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May 26, 2021

The Honorable Nancy Skinner
Chair, Senate Budget and Fiscal Review
Committee
State Capitol, Room 5094
Sacramento, CA 95814

The Honorable Phil Ting
Chair, Assembly Budget Committee
State Capitol, Room 6026
Sacramento, CA 95814

The Honorable John Laird
Chair, Senate Budget and Fiscal Review
Subcommittee No. 1
State Capitol, Room 4040
Sacramento, CA 95814

The Honorable Kevin McCarty
Chair, Assembly Budget Subcommittee
No. 2
State Capitol, Room 2136
Sacramento, CA 95814

Subject: CCSESA Response to Governor’s May Revision 2021–22

Dear Chairs Skinner, Laird, Ting, and McCarty:

On behalf of the California County Superintendents Educational Services Association (CCSESA), representing the 58 county superintendents of schools, I write to express our appreciation for the Governor’s commitment to public education in the May Revision for 2021–22. We appreciate the May Revision’s emphasis on student wellness, social-emotional learning, and the educator workforce. The administration’s blueprint for K-12 and early education is a welcome approach to budgeting in a year with unprecedented one-time funds. Within this letter, we **prioritize six components of the May Revision**, the priority areas of California’s county educational leaders.

1. We support access to virtual learning.

a. We strongly support a virtual learning option for the students and families we serve.

Throughout the pandemic, county offices of education have supported in-person instruction by facilitating COVID-19 testing, coordinating with local health jurisdictions, serving as vaccination hubs, and advocating for legislative efforts to safely reopen schools. We are pleased that in-person instruction will once again be the default for California’s students. With that said, for California’s public schools to keep up in the 21st Century, we need the flexibility to meet all students where they are and in ways they will be most successful. **Continuity of learning for all students is essential**, whether the reason is a pandemic, a single-classroom closure, a wildfire, natural disaster, behavioral struggles, medical hospice, or any other reason. Virtual learning provides that option.

b. As educators, we embrace the May Revision’s proposed requirements to enhance independent study.

County offices of education are active providers of independent study on behalf of the many school districts we serve. We believe most of the Governor’s proposed reforms to independent study will raise the quality of instruction for all independent study students: weekly synchronous instruction, tiered reengagement strategies, content aligned to grade-level standards, and supports for students who are struggling or have unique needs. We agree these standards will protect all independent study learners, especially our homeless and foster youth students.

c. Daily live interaction is an unworkable requirement for many of the alternative education students we serve.

As envisioned in the May Revision, independent study will now serve two distinct purposes: (1) online schooling akin to virtual academies, and (2) a means to offer individualized learning plans outside of the traditional classroom. This distinction must be reflected in the proposed requirements of daily live interaction. (TBL at Education Code § 51747–51747.5.) Daily live interaction is entirely appropriate in the online schooling/virtual academy setting. The coursework and format are nearly identical to in-person coursework but achieved through a mix of daily synchronous and asynchronous learning.

In contrast, daily live interaction is an unworkable requirement for alternative education students served by existing independent study programs. Alternative education independent study programs help California’s educational system meet the needs of at-risk students at county community schools for students at risk of dropping out, homeless and foster youth, students who are pregnant or parents, and students with behavioral challenges in a traditional school setting. Although live interaction is essential in alternative education, a universal requirement for *daily* interaction recreates the same inflexible dynamic that did not work while these students were enrolled in traditional schools. Even students on an accelerated learning pathway or engaged in dual enrollment at a community college need flexibility. A rigid instructional cadence is not in the best interests of most current independent study students.

2. We support building school budget resiliency.

In a year when the vast majority of new state and federal K-12 spending is proposed for one-time purposes, we urge the Legislature to build schools’ overall budget resiliency. We recognize the state cannot fund every priority, but any of the options below would advance important public policy objectives while strengthening the fiscal stability of our schools for the next economic downturn.

a. Extend county office court and community school ADA hold-harmless.

After carefully reviewing the data from over 30 county offices, the enrollment data show significant one-year declines in court schools (down 52 percent) and community schools (down 24 percent).

The reasons are directly related to the COVID-19 pandemic: juvenile courts curtailed assigning juveniles to detention facilities (where our court schools operate) due to COVID transmission risk; and expulsions and referrals to COE-operated community schools have fallen due to virtual learning. What remains unclear is whether the enrollment will return next year. In the meantime, county offices have refused to dismantle these important programs in order to retain the highly qualified educators who staff court and community schools. We are requesting a one-year extension of the ADA hold-harmless for court and community school enrollment.

a. Pay off all outstanding deferrals in 2021-22 Budget.

We concur with the Legislative Analyst's Office that paying off the remaining TK-14 apportionment deferral during the budget year will increase the likelihood that new and expanded student programs can be sustained in the long-term. Taking this action now would be prudent given the potential for structural deficits and uncertain economic times in future fiscal years.

b. Addressing outyear pension liabilities lifts all boats.

This year, the state is uniquely positioned to address school pension liabilities without sacrificing growth in existing educational services. Employer pension contributions in 2022-23, for example, require the Proposition 98 minimum guarantee to grow by over \$1.5 billion before a single new dollar could be invested in new or existing educational services. We have significant federal and non-Proposition 98 funds that can curb rising fixed costs in the out-years. With CalSTRS and CalPERS funding levels at 66 and 70 percent, respectively, now is the time to invest in the retirement security of our educator workforce.

c. Special education students must be valued equally with general education students.

We support the May Revision's proposal to provide \$3.2 billion for a compounded cost-of-living adjustment (COLA) and an additional one percent increase to the LCFF. We urge the Legislature to apply the same 5.07 percent COLA to special education. In addition to offsetting rising special education costs, the amendment would demonstrate that students with disabilities are deserving of the same funding increase as their general education classmates.

d. In-person health and safety resources must reach all students (per-pupil).

