



Legislative Policy Committee

Tuesday, May 5, 2020 | 9:30am-11:30am
Via WebEx

Gina Potter, Ed.D., Chair

Minutes

- I. **Welcome** – LPC Chair, Gina Potter, Ed.D.

- II. **Comments & ACSA's State Committee to Reopen Schools** – ACSA Executive Director, Dr. Wes Smith
 - a. We are beyond inspired by all of you and the amazing work you're doing despite not having much direction from the state. In our advocacy, we've become louder with fewer voices. We have really come together as an association.
 - b. We are regularly communicating with the Governor's office and other organizations to influence the work of the state on many topics such as: testing, grading, learning, etc.
 - c. Big topic right now: When are we going to reopen?
 - i. We will not physically reopen in the state this year, but we will in the Fall and need mitigate loss of learning that will occur over the summer. What will a Fall reopen look like?
 - ii. What we've learned is that we cannot wait for the state to tell us how to reopen.
 - d. ACSA created a State Committee to Reopen Schools
 - i. By May 15th: ACSA will have a call to action for our members and the governor, to develop plans which outline reopening options from business as usual to 100% distance learning. What are the options in-between? We are not going to open schools until it is safe to do so
 - ii. Governor will likely give guidelines, and each community will decide what is best for them at the local level. LPC needs to help ACSA put appropriate pressure on the state for the above factors.
 - e. We are not waiting to be directed, we are leading. We are working with our councils and committees, legislators, and other organizations and groups around the state *and* globally about what is needed to reopen, and how we can accomplish this. If the state needs us to reopen schools then they need to invest in education so we can.
 - f. You, and your wellness, and safety, are most important. We'll get through this and thrive. That's what happening so far, and will continue.
 - i. Let us know what we can do to support and serve you.

III. **COVID-19 Update** – ACSA Senior Director of Policy and Governmental Relations, Edgar Zazueta, Ed.D.

- a. Echoing Wes's sentiments, thank you to everyone, we could not do it without your help, your support, and your stories. It is great being able to work with ACSA's educational leaders and, as a parent, see what educators are doing to provide a quality education to our students during this difficult time.
- b. Most of the legislative bills have stalled due to COVID-19, advocates will go over a few bills that need our attention in a moment.
- c. We pride ourselves on being a resource, but now more than ever we need our members to be advocates as well. We understand you have more than your hands full right now, but your stories matter. We will provide you with the tools.
- d. With the economy moving in the direction that it is, things are not looking too good. We do not have a full picture of how it will impact prop 98 and other factors.
 - i. If there was ever a year we shouldn't rely on a formula, such as prop 98, it is this year. What prop 98, LCFF and other systems do not take into consideration is the work we've already been doing to prepare for these major changes: serving meals, closing the digital divide, etc. These are not things we were budgeting for. We are doing things the systems have never done, but we have to meet this call and this all takes resources. We need to advocate for this support.
 - ii. Legislators are telling us to prepare for cuts and unprecedented changes, such as distance learning. We cannot prepare for cuts and unprecedented changes at the same time. This creates opportunity for us to bargain with the state.
 - iii. Schools have always been important, and schools are critical to opening up the state and economy. You cannot do one without the other. Schools need to be prioritized.
 - iv. To clarify: what the Governor said last week about opening in summer had no weight. What he should have said is the COVID-19 modelling statistics are looking better than before, and we are moving in the right direction. However, we cannot reopen without resources, collective bargaining, and safety measures.
- e. Gina Potter: The work is grand and heavy, and I do not believe now is the time to be critical of the valiant effort that educators are putting out.
 - i. Now is not the time to take Prop 98 and say that that's acceptable for the Fall. Now is a time to ask for more for Prop 98 money and advocate as a committee and with ACSA to mitigate conversations around funding and cuts.

IV. **Budget Discussion** – ACSA Legislative Advocate, Iván Carrillo

- a. Since we last talked, we have started advocacy conversations with key legislative staff to deliver those messages: funding at the same level, maintaining COLA, making sure districts get funding flexibility for expenses, etc. Hitting the message that we cannot have mid-year cuts and the timing is critical for education.
- b. In meetings, Capitol staff has been very receptive of the message. Recognize issues are legitimate. They are forthcoming and honest that there are so many unknowns right now, especially with revenue and prop 98. We do not know what another round of stimulus money will look like.

