Superintendent Calendar Highlights

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

- Attended Hmong Cultural New Year Celebration
- Met with CSEA 143 and district leadership
- Held quarterly meeting with ACSA
- Attended CORE Board Meeting

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



Date: 1/10/2020

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: Robert G. Nelson, Superintendent
Cabinet Approval:

Date: January 10, 2020

Phone Number: 457-3884

Regarding: Bullard Incident on October 30, 2019

The purpose of this communication is to provide the Board information in response to Trustee Major Slatik's request during the December 18, 2019 Board meeting for clarification regarding the messaging associated with the Bullard High School incident on October 30, 2019.

The Communications Office was notified of the incident and drafted a message based on the known facts at the specific time. While there were multiple police cars on campus, staff was not aware that a "Code 3" had been called. Site administrators sent the message to parents via School Messenger and to staff, via email.

When school site incidents involve students and staff, confidentiality concerns must be considered when messaging. Per the Family Educational Rights and Privacy Act (FERPA), parents are given certain protections regarding their children's education records, such as report cards, transcripts, disciplinary records, contact and family information and class schedules. Additionally, any incident involving an employee is considered a confidential personnel issue. Because of these protections, messages are written in general terms and do not provide specific or detailed accounts of an incident. The intent with messaging to parents and staff is to alert them that an incident occurred, and that action is/was taken, including appropriate disciplinary action and potential next steps if appropriate (supports, important conversations to have with students, connecting with a campus adult, etc.).

The Bullard message on October 30 indicated there was a fight on campus and police were called for additional support. The message further indicated that if parents had questions to contact the office. According to Bullard staff, the office did not receive any calls after the message went out.

Please call me if you have questions.

Approved by Superintendent

Robert G. Nelson Ed.D.



Date:

1/10/2020

Fresno Unified School District
Board Communication

BC Number AS-1

From the Office of the Superintendent
To the Members of the Board of Education

Date: January 10, 2020

Prepared by: Kim Kelstrom, Executive Officer *Kim Kelst*
Cabinet Approval: *[Signature]*

Phone Number: 457-3907

Regarding: School Services Weekly Update Report for December 19, 2019

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 following SSC Weekly Update for December 19, 2019 is attached.

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

Approved by Superintendent
Robert G. Nelson Ed.D.

[Signature]

Date: *1/10/2020*



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DATE: December 19, 2019

TO: Robert G. Nelson
Superintendent

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

RE: *SSC's Sacramento Weekly Update*

LEAs Make Modest Progress on 2019 California School Dashboard

Last week the California Department of Education released the third year of the California School Dashboard (Dashboard), the state's accountability system for local educational agencies (LEAs) and individual schools.

The primary tenet of the Dashboard is to report performance on the state and local indicators that the State Board of Education approved as the metrics for the accountability system. The data from these indicators show LEAs and individual schools how their student groups are performing on various state priority areas as defined in law.

Performance on the Dashboard is used to identify LEAs that need technical assistance under state accountability standards. The fall 2019 Dashboard has flagged 333 school districts and county offices of education (COEs), 14% less than last year's 386, as having at least one low-performing student group across two or more of the state priorities, making them eligible for differentiated assistance. Of the 333 school districts and COEs identified as needing differentiated assistance, 331 were flagged based on their performance on the state indicators while the other two were identified based on their performance on the local indicators.

The 2019 Dashboard data show that in school districts and COEs, the three greatest student groups in need are students with disabilities, homeless students, and foster youth. While the school districts and COEs identified for assistance because of these three subgroups decreased from the 2018 Dashboard release, these continue to be the student groups struggling the most on the Dashboard's metrics. Specifically the 2019 Dashboard found:

- Down from 243 in 2018, 187 districts and COEs are eligible for differentiated assistance based on their students with disabilities performance
- Down from 106 in 2018, 101 districts and COEs are eligible for differentiated assistance based on their foster youth performance

- Down from 145 in 2018, 98 districts and COEs are eligible for differentiated assistance based on their homeless students

This was also the first year that charter schools could be identified for differentiated assistance based on their Dashboard performance. The Dashboard identified 32 charter schools where at least three student groups (or all student groups if the charter school has fewer than three student groups) did not meet the performance standards on the state indicators over the past three years, thus meeting the eligibility for differentiated assistance. For charters, the three student groups in greatest need of support are:

- Socioeconomically disadvantaged: 30 charters are eligible for differentiated assistance
- Hispanic students: 24 charters are eligible for differentiated assistance
- English learners: 20 charters are eligible for differentiated assistance

The enacted 2019–20 State Budget provided an additional \$20.2 million in ongoing funds (on top of the \$57.8 ongoing million from the enacted 2018–19 State Budget) to support COEs in providing assistance to school districts identified as struggling on the Dashboard metrics. It will be interesting to see if Governor Gavin Newsom maintains the approximately \$78 million in ongoing funding dedicated to COEs to provide assistance to their struggling LEAs in his January State Budget proposal, or if he will alter the funding now that charter schools are eligible for assistance.

With the Local Control Funding Formula (LCFF) meeting its funding targets and the Dashboard now in its third year, there will continue to be a growing emphasis on outputs and accountability for the K–12 system moving forward. Policymakers and stakeholders will become increasingly interested in the LCFF’s efficacy and whether the funding is reaching the targeted student populations, especially after the release of last month’s State Auditor’s report on how school districts are spending their LCFF dollars.

The release of Governor Newsom’s State Budget proposal in January should signal how the Administration would like to proceed on future LCFF spending, K–12 accountability, and the statewide system of support.

Holiday Break

Like many of you, our office will be closed from December 23, 2019, through January 1, 2020. Unless there is breaking news, we will return to our regular *Sacramento Update* production schedule for the week ending January 10, with the release of the Governor’s 2020–21 State Budget proposal.

Happy holidays from School Services of California Inc.!

Leilani Aguinaldo
Robert Miyashiro

Note: This is the last finance bulletin that will be released before Governor Newsom's 2020–21 State Budget proposal in January.

November Revenues Fall Short of Estimates

By Matt Phillips, CPA; Robert Miyashiro
School Services of California Inc.'s Fiscal Report
December 18, 2019

The Department of Finance (Finance) released its December *Finance Bulletin* summarizing significant data points related to the economy including unemployment, United States gross domestic product (GDP), real estate and state cash collections.

The U.S. unemployment rate of 3.5% tied its lowest rate in five decades and California set a new record low with an unemployment rate of 3.9%. The U.S. GDP grew in the third quarter by 2.1%, an increase over the projected growth of 1.9%, primarily as a result of an increase in personal consumption growth.

Real estate and building activity continue on a positive trajectory. October building permits totaled 121,000, a 17.2% increase over the prior October, and sales of existing single-family homes totaled 404,000, a 1.9% increase over the prior October. Sales of homes are spurred by an average 30-year, fixed-mortgage rate of 3.69%, down from 4.83% in October 2018.

General Fund revenues for November fell short of the forecast by \$148 million, and now year-to-date revenues are below the forecast by \$56 million. However, this year-to-date shortfall, when compared against a forecasted cash collection total of \$47.7 billion, is very minor. As noted in the Finance Bulletin, withholding receipts were \$714 million below estimates in November, but the shortfall is likely due to a timing issue. Historically, the Monday following Thanksgiving has resulted in significant withholding receipts, but because that Monday occurred in December this year—and the forecast was not adjusted accordingly—Finance expects withholding receipts in December to come in above the forecasted amounts.

This report represents the final cash report before Governor Gavin Newsom releases his proposed budget for 2020–21. With a reduction in the estimated statutory cost-of-living adjustment (COLA) for 2020–21, as discussed in our article "[Ask SSC . . . What's up With the Down COLA?](#)" in the December 6, 2019, *Fiscal Report*, the trajectory of General Fund revenues suggests that the Governor, and the Legislature, may have a sizeable amount of revenues to allocate to educational programs. It will be up to their discretion whether to earmark those funds for categorical programs or for an increased COLA that will benefit all school districts and charter schools.

All of this and more will be discussed at our Governor's Budget Workshop in January 2020. To register, click [here](#).

Note: Several bay area school districts join Los Angeles Unified School District (USD), Glendale USD, and the state of California in suing Juul over its marketing and design that the lawsuits say are targeted at minors.

Bay Area School Districts File Lawsuits Against Juul

By Ted Andersen
San Francisco Business Times
December 18, 2019

San Francisco Unified School District and four other Bay Area school districts have filed lawsuits against e-cigarette maker Juul Labs over its marketing and design, which they allege targets minors.

After San Francisco Unified filed its complaint Monday in U.S. District Court for the Northern District of California, three San Mateo County schools districts on Tuesday filed a lawsuit against San Francisco-based Juul Labs. The suit was filed by Burlingame-based Cotchett, Pitre and McCarthy on behalf of Cabrillo Unified School District, Jefferson Union High School District and San Mateo-Foster City School District as a response to a rise in vaping by youth, according to the Mercury News.

In addition, Livermore Valley Joint Unified School District has filed its own lawsuit against Juul.

Former San Francisco City Attorney Louise Renne told the San Francisco Chronicle that the cases, along with other lawsuits against Juul filed by parents, will likely be consolidated in the San Francisco federal court.

The legal actions represents an effort by school and public health officials to deal with a year-over-year increase in nicotine addictions and e-cigarette use among pre-teens and teens.

This is by no means the first legal challenge mounted against Juul this year. Last month, California Attorney General Xavier Becerra and Los Angeles-area government officials filed a lawsuit against Juul, also alleging the company targeted youths with its advertising. That complaint, filed in Alameda County Superior Court, claims Juul kept the personal email addresses of youths who failed to pass its age verification on its website and then used those emails to send them marketing about Juul products.

Across the country, school districts are also waging legal war with Juul. School districts in New York, Missouri, and Kansas banded together to file a coordinated package of litigation in October.

Note: In November 2020, Californians will be asked to vote on the Proposition 13 split roll initiative that will raise money for K–14 education and local governments, but several education leaders are calling for lawmakers to increase their commitment to education funding in 2020.

California Must Shift its Priorities in 2020 To Focus On Solving the Education Funding Crisis

By Dan Schnur
Special To The Sacramento Bee
December 15, 2019

In a state ravaged by wildfires, frustrated by the worsening homelessness emergency, and consumed by highly-charged debates over criminal justice, income inequality and health care, the slower-moving crisis of California's struggling public schools is often marginalized in the state Capitol.

That's about to change. Californians will be asked next November to vote for a large-scale tax increase to dramatically increase education funding. Over the next several months, the pressure on Governor Newsom and the state legislature to shape their own funding package will intensify.

"In order to provide a high-quality education that improves outcomes for all students and helps close achievement gaps, our schools require significantly greater resources," said California School Boards Association Executive Director Vernon Billy. "California has an education funding crisis and any policy "solution" that fails to account for this reality is essentially grandstanding."

But along with the calls for more funding also come warnings for the need to spend that money more effectively.

"We collect vast amounts of information about district finances and student achievement, but we are still unable to assess whether funding variations are producing improved results and how districts and schools can learn from each other to accelerate achievement," said California Charter Schools Association President Myrna Castrejon. "As Californians go to the polls in 2020 to consider increasing funding, let's also prioritize using funding well and transparently."

Other Influencers cited alternative potential sources for school funding, such as a reallocation of California State Lottery revenues.

"Let's investigate the disparity between record-breaking revenues and the lottery's contribution to California's public education system," said State Senator Ling Ling Chang (R-Diamond Bar). "Every dollar wasted by the CA Lotto is another dollar taken away from students and public schools."

State Senator Connie Leyva (D-Chino) urged that financial resources be targeted toward at-risk and low-income students.

"Every student in California—regardless of where he or she may live or where they may attend school—should have access to the basic building blocks that lead to future success," said Leyva, who chairs the Senate Education Committee. "Access to these critical resources should not depend on a child's zip code or school district, but they should instead be the bare minimum upon which we build the rest of the education system so that students may thrive."

Christine Robertson, Executive Director of the San Luis Coastal Education Foundation, pointed to the danger posed by burgeoning teacher and school employee pension liabilities.

“Rising pension costs are consuming a growing share of school district budgets, reducing available funding for existing programs that benefit kids,” Robertson said. “Left unaddressed, the result will likely be larger class sizes and fewer intervention and enrichment programs. . . The state’s top priority should be ensuring the financial viability of local school districts to implement and sustain these programs.”

Funding concerns also shape debate over the state’s public colleges and universities.

“California families continue to worry about the cost of college and access to our four-year universities at a time when a college degree is more valuable than ever,” said Michele Siquieros, President of the Campaign for College Opportunity. “Our leaders should not miss a chance to craft financial aid policy and expanded access to our universities that help students reach their college dreams and power this economy in the 21st century.”

California Community Colleges Chancellor Eloy Oakley described the urgency of the situation.

“50 percent of community college students experienced food insecurity, 60 percent experienced housing insecurity and 19 percent have been homeless,” Oakley said. “Students shouldn’t have to sleep in cars or turn to food pantries while they are striving at college to improve their lives.”

College Futures Foundation President Monica Lozano outlined a plan for stabilizing higher education costs.

“Currently, institutions are at the mercy of each year’s state budget, and therefore operate reactively. Meanwhile, students face constant uncertainty about tuition costs and services,” Lozano said. “We cannot afford this piecemeal approach, nor the inequitable outcomes it produces. Policymakers and educators need stable funding with multi-year budgets to make better resource allocation decisions.”

Kim Belshe, Executive Director of First 5 LA, offered a reminder of the society-wide benefits of improved public education.

“We are in the fourth year of declining birthrates nationwide, continuing a steep decline that began in 2008 during the Great Recession. This will have ripple effects on every system and sector, including our education and future workforce,” Belshe said. “For this next generation of Californians, making sure that we successfully educate them is vital to their prosperity as well as ours.”

Fresno Unified School District
Board Communication

BC Number AS-2

From the Office of the Superintendent
To the Members of the Board of Education

Prepared by: Kim Kelstrom, Executive Officer 
Cabinet Approval: 

Date: January 10, 2020

Phone Number: 457-3907

Regarding: December Legislative Committee Meeting

The purpose of this communication is to provide the Board information shared at the December 18, 2019 Legislative Committee Meeting.

Budget Update – Robert Miyashiro provided updates on the forecast from the University of California, Los Angeles (UCLA), state revenue, and Legislative Analyst’s Office (LAO).

The UCLA forecast has changed from the previous position regarding projected trajectory over the next three years from a 3-2-1 percent growth to a 3-2-2 percent growth. This is significant as this provides a more stable outlook. Mr. Miyashiro mentioned that while the trade wars are not completely resolved, they are showing signs of possible resolution. In addition, the yield curve is back to a normal pattern, the national unemployment rate remains historically low at 3.5%, and California’s unemployment rate is at the lowest on record at 3.9%.

State revenues overall are tracking as outlined in the budget since July. Revenue projections are expected to remain as previously projected when the Governor presents the January Proposed Budget.

The LAO projects a 3.8% annual growth. The per pupil funding is anticipated to increase approximately 4% due to economic growth coupled with declining enrollment. With annual growth outpacing the current cost-of-living-adjustment (COLA) projection of 1.79%, the Governor has options that may include an increase to the COLA (“Super COLA”) or allocating additional funds to Special Education, Preschool, Transportation, or other programs.

The Full and Fair Funding Initiative was removed from the November 2020 ballot due to the competing Split Roll Tax Initiative that is planned to be included. The Full and Fair Funding Initiative was a tax on individuals and corporations making over \$1 million and the Split Roll Tax Initiative is a tax on commercial property.

Legislative Update – Leilani Aguinaldo provided an update on legislation. January 2020 will be the final opportunity to get two-year bills to the Governor’s desk.

The following bills were discussed:

- AB 1506 (McCarty) Charter Schools Statewide – (Watch) – This bill intends to cap the number of charter schools in the state
- AB 221 (Garcia, Cristina) Third Party Contracts – (Watch) – This bill prohibits entering into a contract with a third-party organization to employ teachers at a Title I school
- AB 1617 (Reyes) Financial Aid Applications – This bill is expected to have significant amendments and currently requires all students to complete the Federal Free Application for

Federal Student Aid (FFAFSA) or the California Dream Act Application as a condition for receiving a high school diploma

- AB 575 (Weber) Lowest Performing Pupil – This bill would expand the LCFF definition to include the lowest performing pupils
- AB 760 (Cooper) Local Control Funding Formula for Transportation – (Support) – This bill would add a COLA to Home-to-School Transportation Program funds
- AB 1225 (Carrillo) Local Control Funding Formula for Homelessness – (Support) – This bill adds homeless students to the categories of unduplicated pupils and allows foster youth who are homeless to be counted twice

The State Controller's Office (SCO) issued the results from the Local Control Funding Formula (LCFF) audit which include San Diego Unified, Clovis Unified, and Oakland Unified. The SCO reported school districts are following guidelines from the State; however, the State should provide more guidance and accountability. Some of the recommendations included: further defining the uses of supplemental concentration funds; further tracking post expenditures; and, changing the requirements for unspent funds.

Fresno Unified would also like to recognize Robert Miyashiro, who after 16 years with School Services, is retiring this month. We thank Mr. Miyashiro for the valuable insights he has provided over the many years he has served Fresno Unified.

The Legislative Committee December 2019 report is attached and includes several significant articles published this past month. The next meeting is scheduled for January 10, 2020.

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

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 1/10/2020

Fresno Unified School District

**LEGISLATIVE COMMITTEE MEETING
DECEMBER 19, 2019**

2019-20 Legislative Session

Prepared By:

**Leilani Aguinaldo
Director, Governmental Relations**

**Robert Miyashiro
Vice President**



Public Education's Point of Reference for Making Educated Decisions



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Legislative and Economic Update Prepared for:
Fresno Unified School District
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The FISCAL REPORT an informational update

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No. 23

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Short Outline of California School Finance History Based on the Recollections of Ken Hall

[Note from John Gray: From time to time it is good to take a break and seek counsel and wisdom from those who were the trailblazers in your chosen profession. About once a quarter I have lunch with those trailblazers to tap into that wisdom. For me, that means having lunch with Ken Hall, School Services of California Inc. (SSC) Founder; Davis Campbell, former Executive Director of the California School Boards Association and Chair of the University of California, Davis, School of Education and a bunch of other stuff that he says is impressive; and Kelvin Lee, former Superintendent of Dry Creek Elementary School District for 30+ years. Since I am the one who always pays, and because they are doing me the favor, Ken orders a really expensive glass of wine, Davis orders an expensive beer I have never heard of, while Kelvin and I have water or iced tea.

At our recent lunch, we talked about all of the many events that shaped California school finance. It was a great conversation, as I heard their firsthand knowledge from when they were trailblazing and I was in junior high school. I asked Ken if he would put pen to paper so I could share that wealth of information with our readers. The following is a guest article from Ken Hall, founder of SSC. Oh yes, Davis would want me to tell you he is also the author of “The Governance Core,” which is on the SSC best seller’s list.]

1971: California Supreme Court (Court) concludes the *Serrano v. Priest* lawsuit and finds the California school finance system to be unconstitutional. The Court orders differentials in education funding per average daily attendance (ADA) must be reduced to “insignificant” differences. The Court remands the case back to lower court.

1972: Senate Bill (SB) 90 (1406/1972), the Reagan Moretti Property Tax Relief Act, is adopted in December 1972. The bill provides state funding for major property tax rollback, including schools; eliminates numerous “permissive overrides”; adds major funding for equalization of school funding; establishes school revenue limits with differential amounts per ADA going forward based on a district’s 1972–73 funding level; adopts first Urban Impact Aid for school districts; adopts a requirement that the state must fund mandated program costs; implements modest property tax controls on county governments; and increases state income and sales taxes.

