



California County Superintendents  
Educational Services Association



Small School Districts' Association

January 19, 2021

Governor Gavin Newsom  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

**Subject: Finding success in the "Safe Schools for All" plan for school reopening**

Dear Governor Newsom:

On behalf of the statewide education organizations representing school administrators, county superintendents, school board members and school business officials, we write to express our appreciation for your efforts to prioritize in-person instruction in your proposed "Safe Schools for All" plan. Like you, we recognize that in-person instruction is the most effective way to educate students and ensure they receive a quality education.

The purpose of our letter is to lay out a path that can help local educational agencies (LEAs) to succeed under this proposal. **For the Safe Schools for All plan to effectively support LEAs, the plan's testing requirements must be attainable for school districts, the proposed funding inequities must be remedied, schools currently open for in-person instruction must be protected and collective bargaining must be addressed.** Without these changes, we question the efficacy and merits of such an immense Proposition 98 investment.

To begin, we applaud the plan's proposal for a proactive state role in the school reopening process. This is an important step in supporting our local efforts to address the learning loss and social-emotional impacts of this pandemic on students. The plan lays out critical components that we believe will help schools return to in-person instruction.

- Providing funding to support in-person instruction;
- Focusing on equity by targeting support for California's neediest students;
- Creating a cross-agency team to ensure consistency among local health jurisdictions as they interpret and apply state health guidelines;

- Expanding schools' ability to procure personal protective equipment;
- Prioritizing school staff in the distribution of vaccines;
- Replacing the current elementary school waiver system with a presumption of approval for reopening for schools that meet the necessary criteria; and,
- Requiring a public data system to track school reopening statuses and COVID-19 transmission data, among other data.

In addition to these components, we believe there are several aspects of the plan that, if addressed, will increase participation by LEAs and serve more students across the state.

**1. Education funding must be committed to educational services and must mitigate inequities heightened by the pandemic.**

COVID-19 testing and other health-related expenses are inappropriate uses of the Proposition 98 General Fund. While we acknowledge and appreciate the broader educational investments you propose in your 2021-22 budget, we do not believe education dollars should be spent for community health needs. Every dollar of Proposition 98 spent on public health is a dollar that is no longer available to benefit students for instructional support, social-emotional services and learning loss mitigation.

**We recommend** using non-Proposition 98 funding for the non-instructional aspects of this plan (e.g., COVID-19 testing, contact tracing, etc.) or, in the alternative, committing to using federal stimulus funding to backfill the Proposition 98 funding spent on COVID-19 expenses.

**We recommend** protecting this investment by establishing legal protections for LEAs that faithfully implement and abide by state and local health guidance. Nearly all school insurers and self-funding pools have excluded COVID-related claims from their coverage. The financial exposure could devastate districts of all sizes and types.

Moreover, the proposed funding model will exacerbate educational inequities, as LEAs in Red, Purple, and Deep Purple (CR>14) Tiers would be required to test all staff and students either once every two weeks or once per week. Compare this cadence (and the extraordinary costs associated with operationalizing that cadence) with the requirement for schools in the Orange and Yellow Tiers: symptomatic and response testing only. Schools in districts hardest hit by high COVID-19 case rates will spend significantly more of their per-pupil grants on testing alone. School in districts with healthier communities will spend significantly more of their grants on efforts to provide even higher quality in-person instruction.

**We recommend** bifurcating the plan's funding: first, to assume full financial responsibility for the tests, including the administration and transportation of samples, and offsetting the costs borne by districts in self-funded JPA pools; and second, to separately provide per-pupil funding in accordance with the equity principles of the Local Control Funding Formula weighted student formula.

**We recommend** an augmented base rate for small school districts with 2,500 or fewer average daily attendance, as many of small school districts lack the economies of scales to financially support the plan and associated California Department of Public Health (CDPH) requirements.

## **2. The testing requirement will preclude many LEAs from participating in the plan.**

Because COVID-19 testing for students and staff is central to the reopening plan, it is critical that schools actually have the capacity to operationalize and pay for the new testing requirements. Currently, the vast majority of LEAs do not believe such a path exists.

