

# THE UNCERTAIN ROAD AHEAD: REAL-WORLD APPLICATIONS OF SCHOOL REOPENING GUIDANCE

*June 16, 2020*



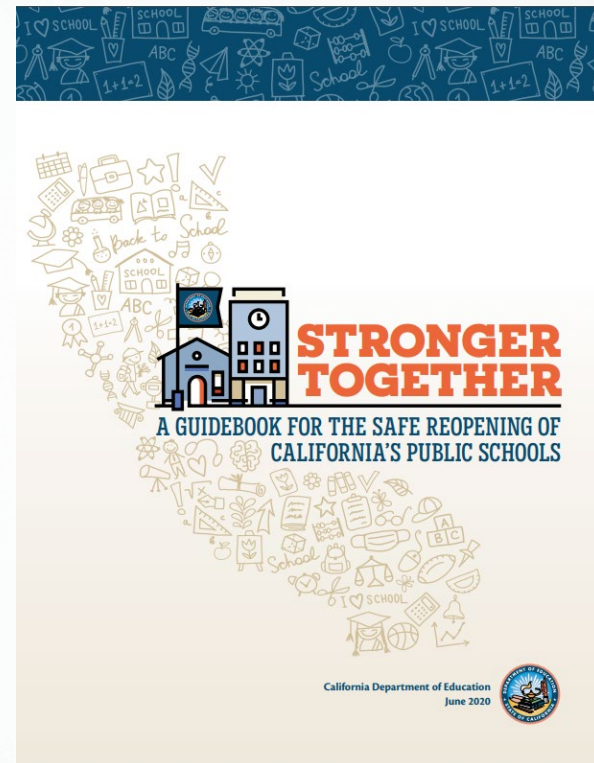
# TODAY'S PRESENTERS

- Vernon M. Billy, CEO & Executive Director, CSBA
- Cherise Khaund, School Board Member, Mt. Diablo Unified School District
- Keith Bray, General Counsel & Chief of Staff, CSBA
- Dennis Meyers, Assistant Executive Director, Governmental Relations, CSBA
- Robert Tuerck, Assistant Executive Director, Policy and Governance Technology, CSBA Services
- Mary Briggs, Education Policy Analyst, CSBA
- Erika Hoffman, Legislative Advocate, CSBA
- Cheryl Ide, Legislative Advocate, CSBA

# BACKGROUND ON SCHOOL REOPENING REPORT AND PRIORITIES



# CSBA'S & CDE'S REOPENING REPORTS





# KEY ISSUES

- Widespread and accessible testing for all Californians.
- Funding and support for the actual costs and support needed to effectively implement social distancing measures on campus.
- Help schools obtain and supply the personal protective equipment needed for the safety of students, staff and community
- Ensure local public health officials understand that schools are also a priority in receiving this equipment
- Additional progress in providing access to technology to ensure equitable opportunities for students to learn throughout the state, especially in our small and rural districts

# LOCAL PERSPECTIVE



# MOUNT DIABLO USD

- Located in the East Bay Area: including Concord, Walnut Creek, Pleasant Hill, Clayton, Bay Point
- Public TK-Adult district
- 30,000 students
- 47% Socioeconomically Disadvantaged
- 20% English Learners (nearly 50 languages)
- 12% Students with Disabilities
- Budget of \$350m

# DISTRICT CIRCUMSTANCES PRE-COVID-19 & COVID RESPONSE

- On March 9, our board voted on \$20m worth of cuts – not related to COVID-19
- Factors impacting cuts: (similar to many other districts)
  - Bay Area inflation and high cost of living (state COLA is much lower)
  - Tripling of pension costs
  - Slight decline in enrollment
  - 4 years of deficit spending reduced reserve to state minimum (3%)
  - Cuts were needed to balance budget and give teachers and classified staff a “less than COLA” raise
  - January reduction to state COLA deepened cuts
- Then, on March 13, schools closed due to COVID.
- Broadband “deals” did not work for homeless, undocumented, unbanked.