1973–74: Los Angeles Superior Court rules SB 90 was insufficient in meeting the Supreme Court standards of equalization; appeals begin. The appeals uphold the Court; the state is given six years to address the obligations of the *Serrano v. Priest* decision.

1975: Governor Jerry Brown takes office.

1976–77: Legislature adopts Assembly Bill (AB) 65, which provides for added major school equalization; establishment of “gyp” tax for obligation of high property tax districts to fund tax increases in low property tax districts; and numerous provisions to respond to the *Serrano v. Priest* decision.

Winter–Spring, 1978: Assessors around the state, but especially in Los Angeles, reassess residential properties and issue tax bills with major increases in local property taxes—tax payers scream. Howard Jarvis and Paul Gann launch the Proposition 13 campaign for a huge rollback in property tax rates and for controls on future assessed increases. As it becomes clear that Proposition 13 is going to pass, Governor Brown becomes a “born again tax cutter.” The former Assembly Speaker and current State Treasurer Jesse Unruh claims that the state has an “obscene” surplus and huge reserves.

June, 1978: Proposition 13 is adopted by the electorate. The immediate result was \$4–5 billion in property tax income being lost; new local special taxes requiring two-thirds vote; the repeal of the option for local agencies to seek electorate approval of local taxes to pay for capital bonds; the assessed value on all properties to remain at the 1975 level, except for cost-of-living increase of no more than 2%; and all local governments, including schools, lose billions in local income as the total local tax rate is capped at 1%. Governor Brown calls a special session to address the state’s response.

Summer, 1978: The Emergency Conference Committee of the state Legislature designs a state “bailout” with state support for local governments at reduced levels. Schools become very dependent on the State for future funding as property taxes decline to a lower percentage of total funding—the provisions of AB 65 and most other funding systems for education are repealed, but revenue limits continue as the primary mechanism for funding schools. Legislature adopts the bailout. Schools suffer losses of 9% to 15% in revenues based on their income level. Funding loss is, however, moderated by the 9% to 15% because it is based on the anticipated 1978–79 State Budget growth prior to Proposition 13.

1979: The Legislature considers and the Governor signs AB 8—which provides a funding system for local governments and schools going forward. It lets school districts keep previously electorate-adopted tax increases; and therefore, provides funding for schools at differential levels to equalize funding levels. It concludes that the distribution of the 1% local property tax revenues will be based on proportional property tax allocation in 1977–78.

1981–82: Governor Brown provides, in his January State Budget, a 6% cost-of-living increase for schools. However, due to a state recession and the loss in state income, Brown rescinds the cost-of-living increase in his May Revision. For the first time in recent state history, schools will have no cost-of-living increase per ADA in 1982–83 State Budget. State Superintendent of Public Instruction Wilson Riles pleads for a cost-of-living adjustment restoration to no avail.

1981–82: San Jose Unified School District (USD) suffers a strike by their teachers and goes to factfinding to settle the salary dispute. The factfinding chair, with the support of the California

Teachers Association (CTA) representative, recommends a 9% salary increase and the school board accepts the factfinding report and adopts a 9% salary increase—based, in part, on the 6% revenue limit increase in state funding. With the rescission of the cost-of-living increase in the State Budget, San Jose USD claims bankruptcy and for the first time in state history, a federal bankruptcy judge accepts jurisdiction. After a celebrated hearing, the judge orders the salary increase to be rescinded. The CTA appeals this decision but loses in court, so salaries are rolled back and it takes until 1985 for the district to be able to fund any salary increases.

1982 Campaign: George Deukmejian defeats Los Angeles Mayor Tom Bradley to become governor, based primarily on a law and order campaign. Bill Honig becomes state superintendent of public instruction. Senator Deukmejian makes modest campaign commitments to help schools after the zero cost of living. Superintendent Honig launches a ‘save California schools’ campaign, which attracts hundreds and so he continues the campaign into 1983. His campaign leads to the development of a conference committee of the state Legislature to address school funding and reform.

1983: The Legislature adopts and the Governor signs SB 813—which included major added school equalization; establishment of longer day (minute controls by grade level for minimum education delivery); longer year requirements (180 days up from 175); and added categorical programs for support and control of schools. The bill is hailed as a savior for K–12 education

1983–84: A Superior Court rules that California has satisfied the obligations of *Serrano v. Priest* and funding has been reduced to insignificant differentials. Court of Appeals upholds the decision and the Supreme Court refuses to hear an appeal.

1987: Governor Deukmejian and Assembly Speaker Willie Brown are unable to reach a compromise on the return of state surpluses to tax payers. Governor Deukmejian prevails and returns \$1.2 billion to California income tax payers; however, schools claim the state surplus should have been returned to school agencies and other needy local agencies.

November, 1988: State elections focus on forty-one state propositions on the ballot, including nine bond acts for higher education, K–12 districts, water, homeless, and others. The proposition campaigns focus on other issues and Proposition 98, which provides three tests for school funding in the State Budget, is adopted with only a small margin of victory.

1990: U.S. Senator Pete Wilson is elected as governor over Mayor Diane Feinstein. The governor commits and tries to focus state funding for schools to early childhood issues. However, major earthquakes and fires plague his Administration, and school funding remains a legal and political debate over the state obligations of Proposition 98.

1991: Senator Gary Hart proposes and the Governor signs legislation to authorize one hundred charter schools, which are destined to be a major reform in K–12 governance and delivery. The cap of one hundred schools is later eclipsed with hundreds of schools adopting the charter school opportunities for education delivery without the many cumbersome hurdles of state law.

1991–92: Richmond USD attempts to close its doors in April due to lack of funds. The district claims that it cannot keep the doors open and sends all students and teachers home. The lack of

funds is in large part due to school board adoption of a district budget that assumes one thousand students from surrounding school districts will enroll at Richmond USD, due to its amazing educational program. The local superintendent, who later goes to jail for Workers' Compensation fraud, sells the local agency and the Administration of President George Bush on the idea that the district is providing an amazing education that will attract students from throughout the North Bay area.

1992: State Supreme Court rules (*Butt v. State of California*) that Richmond USD cannot close its doors and the state of California is responsible for local education, which is a fundamental right. State provides a loan to Richmond USD to cover the costs for the rest of the year and to pay debt which has accumulated, including \$18 million dollars—of the total \$60 million loan—owed to IBM for computers that are never used. The state appoints a state administrator to run the district while also ensuring the loan is repaid. Future students lose funding based on the errors and extravagant expenditure of the school board.

1992: The state Legislature adopts numerous provisions to control local school district budgets. This includes an obligation for county offices of education (COEs) to approve district budgets and also requires that districts have a positive multiyear finance balance. It also establishes the Fiscal Crises Management Assistance Team (FCMAT), funded by the state to assist in school district budget supervision—Kern COE wins a competitive bid to manage and house FCMAT. Numerous measurements are included in state supervision of budgets, including an obligation for local agencies to have a reserve—as determined by the California Department of Education and the authority of the state—to appoint a state administrator for districts that are insolvent and/or a fiscal advisor in the case of districts facing potential fiscal insolvency.

1995: A major unexpected state surplus is sought by schools for major increases in funding. The CTA claims the added funding needs to be used to roll back class sizes. Governor Wilson, in a veiled response to CTA, calls for class-size reduction and proposes to use \$1.5 billion to roll back class sizes for grades K–3 to twenty students in his May Revision Budget. The provision is adopted in the State Budget with optional implementation to be immediate.

1995–96: Schools reel under the “burden” to immediately roll back class sizes at lower grades, and a few school districts reject the optional provision to roll back to twenty students. Thousands of relocatable classrooms are purchased/leased and thousands of new teachers hired. Academics claim that unless the class size is rolled back to sixteen it might as well be twenty-four in order to be helpful to the delivery of education. Parents and teachers hail the lower class size as a very positive provision. Districts are given a common dollar reimbursement for the program costs of lower class size, but funding does not cover full costs if a district's prior class size was over approximately twenty-eight to twenty-nine students.

1998: Governor Gray Davis is elected.

1997–2000: Numerous categorical programs are adopted for school districts, and the state adopts major retirement increases for the California Public Employees' Retirement System (CalPERS) and the California Teachers' Retirement System (CalSTRS) members due to a large state surplus and very positive state budgets going forward.

2001: The stock market crashes and capital gains income for the state drops dramatically. The state faces major funding shortfalls and therefore funding for schools remains relatively constant until 2006.

October 2003: Governor Davis is recalled and Governor Arnold Schwarzenegger assumes office.

2010: Governor Jerry Brown is elected and provides a dramatic change in school finance. After more than fifty years, revenue limit funding is repealed and replaced by the Local Control Funding Formula (LCFF) with a delegated ability to the local agency to determine their funding priorities. Numerous categorical programs are repealed and replaced with base funding plus supplemental funds for those districts with high numbers of economically disadvantaged students, English learners, and foster youth. The state decision making for schools shifts to the State Board of Education with the appointment of Sue Burr as board executive secretary and Michael Kirst as board chair by the Governor. The Local Control and Accountability Plan is adopted with the intent to ensure school districts provide increasing levels of educational accomplishment.

2013–19: Major increases in funding are provided to K–12 schools but the increases in CalSTRS and CalPERS pension payments consume many of the funding increases. The finance goals established in the initial LCFF are met in 2018–19, which is in advance of the adopted schedule.

Stay tuned for continuing changes in California school finance.

[Posted to the Internet 11/8/19]

—*Ken Hall*

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CDE Releases the 2019 California School Dashboard

On Thursday, December 12, 2019, the California Department of Education (CDE) released the third year of the California School Dashboard (Dashboard), the state's accountability system for local educational agencies (LEAs) and individual schools.

The Dashboard replaced the state's previous accountability system, the Academic Performance Index (API), which was suspended five years ago. The API relied exclusively on standardized test results and gave each school a single score. The Dashboard, on the other hand, incorporates multiple measures via six state indicators and five local indicators (seven for county offices of education [COEs]). LEAs and individual schools receive one of five color-coded performance levels for each state indicator for the total student population, as well as individual student groups. Performance levels for the state indicators are based on status (current-year performance) and change (improvement or declines over time).

Local indicators are reported for LEAs, but not for individual schools within an LEA. For each local indicator, an LEA can receive a rating of Met, Not Met, or Not Met for Two or More Years. Performance on the local indicators is a reflection of the LEA's response to the State Board of Education (SBE) approved self-reflection tools designated for each local indicator.

Performance on the Dashboard is used to identify LEAs and individual schools that need assistance under state and federal accountability standards. Under the statewide system of support, COEs take the lead in ensuring that support providers work collaboratively with school districts to identify the factors behind low achievement and to provide assistance. Under current law, charter school authorizers are responsible for ensuring that charter schools identified for differentiated assistance are taking the necessary steps to improve. (Assembly Bill 1505 [Chapter 486/2019] shifts this responsibility to county offices of education and geographical lead agencies, for charter schools authorized by a county, beginning with the 2020-21 school year.) The 2019 Dashboard is the first year that charter schools can officially be identified for differentiated assistance.

This is also the first year that LEAs, including charter schools, can be identified for differentiated assistance based on their performance on the English Learner Progress Indicator (ELPI). However, since the ELPI measures progress towards proficiency rather than just proficiency, it takes two years of data to determine status, and three years of data to determine change, both of which are necessary to populate one of the five color-coded performance levels on the Dashboard. Since a performance color cannot be populated for the ELPI until the 2020 Dashboard, the SBE approved

using the ELPI status of “very low” as a proxy for “red”, the lowest color performance on the Dashboard, in order to identify LEAs for assistance (see “SBE Approves Details for the ELPI and Modifications to the ESSA State Plan” in the November 15, 2019, *Fiscal Report*).

According to the CDE press release, the fall 2019 Dashboard has identified 333 school districts, 53 less than last year (386), as having at least one low-performing student group across two of the state priorities, making them eligible for differentiated assistance. The Dashboard data also identified 32 charter schools where at least three student groups (or all student groups if the charter school has less than three student groups) did not meet the performance standard for any Local Control Funding Formula priority area over the past three years, thus meeting the eligibility for differentiated assistance.

All districts identified for assistance will need to work with their respective COEs or other support providers, such as the California Collaborative for Educational Excellence, to lift the performance of the student groups that are struggling. Charter schools that were identified will need to work with their authorizers to raise their student performance as well.

The CDE will also use the Dashboard to identify schools that are eligible for federal assistance funding under the Every Student Succeeds Act (ESSA). The list of these schools will likely be released sometime in January; and we will be sure to provide a *Fiscal Report* article with that information.

The Dashboard is available for viewing at www.caschooldashboard.org.

[Posted to the Internet 12/12/19]

—*Kyle Hyland*

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Full and Fair Funding Initiative Pulled from 2020 Ballot Consideration

On Wednesday, December 4, 2019, the Full and Fair Funding Coalition announced that it was pulling its initiative from November 2020 ballot consideration to avoid conflict with the split roll property tax initiative that has already qualified for next year's ballot. Proponents of both initiatives feared that having two large tax measures to support K–14 education on the same ballot would negatively impact both measures next November.

The Full and Fair Funding proposal would raise approximately \$15 billion annually for K–14 education by raising taxes on individuals and corporations making over \$1 million per year. The sponsors of the measure—the California School Boards Association, the Association of California School Administrators, and the Community College League of California—announced that they will instead look to put the initiative on the November 2022 ballot.

This news comes less than two months after the Full and Fair Funding Coalition filed for title and summary with the Attorney General's Office, which is the first step in the process before proponents can begin collecting signatures to qualify the measure for the ballot. Should the coalition move forward with their Full and Fair Funding initiative for the 2022 General Election ballot, the threshold to qualify the initiative would still be nearly one million valid signatures from registered voters.

This announcement means that voters will likely only have two significant education proposals on the statewide ballots to consider during the 2020 election season—the \$15 billion K–16 school construction bond (see “Governor Newsom Signs \$15 Billion Statewide School Bond Legislation” in the October 18, 2019, *Fiscal Report*) and the split roll initiative (see “Education Funding Initiative to be Refiled for November 2020 Ballot” in the August 23, 2019, *Fiscal Report*).

According to the latest Public Policy Institute of California (PPIC) polling, support for the bond among likely voters has dropped from 54% in September to 48% in November (see “Mixed Polling for Education Funding Initiative” in the December 6, 2019, *Fiscal Report*). However, support is strongest among Democrats (71% approval), whose turnout for the March primary could be historically high if there are still multiple Democratic front-runner presidential candidates on the ballot. Additionally, proponents have not begun to ramp up their support campaign for the measure, which will likely heat up as we get closer to the March 3, 2020 election. There is not expected to be a strong opposition campaign against the bond, meaning if the proponent's campaign efforts are effective, they should be able to sway enough of the 16% of likely voters that are currently undecided to approve the measure.

On the other hand, the split roll property tax measure that voters will consider in November 2020 is likely to yield a very strong opposition campaign from the business community and the Howard Jarvis Taxpayers Association. The initiative would amend Proposition 13 (1978) to tax commercial and industrial properties at their current fair market value. This looming opposition campaign, combined with the recent November PPIC polling that shows that the measure is only supported by 46% of likely voters, should concern the initiative's supporters. Proponents are hoping that the proposal will receive a boost in the next round of polling now that the Full and Fair Funding initiative has been pulled from consideration, but whether that boost will be enough to get a majority of voters to approve the measure is unknown.

Also uncertain is whether Governor Gavin Newsom will officially endorse the split roll initiative and actively campaign to get the measure passed. While the proposal is estimated to bring in an additional \$6 to \$10 billion annually for K–14 schools and local governments, Governor Newsom may be weary to attach his name to an initiative that currently has less than 50% support from likely voters. He may wait to see what another few rounds of polling indicate for the measure before he decides to actively campaign for its passage.

[Posted to the Internet 12/9/19]

—*Kyle Hyland*

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Addressing the Vaping Epidemic in California

[Editor's Note: From time to time, we publish guest articles that we think inform readers on timely and relevant issues related to school safety. This joint guest article by Panish Shea & Boyle, LLP and Baron & Budd, P.C. provides information on the recent vaping lawsuit filed by the Los Angeles Unified School District.]

On October 29, 2019, the Los Angeles Unified School District [District or Los Angeles Unified] filed its lawsuit against JUUL Labs, Inc., the largest vaping manufacturer in the nation, for the harm that the vaping epidemic has had on student learning and the impact on the District. Los Angeles Unified is the largest school district in the state, the largest district in the nation, and the first district in California to have filed a lawsuit of this kind. The lawsuit seeks cost recovery for and abatement of the JUUL vaping crisis that has overwhelmed schools across the state of California.

Panish Shea & Boyle, LLP and Baron & Budd, P.C. represent Los Angeles Unified. The firms are retained on a contingency basis and advance all litigation costs, removing all financial risk from the District. The two firms comprise a team of the best trial and public entity lawyers in California. Since the filing of the lawsuit, several other school districts have joined the fight and authorized the filing of lawsuits against JUUL.

The Action

This is a cost recovery and abatement action alleging the following causes of action:

- Public nuisance
- Negligence
- Strict products liability—design defect
- Strict products liability—failure to warn

The remedies sought include past monetary damages, future monetary damages, and abatement of the nuisance.

The Cooperative, Multi-District Approach

School districts in the JUUL Litigation School District Consortium will be subject to the same representation and contingency agreement, with all costs advanced on a no-recovery/no-fee basis, and will have access to:

- Joint prosecution agreements
- Listserve email group
- Regularly scheduled calls
- Brown Act and closed session coordination
- Public messaging coordination
- Pro rata cost sharing of litigation expenses

If you wish to learn more, or join the fight against the vaping epidemic, please contact us as soon as possible or **by January 31, 2020**. You may reach Rahul Ravipudi, Esq. at ravipudi@psblaw.com or John Fiske, Esq. at jfiske@baronbudd.com. If you wish to contact Los Angeles Unified, please contact Alexander Molina, Esq. at alexander.molina@lausd.net.

By: Rahul Ravipudi, Esq.; and John Fiske, Esq.

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Latest UCLA Economic Forecast Modestly Improves

Economists with the *UCLA Anderson Forecast (Forecast)* painted a modestly brighter picture for the national and state economies in its final report of the year issued on December 4, 2019.

For quite some time, the *Forecast* economists have projected a 3-2-1 trajectory for the U.S. economy, forecasting that the year-over-year gross domestic product (GDP) growth rate (the conventional measure of overall economic health) would gradually decline from 3% to 1%. They now forecast a 3-2-2 trajectory, but caution that risks of a recession by the end of 2020 remain significant.

While the future economic picture may be rosier than previous forecasts, the hue is still subdued. UCLA's economists see weakening consumer spending as a result of over-leveraged automobile credit and questionable lending practices reminiscent of home lending from 2004–2007, which have led to increased delinquencies among car buyers. Because consumer spending has been strong and accounts for 70% of national GDP, this economic driver has masked protracted weakness in corporate investments. Though many believed that the 2017 federal tax policy reforms would stimulate business activity, this belief has not materialized. Moreover, the ongoing trade war with China, alongside growing concerns of potential automobile tariffs with key European partners, continues to stifle business investments that would otherwise further stimulate economic growth.

The other stimulus tool on which the economy relied heavily after the Great Recession is the Federal Reserve's monetary policy, but, as the *Forecast* notes, Federal Reserve Chairman Jerome Powell issued a clear signal that interest rates are likely to stay static, barring any significant change to warrant future rate cuts (to stimulate borrowing) or rate increases (to control inflation).

