

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING
January 14, 2021 – 10:00 a.m. Virtual Via Video Conference
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

AGENDA

NOTICE: This meeting will be held virtually only. If members of the public wish to participate in the meeting and/or make public comment, please follow the instructions below to participate telephonically:

PARTICIPATE BY PHONE:

Dial Access Number: 1-415-655-0003

When prompted - enter Access Code: 177 161 6289

Follow directions as a Participant; an Attendee I.D. is not required to participate.

If you wish to make a public comment at this meeting, prior to the meeting please submit a request to address the Desert/Mountain Charter SELPA Executive Committee to the recording secretary via fax at 1-760-242-5363 or email jamie.adkins@cahelp.org. Please include your name, contact information and which item you want to address.

Reasonable Accommodation: if you wish to request reasonable accommodation to participate in the meeting telephonically, please contact the recording secretary (via contact information noted above) at least 48 hours prior to the meeting.

1.0 CALL TO ORDER

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

Citizens are encouraged to participate in the deliberation of the Desert/Mountain Charter SELPA Executive Council. Several opportunities are available during the meeting for the Council to receive oral communication regarding the presentations of any items listed on the agenda. Please ask for recognition either before a presentation or after the presentation has been completed. Please complete and submit a “Registration Card to Address the Desert/Mountain Charter SELPA Executive Council” to the Recording Secretary and adhere to the provisions described therein.

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that the January 14, 2021 Desert/Mountain Charter SELPA Executive Council Meeting Agenda be approved as presented.

5.0 CONSENT ITEMS

It is recommended that the Desert/Mountain Charter SELPA Executive Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Committee Member at the meeting for clarification, discussion, or change.

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING
January 14, 2021 – 10:00 a.m. Virtual Via Video Conference
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

AGENDA

5.1 **BE IT RESOLVED** that the following Consent Items be approved as presented:

5.1.1 Approve the October 15, 2020 Desert/Mountain Charter SELPA Executive Council Meeting Minutes.

6.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

6.1 Legislative Updates

Jenae Holtz will present the latest in State and Federal law related to students with disabilities and school law.

6.2 Governor's Financial Incentive to Reopen Schools

Jenae Holtz will lead a discussion regarding the potential of schools reopening.

6.3 Assembly Bill (AB) 114 – Mental Health Dollars

Jenae Holtz will provide information to all charters of available virtual mental health services through Desert/Mountain Children's Center.

6.4 Desert/Mountain Charter SELPA Local Plan Revise Board Signatures

Jenae Holtz will provide update on Desert/Mountain Charter SELPA Local Plan Revise Board signatures.

6.5 Professional Learning Summary

Heidi Chavez will present the D/M Charter SELPA Professional Learning Summary.

6.6 Resolution Support Services Summary and Update

Kathleen Peters will present the Resolution Support Services Summary and update.

6.7 Postsecondary Transition Services Manual

Adrienne Shepherd-Myles will present updates to the Postsecondary Transition Services Manual.

6.8 Prevention and Intervention Update

Kami Murphy will present the Prevention and Intervention update.

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING
January 14, 2021 – 10:00 a.m. Virtual Via Video Conference
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

AGENDA

6.9 Compliance Updates

Peggy Dunn will present an update on compliance items from the California Department of Education (CDE).

7.0 FINANCE COMMITTEE REPORTS

7.1 Governor's January Budget

Marina Gallegos will provide information pertaining to the governor's January budget.

8.0 INFORMATION ITEMS

9.0 DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS COMMENTS / REPORTS

10.0 CEO COMMENTS

11.0 MATTERS BROUGHT BY CITIZENS

This is the time during the agenda when the Desert/Mountain Charter SELPA Executive Council is again prepared to receive the comments of the public regarding items on this agenda or any school related special education issue.

When coming to the podium, citizens are requested to give their name and limit their remarks to three minutes.

Persons wishing to make complaints against Desert/Mountain Charter SELPA Executive Council personnel must have filed an appropriate complaint form prior to the meeting.

When the Desert/Mountain Charter SELPA Executive Council goes into Closed Session, there will be no further opportunity for citizens to address the Council on items under consideration.

12.0 ADJOURNMENT

The next regular meeting of the Desert/Mountain Charter SELPA Executive Council will be held on Thursday, April 15, 2021, at 10:00 a.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING
October 15, 2020 – 10:00 a.m. Virtual Via Video Conference
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

MINUTES

COUNCIL MEMBERS PRESENT:

Allegiance STEAM Academy – Sebastian Cogna, Aveson Global Academy – Kelly Jung, Keith Simmons, Ballington Academy – Doreen Mulz, Desert Trails Preparatory Academy (DTPA) & La Verne Elementary Preparatory Academy (LEPA) – Debra Tarver, Leonardo Da Vinci Health Sciences Charter – Josh Stepner, Odyssey Charter School – Lauren O’Neill.

CAHELP STAFF PRESENT:

Jamie Adkins, Heidi Chavez, Peggy Dunn, Marina Gallegos, Colette Garland, Jenae Holtz, Kami Murphy, Kathleen Peters, and Jennifer Sutton.

1.0 CALL TO ORDER

The regular meeting of the Desert/Mountain Charter SELPA Executive Council Meeting was called to order by Chairperson Jenae Holtz, at 10:00 a.m., at the Desert/Mountain Educational Service Center, Apple Valley.

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

None.

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that a motion was made by Debra Tarver, seconded by Josh Stepner, to approve the October 15, 2020 Desert/Mountain Charter SELPA Executive Council Meeting Agenda as presented. A vote was taken and the following carried: 6:0: Ayes: Members Cogna, Jung, Mulz, O’Neill, Stepner, Tarver. Nays: None, Abstentions: None.

5.0 INFORMATION/ACTION

5.1 Desert/Mountain Charter SELPA Local Plan Revise (ACTION)

The Desert/Mountain Charter SELPA Local Plan has been revised to align with the changes made to the CAHELP Governance Council Bylaws. Once the Local Plan is adopted by the Governance Council, the Local Plans will need to be approved by each LEA’s governing board.

5.1.1 **BE IT RESOLVED** that a motion was made by Sebastian Cogna, seconded by Debra Tarver to approve the revised D/M Charter SELPA Local Plan as presented. A vote was taken and the following carried: 6:0: Ayes: Members Cogna, Jung, Mulz, O’Neill, Stepner, Tarver. Nays: None, Abstentions: None.

MINUTES

5.2 Elite Academic Academy-Adult Workforce Investment Change to Virtual Preparatory Academy at Lucerne (**ACTION**)

On March 12, 2020, Lucerne Valley Unified School District approved Elite Academic Academy-Adult Work Force Investment's request to serve grades kindergarten through 12. The school is currently in the process of changing its name to operate as Virtual Preparatory Academy at Lucerne. Along with these changes, they have requested to remain a member of Desert/Mountain Charter SELPA.

5.2.1 **BE IT RESOLVED** that a motion was made by Josh Stepner, seconded by Lauren O'Neill, to approve the request for Elite Academic Academy-Adult Work Force Investment/Virtual Preparatory Academy at Lucerne to remain a member of Desert/Mountain Charter SELPA as presented. A vote was taken and the following carried: 6:0: Ayes: Members Cognetta, Jung, Mulz, O'Neill, Stepner, Tarver. Nays: None, Abstentions: None.

5.3 Desert/Mountain Charter SELPA Emergency Circumstances Consideration Form (**ACTION**)

Forms used in the operations of special education programs within the Desert/Mountain Charter SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M Charter SELPA Steering Committee for consideration and approval.

5.3.1 **BE IT RESOLVED** that a motion was made by Josh Stepner, seconded by Sebastian Cognetta, to approve the Desert/Mountain Charter SELPA Emergency Circumstances Consideration Form be as presented. A vote was taken and the following carried: 6:0: Ayes: Members Cognetta, Jung, Mulz, O'Neill, Stepner, Tarver. Nays: None, Abstentions: None.

6.0 CONSENT ITEMS

It is recommended that the Desert/Mountain Charter SELPA Executive Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Committee Member at the meeting for clarification, discussion, or change.

6.1 **BE IT RESOLVED** that a motion was made by Debra Tarver, seconded by Sebastian Cognetta, to approve the following Consent Item as presented. A vote was taken and the following carried: 6:0: Ayes: Members Cognetta, Jung, Mulz, O'Neill, Stepner, Tarver. Nays: None, Abstentions: None.

6.1.1 Approve the January 16, 2020 Desert/Mountain Charter SELPA Executive Council

MINUTES

Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 Legislative Updates

Jenae Holtz presented the latest in State and Federal law related to students with disabilities and school law. She shared a document from State SELPA that is reviewed at their monthly meetings and highlighted the carryovers from the 2020 legislative session. Jenae said more Covid-19 related lawsuits are beginning to be filed as rulings and decision are being made. Assembly Bill (AB) 1384 will be reintroduced and is to help protect LEAs around Covid-19 related distance learning for students with disabilities. Jenae said there could be conflict with it as the federal government did not change or give exceptions to Individuals with Disabilities Education Act (IDEA). Jenae shared potential bill AB 1172 Clean Up pertains to behavior training for nonpublic agencies and schools (NPA/NPS) and monitoring those agencies to ensure guidelines are being followed. The top administrator must have an administrative credential beginning next year. She said each of the D/M Charter SELPA members hold their own master contract if they place a child in a nonpublic school so it is important to know what the charter is responsible for including monitoring obligations and annual visits, review of academics along with social, emotional, and behavioral learning. The bill in 2021 is looking at cleaning up the language so it is specific about what is being asked. Jenae said this is different for D/M SELPA because they hold the master contract for the NPA/NPS for all of the LEAs within the region. The D/M Charter SELPA members are farther in geographical distance so it does look different.

Jenae also highlighted an article on the Effect of Senate Bill (SB) 820 on the Recording of Distance Learning. As SB 820 was being created, there was push back from labor unions that were relying on different Education Codes to argue that video or audio recording of instruction without the consent of the teacher and school principal is prohibited. SB 98 authorized the use of video during distance learning and Education Code Section 43503(d)(1) now effectively eliminates arguments against the recording of instruction for distance learning purposes, regardless of Education Code Section 51512. School districts and county offices of education may now record distance learning sessions and rightfully maintain and distribute recordings for any such purpose. Education Code Section 43503(d)(2) does prevent third party recordings such as those created by parents and students. Should these third parties want to record distance learning lessons, they must obtain consent from teachers and principals prior to doing so. Jenae stated this makes it illegal for parents to record without permission or consent.

7.2 WestEd Report

Jenae Holtz provided a summary of the West Ed Report and the implications for special education, SELPAs and LEAs. The Public Policy Institute of California (PPIC) published a report approximately 5-6 years ago trying to eliminate SELPAs. The same agency funded the WestEd Report as an evaluation of funding for students with disabilities in the state of California. The

MINUTES

State SELPA did meet with the WestEd researchers and there is influence within California on changing the model of how funding flows. State SELPA has been very vocal about their concern for small LEAs and taking away the collective impact that has been provided by changing the model for the funding to go directly to LEAs and excluding SELPAs unless members chose to continue investing in their SELPA. Jenae said there is concern about the report but it would take great effort to put the changes in place based on the enormity of the change. It would put the responsibility of what SELPAs do on the LEAs and that will receive push back if it moves forward. Jenae shared that during the conversation with State SELPA and the researchers, CAHELP was given kudos for looking at things differently than most SELPAs and having a broader view of how to support LEAs. Jenae said when the issue came up 5-6 years ago, parents, superintendents, and CEOs presented to parent groups and community stakeholder groups in sharing their thoughts about SELPAs and if it gets to that point again, CAHELP will ask for that support again.