# WHAT SCHOOL TRUSTEES WANT FROM STATE & FEDERAL GOVERNMENT

- Acknowledge that schools were deeply underfunded **before** COVID.
  - Already CA was in bottom 10 states for staff/student ratios for class size, nurses, librarians and counselors
- Recognize that communities depend on public schools for education **and** for:
  - safe supervision of children
  - food
  - healthcare
  - mental health
  - sports and physical health
  - technology

# WHAT SCHOOL TRUSTEES WANT FROM STATE & FEDERAL GOVERNMENT

- Understand that the Digital Divide is a deep chasm
  - Prior to COVID, we assumed internet & computers at home were a luxury, not a necessity. Students could stay late at school to use computers there or visit their local public library.
  - Now all of a sudden, we need a mind shift – to ensure high speed broadband for all in their homes.
  - Short term –
    - as school districts we need to be able to check out mobile hotspots with chromebooks to all students who need them and provide tech assistance as they learn how to connect to the internet and manage multiple logins.
    - This is a challenge especially for our newcomer families who don't speak English, have not used a computer and are now expected to help a very young child succeed at distance learning.
  - Long term – partner with cities & counties for eventual free wifi accessible to all

# CSBA'S NEW REPORT

## *THE UNCERTAIN ROAD AHEAD: REOPENING SCHOOLS IN THE TIME OF COVID-19*



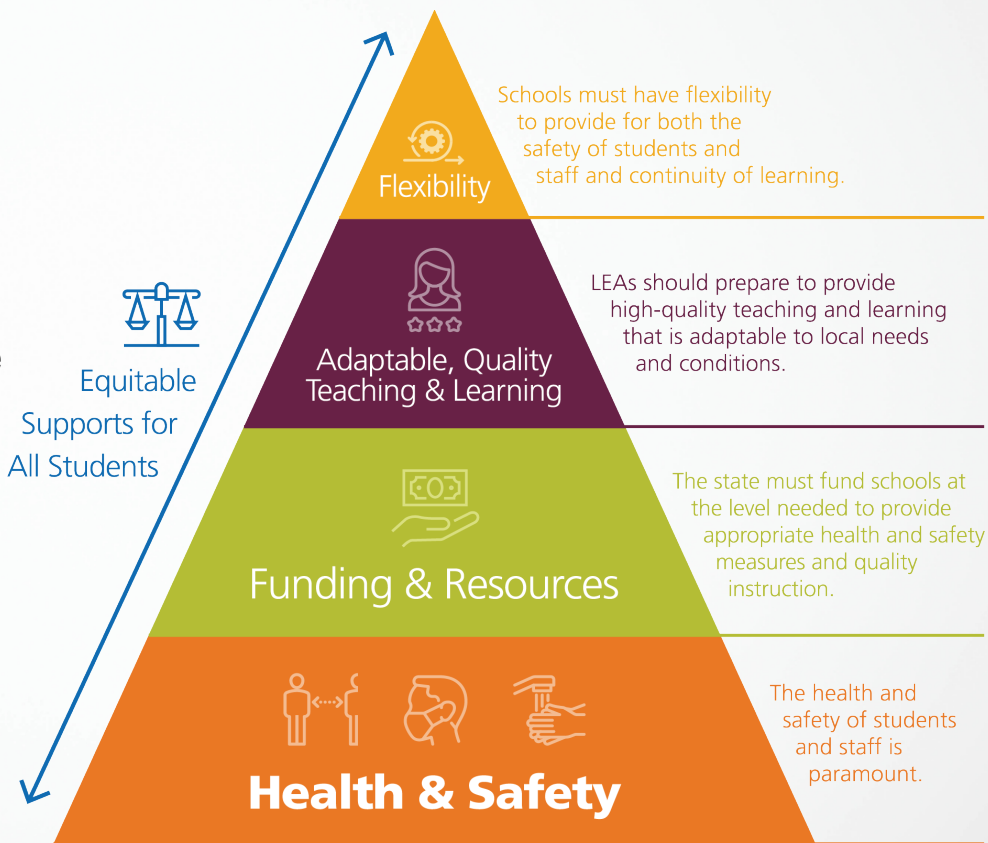
# REPORT OVERVIEW

- Right now, California's school districts and county offices of education are considering how to safely provide effective instruction for the 2020–21 school year.
- To help board members, CSBA convened an internal staff work group, which held virtual listening sessions with members and partner organizations, and surveyed Delegates, board presidents, and superintendents.
- CSBA's new report, *The Uncertain Road Ahead: Reopening Schools in the Time of COVID-19*, presents a framework for reopening and raises important topics for board members to consider as they plan for the coming year.



