

#### BOARD OF EDUCATION

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#### INTERIM SUPERINTENDENT

Mao Misty Her

# **BOARD COMMUNICATIONS - FEBRUARY 14, 2025**

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

OFFICE OF THE SUPERINTENDENT – Mao Misty Her, Interim Superintendent

S-1 Mao Misty Her Interim Superintendent Calendar Highlights

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

BFS-1 Kim Kelstrom School Services Weekly Update Reports for

February 07, 2025

BFS-2 Ashlee Chiarito, Ed.D. February Legislative Committee Meeting

# Fresno Unified School District Board Communication

**BC Number S-1** 

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

Prepared by: Mao Misty Her, Interim Superintendent

Cabinet Approval:

Phone Number: 457-3884

Date: February 14, 2025

Regarding: Interim Superintendent Calendar Highlights

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

- Met with Executive Cabinet
- Site visit at Bullard Talent
- Walked three classrooms at site visit
- Attended Designated Schools Mediation
- Recorded Next Man Up Podcast with Men of Color in Education Leadership (MCEL)
- Held Cycle of Continuous Improvement discussions with three site principals
- Met with West Fresno Community Members
- · Attended Labor Management Partnership Meeting
- Attended the Crossroads Ribbon Cutting Ceremony

Approved by Inte	rim Superintendent		
Mao Misty Her _	MAQU	Date: _	02/14/25

# Fresno Unified School District Board Communication

**BC Number BFS-1** 

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

Date: February 14, 2025

Phone Number: 457-3907

Cabinet Approval: 1/4//

Regarding: School Services Weekly Update Reports for February 07, 2025

The purpose of this communication is to provide the Board a copy of School Services of California's (SSC) Weekly Updates. Each week SSC provides an update and commentary on different educational fiscal issues. In addition, they include different articles related to education issues. The SSC Weekly Updates for February 07, 2025 are attached and include the following articles:

- Details Emerge on Discretionary Block Grant February 03, 2025
- Trump Poised to Diminish the Education Department; Fate of Financial Aid, Equity Grants Uncertain – February 04, 2025
- California Schools Continue to Struggle with Test Scores in Reading and Math February 04, 2025

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

Approved by Int	erim Superintendent	
Mao Misty Her	Mac	Date: 02/14/25



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DATE: February 7, 2025

TO: Misty Her

**Interim Superintendent** 

AT: Fresno Unified School District

FROM: Your SSC Governmental Relations Team

RE: SSC's Sacramento Weekly Update

## **Legislature Wraps up Special Session**

On Monday, February 3, 2025, the Legislature wrapped up its special session. A few weeks ago, we reported that the Legislature had approved, and Governor Gavin Newsom had signed, two special session measures that provided over \$2.5 billion to expedite firestorm response and recovery efforts in Los Angeles County, streamline rebuilding efforts, and help rebuild fire-damaged school facilities.

On Monday, the Legislature approved two measures related to shoring up state and local legal defenses against the Trump Administration and then gaveled the special session closed.

Senate Bill 1 of the First Extraordinary Session (SBx1 1) authorizes the Department of Finance to increase funding for the Department of Justice by up to \$25 million for the current 2024-25 fiscal year for costs related to defending the state against enforcement and legal actions taken by the federal government, filing affirmative litigation challenging actions taken by the federal government, and taking administrative action authorized under state law to mitigate the impacts of actions taken by the federal government.

SBx1 2 provides \$25 million in one-time funding for the current 2024-25 fiscal year for immigration services, specifically:

- Appropriates \$10 million to the Legal Services Trust Fund to provide legal services to vulnerable persons at risk of detention, deportation, eviction, wage theft, intimate partner violence, and other actions as a result of potential or actual federal action
- Adds \$10 million to the Immigration Services Funding Program at the Department of Social Services for immigration services funding
- Increases \$5 million to the Judicial Council, to be distributed through the California Access to Justice Commission to nonprofit providers of legal services

The Assembly was expected to approve these bills last week but delayed the vote after GOP lawmakers questioned whether the funding for migrants could end up supporting people with criminal records. To quell this concern, Democratic lawmakers submitted a letter clarifying that the funding from these bills is not intended to provide services for people convicted of violent or serious crimes.

Governor Newsom is expected to sign these two bills into law in the coming days.

# Trump Signs EO Barring Transgender Student-Athletes from Women's Sports

On Wednesday, February 5, 2025, President Donald Trump issued an executive order (EO) aimed at prohibiting transgender women and girls from competing in women's sports.

The EO calls on the federal government to "rescind all funds from educational programs that deprive women and girls of fair athletic opportunities," and also to "prioritize Title IX enforcement actions" against schools that allow transgender women and girls to compete in women's sports.

The Administration has not provided details about which federal funding streams they would withhold from schools that violate the EO. Federal funding accounts for about 10% of public school resources in California.

Several states and organizations have already said that they will sue the Trump Administration over this order.

# **Judge Places TRO on Federal Grant Pause**

In last week's update, we reported that a federal judge had placed a freeze on the Office of Management and Budget's (OMB) memo that had ordered a pause in federal grants, loans, and other financial assistance. The White House rescinded the OMB memo shortly after the judge ordered the freeze; however, the Administration had vowed to continue its efforts to pause federal spending.

On Monday, February 3, 2025, U.S. Judge Loren AliKhan issued a temporary restraining order (TRO) against the Trump Administration's memo. The <u>TRO</u> issued by the judge effectively blocks the Trump Administration "from implementing, giving effect to, or reinstating under a different name the directives in <u>OMB Memorandum M-25-13</u> with respect to the disbursement of Federal funds under all open awards." In other words, the ruling bars the White House from attempting to implement a similar order. Judge AliKhan goes on to say that the Administration's "actions in this case potentially run roughshod over a 'bulwark of the Constitution' by interfering with Congress's appropriation of federal funds."

The ruling also requires the White House to provide a status report by Friday, February 7, 2025, that indicates their compliance with the TRO.

As of this writing, the Trump Administration has yet to say whether they plan to appeal the judge's ruling.

