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Governor and Legislature respond to advocacy with new school reopening deal

Gov. Gavin Newsom and legislative leaders announced an agreement today that provides a path to the reopening of schools statewide while retaining local discretion over the return of in-person instruction. Although the bill is not perfect, it addresses many of the concerns CSBA raised in conversations with the Administration and the Legislature and reflects the collective advocacy of CSBA and the state's education management organizations.

In order to incentivize the resumption of on-campus instruction by April 1, the agreement amends [Assembly Bill 86/Senate Bill 86](#), the legislative reopening proposal that was introduced last month. The revised legislation is expected to be heard in committee on Tuesday, receive a floor vote on Thursday and get the Governor's signature by the end of the week. The new plan melds certain key elements of the Governor's Safe Schools for All Plan and the Legislature's Safe and Open Schools Act response with new components that respond to concerns raised by CSBA and others.

In a press conference announcing the deal, the Governor laid out his expectations for reopening. "We incentivize opening up our schools by providing real resources to do it," Gov. Newsom said. "We expect that all of our TK-2 classes will open in the next month. Our core belief is this: once you dip your toe in, once you build a cohort confidently, once you build trust — then we will start to see a cadence of reopening across the spectrum on the basis of building confidence and trust."

The new bill contains important changes that respond to CSBA's advocacy and the concerns raised by other education associations. Notably, the bill now allows for the expenditure of funds prior to resuming on-campus instruction so schools can more effectively prepare for the return of students, educator vaccination provisions have been expanded from teachers only to include all school staff working with students, language on the set aside for paraprofessionals has been clarified to reinforce that paraprofessionals would be offering supplemental instruction and support instead of "providing individualized instruction," and it is now explicit that new requirements will not impact existing agreements in local educational agencies that have already resumed in-person instruction

or have plans to do so shortly.

Key components of school reopening deal announced March 1, 2021

Funding

- \$2 billion to support in-person instruction, allocation to be based on each LEAs proportional share of Local Control Funding Formula funding (with the exception of nonclassroom-based charter schools, which are ineligible).
- The legislation provides for grant funding and participation is not mandatory if an LEA is willing to forgo the funds.
- The deal does not require LEAs to resume in-person instruction or override collective bargaining agreements or MOUs. Schools that already reopened or have agreements to do so are “grandfathered” in and do not have to renegotiate those agreements. Grandfathering also allows COVID testing of staff and students to differ from the testing cadences specified in the most recent guidance from the California Department of Public Health.
- Funding is designed to encourage a return to in-person instruction by April 1. In order to receive funding, LEAs must resume on-campus instruction or have an approved plan to do so by April 1. LEAs will lose 1 percent of their funding allocation for each day after April 1 in which they are not providing in-person instruction; recipients must start in-person instruction by May 15 at the latest or forfeit all funding.
- LEAs will receive funding in two installments: April 15 and August 15.
- LEAs will be notified of their specific apportionment within 15 days after the bill is signed.

Instruction

- LEAs in “deep purple” (> 25 cases per 100K) that receive funding are required to practice cohort-based instruction as defined in AB 86 for high-need student groups in grades K-12 as defined by LCFF as well as for students with disabilities.
- LEAs in the purple tier (< 25 cases per 100K) that receive funding are required to offer in-person instruction up to their “practical capacity” for cohorts of high-need students in all grades and for every student in grades K-2.
- Schools in the red/orange/yellow tiers that receive funding are required to offer in-person instruction for all elementary school grades (i.e., grades K-5 or 6 as “elementary” is defined by the LEA) in addition to one middle or high school grade level of the LEA’s choice.
- Data reporting language from previous bills is unchanged.

Testing and safety

- Bill codifies that education workers are in Tier 1b and that the state will reserve a minimum of 10 percent of available vaccines in each county for education workers.
- LEAs in purple are required to follow existing CDPH testing guidance for in-person instruction unless they opened under a different testing regimen, in which case that system is grandfathered in and they can continue their existing testing cadence.

- LEAs in red/orange/yellow have flexibility to implement testing regimens but the testing cadence must be clearly defined in an LEA safety plan that meets **CalOSHA** and **CDPH requirements**.
- As an LEA moves through the different categories of community spread (e.g., from purple, to red, to orange), it adopts the requirements of its current tier.
- The bill allocates \$25 million in non-Proposition 98 funding to CDPH for technical assistance and enforcement.
- Two outbreaks of COVID-19 within a school will prompt an immediate safety review by CDPH.

Extended learning and intervention

- \$4.6 billion for extended learning and intervention. Funding would be allocated according to a proportional share of LCFF funding, with an additional \$1,000 in per-pupil funding for each homeless student.
- 85 percent of extended learning and academic intervention funding must be devoted to in-person instruction, the remaining 15 percent can be used to support distance learning, if desired.
- 10 percent of the 85 percent in extended learning funding is set aside for the hiring of paraprofessionals to supplement instruction through the duration of the program with priority given to services for English learners and pupils with exceptional needs. Districts and COEs will have to work closely with their special education professionals to implement this provision. The bill also states intent that paraprofessionals who were laid off this past year be prioritized for rehire.
- By June 1, LEAs must submit a comprehensive expenditure plan similar to that outlined in Gov. Newsom's Safe Schools for All Plan. The plan will be prepared on a template released by the State Superintendent of Public Instruction within 21 days of the effective date of the bill.
- Funds can be used immediately through Aug. 31, 2022.
- The California Collaborative for Educational Excellence will receive \$5 million in additional funding to support LEAs in extended learning.



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