# RESUMING INSTRUCTION: FIVE CORE PRINCIPLES

- **Health and Safety:** The health and safety of students and staff is paramount
- **Funding and Resources:** The state must fund schools at the level needed to provide appropriate health and safety measures and quality instruction
- **Adaptable, High-Quality Teaching and Learning:** LEAs should prepare to provide high-quality teaching and learning that is adaptable to local needs and conditions
- **Equitable Supports for All Students:** Plans for the new school year should ensure that all students have access to the supports they need
- **Flexibility:** Schools must have flexibility to provide for both the safety of students and staff and continuity of learning



# HEALTH & SAFETY

- CDPH & CDE guidance released in early June
- Funding needs to cover what's needed for implementation
- LEAs should work with local public health officials
- Scheduling alternatives can help with physical distancing. Decisions should factor in:
  - Impact on health & safety risks
  - Cost
  - Implications for childcare for families and employees
  - Stakeholder input
  - Impact on instructional quality

# FUNDING & RESOURCES

- **Health and safety:** State and federal funding must be able to cover all of the health and safety concerns of students, employees and their families.
- **Technology:** Funding at the state and federal levels should provide broadband access to all communities to accommodate appropriate distance learning opportunities for all students. Among other things, CSBA is advocating for a tech bond to address these issues.
- **Special education:** LEAs need increased state and federal funding, along with some regulatory flexibility, to appropriately address the needs of special education students.
- **Supporting student groups:** Funding should be connected to considerations of the educational needs of the various LCFF student groups, including access to services and programs necessary to close opportunity gaps, something we saw exacerbated during spring closures



# ADAPTABLE, HIGH-QUALITY TEACHING AND LEARNING

- Education leaders recognize that the instruction students received this spring was not representative of what distance learning could be under normal conditions.
- This summer gives LEAs an opportunity to draw on the many resources available to them as they plan for a variety of scenarios, many of which are listed in Appendix B of the report and are available at [www.csba.org/coronavirus](http://www.csba.org/coronavirus).
- Surveying families and staff to identify their needs and preferences for the upcoming school year can give LEAs a sense of:
  - How many families may need options for distance learning and childcare
  - Which teachers may not be willing or able to return to campuses (either due to pre-existing health conditions or to concerns about the risk of infection prior to the release of a vaccine)



# EQUITABLE SUPPORTS FOR ALL STUDENTS

- LEAs must plan to ensure all students have access to the supports they need, no matter which instructional model is used in the 2020–21 school year.
- Special considerations should be given to already-vulnerable student groups such as:
  - students with disabilities
  - students in low-income households
  - English learners
  - homeless and foster youth.
- Special consideration should be given to providing supports for student and staff mental health, as needs may have increased due To:
  - challenges associated with anxiety about the pandemic
  - extended social isolation
  - other stressors students and staff might be experiencing during school closures.

# FLEXIBILITY

- Unprecedented times require innovative responses. When schools suddenly closed this March, the state and federal government provided flexibility in many areas through executive orders, waivers and other measures.
- Many of these flexibility measures are scheduled to expire on July 1, 2020. The proposed scenarios for resuming school will require regulatory relief.
- In order to meet the first priority of health and safety, schools need far greater resources than they have received or are proposed in the current budget negotiations.
- To help you and your community advocate for a budget that allows schools to effectively educate children in a manner that is safe for students, staff, and community, see CSBA's funding advocacy toolkit at: [www.csba.org/coronavirus](http://www.csba.org/coronavirus).

# STATE BUDGET



# MAY REVISE VS. LEGISLATIVE BUDGET

Proposals	May Revision	Legislature's Budget
Prop 98 (K-12)	\$70.5 billion in 2020-21	\$78.5 billion in 2020-21
Deferrals Begin (Lack of Federal Funds)	October 1, 2020	April 1, 2021
Deferral Amounts	\$1.9 billion in 2019-20 \$3.4 billion in 2020-21	\$1.9 billion in 2019-20 \$3.4 billion in 2020-21 Addtl. \$4.6 billion in 2020-21 without Federal Funds
LCFF & COLA	-\$6.5 billion cut, No COLA	2.31% COLA
Federal Funds	\$2.25 billion for concentration grant schools	\$2.9 billion for LCFF
	\$1.5 billion for SPED enrollment	\$1.5 billion for SPED enrollment
	\$100 million for Community Schools	\$45 million for Community Schools
	\$63.2 for Professional Development	\$6 million for professional development via UC Subject Matter projects
	\$1.5 billion for Title 1 allocation	\$1.4 billion for Title 1 allocation
		\$112 million for school meal reimbursements during summer & COVID closures