Leilani Aguinaldo

# **Details Emerge on Discretionary Block Grant**

By Matt Phillips, CPA School Services of California Inc.'s *Fiscal Report* February 3, 2025

As part of the 2025-26 Governor's Budget, nearly \$1.8 billion is proposed to fund the Student Support and Professional Development Discretionary Block Grant. The Budget included limited details, which generated a lot of questions. However, the Department of Finance released the education omnibus trailer bill language on Saturday, February 1, 2025, which provides answers to many of the questions. The following items are all part of the proposal and subject to change.

First, the grant is intended to be discretionary in nature, although the trailer bill language identifies four suggested uses for statewide priorities, including professional development and developing and implementing teacher recruitment and retention strategies. Second, the grant is proposed to be allocated on a per average daily attendance (ADA) rate using the 2024-25 Second Principal Apportionment attendance data. The estimated allocation rate is approximately \$323 per ADA. Third, the grant must be fully expended by June 30, 2029.

Despite the additional details becoming available, it is premature to include the funding in Second Interim reports for a multitude of reasons. All facets of the funding are still subject to negotiation between the Governor and Legislature. Between now and the enactment of the State Budget, the dollar amount, allocation method, and allowable uses may change. As additional information is released, we will keep you apprised through subsequent *Fiscal Report* articles.

Note: Several media outlets have written about an impending EO from President Trump that will look to diminish the Department of Education.

# Trump Poised to Diminish the Education Department; Fate of Financial Aid, Equity Grants Uncertain

By Teresa Watanabe, Howard Blume, Jaweed Kaleem, and Jenny Gold *Los Angeles Times* February 4, 2025

President Trump signaled his plans Tuesday to diminish the U.S. Department of Education, saying that he has told Secretary-Designate Linda McMahon that he wants her to "put herself out of a job" and that he would work with Congress and teachers unions to achieve his goal of turning education over to the states.

"I believe strongly in school choice, but in addition to that, I want the states to run schools, and I want Linda to put herself out of a job," Trump said at a Oval Office press briefing.

He has not issued an executive order making good on a campaign pledge to eliminate the department, instead indicating the process would evolve with Congress. When asked if he is looking to issue an order, Trump said: "I think I'd work with Congress ... We'd have to work with the teachers union because the teachers union is the only one that is opposed to it."

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McMahon, a former pro-wrestling mogul and small-business champion, has not yet been confirmed.

The prospect of dismantling the Department of Education has led to questions and fears over potential chaos over how key responsibilities and billions in federal funding — including handling federal financial aid, grants for disadvantaged students and civil rights enforcement — would be affected.

The department has authority over financial lifelines that so many campuses and students rely on. The department's K-12 programs serve more than 50 million students attending 130,000 public and private schools; federal grant, loan, and work-study assistance benefits more than 13 million post-secondary students.

Student loans also fall under the department's authority. Conservatives have criticized the student loan process, with Republican states successfully suing the Biden administration over its multiple attempts to cancel wide swaths of the nation's ballooning federal student loan debt. According to the Education Department, the government is owed more than \$1.5 trillion in student loans by more than 43 million Americans.

#### California's reliance on federal funds

California has a massive stake in how the department is run. The state receives more than \$2.1 billion in Title I grants to counteract the effects of poverty — more than any other state — with \$417 million provided to Los Angeles Unified, the nation's second-largest school system, according to the California Department of Education.

More than 200,000 low-income students in the California State University system, the largest and most diverse four-year higher education system in the nation, annually rely on \$1 billion in federal Pell grants to afford college. At the University of California, more than 80,000 undergraduate students received about \$454 million in Pell Grants in the 2023-24 academic year.

But Trump and many Republicans have long railed against the federal department as wasteful and ineffective, arguing that education should be handled at the state and local level closest to families.

Opponents have vowed to fight any executive order that would eliminate the department.

"If it became a reality, Trump's power grab would steal resources for our most vulnerable students, explode class sizes, cut job training programs, make higher education more expensive and out of reach for middle class families, take away special education services for students with disabilities, and gut student civil rights protections," National Education Assn. President Becky Pringle said in a statement Monday. "Americans did not vote for, and do not support, ending the federal government's commitment to ensuring equal educational opportunities for every child."

# What role does Congress play?

Changing or redirecting the department's myriad functions that touch on every school district, college and university that receives federal funding would be an enormous and complicated task.

Many people question whether Trump has the authority to dismantle a department created by Congress or refuse to provide funding appropriated by federal lawmakers. Legal questions also arise over whether the president can unilaterally transfer functions from one branch of government to another. If Congressional

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approval is needed, Republicans have only narrow majorities in the House and Senate and a potential Democratic-led filibuster in the Senate could block the move.

Michael Petrilli, president of the right-leaning Thomas B. Fordham Institute think tank, said that closing down the department was "pretty hypothetical."

"It would take an act of Congress to dismantle the department and Republicans simply do not have the votes, let alone the fact that it would be an unpopular move in many Republican districts," he said.

In 2023, 60 Republicans — including five of 11 Californians — joined 205 Democrats in voting against an amendment that would have expressed Congressional support for ending the authority of the Department of Education to administer K-12 programs. The amendment, seen as a precursor to abolishing the department, failed.

Debate over the federal government's role in education isn't new.

The Department of Education was first established in 1867 by President Andrew Johnson, but abolished a year later and its functions were merged into other parts of the federal government. Democratic President Jimmy Carter asked Congress to reestablish a standalone department in 1979; his Republican successor, Ronald Reagan, tried to eliminate it but was unsuccessful. Efforts to ax the department have continued since, including a bill introduced last month by U.S. Rep. David Rouzer (R-N.C.).

Rick Hess, a senior fellow and director of education policy studies at the American Enterprise Institute, said it was "perfectly reasonable" to abolish the department — or at least downsize it — because of what he called wasteful spending, political biases toward teacher unions and misplaced responsibilities. He and Petrilli have questioned, for instance, why educational bureaucrats should manage a trillion-dollar student loan portfolio rather than financial experts in the Treasury Department — a shift advocated by Project 2025, the conservative policy playbook written in part by many members of the first Trump administration.

But Liz Sanders, a California Department of Education spokesperson, voiced unease over any attempt to abolish the department.

