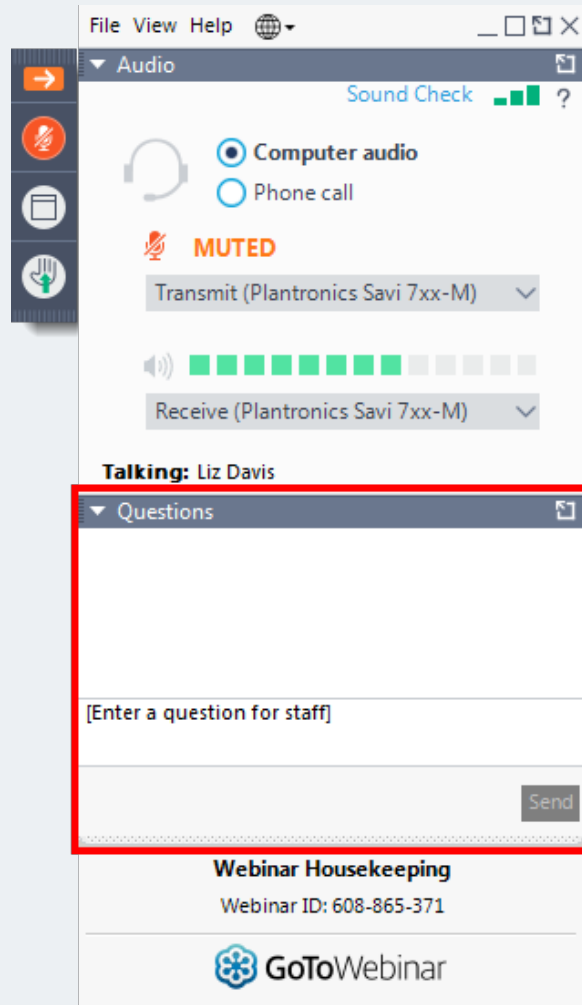


# The AB 86 School Reopening Bill

## *Separating Fact from Fiction*



# Housekeeping



- *At the end of the presentation, we will have a Question and Answer segment where we will try our best to answer all of your questions.*
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# Presenters

**Vernon M. Billy:** CEO & Executive Director, CSBA

**Dennis Meyers:** Asst. ED, Governmental Relations, CSBA

**Keith Bray:** General Counsel & Chief of Staff, CSBA

**Laurie Fong:** Board President, Santa Rosa City Schools

**Linda Lunn:** Board President, Murrieta Valley USD

**Kathy Thompson:** Board President, Central ESD

**Dr. Sam Buenrostro:** Superintendent, Corona-Norco USD

**Jeff Harris:** Superintendent, Del Norte County USD



# **AB 86 and what it means for public schools**

# AB 86: In-person Instruction and Expanded Learning Opportunities Grants

## **\$6.6 billion Proposition 98 General Fund**

- Provides a total of \$6.6 billion, which is allocated in the following increments:
  - \$2 billion in reopening funds to assist with opening schools for in-person instruction by April 1st
  - \$4.6 billion in learning recovery funds
- Apportionments
  - First apportionment of funds (one-half) to occur May 15
  - Second apportionment of funds (one-half) to occur August 15
- Expend funds by August 31, 2022



# AB 86: Separating Fact from Fiction

**Fiction:** AB 86 will be the catalyst that causes all schools across the state to open their doors

**Fact:** Many schools have been offering in-person instruction for months. Other schools have been working toward in-person instruction as well. Reduced levels of community spread and increasing vaccine availability for educators are the primary drivers behind the return to in-person instruction, not AB 86



# AB 86: In-person Instruction Grant

## Reopening (\$2 billion)

- \$2 billion to be allocated based on each LEA proportional share of LCFF
  - Penalty of 1 percent for each day not open between April 1 - May 15
    - Penalty reduces August apportionment
  - Forfeiture of funds if not opened by May 15
    - 10 percent of funds that would otherwise be forfeited may be used to support instructional services related to learning loss
- Eligible use of funds includes any purpose relating to in-person instruction
  - COVID-19 testing, PPE, ventilation, safety upgrades, sanitation
  - Schoolsite upgrades needed for health and safety
  - Certificated and classified salaries
  - Mental health support services



# AB 86: In-person Instruction Grant

## Reopening (\$2 billion)

- All schools required to offer in-person instruction in stable cohorts, including prioritizing in-person instruction for students who are
  - Chronically absent/ disengaged students
  - Without access to distance learning (digital divide)
  - Homeless
  - At-risk of abuse or neglect
  - Foster youth
  - English Language Learners





# AB 86: In-person Instruction Grant

## Reopening (\$2 billion)

- Deep Purple Tier (Case rate 25:100,000 or greater): must provide in-person instruction to cohorts of students with disabilities, based on their IEP, and to prioritized students listed above unless unsafe based on guidelines, but must provide in-person to its maximum practical capacity
- Purple (Case rate above 7:100,000): must provide in-person instruction for prioritized student cohorts and K-2; and up to grade 6 when permitted via guidelines
- Red Tier (Case rate 7:100,000 and below): grades K-6 open when eligible according to guidelines and must offer in-person to all students in at least one full grade level (7-12)
- In-Person instruction may include hybrid



# AB 86: Separating Fact from Fiction

**Fiction:** AB 86 participants can only offer in-person instruction.

**Fact:** AB 86 participants are required to continue distance learning options for families that prefer it – in any grade – as well as for students in higher grades that do not return to in-person instruction when the county is in the red tier.



