

To learn more go to www.csba.org »

California schoolnews

Weekly Update

June 30, 2021

Opt in to receive texts about important education events and COVID-19 developments by texting CSBA4Kids to 52886.

In this Issue

- [State budget agreement pays down all deferrals, some issues remain](#)
- [COVID-19 update: Superior court denies preliminary injunction in *Cayla J. v. State of California*](#)
- [U.S. Supreme Court affirms school violated student's First Amendment rights, but allows for some regulation of off-campus speech](#)
- [Pride Month on the CSBA blog](#)
- [Federal webinar series addresses inequity in schools](#)
- [Address student behavior health with P4SS](#)

State budget agreement pays down all deferrals, some issues remain



The Legislature and Gov. Gavin Newsom reached a state budget agreement on June 28, which the Governor is expected to sign today. **The final agreement, [Senate Bill 129](#), includes the full elimination of all funding deferrals — a major win for schools — and addresses areas of great need for California's students**, though concerns remain about funding for program expansions

and the future of virtual learning.

"We appreciate that state leaders have heeded the call to fully pay down deferrals and reduce the unemployment rate increase, while also prioritizing cost-of-living adjustments, community schools, student mental health, academic interventions, extended learning, broadband funding, teacher recruitment and more," said **CSBA President Dr. Susan Heredia**. "With that in mind, **CSBA is still concerned over the lack of additional revenues to buy down the long-term pension liability and rates on behalf of local educational agencies, and that we have yet to see whether intended changes to independent study will impact how schools can use it to continue to offer remote learning options for families who do not wish to return to in-person instruction.**"

"Further, **we still remain troubled that the Educational Revenue Augmentation Fund (ERAF) was not addressed in this budget** and results in ongoing revenue losses equal to \$60-85 per average daily attendance that is taken from our classrooms," Heredia continued. "We intend to continue pressing the Governor and Legislature to resolve these and other outstanding issues through trailer bill language."

SB 129 includes a \$93.7 billion Proposition 98 guarantee for 2021–22. Major components of the deal include:

- \$11 billion to fully pay down all remaining apportionment deferrals
- A 5.07 percent "super-COLA" for the Local Control Funding Formula
- An increase in the LCFF concentration grant from 50 to 65 percent of the base grant equal to \$1.1 billion in ongoing funding, to be used to increase staff for direct services
- A mixed delivery system for universal, full-day transitional kindergarten, with full implementation by 2025–26
- A 4.05 percent cost-of-living adjustment for the special education formula

- Funding to launch a Universal School Meals Program

This agreement finalized the big picture for the Budget Act of 2021. **It remains to be seen which outstanding issues will be resolved in budget trailer bills, which may be released in the coming days.** These could include details on how schools may use independent study to continue to offer remote options for families who do not wish to return to in-person instruction. [Learn more »](#)

COVID-19 update: Superior court denies preliminary injunction in *Cayla J. v. State of California*



On June 15, 2021, the **Alameda County Superior Court** made its first ruling in *Cayla J. v. State of California*, denying a **motion for preliminary injunction** in a lawsuit alleging that California has failed to offer equal education to low-income students of color during the COVID-19 pandemic. The court declined to mandate prescriptive solutions to inequalities that California's

Legislature is attempting to address already. Courts often defer to the Legislature, preferring not to make policy from the bench.

The lawsuit claims that children have been further left behind academically during the COVID-19 pandemic by disparate access to educational opportunities and digital resources, as some students struggled to obtain the technology they needed to connect and faced other barriers to engaging in remote schooling. The lawsuit also alleges that students have been harmed by schools that fail to meet required minimum instructional times and to provide adequate training and support to teachers. [Read more on the CSBA blog »](#)

In other COVID-19 developments:

- The **first Emergency Connectivity Fund Program application filing period opened Tuesday**, June 29. The program is meant to fund equipment and service needs in the new academic year for off-campus use by students, school staff and library patrons who may otherwise lack this access. Interested applicants will have **until Aug. 13, 2021, to submit funding requests for purchases to be made between July 1, 2021, and June 30, 2022**, according to the Federal Communications Commission. The Emergency Connectivity Fund Program, part of 2021's American Rescue Plan, **will provide up to \$7.17 billion in support toward the purchase of tablets, WiFi hotspots, modems, routers and broadband connectivity.** [Learn more »](#)
- Beginning **in August, California will issue about \$4.3 billion in funds via Pandemic Electronic Benefits Transfer cards to cover the days that eligible children did not receive a meal at school between August 2020 and January 2021.** To determine eligibility, California will use school data and U.S. Department of Agriculture simplifying assumptions. New students who weren't a part of the National School Lunch Program in the 2019–20 school year will be able to certify their needs throughout the traditional application for school meals. [Learn more »](#)

U.S. Supreme Court affirms school violated student's First Amendment rights, but allows for some regulation of off-campus speech



On June 23, 2021, in *Mahanoy Area School District v. B. L.*, the **United States Supreme Court** issued a highly anticipated opinion addressing a public school's ability to regulate off-campus student speech. In an 8-1 decision, the Court held that **while public schools may regulate off-campus student speech under certain circumstances, the school in this case violated student B. L.'s**

First Amendment rights when it suspended her from the junior varsity cheerleading squad for her profanity-laced off-campus Snapchat post.