With respect to California's economy, UCLA's economists also predict an overall slowing due largely to the constraints of having reached full employment and the state's continued housing crisis, as well as the impact resulting from America's trade war with China on import-export activity and the technology sector. Specifically, California's total employment growth rate is expected to be 0.9% in 2020 and 1.3% in 2021 while growth in real personal income will be 2.1% and 1.9%, respectively. The housing crisis is forecast to persist despite recent law changes designed to spur growth in this sector; however, the *Forecast* economists see this picture improving in 2021.

We will have much more to share about the national and state economies, and what they mean for public education, at our upcoming Governor's Budget Workshops after the New Year. We hope to see you there!

[Posted to the Internet 12/6/19]

—*Patti F. Herrera and Robert McEntire, Ed.D.*

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October State Revenues Fall Short of Forecast

State General Fund revenues for the month of October fell short of the 2019-20 State Budget forecast by \$211 million, or 2.3%. This shortfall offsets almost all of the previous months' gains, with year-to-date revenues now up just \$77 million, or 0.2%, placing the total essentially on target with the May Revision forecast which underpins the current-year state spending plan.

According to the Department of Finance's latest *Finance Bulletin*, the personal income tax (PIT) fell short \$202 million, or -3%. This shortfall, however, may not signal any weakness in current-year collections. Both withholding receipts and other receipts, which include capital gains payments, came in above forecast at \$309 million and \$231 million, respectively. However, refunds issued in October were \$745 million higher than expected, which more than offset those gains. For the year-to-date revenues, PIT is down \$622 million, or -2.3%

The sales and use tax fell short \$74 million (-3.5%) and the corporation tax exceeded the forecast by \$6 million (3.1%), while all other revenue sources came in a net \$59 million above forecast.

On the employment front, the Department of Finance report notes that the state's unemployment rate fell 0.1% in October to a new record low of 3.9%. This rate is a full percentage point below the pre-recession low of 4.9% recorded in 2007. At the national level, the U.S. unemployment rate rose 0.1% in October to 3.6%, which, nevertheless, is still near a 50-year record low.

Similarly, the state added 23,600 jobs in October. This is a 1.8% year-over-year gain compared to the 1.4% increase for the U.S. as a whole.

The state's housing market continues to send mixed signals. While residential housing permits totaled 142,000 in September, a 41.3% increase from September 2018, the average number of monthly housing permits issued during the first nine months of 2019 is 9% below the average for the same period in 2018. Home sales also saw a boost in September, with sales of existing single-family homes up 5.8% from September 2018. The median home price, however, fell 1.9% to \$605,680.

[Posted to the Internet 11/26/19]

—*Robert Miyashiro*

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Legislative Analyst Issues Positive But Cautious Outlook

In its annual *Fiscal Outlook* released on November 20, 2019, the Legislative Analyst’s Office (LAO) reports that the condition of the California economy and budget are stable, but cautions that the state may face headwinds in the near future.

Consistent with its recent approaches to forecasting California’s economy, the LAO looks at the state’s outlook through two lenses—a growth lens and a recession lens. Under an economic growth scenario, the LAO estimates state revenues to grow from \$146 billion in 2019–20 to \$167 billion in 2023–24. Conversely, in a recession scenario, the LAO predicts that the state could lose roughly \$50 billion in revenue over the forecast period; due largely to declines in revenue generated by the personal income tax, which yields the lion’s share of revenue from the state’s “Big Three” taxes. Even in the face of significant revenue losses, the LAO estimates that reduced spending obligations in education and debt payments could save the state roughly \$27 billion. The state could manage the remaining budget deficit and weather a recession by tapping into what is expected to be a \$23 billion state reserve.

Noting that much of the risks to the state economy and budget are outside the control of state lawmakers, the LAO urges the Legislature to make judicious spending choices in the coming year. Though Analyst Gabriel Petek (Analyst) predicts that the state will enjoy a \$7 billion surplus going into fiscal year 2020–21, he cautions lawmakers against committing more than \$1 billion of the surplus to expanding programs or services and instead using it for one-time purposes.

Proposition 98: The Education Outlook

The LAO projects that the Proposition 98 minimum guarantee for 2020–21 will grow by \$3.4 billion (nearly \$2 billion from the General Fund and \$1.4 billion from local property taxes) for a total of \$84.3 billion. The Analyst also predicts that an additional \$206 million will be available due to the expiration of one-time funded activities. Moreover, the LAO’s revised estimates for fiscal year 2018–19 and the current year show that the state’s obligated spending levels are \$511 million below the minimum guarantee, requiring a Proposition 98 settle-up payment that can be used for one-time spending purposes. After accounting for ongoing obligations between the K–12 and community college systems, like the cost-of-living adjustment (COLA) discussed later and a \$350 million required deposit into the Proposition 98 rainy day fund, there will be approximately \$2.1 billion for lawmakers to spend.

Budget Year 2020–21

While this may seem plentiful, the LAO notes that its revised estimate for the statutory COLA of 1.79% for 2020–21 is relatively low compared to the growing cost pressures districts face. Just over five months ago, the statutory COLA for 2020–21 was predicted to be 3.00%. A 1.79% COLA would yield \$123 less on a per average daily attendance basis under the Local Control Funding Formula (LCFF) than a 3% COLA would have. This significant change in a key component of multi-year budgeting can have magnitudinous local impacts. Consequently, the LAO suggests that the Legislature may want to consider funding a higher COLA than is statutorily required, stating that a 0.5% increase to the COLA will cost the state \$300 million for the LCFF and \$38 million for community college apportionments. Other, more targeted investments that help districts defray costs to their general funds is another way to help districts manage their growing cost pressures such as paying down pension obligations that yield long-term returns or increasing special education funding for historically low-funded regions. Finally, the LAO advises the Legislature that investing in one-time activities provides latitude and helps to avoid future spending cuts in the event of an economic down turn.

Beyond the Budget Year

Like its broader report, the LAO forecasts Proposition 98 under a growth and recession scenario. As was alluded to previously, if the state were to fall into a recession, its education spending obligations would diminish significantly under Proposition 98. The LAO predicts that the minimum guarantee could fall by as much as \$20 billion over the forecast period. Chillingly, the LAO warns that “the state not only would be unable to provide the COLA in 2021–22 and 2022–23, it would need to reduce spending, assuming it funds at the lower minimum guarantee.” Furthermore, the Analyst further suggests that the state could open its old recession toolbox and that the “Legislature could [reduce spending] by making reductions to ongoing programs, deferring school and college payments, or exploring possible fund swaps.”

For those of us who lived in the trenches of the Great Recession, terms like “deferrals” and program “reductions” are enough to have us running for the hills. Thus, we would hope that lawmakers would consider using other tools to mitigate the impacts of an economic downturn on our students, including using a portion of the state’s reserve to avoid such draconian reductions to education spending.

Governor Gavin Newsom will issue his 2020–21 proposed State Budget on or by January 10, 2020. We look forward to seeing all of you at our Governor’s Budget Workshops!

[Posted to the Internet 11/21/19]

—*Patti F. Herrera*

Draft
Legislative Platform



2014 LEGISLATIVE PLATFORM

CORE BELIEFS	COMMITMENTS
<p>Student Learning Every student can and must learn at grade level and beyond</p> <p>High-Quality Instruction Teachers must demonstrate the ability and desire to educate each child at a high level</p> <p>Leadership Leaders must perform courageously and ethically to accomplish stated goals</p> <p>Safety A safe learning and working environment is crucial to student learning</p> <p>Culture Fresno Unified is a place where:</p> <ul style="list-style-type: none"> ➤ Diversity is valued ➤ Educational excellence and equity are expected ➤ Individual responsibility and participation is required by all ➤ Collaborative adult relationships are essential ➤ Parents, students, and the community as a whole are vital partners 	<p>Student Learning</p> <ul style="list-style-type: none"> ➤ We will provide all students with access to high-quality options and a variety of activities ➤ We will implement, continue, or expand practices proven to raise student achievement; and eliminate practices that do not <p>High-Quality Instruction</p> <ul style="list-style-type: none"> ➤ We expect all students to achieve their personal best; differences in achievement among socioeconomic and ethnic groups are not acceptable ➤ We expect effective teacher performance toward desired results <p>Leadership</p> <ul style="list-style-type: none"> ➤ We will require the timely delivery of high-quality services to every site ➤ We will sustain and monitor a financial plan that ensures the viability of the district ➤ We will provide clear expectations and regularly support professional growth <p>Safety</p> <ul style="list-style-type: none"> ➤ We will provide a safe, clean, and orderly learning and working environment <p>Culture</p> <ul style="list-style-type: none"> ➤ We will establish collaborative relationships with staff, parents, students, and the community ➤ We strongly encourage and welcome the valuable contributions of our families ➤ We expect and depend upon individual responsibility

PROTECTION OF PROPOSITION 98 AND SUCCESSFUL IMPLEMENTATION OF THE LOCAL CONTROL FUNDING FORMULA

Proposition 98 was established in the State Constitution by voters to set a minimum funding level for California's public schools. Fresno Unified School District (District) supports full funding obligated under Proposition 98, and continues to be concerned about possible manipulations of the minimum guarantee that result in reduced funding for schools, including proposals to shift programs and costs into Proposition 98 that have historically been paid for from the state General Fund.

The District's top priority in the State Budget is to support the transition to and successful implementation of the Local Control Funding Formula, which makes progress on both the restoration of the deficit factor, as well as the additional funds for students in poverty and English learners. The District also supports the preservation of Proposition 98 funding, including opposing manipulations that falsely reduce K-12 funding.

ADDITIONAL LEGISLATIVE AND BUDGET ISSUES OF IMPORTANCE

School District Autonomy

The District opposes legislation that would impair or infringe upon the authority of the locally elected Board or interfere with the ability of District staff to carry out the objectives established by the Board. Under current law, dismissal provisions create a process that fails to empower local school boards to make a final decision in a teacher's dismissal, undermines a school board's ability to act decisively, and is costly in terms of time and resources. The District supports legislation that would expedite the dismissal process, especially in the most egregious cases, while protecting the due process rights of our employees.

Funding

The District opposes legislation that would limit local control in making spending decisions that are best for the unique circumstances of our community and the ability to direct funding toward students who require additional support to increase academic performance. The District urges full funding for prior-year mandate claims, reform of the mandate audit process, and avoidance of deferred payments.

One-Time Funding for Implementation of the "Common Core" and Adaptive Assessments

State adoption of the federal "common core" standards and participation in the Smarter Balanced Assessment Consortium will require the purchase of new textbooks, software, and possibly computer hardware for school districts to implement the new state requirements. As additional resources become available, the Legislature and Governor Jerry Brown are urged to set aside funds for allocation to school districts specifically for these one-time implementation costs, as well as any future costs of implementation.

Cost-of-Living Adjustments

The District supports legislation and Budget proposals that provide the same cost-of-living adjustment (COLA) for all education programs, regardless of whether the COLA is specified in statute. Local collective bargaining agreements do not distinguish between staff funded from base grant funds or categorical programs; all programs are entitled to the same COLA.

Special Education

The District supports legislation and budgetary proposals that provide full funding for special education, recognizing the importance of both state and federal funding providing an appropriate and adequate share of support for special education programs. This chronically underfunded federal mandate continues to put a strain on the District's General Fund, exacerbated by federal sequestration cuts to the program. We support the state backfilling the loss of federal dollars due to sequestration in 2014-15 and future years.

Declining Enrollment

The District supports legislation and budgetary proposals to assist districts in maintaining their fiscal solvency while student enrollment declines, either through fiscal relief or through additional time to make the necessary adjustments to account for the decrease in state revenue received.

School Facilities

The District supports legislation or Budget proposals that would provide funding for deferred maintenance for existing facilities and would support statewide school facilities bond proposals that would provide funding for new construction and modernization of existing facilities. The District opposes any proposal to reduce the state's match for facilities funding and supports a statewide facilities bond.

Health Care

The District supports legislation that would promote the efficient and cost effective delivery of health care services, while maintaining the District's authority to negotiate all aspects of health care benefits with its employee representatives.

Drop-Out Prevention

The District supports legislation that would provide financial assistance and/or policy changes that would assist local educational agencies to promote student attendance, reduce the drop-out rate, and increase graduation rates.

Online Education

Our schools and students now have capabilities that allow them to benefit from a wider range of instructional strategies that take advantage of technology to support technology-based learning opportunities. But state law has not kept pace and now acts as a restriction on instructional practices that could accelerate academic achievement for many students. The District supports changes in law that will broaden options to use online delivery of instructional content to K-12 students and members of our educational community while maintaining the integrity of the learning experience and student outcomes.

Bill Update

SCHOOL SERVICES OF CALIFORNIA, INC.

**Legislative Report Prepared for:
Fresno Unified School District
Status as of: December 17, 2019**

<i>Bill No./ Author</i>	<i>Title</i>	<i>Position</i>	<i>Current Status</i>	<i>Page</i>
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AB 221 Garcia, Cristina	Teachers: Third-Party Contracts: Prohibitions	Watch	Assembly Floor—Inactive File	25
AB 249 Choi	Public Employers: Employee Organizations	Watch	Assembly Public Employment and Retirement Committee	25
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AB 760 Cooper	Education Finance: Local Control Funding Formula: Pupil Transportation: Cost-of-Living Adjustment and Add-On	Support	Assembly Education Committee	30
AB 1225 Carrillo	Education Finance: Local Control Funding Formula: Youths Experiencing Homelessness	Support	Assembly Education Committee	30
SB 443 Rubio	Transitional Kindergarten: Average Daily Attendance	Support	Senate Appropriations Committee— Suspense File	30
SB 499 McGuire	School Meals: California-grown for Healthy Kids Program	Watch	Assembly Education Committee	31
SB 729 Portantino	Local Control Funding Formula: School Districts and Charter Schools	Support	Assembly Education Committee	31
SCA 5 Hill	Taxation: School Districts: Parcel Tax	Support	Senate Floor—Inactive File	31

Two-Year Bills

Accountability and Assessments

[AB 1512 \(Carrillo\)](#)

Title: Public Postsecondary Education: Community Colleges: Course Credit for Passage of International Baccalaureate Examination

Status: Assembly Higher Education Committee

Position: Support

Summary:

This bill requires community colleges to award academic credit for a score of 4 or more on an International Baccalaureate subject exam.

Charter Schools

[AB 1506 \(McCarty\)](#)

Amended: 5/17/2019

Title: Charter Schools: Statewide Total: Authorization Restrictions

Status: Assembly Floor—Third Reading

Position: Watch

Summary:

Assembly Bill 1506 would institute a cap on the number of charter schools in the state. The bill specifies that a school district, county office of education, or the State Board of Education shall not authorize a charter school:

- Above the number of operating charter schools authorized by the respective entity as of January 1, 2020
- Until after one charter school closes in its respective jurisdiction
- Unless less than 10% of the average daily attendance (ADA) of pupils attending school within the boundaries of the school district or county office of education in which the charter school would be located are enrolled in charter schools and would not result in more than 10% of the ADA enrolled in charter schools

Early Childhood Education

[AB 123 \(McCarty\)](#)

Amended: 4/29/2019

Title: Early Childhood Education: State Preschool Program: Access: Standards

Status: Senate Education Committee

Position:

Summary:

This bill aims to expand access to high-quality state preschool programs and provide additional adult support in transitional kindergarten classrooms by doing the following:

- Expand access to state preschool programs for four years olds that live in designated low-income neighborhoods
- Cap state preschool classrooms at 24 students
- By July 1, 2028, require state preschool teachers to have a bachelor's degree, 24 early childhood education units, and any other alternative certificates determined by the Commission on Teacher Credentialing
- Establish scholarship program for individuals committed to meeting the new preschool teacher requirements by July 1, 2028
- Increase full day state preschool reimbursement rates to approximately \$14,000 but requires at least 65% of the rate increase to be used to increase wages of preschool classroom staff

AB 124 (McCarty)

Amended: 4/22/2019

Title: Childcare: Local Planning Councils

Status: Assembly Appropriations Committee—Suspense File

Position: Watch

Summary:

As amended, this bill requires local childcare and development planning councils (LPCs) to provide information to cities and counties regarding facility needs for early childhood education.

AB 125 (McCarty)

Amended: 6/18/2019

Title: Early Childhood Education: Reimbursement Rates

Status: Senate Appropriations Committee

Position:

Summary:

This bill reforms the state child care and preschool reimbursement rate system into a single regionalized rate system that adequately compensates the workforce for the cost of providing care and education and improves the system quality by providing improvement incentives to fund continuing education and professional development for teachers along with efforts to improve program standards.

SB 174 (Leyva)

Amended: 6/13/2019

Title: Early Childhood Education: Reimbursement Rates

Status: Assembly Appropriations Committee

Position:

Summary:

This bill reforms the state child care and preschool reimbursement rate system into a single regionalized rate system that adequately compensates the workforce for the cost of providing care and education and improves the system quality by providing improvement incentives to fund continuing education and professional development for teachers along with efforts to improve program standards.

Employees

[AB 182 \(Rivas, Luz\)](#)

Amended: 4/2/2019

Title: Teacher Credentialing: Computer Science: Workgroup

Status: Assembly Appropriations Committee—Suspense File

Position: Watch

Summary:

As amended, this bill requires the Commission on Teacher Credentialing to establish a workgroup to determine if the development of a single subject computer science credential is warranted and, if so, to consider requirements for that credential.

[AB 221 \(Garcia, Cristina\)](#)

Amended: 4/12/2019

Title: Teachers: Third-Party Contracts: Prohibitions

Status: Assembly Floor—Inactive File

Position: Watch

Summary:

As amended in Assembly Education Committee, AB 221 no longer references Teach for America, but instead the bill prohibits local educational agencies from entering into a contract with a third party organization:

- To employ teachers who commit to teaching in the organization for fewer than five years
- To employ teachers at a Title I school
- To pay a recruitment fee when hiring teachers, consistent with an employment agency

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

Title: Public Employers: Employee Organizations

Status: Assembly Public Employment and Retirement Committee

Position: Watch

Summary:

This bill would prohibit a public employer from deterring or discouraging a public employee or an applicant to be a public employee from opting out of becoming or remaining a member of an employee organization. The bill would prohibit a public employer from taking adverse action against a public employee or applicant to be a public employee who opts out of becoming or remaining a member of an employee organization and would specify that adverse action includes reducing a public employee's current level of pay or benefits.

[AB 843 \(Rodriguez\)](#)**Amended:** 5/16/2019**Title:** Student Financial Aid: Assumption Program of Loans for Education**Status:** Senate Education Committee**Position:** Support**Summary:**

As amended, this bill authorizes the California Student Aid Commission (CSAC) to award 7,200 new warrants for the Assumption Program of Loans for Education (APLE). Additional loan assumption benefits of an unspecified amount also would be provided to a person who teaches, mathematics, science, Special Education, bilingual education, or career technical education in a school district that is determined to be in need of differentiated assistance.

[AB 1078 \(Weber\)](#)**Title:** Certificated School Employees: Permanent Status**Status:** Assembly Education Committee**Position:** Support**Summary:**

This bill extends the probationary period for certificated employees from two years to three years.

[AB 1623 \(Rivas, R.\)](#)**Amended:** 5/16/2019**Title:** Teaching Credential: Teacher Recruitment: Golden State Teacher Grant Program**Status:** Senate Education Committee**Position:** Support**Summary:**

This bill establishes the Golden State Teacher Grant Program to provide grants to students enrolled in a teacher credentialing program who commit to teaching bilingual education, math, STEM, science, or Special Education.