"We are incredibly concerned about what seems to be a thoughtless approach to changing essential federal programs that support our kids every day — and support our most vulnerable kids every day. We're talking about essential academic support services," Sanders said. "We want to make sure that these services are able to have a level of continuity for our educators and our families and our students. Simply a one-sentence hatchet job is not how we should make changes that impact our kids."

For now, education leaders are waiting for clearer signs of what Trump intends.

"If this is all about cutting costs and programs, then the move would have a huge impact," said Pedro Noguera, dean of the USC Rossier School of Education. "If it's about moving tasks and the people carrying them out into other agencies, then it's hard to see costs being reduced.

"It's hard to know exactly what's going to happen or why it's happening, because they haven't really been real clear about the strategy, if there is one."

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Note: The latest National Assessment of Educational Progress scores show that California scores in fourth and eighth grade reading fell again, leaving California nine points and the nation eight points below 2017.

# California Schools Continue to Struggle with Test Scores in Reading and Math

By Dan Walters CalMatters February 4, 2025

When Gov. Gavin Newsom issues one of his periodic boasts about California's superiority vis-a-vis other states — particularly those with conservative politics such as Texas and Florida — he conveniently omits aspects that are less than admirable. The exclusions include California's levels of poverty, homelessness, unemployment, utility bills and housing costs that are the nation's highest, or close to it.

One of California's starkest — and most important — letdowns is the consistent failure to help elementary and middle school students achieve higher national test scores in basic educational skills, such as reading and math.

Simply put, California's education system is not only behind most other states, but even trails those that Newsom and other Californians consider to be culturally backward. Moreover, California schools have not yet recovered from the educational losses suffered during the COVID-19 pandemic.

This harsh reality is revealed in the latest round of academic testing by the federal National Assessment of Educational Progress. The data are voluminous and difficult to parse, but EdSource, a nonprofit news outlet devoted to charting California education trends, has thankfully done it for the rest of us.

"The latest scores show mostly no progress," EdSource reported last week. "Scores in fourth and eighth grade reading fell again, leaving California 9 points and the nation 8 points below 2017. Math was mixed — up in fourth grade, but not enough to catch 2019, with eighth grade taking another dip."

EdSource further found that average scores "mask widening disparities between the highest and lowest-performing students. On fourth grade reading, student scores at the 90th achievement percentile fell 1 point between 2019 and 2024, and scores at the 75th percentile fell 3 points. However, scores for students in the 10th percentile fell 10 points, and for students in the 25th percentile, they fell 8 points."

Stubbornly low levels of reading and mathematics skills among elementary and middle school students are particularly worrisome because they are tools that must be mastered to successfully navigate high school and post-graduation college classes or job training. The lapses not only affect the students' chances to become successful adults but the state's needs for an educated workforce and voting public.

Current data underscore that negative effect. While California has a huge homeless population and more than a million members of its labor force are jobless, employers are also finding it very difficult to fill job vacancies with workers who are either skilled or can be trained.

This isn't a new issue. California has been lagging behind other states for decades and has a chronic "achievement gap" between poor or English-learner students and those from more privileged circumstances.

More than a decade ago, then-Gov. Jerry Brown and the Legislature overhauled school finance to provide additional funds to schools with large numbers of students at risk of failure. While countless billions of dollars have been rerouted, the outcomes have improved only fractionally at best.

Money is certainly a factor in the quality of instruction. The state has sharply boosted spending on schools in recent years and they would have nearly \$25,000 per student in Newsom's proposed 2025-26 budget. Newsom has fostered additional state aid for kindergarten and pre-kindergarten, the state is now providing universally free lunches, and has implemented early screening to detect reading deficiencies.

Those are potentially positive steps to close achievement gaps, but money is not the only factor. EdSource notes that "some states whose scores exceeded California's on fourth-grade reading, including Mississippi, Connecticut and Colorado, adopted comprehensive reading plans grounded in the science of reading."

That's the current term for phonics, which California's education establishment has often resisted despite ample evidence that it improves kids' ability to read.

# Fresno Unified School District Board Communication

**BC Number BFS-2** 

From the Office of the Superintendent

To the Members of the Board of Education

Prepared by: Ashlee Chiarito, Ed.D., Executive Officer

Cabinet Approval: ///

Date: February 14, 2025

Phone Number: 457-3934

Regarding: February Legislative Committee Meeting

The purpose of this communication is to provide the Board with information shared at the February 06, 2025, Legislative Committee Meeting.

At the regular meeting of the Legislative Committee of the Fresno Unified School District the following were present: Board of Education Members: Andy Levine and Veva Islas joined virtually; Director, Governmental Relations: Leilani Aguinaldo; District Staff: Patrick Jensen, Chief Financial Officer, Business and Financial Services; Kim Kelstrom, Chief Executive, Fiscal Services, Ashlee Chiarito, Executive Officer, State & Federal Programs, David Chavez, Chief Human Resources, Zuleica Murillo, Executive Director, Translation & Interpretation Services, Teresa Plascencia, Executive Director, Constituent Services

## **Budget and Economic Update**

Ms. Aguinaldo provided a budget legislative update.

The Governor's Budget proposes almost \$1.8 billion to fund the Student Support and Professional Development Discretionary Block Grant. The grant is proposed to be allocated per average daily attendance (ADA). Suggested priorities for use of funds include professional development, teacher recruitment, and retention strategies.

School Services provided an estimate of Equity Multiplier Schools for the 2025/2026 school year. Schools are identified based on a socio-economic rate of 70% or higher and a non-stability rate of 25% or higher. It is estimated that schools will receive \$933.73 per pupil to support the students identified as lowest performing on the 2024 California School Dashboard.

The Fiscal Crisis and Management Assistance Team (FCMAT) published a report detailing the challenges that public agencies have experienced since the passage of Assembly Bill (ABO 218 (Gonzalez, Statutes of 2019), which changed the statute of limitations for civil claims of childhood sexual assault and revived the statute of limitations for old claims until December 31, 2022. For Local Education Agencies (LEAs) the best estimate of claims to date is \$2-\$3 billion.

