



Northern
California

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VIA EMAIL

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RE: Uniform Complaint Procedure Complaint re: Fresno Unified School District's Failure to Comply with California Department of Education and Fresno School Board Requirements Pertaining to LCAP Procedures and Parental Involvement

Dear Superintendent Nelson and Director Plascencia,

The American Civil Liberties Union Foundation of Northern California ("ACLU") submits the following Uniform Complaint Procedure ("UCP") complaint on behalf of Familias Empoderadas of the Central Valley ("FE") regarding Fresno Unified School District's ("District") failure to comply with California Department of Education and District Board of Education ("Board") requirements pertaining to LCAP procedures and parental involvement. This complaint details how the District failed to maintain a safe and welcoming environment for parents of English Learners; illustrates how our client's and District English Learner students' and parents' civil rights were violated; and enumerates some appropriate remedies.

A. Clients

Familias Empoderadas ("FE") is an organization of parents who are involved not only in the education of their children, but in the education of all students, asking for what is rightfully theirs, an equitable and quality education for each student. FE is comprised of family leaders with English Learners across different regions of the District. FE has actively engaged with the

District and Board to advocate on behalf of students, families, and community members. FE members have attended Board meetings, submitted public comments to the Board, and held multiple meetings with District staff and Board members to express their students' needs.

Despite FE's continuous efforts to meaningfully connect with the District and participate in District programming, the District has failed to ensure meaningful engagement with these families. For months, FE tried to hold a public meeting with the District's Office of State and Federal Programs and Board members to ensure that the District includes parent comments and suggestions on the LCAP before it is approved. Indeed, this is despite some of the first school board meetings where FE raised this being held solely in English. And when school board meetings finally had limited Spanish interpretation, the Board used poor Spanish translation with Google Translate.¹ Because the District has failed to provide a safe and welcoming environment for English Learner parents, FE has requested using their own Zoom link for meetings. The District has continuously refused this request. Indeed, the ACLU specifically explained this issue to the District, but the District continued to find excuses to not use FE's Zoom.² FE's Zoom link is available in Spanish to the parents and they can ensure that the parents are able to join early, if needed.

The District looks at its English Learner students as an afterthought. For example, FE has also filed Public Record Act requests with the District. The District initially shared the public records in English only and did not provide the records in Spanish until asked by the ACLU. However, the District failed to provide Spanish translations for all public record documents.³ For example, Board communications⁴ specifically regarding LCAP community input and a Board presentation⁵ about the 2020-21 budget plan are not translated into Spanish. The District's Board Policies are only available in Spanish using Google Translate instead of a trained translator that can ensure correct interpretation.⁶ While the ACLU has done its best to communicate the information to FE, the District should have all those documents available in Spanish and other

¹ The U.S. Department of Education cautions against the use of web-based automated translations because inaccurate translations are inconsistent with the school district's obligation to communicate effectively with parents with limited English proficiency. *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents* 38, Office for Civil Rights at the U.S. Department of Education (Jan. 7, 2015), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

² Additionally, when the ACLU talked with the District on the phone regarding the use of the Zoom link, the District did not even have all the facts for why it could not be used. The District seemed to be set in saying no to this request, regardless of how reasonable FE has been regarding the use of their Zoom link.

³ See Exhibit A: ACLU correspondence with District counsel regarding public records request.

⁴ See Exhibit B: Board Communication Number AS-5 regarding LCAP feedback (March 27, 2020). See also <https://www.fresnounified.org/sites/board/BoardCommunications/20200327-Board%20Communications.pdf>.

⁵ See Exhibit C: Board Meeting Presentation on 2020-21 strategic budget development, Agenda Item B-32 (April 1, 2020). See also <https://www.fresnounified.org/sites/board/BoardDocuments/20200401-Amended%20Agenda%20and%20Backup%20Material.pdf>.

