



January 19, 2021

President

E. Toby Boyd

Vice President

David B. Goldberg

Secretary-Treasurer

Leslie S. Littman

Board of Directors

Greg Abt

Jesse Aguilar

Joe Bartell

Gayle Bilek

Greg Bonaccorsi

Denise Bradford

Christopher Bushée

Jerry Eaton

Robert Ellis

Margie Granado

Shelly Gupton

Mel House

Erika Lynn Jones

Sergio Martinez

Angela K. Normand

Mike Patterson

Roberto Rodriguez

Eva Ruiz

DeWayne Sheaffer

Telly S. Tse

Executive Director

Joe Boyd

Honorable Assembly Speaker Anthony Rendon,
Honorable Senate Pro Tem Toni Atkins,
Honorable Members of the California Legislature:

RE: AB 10 and Safe Schools for All Plan

In our advocacy over the past nine months, we have joined Governor Newsom and the Legislature to lobby for federal COVID-19 relief; supported the Administration and the Legislature's efforts to provide PPE for schools; lobbied for COVID-19 testing and tracing for students and school employees; advocated for comprehensive, transparent and accountable school safety plans; asked for the availability and accessibility of COVID-19 related data; supported passage of AB 841 to improve indoor air quality in schools, and advocated for additional funding for schools to account for COVID-19 related costs for reopening. You can read our previous letters sent on [July 8](#), [August 13](#), [September 16](#) and [December 15](#).

Our educators want to get back in the classroom and on campus as soon as possible **but do not want to compromise** the safety of our students, teachers, school employees and communities. There are concepts in both AB 10 and the Safe Schools for All Plan (SSAP) that have merit. There is a benefit to our students and schools if we examine and discuss the most thoughtful and responsible elements of both proposals.

AB 10

As currently drafted, AB 10 includes the following provisions: 1) Requires in-person instruction unless prevented by a state or local public health order beginning March 1, 2021. 2) Requires local educational agencies (LEAs) to adopt a plan for in-person instruction within two weeks of public health orders allowing for schools to reopen. 3) Requires LEAs to develop and implement by March 1, 2021 tiered re-engagement strategies for students that are not participating in distance learning, including transitioning the student to 50% in-person instruction. 4) Requires LEAs to also develop and implement tiered re-engagement strategies for unduplicated students performing below grade level, including providing 50% in-person instruction or in-person instruction after the school year.

Safe Schools for All Plan

As currently drafted, the SSAP proposes to provide \$2 billion in one-time Proposition 98 funding for In Person Instruction Grants to incentivize LEAs to offer in-person instruction. The proposal includes the following components:

- Provides \$450-\$700 per student for LEAs that complete a COVID-19 School Safety Plan, collective bargaining agreement and certify that all students participating in distance learning have access to the necessary technology to participate in online learning by February 1, 2021 and provide optional in-person instruction for specified student groups and all TK-3rd grade by February 16, 2021 and all TK-6th grade by March 15, 2021.
- Provides \$337-\$500 per student for LEAs that complete a COVID-19 School Safety Plan, collective bargaining agreement and certify that all students participating in distance learning have access to the necessary technology to participate in online learning by March 1, 2021 and provide optional in-person instruction for specified student groups and all TK-6th grade by March 15, 2021.
- LEAs in counties with COVID-19 case rates above 25 per 100,000 are still eligible to apply for grant funding if they do not offer in-person instruction, if they meet all other eligibility requirements and offer in-person instruction once the case rate drops below 25 per 100,000 and in compliance with state and local health requirements.
- Includes additional reporting requirements for public and private K-12 schools.

Feedback on Reopening Proposals

We would like to provide feedback on the following areas related to AB 10 and the SSAP:

Tiers/Case Rates. We appreciate that AB 10 does not allow for schools to fully reopen in the most restrictive Purple Tier which designates counties that face a widespread risk level for COVID-19. We believe this is common sense, particularly as many California counties far exceed the minimum benchmark for the Purple Tier. The SSAP allows for schools to re-open if they are below **25** cases per 100,000 which is **nearly 4** times the purple baseline rate. The guidance from last summer indicated that elementary waivers should not be granted if a county was at double the base line case rate, 14 cases per 100,000. We do not believe it is safe to reopen for in-person instruction in the Purple Tier, as proposed by the SSAP.

We have concerns with mandating a specific date for re-opening, **particularly one that is six weeks away**, as required in AB 10. **Schools require lead time to implement new programs, safety standards and protocols** and we believe safety conditions should be at the center of any and all reopening conversations. Additionally, **as noted by the LAO in the 2021-22 Overview of the Budget, we share his concern that the “short time frame and significant steps schools would be required to take... is likely unfeasible and could discourage school district participation.”** Particularly as, given the current surge of the virus with California case rates ranking as one of the highest in the country.

We also have concerns that neither AB 10 nor the SSAP integrate health equity metrics into its re-opening framework. [State statistics](#) highlight the grave health inequities faced by communities of color and low-income families compared to statewide figures: the

COVID-19 death rate for Latino people is 22% higher; case rate for Pacific Islanders is 23% higher; the death rate for Black people is 16% higher, and the case rate for communities with a median income of less than \$40,000 is 41% higher. Health equity is a key step toward educational equity in this pandemic.