- c. We don't know to what extent the Legislature will utilize the \$8-\$9B in reserves to help the budget or education.
- d. Advocating for pension relief as well so districts will not have to absorb this cost in the following year.
- e. Assembly Budget Subcommittee hearing: Many topics covered including learning loss, distance learning, devices, hotspots, mental health needs, training, sanitation, meals, etc. These are all important but all have price tags.
 - i. Chairman McCarty believes it's realistic to have a COLA and provide "Learning Loss Block Grant" where districts would be able to flexibly use moneys to combat learning loss.
 - ii. There were certainly some jabs at educators, but the panelists did really well to detail the realities that we're dealing with and how much we've accomplished in such a short time.
- f. Next week: May revise. Will provide an update once this comes out and we know what we're working with.
- g. LAO to release fiscal report soon. Should prepare for -2% to -10% COLA. To what extent that becomes reality, we just don't know yet.
- h. **Questions:**
 - i. **Anjanette:** As we have done in the past, with LAD, there has always been talking points. Will ACSA be providing this? (We got lucky, when cancelling meetings with legislators from LAD, they were able to reschedule to Zoom meetings.) IDA Question as well.
 - 1. **Yes, talking points will be provided to all in LPC and broader ACSA membership.** We want to make sure there is consistent messaging. We will revisit this in a moment. IDA: Yes.
 - ii. **Mark Anderson:** Is there legislation or guidance around employees who say they feel unsafe to return to work when schools open? Will they receive full pay or will it be like sick time?
 - 1. **Laura Preston:** HR council has been meeting weekly since shutting down. We don't have much guidance yet, teacher's union are demanding a bargain to reopen, and will come to a district near you soon. One of the big issues: What do we do with employees who are high-risk? We do not have answers yet, which we are aware is not the answer everyone wants. We are meeting and gathering ideas. Conflict between CARES Act and what governor has said.
 - 2. Another issue we heard is what Governor's expectation will be for protective gear. There is a difference between what medical workers and essential workers need, but administrators have weighed in they want the most protective equipment. Legislation is aware we do not want this to come from district budgets, this is a large cost issue.
 - 3. Regarding Special Education: There are a number of things that have been happening. US Dept of Ed has not helped much with waivers that we requested. All interest groups have been weighing in on the same messaging. We thought the meeting went really well, so we were disappointed when we received their recommendations.
 - 4. Last week had call with Governors office about state waivers. Legal fees and compensatory education are a big issue. Talked to SPED lawyers yesterday and maybe we can get a cap in the state, but likely

will have to go to Federal level. ACSA has partnership with CSBA for federal advocate.

5. At least a hundred filings related to failure to implement IEP due to COVID. Request: if you have these in your district, notify Laura so we can use these stories.
- iii. Questions in the chat answered by advocates.
- iv. EdCal article out soon: ACSA and CCESSA joined regarding the topic of CTC credentialing for: student teaching candidates, authorized the deferral of CBEST, hardships for renewing credential due to COVID, program timeline waivers, credit for whole year of an induction program that was shuttered due to COVID, removes temporarily requirement for preliminary credential for induction. Stay posted for an ACSA article that will be posted with details in EdCal.

V. Highlighting Legislation – ACSA Legislative Advocate, Diana Vu

- a. [AB 2052 \(O'Donnell\): Pupil instruction: instructional time requirements.](#)
 - i. On consent tomorrow in committee. This would be an exemption of number of instructional days required.
 1. Gina: what we need help with is a waiver on number of instructional *minutes*, not days. We can't go live in the Fall without a waiver on instructional minutes.
 2. Edgar: to reiterate some of the messages we've heard, this O'Donnell bill might be an opportunity to tell them exactly what we need.
 - a. Instructional minutes issue is clear, but what is the committee's perspective on instructional days vs. minutes?
 - i. Parvin: if we are doing distanced or blending learning, we must have flexibility on instructional minutes. This is most important. Instructional days only help us when making cuts on furlough days. If we do not have flexibility on instructional minutes, I'm not sure how we would do this.
 - b. Tandy: I think it is days in seat at school as well as minutes it equates to
 - c. Anjanette: I would think days does help - especially if we are doing hybrid delivery - where some children attend alternate days and the other days are distance learning. But minutes are also crucial, because even days of
 - d. <https://a70.asmdc.org/press-releases/20200316-odonnell-bill-will-allow-additional-instructional-minutes-make-school>
 - e. Anjanette: I would be very concerned that if general education is pushed to make up minutes - entire minutes or days missed - then it will dramatically impact special education. Right now, we are working towards a single message across the state that all children will need remediation - not comp ed for special ed and not 1:1 for services missed. This bill might set the stage for Gen ed making up minutes and therefore the argument about comp ed would be made much more difficult.
 - f. Troy: Currently, Gr. 4-5 has minimum instructional minutes at 54,000 (annual) this equates to 300 min. at 180 days