School Services released an article discussing the significant increase of fact findings during the negotiation process. LEAs are experiencing declining enrollment, the end of ADA protections, expiring one-time dollars, rising pension costs, and insufficient special education funding for required costs which are limiting LEAs ability to provide compensation increase.

In 2023/2024, the Local Control and Accountability (LCFF) cost-of-living adjustment was 8.22%. Schools Services reports that a significant amount of those dollars were passed on to employees by salary increases or health and welfare contributions ranging in a roughly 5% change.

## **Legislative Update** – The following bill proposals were discussed:

AB 313 (Ortega) – Extends the March 3, 2025 application deadlines for financial aid programs administered by the Student Aid Commission by one month.

AB 335 (Gipson) – Establishes a competitive grant program to provide academic support to underserved Black and African American students and other underserved students.

AB 65 (Aguiar-Curry) – Requires a K-14 public school employer to provide up to 14 weeks of full pay to certificated and classified employees due to pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from these conditions.

AB 281 (Gallagher) – Requires school districts to allow parents or guardians to inspect any written or audiovisual educational material used in comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education and would authorize them to make copies of any written materials distributed to students.

AB 49 (Muratsuchi) – Support – Protects immigrant children from actions by US Immigration and Customs Enforcement officers who enter school sites or childcare facilities.

AB 68 (Essayli) – Requires school districts and charter schools to hire or contract with at least one armed school resource officer authored to carry a loaded firearm to be present at each school during regular school hours and any other time when pupils are present on campus.

SB 48 (Gonzalez) – Support – Prohibits schools and personnel from granting a United States Immigration and Customs Enforcement officer or other federal official engaging in immigration related investigations permission to access a school campus without a judicial warrant.

SB 33 (Cortese) – Provides a guaranteed income of \$1,000 dollars each month from May 01, 2026 to August 01, 2026 for students in grade 12 who are homeless.

The School Services Legislative Committee February 2025 report is attached. The next Legislative Committee meeting is scheduled for March 13, 2025.

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

Approved by Interim Superintendent				
Mao Misty Her	Mac	Date: _	02/14/25	

# **Fresno Unified School District**

LEGISLATIVE COMMITTEE MEETING FEBRUARY 6, 2025

2025-2026 Legislative Session

**Prepared By:** 

Leilani Aguinaldo Director, Governmental Relations



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# School Services of California, Inc. Legislative and Economic Update Prepared for: Fresno Unified School District Table of Contents February 5, 2025

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PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

# **Details Emerge on Discretionary Block Grant**

By: Matt Phillips, CPA February 3, 2025

As part of the 2025-26 Governor's Budget, nearly \$1.8 billion is proposed to fund the Student Support and Professional Development Discretionary Block Grant. The Budget included limited details, which generated a lot of questions. However, the Department of Finance released the education omnibus trailer bill language on Saturday, February 1, 2025, which provides answers to many of the questions. The following items are all part of the proposal and subject to change.

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Despite the additional details becoming available, it is premature to include the funding in Second Interim reports for a multitude of reasons. All facets of the funding are still subject to negotiation between the Governor and Legislature. Between now and the enactment of the State Budget, the dollar amount, allocation method, and allowable uses may change. As additional information is released, we will keep you apprised through subsequent *Fiscal Report* articles.

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

# **LCFF Equity Multiplier Estimates Now Available**

By: Dave Heckler January 28, 2025

As announced at our Governor's Budget Workshop, School Services of California Inc. (SSC) has posted Local Control Funding Formula (LCFF) Equity Multiplier estimates for the 2024-25 fiscal year.

The estimates, built off the latest 2023-24 stability rate data, provide a list of qualifying schools for 2024-25 and can be accessed <a href="here">here</a>. SSC estimates the amount to be \$933.73 per pupil. More information about Equity Multiplier funds is available in our April 2024 *Fiscal Report* article, "When Can We Spend Equity Multiplier Funds?"

As a reminder, these are only estimates. The California Department of Education will provide the official allocations with the 2024-25 First Principal Apportionment in February.

# LCFF Equity Mutliplier Estimates Fresno Unified Eligible Schools

LEA	School	Non-Stability Rate (percent)	Socioeconomically Disadvantaged (percent)	Adjusted Cumulative Enrollment	Estimated Funding
Fresno Unified	Addams Elementary	26.47%	95.93%	933	\$871,166
	Cambridge Continuation High	64.46%	95.35%	709	\$662,011
	Columbia Elementary	26.93%	97.73%	661	\$617,192
	Deborah A. Williams Elementary	26.08%	97.84%	694	\$648,005
	Dewolf Continuation High	70.50%	91.57%	261	\$243,702
	Fort Miller Middle	31.07%	97.33%	750	\$700,294
	Fulton	68.00%	88.00%	25	\$50,535
	J. E. Young Academic Center	45.85%	92.44%	1,747	\$1,631,218
	Lincoln Elementary	25.74%	97.87%	610	\$569,572
	Lowell Elementary	26.90%	98.37%	368	\$343,611
	Phoenix Elementary Academy Community Day	76.19%	96.83%	63	\$58,825
	Phoenix Secondary	85.63%	95.63%	160	\$149,396
	Vinland Elementary	28.30%	91.52%	696	\$649,873
	Wolters Elementary	29.17%	94.43%	521	\$486,471
Grand Total				8,198	\$7,681,871

Source data: 2023-24 Stability Rate Data

Run Date: 01/20/2025

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

# FCMAT Publishes Report on Fiscal Impacts of Childhood Sexual Assault Claims

By: Leilani Aguinaldo February 3, 2025

On January 31, 2025, the Fiscal Crisis and Management Assistance Team (FCMAT) published "Childhood Sexual Assault: Fiscal Implications for California Public Agencies." The report details the fiscal challenges that public agencies have experienced since the passage of Assembly Bill (AB) 218 (Gonzalez, Statutes of 2019). The bill was signed by Governor Gavin Newsom, which, among other things, significantly changed the statute of limitations for civil claims of childhood sexual assault and revived the statute of limitations for old claims until December 31, 2022. Public agencies impacted by these claims include local educational agencies (LEAs) and community colleges but also other local agencies such as cities and counties.