Jenae added the former president of the State Board of Education who does not support SELPAs is supporting this report. She said it is worrisome and causes her the greatest concern that decisions are being made without input from multiple stakeholders. Jenae said D/M Charter SELPA being part of the CAHELP JPA sets us apart because the members have already chosen to be members which allows business to continue as usual if the LEAs continue to support it.

7.3 Alternate Dispute Resolution (ADR) Grant

Jenae Holtz provided information regarding the Alternate Dispute Resolution (ADR) Grant. She said the grant was discussed at the State SELPA meeting and applications are due before 5:00 p.m. on Wednesday, October 21. Jenae continued the grant would be guaranteed additional funds for ADR purposes around Covid-19 for D/M Charter SELPA and D/M SELPA based on collective average daily attendance (ADA). The one-time funding is to enhance and specifically work towards infrastructure to assist with getting a robust and solid facilitated IEP and ADR programs in place. The SELPA has brainstormed and come up with ideas regarding very early intervention with families to try to stop the filing of due process. There was also discussion about the different level of supports and care to help LEA staff be trained and become experts in facilitation and ADR with the SELPA supporting and coaching the LEAs. The SELPA will provide facilitated IEPs and ADR as necessary depending on the situation. Jenae stated there is a meeting scheduled for October 16, 2020 at 1:30 p.m. to continue brainstorming with LEAs. She said the term of the grant is 27 months and though the grant is not huge dollars, it is enough to make improvements and solidify our processes to engage facilitated IEPs and ADR on a consistent basis. The grant will not pay for the attorney fees but will help us become better at what we do.

7.4 Resolution Support Services Summary and Update

Kathleen Peters presented an update on the SELPA's resolution support services. She congratulated D/M Charter SELPA on no cases being filed at this point in the year and encouraged the members to continue with the great relationships they have built with parents. She reported attorney Megan Moore will no longer be the charter SELPA attorney so Kathleen will be

MINUTES

interviewing attorneys. Kathleen asked if there are attorneys that have provided exceptional service that should be considered, to make her or Jenae Holtz aware.

Kathleen reminded the attendees of the Directors' Training being held at 11:00am on Friday, October 16, 2020 with attorney Jack Clarke presenting on Difficult IEPs.

She then reminded the attendees that Megan Moore's final training on 504 Plans is scheduled for October 23, 2020 at 9:00am-11:30am with registration required.

Kathleen shared an Office of Administrative Hearings (OAH) case pertaining to Los Angeles USD. A kindergarten student exhibited behaviors that frustrated the teacher who left the student on a mat outside of the classroom sleeping. The principal walked by and relocated the student to the school office to finish the nap. On a separate date, the teacher was seen from the crosswalk in front of the school get on her knees to be at the child's eye level then placed her hands on the student's shoulders, having the appearance of shaking the student. With the student's escalating behaviors and other actions of the teacher, the teacher's testimony was not credible. OAH cited isolation and not appropriately working with student behaviors. OAH did find the district at fault because IDEA was violated. Kathleen said as soon as the student's behavior began to escalate, an IEP should have been called to address it.

Kathleen then provided information on an OAH case pertaining to Norris SD. She shared the first half of the case was regarding violations and services related to behavior assessments and occupational therapy which are standard but reviewed details pertaining to Covid-19. Kathleen said the court was looking to determine if the school district failed to provide free appropriate public education (FAPE) during the Covid-19 closure through May 7, 2020 by failing to provide the student any appropriate special education or related services including appropriately tailored alternative service options. Kathleen said that though the school district contacted the parent continually by phone, adjusted curriculum, and provided new supports to the child in the home environment, they did not call an IEP meeting when the student's behavior began to escalate or when the student started to refuse to participate in virtual school and they did not create IEP Addendums. Kathleen added the school district did issue a mass Prior Written Notice (PWN) but it was not specific to this student's needs.

Jenae Holtz shared her opinion that to provide FAPE as it is written in the IEP during distance learning is unreasonable as the setting and the platform for instruction have changed. Unfortunately, the guidance when this first began was quite limited by CDE and now the decisions will be made by the courts.

Lauren O'Neill said she is concerned about this issue. Being in Los Angeles county, which is in tier 1, they are approved to open for specialized in-person services for students with disabilities, English language learners, and low-income students up to 10% of LEA's population. She asked how determinations are legally made as to which students are brought back to campus and how do you offer to some but not all students. Lauren continued that with face masks and social distancing

MINUTES

being required, she is concerned about some students being very triggered and having behavioral regressions.

Debbie Tarver shared her LEAs have reviewed the student files and have decided to bring the students with the most severe behaviors back to campus first. The LEAs will continue to stay in touch with all other students on a weekly basis and continue having online classes.

Lauren shared her LEA is looking first to bring back students that are moderate/severe then students that they know are not engaging in distance learning at all. She continued they are looking at bringing 15 students on campus in groups of three for a maximum for 2-3 hours per day. Lauren is concerned about telling parents that the LEA is inviting students back on campus based on the students' individual needs.

Jenae said that is everyone's concern at this time. She said she believes that by LEAs looking at their most severe students and the students who have not progressed during distance learning and making them the highest priorities is justified.

Kathleen stated the point of an IEP is that it is individualized and because of that, students with the highest need must be brought back first once an LEA has permission as long as data is being used consistently and decisions are being made based on student needs. An IEP addendum reflecting a substantive change must be done for the small groups before being brought back for in-person services. Kathleen said the meeting can be done on the phone with a minimum number of people.

Sebastian Cогnetta shared his LEA has brought back three students based on safety concerns and being the most at risk. He said the cohort of three students are on campus from 8:30am-12:30 p.m. with one student on campus until 2:00 p.m. They have limited interactions with others and have very limited access to the campus. Sebastian continued that certificated employees are with students.

Jenae and Kathleen agreed that it is acceptable to bring students back to campus based on safety and mental health as both could impede learning.

Jenae encouraged the LEAs to continue to reach out to her and Kathleen with concerns and questions.

7.5 Compliance Updates

Peggy Dunn presented compliance updates. She stated the Special Education Plans (SEP) are due by November 13, 2020 and can be submitted early if they are completed in advance. Peggy reported the following LEAs are in Targeted Review: Aveson Global, Desert Trails, Encore-High Desert, Leonardo da Vinci, and Odyssey. She continued that Taylion is in Disproportionality.

MINUTES

Colette Garland reported the Data Identified NonCompliance (DINCs) letter was mailed out from CDE on September 22, 2020. CDE is checking through CalPads making make sure IEPs are being taken care of. CDE is aware that LEAs are behind due to school closures and will be checking CalPads again on October 23, 2020 looking for reduction of 20%. Colette continued that program technician, Terri Nelson handles most of the D/M Charter SELPA data entry and CalPads submissions. Colette encouraged members to reach out to Terri and check records for IEPs that were not completed last year as well as before and after Covid-19. CDE will be checking monthly so it is important IEPs are entered and with appropriate delay codes.

Jenae Holtz said that at State SELPA, it was shared that there are no corrective actions assigned to LEAs that have not reduced by 20% but she is cautious of that. CDE reported LEAs would be identified by ongoing concerns and will decide if corrective actions are needed if not reducing by 20%.

Jenae shared information CDE presented at State SELPA. She said there are decisions being made by CDE that SELPA administrators disagree with so State SELPA is continuing to work with CDE on some of them. Also, CDE is working directly with vendors that handle the IEP systems, leaving the SELPAs out of decisions being made. Because the vendors do not work for CDE but are contracted with the SELPAs, decisions are to be made by and processed through the SELPAs.

Colette reported that CDE presented changes to triennial IEPs that she has requested clarification from the CDE consultant due to conflicts. Those changes include: cannot be amended, cannot have Special Education Program Exit Dates populated, must have Disability Codes that match the most recent Initial or Annual Meeting records.

Jenae reported these are changes that CDE took directly to the IEP vendors so they are populating as errors. She continued that CDE is pushing back to support the changes and State SELPA is pushing back against CDE. It could be a lengthy timeline for the issues to be resolved.

Colette stated error code SPED0438 is removing primary and secondary disability codes when students transfer between LEAs within the same SELPA. This is another issue Colette is asking for CDE to clarify. Colette agreed that the CDE going directly to the IEP vendors is not the proper process and that all changes should be directed to the SELPA to determine the legality then work with the programmers to implement.

Colette shared that when working in CalPads and submitting data in the CalPads system, there must be an enrollment record first. The LEA CalPads contact person should be handling that part of the process. Once the enrollment record is entered, the special education records can be cleaned up including program records and services records which are used for CalPads reporting.

Jenae concluded by asking the members to reach out to Colette for her expertise and assistance in CalPads.

MINUTES

8.0 FINANCE COMMITTEE REPORTS

Marina Gallegos stated Maintenance of Effort reports are due today and though she has received most of them, she has not received all. She said typically she sends the Charter LEAs an Excel worksheet to be completed and returned to her. Marina enters the return data in SACS Software then sends the worksheet back to the LEA along with the Subsequent Year Tracking Worksheet for signature and approval. She said when looking at the Subsequent Year Tracking Worksheet, pay attention to whether all federal revenue has been claimed on the expenditure reports. Marina said it is also important to pay attention to state revenue which is 6500 AB 602 money.

Marina stated Excess Cost Reports were due on September 14, 2020 but some LEAs have not submitted those either. She will be emailing LEAs that have reports outstanding.

9.0 INFORMATION ITEMS

None.

10.0 DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS COMMENTS / REPORTS

Debbie Tarver thanked D/M Charter SELPA for continuing to keep the LEAs up to date with information and for the support that is continually provided.

Sebastian Cogna shared his LEA will be holding a special board meeting on October 29, 2020 that will be a study session to look closely at reopening, including the waiver process for grades TK through 6th. He said it will be on Zoom at 5:00pm. Sebastian said he wanted to let the group know so they could see the presentation and what the study session will look like. He continued that some board members want to open under the waiver while others want to follow the state blueprint. The families and staff have been surveyed and plans have been created to present to the school board. Staff along with the authorizing district have visited and had conversations with schools that have opened on waivers. Sebastian said the regular board meeting is scheduled for the following week and they will take action on a plan.

Debbie shared she is hoping to wait until the first semester has been completed in January to reopen her campuses because her students have adapted to the distance learning model very well. She shared other LEAs in the high desert applied for the waiver and want to reopen in November one day a week for five weeks which could be disruptive with the fall holidays.

Lauren said that with being in Los Angeles county, she is researching potential hybrid models for January return. She said that distance learning has a nice structure and not all students will return to in-person learning even in the hybrid model. Lauren shared her LEA is also researching filming equipment so classes can be livestreamed. She offered to share the research so the LEAs can continue to offer a robust distance learning program.

MINUTES

Sebastian said his LEA is interested in doing the same thing while using Learning Loss Mitigation funds to get equipment. It will allow the ability to provide simultaneous in-person and livestreaming instruction.

