

California schoolnews

Weekly Update

June 9, 2021

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COVID-19 update: Cal/OSHA approves revised emergency temporary standards



On June 3, the **Cal/OSHA Standards Board adopted COVID-19 Prevention Emergency Temporary Standards (ETS) that will go into effect June 15, 2021**, the day Gov. Gavin Newsom has set for “reopening” the state. The revised ETS contain provisions to address developments since Cal/OSHA initially adopted COVID-19 ETS in November 2020, including the recent impact of vaccinations.

The workplace ETS **generally maintain the face covering and social distancing requirements of the original, and allow, but do not require, employers to distinguish between “fully vaccinated” employees and unvaccinated employees with regard to certain COVID-19-related safety requirements.** For example, fully vaccinated employees need not wear a mask indoors when in a room in which all other persons present are fully vaccinated or when they are outdoors if they do not have any COVID-19 symptoms. Fully vaccinated employees also do not need to be offered testing, nor excluded from the workplace if they have had close contact with a positive COVID-19 case and are asymptomatic. As for unvaccinated employees, employers must provide them with respirators, such as an N-95 mask, and provide them training regarding usage. However, usage by employees is voluntary under the ETS, unless the employer requires respirator usage. Unvaccinated employees who opt not to use a respirator when the employer has not required use of a respirator must wear a face covering.

Local educational agencies may ask employees for proof of vaccination status.

However, employers may also choose to continue to treat all employees as unvaccinated and follow the ETS requirements for unvaccinated employees. **CSBA is anticipating the California Department of Public Health will release an updated guidance for students and school employees in response to the Governor’s termination of the Blueprint for a Safe Economy on June 15. [Learn more](#) »**

In other COVID-19 developments:

- The Office of Gov. Gavin Newsom issued a [letter](#) on June 2 clarifying that **Executive Order N-29-20, which provided flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic, “will not terminate on June 15 when the Blueprint [for a Safer Economy] is scheduled to terminate.”** The letter assures the public that the Governor’s office will provide notice to affected

stakeholders before rescinding Executive Order N-29-20 so they have the time needed to meet statutory and logistical requirements. When Executive Order N-29-20 is no longer in effect, **the use of teleconferencing will still be allowed. However, board members will find that the Brown Act is not designed to accommodate this new normal, and that it will need to be amended to allow members of the public to participate virtually at in-person board meetings.** [Learn more »](#)

- On June 1, the **California Department of Education provided guidance to local educational agencies on using the National School Lunch Program Application or the Alternative Household Income Form to collect data used for funding allocations and Pandemic-Electronic Benefits Transfer eligibility.** Under the U.S. Department of Agriculture's summer meal programs, schools may provide free meals to all students — no National School Lunch Program applications required. Due to COVID-19, the USDA allowed schools to operate under summer meal programs rules in the 2020–21 school year and allowed LEAs to collect NSLP applications for the purpose of establishing student eligibility for P-EBT funds. [Learn more »](#)

CSBA files objection to Proposition 98 certification due to miscalculation of ERAF



CSBA filed a letter with the Department of Finance and the Joint Legislative Budget Committee on May 27, 2021, formally objecting to DOF's certification of Proposition 98 for the 2019–20 budget year. CSBA's objection is **based on the ground that the certification underestimates the constitutionally required funding level for K-14 education because it incorporates**

improperly undercalculated property tax revenues owed to school districts in the Educational Revenue Augmentation Fund (ERAF). As a result of the miscalculation, the Proposition 98 minimum guarantee has been undercalculated by approximately \$283 million in 2019–20, \$298 million in 2020–21 and \$315.9 million in 2021–22. CSBA's objection addresses the miscalculation for the 2019–20 budget year.

By creating ERAF in 1992, the Legislature redirected approximately one-fifth of property taxes statewide from cities, counties and special districts to school districts and community college districts. Five counties in California have “excess ERAF” because the calculations done in each of those counties results in more revenues being deposited into ERAF than schools should otherwise receive. Any excess ERAF is first allocated to fund some special education programs in the county and the rest is shifted by the County Auditor back to the county, cities and special districts. **According to the Legislative Analyst's Office, sometime before the 2019–20 fiscal year, Marin, Napa, Santa Clara, San Mateo and the City and County of San Francisco, began excluding charter school average daily attendance in their ERAF calculations, thus increasing excess ERAF,** which reduced the amount of property taxes allocated to school districts and community college districts in their counties. The **State Controller's office issued guidance on Feb. 16, 2021, that erroneously directed counties to continue excluding charter school ADA from the ERAF calculation.** [Read more on the CSBA blog »](#)

