



association of california
school administrators

2020-21 State Budget Webinar

Q&A

Q: Hello! Can you clarify how districts will be funded that have planned growth for next year? Our schools are expanding by one grade level every year until we reach capacity in a few years. I am concerned that funding based on 19-20 ADA will actually be harmful for us.

A: We will discuss the ADA features but we acknowledge there is a major problem with the hold harmless for LEAs that are growing. We are working with other statewide partners to get this addressed in clean up legislation.

Q: Can you please clarify the penalties for non-compliance with daily attendance and participation requirements?

A: It is our understanding that the penalties have not been amended.

Q: What will happen if the federal government does not pass the HEROs act? Is California positioning itself on the edge of the ultimate Fiscal Cliff while bearing with the Mother of All Deferrals?

A: The state will have difficult decisions to make if the federal funding does not come to CA. Next year's budget will likely be worse for schools.

Q: The distance learning restrictions are sure to cause a great deal of difficulty for districts. We cannot open fully and socially distance.

A: As we will discuss, the state is definitely signaling that in-person instruction should be the default. With that said, there will be the ability for districts to offer DL as long as they are able to work with their county health office and make the case for why DL is necessary. The language is confusing and we have been working hard getting clarity. We will be asking for some clarifying language on this.

Q: what exactly does a deferral mean??

A: State does not allocate LCFF apportionment funds to districts when supposed to and instead makes payments at later date. Presents cash flow issues for districts, particularly given the amount of what's included in the budget.

Q: Did you say that the \$2.9 billion based on the suppl and concentration needs to be spent by December 30th? Is this correct?

A: Correct.

Q: Impact of AB77? Districts cannot choose Distance Learning only unless we have a health officer order?

A: The intent is that a district not go full DL without cover from the county office of education. DL in a hybrid model is currently applicable to all based on state guidance.

Q: For clarity, we are still held to minimum instructional days, but minutes requirements are waived

A: Correct. 180 days remains. Minimum instructional minutes requirement is waived.

Q: So, the 10% cap on independent study is waived if the number of those medically at risk exceed 10%, right?

A: We are working on a potential waiver to lift the cap, should it be needed.

Q: The time period of expenses for COVID Relief Funds is 3/1/20 to 12/30/20 - crossing two fiscal years. How will we reimburse ourselves for 2019/20 expenses (3/1 - 6/30) if we don't get the funds until 20/21 fiscal year? Do we set up a receivable?

A: Good question. Budget doesn't specify. We'll look into this and track down the answer.

Q: Parents have a choice to self-quarantine their children?

A: As AB 77 is written, yes, "distance learning may be offered ... for pupils ... who are self-quarantining because of exposure to COVID-19." We read "exposure" to mean "prevention of potential exposure."

Q: Will how will the SPED funds be allocated? Is there a specific allocation per pupil count?

A: The Budget provides \$545 million to equalize SPED base rate funding up to \$625 per ADA. SELPAs currently receiving more than \$625 per ADA will be "held harmless" at their 2019-20 levels. Funding will be distributed to SELPAs based on the highest ADA of current year, prior year or second most recent prior year.

Q: Another question, the Classified Layoff limitation has been characterized as Cafeteria, Transportation, and Custodial. Does Custodial include Facility Management staff (e.g. gardeners, electricians, etc.) ... Also, what is the extension of audit deadlines? Is the whole audit timeline pushed back?

A: The budget language does not state the positions who are included in each position. Do you have your gardeners under your custodial? Statute is vague and likely will result in your working it out locally. Purpose argued is for cleaning and school safety.

Q: What about parents who will only allow their children to return to school when there is a vaccine? We plan to have an independent study program to meet their needs? Is that permissible under this legislation?

A: Parents can use quarantine statute to keep their children at home. Independent study was not addressed in the Budget; therefore, I believe it stays the same and districts can still utilize independent study. However, the 10% cap is still in place.

Q: How many minutes will be required for in person instruction?

A: In-person instruction also receives minute flexibilities (based on assignments).

Minimum school day instructional minutes:

(a) 180 instructional minutes in kindergarten.

(b) 230 instructional minutes in grades 1 to 3, inclusive.

(c) 240 instructional minutes in grades 4 to 12, inclusive.

Q: So, parents can choose to 'self-quarantine' and that would allow them to participate in distance learning?