# MAY REVISE VS. LEGISLATIVE BUDGET

Proposals	May Revision	Legislature's Budget
Categoricals	No COLA, 50% reduction to all categorical programs	COLA + fully fund CTE, After School & Adult Ed
Special Education	\$645 million, \$645 pp base grant	\$545 million, \$545 pp base grant \$100 million for low-incidence pool
	\$22 million in Federal IDEA for teacher scholarships and mediation	Adopted
	\$2 million Federal IDEA for dyslexia research	Adopted
	Apportions base rates on a 3-year rolling average	Rejected
Prop 98 Supplementary Payment Schedule to reach 40% of General Fund	Beginning 2021-22, provide 1.5% of additional General Fund each year up to \$13 billion	Adopted
Pensions	\$2.3 billion in 2020-21 and 2021-22 paid by the state on behalf of schools for PERs and STRS to reduce employer contribution rates.	Adopted
Literacy		Provides \$50 million to establish Early Literacy Support Block Grant and \$3 million to CDE for literacy expertise.

# FLEXIBILITIES

- Subject to public hearing, increases LEA inter-fund borrowing allowances to mitigate impacts of deferrals.
- Allow the sale of surplus LEA property for one-time spending purposes.
- Excludes pension payments made by the state on-behalf of schools from the Routine Restricted Maintenance Account 3% calculation requirement.

# WHAT'S NEXT?

- June 15: Budget Bill deadline from legislature to the Governor
- Governor has 12 working days to sign the budget bill. The Governor also has the authority to “blue pencil” (reduce or eliminate) any appropriation contained in the budget.
- July 15: Deadline to file 2019 income taxes
- August Budget Revision

# FEDERAL BUDGET





# FEDERAL BUDGET

- Congress has already appropriated \$13.5 billion to help stem the financial impact of the coronavirus on K-12 schools, but there's no way to safely reopen many of them without additional federal resources.
- CSBA and dozens of national education groups, including the teachers' unions, civil rights groups and organizations that represent state school boards, superintendents and principals have requested an additional \$175 billion in federal funding.
- Despite the wide acknowledgement from lawmakers on both sides of the aisle that the economy cannot fully reopen unless schools reopen, Congress and the White House so far seem disinterested.
- The newest round of funding passed by the U.S. House of Representatives last month, the so-called HEROES Act, includes \$100 billion for both K-12 and higher education. But Senate Republicans have no plans to consider the \$3 billion legislation. Senate Majority Leader Mitch McConnell, a Kentucky Republican, has said any additional relief package will be smaller than the \$2 trillion CARES Act.

# CSBA'S SCHOOL REOPENING POLICIES



# POLICY

- New policies to help navigate a close to the 2019-2020 school year:
  - Distance Learning (Board Policy 6157)
  - Working from Home (Board Policy 4113.5/4213.5/4313.5)
  - Sample resolution on Grading During Emergency School Closures
- Reopening in the fall will require additional resources, thoughtful leadership, consultation with state and local health officials, and local decision making
- New policy for reopening: COVID-19 Mitigation Plan (BP 0470)
  - Intended for use during the coronavirus pandemic
  - Supersedes conflicting provisions in other district policies
  - Short-term solution that should be deleted when the pandemic ends

# POLICY

- BP 0470 is intended for use during the coronavirus pandemic and supersedes
  - Student Support
  - Instruction/Schedules
  - Evaluation of Academic Progress Following Campus Closure
  - Grading
  - Health Screening of Students
  - Student Absences and Attendance
  - Social Distancing
  - Personal Protective Equipment and Hygiene Practices
  - Sanitization of Facilities and Equipment
  - Food Services
  - Staff
  - Follow-Up with Infected Persons/Contract Tracing
  - Nondiscrimination
  - Community Relations
  - Potential Reclosure of Campus
- Should be revised to reflect local practices
- Involves working conditions often addressed in collective bargaining agreements and may be subject to negotiations



# LEGAL



# STATE OF EMERGENCY

- Governor Newsom proclaims a State of Emergency on March 4, 2020, when there were 53 confirmed cases of COVID-19 in California and 129 cases nationwide (GC 8625)
- The state of emergency must be terminated by the Governor or by concurrent resolution of the Legislature at the earliest possible date that conditions warrant (GC 8627, 8629)