Laws governing claims for childhood sexual assault have changed significantly over the last five years. Prior to AB 218, victims had until their 26th birthday to seek recovery of damages suffered as a result of childhood sexual abuse. The prior law also allowed victims to file a claim within three years of the date of discovery that psychological injury or illness was caused by childhood sexual abuse. AB 218 changed these respective timelines to 40 years old or five years from the date of discovery. While the three-year revival period to file old claims expired on December 31, 2022, this deadline only applies to victims over the age of 40. As the report explains, "victims younger than age 40 before January 1, 2023, or those with repressed memory of the assault, may continue to commence claims up to age 40 or within five years of discovery, as provided. This essentially provides a 14-year window for claims to continue to be filed until victims turn 40 years old and sets no age limit for those who discover psychological injury or illness later." In addition to AB 218, AB 452 (Addis, Statutes of 2023) completely eliminated the statute of limitations for claims for these offenses on or after January 1, 2024.

The report explains the importance of understanding the fiscal implications of childhood sexual assault claims for public agencies: "All local educational agencies are affected, whether they have claims or not. The same is true of other local government agencies such as cities, counties, and certain special districts. The cost and decreasing availability of liability insurance or other risk sharing programs affects current educational and public services, because more of today's tax dollars are being used to pay for yesterday's offenses." The report attempts to quantify the financial burden on public agencies but acknowledges that a statewide database of claims data is not available. Despite this, the report concludes that "the magnitude of the fiscal impact is significant and will affect programs and services." For LEAs, the best estimate of claims to date is \$2-\$3 billion. The amount for other local agencies is considerably higher; one county government alone approximates its claims value at \$3 billion.

Furthermore, many variables affect estimates of the actual impact on individual agencies, such as the amount of the claim for which the local agency is responsible (referred to as self-insured retention), the terms and amounts of coverage the agency has as part of its membership in different risk pools, and settlements or judgments that exceed the coverage limits. Depending on the amount of the obligation and the amount and terms of coverage a public agency has, it is responsible for

paying for a portion of the claim if it is insured or underinsured, or the entire claim if it is uninsured. Interwoven in the report are a few examples of school districts facing AB 218-related claims to illustrate the local impact.

The report also provides an overview of how public agencies are insured, explaining the common reliance on public entity risk pools rather than commercial insurance. A pool's member agencies pay premiums and fees for coverage, and the contributed funds and any investment earnings on reserves finance the risk pool's obligations. However, because AB 218 changed the law for past childhood sexual assault claims, funds to address these obligations were never collected during the applicable coverage periods. Risk pools must fund AB 218 settlement and judgment costs through collections from members past and present: ". . . once a member for a given year, a member agency assumes a lifetime obligation based on the year of membership and any claim exposure associated with that year." For example, one liability risk pool that serves LEAs has collected more than \$300 million over the last four years from current and prior members to handle claims attributed to years through 2016, and it anticipates it may need to collect another \$300-\$400 million to address ongoing and new claims.

Other parts of the report explore the financing considerations and options for local agencies that must pay a settlement or judgment as well as the receivership protection available only to school and community college districts. FCMAT also includes 22 recommendations throughout the report, which it categorizes as follows:

- Mandated childhood sexual assault claim reporting, statewide data repository and data classification
- Amended timelines to pay a judgment to facilitate public financing of all or part of the amount
- Enhanced provisions for public financing of obligations
- Alternate statutory provisions for school districts facing receivership and needing emergency apportionments solely because of AB 218 obligations
- Study and establish a victims compensation fund option
- Preventative measures aimed at completely eliminating childhood sexual assault in local public agencies

The report is the result of statutes associated with the 2024-25 Enacted State Budget that tasked FCMAT with providing recommendations for funding and financing mechanisms that local agencies may utilize for judgments or settlements arising from claims of childhood sexual abuse. The Legislature is expected to hold hearings to discuss the report in the next few months.

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

# **Judge Freezes Federal Grant Pause**

By: Kyle Hyland January 31, 2025

On Monday, January 27, 2025, the federal Office of Management and Budget (OMB) issued a memorandum that ordered a pause on federal grants, loans, and other financial assistance originally set to go into effect at 5:00 p.m. on January 28.

When the memo came out there were a lot of questions around how this pause would affect federal education funding. The widespread concern prompted a statement from an official at the U.S. Department of Education (ED) who clarified that the order would only apply to discretionary grants distributed by the ED and would not impact Title I, the Individuals with Disabilities Act, or other formula grants, nor would it apply to federal Pell Grants and direct loans under Title IV of the Higher Education Act (see the article "Order Pauses Federal Grants—Some Education Programs Apparently Exempt" in the January 2025 Fiscal Report).

Prior to the 5:00 p.m. effective time on Tuesday, federal District Court Judge Jack McConnell temporarily blocked the order, ensuing that agencies, states, and other organizations that receive money from the federal government continue to receive those dollars. The judge placed a freeze on the order until Monday, February 3, 2025.

On Wednesday, the day after the federal judge's freeze on the order, the Trump Administration announced that it was rescinding the original OMB memo but was not rescinding its effort to review federal spending.

With the ambiguous response from the Administration regarding the recession of the memo, Judge McConnell ordered the plaintiffs to file a revised order for a temporary restraining order. The revised order would ask to halt any future freeze on federal funds.

We will continue to monitor this legal case and the Trump Administration's efforts to pause federal funding as well as keep you updated in subsequent articles.

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

# **Another Interest Holder Meeting for Proposition 2**

By: Brianna García January 31, 2025

The Office of Public School Construction has scheduled a second interest holder meeting to inform the implementation of Proposition 2. Similar to the first meeting (see the article "Interest Holder Meeting for Implementation of Proposition 2" in the January 2025 Fiscal Report), this meeting will discuss and seek input on the potential amendments to the various components of the School Facility Program resulting from the passage of Proposition 2. While the first meeting focused on components such as financial hardship, eligible expenditures, supplemental grants for 75-year-old buildings, and required matching share, this meeting will discuss energy efficiency, minimum essential facilities, and transitional kindergarten supplemental grants, as well as the five-year facilities master plan requirement, small school district program funding, and interim housing and natural disasters (see the meeting notice).