A: As AB 77 is written, yes, “distance learning may be offered ... for pupils ... who are self-quarantining because of exposure to COVID-19.” We read “exposure” to mean “prevention of potential exposure.”

Q: Is there a time frame to self-quarantine for a student who is digital learning. Can they self-quarantine all year?

A: No, there is no time period specified.

Q: With regards to the federal funds, do they have to be spent to support the students who generate them, and are there supplement/supplant restrictions?

A: Our understanding is the funding is flexible and does not have to be spent on students who generate them. We have not seen any supplement language in the budget bill.

Q: Have we lost the ability to provide home school under independent study in this legislation?

A: We will have to check about the independent study implications of this budget. The Legislature believes the DL options will be sufficient.

Q: Does 180-day requirement mean we cannot change breaks in November- December when there is a projected peak? Many colleges are adjusting semester schedules to provide a longer break

A: LEA will have flexibility over their calendar as long as they meet the instructional day requirement.

Q: In the slide that mentioned deferrals, there was something mentioned that 5.8B is forgiven if federal dollars come to fruition. I take that to say that the deferrals do not include an assumption of federal dollars coming through.

A: That is correct. Assumption of no fed funds. “Triggers off” the deferral amount if sufficient funding comes in. Thanks for clarifying.

Q: The CDE reopening guidelines outline the recommendation of 6 ft of physical distancing throughout the day, so offering of hybrid model of learning would be justified in order to limit number of students on campus?

A: Yes, this would be a justification to use a hybrid model.

Q: Can the stakeholder engagement used to develop the original 20/21 LCAP be used to meet the requirement for the new Learning Plan?

A: Good question, we will check on that but we will have to make sure it is addressing the specific criteria asked for in the continuity of learning plan. We will look into this.

Q: Is the plan to be adopted by 9/30?

A: Yes, CDE and SBE will provide LEAs a template to use by Aug. 1, 2020.

Q: Is there any work being done with USDA to make our school lunch program whole...especially in light of the reality that we are not allowed to layoff food service workers?

A: Speaker Pelosi introduced the HEROES act which would do just that for school nutrition programs. It's been noted that HEROES act will be around \$3 billion in additional funding. While this is a non-starter for the Senate, they could choose a price tag around \$1 billion - \$2 billion.

Q: Can we eliminate vacant classified nutrition positions?

A: You are not required to fill the position. However, it is suggested you keep the position open since eliminating the position is considered a layoff. I know there are budget scoring issues for keeping positions open and not filling them but I don't know what they are.

Q: If the board adopted a classified layoff in June. Is it still valid since the sixty days takes us into 2020-21 SY?

A: If the positions are in custodial, transportation or nutrition you will need to rescind the layoffs.

Q: Our district issued layoff notices on June 11. Does this mean we have to bring these employees back?

A: If the positions are in custodial, transportation or nutrition, you will need to rescind the layoff notices.

Q: The min. instructional minutes that you mentioned, if we are planning on a hybrid do those apply to each day that students are present?

- (a) 180 instructional minutes in kindergarten.
- (b) 230 instructional minutes in grades 1 to 3, inclusive.
- (c) 240 instructional minutes in grades 4 to 12, inclusive.

A: This question has been answered live

Q: Why are administrative and supervisory credentialed positions allowed to be laid off?

A: The unions negotiated this language behind closed doors. ACSA is very concerned about the optics of their statement and are raising the issue with our union colleagues.

Q: If we do not fund vacancies, is that the same as layoff?

A: This question has been answered live

Q: What if because of decline in workload due to COVID for classified, we can't still layoff

A: If the positions are in custodial, transportation or nutrition you will not be able to lay them off. This applies to both probationary and permanent employees.

Q: Many districts have acted in May/June to layoff classified staff. Will these need to be rescinded?

A: This question has been answered live

Q: Does the special ed funding go to the SELPA for distribution or directly to the districts?

A: SELPA

Q: Any word on supplement not supplant requirements for federal funds?

A: We have not seen any language in budget bill that requires these funds to supplement spending.

Q: Will you repeat the 3 criteria for Distance Learning schools?

A: To read the Budget Act provisions concerning new distance learning requirements, search for Sections 43503 and 43504 in AB 77. ([link](#))

Q: The template for the Learning Continuity and Attendance Plan will be created and available by August 1st?

A: Yes, that is correct.