While off campus on a Saturday, student B. L. had expressed frustration with not making the varsity cheerleading squad at her high school by posting to about 250 friends on Snapchat a photo of herself and her friend, with their middle fingers raised, accompanied by a caption reading, "F**k school f**k softball f**k cheer f**k everything." After seeing a screenshot of the message, coaches suspended B. L. from the cheerleading team for the

upcoming season, citing a violation of team rules, and the school board upheld the decision. B. L.'s parents filed suit on her behalf in federal court.

The Supreme Court's decision upheld the Third Circuit's decision that the school violated B. L.'s First Amendment rights, but **the Court also made clear that schools can regulate student speech that occurs off campus under certain circumstances, like serious bullying and harassment, threats against staff or other students, and participation in online school activities.**

CSBA's Legal Department will provide an in-depth look at the Court's decision in the fall 2021 issue of *California Schools* magazine. [Read the Supreme Court's decision »](#)

Pride Month on the CSBA blog



Local educational agencies throughout California honored LGBTQ students and staff this Pride Month and used the time to evaluate how their needs are being met, how to improve services and more. All month, CSBA has highlighted on its blog the ways in which **LEAs celebrated** and helped **spread awareness of the contributions of LGBTQ Americans**; how school counselors

and other staff can **best support the mental health needs of LGBTQ youth and create a welcoming, inclusive school environment**; **research** detailing the need for safer campuses with **LGBTQ-positive messaging and policies**; and a monthlong California Department of Education **webinar series** with information on California Education Code 218, **free training and access to partnerships**, and examples of schools and organizations working for change to support LGBTQ youth. [Visit the CSBA blog »](#)

Federal webinar series addresses inequity in schools



The U.S. Department of Education is signaling that equity will be a priority under the Biden Administration, **announcing** the release of a **new report highlighting the disparate impacts of COVID-19 on K-12 and postsecondary students in underserved communities**, the release of **Maintenance of Equity guidance** for funding in the **American Rescue Plan**, and an **Equity**

Summit series. The first of the series explored how **schools and communities can reimagine education systems so that every student has a voice in their school and classroom**, particularly students from historically underserved communities, including communities of color, students with disabilities and multilingual learners. [Read more on the CSBA blog »](#)

Address student behavioral health with P4SS



Health experts are expecting an increase in behavioral issues as children return to the classroom and say it is difficult to predict their response to stress caused by the pandemic. **Equipping teachers and administrators with efficient tools and systems is vital in their ability to identify triggers, and implement de-escalation and other behavior interventions.** Give your teachers the tools

they need to support student success with Partnering4StudentSuccess (P4SS): Realistically address classroom concerns, easy-to-apply interventions, cross-discipline coordination, guidance and documentation. [Learn more »](#)

COVID-19 resources

Business Services

Stay up to date with the latest news and resources related to COVID-19 on [CSBA's dedicated webpage](#) and with articles

frequently posted on the newly redesigned [CSBA blog](#).

Virtual events

MIG Alumni Association Summer Book Club Series

July 10 | [Register here](#)

MIG Course 1: Foundations of Effective Governance/Setting Direction

July 26 and 28 | [Register here](#)

MIG Course 3: School Finance

August 6-7 | [Register here](#)

MIG COE Course 1: Foundations of Effective Governance/Setting Direction

August 19 and 21 | [Register here](#)

MIG Course 4: Human Resources/Collective Bargaining

August 20-21 | [Register here](#)

MIG Course 2: Student Learning & Achievement/Policy & Judicial Review

August 23 and 25 | [Register here](#)

[View complete calendar](#)



Saferair
Initiative



Fagen Friedman & Fulfrost LLP



D W K

DANNIS WOLIVER KELLEY

Attorneys at Law



LS **Lozano Smith**
ATTORNEYS AT LAW

Crisis Communication



California School Boards Association | 3251 Beacon Blvd., West Sacramento, CA 95691

Phone: (800) 266-3382 | Fax: (916) 371-3407

[Website](#) | [Privacy Policy](#)