Jenae Holtz said this collaboration is the purpose of these meetings so the LEAs can learn from one another. It is great to share what we've learned and be able to brainstorm to become better.

11.0 CEO COMMENTS

Jenae Holtz said the committee members are champions for the students and not letting them fall through the cracks even through this difficult and hard time. She appreciates the conversation and being able to talk about what each LEA needs and help one another.

12.0 MATTERS BROUGHT BY CITIZENS

None.

13.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Debra Tarver, seconded by Josh Stepner, to adjourn the meeting. A vote was taken and the following carried: 6:0: Ayes: Members Cognetta, Jung, Mulz, O'Neill, Stepner, Tarver. Nays: None, Abstentions: None.

The next regular meeting of the Desert/Mountain Charter SELPA Executive Council will be held on Wednesday, January 14, 2021, at 10:00 a.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.

From: [Jenae Holtz](#)
To: [Jamie Adkins](#)
Subject: FW: Non-COVID-19 Related Education Bills Begin to Emerge
Date: Friday, January 8, 2021 9:47:05 AM

From: Christina Marcellus <christina@capitoladvisors.org>
Sent: Thursday, January 7, 2021 7:21 PM
To: Jenae Holtz <Jenae.Holtz@cahelp.org>
Subject: Non-COVID-19 Related Education Bills Begin to Emerge

CAUTION: This email originated from outside of the organization. Please do not click links or open attachments unless you recognize the sender and know the content is safe.

We want to highlight a number of recent bill introductions of potential interest that are not related to COVID-19.

Due to ongoing health and safety concerns, the Legislature's scheduled January 4 return date to Sacramento has been delayed until January 11. Another delay wouldn't be unexpected, especially given the state's skyrocketing COVID-19 case numbers and the appearance of a new, far more transmissible strain. The February 19 deadline to introduce bills is looming, and the longer the Legislature's return is delayed, the more chaotic the days will be when they actually make it back to the Capitol.

The bills highlighted below are in addition to those we highlighted in a similar [update](#) when the Legislature reconvened in early December. While some already have well developed legislative language, a large number are "spot bills," meaning they state the author's intent to engage in the policy area, while the details still need to be ironed out.

[SB 70 \(Rubio\) Elementary education: kindergarten.](#)

SB 70 would require, beginning with the 2022-23 school year, children to complete one year of kindergarten prior to being admitted into the first grade. Bills identical or substantially similar to this have been introduced in many of the past several legislative sessions but haven't made it into law. One of the biggest concerns has been cost. Assembly Appropriations Committee analysis of a 2015 bill seeking to do the same thing cited increased costs to the state in the potentially hundreds of millions of dollars. What remains to be seen is if growing concerns over the impacts of learning loss (due to the COVID-19 pandemic) on young children will be enough to get this legislation across the finish line.

[AB 53 \(Low\) Election day holiday.](#)

This bill would require community colleges and public schools to close on the

day of the General Election. Assemblymember Evan Low (D-Campbell) has made voting rights and voting access a top priority, and was even in the running to replace Alex Padilla as Secretary of State (an appointment which was ultimately given to Assemblymember Shirley Weber from San Diego). Low has run similar efforts unsuccessfully in the past, and it's still too early to know if the issues that have previously held it up can be overcome.

[AB 99 \(Irwin\) Statewide longitudinal data system: California Cradle-to-Career Data System.](#)

COVID-19 didn't sideline the work of the Cradle-to-Career Data System workgroup, which met throughout 2020 to make recommendations for the implementation of the Data System itself. The group's final report is available [here](#), and AB 99 states the intent to codify its recommendations. The concern, of course, is how much funding the Governor, who is the most vocal advocate of this new data system, is willing and able to dedicate to its success. Given the myriad other priorities he needs to address, there is a concern among stakeholders that it will be an afterthought and suffer from inadequate funding. Governor Newsom's budget proposal, which will be released tomorrow, should provide insight into where this project stands on his list of priorities.

[AB 101 \(Medina\) Pupil instruction: high school graduation requirements: ethnic studies.](#)

AB 101 would add a one-semester course in Ethnic Studies to the list of requirements a student must meet to receive a high school diploma, beginning with the 2029-30 graduating class. Assemblymember Jose Medina (D-Riverside) has championed this effort for several years, and this year his push is fueled by the racial tensions that exploded in 2020. After Governor Newsom issued a late and somewhat surprising veto of this requirement in 2020, there's a good chance that the recent progress that has been made on the Ethnic Studies Model Curriculum will improve AB 101's odds.

[AB 102 and AB 103 \(Holden\) College and Career Access Pathways \(CCAP\) partnerships.](#)

Assemblymember Chris Holden (D-Pasadena) has been a staunch advocate of CCAP's, which permit partnerships between community colleges and school districts/charter schools to increase college going rates of students traditionally underrepresented in higher education. AB 102 would remove the January 1, 2027 sunset date of the CCAP program, making it a permanent program within state education law. AB 103 would expand access to the CCAP program to county offices of education, and would specify that community schools, continuation high schools, and juvenile court schools can also engage in these partnerships.

COVID-19's impact on the legislative cycle in 2020 caused the vast majority of bills to stall, and there's sure to be pent-up demand among legislators to make progress on their legislative priorities. So far, legislative leadership has not imposed limits on the number of bills each member can introduce, but even with those restrictions, authors will need to make compelling cases on why

their bills should be heard.

We'll continue to provide analysis of legislation introduced over the coming weeks. Below is a full list of education bills that has been introduced so far, sorted by subject area. Contact any of us at Capitol Advisors if we can provide additional information.

Take care,
Christina

Christina Marcellus
Legislative Advocate | Capitol Advisors Group
310.963.2023 - mobile

Curriculum and Instruction

[AB 10 \(Ting\) - Pupil instruction: in-person instruction: distance learning.](#)

Current law establishes a system of public elementary and secondary education in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils in kindergarten and grades 1 to 12, inclusive. Current law establishes procedures for the apportionment of state funds to these local educational agencies. Current law, for purposes of calculating apportionments for the 2020-21 fiscal year, requires a local educational agency to offer in-person instruction and authorizes these agencies to offer distance learning, as specified. This bill would specify that the requirement to provide in-person instruction applies when that instruction is allowed under state and county public health orders.

[AB 76 \(Kiley\) - Open California Schools Act.](#)

Would require a local educational agency, as defined, to offer in-person instruction, as defined, as soon as state and county health orders and guidelines no longer prohibit the local educational agency from reopening for full-time in-person instruction, as specified. During any period of time in the 2020-21 or 2021-22 school years that state and county health orders and guidelines prohibit a local educational agency from offering full-time in-person instruction due to the COVID-19 pandemic, the bill would authorize a local educational agency to offer a hybrid model including both in-person and distance learning that meets certain requirements.

Early Childhood

[AB 22 \(McCarty\) - Transitional kindergarten: enrollment for 4-year-old children.](#)

Would require, by no later than the 2030-31 school year and in each school year thereafter, a school district or charter school, as a condition of receipt of apportionments for pupils in a transitional kindergarten program, to admit to a transitional kindergarten program maintained by the school district or charter school children who will have their 5th birthday between September 2 of the calendar year in which the school year begins and September 1 of the following calendar year.

[AB 92 \(Reyes\) - Preschool and childcare and development services: family fees.](#)

Current law requires the Superintendent of Public Instruction to establish a fee schedule for families using preschool and childcare and development services. Current law exempts certain families from those fees. This bill would declare the intent of the Legislature to enact legislation that would alleviate the burden on low-income families of fees for preschool and childcare and development services.

[SB 50 \(Limon\) - Early learning and care: California Early Learning and Care Program.](#)

Would express the intent of the Legislature to establish the California Early Learning and Care Program to create a seamless, integrated, mixed-delivery, whole-child, 2-generation early learning and care system from birth to schoolage to advance the state's Master Plan for Early Learning and Care. The bill would additionally require the State Department of Education to allow and arrange for interagency adjustments between those contracts for the same agency or different agencies and the same funding allocation, and to establish timelines for those interagency contract fund transfers.

Facilities

[AB 33 \(Ting\) - Natural gas.](#)

Current law vests the Department of General Services with the authority to supervise the design and construction of a school building or the reconstruction or alteration of or addition to a school building to ensure that plans and specifications comply with applicable rules and regulations and building standards, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. This bill would prohibit the department from approving or providing funding from the construction on new school buildings that have natural gas connections.

[AB 75 \(O'Donnell\) - Education finance: school facilities: Kindergarten-Community Colleges Public Education Facilities Bond Act of 2022.](#)

The Leroy F. Greene School Facilities Act of 1998 provides for the adoption of rules, regulations, and procedures, under the administration of the Director of General Services, for the allocation of state funds by the State Allocation Board

for the construction and modernization of public school facilities. This bill would add provisions to the act to require the Department of General Services to process all applications received under the act on and after an unspecified date and to present those applications to the State Allocation Board within 120 days of receipt. The bill would require applicants for bond funding to supply designated information to the State Department of Education. The bill would authorize school districts to receive a supplemental grant to expand an existing, or construct a new, gymnasium, multipurpose room, library, or school kitchen under specified conditions.

[SB 22 \(Glazer\) - Education finance: school facilities: Public Preschool, K-12, and College Health and Safety Bond Act of 2022.](#)

Current law authorizes the governing board of any school district or community college district to order an election and submit to the electors of the district the question of whether the bonds of the district shall be issued and sold to raise money for specified purposes. Current law generally requires, to pass a school bond measure, that either at least 2/3 of the votes cast on the proposition of issuing bonds be in favor of issuing the bonds to pass the measure, or, if certain conditions are met, at least 55% of the votes cast on the proposition of issuing bonds be in favor of issuing the bonds. Current law prohibits the total amount of bonds issued by a school district or community college district from exceeding 1.25% of the taxable property of the district, as provided. This bill would raise that limit to 2%.

Governance/Operations

[AB 20 \(Lee\) - Political Reform Act of 1974: campaign contributions: The Clean Money Act of 2021.](#)

The Political Reform Act of 1974 imposes various limitations on contributions that may be made to, or accepted by, candidates for elective office. A violation of the act's provisions is punishable as a misdemeanor and subject to specified penalties. This bill, the Clean Money Act of 2021, would prohibit a candidate for elective office from receiving a contribution from a business entity, and a business entity from making a contribution to a candidate for elective office, and would make related findings and declarations.

[AB 37 \(Berman\) - Elections: vote by mail ballots.](#)

Current law required county elections officials to mail a ballot to every registered voter for the November 3, 2020, statewide general election. Existing law, for the November 3, 2020, statewide general election, also required county elections officials to use a specified Secretary of State vote by mail tracking system or a system that meets the same specifications. This bill would extend these requirements to all elections. By requiring a county elections officials to mail a ballot to every registered voter, and to take other actions, this bill would impose a state-mandated local program.

[AB 40 \(Gonzalez, Lorena\) - Political Reform Act of 1974: slate](#)

mailers.

The Political Reform Act of 1974 requires that each candidate and each ballot measure that has paid to appear in the slate mailer be designated by an asterisk. The act limits the required type size of the asterisk to no more than 10-point boldface type. This bill would require the slate mailer to disclose the number of members who make up the slate mailer organization or committee. The bill would also require the total amount paid to appear on the slate mailer to be disclosed for each candidate and ballot measure that is required to be designated by an asterisk, immediately below the name or ballot measure, in no less than 9-point roman type and in a color or print that contrasts with the background so as to be easily legible. The bill would also delete the provision limiting the required type size of the asterisk to no more than 10-point boldface type.