The presence of the new, more transmissible B117 variant in California also requires that transparent information be shared with LEAs regarding in which counties the state has confirmed its presence, what continued genome evaluations are being done to determine how widespread the new variant is, and what it means for preventing transmissions within schools and in our broader communities.

Uniform Standards. We appreciate the Administration’s work in adopting the Emergency Temporary Standard (ETS) issued by Cal/OSHA. We believe these standards will make our schools safer. We also support a mandatory cleaning standard in schools. The proposed SSAP provides resources for testing and contact tracing for students and staff, but only as a condition of receiving SSAP incentive dollars. Testing is not required for LEAs not applying for the additional dollars. We believe that all schools need standards and resources for testing students and staff based on their county tier/case rates and health equity index.

Safety should be a standard. A common standard. A state standard that is uniformly known, applied, and enforced.

Safety Plans. We appreciate and support that both AB 10 and the SSAP includes a requirement to adopt a comprehensive re-opening plan. We believe that any reopening plan should be developed with input from local bargaining units and parents and should be aligned with the Cal/OSHA safety standards.

Student Re-Engagement and Phased-in Approach. We agree that additional supports are crucial for struggling students. However, we have questions on how the expanded “tiered re-engagement” strategies proposed in AB 10 would be implemented. We have concerns with the impact on the workload of teachers and school employees, especially at a time when teachers and employees are already being stretched thin. The SSAP provides resources for in-person instruction to our most vulnerable students in a phased-in approach and LEAs may hire additional staff with the SSAP incentive dollars. We look forward to working through the details and funding needed in implementing re-engagement strategies and a targeted phased-in approach for when students and teachers can return safely.

Resources. AB 10 calls for additional funding for schools to re-open safely, including funding for testing/tracing, PPE, and enforcement of the recently adopted Emergency Temporary Standards (ETS) issued by Cal/OSHA. We also support providing additional resources for accelerated learning to assist students that may have fallen behind academically during the pandemic. We appreciate that the SSAP provides dollars per student for reopening and supplemental student supports. However, we believe that all schools need resources when they can safely reopen for in-person instruction as well as resources to help students and families that choose to remain in distance learning.

Collective Bargaining. We have concerns with the impact of AB 10 on local collective bargaining. Currently, local school districts negotiate working conditions with their school employees. We believe this bill would undermine the ability to collectively bargain working conditions, asymptomatic testing protocols and other safety measures at the local level. We appreciate that the SSAP requires collective bargaining as a condition of receiving the incentive grant funding. However, we are concerned that the SSAP could create confusion and could cause LEAs to ignore safety when reopening schools if they choose not to apply for the grant funding.

Transparency. We appreciate that the Governor's proposed SSAP includes additional reporting requirements for public and private K-12 schools, including notifying local public health officers of positive COVID-19 cases in schools, school closures and the number of students served in in-person instruction, hybrid models and distance learning. The proposal also requires public and private K-12 schools to post their COVID-19 School Safety Plans on its website. We support these provisions.

A safe return to in-person instruction requires that we let data and community transmission rates drive the decision making. It also requires that information including safety plans, transmission rates and testing plans be publicly available and that safety standards are rigorously enforced so that parents and education employees have the confidence to resume in-person instruction.

What schools need to reopen for in-person instruction:

1. The Purple Tier is not safe for re-opening. Integrate the Health Equity Metric as a criteria to ensure improved conditions for our communities and families hardest hit by COVID 19.
2. Clear health and safety standards and requirements for all LEAs including masking, 6 feet of distance between students, asymptomatic testing standards for students and school employees, ventilation/healthy indoor air, small and stable cohorts, and data transparency for cases, outbreaks, and quarantines at school sites.
3. Coordinated Phase 1b Vaccination Plan for schools so that staff and students' parents, guardians, and household members who are essential workers or elderly have timely and accessible vaccination opportunities.
4. Resources for both in-person instruction and for students and families if they do not want to want to return for in-person instruction
5. Targeted interventions for struggling students, including resources for one-on-one tutoring to work with students and identify their learning needs and other support services. (These services and supports should be viewed in a multi-year approach.)
6. Wrap around and mental health/counseling services

We appreciate the opportunity to provide input and look forward to working with the Legislature and the Administration in the coming weeks.

If you have questions, please contact us at THoloman@cta.org and LEasterling@cta.org.

Sincerely,

Handwritten signature of Teri Holoman in cursive script.

Teri Holoman, CTA Associate Executive
Director for Government Relations

Handwritten signature of Lori Easterling in cursive script.

Lori Easterling, CTA Manager of Legislative
Relations

c: Hon. Governor Gavin Newsom
Hon. Superintendent of Public Instruction Tony Thurmond
Dr. Linda Darling-Hammond, President, State Board of Education
CTA Board of Directors
Joe Boyd, CTA Executive Director