To the extent the legislature wishes to approve the "In-Person Instruction Health & Safety Grant" (IPI Health and Safety Grant), we request that the funding reach all students this fall. The \$2 billion proposal would be distributed based on a local educational agency's (LEA) entitlement under the Local Control Funding Formula (LCFF). Allocating based on the LCFF entitlement is generally appropriate for new, equity-driven programs.

But if the goal of the IPI Health and Safety Grant is to serve all students and to provide fiscal stabilization for LEAs, the wider context must be considered. Health and safety costs are largely

fixed. Assembly Bill 86 already utilized the LCFF entitlement. 90 percent of federal ESSER funding for learning loss and COVID safety was distributed exclusively to Title I schools. There is a significant, but often overlooked, number of LEAs that have large populations of students eligible for free and reduced-price meals, but miss the allocation cut-offs due to the Title I formula.

The result is these LEAs and, more importantly, their students, have been missing out on crucial funding that would make an incredible impact for the well-being of these students at a time when they have needed it the most. Amending the Health and Safety Grant to a per-pupil allocation provides the funding stability to help all LEAs meet the extraordinary needs of their students.

3. We support the May Revision’s focus on serving the whole child (Community Schools Partnership and Children and Youth Behavioral Health Initiative).

We applaud the May Revision’s focus on serving the whole child. First, we support the Community Schools Partnership Program. We underscore the evidence that community schools (or wellness centers) can provide incredible wrap-around services and family engagement. Second, the “Children and Youth Behavioral Health Initiative” is an enormous step in the right direction towards ending the disconnect between children and behavioral health care services. We specifically support the ability for schools to deliver care directly and partner with both Medi-Cal and private health insurers to bring care to students.

We also recognize the challenges of our state’s educational system to quickly ramp-up their services and billing processes. We urge the Legislature to expand the technical assistance and training available to LEAs to aid in the successful implementation of these initiatives.

4. We support educator workforce initiatives and urge changes to address current shortages and May Revision proposals.

We support the Governor’s investments to recruit and retain certificated and classified educators. The benefits of the \$3.3 billion for the educator workforce ranges from entry into the profession (Roadmap to Educational Employment; Golden State Teacher Grant), to developing new career opportunities (Classified School Employee Teacher Credentialing Program), to success as an educator (Educator Effectiveness Block Grant; Teacher Resident Grant Program; Early Education Professional Development Grant). It is important to recognize that these investments will pay off in the medium and long-term.

In the short-term, California has critical educator shortages that require immediate action. In addition to the 26 percent increase in teacher retirements in the second half of 2020, consider the extraordinary personnel requirements for the following new programs: expanded learning opportunities (AB 86); before- and after-school expansion; targeted interventions; reduced adult-to-student ratio; and expansion of transitional kindergarten.

We therefore recommend the Legislature amend any and all workforce proposals to ensure we can address short-term staffing shortages, especially in TK. We also recommend temporary credentialing flexibilities to quickly staff these important programs. For example: ECE unit flexibility for current kindergarten teachers to become TK teachers; allowing TK teachers more time to meet the credentialing criteria while teaching; a credentialing fast-track for preschool educators to teach TK.

5. We support expanding access to high-quality early learning.

a. The state should thoughtfully and deliberately implement transitional kindergarten expansion and provide parent choice.

We support the Governor and Legislature’s leadership to expand access to transitional kindergarten (TK) and rebench Proposition 98 to reflect that expansion. Two important components are necessary to help ensure the successful addition of another grade level. First, the TBL should clarify that (1) parents have a choice as between TK and existing early learning/child care programs, and (2) county offices of education are eligible providers of transitional kindergarten. Second, the TBL should phase-in the expansion of TK—even slower than the proposed timeline in the May Revision—to ensure schools have qualified staff and adequate facilities to meet the lower student ratios.

b. Child care rate reform is long-overdue and serves a different population than TK.

As providers of state preschool programs, we understand the current rate structure is insufficient to increase teacher compensation, adequately resource early childhood education programs, and incentivize quality improvement efforts, ultimately limiting access and forcing many childcare providers out of business. While we appreciate the May Revision’s 100,000 additional child care slots, this budget offers an opportunity for rate reform for the state preschool program. The state should not assume TK can accommodate the full demand for early learning or that TK is developmentally appropriate for all children. Rate reform is a key element to enhancing equity and access for all Californians to early learning and childcare.

6. We support efforts to provide broadband connectivity to all Californians.

After a year of distance learning, great strides have been made in improving internet connectivity to families across the state. But the pandemic has also highlighted deep and persistent disparities. We see it within urban centers and remote rural communities. For children growing up today, disparate access to the internet and online learning is nothing short of an inequality of basic rights. We strongly support the Governor’s \$7 billion investment to expand broadband infrastructure, increase affordability, and enhance access to broadband for all Californians.

Thank you for your consideration of our positions on the May Revision. We look forward to further conversations about these important priorities on behalf of the 58 county superintendents of

schools. For questions, please feel free to contact Derick Lennox, Senior Director of Governmental Relations and Legal Affairs, at dlennox@ccsesa.org or (925) 200-7215.

Sincerely,



Derick Lennox

Senior Director, Governmental Relations and Legal Affairs

California County Superintendents Educational Services Association

Cc: Assembly Speaker Anthony Rendon
Senate President pro Tempore Toni G. Atkins
Members, Assembly Budget Committee
Members, Senate Budget and Fiscal Review
Jessica Holmes, Assistant Program Budget Manager, California Department of Finance
Ben Chida, Chief Deputy Cabinet Secretary
Brooks Allen, Executive Director, California State Board of Education
Assembly and Senate Republican Offices of Policy