SB 29 (Umberg) - Elections: vote by mail ballots.

Current law required county elections officials to mail a ballot to every registered voter for the November 3, 2020, statewide general election. Existing law, for the November 3, 2020, statewide general election, also required county elections officials to use a specified Secretary of State vote by mail tracking system or a system that meets the same specifications. This bill would extend these requirements to all elections conducted prior to January 1, 2022. By requiring a county elections officials to mail a ballot to every registered voter, and to track those ballots, this bill would impose a state-mandated local program.

SB 34 (Umberg) - Elections: polling places.

Current law sets forth procedures for the operation of polling places and imposes various penalties for violating procedures related to the conduct of elections. This bill would state the intent of the Legislature to enact legislation that would increase the penalties for operating a polling place that falsely purports to be a location established by an elections official.

SB 35 (Umberg) - Elections: electioneering.

Current law makes it a crime to conduct certain political activities, including electioneering, within 100 feet of a polling place, an election official's office, or a satellite voting location, as defined. Current law defines electioneering as displaying visible or disseminating audible information that advocates for or against any candidate or measure on the ballot in specified locations. Current law makes it a crime to conduct certain activities within 100 feet of a polling place with the intent of dissuading another person from voting. This bill would extend the distance within which such activities are prohibited to 200 feet.

SCA 1 (Hertzberg) - Elections: referenda.

A majority vote in favor of a referendum measure approves the statute or part of the statute subject to the referendum, and the statute then takes effect on the fifth day after the Secretary of State files the statement of the vote for the election at which the measure is voted on. This measure would instead require that the ballot for a referendum measure provide that a "Yes" vote is in favor of

the referendum and rejects the statute or part of the statute subject to the referendum, and a “No” vote is against the referendum and approves the statute or part of the statute subject to the referendum, thus requiring a majority vote in favor of the referendum to reject the statute or part of the statute subject to the referendum. The measure would also make conforming changes.

Human Resources

AB 25 (Kiley) - Worker classification: employees and independent contractors.

Current law exempts specified occupations and business relationships from the application of the ABC test as specified. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (Borello). This bill would generally repeal provisions relating to the “ABC” test for various specified occupations and business relationships. The bill would, instead, require the determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in Borello, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors.

AB 55 (Boerner Horvath) - Employment: telecommuting.

Current law promotes and develops the welfare of workers in California to improve working conditions and advance opportunities for profitable employment. Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry. This bill would declare the intent of the Legislature to enact future legislation to ensure certain rights and benefits for telecommuting employees.

AB 95 (Low) - Employees: bereavement leave.

Would enact the Bereavement Leave Act of 2021. The bill would require an employer with 25 or more employees to grant an employee up to 10 business days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, in accordance with certain procedures, and subject to certain exclusions. The bill would require an employer with fewer than 25 employees to grant up to 3 business days of leave, in accordance with these provisions. The bill would prohibit an employer from interfering with or restraining the exercise or attempt to exercise the employee’s right to take this leave.

AB 123 (Gonzalez, Lorena) - Paid family leave: weekly benefit amount.

Current law establishes, within the Unemployment Compensation Disability Fund program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits for up to 8 weeks to workers who take time off work to care for a seriously ill

family member or to bond with a minor child within one year of birth or placement, as specified. Current law defines “weekly benefit amount” for purposes of both employee contributions and benefits under this program to mean the amount of weekly benefits available to qualifying disabled individuals pursuant to unemployment compensation disability law, calculated pursuant to specified formulas partly based on the applicable percentage of the wages paid to an individual for employment by employers during the quarter of the individual’s disability base period in which these wages were highest, but not to exceed the maximum workers’ compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations. This bill would revise the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2022, by redefining the weekly benefit amount to be equal to 90% of the wages paid to an individual for employment by employers during the quarter of the individual’s disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers’ compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations.

[SB 46 \(Stern\) - Employment: contact tracing and safety policies: COVID-19.](#)

Current law requires an employer to furnish employment and a place of employment that is safe and healthful for its employees. This bill would state the intent of the Legislature to enact legislation that would require an employer to develop and implement contact tracing and safety policies for its employees, including requiring notice to the employer when an employee receives a positive COVID-19 test.

School Finance

[AB 5 \(Fong\) - Greenhouse Gas Reduction Fund: High Speed Rail Authority: K-12 education: transfer and loan.](#)

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. Existing law continuously appropriates 25% of the annual proceeds of the fund to the High-Speed Rail Authority for certain purposes. This bill would suspend the appropriation to the High-Speed Rail Authority for the 2021-22 and 2022-23 fiscal years and would require the transfer of those amounts from moneys collected by the state board to the General Fund.

[ACA 1 \(Aguiar-Curry\) - Local government financing: affordable housing and public infrastructure: voter approval.](#)

The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

School Safety

AB 9 (Wood) - Wildfires.

Current law establishes various programs for the prevention and reduction of wildfires. This bill would state the intent of the Legislature to enact subsequent legislation that would increase California's capacity to prevent and reduce the impact of wildfires, and would make related findings and declarations.

AB 31 (Lackey) - Child abuse.

Would state the intent of the Legislature to enact legislation relating to child abuse and neglect.

AB 57 (Gabriel) - Hate crimes.

Would state the intent of the Legislature to enact legislation to respond to the increase in hate crimes by, among other things, strengthening requirements for law enforcement training and education regarding hate crimes and enhancing statutory prohibitions against online hate and harassment.

SB 17 (Pan) - Public health crisis: racism.

Current law requires the Office of Health Equity to develop department-wide plans to close the gaps in health status and access to care among the state's diverse racial and ethnic communities, women, persons with disabilities, and the lesbian, gay, bisexual, transgender, queer, and questioning communities, as specified. Current law requires the office to work with the Health in All Policies Task Force to assist state agencies and departments in developing policies, systems, programs, and environmental change strategies that have population health impacts by, among other things, prioritizing building cross-sectoral partnerships within and across departments and agencies to change policies and practices to advance health equity. This bill would state the intent of the Legislature to enact legislation to require the department, in collaboration with the Health in All Policies Program, the Office of Health Equity, and other relevant departments, agencies, and stakeholders, to address racism as a public health crisis.

SB 24 (Caballero) - Domestic violence: protective orders:

information pertaining to a child.

Current law authorizes a court to issue an order enjoining a party from engaging in specified acts against another party, including threatening or harassing that party, and, in the discretion of the court, against other named family or household members. An intentional or knowing violation of this order is punishable as a misdemeanor. This bill would authorize a court to issue an ex parte order restraining a party from accessing records and information pertaining to the health care, education, daycare, or employment of a minor child of the parties, and would require the Judicial Council to develop or update any other forms or rules of court that are necessary to implement this provision. The bill would require the third party to develop protocols relating to the enforcement of the order, as specified.

SB 63 (Stern) - Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.

Would, among other things, require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

Special Education

AB 126 (Garcia, Eduardo) - Special education programs: Family Empowerment Centers on Disability.

Current law requires the State Department of Education to award grants for the establishment of Family Empowerment Centers on Disability in 32 regions in the state to provide training and services to children and young adults with disabilities and their families. Current law establishes a minimum base rate of \$150,000 for each center awarded a grant and requires a center that receives a grant to complete specified actions related to providing that training and those services. Current law establishes a Family Empowerment and Disability Council composed of the executive directors of the centers and certain other members, establishes a base amount of \$150,000 to be made available annually to the council, and requires the council to, among other actions, develop a uniform tracking and data collection system to be used by each center. This bill would revise and recast the provisions related to Family Empowerment Centers on Disability, including requiring the department to give priority to grant applicants in those of the 32 regions in the state that do not have a center, increasing the minimum base rate for each center awarded a grant from \$150,000 to \$237,000 commencing with the start of the fiscal year after a center has been established in each of the 32 regions, and, commencing with the 2024-25 fiscal year, providing for an annual cost-of-living adjustment of the grant amount, as specified.

Student Services

AB 27 (Rivas, Luz) - Homeless children and youths and unaccompanied youths: reporting.

Under current state law, public schools, including charter schools, and county offices of education are required to immediately enroll a homeless child or youth seeking enrollment, except as specified. Current law requires a local educational agency liaison for homeless children and youths to ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison's local educational agency that provide services pursuant to the McKinney-Vento Homeless Assistance Act. This bill would require a local educational agency to ensure that each school within the local educational agency identifies all homeless children and youths and unaccompanied youths, as defined, enrolled at the school, administer a housing questionnaire, as specified, for purposes of identifying homeless children and youths and unaccompanied youths, and annually provide the housing questionnaire to all parents or guardians of pupils and unaccompanied youths of the local educational agency.

AB 32 (Aguilar-Curry) - Telehealth.

Current law requires a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2021, to specify that coverage is provided for health care services appropriately delivered through telehealth on the same basis and to the same extent as in-person diagnosis, consultation, or treatment. Current law exempts Medi-Cal managed care plans that contract with the State Department of Health Care Services under the Medi-Cal program from these provisions, and generally exempts county organized health systems that provide services under the Medi-Cal program from Knox-Keene. This bill would delete the above-described references to contracts issued, amended, or renewed on or after January 1, 2021, would require these provisions to apply to the plan or insurer's contracted entity, as specified, and would delete the exemption for Medi-Cal managed care plans. The bill would subject county organized health systems, and their subcontractors, that provide services under the Medi-Cal program to the above-described Knox-Keene requirements relative to telehealth. The bill would authorize a provider to enroll or recertify an individual in Medi-Cal programs through telehealth and other forms of virtual communication, as specified.

AB 46 (Rivas, Luz) - California Youth Empowerment Act.

Would create the California Youth Empowerment Act to address, among other issues, the growing need to engage youth directly with policymakers. The bill would establish the California Youth Empowerment Commission in state government consisting of 25 voting commissioners between 14 and 25 years of age and meeting specified requirements, with 21 members appointed by the Governor, 2 at-large members appointed by the Senate Committee on Rules, and 2 at-large members appointed by the Speaker of the Assembly, along with

several ex officio, nonvoting members from various geographic regions of the state. The bill would establish the commission to be advisory in nature, for the main purpose of providing meaningful opportunities for civic engagement to improve the quality of life for California's disconnected and disadvantaged youth.

[AB 58 \(Salas\) - Pupil health: suicide prevention policies and training: school-based health programs: pilot program.](#)

Would require a local educational agency, on or before June 1, 2022, to review and update its policy on pupil suicide prevention, and revise its training materials, to incorporate best practices identified by the department in the department's model policy. The bill would require a local educational agency, commencing with the 2022-23 school year, to provide suicide awareness and prevention training, at the beginning of each school year, to teachers of pupils in all of the grades served by the local educational agency. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

[AB 93 \(Garcia, Eduardo\) - Pandemics: priority for medical treatment: food supply industry workers.](#)

Current law requires various public safety protocols and protections for workers in response to the 2019 novel coronavirus disease, also known as COVID-19. These protocols include, among others, contact tracing and wearing face coverings under specified conditions, except as specified. This bill would state the intent of the Legislature to enact legislation to prioritize workers in the food supply industry, including, but not limited to, field workers and grocery workers, for rapid testing and vaccination programs in response to pandemics, including COVID-19.