The difficulty of implementing the proposed testing cadence prior to the proposed deadlines cannot be understated, especially because LEAs in the Red and Purple Tiers account for 99.9 percent of the state's population. Currently, most LEAs are providing surveillance testing for staff only, typically once every two months, and are doing so based on the July 17, 2020, guidance from the CDPH. Few schools are testing students. Ramping up testing to cover all staff and students will require an unrealistic amount of infrastructure, staffing, new billing operations, private and state lab capacity, testing contracts, collection and transportation of tests, and additional employee negotiations due to changes in working conditions.

**We recommend** authorizing LEAs, in consultation with their local public health officers and based on local disease trends, to establish a more feasible testing cadence, as many districts, their employees and their communities that are currently providing in-person instruction have already implemented successful testing protocols.

**We recommend** permitting varying testing cadences based on more localized geographic regions to allow healthier regions to open within larger local health jurisdictions.

**We recommend** requiring testing under the new cadence *to the extent possible* in light of potential capacity issues at state and private testing labs or lack of consent from some parents and staff.

## **3. Schools currently providing in-person instruction must be expressly protected in the plan to avoid the unintended result of additional closures.**

A remarkable number of public schools are currently providing in-person instruction in a majority of counties, despite the obstacles posed by this pandemic. These schools have adopted plans with community approval to safely return to in-person instruction.

We are deeply concerned that the Safe Schools for All plan will result in the closure of schools that are currently offering in-person instruction. While the plan does not require participation in the proposed grant program, the new statutory and other requirements (COVID-19 School Safety Plan, CDPH checklist, CDPH guidance and

CDPH directive) will result in every LEA updating its reopening plans and being forced to renegotiate their collective bargaining agreements. While many schools have been able to operate safely with less stringent COVID-19 testing requirement, the new public health guidelines could force many school districts to return to bargaining table, regardless of whether they are pursuing the incentive grant.

**We recommend** a clearly articulated two-track plan for schools that wish to remain open without accepting the grant.

**We recommend** the state provide templates for safety plan updates to reduce the steps needed for schools currently open to remain open.

**We recommend** providing access to non-Proposition 98 state funding for testing in schools that are currently open and intend to remain open, consistent with your administration's intent to maximize in-person learning.

**4. The plan must align with CDPH guidance regarding “consultation” with labor, parent, and community organizations.**

Given existing body of both state and federal law governing collective bargaining, we strongly urge any new statutory or public health requirements to neither suggest nor require additional collective bargaining. It is inappropriate to mandate that LEAs submit collective bargaining agreements that "support implementation of their COVID-19 School Safety Plan" because of the sufficiency of existing law, the plan's urgent timelines and the limited capacity of local school and labor leaders to again adapt to changing set of rules. The plan should simply align with the language used in the January 14, 2021, CDPH guidance: "For local educational agencies whose employees collectively bargain," the LEA must submit "evidence of consultation with labor, parent, and community organizations, as either recommended or required under applicable CDPH guidance."

**In addition to the three critical issues above, the Safe Schools for All plan must also address the following obstacles to providing in-person instruction:**

- The state must establish clear and consistent public health standards for when and how school sites and LEAs provide in-person instruction.
- To avoid the well-documented staffing shortages during the pandemic, the state must approve temporary emergency certificates and establish a strong financial incentive, available to both certificated and classified employees, to join substitute pools.
- Educators must continue to be prioritized for vaccinations due to their societal impact and rapid ability to receive vaccinations.

Thank you again for prioritizing the needs of our students and their families as California navigates these challenging times. Our organizations look forward to

working with you to set us on a path that empowers schools to safely reopen and addresses the needs of our students.

Sincerely,



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cc: Hon. Anthony Rendon, Assembly Speaker  
Hon. Toni G. Atkins, Senate President pro Tempore  
Ana Matosantos, Cabinet Secretary, Office of Governor Gavin Newsom  
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