Q: Can we issue a reduction in hours for food services workers in 20/21 if we are eliminating a breakfast program at some schools?

A: This question has been answered live

Q: Regarding attendance for DL days. Can LEAs claim attendance by checking in with students via videoconference each period/class day OR is time value equivalent the only way?

A: I don't believe AB 77 speaks directly to that question, but I have to imagine that instructional time will include actual supervised time, even if virtual. Good question.

Q: Is a reduction of time for classified employees, say a 20% reduction, considered a layoff?

A: This question has been answered live

Q: When you mentioned a tracking of engagement in distance learning to help meet instructional days/minutes, is that for all distance learning or only if you have to go fully-online for everyone?

A: For all distance learning, including blended learning.

Q: Any effect on districts that already laid off classified employees in June?

A: Were the layoffs adopted in June or effective in June? If adopted in June and still needs 60 days for implementation, you will be unable to layoff custodial, transportation or nutrition employees.

Q: what if a probationary employee isn't passing probation, do we have to keep them?

A: No. The budget language is clear you can still release for cause.

Q: Where can I find the limitation language on offering distance learning?

Q: Link for 43503 and 43504, please?

A: Sec. 34 of AB 77 ([link](#))

Q: Any specific hours or minutes on how much time for teachers are to be online for DL?

A: No specific requirements around teachers being online.

Q: Regarding 2020-21 layoffs for classified and legislative intent - what is the advice regarding considering classified layoffs for the next couple of Board meetings? bad idea based on legislative intent or Ok since we still “can”.

A: You can lay off any non-custodial, transportation or nutrition probationary or permanent employee with the legislative intent language. You don't have flexibility in the three areas except for cause.

Q: What about a reduction in calendar days as certificated TOSA positions for 20-21 that was due to COVID impact?

A: If the TOSA does not have a supervisory or administrative credential I do not believe you can let them go.

Q: How about leave forgiveness?

A: I think the question is in response to efforts to prohibit taking leave if it is a result of being sick with or caring for someone with COVID. There is nothing in the Budget that references this issue.

Q: Any talk of a liability shield for districts?

A: Yes. We are currently working with a small coalition to draft language to remove liability for LEAs. Assembly Member O'Donnell has agreed to carry the bill for us. We will have a bill number and language next week. The Governor wants to address liability holistically for all employers however we are pushing for a resolution for LEAs specifically. There is bi-partisan support for the bill however we are prepared for significant opposition.

Q: Will "distance learning" require any type of agreement like Independent Study does now?

A: The budget does not require distance learning to have a master agreement like independent study. There are, however, certain requirements. This includes:

- Confirming students have connectivity and devices.
- Aligning coursework with grade level standards.
- Providing students with support.
- Accommodating students' IEP.
- Integrating instruction in English language development for English learners.
- Interacting daily with live, certificated employees.

Here's a shorter answer: The budget does not require distance learning to have a master agreement like independent study. There are, however, certain requirements, such as daily live interaction with certificated employees. For the full list, please see AB 77/SB 98 sec. 43503.

Q: We need advocacy to change the due date for the plan. It states it needs two public Board meetings for approval and we need stakeholder engagement, how do we get this all done when we are focused on reimagining our schools and solving logistics at beginning of year. It is just too tight? Will this date 9/30 be able to be revisited?

A: It is a tight timeframe and we will work with policy makers to ensure that they understand that in order to provide LEAs more time to complete the process.

Q: Any clarification on busing students - social distance etc.?

A: The budget does not provide any further clarification on social distancing but we are continuously working to secure more information.

Q: Is the State at this time thinking that perhaps an August opening may not be possible with the rising of cases?

A: The state is encouraging LEAs to offer in-person instruction as much as possible, but understand that each community may be different and have included some flexibility in the budget.

Q: What is the time period specified for digital learning?

A: The budget provides ADA flexibility for LEAs to utilize distance learning, with some construct, for the 2020-2021 school year in order to meet the minimum requirements for instructional minutes offered during a school day and instructional days offered in the school year.

Q: Where can we find the Continuity of Learning plan?

A: Details of the Learning Continuity and Attendance Plan can be found in SB 98/AB 77 sec. 43509. ([link](#))

Q: Does a district providing distance learning have to provide Internet to all families?

A: No, a district does not have to provide internet to families but would have to confirm that students have adequate connectivity and devices in order to participate in distance learning.