- g. Anjanette/Parvin: This bill will harm us rather than help us. If that is what his bill does (referencing article above) then it is NOT HELPFUL. We are doing distance learning now - and this basically says that the days we are doing distance learning don't count.
 - h. What would help with collective bargaining is if we have a way to hold those providing distance learning instruction accountable for quality education. What does direct teacher instruction look like in a digital platform? Some teachers are not comfortable with video teaching.
 - i. This discussion is essential to how we move forward. There is also a gap of proficiency in use of technology amongst teachers. What will be the expectation for teachers who do not want to access professional development and what are support systems in place for them? (HR Council is working on this now.)
- b. [SB 1130 \(Gonzalez\): Telecommunications: California Advanced Services Fund.](#)
- i. Broadband for all: This bill would instead require the commission to develop, implement, and administer the California Advanced Services Fund program to encourage deployment of 21st century-ready communications, as provided. The bill would provide that the goal of the program is to, no later than December 31, 2024, approve funding for infrastructure projects that will provide high-capacity, future-proof infrastructure, as defined, based on current engineering and scientific information at the time of program application, as provided. The bill would require the commission, in approving infrastructure projects, to approve projects that provide high-capacity, future-proof infrastructure to households that are unserved areas, as defined, or unserved high-poverty areas, as defined.
 - ii. Address the digital divide. Require CA Public Utility commission to expand ca advanced services fund to improve broadband infrastructure (Copy/paste from leg.info).
 - 1. Gina: we definitely need help in this area. Bandwidth also matters for quality of distance learning.
- c. [SB 1206 \(Gonzalez\): Local government: broadband infrastructure development project permit processing: microtrenching permit processing ordinance.](#)
- i. No feedback from group

VI. Call to Action: Strategic Advocacy – ACSA Senior Director of Policy and Governmental Relations, Edgar Zazueta, Ed.D.

- a. Planning virtual meetings w/ Legislative representatives, LAO, DOF & Governor's office. More info to follow after the May Revise.
 - i. We feel adamant this is an opportunity for us to advocate.
- b. We cancelled Legislative Action Day this year given the circumstances around COVID-19. LPC, VPLAs, and Superintendents, which many members overlap, are very interested in advocacy efforts.

- c. **First Phase (Mid-End of May):** Before COVID-19, we already planned an advocacy strategy with traditional LAD in April, then a May Revise specific advocacy day with our superintendents. We want to utilize our strength in numbers.
 - i. Rather than just give talking points and sending you off, we will also facilitate some meetings with key budget folks, using superintendents and other key ACSA members.
- d. **Second Phase (Beginning-Mid June):** No dates yet, possibly beginning of June, we will have a Legislative Action Week, where we'll ask VPLAs and other members to set up virtual meetings with as many Legislative members as we can. We'll likely be talking to legislators into summer.
- e. Will send out schedules/times, resources, letter templates, and more direction. The first phase will be scheduled and agendas sent, but for second phase we will give them more freedom, ask that they set up their meetings, etc. We are able to join these meetings if requested.
- f. **Questions:**
 - i. Would you be sending us the dates and times for these meetings so that we can see if we can attend?
 - 1. Yes, we will be planning this within the next few days, and will make this as easy as possible for you.

VII. Open Discussion

- a. Gina: comments related to a potential deficit factor and what a budget reduction would mean to the field. Grateful you will lean on LPC for some of the critical conversations with key legislators.
- b. Though this is our last scheduled LPC meeting of the year, our advocacy efforts will need your help. Though there will be less legislation this year, this is not the end. Many decisions are being deferred to the end of the year, so we will likely need your input again in the near future.

VIII. Thank you!

IX. Chat Log:

9:17 AM from Kristy Tchamourian (internal) to everyone: Welcome to the Legislative Policy Committee. Your mic will be muted on entry into the meeting. Please unmute your mic if you need to speak. If you are not the active speaker, then please keep your mic muted. Thank you!

9:32 AM from Wesley Smith (internal) to everyone: ACSA members rock!