⁶ The ACLU has previously explained to the District that Google Translate does not adequately capture Spanish translation of materials. See ACLU letter to Fresno Unified, (May 13, 2020), https://www.aclunc.org/sites/default/files/Final%20Letter%20to%20Fresno%20Unified%20re%20Resources%20du-ring%20COVID-19%20Closures_.pdf.

languages if it truly expects for FE and other parents and community members to access these public documents.

FE believes that if the District really wants to listen and support the needs of parents, it should agree to meet in a setting where parents feel comfortable and English Learner students are treated as an integral part of the District's educational planning and parent participation plans. However, FE parents face constant barriers to meaningful participation with the District. Communications from the District lack transparency and are often inaccessible for parents of English Learners. Also, parents serving on English Learner advisory committees for their children's schools and the District have received little to no guidance from the District for conducting meetings and gathering information during school closures. The District's actions demonstrate that the concerns of English Learner students and parents are not a priority, which places the onus on these students and parents to develop their own solutions for learning and communication needs.

B. Facts and Timeline

History of advocacy in Fresno Unified

Since at least early 2019, FE has been advocating on behalf of English Learners and their families within the District. In addition to attending Board meetings and conducting meetings with District staff and Board members, FE engages and informs parents of English Learners who face barriers to accessing District communications of advocacy action items and ways to access external resources. FE had to fight to get the Board to even send school board meeting agendas in languages other than English, including access to a publicly-available translation of the District's Master Plan for English Learners. For the meeting minutes, the Board continues to use Google Translate, which does not properly capture public comments made in Spanish. Additionally, because the District has not released information regarding how remote learning is working for English Learner students, FE collects data from English Learners and their families regarding student access to technology resources and parental involvement with the District. It is well-known that the District lacks a database that tracks student progress in English Learner and special education programs.⁷

The District's failure to provide effective instruction to English Learners and adequately engage their families contributes to disparate educational outcomes for English Learner students. According to the California Department of Education, the District enrolled 13,116 English Learners in the 2019-20 academic year.⁸ Over 90% of English Learners in the District did not

⁷ "Are these Fresno students 'falling through the cracks?' Parents push for changes." Fresno Bee, June 6, 2020, available at <https://www.fresnobee.com/news/local/education-lab/article242655646.html>.

⁸ California Department of Education, "2019-20 Enrollment by English Language Acquisition Status and Grade-Fresno Unified School District," available at <https://dq.cde.ca.gov/dataquest/longtermel/ELAS.aspx?cds=1062166&aggllevel=District&year=2019-20>.

meet state standards in English language arts or math.⁹ District English Learners also drop out of school at disproportionate rates. In the 2018-19 academic year, 19% of English Learners left school before high school graduation compared to 10% of all students in the District.¹⁰ Moreover, FE parents have not been clearly informed by schools when English Learner students are reclassified as English proficient. In some cases, English Learners have been reclassified without meeting state language standards and therefore lose access to needed educational services and future economic opportunities, including scholarships for their education.

DELAC and ELAC representation in the District

Several FE parents also serve on their school’s English Learner Advisory Committees (“ELACs”) and the District English Learner Advisory Committee (“DELAC”) to ensure that parents of English Learners have a voice in the school decision-making process and the development of the LCAP. Since February, FE has sent meeting invitations to all District Board members, including Board President Keshia Thomas, and Superintendent Bob Nelson to express their concerns about family engagement. Unfortunately, the District has not utilized these Committees in a meaningful way, so although FE has taken all of the necessary steps to try to ensure their engagement, the District’s actions have been performative at best.