CSBA's May 2021 Delegate Assembly Report available



CSBA's Delegate Assembly met on May 16 to discuss one of the most significant and scrutinized issues in the history of California public schools: the return of full-time, in-person instruction statewide. Nearly 250 Delegates participated in 14 separate breakout rooms to ask questions, share information, discuss challenges and voice their concerns. **The May 2021 Delegate Assembly Report**

synthesizes the conversations into seven common topics that local educational agencies are grappling with as they prepare for the 2021–22 academic year, including mental and social-emotional health of students and staff, professional development and new hire training, use of one-time funds and other challenges related to fall planning and implementation. [Read the report »](#)

On **June 10, CSBA will release a companion piece, “Turning crisis into opportunity: Resources for board members in planning for the 2021–22 year and beyond,”** which will provide research and resources on the seven areas of emphasis identified by Delegates. The guidance is a powerful reference tool for

governance teams seeking planning and implementation assistance for the upcoming school year.

Legislative update: Noteworthy bills left on the shelf



The challenges of legislating in a pandemic have once again reduced the scope of bills that will be considered by the Legislature by asking members to limit their legislative packages to just 12 bills. **While shelved bills may return in the second year of this two-year session, the limit will nevertheless force tough decisions for legislators moving forward.**

Among K-12 education measures shelved

for the year:

- **Assembly Bill 1316** (O'Donnell, D-Long Beach): Would make **significant reforms** aimed at charter schools, particularly nonclassroom-based charter schools. AB 1316 was put on hold as part of an agreement to extend the moratorium on the creation of new nonclassroom-based charter schools. **CSBA Position: Oppose unless amended**
- **Senate Bill 34** (Umberg, D-Santa Ana): Would require the California Department of Education to administer a competitive grant program to award one-time grant funding to local educational agencies, library districts and public libraries for the purpose of providing every public school student with a student success card. **CSBA Position: Disapprove**
- **SB 70** (Rubio, D-Baldwin Park): Would require a child to have completed one year of kindergarten before that child may be admitted to the first grade, beginning in the 2022–23 school year. **CSBA Position: Disapprove.**
- **SB 205** (Leyva, D-Chino): Would require school districts to provide full pay for up to five months after an employee exhausts all available sick leave. **CSBA Position: Oppose**
- **SB 291** (Stern, D-Calabasas): Would establish an advisory council of pupils with exceptional needs to provide input to the Advisory Commission on Special Education and adds a member of the pupil advisory council to the ACSE. **CSBA Position: Support if amended**

Budget negotiations will continue this week as the June 15 Constitutional deadline for the Legislature to adopt a state budget approaches. On the policy side of the Legislature, the two houses will begin to look at bills still under consideration, with the Senate hearing Assembly bills and vice versa in their respective policy committees.

Labor management summer institute registration now open



Registration for the California Labor Management Initiative's (CA LMI) two-day Virtual Summer Institute is now open. The event, held **June 22–23** and **designed for labor–management teams**, will feature **panel discussions and breakout sessions on topics ranging from building collaborative cultures** to leading change.

Teams should ideally include (at a minimum)

the superintendent, human resources director, certificated and classified union leaders, and a school board member. Attendees will have an opportunity to learn about labor–management partnerships, work with collaborative tools and frameworks, and plan with their team. [Learn more and register »](#)

Federal Office of Civil Rights seeks public feedback on school discipline



The U.S. Department of Education's **Office for Civil Rights issued a Request for Information on June 4** asking **members of the public to submit written comments on the administration of school discipline** in schools serving preK-12 students. This **information will assist in determining policy guidance, technical assistance or other resources to help schools improve school**

climate and safety, and ensure equal access to education programs and activities, consistent with civil rights laws.

OCR's [Civil Rights Data Collection](#) has shown **persistent disparities over time in the use of exclusionary discipline.** The data from the 2017–18 school year survey show, for example, that Black students represented 15 percent of student enrollment but 38 percent of students who received one or more out-of-school suspensions, and students with disabilities represented 13 percent of student enrollment but 25 percent of students who received one or more out-of-school suspensions. [Learn more »](#)

Let Total School Solutions help with your Facilities Master Plan



Does your facilities support your educational and programmatic goals? A **Facilities Master Plan** provides a district with vital information regarding current and future needs for student housing, quality of existing facilities, and facilities renovation and expansion requirements to meet the district's educational and programmatic goals. The master plan also assists the district

in identifying funding needs for capital improvement and developing financing options. Total School Solutions facilities master plans include accurate projections regarding enrollment, careful determination of school site capacity, educational specifications to ensure programmatic needs are served, a detailed need assessment, and conclusions and recommendations about the availability and timing of financing and funding. [Learn more »](#)

COVID-19 resources

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 Course 1: Foundations of Effective Governance/Setting Direction
June 25-26 | [Register here](#)

MIG Course 2: Student Learning & Achievement/Policy & Judicial Review
July 16-17 | [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](#)

[View complete calendar](#)

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