[AB 104 \(Gonzalez, Lorena\) - Pupil instruction: learning recovery opportunities.](#)

Would express findings and declarations of the Legislature relating to the effect of the distance learning on pupil learning outcomes during the COVID-19 crisis. The bill would also express the intent of the Legislature to enact subsequent legislation that would provide learning recovery opportunities for pupils who have faced adverse learning circumstances as a result of the COVID-19 crisis.

[AJR 1 \(Kalra\) - Abolition of U.S. Immigration and Customs Enforcement.](#)

This measure would urge the federal government to abolish U.S. Immigration and Customs Enforcement within the Department of Homeland Security.

[SB 14 \(Portantino\) - Pupil health: school employee and pupil training: excused absences: youth mental and behavioral health.](#)

Current law, notwithstanding the requirement that each person between 6 and 18 years of age who is not otherwise exempted is subject to compulsory full-time education, requires a pupil to be excused from school for specified types

of absences, including, among others, if the absence was due to the pupil's illness. This bill would include as another type of required excused absence an absence that is for the benefit of the mental or behavioral health of the pupil. To the extent this bill would impose additional duties on local educational entities, the bill would impose a state-mandated local program.

SB 21 (Glazer) - Specialized license plates: mental health awareness.

Would require the State Department of Education to apply to the DMV to sponsor a mental health awareness license plate program, and would require the DMV to issue the license plates if the State Department of Education meets certain requirements. The bill would also establish the Mental Health Awareness Fund in the State Treasury and would require the revenue generated from the license plates to be deposited in the fund for use, upon appropriation by the Legislature to the State Department of Education, for mental health services in public schools.

SB 71 (McGuire) - Infractions: community service: education programs.

Current law authorizes a court to sentence a person convicted of an infraction to perform community service in lieu of the total fine, as defined, that would otherwise be imposed, upon a showing that payment of the total fine would pose a hardship on the defendant or the person's family. This bill would additionally authorize the court to allow a person to participate in educational programs to satisfy community service hours.

SB 97 (Roth) - Pupil health: type 1 diabetes information: parent notification.

Would require the department to develop type 1 diabetes informational materials for the parents and guardians of pupils, as specified. The bill would require, on and after January 1, 2023, school districts, county offices of education, and charter schools to make those materials available to the parent or guardian of a pupil while the pupil is enrolled in kindergarten or when the pupil is first enrolled in elementary school, and while the pupil is enrolled in grade 7. By imposing additional requirements on school districts, county offices of education, and charter schools, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 106 (Umberg) - Mental Health Services Act: homelessness.

Current law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs and requires counties to spend those funds as specified. This bill would state the intent of the Legislature that the MHSA be updated to better focus on people with mental illness who are also experiencing homelessness, who are involved in the criminal justice system, and for early intervention for youth.

SB 107 (Wiener) - CalFresh.

Would require the State Department of Social Services, in order to increase client access and retention within CalFresh, to participate in the Elderly Simplified Application Project, a demonstration project operated by the United States Department of Agriculture, Food and Nutrition Service. The bill would require the department, on or before January 1, 2023, to develop a CalFresh user-centered application for seniors 60 years of age or older and for people with disabilities who are eligible to be enrolled in the Elderly Simplified Application Project.

SB 108 (Hurtado) - State Healthy Food Access Policy.

Would declare that it is the established policy of the state that every human being has the right to access sufficient healthy food. The bill would require all relevant state agencies, including the State Department of Social Services, the Department of Food and Agriculture, and the State Department of Public Health, to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and grant criteria are pertinent to the distribution of food and nutrition assistance.

Technology

AB 14 (Aguiar-Curry) - Communications: broadband services: California Advanced Services Fund.

Current law establishes the State Department of Education in state government, and vests the department with specified powers and duties relating to the state's public school system. This bill would authorize local educational agencies to report to the department their pupils' estimated needs for computing devices and internet connectivity adequate for at-home learning. The bill would require the department, in consultation with the Public Utilities Commission, to compile that information and to annually post that compiled information on the department's internet website.

AB 34 (Muratsuchi) - Communications: Broadband for All Act of 2022.

Would declare the intent of the Legislature to enact legislation that would enact the Broadband for All Act of 2022, to become operative only if approved by the voters at the November 8, 2022, statewide general election, to authorize the issuance of state general obligation bonds to fund increased access to broadband services to rural, urban, suburban, and tribal unserved and underserved communities.

AB 41 (Wood) - Broadband infrastructure

Current law provides that the Department of Transportation has full possession and control of state highways and associated property. Current law requires the department to develop guidelines to facilitate the installation of a broadband conduit on state highway rights-of-way. This bill would state the intent of the Legislature to enact future legislation that will improve

California's "Dig Once" policy and expedite the deployment of broadband infrastructure in communities that are currently unserved and underserved.

[HR 5 \(Chau\) - Relative to California Data Privacy Day.](#)

This measure would resolve that the Assembly declares January 28, 2021, as California Data Privacy Day, to increase awareness of privacy and data protection issues among consumers, organizations, and government officials.

[SB 4 \(Gonzalez\) - Communications: California Advanced Services Fund.](#)

Current law establishes the Governor's Office of Business and Economic Development, known as "GO-Biz," within the Governor's office to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. This bill would require the office to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

[SB 28 \(Caballero\) - Digital Infrastructure and Video Competition Act of 2006.](#)

Would state the intent of the Legislature to enact legislation relative to the Digital Infrastructure and Video Competition Act of 2006, to be known as the California Rural Broadband and DIVCA Reform Act of 2021.

Capitol Advisors Group, LLC | 925 L Street, Suite 1200, Sacramento, CA 95814

[Unsubscribe jенаe.holtz@cahelp.org](mailto:jенаe.holtz@cahelp.org)

[Update Profile](#) | [About our service provider](#)

Sent by christina@capitoladvisors.org

SHARE:

[Join Our Email List](#)

Only in town for a single-day organizational session to swear in new and returning members, Legislators wasted no time in introducing legislation and staking an early claim on high-profile issues.

Interestingly, despite the impacts of the pandemic still limiting the operations of the Legislature, Legislators are not confining issues to COVID. With over 180 bills introduced on Monday, proposals range from direct COVID-19 relief efforts, combating global warming, police reform and a resolution to declare a state Taekwondo Day.

Of particular interest, a number of education bills were introduced on Monday, both to address impacts of the pandemic on schools and students as well as on general education issues.

Based on these early bill introductions, the reopening of schools has emerged as an early priority for the Assembly. The two bills introduced in this area, AB 10 by Assembly Member Phil Ting (D – San Francisco) and AB 76 by Assembly Member Kevin Kiley (R – Rocklin), highlight the growing tensions on this subject: should schools be required to go back to full-time in-person instruction once infection rates go down?

Another early priority for this Legislature appears to be addressing the state's current Digital Divide. As the COVID-19 pandemic has forced a majority of California's students into distance learning models, the Digital Divide has become a high-profile issue for members on both sides of the aisle, as well as the Governor and Superintendent of Public Instruction. While earlier efforts in this area stalled at the end of the last legislative session, it is clear by the number of bills introduced on Monday aimed at increasing broadband access that this will be a major issue for the next legislative session.

Monday also saw the introduction of some renewed efforts. With the introduction of AB 75, Assembly Member Patrick O'Donnell (D – Long Beach) has declared his intent to place another K-14 school facility bond on an upcoming statewide ballot. Assembly Member O'Donnell was also the author of the school facility bond that went before voters in March of this year.

Below we highlight the early bill introductions of interest for schools, organized by general subject area. Please note that these early versions of bills are often just placeholders for an issue a legislator seeks to address, and the bills will likely be significantly modified during the legislative process.

School Reopening

AB 10 (Ting) Pupil Instruction: in person instruction: distance learning.

This bill would specify that the requirement for a local educational agency (LEA) to provide in-person instruction applies when in-person instruction is allowed under state or county health orders. Additionally, the bill provides that, between March 1, 2021 and June 30, 2021, distance learning is only allowed at the district or schoolwide level if there is an order or guidance from a state public health officer or local public health officer requiring campus closure.

AB 76 (Kiley) Open California Schools Act.

This bill would require an LEA to transition to full-time in-person instruction within two weeks of state and county health orders and guidelines no longer prohibiting the LEA from opening for full-time in-person instruction.

School Facilities

AB 33 (Ting) Natural gas.

This bill would prohibit, beginning January 1, 2022, the Department of General services from approving or providing funding for the construction of a new school building that has natural gas connections.

AB 75 (O'Donnell) Education finance: school facilities: Kindergarten-Community Colleges Public Education Facilities Bond Act of 2022.

This bill would, among other things, establish the Kindergarten-Community Colleges Public Education Facilities Bond for an unspecified amount of funding for the construction and modernization of K-12 and community college education facilities.

SB 22 (Glazer) Education finance: school facilities: Public Preschool, K-12, and College Health and Safety Bond Act of 2022.

This bill would, among other things, establish the Public Preschool, K-12, and College Health and Safety Bond Act of 2022, a \$15 billion facilities bond funding for the construction and modernization of preschool, K-12, community college, CSU, UC facilities. Under the bond, \$9 billion would go towards preschool and K-12 schools (\$2.8 billion for new school district construction, \$5.2 billion for school district modernization, \$500 million for charter schools,

and \$500 million for career technical education facilities). The remaining \$6 billion would be split evenly between the community colleges, CSUs, and UCs.

Student Services

AB 27 (Rivas) Homeless children and youths and unaccompanied youths: reporting. This bill would require an LEA to ensure that each of its schools immediately identifies all homeless children and youth and unaccompanied youths by requiring an LEA to administer a housing questionnaire and annually provide the housing questionnaire to all parents or guardians of pupils and unaccompanied youths of the LEA.

AB 58 (Salas) Pupil health: suicide prevention policies and training: school-based health programs: pilot program. This bill would require an LEA, on or before June 1, 2022, to review and update its policy on pupil suicide prevention, and revise its training materials, to incorporate best practices identified by the California Department of Education (CDE) in the department's model policy. The bill would also require an LEA, commencing with the 2022–23 school year, to provide suicide awareness and prevention training, at the beginning of each school year, to all its teachers.

SB 14 (Portantino) Pupil health: school employee and pupil training: excused absences: youth mental and behavioral health. This bill would expand the list of excused absences for a student to include absences for the benefit of the mental or behavioral health of a student. The bill would also require CDE to identify an evidence-based training program on youth mental health and behavior health and require LEAs to use the program to train their classified and certificated school employees that have direct contact with students.

Human Resources

AB 25 (Kiley) Worker classification: employees and independent contractors. This bill would repeal the “ABC Test” established in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* and codified by AB 5 (2019) and instead require the question of that whether a person is an employee or an independent contractor be governed by the multifactor test established in *S.G. Borello & Sons, Inc. v. Department of Industrial Relations*.

AB 95 (Low) Employees: bereavement leave.

This bill would enact the Bereavement Leave Act of 2021, which would require an employer with 25 or more employees to grant an employee up to 10 business days of unpaid bereavement leave upon the death of a spouse, domestic partner, or immediate relative. The bill would also require an employer with fewer than 25 employees to grant up to 2 business days of unpaid leave.