# AB 86: In-person Instruction Grant

## Reopening (\$2 billion)

### Testing

- Grandfather existing testing cadence for schools open or with posted COVID-19 school safety plans on its website by March 31
- State-supported testing cadence for LEAs after April 1

### COVID-19 School Safety Plans

- Existing plans part of grandfathering
- Plan includes CalOSHA Prevention Program & CDPH Guidance Checklist
- If not participating in program, must post at least five days before offering in-person instruction



# AB 86: Expanded Learning Opportunities Grant

## Learning Recovery (\$4.6 billion)

- \$4.6 billion to be allocated (1) \$1,000 per homeless student, (2) \$725 per student for state special schools, and (3) remaining funds to be allocated based on each LEA proportional share of LCFF
- 85% must be used for in-person learning
  - 10% of this portion of the funding must be used for paraprofessionals
- Up to 15% allowed for distance learning or to prepare for in-person learning
- An expenditure plan must be adopted by the Board on or before June 1
- The plan will include descriptions of estimated and actual expenditures, of how parents will be informed of the supports available, and of how the needs of pupils will be assessed



# AB 86: Expanded Learning Opportunities Grant

## Learning Recovery (\$4.6 billion)

### Paraprofessionals

- 10% of this portion of the funding must be used, regardless of need and availability, to hire paraprofessionals to help with learning recovery
- Moneys must be expended by Aug 31, 2022, or be subject to forfeiture
- One-time money – exercise caution in hiring practices
  - Services ending up in IEPs
  - Other services provided by paraprofessionals
  - AB 438 (Reyes)



# AB 86: Expanded Learning Opportunities Grant

## Learning Recovery (\$4.6 billion)

- Requires implementation of a learning recovery program that, at a minimum, provides supplemental instruction, support for social and emotional well-being, and, to the maximum extent permissible, meals and snacks to, at a minimum, pupils who are
  - Eligible for free or reduced-price meals
  - English learners
  - Foster youth
  - Homeless
  - Individuals with exceptional needs
  - At risk of abuse, neglect, or exploitation
  - Disengaged
  - Below grade level, including, but not limited to, those who did not enroll in kindergarten in the 2020–21 school year
  - Credit-deficient students
  - High school students at risk of not graduating
  - Others identified by certificated staff



# AB 86: Expanded Learning Opportunities Grant

## Learning Recovery (\$4.6 billion)

- Consistent with the adopted expenditure plan, each LEA shall provide a learning program of supplemental instruction and support including:
  - Tiered framework based on universal, targeted, intensive and other integrated supports
  - Supports based on academic and the social-emotional needs of students
  - Engaging learning experiences provided in a positive school climate



# AB 86: Expanded Learning Opportunities Grant

## Learning Recovery (\$4.6 billion)

- Allowable uses of funds:
  - Extending instructional time with additional days or minutes, summer school, intersession programs
  - Increasing learning supports through programs such as tutoring, learning recovery programs
  - Integrated student support services such as health, counseling or mental health services, meals, before/after school programs, social-emotional programs, referrals to family/pupil support services,
  - Professional development for certificated and classified staff
  - Community learning hubs to provide access to technology, broadband, other supports
  - Supports for credit deficient students





# AB 86: Separating Fact from Fiction

**Fiction:** AB 86 creates a grant program that only some LEAs will be able to apply for.

**Fact:** AB 86 allocates \$6.6 billion to LEAs in two separate programs. The money does not need to be applied for although there are expenditure requirements.



# AB 86: In-person Instruction and Expanded Learning Opportunities Grants

## Other Requirements

### Reporting

- Requires school administrators to report within 24-hours of becoming aware of a positive COVID-19 case to its local health officer or representative
  - Applies to employees and students
  - Applies if they were on a school campus while infectious
  - The information provided to the local health officer, if known, includes full name, address, phone number, date of birth, date of positive test, school sites that the person was present, regardless of if the positive person provides consent to do so
- LEAs must report every 2<sup>nd</sup> and 4<sup>th</sup> Monday to CDPH information on enrollment, students in-person, students in hybrid, students in distance learning, number of employees, number of students in cohorts and the supports they receive, and any additional info requested by CDPH



# AB 86: In-person Instruction and Expanded Learning Opportunities Grants

## Other Important Requirements

### Vaccines

- Prioritizes appointments for education sector staff
- 10 percent of vaccines set aside for education and childcare staff
- Explicitly does not require vaccination of teachers and staff as a condition of offering in-person instruction
- CDPH has changed the red tier to less than 10 cases per 100,000 once 2 million vaccines are administered in lower income communities



# AB 86: Separating Fact from Fiction

**Fiction:** Since the Legislature deleted references to ratifying collective bargaining agreements, the bill doesn't impact bargaining.

**Fact:** No collective bargaining laws have been changed or suspended.



# AB 86: In-person Instruction and Expanded Learning Opportunities Grants

## Other Important Requirements

### Collective Bargaining: Potential Subjects

Prior to reopening, for those employers without applicable MOU's, some of the provisions in AB 86 may lead to additional bargaining, such as extended school days, summer schools and intersessions, testing, vaccines, small group cohorts, training, and incentive funding, because they involve or impact mandatory subjects of bargaining:

- Work year, day, hours
- Safety conditions of employment
- Class size/Caseload
- Compensation



# AB 86: Separating Fact from Fiction

**Fiction:** The funding for AB 86 is all new money that schools would not have received otherwise.

**Fact:** Much of the revenue funding this program is available only because the state is delaying payments on a debt owed to schools (June apportionment deferral) and redirecting that money to pay for AB 86.



# Questions?

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# Thank you



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