The meeting will be held on Thursday, February 13, 2025, from 9:00 a.m. to 12:00 p.m. at the Department of General Services in West Sacramento. The meeting will also be webcast. A notice with the address and Zoom link, as well as the agenda item, can be found by clicking <a href="here">here</a>—scroll down to "Proposition 2 Implementation Stakeholder Meeting #2."

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

# **Fact Findings Increased Significantly**

By: Matt Phillips, CPA and Kathleen Spencer

January 14, 2025

The Public Employment Relations Board is the administrative agency that is charged with administering collective bargaining as it pertains to local educational agencies (LEAs), colleges, and other state entities. The collective bargaining process consists of two phases: at-the-table negotiations and impasse. Impasse is further dissected into two layers: mediation and fact finding. At School Services of California Inc., we believe that the very best deals are reached prior to the impasse proceedings.

	2020-21	2021-22	2022-23	2023-24
Mediation Approvals	67	76	85	102
Fact Finding Approvals	11	17	15	27
Percentage of Mediations That Became Fact Finding	16.4%	22.3%	17.6%	26.5%

In the 2023-24 fiscal year, the number of approved mediations, and mediated cases that progressed to fact finding, increased quite significantly to a five-year high. The last time mediations exceeded the levels seen in 2023-24 was in 2018-19. A quick contrast between 2018-19 and 2023-24 suggests that there are some similarities in the financial outlook.

Although LEAs are guaranteed a minimum level of funding under Proposition 98, anxieties exist due to several factors, which include, but are not limited to, declining enrollment, conclusion of average daily attendance protections, and expiration of one-time federal and state dollars. Additionally, rising pension costs and insufficient funding for services provided to students with disabilities are cost pressures that impinge upon an LEA's ability to provide compensation increases at a level commensurate with cost-of-living adjustments.

Given the rise in LEAs going all the way to fact finding, it is more important than ever to prepare for negotiations as if you will go all the way to fact finding. This includes understanding the laws that govern fact finding, determining comparative groups, and calculating other financial metrics (e.g., step and column and cost of one percent) that will be critical in the fact finding process.

For a comprehensive review of this topic, and other pertinent bargaining topics, be sure to register for the Dollars and Cents of Collective Bargaining webinar. For more information on the workshop, click <a href="here">here</a>.

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

# **Total Compensation Increases for 2023-24**

By: John Gray, Dave Heckler, and Sarah Niemann, EdD

February 3, 2025

For the 2023-24 fiscal year, school districts were provided the statutory cost-of-living adjustment of 8.22% for the Local Control Funding Formula (LCFF). As the data shown below indicates, a significant amount of the LCFF dollars were passed on to employees by either salary increases or increased health and welfare contributions.

Remember that, in all of the health benefit calculations shown below, we are not reporting the total increase in the cost of health benefit premiums charged by the provider—only the increase in the statewide average for school districts' contributions to the premiums. Most districts have some form of cap on the contribution to premiums, other cost containment, or sharing of health benefit costs; so, plan changes and employee contributions are not taken into account here. For compensation purposes, we count only the additional amount contributed by the school district employer.

Compensation	2022-23	2023-24	\$ Change	% Change			
	Elementary School Districts						
BA+30, Step 1	\$60,623	\$64,133	\$3,511	5.79%			
BA+60, Step 10	\$90,166	\$95,145	\$4,978	5.52%			
Maximum Salary	\$118,059	\$124,677	\$6,618	5.61%			
Average District Contribution to Health and Welfare Benefits	\$15,020	\$15,765	\$745	4.96%			
	Hig	h School Districts					
BA+30, Step 1	\$64,600	\$69,099	\$4,499	6.96%			
BA+60, Step 10	\$97,742	\$104,290	\$6,549	6.70%			
Maximum Salary	\$127,957	\$137,032	\$9,075	7.09%			
Average District Contribution to Health and Welfare Benefits	\$17,715	\$19,000	\$1,286	7.26%			

Unified School Districts					
BA+30, Step 1	\$61,797	\$65,505	\$3,708	6.00%	
BA+60, Step 10	\$88,912	\$94,214	\$5,301	5.96%	
Maximum Salary	\$117,781	\$125,024	\$7,243	6.15%	
Average District Contribution to Health and Welfare Benefits	\$15,689	\$16,919	\$1,230	7.84%	

Source: State-certified J-90 Teachers' Salary and Benefits Report

These statewide averages were calculated from detailed information provided by school districts across the state. The increases from 2022-23 to 2023-24 were funded from all school funding sources, including the LCFF base funding as well as supplemental and concentration grant funding. Salary increases funded from supplemental and concentration grant funding are typically in exchange for increased services to benefit the students generating the funds—additional instructional minutes or increased collaboration time, for example. Further, these averages do not include any negotiated "off-the-schedule" salary increases, which are one-time increases that are not used to increase the ongoing salary schedule.

If you are interested in receiving additional detail, please click <u>here</u> to order our Salary and Benefits Report (SABRE).

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

## New Laws for 2025

By: Megan Baier and Kyle Hyland

January 15, 2025

Over the fall, School Services of California Inc. highlighted the most important bills signed by Governor Gavin Newsom in his sixth year in office that will affect education in 2025 and beyond.