Governance and District Operations

[AB 177 \(Low\)](#)**Title:** Election Day Holiday**Status:** Assembly Appropriations Committee—Suspense File**Position:** Oppose**Summary:**

The bill would require community colleges and public schools to close on any day on which a statewide general election is held.

Instruction

[AB 331 \(Medina\)](#)

Amended: 7/3/2019

Title: Pupil Instruction: High School Graduation Requirements: Ethnic Studies

Status: Senate Appropriations Committee—Suspense File

Position: Support

Summary:

This bill adds a one-semester ethnic studies course as a state high school graduation requirement commencing with 2024–25, but authorizes local educational agencies to require a full-year ethnic studies course. Students may fulfill the ethnic studies requirement by completing either an ethnic studies course, or an ethnic studies course taught as another subject.

[AB 1617 \(Reyes\)](#)

Amended: 4/29/2019

Title: Pupil Instruction: High School Graduation Requirements: Financial Aid Applications

Status: Assembly Education Committee

Position:

Summary:

As a condition for receiving a high school diploma, requires all students to complete the Federal Free Application for Federal Student Aid or the California Dream Act Application, while ensuring there are avenues for students to opt-out of this requirement to avoid creating a barrier to graduation.

Mental Health

[AB 8 \(Chu\)](#)

Amended: 5/16/2019

Title: Pupil Health: Mental Health Professionals

Status: Senate Health Committee

Position: Watch

Summary:

This bill requires schools to have at least one mental health professional for every 600 pupils on or before December 31, 2024.

[AB 895 \(Muratsuchi\)](#)

Amended: 4/8/2019

Title: Pupil Mental Health Services Program Act

Status: Assembly Education Committee

Position:

Summary:

This bill would enact the Pupil Mental Health Services Program Act. The act would authorize the State Department of Education, beginning with grants for the 2020–21 school year, to award matching grants to local educational agencies for programs that provide supportive services, defined to mean services that enhance the mental health and social-emotional development of pupils, to eligible pupils at school sites.

The act would award matching grants for a period of not more than three years. The bill would prescribe the procedure for a local educational agency to apply for a matching grant. The bill would also prohibit more than 10% of the moneys allocated to the department for these purposes from being used for program administration and evaluation.

Miscellaneous

[AB 1508 \(Bonta\)](#)

Amended: 4/30/2019

Title: Pupil Nutrition: Breakfast After The Bell Program

Status: Assembly Appropriations Committee—Suspense File

Position:

Summary:

As amended, this bill provides grants for schools to serve breakfast after school already has begun, known as “Breakfast After the Bell.” The California Department of Education (CDE) would prioritize funds for schools with high proportions of low-income children.

[SB 2 \(Glazer\)](#)

Amended: 5/23/2019

Title: Statewide Longitudinal Student Database

Status: Assembly Education Committee

Position: Watch

Summary:

This bill would require the Office of Higher Education Coordination, Accountability, and Performance (Office), as proposed to be established by Senate Bill 3 (Allen), to assume the responsibilities previously assigned to the now defunct California Postsecondary Education Commission and to convene a review committee to advise the Office regarding the creation of a statewide longitudinal student database. The bill would require that every education segment (early childhood education, California Department of Education, California Community Colleges, California State University, and University of California) include a representative on the review committee.

School Safety and Student Discipline

[AB 503 \(Flora\)](#)

Title: Gun-Free School Zone

Status: Assembly Public Safety Committee

Position: Oppose

Summary:

Existing law makes it a crime to possess a firearm in a school zone. This bill would exempt from that crime a person who holds a valid concealed carry license who is carrying the firearm described in the license to, from, or in a church, synagogue, or other building used as a place of worship on the grounds of a public or private school, if the person has the written permission of the school authority and subject to specified conditions.

Special Education

[AB 428 \(Medina\)](#)

Title: Special Education Funding

Status: Senate Appropriations Committee—Suspense File

Position: Support

Summary:

This bill would implement several of the recommendations from the California Special Education Task Force and provide support to California's students with special needs by:

- Establishing a funding mechanism to support Special Education preschool programs by adding preschoolers to the Assembly Bill (AB) 602 funding formula
- Addressing long-standing inequities by equalizing Special Education funding rates to the 95th percentile over a five-year period
- Providing a supplemental grant to support students with greater needs, including students on the autism spectrum, and students who are blind, visually impaired, and intellectually disabled
- Amending the current AB 602 calculation to allow the greater of the current or prior school year average daily attendance (ADA) for each district in a multiple district Special Education Local Plan Area (SELPA) to be used in determining total SELPA ADA

[SB 217 \(Portantino\)](#)

Amended: 5/17/2019

Title: Special Education: Individuals With Exceptional Needs

Status: Assembly Education Committee

Position: Support

Summary:

Senate Bill (SB) 217 creates the Special Education Early Intervention Grant Program, which provides school districts with \$4,000 per child to increase inclusive access to early education programs for children with exceptional needs. SB 217 also expands eligibility for transitional kindergarten to include children with exceptional needs turning five years old at any time during the school year.

State Budget, Education Finance, and LCFF

[AB 39 \(Muratsuchi\)](#)

Amended: 8/30/2019

Title: Education Finance: Local Control Funding Formula: Aspirational Funding Level: Reports

Status: Senate Floor—Third Reading

Position: Support

Summary:

This bill would specify new, higher Local Control Funding Formula (LCFF) base grant amounts beginning with the 2020–21 fiscal year, which would also increase the supplemental and concentration grant amounts and result in various other changes to funding calculations for purposes of the LCFF.

[AB 575 \(Weber\)](#)

Title: Education Finance: Local Control Funding Formula: Supplemental Grants: Lowest Performing Pupil Subgroup or Subgroups

Status: Assembly Education Committee

Position:

Summary:

This bill would adjust the definition of “unduplicated pupils” to include pupils who are included in the lowest performing subgroup or subgroups, as defined, based on the most recently available mathematics or language arts results on the California Assessment of Student Performance and Progress.

[AB 760 \(Cooper\)](#)

Amended: 3/18/2019

Title: Education Finance: Local Control Funding Formula: Pupil Transportation: Cost-of-Living Adjustment and Add-On

Status: Assembly Education Committee

Position: Support

Summary:

This bill adds a cost-of-living adjustment to Home to School Transportation Program funds and incrementally equalizes pupil transportation funding to 90% of a local educational agency's approved transportation cost expenditures.

[AB 1225 \(Carrillo\)](#)

Amended: 3/26/2019

Title: Education Finance: Local Control Funding Formula: Youths Experiencing Homelessness

Status: Assembly Education Committee

Position: Support

Summary:

This bill adds homeless students to the categories of Local Control Funding Formula (LCFF) unduplicated pupils, and allows foster youth who are homeless to be counted twice under LCFF.

[SB 443 \(Rubio\)](#)

Title: Transitional Kindergarten: Average Daily Attendance

Status: Senate Appropriations Committee—Suspense File

Position: Support

Summary:

This bill provides average daily attendance for all TK students, regardless of when the student turns five years old.

[SB 499 \(McGuire\)](#)**Amended:** 5/17/2019**Title:** School Meals: California-Grown for Healthy Kids Program**Status:** Assembly Education Committee**Position:** Watch**Summary:**

Existing law authorizes schools participating in certain federal school meals programs to establish a base year for purposes of calculating the number of pupils at the school who are eligible for free or reduced price meals by determining each pupil's eligibility status in that base year and using that number to report eligibility for up to each of the following three school years. This bill would additionally allow schools participating in those federal school meals programs to establish a base year by carrying over the number of pupils at the school who were eligible for free or reduced price meals from the school year in which the school applied to use a federal universal school meal provision.

[SB 729 \(Portantino\)](#)**Amended:** 3/27/2019**Title:** Local Control Funding Formula: School Districts and Charter Schools**Status:** Assembly Education Committee**Position:** Support**Summary:**

As amended March 27, 2019, this bill adjusts the LCFF base grant for the 2019–20 fiscal year with a 5.16% cost-of-living adjustment.

[SCA 5 \(Hill\)](#)**Amended:** 4/22/2019**Title:** Taxation: School Districts: Parcel Tax**Status:** Senate Floor—Inactive File**Position:** Support**Summary:**

This bill would place a proposition on the ballot that would lower the parcel tax threshold for school and community college districts from two-thirds to 55%.

Fresno Unified School District
Board Communication

BC Number AS-3

From the Office of the Superintendent
To the Members of the Board of Education

Date: January 10, 2020

Prepared by: Kim Kelstrom, Executive Officer

Phone Number: 457-3907

Cabinet Approval:

Kim Kelstrom

[Signature]

Regarding: Charter School 2018/19 Audit Reports and 2019/20 First Interim Financial Reports

The purpose of this communication is to provide the Board an update on the Charter School 2018/19 Audit Reports and the 2019/20 First Interim Financial Reports.

2018/19 Audit Reports

Each charter school provided a copy of their audited financial statements as of June 30, 2019 to Fresno Unified School District. All charter schools received unmodified opinions. However, several findings and audit adjustments were reported. An audit finding occurs when an entity does not meet certain audit criteria; an audit adjustment occurs when a general ledger error is identified and corrected.

Audit findings and adjustments are as follows:

- University High School under-reported Average Daily Attendance (ADA) by 0.42 ADA at the time of P-2 and 0.72 ADA on the annual attendance report. This has a fiscal impact of approximately \$4,000.
- Aspen Meadow incorrectly reported expenditures in 2019/20 rather than 2018/19. As a result, their ending fund balance was adjusted by \$8,139.
- Aspen Valley Preparatory Academy incorrectly reported expenditures in 2019/20 rather than 2018/19. As a result, their ending fund balance was adjusted by \$8,052.
- Carter G. Woodson Charter incorrectly recorded expenditures and revenues in 2019/20 rather than in 2018/19. As a result, their ending fund balance increased by \$84,356.

2019/20 First Interim Financial Reports

The attached chart shows 2019/20 Charter School's First Interim Financial Projections and Average Daily Attendance (ADA). All charter schools are projected to have a positive ending fund balance.

The following observations were made regarding the charter schools' financial activities, ADA trends, and projections that will continue to be monitored by the district:

- Aspen Valley Preparatory Academy has decreased ADA projections by approximately 40 students due to less than anticipated enrollment.
- Carter G. Woodson Charter has decreased ADA projections by approximately 20 students due to less than anticipated enrollment.

The district continues to work with the charter schools to address changes in financial reporting to ensure compliance. Staff will continue to update the Board as information becomes available.

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

Approved by Superintendent

Robert G. Nelson Ed.D.


[Signature]

Date: 1/10/2020

Charter Schools	Audited Beginning Balance	Estimated Revenues	Estimated Expenditures	Estimated Ending Fund Balance	Estimated P-2 ADA
Aspen Meadow	\$ 143,953	\$ 3,130,022	\$ 3,125,329	\$ 148,646	224
Aspen Valley Preparatory Academy	\$1,460,922	\$ 5,088,891	\$ 5,086,767	\$ 1,463,046	400
Carter G. Woodson Public Charter	\$1,350,123	\$ 5,363,543	\$ 5,128,687	\$ 1,584,979	370
Morris E. Dailey Charter	\$3,443,976	\$ 3,880,443	\$ 3,804,772	\$ 3,519,647	390
School of Unlimited Learning	\$ 744,905	\$ 2,556,098	\$ 2,556,098	\$ 744,905	165
Sierra Charter	\$2,818,958	\$ 5,458,233	\$ 5,181,229	\$ 3,095,962	415
University High	\$3,059,647	\$ 5,248,623	\$ 5,262,705	\$ 3,045,565	476

Fresno Unified School District
Board Communication

BC Number AS-4

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Ruth F. Quinto, Deputy Superintendent/CFO
Cabinet Approval: 

Date: January 10, 2020
Phone Number: 457-6225

Regarding: 2020 Further Consolidated Appropriations Act

The purpose of this communication is to provide the Board an update related to the Affordable Care Act (ACA).

In late December 2019, President Trump signed into law the 2020 Further Consolidated Appropriations Act. This Act included important changes for employer-sponsored health plans, repealing three taxes enacted as part of the ACA and extending one.

- **Repealed – Cadillac Tax.** This measure would have imposed a 40% excise tax on plans with annual premiums exceeding \$10,800 for individuals or \$29,500 for a family. Implementation of the tax was scheduled to occur in 2018 but was delayed to 2022. While the Cadillac Tax was never levied, its looming presence made it difficult for employers to plan future benefit levels and costs.
- **Repealed – Health Insurance Tax (HIT).** This provision went into effect in 2014 and imposed an annual tax on health insurers. Actuarial analyses found the tax added to the cost of coverage in all market segments, including individual, large, and small employers. In 2018, Congress enacted a one-year suspension. If not repealed, the HIT would have imposed an estimated \$16 billion tax on health plans in 2020.
- **Repealed – Medical Device Tax.** This was a 2.3% excise tax on the value of medical devices (X-ray machines, hospital beds, MRI machines) sold in the United States. Since enactment in 2013, it was suspended twice. Critics of the tax cite research that shows it lowered the medical device industry's research and development spending.
- **Extended – Patient-Centered Outcomes Research Institute (PCORI).** This annual fee is a tax on health plans and served as an initial funding mechanism for the federal program which funds research on the comparative effectiveness of medical treatments. The fee (which is set annually) is paid by insurers for fully-insured plans and employers sponsoring self-insured plans. It was set to sunset this year, with the last payment due on July 31, 2019. Most recently Fresno Unified PCORI fees have been as follows: \$59,044 for 2017/18 and \$55,562 for 2016/17. The Appropriations Act extends the PCORI fee for another 10 years.

If you have any questions or require further information, please contact Ruthie Quinto at 457-6225.


Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 01/10/2020

Fresno Unified School District
Board Communication

BC Number AS-5

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Santino Danisi, Executive Officer
Cabinet Approval: 

Date: January 10, 2020

Phone Number: 457-3661



Regarding: Federal Program Monitoring

The purpose of this communication is to inform the Board of the upcoming Federal Program Monitoring (FPM) review. The purpose of the review is to ensure compliance with statutory regulations that accompany the receipt of federal funding and it is facilitated by the California Department of Education (CDE). Districts that receive a large portion of federal funding, such as Fresno Unified, are reviewed every two years, rotating between an on-line and on-site review. This year's review will include an on-site visit from CDE staff beginning January 27, 2020 and concluding February 07, 2020.

Schools selected for the review are Hidalgo, Kings Canyon, Lane, McLane, Roosevelt, Scandinavian and Sunnyside. In preparation for the visit, schools have uploaded required evidence documentation relating to their School Plan for Student Achievement (SPSA), School Site Council (SSC), employee time accounting, parent involvement policies and services to support English language learners. CDE staff has begun reviewing the information to prepare for their visit.

In addition to the review of school sites, CDE monitors different program areas to ensure compliance. This year the areas of review include:

- Adjusted Cohort Graduation Rate
- Adult Education
- Compensatory Education
- Career Technical Education
- Education Equity
- Early Learning and Care
- English Learners
- Expanded Learning Programs
- Fiscal Monitoring
- Uniform Complaint Procedure

Internally, the review is supported by various department and school site administrators who received training from CDE over the summer. The Office of State and Federal Programs coordinates all communication and documentation collection with CDE.

Staff will update the Board as the FPM review progresses and at the conclusion staff will provide the Board an update on any findings, recommendations, or resolutions required as a result of the review.

If you have any questions or require additional information, please contact Santino Danisi at 457-3661.


Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 1/10/2020

Fresno Unified School District
Board Communication

BC Number C-1

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Maiyer Vang, Interim Executive Director
Cabinet Approval: 

Date: January 10, 2020

Phone Number: 457-3390

Regarding: Southeast Asian Family Education Conference

The purpose of this communication is to provide the Board information regarding the 2nd Annual Southeast Asian Family Education Conference. Parent University, The Fresno Center and California State University, Fresno have collaborated to bring the Journey to Success Southeast Asian Family Conference. The conference will be held at the Fresno State University Satellite Student Union, 2485 E. San Ramon Ave. on Saturday, January 18, 2020 from 9:00 a.m. to 2:30 p.m.

This year's conference will provide parents and students an opportunity to participate in educational leadership workshops and to obtain scholarship/resource information in multiple languages. The keynote speaker will be Tou Ger Xiong, a Hmong comedian, advocate, and educator from St. Paul, Minnesota. He will also facilitate two workshop sessions for students and parents. The conference will also provide information about the importance of the 2020 Census and the Local Control and Accountability Plan (LCAP). A flyer is attached for your information.

If you have any questions or require additional information, please contact Maiyer Vang at 559-457-3390.

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



Date: 1/10/2020

SOUTHEAST ASIAN FAMILY EDUCATION CONFERENCE

Journey to Success!



**SATURDAY,
JANUARY 18, 2020
9:00 AM – 2:30 PM
FRESNO STATE
Satellite Student Union
(2485 E San Ramon Avenue, Fresno, CA 93710)**

Keynote Speaker:

Touger Xiong

FREE
Parking,
Lunch, and
Childcare

- **Student/Parent Workshops**
(Hmong, Lao & Khmer)
- **Resource Fair**
- **Entertainment**



For more information please call: (559) 905-7373




To RSVP: <https://forms.gle/mz43K74811taUmiK9>



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: Karin Temple, Chief Operating Officer
Cabinet Approval: 

Date: January 10, 2020

Phone Number: 457-3134

Regarding: Fresno Metropolitan Flood Control District – Recommended Agreement Regarding Fees

The purpose of this communication is to provide the Board backup documents and updated information regarding item B-18 on the January 15, 2020 Board meeting agenda, *Discuss and Approve Master Agreement with Fresno Metropolitan Flood Control District for Payment of Drainage Fees*.

Attached are:

- Master Drainage Fee Settlement Agreement
- Exhibit A – Drainage Facility Fee Credit Agreement (documents that the district spent more than the required drainage fee obligation to install flood control improvements at the Service Center and therefore is entitled to future fee credits)
- Exhibit B – Prior Impact Fee Schedule (future payments due, by site)
- Exhibit C – Drainage Facility Development Agreement (template for future project specific fee payment arrangements)

As previously reported to the Board, the most heavily negotiated aspect of the recommended agreement addresses the district paying Flood Control for services and facilities that support campuses developed/expanded during the several decades the dispute for such service payments existed. Exhibit B provides a schedule of school sites and each site's "prior" service fee obligation. Per the agreement, any prior service fee obligations are payable only when there is a new project on a site with a scheduled prior obligation, that would also generate stormwater runoff. That new project's Flood Control fee will include a "surcharge" that funds the documented prior service fees. A project's surcharge amount is scaled based on the total construction cost of the new development, and will not exceed 2% of the construction cost (unless the site's prior fee is less than \$5,000).

The prior fees to be paid over time, as new projects are developed, totals \$750,253, as indicated on the last page of Exhibit B. The increase from what was reported previously is due to recent projects not included in the prior documentation.

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

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



Date: 1/10/2020

MASTER DRAINAGE FEE SETTLEMENT AGREEMENT

(Fresno Metropolitan Flood Control District – Fresno Unified School District)

THIS MASTER DRAINAGE FEE SETTLEMENT AGREEMENT (this "Agreement") is entered into this ___ day of _____, 2020 (the "Effective Date"), by and between the Fresno Metropolitan Flood Control District, a California public corporation ("FMFCD"), and Fresno Unified School District, a California Public School District ("FUSD"). FMFCD and FUSD are referred to herein in their singular as a "Party" and collectively as the "Parties."