SB 46 (Stern) Employment: contact tracing and safety policies: COVID-19.

This bill declares the Legislature's intent to enact legislation that would require an employer to develop and implement contract tracking and safety policies for its employees, including requiring notice to the employer if an employee receives a positive COVID-19 test.

Early Learning

AB 22 (McCarty) Transitional kindergarten: enrollment for 4-year-old children.

This bill would require, by the 2030–31 school year, a school district or charter school, as a condition of receipt of apportionments for pupils in a transitional kindergarten (TK) program, to admit to its TK program, children who will have their 5th birthday between September 2 of the calendar year in which the school year begins and September 1 of the following calendar year.

AB 92 (Reyes) Preschool and childcare and development services: family fees.

Only intent language at this point, the bill expresses the Legislature's interest in enacting legislation to address the impact of preschool and child care fees on low-income families.

Broadband Access

AB 14 (Aguiar-Curry) Communications: broadband services: California Advanced Services Fund.

This bill would make various changes to California Advanced Services Fund (CASF). Among other things, it would require the development of recommendations and a model for streamlined local permit processes for projects related to broadband infrastructure deployment and connectivity. The bill would also specify new speed requirements for projects funded out of the CASF, requiring that projects be capable of providing access with speeds at minimum of 25 megabits per second (mbps) downstream, and 25 mbps upstream, with a stated goal of 100 mbps downstream.

AB 34 (Muratsuchi) Communications: Broadband for All Act of 2022.

Currently, this bill only contains intent language. However, it expresses the intent of the Legislature to enact the Broadband for All Act of 2022. The Act, which would need to go before voters at the November 2022 statewide general election, would authorize the issuance of state general obligation bonds to fund increased access to broadband services to rural, urban, suburban, and tribal unserved and underserved communities.

AB 41 (Wood) Broadband infrastructure.

Also only intent language as of today, this bill seeks to make changes to California's "Dig Once" policy in an effort to expedite and more efficiently deploy broadband infrastructure in communities that are currently unserved and underserved.

SB 4 (Gonzalez, Lena) Communications: California Advanced Services Fund.

This bill would also make changes to the CASF. Among other things, it would define an "unserved area" to mean an area for which at least 90% of the population has no facility-based broadband provider offering at least one tier of broadband service at speeds of at 25 mbps downstream, 3 mbps upstream, and a latency that is sufficiently low to allow real-time interactive applications. The bill would also give priority to fund projects in unserved areas where internet connectivity is available only at speeds at or below 10 mbps downstream and 1 mbps upstream, or areas with no internet connectivity, with a goal of achieving at least 100 mbps downstream.

School Funding**AB 5 (Fong) Greenhouse Gas Reduction Fund: High Speed Rail Authority: K-12 education: transfer loan.**

This bill would suspend the appropriation to the High-Speed Rail Authority for the 2021–22 and 2022–23 fiscal years and would instead require the transfer of those amounts from moneys collected by the State Air Resources Board to the General Fund to support K–12 education and to offset any funding reduction for K–12 education.

What's Next?

The bills introduced on Monday will be the last new bills we see until the Legislature returns to Sacramento in January. With Members now back in their districts for the holidays, no legislation may be introduced until the Legislature reconvenes on January 4.

As always, if you have any questions or would like additional information, please reach out to any of us.

Best,
Caitlin

Caitlin Jung
Legislative Counsel | Capitol Advisors Group
916-838-3254 - mobile

What obstacles schools must overcome to offer in-person instruction

JANUARY 6, 2021 | LOUIS FREEDBERG

Gov. Gavin Newsom's "Safe Schools for All" plan presented during the waning days of 2020 has raised hopes that more schools could reopen for in-person instruction this school year, at least for the state's youngest children.

The goal, Newsom explained, is "to support all communities to be on track for safe in-person instruction by early spring 2021."

Yet the outlook for that happening appears daunting. What challenges do districts face in jump-starting in person instruction? Here are the principle ones:

Covid-19 spreading across the state

Even those most vigorously arguing that returning to school presents relatively few risks to children acknowledge that it should be done within the context of containing the spread of the virus in the larger community.

But the virus is surging in California, reaching crisis levels in many parts of the states. What's more, several countries that were often held up as models for what California, and the United States, should be doing, have shut their schools, most notably [the United Kingdom](#). [Germany](#) also has closed its schools for a month, at least until mid-January, as have other countries such as the [Netherlands](#) and [South Korea](#).

Not helping the situation is the detection of a new more contagious strain of the virus.

All this is likely to make more parents, in addition to school staff, more apprehensive about coming back to school for in-person instruction. It also presents a contradictory messaging

problem for the state and schools: [ordering families to stay home](#) and not mix with other families or households for any reason — and simultaneously saying it is OK for them to return to school to interact with children and adults from multiple households, indoors, for hours each day.

Logistics and costs of testing for Covid-19.

Newsom's reopening plan calls for testing everyone in a school — both school staff and students — including those who are asymptomatic. It says they must be tested every two weeks if the school is in a county in the purple tier, with infection rates of less than a daily average of less than 14 positive cases per 100,000 residents. Those in counties with more than 14 positive cases — currently all but two counties — would have to be tested *every week*.

School administrators worry about the logistics and costs of such a comprehensive testing program. Newsom says that private insurance plans would cover the costs of those who are insured, or MediCal. Fortunately, all but 3.6% of young people between 0 and 20 years have some form of health coverage in California, according to the [Kaiser Family Foundation](#).

But the logistics of making sure that all staff and students are tested on a regular basis remain daunting, even if most of the costs are covered by MediCal, SCHIP, or individual health plans. Sources says Newsom is expected to provide more details soon about how the state will support testing programs, but these have yet to be announced.

Disparate impact on districts serving low-income students in areas with high infection rates

In a [highly critical letter](#) to Newsom, the superintendents of some of the state's largest school districts (Los Angeles, San Diego, Long Beach, San Francisco, Oakland and Sacramento) expressed concerns that districts like theirs serving predominantly low-income communities, where infection rates are far higher, would not qualify for funds under Newsom's plan. That's because infection rates are higher than the level set by Newsom (a daily average of 28 positive cases per 100,000 residents). "A funding model which supports only schools in communities less impacted by the virus is at odds with California's long-

standing efforts to provide more support to students from low-income families,” they said. “If nothing changes, many students in high-need communities are at risk of being left behind.”

Buy-in from teachers’ unions

Gov. Newsom’s plan requires school districts to get support from teachers’ unions before they can reopen, which means that reopening plans would have to be negotiated with teachers district by district. But taking issue with a central element of Newsom’s plan, the California Teachers Association is saying that schools shouldn’t open for in-person instruction in counties that are still in the purple tier. Given that all but two counties (Alpine and Sierra) are currently in the purple zone, making concrete plans for reopening schools will be difficult without assurances that teachers will agree to participate. The seven superintendents are asking Newsom to impose a uniform standard for reopening for in-person instruction, and then to require schools to reopen once they meet that standard, regardless of opposition from labor unions or anyone else.

Shortage of teacher substitutes and other staff

A big unknown for some districts is whether they will have the staff they need to provide in-person instruction — in addition to distance learning for children whose parents wish to stick with remote instruction. More teachers are expected to call in sick because of having to quarantine or sequester after exposure or possible exposure to the virus. In some districts, teachers at greater risk may choose to take a leave rather than take the chance of exposure in the classroom. Typically, these vacancies could be filled by substitute teachers. The problem is that even before the pandemic many districts were experiencing difficulties finding substitutes. In fact, there has been a precipitous decline in the number of substitute credentials issued in California. As [reported by EdSource](#), over a six-month period in 2020, there were 22,236 applicants for substitute credentials. That was down from 31,871 for the same period in 2019, and 42,300 in 2018.

The problem is especially acute in rural areas where the shortages are most severe. The situation is so bad that Tim Taylor, executive director of the [Small School Districts’ Association](#), describes the substitute shortage as “a code-red issue” for rural schools.

Another challenge is that implementing health and safety practices could require additional non-teaching staff. Scott Borba, superintendent of the Le Grand Union Elementary School District in Merced County, for example, says his district needs more custodians to sanitize school facilities.

Slow pace of vaccinations, with school employees not yet on the priority list

The availability of vaccines could make a big difference in convincing school staff to return to school, as well as to parents who for health reasons may be reluctant to have their children back in school.

But there are numerous unknowns regarding [both the pace of vaccinations](#), and who will be receiving them. It seems certain that teachers and other school employees will soon be placed on the priority list (Phase 1B) to receive the vaccinations. But it is unclear when that would happen, whether the state will set a list of priorities for which school employees should be vaccinated first, and whether this will happen quickly enough to open schools this spring.

Uncertainties about state and federal funds to cover education and health costs

Currently, it is not entirely clear how much money districts can expect to get from the state and federal governments to get them through this school year — and whether the federal government will come up with additional funds after Joe Biden becomes president. The Georgia runoff election results make it more likely that more funds will be forthcoming, but that won't be known for weeks, at best. EdSource has [come up with estimates](#) about how much districts can expect to receive from the federal government's \$900 billion relief bill approved in September, but these are only estimates. When it comes to state funding, districts will have a clearer idea about where they stand after Gov. Newsom announces his proposed budget for the coming fiscal year this week.

Finding a pathway for in-person instruction for middle and high school students

Gov. Newsom's plan does not provide a pathway for middle and high school students to

return to school. In fact, it is silent on the issue. If state regulations are still in force, school communities would be limited in what they can do on infection rates in their counties coming into the red, orange or yellow tiers before middle or high school students could even be considered for in-person instruction. Because of the dire situation in the state now, it is impossible to predict whether that will occur in time for students and staff to return to school before May.

Overcoming divisions within school communities on in-person instruction

The entire issue of reopening schools is an emotional one, with different people having different comfort levels and needs regarding in-person instruction. In some communities, some parents feel passionately about the need to get children back to school as soon as possible, while other parents feel just the opposite. In many districts, teachers have been especially reluctant to return to their classrooms because of health concerns, often leading to stressful negotiations. Complicating the entire discussion is that school officials have limited time to figure out the best way to get students back to school this academic year.

To get more reports like this one, [click here](#) to sign up for EdSource's no-cost daily email on latest developments in education.

Comments

Comments Policy

We welcome your comments. All comments are moderated for civility, relevance and other considerations. [Click here for EdSource's Comments Policy.](#)

Ken Firl

6 hours ago



Marin county has been 80% open since September. Please put students first and reopen now. Calif public schools should be ashamed.

COVID-19

Related Links:

- Safe Schools for All Rationale
- Safe Schools for All Science

Summary: California's Safe Schools for All Plan

Throughout the course of the COVID-19 pandemic, Governor Newsom has prioritized the health and safety of California's children and schools. As a father of four, Governor Newsom agrees with parents, educators, policymakers, and pediatricians that in-person is the best setting to meet not only the core learning needs of students, but also their mental health and social-emotional needs. It's especially important for our youngest kids, students with disabilities, and those already disproportionately impacted by the pandemic. Resuming in-person instruction is critical for kids, families, and communities throughout the state.