As we enter the new year, we wanted to give you a refresher of some of the more significant bills affecting local educational agencies (LEAs) that officially went into effect on January 1, 2025:

- Assembly Bill (AB) 1858 (Ward, D-San Diego) prohibits an LEA from conducting highintensity active shooter drills and requires a trauma-informed approach to the design and execution of any drill
- AB 1955 (Ward) prohibits LEAs from requiring school employees to disclose any information related to a pupil's sexual orientation, gender identity, or gender expression to any other person without the pupil's consent, unless otherwise required by state or federal law
- AB 2134 (Muratsuchi, D-Torrance) requires an LEA, state special school, or community college district (CCD) to accept the transfer of sick leave for a certificated or classified employee at any time during their employment and requires certificated employee time to be transferred in days, rather than hours
- AB 2165 (Reyes, D-Colton) requires that LEAs, prior to exempting a student from the requirement to complete a Free Application for Federal Student Aid or a California Dream Act Application, provide students specified information, including the consequences of not completing those applications
- AB 2534 (Flora, R-Ripon) requires applicants for a certificated position to provide a complete list of every LEA where the applicant has previously worked and requires LEAs considering the applicant to inquire with previous employers whether the applicant was the subject of egregious misconduct complaints, investigations, or discipline
- AB 2565 (McCarty, D-Sacramento) requires, contingent upon an appropriation, an LEA making an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building to install interior locks on each door of any room with an occupancy of five or more persons in that school building
- AB 2711 (Ramos, D-Highland) prohibits the suspension of students enrolled in grades K-12 who voluntarily disclose their use of a controlled substance, alcohol, an intoxicant of any kind, or tobacco in order to seek help through services or supports
- Senate Bill (SB) 897 (Newman, D-Fullerton) makes the District of Choice (DOC) program
  permanent, prevents DOCs from discriminating based on various student characteristics,
  requires DOCs to accept transfers for foster youth and homeless children, allows districts with

- a qualified or negative budget status to limit student transfers to DOCs, and requires DOC program requirements to be subject to annual audit
- SB 937 (Wiener, D-San Francisco) prohibits a local government from requiring payment of fees or charges for public improvements or facilities on a designated residential development project before the development receives a certificate of occupancy
- SB 997 (Portantino, D-Burbank) requires LEAs to allow students in junior high, high school, or adult schools to carry fentanyl test strips, or a federally approved opioid antagonist while on a schoolsite
- SB 1244 (Newman) authorizes a CCD to enter into a College and Career Access Pathways partnership with a school district or county office of education located within the service area of another CCD under specified circumstances
- SB 1263 (Newman) requires the Commission on Teacher Credentialing (CTC) to convene a workgroup to assess the current design and implementation of the teacher performance assessment and report recommendations to the CTC by March 1, 2025
- SB 1288 (Becker, D-Menlo Park) requires the State Superintendent of Public Instruction to convene a working group on artificial intelligence (AI), and requires that working group to develop expanded guidance and a model policy on AI for use by LEAs
- SB 1388 (Newman) authorizes a student's excused absence due to participation in military entrance processing

There are also a number of measures that Governor Newsom signed that became statute on January 1, 2025, but their provisions or requirements do not take effect until a later date. The significant bills that fit this mold include the following:

- AB 938 (Muratsuchi) requires LEAs to complete the to-be-updated Form J-90 for classified and certificated staff assigned to schools by January 31, 2026, and annually thereafter
- AB 1913 (Addis, D-Morro Bay) requires LEAs and state special schools to include child abuse prevention in the annual mandated reporter training requirement for LEA employees beginning July 1, 2025
- AB 1997 (McKinnor, D-Inglewood) amends key provisions of the Teachers' Retirement Law related to creditable compensation, creditable service, and the reporting of compensation, effective upon a date determined by the California State Teachers' Retirement System board, no later than July 1, 2027
- AB 2245 (Carrillo, D-Los Angeles) requires, beginning July 1, 2025, service as an instructor in classes conducted at a regional occupational center or program operated by a single school district to be included in computing the service required to attain permanent employee status at a school district

- AB 2316 (Gabriel, D-Encino) prohibits, beginning December 31, 2027, LEAs from offering, selling, or otherwise providing any food or beverages containing the following food dye additives: Blue 1, Blue 2, Green 3, Red 40, Yellow 5, and Yellow 6
- AB 2429 (Alvarez, D-San Diego) requires LEAs that require their pupils to complete a health education course for high school graduation to include instruction on the dangers associated with fentanyl use commencing the with the 2026-27 school year
- AB 2887 (Maienschein, D-San Diego) requires LEAs, by July 1, 2025, to add to their comprehensive school safety plan procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds
- AB 2968 (Connolly, D-San Rafael) requires, commencing with 2026-27, LEAs in high fire severity zones to include in their comprehensive school safety plan procedures related to severe fires, including a communication, refuge, and evacuation plan
- AB 2999 (Schiavo, D-San Fernando Valley) encourages LEAs to develop a homework policy for all grades by the start of the 2027-28 school year, formally adopt a final homework policy by the start of the 2028-29 school year, and update the policy at least once every five years
- AB 3216 (Hoover, R-Folsom) requires, by July 1, 2026, an LEA governing board to adopt, and update every five years, a policy to limit or prohibit student use of smartphones while at school or under the supervision and control of school employees
- SB 98 (Portantino) requires the Legislative Analyst's Office to, by January 1, 2026, submit a report to the Legislature on the effects of changing the pupil count methodology of the Local Control Funding Formula from average daily attendance to enrollment
- SB 445 (Portantino) requires the California Department of Education (CDE), by January 1, 2027, to translate the Individualized Education Program template developed by the California Collaborative for Educational Excellence into the top ten most commonly spoken languages used across the state other than English
- SB 1248 (Hurtado, D-Sanger) requires, by July 1, 2026, each LEA in the state to develop, implement, and annually review extreme weather protocols related to student physical activities outdoors
- SB 1315 (Archuleta, D-Pico Rivera) requires the CDE to, by March 1, 2025, provide a report on the number and types of reports that LEAs are required to annually submit
- SB 1318 (Wahab, D-Silicon Valley) requires LEAs to update their suicide prevention policies to include crisis intervention protocols on or after July 1, 2026

Some measures, such as urgency bills, took effect immediately upon Governor Newsom's signature. The only significant bill that fell into that category last year was AB 2927 (McCarty), which adds a personal finance course as a high school graduation requirement beginning with the

2030-31 school year and requires high schools to offer a one-semester course in personal finance beginning with the 2027-28 school year.

Lawmakers returned to Sacramento on Monday, January 6, 2025, to begin their work on the first year of the 2025-26 Legislative Session. Legislators have until Friday, February 21, 2025, to introduce legislation for the 2025 legislative year.

We will cover bills as they are introduced by the Legislature and make their way through the legislative process in our "Top Legislative Issues" series, which we will resume closer to the bill introduction deadline.