RECITALS

A. FMFCD, which was formed pursuant to the Fresno Metropolitan Flood Control District Act (California Water Code Appendix 73), provides flood control and urban storm water services in an approximately 400-square mile watershed located between the Kings and San Joaquin Rivers. The Fresno/Clovis urban area is served by a system of approximately 655 miles of pipeline, 158 drainage areas, and 153 storm water retention basins ("FMFCD Infrastructure"). FMFCD's service area is broken into three distinct zones: Zone 1 is the perimeter of the original core of the cities of Fresno and Clovis; Zone 2 is the original core area of the City of Fresno; and Zone 3 is the original core area of the City of Clovis. As a result of developmental impacts and for regulatory compliance purposes, FMFCD collects fees to defray all or part of the estimated costs of constructing and improving FMFCD Infrastructure in order to control and capture surface and storm water from local drainage areas established by FMFCD.

B. FUSD is the fourth largest school district in California, serving approximately 73,000 students at approximately 104 high school, middle school and elementary school campuses and support facilities. FUSD develops, owns, and operates school sites and other facilities within FMFCD's boundaries. FUSD has developed a master facilities plan (the "Plan") to periodically construct new campuses and construct on existing school campuses.

C. A dispute has arisen between the Parties concerning FUSD's payment of drainage fees. In most cases, landowners who seek to develop their property within FMFCD boundaries must comply with the FMFCD drainage fee ordinance with respect to defraying the costs of developing FMFCD infrastructure necessary to provide drainage services to developed lands in order to promote and protect the public safety, peace, comfort, and general welfare. A separate statutory scheme exists for school districts. Government Code section 54999, *et seq.* (the "San Marcos Legislation") provides in pertinent part that FMFCD shall charge and FUSD shall pay capital facilities fees to provide drainage facilities to FUSD campuses only if an agreement has been reached between the two agencies through negotiations entered into by both parties. To date, FMFCD and FUSD have not entered into a master agreement for FUSD projects.

D. The Parties acknowledge that Education Code section 17577 provides FUSD the alternative of developing systems to dispose of drainage away from school properties or acquire disposal rights in systems for such purposes constructed by others. Notwithstanding

such alternative, FUSD desires to pursue services from FMFCD and thereupon pay capital facilities fees to FMFCD pursuant to the authorities provided under the San Marcos Legislation.

E. By this Agreement, the Parties agree, among other things, that FUSD shall reimburse FMFCD for drainage fees for projects constructed by FUSD after December 31, 1986 and prior to the Effective Date of this Agreement, pursuant to the payment of a "Prior Impact Fee", whose amounts and payment terms are set forth herein. This Agreement also establishes the mechanism for FUSD and FMFCD to determine the amount and payment terms for capital facilities fees attributable to future FUSD projects, in consideration of FMFCD providing storm drainage services that benefit FUSD properties.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by this reference, and of the covenants and provisions contained in this Agreement, the Parties agree as follows:

1. Prior Impact Fees.

(a) Service Center. FUSD has constructed the Service Center Administration facility located at 4600 N. Brawley Avenue in Fresno, within Zone 1 (the "Service Center Project"). Concurrently with the execution of this Agreement, the Parties shall enter into a new Drainage Facility Development Agreement, attached hereto as Exhibit "A", and incorporated herein by this reference, establishing FMFCD's drainage fee and FUSD's reimbursement contract rights associated with infrastructure completed as part of the construction of the Service Center Administration facility respectively.

(b) Zone 2 – New Campuses. As of the Effective Date, the Parties agree that the amount of unpaid drainage fees for New Campuses in Zone 2 is generally comparable to various credits FMFCD owes to FUSD for constructing FMFCD Master Plan improvement projects. The new campuses are: Anthony, Bakman, Greenberg, Hildago, Leavenworth, and Williams Elementary Schools, and Sunnyside High School. Therefore, FUSD shall not pay any Prior Impact Fees to FMFCD for the New Zone 2 Projects and FUSD shall not receive any additional credit associated with improvements to FMFCD's Master Plan.

(c) Improvements to Previously Existing School Sites. FUSD shall pay Prior Impact Fees to FMFCD based upon the Prior Impact Fee schedule (the "Prior Impact Fee Schedule") as provided in Exhibit "B," attached hereto and incorporated herein by this reference. The Parties acknowledge that the Prior Impact Fee Schedule uses the homogenized drainage fee rate of R-4 that was applicable during the time each improvement was made at the FUSD campus multiplied by the acreage improved after December 31, 1986 for each applicable FUSD campus. FUSD shall pay? Prior Impact Fees to FMFCD for improvements to previously existing school sites made after December 31, 1986 in the manner described in Section 1(d) below.

(d) Payment Terms. FUSD shall pay Prior Impact Fees on a campus-by-campus basis. Each payment will be triggered by new construction (the "Impacting Improvement" and as further defined below) that would otherwise result in a drainage fee

payment to the District as described in Section 3 below. Each Prior Impact Fee then due is to be calculated based upon the entire construction cost of the Impacting Improvement using the following method:

(1) If the Prior Impact Fee for the campus is less than \$5,000 as described in the Prior Impact Fee Schedule, FUSD shall remit the entire Prior Impact Fee to FMFCD, along with any additional drainage fees payable pursuant to Section 3 below.

(2) If FUSD estimates that the construction cost for the Impacting Improvement is between \$5,000 and \$250,000, FUSD shall remit to FMFCD, along with any additional drainage fee determined pursuant to Section 3 associated with the Impacting Improvement, 25% of the Prior Impact Fee attributable to that campus as described in the Prior Impact Fee Schedule. Any remainder Prior Impact Fee attributable to that campus shall be paid in the future according to this same formula.

(3) If FUSD estimates that the construction cost for the Impacting Improvement is between \$250,000 and \$500,000, FUSD shall remit, along with any additional drainage fee determined pursuant to Section 3 associated with the Impacting Improvement, 50% of the Prior Impact Fee attributable to that campus as described in the Prior Impact Fee Schedule. Any remainder Prior Impact Fee attributable to that campus shall be paid in the future according to this same formula.

(4) If FUSD estimates that the construction cost for the Impacting Improvement to be \$500,000 or more, FUSD shall remit, along with any additional drainage fee determined pursuant to Section 3 associated with the Impacting Improvement, the entire Prior Impact Fee attributable to that campus as described in the Prior Impact Fee Schedule.

(e) The Parties acknowledge that, notwithstanding the provisions of Sections 1(d)(2) through (4) above, except for payments made pursuant to Section 1(d)(1), all installments of the Prior Impact Fee shall be capped at two percent (2%) of the total construction cost of the Impacting Improvement.

(f) The Parties further acknowledge that, notwithstanding the provisions of Sections 1(d) above, where the Impacting Improvement is conducted as part of a utility installation by a utility provider, or is being conducted by third parties installing facilities that support services being provided to FUSD, but whose initial construction is paid for by the funds of such party, no Prior Impact Fee payment shall be due. This provision reflects the intention of the Parties that a Prior Impact Fee payment is generally to be due only when there is construction funding available to FUSD. However, the Parties further intend that there would be infrequent instances where installations of the type referenced above are conducted.

2. Future FUSD Improvements to Previously Existing School Sites.

(a) Concurrent with the submittal of proposed construction plans to the California Division of State Architect or any other applicable permitting authority, FUSD shall submit to FMFCD a request for an Impact Evaluation (an "IE") for any proposed improvements to a campus that could reasonably be construed by a licensed engineer as an Impacting Improvement.

(b) Within thirty (30) days of receipt of a request for an IE, FMFCD shall issue to FUSD an IE. The IE will specify whether or not FMFCD reasonably believes the improvement is an Impacting Improvement, and if so, the applicable drainage fee for the Impacting Improvement which, in FMFCD's reasonable determination, will provide FMFCD payment of a "capital facilities fee" as that term is defined in Government Code Section 54999.1(c)(1). This payment shall defray the costs of improvements to FMFCD Infrastructure necessary to assure appropriate drainage of the FUSD campus (hereinafter referred to as "drainage fees"). When calculating the drainage fees for an Impacting Improvement, FMFCD shall use R-3 rate for elementary school campuses and an R-4 rate for middle school and high school campuses, or their proportional equivalent in the event drainage fee designations are materially modified by FMFCD. In addition to the payment of fees, the IE may also include reference to other FMFCD Infrastructure improvements and comments concerning desirable design elements or improvements concerning the FUSD project that FMFCD believes are reasonably necessary to meet the community storm drainage collection system standards.

(c) Within sixty (60) days of receiving the IE, FUSD shall both pay drainage fees and acknowledge the need to provide for the other improvements contained in the IE, or notify in writing FMFCD of its disagreement with the drainage fee amount and/or need for other improvements.

(d) The Parties will work cooperatively to resolve any disagreements regarding the determinations set forth in an IE. If the Parties cannot informally resolve any specific matter, the Parties will agree upon an independent third-party with sufficient expertise regarding engineering standards associated with the effective control of storm water to mediate the matter. In the event such dispute resolution fails or if FMFCD asserts that FUSD has failed to submit an Impacting Improvement to FMFCD, a Party shall submit such matter to the governing board of the other agency as a condition precedent to filing an action in a court of competent jurisdiction pursuant to Section 14 below. After FMFCD and FUSD have completed consultations, they shall enter into a site specific agreement addressing the required drainage fees, or other FMFCD Infrastructure improvements, using the template agreement set forth as Exhibit "C".

(e) The requirement to conduct the consultations with FMFCD required by Sections (a) through (d) above shall be incorporated by FUSD into the General Conditions that govern engineering services agreements for projects that involve proposed improvements to a campus that could reasonably be construed by a licensed engineer as an Impacting Improvement.

(f) In addition to the foregoing, as an additional means of assuring that FUSD and FMFCD are effectively communicating concerning FUSD future projects and FMFCD facility capacities and constraints, FUSD and FMFCD shall conduct quarterly meetings to discuss the status of projects for which an IE has been requested, as well as potential future FUSD projects for which an IE has not yet been requested due to such projects longer term planning horizon. As part of each such quarterly meetings, FUSD shall provide a report on the status of the installation, removal, and relocation of any and all temporary buildings (including portable classrooms) conducted during the preceding quarter.

(g) For purposes of this Agreement, the term "Impacting Improvement" means any building, structure, or other improvement or the construction, erection, or installation thereof, in, over, or upon, any parcel of land that is reasonably determined to materially alter the natural surface of the land or restricts imperviousness of the soil, including paving (concrete and asphalt) and landscaping. The Impacting Improvements shall also include the construction of buildings, structures, or other improvements over areas associated with a Prior Impact Fee improvement area made after December 31, 1986. The Parties also agree that an Impacting Improvement does not include any temporary building (including portable classroom), structure or other improvement, or the construction, erection, or installation thereof, which shall not be maintained more than one year or, if erected or installed for use in the performance of the work of a construction project, until the completion of the construction of such work. In addition, an Impacting Improvement does not include any temporary building (including portable classroom), structure or other improvement relocated from another campus site for which a Prior Impact Fee, and/or for which any capital facilities fees, were previously paid to FMFCD.

3. Future New Campuses.

(a) Prior to submitting the proposed construction plans for a new school (the "New Campus Project") to the FUSD Board of Directors and to the California Division of State Architect or any other applicable permitting authority, FUSD shall submit to FMFCD the proposed construction plans for the New Campus Project, and request an IE respecting the New Campus Project. The Parties anticipate that any such New Campus Project will have previously been the subject of consultations between FUSD and FMFCD to be conducted pursuant to Section 2(f) above.

(b) Within thirty (30) days of receipt of the request of an IE for the New Campus Project, FMFCD shall issue FUSD an IE that will specify FMFCD's determination of the applicable drainage fee for the New Campus Project, which, in FMFCD's reasonable determination, are improvements to FMFCD Infrastructure necessary to assure appropriate drainage of the New Campus Project. When calculating the drainage fees for a New Campus Project, FMFCD shall use R-3 rate for elementary school campuses and an R-4 rate for middle school and high school campuses, or their proportional equivalent in the event drainage fee designations are materially modified by FMFCD. In addition to the payment of fees, the IE may also include reference to other FMFCD Infrastructure improvements and comments concerning desirable design

elements or improvements concerning the New Campus Project that FMFCD believes are reasonably necessary to meet the community storm drainage collection system standards.

(c) The Parties will work cooperatively to resolve any disagreements regarding FMFCD's comments or the IE. If the Parties cannot informally resolve this matter, the Parties will agree upon an independent third-party with sufficient expertise regarding engineering standards associated with the effective control of storm water to mediate the matter. In the event such dispute resolution fails or if FMFCD asserts that FUSD has failed to submit the New Campus Project to FMFCD, a Party shall submit such matter to the governing board of the other agency as a condition precedent to filing an action in a court of competent jurisdiction pursuant to Section 13 below.

(d) After FMFCD and FUSD have completed consultations, they shall enter into a site specific drainage facilities agreement addressing the required drainage fees, or other FMFCD Infrastructure improvements, in a form materially similar to the template agreement set forth as Exhibit "C".

4. FMFCD Acceptance of Facilities. Within sixty (60) days of the Effective Date, FMFCD shall accept ownership of all Master Plan facilities constructed by FUSD to support the FMFCD Infrastructure. However, FMFCD's acceptance of such Master Plan facilities shall not obligate it to accept any encumbrances not related to FMFCD Infrastructure associated with such real property.

5. Term. The Parties intend that the term of this Agreement shall continue indefinitely, until terminated by either Party pursuant to its provisions. Either Party may in its sole discretion terminate this Agreement by giving one hundred eighty (180) days written notice to the other Party. Notwithstanding the foregoing, neither party may issue a notice of termination for a period of four (4) years following its Effective Date except for material breach by either Party.

6. 1542 Waiver. Except for the obligations provided for in this Agreement, each Party hereby releases, acquits, and forever discharges the other party, and their respective agents, officers, directors, attorneys, representatives, servants, predecessors, successors, heirs, executors, administrators, employees, employers, principals, partners, shareholders, joint venturers, parents, subsidiaries, and affiliates, and related companies of and from any and all claims, actions, causes of action of any nature, and for all civil liabilities and obligations of every kind and character they now have or in the future may have arising out of or related to the claims and allegations set forth in this Agreement and any matters related thereto. The parties waive the benefits of the provisions of Section 1542 of the Civil Code of the State of California which reads as follows:

"A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party."

Each of the parties understands and acknowledges the significance and consequence of waiving Section 1542 of the Civil Code of the State of California, and has discussed said waiver with their attorneys, or has had the opportunity to discuss said waiver with their attorneys and have declined to do so. Each of the parties to this Agreement acknowledge that they have been represented by independent legal counsel of their own choice throughout all of the negotiations which preceded the execution of this Agreement, or have had the opportunity to be represented by independent legal counsel but have declined to do so, and that they have executed this Agreement after receiving, or after having had the opportunity to receive the advice of such counsel. Notwithstanding the foregoing, this waiver shall not apply to any claims for contribution or indemnity that FMFCD may pursue against FUSD that arises due to claims of third parties concerning improvements previously constructed by FUSD; provided, however, that FUSD shall owe no contribution or indemnity obligations to FMFCD unless FMFCD is successful in demonstrating in such legal proceedings that the improvements constructed by FUSD did not satisfy applicable design standards of FMFCD when constructed. In addition, if FUSD terminates or materially breaches this Agreement, FMFCD may pursue any rights or remedies allowed by law. The Parties agree that this Agreement is not intended to impact or toll any applicable statute of limitations concerning a claim asserted by either Party.

7. Assignment. This Agreement may not be assigned by either Party without the express written consent of the other.

8. Notices. All notices under this Agreement must be in writing and may be delivered in person (by hand or by courier) or may be sent by regular, certified, or registered mail, or U.S. Postal Service Express Mail, with postage prepaid, by facsimile transmission, or by electronic transmission (email) and shall be deemed sufficiently given if served in a manner specified in this paragraph. The addresses and addressees noted below are that Party's designated address and addressee for delivery or mailing of notices. Either Party may, by written notice to the other Party, specify a different address for notice. Any notice sent by registered or certified mail, return receipt requested, shall be deemed given on the date of delivery shown on the receipt card, or if no delivery date is shown, three (3) days after the postmark date. If sent by regular mail, the notice shall be deemed given forty-eight (48) hours after it is addressed as required in this paragraph and mailed with postage prepaid. Notices delivered by United States Express Mail or overnight courier that guarantee next day delivery shall be deemed given twenty-four (24) hours after delivery to the Postal Service or courier. Notices transmitted by facsimile transmission or similar means (including email) shall be deemed delivered upon telephone or similar confirmation of delivery (confirmation report from fax machine is sufficient), provided a copy is also delivered via personal delivery or mail. If notice is received after 4:00 p.m. or on a Saturday, Sunday or legal holiday, it shall be deemed received on the next business day.

Fresno Unified School District
Attention: Assistant Superintendent
Department of Facilities Management and Planning
4600 N. Brawley Avenue
Fresno, California, 93722

Fresno Metropolitan Flood Control District
Attention: General Manager-Secretary
Fresno Metropolitan Flood Control District
5469 East Olive Avenue
Fresno, California 93727
Facsimile Number: (559) 456-3194

With a copy to: Kenneth J. Price, Esq.
Baker Manock & Jensen, PC
5260 North Palm Avenue, Suite 421
Fresno, California 93704
Facsimile Number: (559) 432-5620

Each Party shall promptly notify the other Party of any change of address or contact person.

9. Binding Effect. This Agreement shall be binding on and inure to the benefit of the heirs, executors, administrators, successors and assigns of the Parties hereto.

10. Time is of the Essence. Time is expressly declared to be of the essence of this Agreement.

11. Severability. In the event any provisions in this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions in this Agreement.

12. Choice of Law; Venue. This Agreement shall be construed and governed by the laws of the State of California, without regard to its conflict of laws provisions, and any action brought regarding this Agreement shall be brought in state or federal court in Fresno, California.

13. Amendment. This Agreement states the entire agreement among the parties and supersedes their prior agreements, negotiations or understandings. Each of these parties acknowledges and agrees that no other party, nor agent, nor attorney of any of the parties made any promises, representation or warranty, express or implied, not set forth in this Agreement. Each party acknowledges that such party has not executed this Agreement in reliance on any promise, representation, conduct or warranty of any other party not expressly set forth in this Agreement.

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IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date written above.