The safety of staff and students is foundational. With growing evidence that the right precautions can effectively stop the spread of COVID-19 in schools—especially in elementary schools—the Administration is committed to doing everything it can to make in-person instruction in schools safe for students and staff. Developed in partnership with the Legislature, the Administration's plan focuses on ensuring careful implementation and building confidence by supporting schools to bring back the youngest children (TK-2) and those who are most disproportionately impacted first, then phasing in other grade levels through the spring, as conditions allow. This phased-in approach recognizes that younger children are at a lower risk of contracting and transmitting COVID-19, with core safety measures in place.

At the same time, distance learning will remain an option for parents and students who choose it and for those whose health status does not allow them to return to school in the near term.

Today, Governor Newsom pledges to advance, with the Legislature, California's Safe Schools for All Plan, built on four pillars:

1. **Funding.** The Budget will propose for immediate action in January, \$2 billion for the safe reopening of schools beginning in February, with a priority for returning the youngest children (TK-2nd grade) and those who are most disproportionately impacted first, then returning other grade levels to in-person instruction through the spring. These funds will provide approximately \$450 per student to school districts offering in-person instruction and will be weighted for districts serving students from low-income families, English learners and foster youth.
2. **Safety & Mitigation.** To further ensure health and safety in the classroom, the Administration will focus on implementation of key measures, including testing, PPE, contact tracing, and vaccinations.
 1. **Testing.** The Administration will support frequent COVID-19 testing for all school staff and students, including weekly testing at schools in communities with high rates of transmission. For example, any interested public school will be on-boarded to the state-owned Valencia Branch Lab for PCR tests at one-third the market rate and the State will establish a hotline to help schools implement testing.
 2. **PPE.** All staff and students in schools are required to wear masks. Furthermore, surgical masks will be recommended for school staff, and the Administration will distribute millions of surgical masks to schools at no cost. The Administration has also enabled schools to leverage state-negotiated master contracts for PPE to reduce costs and streamline supply chains.

3. **Contact Tracing.** Schools will continue to be on-boarded onto the School Portal for Outbreak Tracking (SPOT) to improve collaboration between school and health officials, and members of the state contact tracing workforce will be deployed to improve communication with schools.
4. **Vaccinations.** School staff will be prioritized in the distribution of vaccines through the spring of 2021.
3. **Oversight & Assistance.** Dr. Naomi Bardach, a UCSF pediatrician and expert on COVID-19 transmission in schools, will lead the Safe Schools for All Team, a cross-agency team composed of dedicated staff from CDPH, Cal/OSHA, and educational agencies. The Team will provide hands-on support to help schools develop and implement their COVID-19 Safety Plans. These supports include school visits and walk-throughs as warranted, webinars and training materials, and ongoing technical assistance.
4. **Transparency & Accountability.** A state dashboard will enable all Californians to see their school's reopening status, level of available funding, and data on in-school transmissions. Additionally, a web-based "hotline" will empower school staff and parents to report concerns to the Safe Schools for All Team, which will lead to escalating levels of intervention, starting with technical assistance and ending with legal enforcement.

California's Safe Schools for All Plan provides the support and accountability to establish a clear path to minimize in-school transmissions and enable, first, a phased return to in-person instruction, and then ongoing safe in-person instruction.

Page Last Updated : December 30, 2020

COVID-19

Related Links:

- [Safe Schools for All Summary](#)
- [Safe Schools for All Rationale](#)

Evidence Summary: TK-6 Schools and COVID-19 Transmission

This is a summary document of the evidence thus far that informs safe and successful in-person instruction in TK-6 schools in the context of the COVID-19 pandemic. The overall topics covered include: frequency of infection in elementary-aged students; why they get it less often and with less severe disease than adults; transmission patterns in elementary-school aged students; transmission patterns in TK-12 schools; and the evidence for COVID-19 transmission mitigation strategies particular to the school context.

This summary is not comprehensive, but focuses on the best evidence we have to inform us regarding the safety of in-person instruction for TK-6 students. The studies cited are chosen for their rigor, rather than because they support a specific position regarding whether or not it is safe to be open. We have learned a considerable amount since March 2020 regarding schools, through scientific studies of schools or camps that have been open in the U.S. or internationally. Because change is the only constant in the COVID-19 pandemic, we will continue to gather and monitor the evidence carefully, to inform safe and successful schooling.

Why Children Get COVID-19 Less Frequently and Have Less Severe Disease

In epidemiological studies globally and nationally, the evidence suggests that children seem to get COVID-19 less frequently than adults. Originally it was thought that they might be less frequently diagnosed due to less testing because children are more often asymptomatic or have less severe symptoms. However, population-wide studies in Iceland and Spain using antibody tests that assess prior infection at any time find that children have lower rates of infection compared to adults.

There are two general explanations for why children get COVID-19 less frequently and have less severe disease compared to adults. The first is that they produce fewer ACE-2 receptors. Essentially, ACE-2 receptors are the doorway into human cells for SARS-CoV-2, the virus that causes COVID-19. A study from May 2020 showed that elementary students produce fewer ACE-2 receptors than middle and high school-aged students, who produce fewer receptors than receptors adults. Consequently, children have fewer doorways into the body for the virus, which leads to fewer infections and less severe infections for those who catch the virus.

The other explanation is that, because children's immune systems are used to fighting off common colds, they are better primed to fight off COVID-19. Other viruses in the same family (coronaviruses) as the SARS-CoV-2 virus cause the common cold. Since they are in the same family of virus, some parts of the virus, including something called the S2 spike, are very similar. There is a study of children from 2011-2018 (before SARS-CoV-2 appeared) that shows that more children (ages 1-16) had antibodies against the S2 spike than young adults (17-25), likely because they have coughs and colds from other coronaviruses more often than adults. It is likely a combination of these two phenomena—ACE-2 receptor production and pre-existing antibodies to other coronaviruses—that explain why

children get disease less frequently and less severely.

Children with COVID-19 Most Often Get It from a Household Contact

When children do get COVID-19, the predominant pattern of transmission is to get the infection from an adult household contact (someone the child lives with at home who has COVID-19). High rates of household infection from adults to children have been seen in studies from Chicago, India, Greece, Australia, Switzerland, South Korea, and China. This has been seen even in settings where schools were open. For instance, a study of 10 early childhood centers and 15 schools (>6000 people) found low rates in the schools overall (1.2%) and >90% of cases were from the community, not from in-school transmission.

Transmission Among or from Students Is Uncommon

A recent study in the Morbidity and Mortality Weekly Report (MMWR) from the Centers for Disease Control and Prevention (CDC) found that for students, going to schools was not associated with having a positive COVID-19 test, but that social gatherings were—including weddings, parties, and playdates. This likely reflects the more controlled school environment leading to a low risk of transmission. It may also be that families who were going to these types of higher-risk social gatherings may have had other higher risk behavior such as decreased mask use.

The study from Australia mentioned above investigated the cases where there was transmission in school. It found that, of children who tested positive—a low number relative to the total number of students—only 0.3% had had contact with another child who was positive (child-to-child transmission). Child-to-adult transmission occurred only 1% of the time. In contrast, adult-to-child transmission occurred 1.5% of the time, and adult-to-adult transmission was 4.4%, almost 15 times higher than child-to-child transmission. This was in the context of masks not being encouraged at the time in Australia, though small groups and physical distancing recommendations were in place. The higher risk of adults transmitting to others compared to children transmitting to others is likely due to adults getting COVID-19 more often than children and youth, and adults having worse symptoms like cough, which makes it easier to transmit the virus.

These data suggest that adult-to-adult transmission is the most likely scenario for in-school transmission. This indicates that we have more control over in-school transmission, since adults are more likely to be able to adhere to policies for mitigation strategies such as masking and physical distancing. To achieve low in-school transmission, school communities will need to remain focused on ensuring places like teacher/staff break rooms are well-controlled and on effectively implementing the core mitigation strategies for staff as well as for students.

Low Risk of Transmission in Elementary Schools

The data indicate that the risk of transmission in elementary schools can be low. Two studies from early in the pandemic in Oise, one of the most heavily affected areas of France, focused on elementary schools and the local high school. Both studies examined the presence of antibodies (evidence of prior infection) to the SARS-CoV-2 virus in students and staff who had been attending the open schools without any precautions (e.g., masking, distancing) in place. The high school study showed evidence of potential spread within the school, with 43% of teachers, 59% of other school staff, and 38% of students with antibodies, compared to community prevalence of 9%. The elementary school study included six schools and >500 students, with only 9% of students, 7% of teachers, and 4% of non-teaching adults with antibodies, very similar to community prevalence. The lower transmission in the

elementary schools likely reflects the lower infection rates and lower severity of illness in elementary students. However, it also likely reflects the much higher rates of student mixing in a traditional high school curriculum. This highlights why a modified high school curriculum that creates stable groups can substantially mitigate the risk of widespread in-school transmission in high schools.

Lessons About What Not to Do

In addition to the studies above, a study from a middle and high school in Israel after re-opening in May illustrates the need for mitigation strategies to support safe schools. The school re-opened in May, with no physical distancing measures in place. Due to a heat wave, they stopped requiring masking for two days and had closed windows with air conditioners. During the two days without masking or proper ventilation, two symptomatic cases were in the school, leading to an outbreak across more than 100 students and staff. This study highlights the risk of spread without mitigation strategies—teaching us what not to do. Core strategies include masks, physical distancing, enhanced ventilation with open windows and without strong inward-directed air currents, and symptom screening.

Testing Students and Staff with Symptoms Can Prevent Outbreaks

Though approximately 40% of children do not have symptoms of COVID-19, symptom screening will still identify children with a higher likelihood of COVID-19 compared to students without symptoms. Screening students and staff and excluding those with symptoms creates a system for preventing possibly infectious people with COVID-19 from coming to school, thereby avoiding or breaking the chain of in-school transmission. One potential option for getting cleared to return to school after having symptoms includes getting tested. So, in addition to helping to prevent in-school transmission, the screening and testing of symptomatic students and staff provides ongoing data about COVID-19 in school communities.

Core Mitigation Strategies

The successful approach to preventing transmission in schools leverages layers of safety strategies. Core strategies include: masks; physical distancing; small, stable groups; hand hygiene; ventilation; screening for symptoms or close contact; and asymptomatic testing. Each layer provides additional protection and, when used together, have been associated with low or zero transmission, even in communities with high COVID-19 prevalence (paper in-press at *Pediatrics*). A modeling study examined the efficacy of different mitigation strategies to prevent in-school COVID-19 transmission. The study compared the efficacy of masking, monthly and weekly testing of teachers and students, and stable groups of students and staff, examining each strategy alone and then examining combinations of strategies. The authors looked at how much each strategy could decrease the proportion of symptomatic infections for teachers in high schools, middle schools and elementary schools, and for students, and for household members of students or teachers. They found that masks alone and stable cohorts alone were more effective than even weekly testing of students and teachers. This illustrates again the importance of masks and stable cohorts.

In Summary:

Though the evidence continues to evolve, we know more now than we did in July regarding how to prevent

transmission in schools. We have learned from examples of what works and what does not work. Core mitigation strategies are necessary for safe and successful schooling. If those mitigation strategies are implemented as several layers of safety, elementary schools can be safe workplaces for teachers and other staff and safe learning environments for children.