# EXECUTIVE ORDERS

- The Governor may suspend laws and make any orders and regulations necessary to carry out executive powers (GC 8567,8571)
- Since proclaiming the state of emergency, Governor Newsom has issued 44 Executive Orders
- The Governor is being challenged by two assembly members for “legislating” via his Executive Orders. A TRO was issued in Sutter County last week staying Executive Order N-67-20 which suspended the requirement of having more than 1 polling place per every 10,000 voters (Gallagher v. Newsom CVCS-20-0912)

# EXECUTIVE ORDERS AND LEGISLATION INVOLVING K-12 EDUCATION

- Executive Orders have suspended or waived several laws including those prohibiting LEA's from offering distance learning or independent study, conducting 2019-20 CAASPP testing, or having board meetings at a physical location
- Signed into law on March 17, 2020, SB 117 (2019-20 Budget Trailer Bill) changed the second apportionment date to Feb. 29, waived instructional time requirements, and "held harmless" LEAs complying with Executive Order 26-20 so ADA-based revenue would be received



# CA RESIDENTS ORDERED TO ISOLATE BY STAYING HOME DURING STAGE 1

- On March 19, 2020, State Public Health Officer Sonia Angell orders all but the essential workers in the critical infrastructure sectors to stay home (H&S 120130, 131056)
- On the same day, Governor Newsom orders all residents to “heed” State public health directives (N-33-20)
- K-12 employees who support distance learning, provide school meals, and supervise minors to support employees in all other sectors are deemed essential (Dept. of Homeland Security 3-19-20 Guidance; N-26-20)

# LOCAL EMERGENCY AUTHORITY

- Proclaiming a local emergency is within the police power of a city, county, and city and county government (GC 8630)
- County public health officers have the authority to take any preventive measures including issuing and enforcing orders to protect and preserve the public health in their county (H&S 101040, 120175.5)

# DISTRICT AND COUNTY BOARD AUTHORITY

- District and county boards have no statutory authority to declare a public health emergency but may provide mutual aid during an emergency to any affected area (GC 8631)
- Governing boards implement mandatory orders and directives but have also been tasked locally with making closing and re-opening decisions based on flexible guidelines, considerations, and recommendations made by state and county public health officers, CDE and county superintendents

# GUIDANCES

- CDC Interim Guidance for Schools and Day Camps issued May 2020
- CDPH Interim Guidance- Schools and School-Based Programs, issued June 5, 2020
- CDE Guidebook for the Safe Reopening of California's Public Schools released June 8, 2020
- CSBA's *The Uncertain Road Ahead*, released June 10, 2020



# WHERE SCHOOLS ARE NOW-STAGE 2\*

- Safely re-opening schools will depend on local public health conditions/data and done in collaboration with local public health officials, especially in counties that have not yet been certified to meet the readiness criteria (Order of the State Public Health Official, 5-7-20; N-60-20; CDPH *COVID-19 Industry Guidance, School and School-Based Programs*; CDE, *Stronger Together, A Guidebook for the Safe Reopening of California's Public Schools*)
- Presently every county except the counties of Alameda, Imperial, Marin, Santa Clara, the City and County of San Francisco, and San Mateo, have been certified to move thru Stage 2 more quickly (See County Variance Info, COVID-19 Webpage)
- *\*Note: Although the state is in stage 2, permission has been given to select counties to open businesses in certain stage 3 industries.*

# WHERE SCHOOLS ARE NOW-STAGE 2

- On Stay Home Q & A COVID-19 webpage, schools are listed as open statewide in Stage 2 without the need for a county health officer-attested variance
- On the County Variance Attestation Form, “schools with modifications” are included in the list of business sectors that may open during “expanded” Stage 2 but will need the attestation of the County Public Health Officer
- CDPH states that the Interim Guidance for Schools should be implemented only with county health officer approval

# SCHOOL REOPENING LEGAL ISSUES

- Questions about the potential liability for the debilitating and deadly effects of COVID-19 contracted as a result of reopening schools should be asked of the district's/COE's legal counsel and insurance JPA or carrier
- Decisions by employees or board members made within the scope of their duties, when based on a reasonable exercise of discretion, such as when following an interim guidance or advisory guidebook, is decision-making that is usually immune from liability (GC 815.2, 815.6)



# SCHOOL REOPENING LEGAL ISSUES

- Changes to the conditions of employment prompted by new safety and social distancing requirements not otherwise covered by an existing CBA, along with the continued threat of COVID-19 to vulnerable employees, are likely subjects of continuing negotiations (GC 3543.2)
- Delivery of education and services to special education students, students with disabilities per the ADA, English learners and homeless students, will necessarily require continued attention and innovation