"FMFCD"

"FUSD"

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, a California public corporation

FRESNO UNIFIED SCHOOL DISTRICT, a California Public School District

By: _____
James E. Burleson, Jr., Board Chair

By: _____
Keshia Thomas, Board President

By: _____
Alan Hofmann, General Manager

By: _____
Robert G. Nelson, Superintendent

Approved as to form:

Approved as to form:

BAKER MANOCK & JENSEN, PC

McCORMICK BARSTOW SHEPPARD WAYTE AND CARRUTH, LLP

By: _____
Kenneth J. Price
Attorneys for "FMFCD"

By: _____
Jeffrey M. Reid
Attorneys for "FUSD"

- Exhibit A: Drainage Facility Development Agreement – Service Center Administration
- Exhibit B: Prior Impact Fee Schedule
- Exhibit C: Template for Future Drainage Facility Development Agreements

1F1C
AGREEMENT No.
825(D) AG-14/15

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
DRAINAGE FACILITY FEE CREDIT AGREEMENT
(Drainage Fee and Credit)

WHEREAS, Fresno Unified School District ("FUSD") completed construction of the development identified as the Service Center (the "Development") on real property bearing Fresno County Assessor's Parcel Number(s) [424-021-10, 424-041-02]; and,

WHEREAS, pursuant to the terms of that certain Master Drainage Fee Settlement Agreement between FUSD and Fresno Metropolitan Flood Control District ("District"), dated _____, 2020 (the "Fee Agreement"), FUSD and the District have entered into an agreement in accordance with the provisions of Government Code Section 54999.3(b) to authorize the District to receive payments from FUSD for capital facilities fees, in accordance with the terms of the Fee Agreement; and,

WHEREAS, the District and FUSD are hereinafter referred to individually as "Party" and collectively as "Parties"; and,

WHEREAS, the Fee Agreement further provides that FUSD is entitled to a reimbursement contract for its prior construction of certain storm drainage facilities that, under the terms of the Drainage Fee Ordinance of District ("District Ordinance") are described in the Master Plan and identified as Creditable Facilities on Exhibit No. 1 attached hereto ("Creditable Facilities"), which were constructed as part of the Development; and,

WHEREAS, the District previously estimated the cost of constructing those Creditable Facilities (including reasonable engineering fees), in the amount detailed in Paragraph No. 2 below (the "Construction Costs"); and,

WHEREAS, neither the District nor FUSD has additional information concerning the actual costs of construction of the Creditable Facilities, and therefore agree, for purposes of these Creditable Facilities, to rely upon the original document and statement amounts as the finally determined Construction Costs for the Creditable Facilities; and,

WHEREAS, the drainage fees that the District would have imposed under the terms of the District Ordinance at the time FUSD constructed the Development is set forth in Paragraph No. 1 below (the "District Fees"); and,

WHEREAS, the Construction Costs for the Creditable Facilities exceeds the District Fees by the amount shown in Paragraph No. 3 below (the "Excess Credit"), and therefore, pursuant to the Fee Agreement, and consistent with Section 4.106.0-(8) of District Ordinance, the District is hereby providing FUSD a reimbursement contract for the amount of the Excess Credit.

NOW THEREFORE, in consideration of the recitals set forth above, which are herein

incorporated by this reference, and the mutual covenants and undertakings set forth herein, the mutual receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows.

	<u>Preliminary Amount</u>	<u>Final Amount</u>
1. Drainage Fee:	<u>\$115,000.00</u>	<u>\$115,000.00</u>
2. Creditable Facilities Construction Costs:	<u>\$410,000.00</u>	<u>\$363,848.00</u>
3. Subject to Paragraph No. 4 below, District shall pay to FUSD the Excess Credit in the following amount:	<u>\$295,000.00</u>	<u>\$248,848.00</u>
4. If, as and when District receives sufficient drainage fees paid with respect to the local drainage area served by the Creditable Facilities and has fully paid all reimbursements pursuant to any Drainage Facility Development Agreement ("Development Agreement") whose Final Date (as defined therein) is prior to the Date of this Agreement (which for purposes of this Agreement is its Final Date), District shall pay to FUSD (to the extent drainage fee funds are available from time to time) reimbursement in installments or partial payments in accordance with Section 4.106.0-(8) of District Ordinance until District has fully paid the final amount of the Excess Credit specified in Paragraph No. 3 above. In cases where more than one Development Agreement is concurrently in effect for that particular local drainage area, the order of reimbursement shall be based on the Final Dates of those Development Agreements pursuant to this Paragraph No. 4. Developer's priority for repayment shall be in a manner consistent with Section 4.106.0-(8) (i) to (vii) of District Ordinance. However, the parties acknowledge that payments to the District for advances it provides to construct facilities within such drainage basin is not to be treated as external debt obligations of the drainage area. District shall reimburse Developer the amount of the Excess Credit prior to paying any reimbursement within that local drainage area with respect to a Development Agreement whose Final Date is after the Final Date hereof.		
5. Upon execution of this Drainage Facility Fee Credit Agreement, FUSD shall and does hereby offer the Creditable Facilities constructed by Developer herein to District. The Construction Costs for such Creditable Facilities shall constitute a credit against the District Fees identified in Paragraph No. 1 above.		
6. All notices under this Agreement must be in writing and may be delivered in person (by hand or by courier) or may be sent by regular, certified, or registered mail, or U.S. Postal Service Express Mail, with postage prepaid, by facsimile transmission, or by electronic transmission (email) and shall be deemed sufficiently given if served in a manner specified in this paragraph. The addresses and addressees noted below are that Party's designated address and addressee for delivery or mailing of notices. Either Party may, by written notice to the other, specify a different address for notice. Any notice sent by registered or certified mail, return receipt requested, shall be deemed given on the date of		

delivery shown on the receipt card, or if no delivery date is shown, three (3) days after the postmark date. If sent by regular mail, the notice shall be deemed given forty-eight (48) hours after it is addressed as required in this paragraph and mailed with postage prepaid. Notices delivered by United States Express Mail or overnight courier that guarantee next day delivery shall be deemed given twenty-four (24) hours after delivery to the Postal Service or courier. Notices transmitted by facsimile transmission or similar means (including email) shall be deemed delivered upon telephone or similar confirmation of delivery (confirmation report from fax machine is sufficient), provided a copy is also delivered via personal delivery or mail. If notice is received after 4:00 p.m. or on a Saturday, Sunday or legal holiday, it shall be deemed received on the next business day.

FUSD: Fresno Unified School District
Attention: Assistant Superintendent
Department of Facilities Management and Planning
4600 N. Brawley Avenue
Fresno, California, 93722

District: Alan Hofmann
General Manager-Secretary
Fresno Metropolitan Flood Control District
5469 East Olive Avenue
Fresno, CA 93727

Copy to: Douglas B. Jensen
Legal Counsel
Baker, Manock & Jensen, P.C.
Fig Garden Financial Center
5260 North Palm Avenue, Suite 421
Fresno, CA 93704

Each Party shall promptly notify the other of any change of address.

7. All Exhibits referred to herein and attached hereto are hereby incorporated herein as though set forth in full.
8. This Agreement may be amended only by a written document signed by both Parties hereto.

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This Agreement No. 825(D) AG-14/15 is executed this ____ day of _____ 2020

"District"

Fresno Metropolitan Flood
Control District, a
California public corporation

By: _____
Alan Hofmann
General Manager-Secretary
5469 East Olive Avenue
Fresno, CA 93727

"FUSD"

Fresno Unified School District, a California
Public School District

By: _____
Robert G. Nelson
Superintendent

Exhibit No. 1 to
Drainage Facility Development Agreement

[Creditable Facilities]

Fresno Unified School District
Prior Impact Fee Schedule

SCHOOL	TYPE	DISTRICT	FEE_ZONE	YEAR	ZONING	DA	RATE	ACRES	FEE	PAID RATE	CREDITS	Catch-Up Fee
ADDAMS	ELEM	FUSD	2	1989	R-4	XX	\$2,950	0.7501	\$2,213		\$0	\$2,213
ADDAMS	ELEM	FUSD	2	1998	R-4	XX	\$3,830	0.5743	\$2,200		\$0	\$2,200
ADDAMS	ELEM	FUSD	2	2002	R-4	XX	\$4,000	0.6838	\$2,735		\$0	\$2,735
ADDAMS	ELEM	FUSD	2	2005	R-4	XX	\$4,480	0.3078	\$1,379		\$0	\$1,379
ADDAMS	ELEM	FUSD	2	2007	R-4	XX	\$4,750	0.0534	\$254		\$0	\$254
\$8,781												
ADDICOT	ELEM	FUSD	2	2010	R-4	V	\$4,920	0.0431	\$212		\$0	\$212
ADDICOT	ELEM	FUSD	2	2016	R-4	V	\$5,120	0.1399	\$716		\$0	\$716
ADDICOT	ELEM	FUSD	2	2018	R-4	V	\$5,250	0.0528	\$277		\$0	\$277
\$1,205												
AYER	ELEM	FUSD	2	1989	R-4	PP	\$2,950	0.8691	\$2,564	\$640	\$556	\$2,008
AYER	ELEM	FUSD	2	2003	R-4	PP	\$4,060	0.4564	\$1,853	\$640	\$292	\$1,561
AYER	ELEM	FUSD	2	2018	R-4	PP	\$5,250	0.0518	\$272	\$640	\$33	\$239
\$3,808												
AYNESWORTH	ELEM	FUSD	1	1998	R-4	BF	\$4,750	1.0348	\$4,915		\$0	\$4,915
AYNESWORTH	ELEM	FUSD	2	1999	R-4	GG	\$3,830	0.5211	\$1,996		\$0	\$1,996
AYNESWORTH	ELEM	FUSD	1	2003	R-4	BF	\$5,410	0.2084	\$1,127		\$0	\$1,127
AYNESWORTH	ELEM	FUSD	2	2003	R-4	GG	\$4,060	0.6576	\$2,670		\$0	\$2,670
AYNESWORTH	ELEM	FUSD	1	2004	R-4	BF	\$5,250	0.2756	\$1,447		\$0	\$1,447
AYNESWORTH	ELEM	FUSD	1	2005	R-4	BF	\$5,420	0.5321	\$2,884		\$0	\$2,884
AYNESWORTH	ELEM	FUSD	1	2006	R-4	BF	\$6,820	0.0687	\$469		\$0	\$469
AYNESWORTH	ELEM	FUSD	2	2006	R-4	GG	\$4,870	0.0572	\$279		\$0	\$279
\$15,787												
BIRNEY	ELEM	FUSD	2	2008	R-4	CC	\$4,920	0.5759	\$2,834		\$0	\$2,834
\$2,834												
BULLARD-TALENT	ELEM	FUSD	2	1999	R-4	DD	\$3,830	0.0324	\$124		\$0	\$124
BULLARD-TALENT	ELEM	FUSD	2	2000	R-4	DD	\$3,830	0.1654	\$633		\$0	\$633
BULLARD-TALENT	ELEM	FUSD	2	2003	R-4	DD	\$4,060	0.2830	\$1,149		\$0	\$1,149
BULLARD-TALENT	ELEM	FUSD	2	2004	R-4	DD	\$4,350	0.7272	\$3,163		\$0	\$3,163
BULLARD-TALENT	ELEM	FUSD	2	2010	R-4	DD	\$4,920	0.1652	\$813		\$0	\$813
BULLARD-TALENT	ELEM	FUSD	2	2014	R-4	DD	\$5,120	0.0470	\$241		\$0	\$241
\$6,123												
BURROUGHS	ELEM	FUSD	2	2003	R-4	Z	\$4,060	0.1528	\$620		\$0	\$620
\$620												
CALWA	ELEM	FUSD	2	1998	R-4	II1	\$3,830	0.2837	\$1,086		\$0	\$1,086
CALWA	ELEM	FUSD	2	2001	R-4	II1	\$3,940	0.5416	\$2,134		\$0	\$2,134
CALWA	ELEM	FUSD	2	2003	R-4	II1	\$4,060	0.4832	\$1,962		\$0	\$1,962
CALWA	ELEM	FUSD	2	2009	R-4	II1	\$4,920	0.1601	\$788		\$0	\$788
CALWA	ELEM	FUSD	2	2019	R-4	II1	\$5,440	0.2311	\$1,257		\$0	\$1,257
\$7,227												
CENTENNIAL	ELEM	FUSD	2	2004	R-4	BB	\$4,350	0.2613	\$1,137		\$0	\$1,137
CENTENNIAL	ELEM	FUSD	2	2013	R-4	BB	\$5,040	0.7943	\$4,003		\$0	\$4,003
CENTENNIAL	ELEM	FUSD	2	2018	R-4	BB	\$5,250	0.0220	\$116		\$0	\$116
\$5,256												

Fresno Unified School District
Prior Impact Fee Schedule

SCHOOL	TYPE	DISTRICT	FEE_ZONE	YEAR	ZONING	DA	RATE	ACRES	FEE	PAID RATE	CREDITS	Catch-Up Fee
COLUMBIA	ELEM	FUSD	2	1997	R-4	FF	\$3,800	2.1874	\$8,312		\$0	\$8,312
COLUMBIA	ELEM	FUSD	2	2003	R-4	FF	\$4,060	0.5224	\$2,121		\$0	\$2,121
COLUMBIA	ELEM	FUSD	2	2011	R-4	FF	\$4,920	0.3514	\$1,729		\$0	\$1,729
												\$12,162
DELMAR	ELEM	FUSD	2	1989	R-4	DD	\$2,950	0.3209	\$947		\$0	\$947
DELMAR	ELEM	FUSD	2	1990	R-4	DD	\$3,020	0.5137	\$1,551		\$0	\$1,551
DELMAR	ELEM	FUSD	2	2003	R-4	DD	\$4,060	0.6060	\$2,460		\$0	\$2,460
												\$4,958
EATON	ELEM	FUSD	2	1987	R-4	P	\$2,840	0.0803	\$228		\$0	\$228
EATON	ELEM	FUSD	2	1997	R-4	P	\$3,800	0.1609	\$611		\$0	\$611
EATON	ELEM	FUSD	2	2003	R-4	P	\$4,060	0.4631	\$1,880		\$0	\$1,880
												\$2,719
ERICSON	ELEM	FUSD	2	1999	R-4	V	\$3,830	1.3475	\$5,161		\$0	\$5,161
ERICSON	ELEM	FUSD	2	2004	R-4	V	\$4,350	0.7660	\$3,332		\$0	\$3,332
ERICSON	ELEM	FUSD	2	2009	R-4	V	\$4,920	0.2007	\$987		\$0	\$987
ERICSON	ELEM	FUSD	2	2015	R-4	V	\$5,120	0.0941	\$482		\$0	\$482
												\$9,962
EWING	ELEM	FUSD	2	2002	R-4	G	\$4,000	1.7833	\$7,133		\$0	\$7,133
EWING	ELEM	FUSD	2	2018	R-4	G	\$5,250	0.0689	\$362		\$0	\$362
EWING	ELEM	FUSD	2	2019	R-4	G	\$5,440	0.0749	\$407		\$0	\$407
EWING	ELEM	FUSD	2	2019	R-4	G	\$5,440	0.9845	\$5,356		\$0	\$5,356
												\$13,258
FIGARDEN	ELEM	FUSD	1	2009	R-4	AC	\$4,050	2.5890	\$10,485		\$0	\$10,485
FIGARDEN	ELEM	FUSD	1	2016	R-4	AC	\$4,050	2.4313	\$9,847		\$0	\$9,847
												\$20,332
FORKNER	ELEM	FUSD	1	2004	R-4	AC	\$4,010	0.5498	\$2,205	\$640	\$352	\$1,853
												\$1,853
FREMONT	ELEM	FUSD	2	1999	R-4	EE	\$3,830	1.0720	\$4,106		\$0	\$4,106
FREMONT	ELEM	FUSD	2	2002	R-4	EE	\$4,000	0.2850	\$1,140		\$0	\$1,140
												\$5,246
HEATON	ELEM	FUSD	2	1987	R-4	RR	\$2,840	0.5509	\$1,565		\$0	\$1,565
HEATON	ELEM	FUSD	2	2002	R-4	RR	\$4,000	0.6901	\$2,760		\$0	\$2,760
												\$4,325
HOLLAND	ELEM	FUSD	2	1998	R-4	BB	\$3,830	0.2588	\$991		\$0	\$991
HOLLAND	ELEM	FUSD	2	2003	R-4	BB	\$4,060	1.3869	\$5,631		\$0	\$5,631
												\$6,622
HOMAN	ELEM	FUSD	2	2003	R-4	EE	\$4,060	0.3049	\$1,238		\$0	\$1,238
HOMAN	ELEM	FUSD	2	2010	R-4	EE	\$4,920	0.0268	\$132		\$0	\$132
												\$1,370
JEFFERSON	ELEM	FUSD	2	1999	R-4	FF	\$3,830	0.8922	\$3,417		\$0	\$3,417
JEFFERSON	ELEM	FUSD	2	2004	R-4	FF	\$4,350	0.1169	\$508		\$0	\$508
JEFFERSON	ELEM	FUSD	2	2009	R-4	FF	\$4,920	0.6356	\$3,127		\$0	\$3,127
												\$7,052

Fresno Unified School District
Prior Impact Fee Schedule

SCHOOL	TYPE	DISTRICT	FEE_ZONE	YEAR	ZONING	DA	RATE	ACRES	FEE	PAID RATE	CREDITS	Catch-Up Fee
KING	ELEM	FUSD	2	2002	R-4	II1	\$4,000	0.9402	\$3,761		\$0	\$3,761
KING	ELEM	FUSD	2	2019	R-4	II1	\$5,440	0.0556	\$302		\$0	\$302
												\$4,063
KIRK	ELEM	FUSD	2	1999	R-4	II1	\$3,830	0.2720	\$1,042		\$0	\$1,042
KIRK	ELEM	FUSD	2	2018	R-4	II1	\$5,250	0.0784	\$412		\$0	\$412
KIRK	ELEM	FUSD	2	2019	R-4	II1	\$5,440	0.0742	\$404		\$0	\$404
												\$1,858
LANE	ELEM	FUSD	2	1999	R-4	A	\$3,830	0.4150	\$1,589		\$0	\$1,589
LANE	ELEM	FUSD	2	2003	R-4	A	\$4,060	0.9437	\$3,831		\$0	\$3,831
												\$5,420
LAWLESS	ELEM	FUSD	1	1999	R-4	EF	\$3,910	0.2117	\$828	\$640	\$135	\$693
LAWLESS	ELEM	FUSD	1	2001	R-4	EF	\$4,040	1.5716	\$6,349	\$640	\$1,006	\$5,343
												\$6,036
LINCOLN	ELEM	FUSD	2	2004	R-4	II1	\$4,350	0.3319	\$1,444		\$0	\$1,444
LINCOLN	ELEM	FUSD	2	2005	R-4	II1	\$4,480	2.0428	\$9,152		\$0	\$9,152
												\$10,596
MALLOCH	ELEM	FUSD	2	2001	R-4	D	\$3,940	0.1901	\$749		\$0	\$749
MALLOCH	ELEM	FUSD	2	2006	R-4	D	\$4,870	0.1841	\$897		\$0	\$897
												\$1,646
MANCHESTER	ELEM	FUSD	2	1999	R-4	WW	\$3,830	0.2686	\$1,029		\$0	\$1,029
MANCHESTER	ELEM	FUSD	2	2003	R-4	WW	\$4,060	0.7547	\$3,064		\$0	\$3,064
												\$4,093
MAYFAIR	ELEM	FUSD	2	2002	R-4	RR	\$4,000	0.1329	\$531		\$0	\$531
MAYFAIR	ELEM	FUSD	2	2004	R-4	RR	\$4,350	0.3937	\$1,713		\$0	\$1,713
MAYFAIR	ELEM	FUSD	2	2015	R-4	RR	\$5,120	0.4692	\$2,403		\$0	\$2,403
												\$4,647
MCCARDLE	ELEM	FUSD	2	2000	R-4	N	\$3,830	0.8622	\$3,302		\$0	\$3,302
												\$3,302
MUIR	ELEM	FUSD	2	2000	R-4	RR	\$3,830	0.8622	\$3,302		\$0	\$3,302
MUIR	ELEM	FUSD	2	2004	R-4	RR	\$4,350	0.3688	\$1,604		\$0	\$1,604
MUIR	ELEM	FUSD	2	2007	R-4	RR	\$4,750	0.3732	\$1,773		\$0	\$1,773
												\$6,679
NORSEMAN	ELEM	FUSD	2	1999	R-4	JJ	\$3,830	1.9795	\$7,581		\$0	\$7,581
NORSEMAN	ELEM	FUSD	2	2002	R-4	JJ	\$4,000	0.2037	\$815		\$0	\$815
NORSEMAN	ELEM	FUSD	2	2007	R-4	JJ	\$4,750	0.2789	\$1,325		\$0	\$1,325
												\$9,721
PHOENIX	ELEM	FUSD	2	2019	R-4	EE	\$5,440	0.1377	\$749		\$0	\$749
												\$749
PYLE	ELEM	FUSD	2	1999	R-4	BB	\$3,830	0.7677	\$2,940		\$0	\$2,940
PYLE	ELEM	FUSD	2	2003	R-4	BB	\$4,060	0.4290	\$1,742		\$0	\$1,742
PYLE	ELEM	FUSD	2	2004	R-4	BB	\$4,350	0.6206	\$2,700		\$0	\$2,700
												\$7,382