Page Last Updated : December 30, 2020

COVID-19

Related Links:

- [Safe Schools for All Summary](#)
- [Safe Schools for All Science](#)

Rationale: California's Safe Schools for All Plan

Protecting the safety and wellbeing of California's children throughout the COVID-19 pandemic has been a top priority of the Newsom Administration. The benefits of in-person instruction are plain to see, especially for our youngest students and students disproportionately impacted by the pandemic. Now, with growing evidence that the right precautions can effectively stop the spread of COVID-19 in schools—particularly in elementary grades—the Administration is committed to doing everything it can to support students and staff to safely return to in-person instruction.

We have learned a great deal since the beginning of the pandemic, and both national and international studies demonstrate the relatively low risks and high benefits of educating students in classrooms—especially for elementary grades.

With the Right Precautions, We Can Minimize Transmissions in Schools—Especially in Elementary Grades

Research across the globe shows that children get COVID-19 less often than adults, and when they do get sick, they get less sick than adults. Population-wide studies in Italy and Spain using antibody tests, which indicate whether a person has been infected at any point previously, find that children have lower rates of infection compared to adults.

In studies of open schools in America and around the world, children do not seem to be major sources of transmission—either to each other or to adults. In fact, the greatest risk in school settings comes from adults transmitting it to other adults, often in settings like breakrooms where we sometimes let down our guard. One study in Australia of 10 early childhood centers and 15 schools (>6000 people) found low rates in the schools overall (1.2%), and an adult-to-adult transmission rate almost 15 times higher than child-to-child transmission.

The growing body of evidence is particularly strong for lower risks associated with elementary schools. For example, a study analyzing elementary schools in a heavily impacted region of France found that the risks of transmission inside schools were approximately the same as outside schools. The lower risks associated with younger grades is likely due to, among other reasons, the fact that younger people produce fewer ACE-2 receptors—COVID's doorway into human cells.

Even in communities with many COVID cases, we do not see many outbreaks in schools. That's because the right precautions can stop outbreaks before they start. Evidence shows that schools with the right mitigation strategies have been able to prevent in-school transmission among students and staff.

We know what works. We can stop the spread in schools by layering and carefully implementing mitigation

strategies, including masks, cohorting, proper ventilation, washing hands, testing and symptom screening.

For more information, please refer to Evidence Summary: TK-6 Schools and COVID-19 Transmission (California Department of Public Health)

In-Person Instruction Is Critical for Learning and Growth—Especially in Elementary Grades

While California has made great strides in distance learning—and this option will remain for parents and students who choose it and for those whose health status does not allow them to return to school in the near term—remote learning is still very challenging for many students and their caregivers. In a recent survey by the Alliance for Children's Rights, 42% of caregivers reported that they are not comfortable supporting youth in their care with technology needs, and 39% of caregivers reported that they are not comfortable providing academic support to the youth in their care during distance learning.

Older students are better equipped to manage technology and benefit from distance learning, but younger students—especially TK-2—are less equipped. Furthermore, the social-emotional skills cultivated in the youngest grades are foundational for future wellbeing. In the classroom, students learn not only academic skills, but social and emotional skills as well. In a classroom of peers led by an expert teacher, students learn to listen and focus, to share, to wait their turn, to encourage others and to allow others to encourage them. They also begin to learn skills such as self-awareness, social awareness, self-management and responsible decision-making that will carry them through life.

There are also immediate health-related benefits for children who are provided in-person instruction, including lower rates of anxiety and depression, higher rates of immunizations, and other positive indicators of public health and wellbeing. These benefits are particularly critical for foster youth, homeless youth, and other students disproportionately impacted by the pandemic, for whom school provides safety and stability. In-person instruction also helps school staff to detect and address child abuse and neglect. For example, the state observed a roughly 40% drop in child welfare referrals following the stay-at-home orders in March 2020 compared to spring averages from the prior year.

Conclusion

Through careful implementation of safety measures and by phasing in our youngest students—who are at lowest risk and stand to benefit the most from in-person settings—we can build experience, confidence, and trust that our schools can be both safe workplaces and safe learning environments.

Page Last Updated : December 30, 2020

6.3 Assembly Bill 114 - Mental Health Dollars
Verbal report, no materials

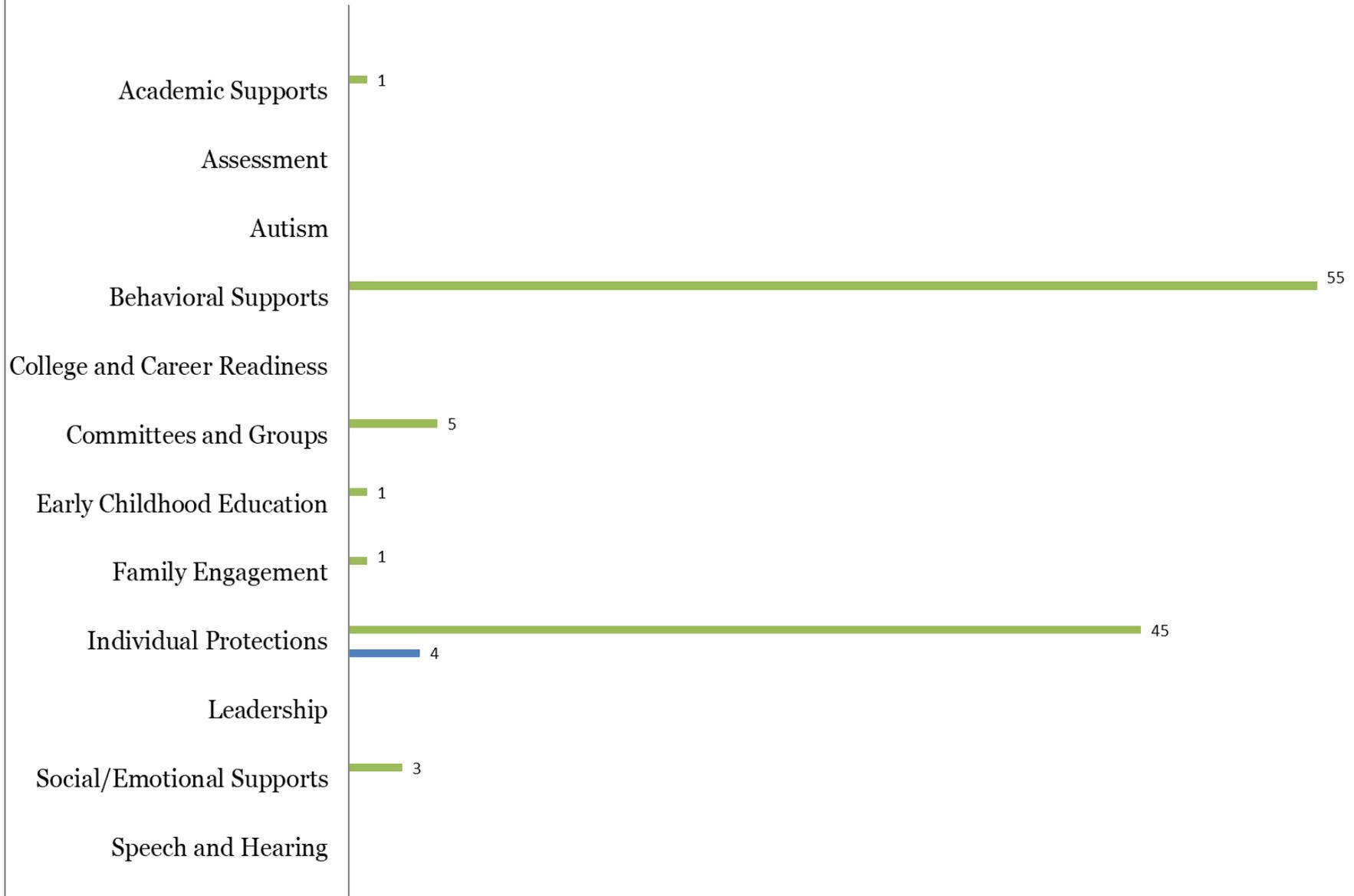
6.4 DM Charter SELPA Local Plan Revise Board Signatures
Verbal report, no materials

D/M CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

DECEMBER 2020 - 5 PARTICIPANTS

111 YEAR-TO-DATE PARTICIPANTS

■ Total Participants YTD by Content Area ■ On-Site Trainings ■ Regional Trainings



**Desert/Mountain Charter SELPA
Due Process Summary
July 1, 2020 - January 14, 2021**

D = Complaint Dismissed W = Complaint Withdrawn

DISTRICT										CASE ACTIVITY FOR CURRENT YEAR					
	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	Total	D/W	Resolution	Mediation	Settled	Hearing	
Allegiance STEAM Acad - Thrive	N/A	N/A	N/A	N/A	N/A	0	0	0	0		0	0	0	0	0
Aveson Global Leadership Acad	N/A	N/A	2	1	5	1.5	0	0	9.5		0	0	0	0	0
Aveson School of Leaders	N/A	N/A	0	3	1	1.5	0	0	5.5		0	0	0	0	0
Ballington Acad for Arts & Sci	N/A	N/A	N/A	N/A	0	2	0	0	0		0	0	0	0	0
Desert Trails Prep Academy	0	0	0	0	0	0	0	0	0		0	0	0	0	0
Encore Junior/Senior High School	0	0	0	0	0	0	0	0	0		0	0	0	0	0
Encore High School, Riverside	N/A	N/A	0	0	0	1	1	0	2		0	0	0	0	0
Julia Lee Performing Arts Acad	N/A	N/A	N/A	N/A	N/A	0	0	0	0		0	0	0	0	0
LaVerne Elem Preparatory	0	0	0	0	0	0.5	0	0	0.5		0	0	0	0	0
Leonardo da Vinci Health Sci	0	0	0	0	0	0	0	0	0		0	0	0	0	0
Odyssey Charter School	N/A	N/A	0	0	0	0	0	0	0		0	0	0	0	0
Odyssey Charter School - South	N/A	N/A	N/A	N/A	N/A	0	0	0	0		0	0	0	0	0
Pasadena Rosebud Academy	N/A	N/A	N/A	N/A	N/A	1	0	0	1		0	0	0	0	0
Pathways to College	0	0	0	0	0	0	0	0	0		0	0	0	0	0
Taylion High Desert Academy	0	0	0	0	0	0	0	0	0		0	0	0	0	0
SELPA-WIDE TOTALS	0	0	2	4	6	7.5	1	0	18.5		0	0	0	0	0

**Desert/Mountain Charter SELPA
Due Process Activity Summary
July 1, 2020 – January 14, 2021**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
1. LEA Case No. 2020							
2. Case No. 2020							
3. Case No. 2020							
4. Case No. 2020							

Desert /Mountain Charter SELPA
Legal Expense Summary
As of January 14, 2021

2000-2001	0.00
2001-2002	0.00
2002-2003	0.00
2003-2004	0.00
2004-2005	0.00
2005-2006	0.00
2006-2007	0.00
2007-2008	0.00
2008-2009	0.00
2009-2010	0.00
2010-2011	0.00
2011-2012	0.00
2012-2013	0.00
2013-2014	0.00
2014-2015	0.00
2015-2016	7,378.00
2016-2017	33,886.61
2017-2018	70,994.67
2018-2019	113,834.81
2019-2020	58,033.90
2020-2021	6,099.00

6.7 Postsecondary Transition Services Manual
Verbal report, no materials

6.8 Prevention and Intervention Updates
Verbal report, no materials

6.9 Compliance Update
Verbal report, no materials

7.1 Governor's January Budget
Verbal report, no materials