9:40 AM from Edgar Zazueta (internal) to everyone: think Wes has a couple of mins in case anyone has questions

9:41 AM from Shelton Yip to everyone: Thank you Wes

9:41 AM from Sue Kaiser to everyone: Thank you Wes. This is an amazing message! Reopening is going to be harder than closing was.

9:41 AM from Tandy Taylor to everyone: Thank you, Wes!

9:43 AM from AMunshi to everyone: Thanks for everything you do, Wes. Glad to hear you state that safety will be our priority before we reopen.

10:14 AM from pahmadi to everyone: That's a great idea. I agree with Anjanette.

10:14 AM from Mark Anderson to everyone: Is there legislation or guidance around employees who say they feel unsafe to return to work when schools open? Will they receive full pay or will it be like sick time?

10:14 AM from pahmadi to everyone: Thank you Edgar and Ivan.

10:14 AM from Anjanette to everyone: Thank you so much!

10:16 AM from Anjanette to everyone: Budget questions to ask - not for you to answer

10:17 AM from Anjanette to everyone: Will the governor or the legislature clarify the SB 117 guidance to pay contractors - for how long, how much, what if they do not provide service or provide services that cannot be provided due to shelter in place. This needs resolution and CDE has said they will not weigh in

10:18 AM from Anjanette to everyone: And, will we know anything about the status of other components of the special ed funding model prior to May revise? Issues of changing funding model seem ill advised at this time, given that we are no longer anticipating the large increases - but there are other little things in there like extra flexibility on ERMHS funding, three year rolling average for ADA, etc. that we need clarity on in order to budget

10:18 AM from Edgar Zazueta (internal) to everyone: I do not believe that the state will weigh in on clarifying paying contractors. This was a conversation in the days after the EO. They then decided that they did not want get in the middle of that and decided to let locals decide

10:20 AM from Edgar Zazueta (internal) to everyone: the language around paying contractors was intent language so technically doesn't have weight of law which puts locals in tough spot

10:21 AM from Shelton Yip to everyone: I've met twice with my area Senator (Dodd) and ASM Aguiar-Curry where we were able to talk about COLA, flexibility and SpEd funding. They also shared that they are limited to introduction of Bills...and they need to be COLVID-19 related. This is why I'm concerned about AB 2668 (Quirk-Silva) establishing the School Based Behavioral Health. It is a direct ask to utilize LCFF and Prop 63 \$ For years I've been advocating for access to EPSDT dollars but BH has been very protective. Also it is asking for going after Private Insurance. and students with IEPs are left out. Very concerned

10:22 AM from Gina Potter to everyone: Thank you Donya for joining our meeting! Stay posted for legislative

10:23 AM from Gina Potter to everyone: ...legislative advocacy efforts by LPC pending.

10:23 AM from Iván Carrillo (internal) to everyone: Hi Shelton, we learned yesterday that Assemblywoman Quirk-Silva pulled AB 2668. It no longer will be heard during tomorrow's Asm. Ed hearing.

10:23 AM from Shelton Yip to everyone: Thank you

10:24 AM from Iván Carrillo (internal) to everyone: and thanks for your local advocacy!

10:24 AM from Anjanette to everyone: yes

10:24 AM from Anjanette to everyone: There are actually now at least a hundred filings related to failure to implement IEP due to COVID across the state

10:25 AM from Anjanette to everyone: Agree with Shelton - AB 2668 is horrible!

10:27 AM from Shelton Yip to everyone: SELPA can provide #s

10:27 AM from Shelton Yip to everyone: oops///in regards to filings

10:28 AM from Anjanette to everyone: CASP and SELPA wrote letters re AB 2668 Glad it was pulled.

10:29 AM from Anjanette to everyone: SELPA has total numbers of filings, but unless the LEA tells their SELPA leader we don't know if it is COVID related or not. WE do know about at least a hundred compliance complaints filed though with CDE

10:30 AM from Anjanette to everyone: Thank you Laura

10:32 AM from Shelton Yip to everyone: Yes...Thank you Laura

10:35 AM from pahmadi to everyone: I would like to talk. Do I raise my hand or just jump in?

10:35 AM from Gina Potter to everyone: Hello. Please go ahead and ask your question aloud.

10:35 AM from Tandy Taylor to everyone: I think it is days in seat at school as well as minutes it equates to

10:36 AM from Anjanette to everyone: I would think days does help - especially if we are doing hybrid delivery - where some children attend alternate days and the other days are distance learning. But minutes are also crucial, because even days of attendance are unlikely to be full days

10:36 AM from Maryalice Alberg Owings to everyone: In the past, days were cut to 175 to allow for teacher furloughs.