Fresno Unified School District
Prior Impact Fee Schedule

SCHOOL	TYPE	DISTRICT	FEE_ZONE	YEAR	ZONING	DA	RATE	ACRES	FEE	PAID RATE	CREDITS	Catch-Up Fee
ROBINSON	ELEM	FUSD	2	1998	R-4	L	\$3,830	0.1308	\$501		\$0	\$501
ROBINSON	ELEM	FUSD	2	2003	R-4	L	\$4,060	0.0400	\$162		\$0	\$162
ROBINSON	ELEM	FUSD	2	2016	R-4	L	\$5,120	0.4808	\$2,462		\$0	\$2,462
ROBINSON	ELEM	FUSD	2	2018	R-4	L	\$5,250	0.1561	\$820		\$0	\$820
												\$3,945
ROEDING	ELEM	FUSD	2	1992	R-4	EE	\$3,220	1.5264	\$4,915		\$0	\$4,915
ROEDING	ELEM	FUSD	2	2003	R-4	EE	\$4,060	0.2665	\$1,082		\$0	\$1,082
ROEDING	ELEM	FUSD	2	2017	R-4	EE	\$5,120	0.2465	\$1,262		\$0	\$1,262
												\$7,259
ROWELL	ELEM	FUSD	2	2000	R-4	II3	\$3,830	0.8354	\$3,200		\$0	\$3,200
ROWELL	ELEM	FUSD	2	2011	R-4	II3	\$4,920	1.4573	\$7,170		\$0	\$7,170
												\$10,370
SLATER	ELEM	FUSD	2	1990	R-4	MM	\$3,020	0.7949	\$2,401	\$440	\$350	\$2,051
SLATER	ELEM	FUSD	2	1998	R-4	MM	\$3,830	0.6268	\$2,401	\$440	\$276	\$2,125
SLATER	ELEM	FUSD	2	2002	R-4	MM	\$4,000	1.9022	\$7,609	\$440	\$837	\$6,772
SLATER	ELEM	FUSD	2	2012	R-4	MM	\$4,920	0.2616	\$1,287	\$440	\$115	\$1,172
SLATER	ELEM	FUSD	2	2017	R-4	MM	\$5,120	2.5519	\$13,066	\$440	\$1,123	\$11,943
SLATER	ELEM	FUSD	2	2018	R-4	MM	\$5,250	0.4978	\$2,613	\$440	\$219	\$2,394
												\$26,457
SOUTHEAST	ELEM	FUSD	1	2003	R-4	BF	\$5,410	0.0478	\$259	\$3,930	\$188	\$71
SOUTHEAST	ELEM	FUSD	1	2010	R-4	BF	\$6,950	0.8259	\$5,740	\$3,930	\$3,246	\$2,494
												\$2,565
STOREY	ELEM	FUSD	1	1993	R-4	BD	\$4,420	18.9672	\$83,827		\$77,300	\$6,527
												\$6,527
SUNSET	ELEM	FUSD	2	1988	R-4	NN	\$2,840	0.1444	\$410		\$0	\$410
SUNSET	ELEM	FUSD	2	1998	R-4	NN	\$3,830	0.5573	\$2,134		\$0	\$2,134
SUNSET	ELEM	FUSD	2	2002	R-4	NN	\$4,000	0.3687	\$1,475		\$0	\$1,475
SUNSET	ELEM	FUSD	2	2019	R-4	NN	\$5,440	0.3993	\$2,172		\$0	\$2,172
												\$6,191
THOMAS	ELEM	FUSD	2	1989	R-4	E	\$2,950	0.2559	\$755		\$0	\$755
THOMAS	ELEM	FUSD	2	1989	R-4	B	\$2,950	0.0187	\$55		\$0	\$55
THOMAS	ELEM	FUSD	2	1999	R-4	B	\$3,830	0.2429	\$930		\$0	\$930
THOMAS	ELEM	FUSD	2	2003	R-4	E	\$4,060	0.5854	\$2,377		\$0	\$2,377
THOMAS	ELEM	FUSD	2	2011	R-4	B	\$4,920	0.2003	\$985		\$0	\$985
THOMAS	ELEM	FUSD	2	2018	R-4	B	\$5,250	0.0893	\$469		\$0	\$469
												\$5,571
TURNER	ELEM	FUSD	2	1989	R-4	X	\$2,950	0.5806	\$1,713		\$0	\$1,713
TURNER	ELEM	FUSD	2	1998	R-4	X	\$3,830	0.3104	\$1,189		\$0	\$1,189
TURNER	ELEM	FUSD	2	2002	R-4	X	\$4,000	0.7747	\$3,099		\$0	\$3,099
TURNER	ELEM	FUSD	2	2004	R-4	X	\$4,350	0.2331	\$1,014		\$0	\$1,014
TURNER	ELEM	FUSD	2	2016	R-4	X	\$5,120	0.5450	\$2,790		\$0	\$2,790
												\$9,805

Fresno Unified School District
Prior Impact Fee Schedule

SCHOOL	TYPE	DISTRICT	FEE_ZONE	YEAR	ZONING	DA	RATE	ACRES	FEE	PAID RATE	CREDITS	Catch-Up Fee
VINLAND	ELEM	FUSD	2	1998	R-4	C	\$3,830	0.4372	\$1,674		\$0	\$1,674
VINLAND	ELEM	FUSD	2	2004	R-4	C	\$4,350	0.2620	\$1,140		\$0	\$1,140
VINLAND	ELEM	FUSD	2	2011	R-4	C	\$4,920	0.1014	\$499		\$0	\$499
												\$3,313
WEBSTER	ELEM	FUSD	2	2000	R-4	RR	\$3,830	0.2188	\$838	\$440	\$96	\$742
WEBSTER	ELEM	FUSD	2	2000	R-4	FF	\$3,830	0.1973	\$755	\$440	\$87	\$668
WEBSTER	ELEM	FUSD	2	2002	R-4	RR	\$4,000	0.8635	\$3,454	\$440	\$380	\$3,074
WEBSTER	ELEM	FUSD	2	2002	R-4	FF	\$4,000	0.5815	\$2,326	\$440	\$256	\$2,070
												\$6,554
WILSON	ELEM	FUSD	2	1998	R-4	EE	\$3,830	0.2000	\$766		\$0	\$766
WILSON	ELEM	FUSD	2	2001	R-4	MM	\$3,940	0.7107	\$2,800		\$0	\$2,800
WILSON	ELEM	FUSD	2	2011	R-4	EE	\$4,920	0.4262	\$2,097		\$0	\$2,097
WILSON	ELEM	FUSD	2	2018	R-4	EE	\$5,250	0.0793	\$416		\$0	\$416
WILSON	ELEM	FUSD	2	2019	R-4	EE	\$5,440	0.0740	\$403		\$0	\$403
												\$6,482
WINCHELL	ELEM	FUSD	2	1999	R-4	II2	\$3,830	1.5801	\$6,052		\$0	\$6,052
WINCHELL	ELEM	FUSD	2	2004	R-4	II2	\$4,350	0.3571	\$1,554		\$0	\$1,554
WINCHELL	ELEM	FUSD	2	2012	R-4	II2	\$4,920	1.2862	\$6,328		\$0	\$6,328
												\$13,934
WISHON	ELEM	FUSD	2	1990	R-4	JJ	\$3,020	0.9499	\$2,869		\$0	\$2,869
WISHON	ELEM	FUSD	2	1999	R-4	JJ	\$3,830	1.0093	\$3,865		\$0	\$3,865
WISHON	ELEM	FUSD	2	2001	R-4	JJ	\$3,940	0.7038	\$2,773		\$0	\$2,773
WISHON	ELEM	FUSD	2	2004	R-4	JJ	\$4,350	0.0802	\$349		\$0	\$349
												\$9,856
WOLTERS	ELEM	FUSD	2	1989	R-4	M	\$2,950	0.4095	\$1,208		\$0	\$1,208
WOLTERS	ELEM	FUSD	2	1990	R-4	M	\$3,020	0.3003	\$907		\$0	\$907
WOLTERS	ELEM	FUSD	2	2001	R-4	M	\$3,940	0.0514	\$202		\$0	\$202
												\$2,317
AHWAHNEE	MID	FUSD	2	1994	R-4	O	\$3,440	0.2428	\$835		\$0	\$835
												\$835
BAIRD	MID	FUSD	2	1990	R-4	F	\$3,020	0.7191	\$2,172		\$0	\$2,172
BAIRD	MID	FUSD	2	2004	R-4	F	\$4,350	0.0932	\$406		\$0	\$406
BAIRD	MID	FUSD	2	2015	R-4	F	\$5,120	1.3926	\$7,130		\$0	\$7,130
												\$9,708
COOPER	MID	FUSD	2	1993	R-4	EE	\$3,350	0.1514	\$507		\$0	\$507
COOPER	MID	FUSD	2	1999	R-4	EE	\$3,830	0.1217	\$466		\$0	\$466
COOPER	MID	FUSD	2	2001	R-4	EE	\$3,940	0.2594	\$1,022		\$0	\$1,022
												\$1,995
FORT MILLER	MID	FUSD	2	1999	R-4	DD	\$3,830	0.1466	\$562		\$0	\$562
FORT MILLER	MID	FUSD	2	2002	R-4	DD	\$4,000	0.2543	\$1,017		\$0	\$1,017
FORT MILLER	MID	FUSD	2	2015	R-4	DD	\$5,120	0.0560	\$287		\$0	\$287
												\$1,866
HAMILTON	MID	FUSD	2	2008	R-4	EE	\$4,920	0.0693	\$341		\$0	\$341
HAMILTON	MID	FUSD	2	2014	R-4	EE	\$5,120	0.2825	\$1,446		\$0	\$1,446
												\$1,787

Fresno Unified School District
Prior Impact Fee Schedule

SCHOOL	TYPE	DISTRICT	FEE_ZONE	YEAR	ZONING	DA	RATE	ACRES	FEE	PAID RATE	CREDITS	Catch-Up Fee
KINGS CANYON	MID	FUSD	2	1999	R-4	Y	\$3,830	0.4621	\$1,770		\$0	\$1,770
KINGS CANYON	MID	FUSD	2	1999	R-4	Z	\$3,830	0.3400	\$1,302		\$0	\$1,302
KINGS CANYON	MID	FUSD	2	2009	R-4	Z	\$4,920	0.1005	\$495		\$0	\$495
KINGS CANYON	MID	FUSD	2	2009	R-4	Y	\$4,920	0.0489	\$241		\$0	\$241
												\$3,808
SCANDINAVIAN	MID	FUSD	2	2008	R-4	V	\$4,920	0.2820	\$1,387		\$0	\$1,387
												\$1,387
SEQUOIA	MID	FUSD	2	1999	R-4	GG	\$3,830	0.2522	\$966		\$0	\$966
SEQUOIA	MID	FUSD	2	1999	R-4	II2	\$3,830	0.5341	\$2,046		\$0	\$2,046
SEQUOIA	MID	FUSD	2	2015	R-4	II2	\$5,120	0.0777	\$398		\$0	\$398
												\$3,410
TEHIPITE	MID	FUSD	2	1987	R-4	FF	\$2,840	0.1717	\$488		\$0	\$488
TEHIPITE	MID	FUSD	2	1990	R-4	FF	\$3,020	0.1792	\$541		\$0	\$541
TEHIPITE	MID	FUSD	2	1993	R-4	FF	\$3,350	0.4382	\$1,468		\$0	\$1,468
TEHIPITE	MID	FUSD	2	1999	R-4	FF	\$3,830	1.1927	\$4,568		\$0	\$4,568
TEHIPITE	MID	FUSD	2	2002	R-4	FF	\$4,000	0.7114	\$2,845		\$0	\$2,845
												\$9,910
TENAYA	MID	FUSD	2	1988	R-4	I	\$2,840	0.0618	\$176		\$0	\$176
TENAYA	MID	FUSD	2	1989	R-4	I	\$2,950	0.0401	\$118		\$0	\$118
TENAYA	MID	FUSD	2	1990	R-4	I	\$3,020	0.0628	\$190		\$0	\$190
TENAYA	MID	FUSD	2	1991	R-4	I	\$3,150	0.0669	\$211		\$0	\$211
TENAYA	MID	FUSD	2	1994	R-4	I	\$3,440	0.2409	\$829		\$0	\$829
												\$1,524
TIOGA	MID	FUSD	2	1988	R-4	B	\$2,840	0.0986	\$280		\$0	\$280
TIOGA	MID	FUSD	2	1989	R-4	B	\$2,950	0.0292	\$86		\$0	\$86
TIOGA	MID	FUSD	2	1993	R-4	B	\$3,350	0.2433	\$815		\$0	\$815
TIOGA	MID	FUSD	2	1999	R-4	B	\$3,830	0.0777	\$298		\$0	\$298
TIOGA	MID	FUSD	2	2011	R-4	B	\$4,920	0.1840	\$905		\$0	\$905
												\$2,384
WAWONA	MID	FUSD	2	1994	R-4	DD	\$3,440	0.2550	\$877		\$0	\$877
WAWONA	MID	FUSD	2	1999	R-4	DD	\$3,830	0.7597	\$2,910		\$0	\$2,910
WAWONA	MID	FUSD	2	2004	R-4	DD	\$4,350	0.2974	\$1,294		\$0	\$1,294
WAWONA	MID	FUSD	2	2009	R-4	DD	\$4,920	0.4729	\$2,326		\$0	\$2,326
WAWONA	MID	FUSD	2	2018	R-4	DD	\$5,250	0.0311	\$163		\$0	\$163
WAWONA	MID	FUSD	2	2019	R-4	DD	\$5,440	0.3648	\$1,985		\$0	\$1,985
												\$9,555
YOSEMITE	MID	FUSD	2	1999	R-4	II4	\$3,830	0.5502	\$2,107		\$0	\$2,107
YOSEMITE	MID	FUSD	2	2003	R-4	II4	\$4,060	0.1195	\$485		\$0	\$485
YOSEMITE	MID	FUSD	2	2009	R-4	II4	\$4,920	0.1160	\$571		\$0	\$571
												\$3,163
BULLARD	HIGH	FUSD	2	1991	R-4	DD	\$3,150	1.7256	\$5,436		\$0	\$5,436
BULLARD	HIGH	FUSD	2	2004	R-4	F	\$4,350	0.4422	\$1,923		\$0	\$1,923
BULLARD	HIGH	FUSD	2	2004	R-4	DD	\$4,350	0.1793	\$780		\$0	\$780
BULLARD	HIGH	FUSD	2	2016	R-4	DD	\$5,120	6.3213	\$32,365		\$0	\$32,365
BULLARD	HIGH	FUSD	2	2018	R-4	F	\$5,250	1.5488	\$8,131		\$0	\$8,131
BULLARD	HIGH	FUSD	2	2018	R-4	DD	\$5,250	1.1246	\$5,904		\$0	\$5,904
												\$54,539

Fresno Unified School District
Prior Impact Fee Schedule

SCHOOL	TYPE	DISTRICT	FEE_ZONE	YEAR	ZONING	DA	RATE	ACRES	FEE	PAID RATE	CREDITS	Catch-Up Fee
DUNCAN	HIGH	FUSD	2	2017	R4	JJ	\$5,120	0.7790	\$3,988		\$0	\$3,988
												\$3,988
EDISON/COMPUTECH	HIGH	FUSD	2	1995	R-4	TT	\$3,650	0.7141	\$2,606		\$2,606	\$0
EDISON/COMPUTECH	HIGH	FUSD	2	1999	R-4	TT	\$3,830	8.8965	\$34,074		\$34,074	\$0
EDISON/COMPUTECH	HIGH	FUSD	2	2002	R-4	TT	\$4,000	29.0959	\$116,384		\$143,920	-\$27,536
EDISON/COMPUTECH	HIGH	FUSD	2	2019	R-4	TT	\$5,440	0.4167	\$2,267		\$0	\$2,267
												-\$25,269
FRESNO	HIGH	FUSD	2	2010	R-4	UU2	\$4,920	14.0490	\$69,121		\$0	\$69,121
FRESNO	HIGH	FUSD	2	2013	R-4	UU2	\$5,040	3.4150	\$17,212		\$0	\$17,212
FRESNO	HIGH	FUSD	2	2018	R-4	UU2	\$5,250	0.9210	\$4,835		\$0	\$4,835
												\$91,168
HOOVER	HIGH	FUSD	2	1998	R-4	M	\$3,830	1.6882	\$6,466		\$0	\$6,466
HOOVER	HIGH	FUSD	2	2001	R-4	M	\$3,940	2.4497	\$9,652		\$0	\$9,652
HOOVER	HIGH	FUSD	2	2002	R-4	M	\$4,000	5.2946	\$21,178		\$0	\$21,178
HOOVER	HIGH	FUSD	2	2010	R-4	M	\$4,920	1.7573	\$8,646		\$0	\$8,646
HOOVER	HIGH	FUSD	2	2012	R-4	M	\$4,920	5.4219	\$26,676		\$0	\$26,676
HOOVER	HIGH	FUSD	2	2014	R-4	M	\$5,120	1.0748	\$5,503		\$0	\$5,503
												\$78,121
MCLANE	HIGH	FUSD	2	2001	R-4	JJ	\$3,940	1.0600	\$4,176		\$0	\$4,176
MCLANE	HIGH	FUSD	2	2006	R-4	JJ	\$4,870	0.4769	\$2,322		\$0	\$2,322
MCLANE	HIGH	FUSD	2	2008	R-4	JJ	\$4,920	0.1014	\$499		\$0	\$499
MCLANE	HIGH	FUSD	2	2010	R-4	JJ	\$4,920	1.1036	\$5,430		\$0	\$5,430
MCLANE	HIGH	FUSD	2	2015	R-4	JJ	\$5,120	1.3036	\$6,675		\$0	\$6,675
MCLANE	HIGH	FUSD	2	2018	R-4	JJ	\$5,250	8.7876	\$46,135		\$0	\$46,135
MCLANE	HIGH	FUSD	2	2019	R-4	JJ	\$5,440	2.0994	\$11,421		\$0	\$11,421
												\$76,658
PATINO	HIGH	FUSD	2	2014	R-4	CC	\$5,120	4.6845	\$23,985		\$0	\$23,985
												\$23,985
ROOSEVELT	HIGH	FUSD	2	2012	R-4	Z	\$4,920	3.5468	\$17,450		\$0	\$17,450
ROOSEVELT	HIGH	FUSD	2	2018	R-4	Z	\$5,250	4.6314	\$24,315		\$0	\$24,315
												\$41,765
CESAR CHAVEZ	OTHER	FUSD	2	1999	R-4	FF	\$3,830	5.1332	\$19,660		\$0	\$19,660
												\$19,660
ult Transition Program (A	OTHER	FUSD	2	1999	R-4	B	\$3,830	0.1223	\$468	\$440	\$54	\$414
	OTHER	FUSD	2	2002	R-4	B	\$4,000	0.0520	\$208	\$440	\$23	\$185
	OTHER	FUSD	2	2017	R-4	B	\$5,120	1.0402	\$5,326	\$440	\$458	\$4,868
												\$5,468

TOTALS:

Agreement

\$750,253

**1F1C
AGREEMENT No.**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
DRAINAGE FACILITY DEVELOPMENT AGREEMENT**

(Drainage Fee and Credit)

WHEREAS, Fresno Unified School District ("FUSD") completed construction of the development identified as _____ (the "Development") on real property bearing Fresno County Assessor's Parcel Number(s) [_____]; and,

WHEREAS, pursuant to the terms of that certain the Master Drainage Fee Settlement Agreement between FUSD and Fresno Metropolitan Flood Control District ("District"), dated _____, 2020 (the "Fee Agreement"), FUSD and the District have entered into an agreement in accordance with the provisions Government Code Section 54999.3(b) to authorize the District to receive payments from FUSD for capital facilities fees, in accordance with the terms of the Fee Agreement; and,

WHEREAS, the District and FUSD are hereinafter referred to individually as "Party" and collectively as "Parties"; and,

WHEREAS, the Fee Agreement, FUSD has agreed to pay to District urban drainage fee with respect to the Development ("Drainage Fee") in an amount calculated pursuant to the terms of the Fee Agreement; and,

WHEREAS, pursuant to the Fee Agreement the District has requested that FUSD construct in accordance with all District requirements certain storm drainage facilities described in the Master Plan and identified as Creditable Facilities on Exhibit No. 2 attached hereto ("Creditable Facilities"); and,

WHEREAS, the cost of constructing those Creditable Facilities, as well as reasonable engineering fees, all as approved by District are hereinafter referred to as "Construction Costs"; and,

WHEREAS, District, in accordance with Section 4.106.0-(8) of District Ordinance, intends to reimburse FUSD for Construction Costs in excess of the Drainage Fee ("Excess Credit"); and,

WHEREAS, as of the date hereof, District can calculate only the preliminary amount of that Drainage Fee and Developer and District can only estimate the Construction Costs; and,

WHEREAS, in order for FUSD to commence construction of the Development, District and FUSD intend to use the preliminary Drainage Fee amount and estimated Construction Costs with the intention and obligation of each to carry out their respective duties set forth herein using the final amounts of the Drainage Fee and Construction Costs when the same are known after construction and acceptance of those Creditable Facilities and final approval of an entitlement for the Development by the Jurisdiction; and,

WHEREAS, FUSD and District desire to set forth in this written Agreement their respective rights and obligations.