# Bill Report



# SCHOOL SERVICES OF CALIFORNIA, INC.

# Legislative Report Prepared for: Fresno Unified School District Status as of February 5, 2025

Bill No./ Author	Title	Position	Current Status	Page			
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AB 335 Gipson	The Designation of California Black- Serving Institutions Grant Program		Assembly Desk	16			
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AB 65 Aguiar- Curry	School and Community College Employees: Paid Disability and Parental Leave		Assembly Education Committee	16			
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AB 281 Gallagher	Comprehensive Sexual Health Education and Human Immunodeficiency Virus (HIV) Prevention Education		Assembly Desk	17			
	School Safety and Stu	dent Disc	cipline				
AB 49 Muratsuchi	School Sites and Day Care Centers: Entry Requirements: Immigration Enforcement	Support	Assembly Desk	17			
AB 68 Essayli	School Safety: Armed School Resource Officers		Assembly Education Committee	17			
SB 48 Gonzalez	Immigration Enforcement: School Sites: Prohibitions on Access, Sharing Information, and Law Enforcement Collaboration	Support	Senate Education Committee	18			
SB 98 Pérez	Elementary, Secondary, and Postsecondary Education: Immigration Enforcement: Notification		Senate Rules Committee	18			
	Student Services						
SB 33 Cortese	Homeless Pupils: California Success, Opportunity, and Academic Resilience (SOAR) Guaranteed Income Program		Senate Education Committee	18			



#### College & Career

# AB 313 (Ortega)

Title: Student Financial Aid: Application Deadlines: Extension

Status: Assembly Desk

Position:

#### **Summary**

This urgency bill, for purposes of the 2025-26 award year only, would extend the March 3, 2025, application deadlines for financial aid programs administered by the Student Aid Commission by one month.

## AB 335 (Gipson)

Title: The Designation of California Black-Serving Institutions Grant Program

Status: Assembly Desk

Position:

#### **Summary**

Establishes the Designation of California Black-Serving Institutions Grant Program as a competitive grant program to provide academic support to underserved Black and African American students and other underserved students. The bill would designate the California State University Statewide Central Office for the Advancement of Black Excellence as the managing entity for the grant program and would require it to act as a neutral administrative body tasked with, among other duties, developing the grant application processes and processing and presenting grant applications to the governing board. The bill appropriates \$75,000,000 to the program for purposes of awarding grants to California State University campuses and community college districts that apply.

# **Employees**

## AB 65 (Aguiar-Curry)

Title: School and Community College Employees: Paid Disability and Parental Leave

Status: Assembly Education Committee

Position:

#### Summary

Requires a K-14 public school employer to provide up to 14 weeks of full pay to certificated and classified employees due to pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions.



#### Instruction

#### AB 281 (Gallagher)

Title: Comprehensive Sexual Health Education and Human Immunodeficiency Virus (HIV) Prevention

Education

Status: Assembly Desk

Position:

#### **Summary**

Requires school districts to allow parents or guardians to inspect any written or audiovisual educational material used in comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education and would authorize parents or guardians to make copies of any written educational material that will be distributed to pupils, if it is not copyrighted and has been or will be presented by an outside consultant or guest speaker. Also requires school districts to inform parents and guardians of their right to make these copies and of the training in comprehensive sexual health education and HIV prevention education of each outside consultant or guest speaker providing this instruction.

# **School Safety and Student Discipline**

#### AB 49 (Muratsuchi)

Title: Schoolsites and Day Care Centers: Entry Requirements: Immigration Enforcement

**Status:** Assembly Desk **Position:** Support

#### Summary

Prohibits local educational agencies (LEAs) from allowing an Immigration and Customs Enforcement (ICE) officer to enter a school for any purpose without providing valid identification, a written statement of purpose, and a valid judicial warrant, and receiving approval from the superintendent or charter school principal, or their designee. If ICE meets these requirements, then the LEA must limit access to facilities where pupils are not present.

#### AB 68 (Essayli)

Title: School Safety: Armed School Resource Officers

**Status:** Assembly Education Committee

Position:

#### **Summary**

Requires school districts and charter schools to hire or contract with at least one armed school resource officer authorized to carry a loaded firearm to be present at each school during regular school hours and any other time when pupils are present on campus, in accordance with the following:

- A. On and after January 1, 2026, each school that maintains any of the grades 9 to 12, inclusive
- B. On and after January 1, 2027, each school that maintains any of the grades 6 to 8, inclusive, but no grade lower than grade 6
- C. On and after January 1, 2028, each school that maintains a kindergarten or any grades 1 to 5, inclusive



#### SB 48 (Gonzalez)

Title: Immigration Enforcement: School Sites: Prohibitions on Access, Sharing Information, and Law

**Enforcement Collaboration** 

Status: Senate Education Committee

**Position:** Support

## **Summary**

This urgency bill would prohibit local educational agencies (LEAs) from granting an Immigration and Customs Enforcement (ICE) officer permission to access a school campus without a judicial warrant. An LEA may not disclose any information about a pupil, pupil's family and household, or school employee to an ICE officer without a judicial warrant. For a pupil's educational records or personal information, written consent of the pupil's parent or legal guardian is required. The bill would also prohibit California law enforcement agencies from collaborating with, or providing any information about a pupil, pupil's family and household, or a school employee to, immigration authorities regarding proposed or currently underway immigration enforcement actions when the actions could be or are taking place within a radius of one mile of any school site.

## SB 98 (Pérez)

Title: Elementary, Secondary, and Postsecondary Education: Immigration Enforcement: Notification

Status: Senate Rules Committee

Position:

#### **Summary**

Requires a local educational agency to immediately notify all pupils, parents, staff, and other school community members of the presence of immigration officers on a school site.

#### **Student Services**

#### SB 33 (Cortese)

Title: Homeless Pupils: California Success, Opportunity, and Academic Resilience (SOAR) Guaranteed

Income Program

Status: Senate Education Committee

Position:

#### **Summary**

Establishes the California Success, Opportunity, and Academic Resilience (SOAR) Guaranteed Income Program, which would provide a guaranteed income of one thousand dollars (\$1,000) each month from May 1, 2026, to August 1, 2026, for students in grade 12 who are homeless.