# ADVOCACY



# ADVOCACY

- What a difference six months makes
  - January budget to COVID-19 to May Revision to today
  - Transition to distance learning demanded immediate action
    - ADA/Funding hold harmless
    - Graduation requirements
    - LCAP
    - Special education
- Now the focus is still funding and flexibility
  - State funding remains inadequate given COVID-19 and demands of reopening safely next semester
  - Federal funding big unknown
  - Flexibility issues also priority

# ADVOCACY

## ➤ What's next

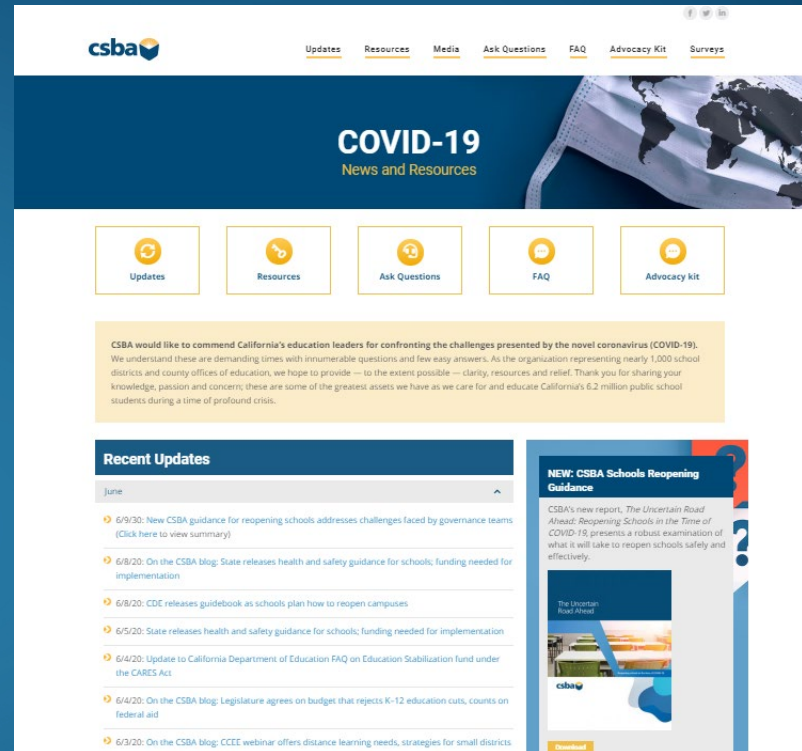
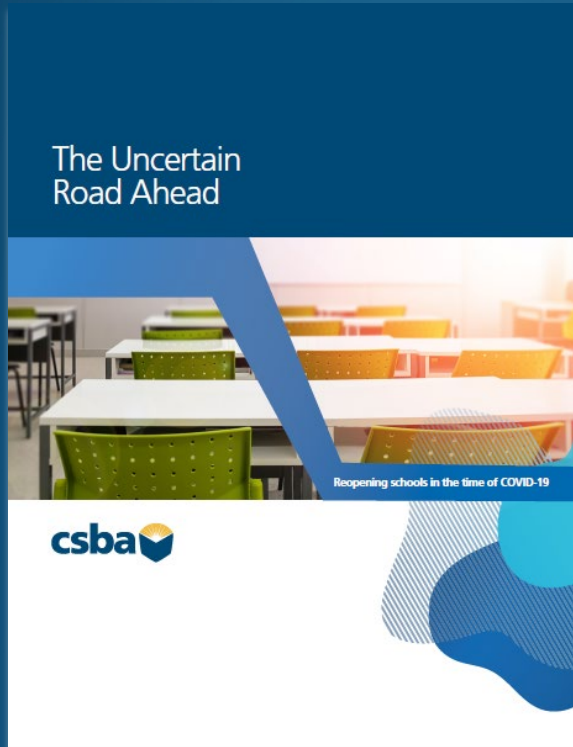
- Local budget adoption
- Continue advocacy with state and federal representatives
  - Tell your story – your budget – your programs – your employees – your needs
  - Where state and federal law stands in the way
- Flexibility issues
  - Special education
  - Attendance
  - School day and school year
  - Liability
- Technology needs (access and devices)

# CDE & CDPH REPORTS SUMMARY





# RESOURCES



**THANK YOU FOR JOINING US  
TODAY.**

**If you have any questions, please contact  
CSBA at [csba@csba.org](mailto:csba@csba.org)**