NOW THEREFORE, in consideration of the recitals set forth above, which are herein incorporated by this reference, and the mutual covenants and undertakings set forth herein, the mutual receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

	<u>Preliminary Amount</u>	<u>Final Amount</u>
1. FUSD shall pay to District a Drainage Fee in the total amount of:	\$ _____	\$ _____
2. FUSD shall construct Creditable Facilities at a total cost of:	\$ _____	\$ _____
3. Subject to subparagraph 6(c) below, District shall pay to FUSD any Excess Credit in the following amount:	\$ _____	\$ _____
4. Within forty-five (45) days of District's giving notice thereof, FUSD shall pay to District any amount of the Drainage Fee in excess of Construction Costs in the following amount:	\$ _____	\$ _____
5. Final Date of Agreement:	_____	
	(Date to be determined by District pursuant to Paragraph No. 6 hereof)	
6. (a) Within ninety (90) days of acceptance by District of those Creditable Facilities for which credit and/or the Excess Credit is claimed, FUSD shall submit to District in electronic or hard copy format the permanent reproducible as-built or record plans of the Creditable Facilities, along with the project accounting reflecting final Construction Costs paid for the items eligible for fee credit or reimbursement. District shall not grant credits or pay reimbursements of Excess Credit unless and until FUSD completes the submittals required by this Paragraph No. 6. District shall establish and insert into Paragraph No. 5 above, the Final Date of this Agreement, using the date of receipt of the last submittal, only after District reviews and approves all FUSD's submittals required hereby.		
(b) In accordance with the Ordinance and District Ordinance, including, without limitation, time limits stated therein and subsequent to FUSD's completion of all its obligations hereunder, if, as and when District receives sufficient drainage fees paid with respect to the local drainage area served by the Creditable Facilities and has fully paid all reimbursements pursuant to any Drainage Facility Development Agreement ("Development Agreement") whose Final Date is prior to the Final Date hereof, District shall pay to FUSD (to the extent drainage fee funds are available from time to time)		

reimbursement in installments or partial payments until District has fully paid the final amount of the Excess Credit specified in Paragraph No. 3 above. In cases where more than one Development Agreement is concurrently in effect for that particular local drainage area, the order of reimbursement shall be based on the Final Dates of those Development Agreements pursuant to this subparagraph 6(b). In addition, pursuant to Section 4.106.0-(8) of District Ordinance, such reimbursement shall not be paid until any external debt obligation of the local drainage area is paid. However, the parties acknowledge that payments to the District for advances it provides to construct facilities within such drainage basin is not to be treated as external debt obligations of the drainage area. District shall reimburse FUSD the amount of the Excess Credit prior to paying any reimbursement within that local drainage area with respect to a Development Agreement whose Final Date is after the Final Date hereof.

(c) District shall pay to FUSD (in installment or partial payments, if necessary) total reimbursement of not more than ninety-five percent (95%) of the total Excess Credit; District shall deduct and retain five-percent (5%) from each reimbursement payment as an administrative records and services charge.

(d) District shall not pay any sums owing under this Agreement unless and until FUSD has completed, signed and delivered to District Exhibit No. 3 hereto, which shall then be incorporated into and become a part of this Agreement.

7. District has determined the preliminary amount of the Drainage Fee stated in Paragraph No. 1 above and the preliminary Construction Costs specified in Paragraph No. 2 above based on the most recent map or plans of the Development and of the Master Plan available to District at the time of preparation of this Agreement.

8. (a) District shall calculate the final amount of the Drainage Fee stated in Paragraph No. 1 above based on the final approved plan or map of the Development.

(b) Upon completion of construction by FUSD and acceptance by District of the Creditable Facilities, District shall determine the final Construction Costs and adjust the preliminary amount identified in Paragraph No. 2 above to reflect the amount of the final Construction Costs, which shall reflect FUSD's actual cash expenditure as determined from unit prices established by such bidding procedures as may be required by District.

(c) Upon completion of such Creditable Facilities constructed by FUSD pursuant to this Agreement, FUSD shall and does hereby offer them to District at the cost determined by District pursuant to subparagraph 8(b) above. Such final Construction Costs shall constitute a credit against the final amount of the Drainage Fee identified in Paragraph No. 1 above, as provided for in the Ordinance and District Ordinance.

9. (a) In the event the final amount of Construction Costs determined pursuant to subparagraph 8(b) above exceeds the final amount of the Drainage Fee determined pursuant to subparagraph 8(a) above, District shall pay to FUSD, subject to subparagraph 6(c) above, reimbursement in the final amount of the Excess Credit specified in Paragraph No. 3 above, in accordance with the provisions of the Ordinance, District Ordinance and subparagraphs 6(a) and (b) above, from drainage fees received by District.

(b) If the final amount of the Drainage Fee exceeds the final amount of Construction Costs determined by District, FUSD shall pay to District the final amount identified in Paragraph No. 4 above, within forty-five (45) days of receiving written notice of the same from District.

10. The preliminary amount of the Drainage Fee set forth in Paragraph No. 1 above has been computed using drainage fee rates established pursuant to the terms of the Fee Agreement.
11. In installing Creditable Facilities pursuant to this Agreement, FUSD shall not be deemed to be a contractor or other agent of District, but shall be deemed to be developing its own property for its own benefit.
12. As a condition to FUSD being provided the benefits of the Excess Credit, the contract amounts for construction of Creditable Facilities to be developed pursuant to this Agreement and the amounts of any change orders to such contract shall require written approval of District, in its reasonable discretion. Such amounts as approved by District shall constitute the basis for calculating the amount of the Excess Credit and paying reimbursement or granting fee credit for such construction provided pursuant to this Agreement.
13. All notices under this Agreement must be in writing and may be delivered in person (by hand or by courier) or may be sent by regular, certified, or registered mail, or U.S. Postal Service Express Mail, with postage prepaid, by facsimile transmission, or by electronic transmission (email) and shall be deemed sufficiently given if served in a manner specified in this paragraph. The addresses and addressees noted below are that Party's designated address and addressee for delivery or mailing of notices. Either Party may, by written notice to the other, specify a different address for notice. Any notice sent by registered or certified mail, return receipt requested, shall be deemed given on the date of delivery shown on the receipt card, or if no delivery date is shown, three (3) days after the postmark date. If sent by regular mail, the notice shall be deemed given forty-eight (48) hours after it is addressed as required in this paragraph and mailed with postage prepaid. Notices delivered by United States Express Mail or overnight courier that guarantee next day delivery shall be deemed given twenty-four (24) hours after delivery to the Postal Service or courier. Notices transmitted by facsimile transmission or similar means (including email) shall be deemed delivered upon telephone or similar confirmation of delivery (confirmation report from fax machine is sufficient), provided a copy is also delivered via personal delivery or mail. If notice is received after 4:00 p.m. or on a Saturday, Sunday or legal holiday, it shall be deemed received on the next business day.

FUSD: Fresno Unified School District
Attention: Assistant Superintendent
Department of Facilities Management and Planning
4600 N. Brawley Avenue
Fresno, California, 93722

District: Alan Hofmann
General Manager-Secretary

Fresno Metropolitan Flood Control District
5469 East Olive Avenue
Fresno, CA 93727

Copy to:

Douglas B. Jensen
Legal Counsel
Baker, Manock & Jensen, P.C.
Fig Garden Financial Center
5260 North Palm Avenue, Suite 421
Fresno, CA 93704

FUSD shall promptly notify District of any change of address.

- 14. All Exhibits referred to herein and attached hereto are hereby incorporated herein as though set forth in full.
- 15. This Agreement may be amended only by a written document signed by both Parties hereto.
- 16. FUSD shall comply with all requirements and satisfy all conditions imposed by Jurisdiction or District with respect to the Development not set forth in this Agreement, including but not limited to (i) granting easements for facilities to be transferred to District, for inundation or for storm flow channels, all in the form required by District, and (ii) complying with the Notice of Requirements.

This Agreement No. ____ is executed this _____ day of _____ 20____.

“District”

Fresno Metropolitan Flood
Control District, a
California public corporation

By: _____
Alan Hofmann
General Manager-Secretary
5469 East Olive Avenue
Fresno, CA 93727

“FUSD”

Fresno Unified School District, a California
Public School District

By: _____

Printed Name

Title

Engineering Department Review	
Approved by:	
_____	and _____
PCS	DKC

Exhibit No. 1 to
Drainage Facility Development Agreement


[Legal description of FUSD's Property]

Exhibit No. 2 to
Drainage Facility Development Agreement

[Creditable Facilities]

Fresno Unified School District
Board Communication

BC Number SL-1

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Ambra D. O'Connor, Executive Director
Cabinet Approval: 

Date: January 10, 2020
Phone Number: 457-3340

Regarding: Senate Bill 419- Elimination of Suspension for Willful Defiance

The purpose of this communication is to provide the Board an update on legislative changes which impact district discipline practices. In September 2019, Senate Bill (SB) 419 was signed into law. SB 419 will amend California Education Code 48900(k) to prohibit the use of suspension to address acts of defiance or disruption committed by students in grades four through eight. The legislation, which received bipartisan support, takes effect July 1, 2020. The prohibition applies to grades four and five indefinitely and will sunset in 2025 for grades six through eight, if not made permanent. Existing law already prohibits the suspension of students in grades kindergarten through three for such actions.

The change comes in response to research and concerns related to the subjectivity of Section 48900(k) and the disproportionate impact it has on students of color and other vulnerable student groups including student members of the LGBTQ community and students with disabilities. A 2018 report from the U.S Government Accountability Office revealed that male students, African American students, and those with disabilities are disproportionately disciplined from kindergarten to grade 12.

Several large California districts including Los Angeles, Oakland, Sacramento, and San Francisco have already entirely eliminated suspensions for defiance and disruption for all students in grades K-12.

The legislative restriction applies only to acts of defiance and disruption and has no impact on other types of Education Code violations such as fights, controlled substances, or dangerous objects.

In anticipation of the change, the district has conducted mandatory professional learning for principals to inform them of the new law and discuss alternative strategies to respond to student defiance and disruption. Many vice principals and staff from the Special Education department also participated in the sessions. The 2019/20 Behavior Response Matrix has been revised to require the use of alternative consequences and interventions for defiance and disruption in grades kindergarten through eight and distributed to all school sites. Additionally, school site teams are receiving in depth training on Districtwide Discipline Guidelines, utilizing a cohort approach.

Additional professional learning options are planned for the spring and will include sessions focused on alternative strategies to respond to defiance/disruption, video modules, and online Q & A.

If you have any questions or require additional information, please contact Ambra O'Connor at 457-3340.


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



Date: 1/10/2020

Fresno Unified School District
Board Communication

BC Number SL-2

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

Date: January 10, 2020

Phone Number: 457-3341

Regarding: Youth Court

The purpose of this communication is to provide the Board an update regarding Fresno Unified School District's Youth Court programs.

Fresno County Youth Court is a diversion program for students who commit certain first-time, on-campus misdemeanors. Developed as an alternative to the juvenile justice system, the Fresno County Youth Court began in 1995 at Roosevelt High School in cooperation with the Fresno County Probation Department, Juvenile Court, the Police Department, and the Youth Fair Chance Program.

Currently, there are a total of 16 programs within Fresno County. In addition to the district, programs are also operational within Fresno, Central, and Sanger Unified. Fresno Unified has programs on eight campuses: Bullard, Duncan, Edison, Fresno, Hoover, McLane, Roosevelt, and Sunnyside High.

Youth Court sessions are held monthly and operate with the full authority of a court of law. High school students are trained to serve as jurors and responsible for making fair decisions regarding the sentencing of the offending student. Adults directly involved include a presiding Fresno County Superior Court Judge, law enforcement/probation officer, school administrator/coordinator, and a court clerk.

Types of Misdemeanor Offenses Eligible for Youth Court:

- Disturbance/Fighting on School Grounds; Simple Battery (73% of cases)
- Possession of Marijuana or Alcohol (17% of cases)
- Petty Theft (3% of cases)
- Graffiti; Vandalism (1% of cases)
- Any other misdemeanor determined by law enforcement officer (6% of cases)

Infractions for school related incidences and other issues that may require aggressive school intervention are also eligible.

During the 2018/19 school year:

<u>School Site</u>	<u>Number of Cases</u>	<u>Number of Jurors</u>
Bullard High	15	64
Duncan High	15	19
Edison High	12	20
Fresno High	14	31
Hoover High	10	27
McLane High	9	20
Roosevelt High	7	14
Sunnyside High	8	11
Total	90	206

When a student commits one of the eligible offenses and meets the criteria for Youth Court, it is at the discretion of the law enforcement officer to refer the student to the program and provide the student the option to participate. The student and parent/guardian meet with the law enforcement officer and/or school representative to sign a participation contract.

During the duration of the case, the Deputy Probation Officer supervises the student and helps to ensure that they make positive progress in school while completing their sentencing requirements. Some examples of sentencing options include but are not limited to: community service hours; written essays; apology letters; mandatory workshops or classes; referrals to counseling, and/or restitution. Additionally, all student offenders are ordered to participate as a Youth Court Juror in the future, on a different case. When the student completes their sentence, their record is fully expunged. If they fail to appear or complete within the specified time, their case is referred back to the Fresno County Probation Department for processing via the traditional juvenile justice system.

Acknowledging the power of student voice and leadership in work that impacts their peers, a Fresno County Youth Court Student Advisory program was created in the 2018/19 school year. Each school can nominate two Youth Court Jurors from their program. The members meet quarterly to give their input on many issues concerning the development and enhancement of programs for Fresno County. Currently, there are 12 Fresno Unified students serving in this capacity. In February, the Student Advisors will have the opportunity to join the Fresno County Youth Court Steering Committee at the Juvenile Justice Campus for their first joint meeting.

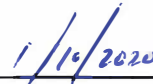
If you have any questions or require additional information, please contact Ambra O'Connor or Erica Hasenbeck at 457-3357.

Approved by Superintendent

Robert G. Nelson Ed.D.




Date:



Fresno Unified School District
Board Communication

BC Number SL-3

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Brian Beck, Assistant Superintendent
Cabinet Approval: 

Date: January 10, 2020
Phone Number: 457-3226

Regarding: Special Education Staffing for Designated Instructional Services

The purpose of this communication is to provide the Board information regarding staffing, caseloads, and workloads for Designated Instructional Services staff (DIS) within the Special Education Department. For the purposes of this communication, caseload refers to the number of students for which a staff member provides services while workload refers to the amount of time required to provide services and the associated duties such as travel between school sites, preparation, and planning for Individualized Education Program (IEP) meetings. Guidance from the California Department of Education and professional organizations for DIS service providers encourage a workload model to determine caseloads. The current formula utilized for a full-time position over the course of a month is based on 20 eight-hour days as follows:

Service Minutes	Preparation Time	IEP Planning	Lunch	Travel	Total Minutes
4980*	1920	900	600	1200*	9600
(249 daily)	(96 daily)	(45 daily)	(30 daily)	(60 daily)	(480 daily)

**When travel is not necessary the service minutes are increased by 1,200 to 6,180 (309 daily).*

The number of students assigned to each staff member's caseload is dependent upon the level of service for the students, and both factors must be considered when determining staff assignments. For example, a caseload of 20 could have the same service minutes as a caseload of 40 since each student may have different service minutes in their IEP. Therefore, the chart below summarizes average caseloads with the acknowledgement that each staff member may have more or less than the average based on service minutes.

DIS Position	Number of Positions (FTE)	Total Students	Avg Caseload
Speech/Language Pathologists	87	4,797	55
Adaptive Physical Education Teachers	8	294	37
Teachers of the Deaf and Hard of Hearing	7	180	26
Teachers of Orthopedically Impaired	7	219	31
Teachers of Visually Impaired	6	137	23
Orientation & Mobility Specialists	2	36	18
Occupational Therapists	9	461	51
Physical Therapists	2	103	52

If you have any questions or require additional information, please contact Brian Beck at 457-3226.


Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 1/10/2020

Fresno Unified School District
Board Communication

BC Number SL-4

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Jeremy Ward, Executive Officer
Cabinet Approval: 

Date: January 10, 2020

Phone Number: 248-7465

Regarding: Winter Learning Opportunities

The purpose of this communication is to provide the Board information regarding learning opportunities over the winter break. Summarized below are sessions offered through partnership with the Fresno County Superintendent of Schools (FCSS). FCSS is the grantee for the After School Education and Safety program for the sites listed below. These sites provided enrichment sessions for students during the winter break.

Location	Dates	Time
Birney Elementary	December 16 – 18	8:00 a.m. – 2:00 p.m.
Burrough Elementary	December 16 – 18	8:00 a.m. – 2:00 p.m.
Calwa Elementary	December 16 – 20	7:30 a.m. – 2:30 p.m.
Sunset Elementary	December 16 – 20	8:30 a.m. – 2:30 p.m.
Turner Elementary	December 16 – 18	8:00 a.m. – 2:00 p.m.
Wawona K-8	December 16 – 20	8:00 a.m. – 2:00 p.m.
Yosemite Middle	December 17, 20, 23, 24, 26, January 2, 3	10:00 a.m. – 1:00 p.m.

Staff will consider and plan to offer additional opportunities for next winter that will maximize resources and align to student needs illuminated through a review of data. These plans will be shared via future Board Communications and contemplated through the strategic budget development process.

If you have any questions or require additional information, please contact Jeremy Ward at 248-7465.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 1/10/2020