10:38 AM from pahmadi to everyone: RIGHT on Edgar. Let's not give them a way out.

10:39 AM from Raul Zamora to everyone: I agree with Parvin, both minutes and days, by Raúl Zamora

10:39 AM from pahmadi to everyone: That's great.

10:40 AM from pahmadi to everyone: It needs to not be another Comcast idea. (:

10:40 AM from pahmadi to everyone: Yes, the bandwidth matters. Thank you, Gina.

10:40 AM from Tandy Taylor to everyone: O'Donnell Bill would not help.

10:40 AM from Tandy Taylor to everyone: <https://a70.asmdc.org/press-releases/20200316-odonnell-bill-will-allow-additional-instructional-minutes-make-school>

10:41 AM from Joseph Williams to everyone: There has to be filter controls if schools provide bandwidth

10:41 AM from Joseph Williams to everyone: I agree with Crown Castle

10:42 AM from Tandy Taylor to everyone: the O'Donnell bill appears to was more in response to the fires "and short-term closures for "catch-up

10:42 AM from Gina Potter to everyone: Thank you Tandy for your research and post of the press release.

10:43 AM from Anjanette to everyone: If that is what his bill does then it is NOT HELPFUL. We are doing distance learning now - and this basically says that the days we are doing distance learning don't count

10:43 AM from Diana Vu to everyone: Yes, thanks so much Tandy! And Gina, Parvin, and everyone for your feedback!

10:47 AM from Anjanette to everyone: I would be very concerned that if general education is pushed to make up minutes - entire minutes or days missed - then it will dramatically impact special education. Right now, we are working towards a single message across the state that all children will need remediation - not comp ed for special ed and not 1:1 for services missed. This bill might set the stage for Gen ed making up minutes and therefore the argument about comp ed would be made much more difficult.

10:47 AM from Tandy Taylor to everyone: I agree with Parvin. We need to move to instruction.

10:49 AM from tknox to everyone: Troy Knox: Currently, Gr. 4-5 has minimum instructional minutes at 54,000 (annual) this equates to 300 min. at 180 days

10:52 AM from Diana Vu to everyone: Thank you everyone for the feedback!

10:53 AM from Betsy McKinstry to everyone: This discussion is essential to how we move forward. There is also a gap of proficiency in use technology amongst teachers. What will be

the expectation for teachers who do not want to access professional development and what are support systems in place for them.?

10:57 AM from **pahmadi to everyone:** Would you be sending us the dates and times for these meetings so that we can see if we can attend?

11:00 AM from **pahmadi to everyone:** Thank you.

11:00 AM from **Joseph Williams to everyone:** I would be more than happy to contribute on the bandwidth and Crown Castle items.

11:01 AM from **Betsy McKinstry to everyone:** That is correct, thank you!

11:05 AM from **Iván Carrillo (internal) to everyone:** Gina, Thanks for your comments related to a potential deficit factor and what a budget reduction would mean to the field

11:06 AM from **Gina Potter to everyone:** Thank you Ivan for leading us at the state level for education funding.

11:07 AM from **Betsy McKinstry to everyone:** Gina, so well said. Thank you for your leadership.

11:09 AM from **pahmadi to everyone:** Agreed!

11:09 AM from **Gina Potter to everyone:** Thank you Betsy for your kind words.

11:10 AM from **Shelton Yip to everyone:** Thank you to all for your advocacy meeting the needs of our students and communities during these trying times

11:10 AM from **pahmadi to everyone:** Please convene us again when needed.

11:11 AM from **Anjanette to everyone:** Thank you ACSA Team!

11:11 AM from **Leo Perez to everyone:** Thank you everyone.

11:12 AM from **Betsy McKinstry to everyone:** Always so proud of the work ACSA does on our behalf. It is inspiring.

11:12 AM from **llichtl to everyone:** Really wonderful webinar. Thank you all and Onward!

11:12 AM from **JasonRoss to everyone:** It is great to know our students and communities are in good hands with ACSA helping to shape the future of education in CA.

11:12 AM from **dgoalsby to everyone:** Will the notes be distributed shortly after the meeting?

11:13 AM from **Tandy Taylor to everyone:** Thank you!

11:13 AM from Maria Elena Plaza to everyone: With gratitude to be part of an organization that leads from the heart to do the right thing in education! Thank you ACSA

11:13 AM from dgoalsby to everyone: Thank you!