Moreover, the District has failed to provide adequate notification regarding school ELAC meetings and DELAC meetings. In its COVID-19 Operations Written Report dated June 10, 2020, the District claims that it has been “engaging with parents via the DELAC/ELAC in virtual/digital formats.”¹¹ However, most ELAC and DELAC members have not met virtually since schools were closed due to COVID-19. After school closures, the District failed to update parents on the status of ELAC and DELAC meetings until FE parents serving on ELACs and DELAC reached out to the English Learner Services office and school principals. Subsequently, ELAC and DELAC members received a Microsoft streaming link to an informational video from their schools and the District. Most parents were unaware that the link had been shared or they were unable to access the link causing confusion and frustration. Parents who could access the link had trouble understanding the video’s content. The decision to send an informational video, rather than engage with parents in a virtual meeting, was made without the input of Committee members, and denied parents an opportunity to express their concerns regarding the remote learning needs of English Learner students.

Also, according to the District’s COVID-19 Operations Written Report, instruction for dual immersion programs has been ongoing and “all online and hard copy instructional materials

⁹ California Assessment of Student Performance and Progress – English Language Arts/Literacy and Mathematics, Fresno Unified, available at <https://caaspp-elpac.cde.ca.gov/caaspp/DashViewReport?ps=true&lstTestYear=2019&lstTestType=B&lstGroup=4&lstSubGroup=160&lstGrade=13&lstSchoolType=A&lstCounty=10&lstDistrict=62166-000&lstSchool=000000&lstFocus=a>.

¹⁰ EdData, College and Career Readiness- Fresno Unified, available at <https://www.ed-data.org/district/Fresno/Fresno-Unified>.

¹¹ COVID-19 Operations Written Report, Fresno Unified School District (June 10, 2020), available at <https://www.fresnounified.org/dept/stafed/202021%20LCAP/covid19report.pdf>.

are available in Spanish and Hmong, and designated English Language Development (ELD) and integrated ELD are incorporated into all available instruction.”¹² However, FE parents reported that District instructions for English Learners were unclear and, in some cases, there was no teacher instructing or monitoring English Learners during remote classroom sessions. This further demonstrates how the District has continued its pattern of ineffective communication with the families of English Learners during remote learning.

English Learners continue to be marginalized in the LCAP process

Based on the District’s continuous lack of transparent communication with parents and FE’s public comments¹³ presented to the Board outlining concerns with community involvement in the LCAP, it is clear that the District has failed to conduct meaningful engagement with English Learners in its LCAP process, as required by statute.¹⁴ While school closures have impacted the LCAP process this year, the California Department of Education has made clear that districts still must develop LCAPs, albeit on a longer timeline. We expect the District to improve its stakeholder engagement processes significantly given it now has more time to solicit community input.

For example, FE has been working for months to hold a meeting with the District’s Office of State and Federal Programs to share input on the LCAP. On February 7, 2020, two weeks prior to the District’s LCAP community meeting on February 20, FE shared LCAP requests¹⁵ from parents of English Learners with the District’s Department of English Learner Services (“ELS”) and the District’s Office of State and Federal Programs. The requests for the LCAP included the names, contact information, and signatures of 40 parent petitioners. In addition, FE included a list of questions for the District to answer by email and requested a meeting with ELS and the Office of State and Federal Programs for February 27. FE scheduled this meeting to clarify concerns about District communications with parents of English Learners and to submit requests collected from parents and community members who were unable to attend prior LCAP meetings.

On February 27, 2020, FE parents initiated the meeting with ELS, but no staff from the Office of State and Federal Programs attended. FE rescheduled the meeting with the Office of State and Federal Programs to April 2, 2020, but the parties agreed to cancel this meeting due to the recent outbreak of COVID-19. The meeting was rescheduled for April 30. FE took the initiative to organize this meeting because District communications were not accessible to all parents and many parents felt more comfortable accessing FE’s meeting link. On April 16, 2020 two weeks in advance of the scheduled meeting, FE sent the Office of State and Federal

¹² *Id.*

¹³ Fresno Board Meeting Public Comment (April 1, 2020), *available at* <https://www.fresnounified.org/sites/board/BoardDocuments/20200401-Public%20Comment.pdf>.

¹⁴ Cal. Educ. Code §§ 52062-52063.

¹⁵ See Exhibit D. FE’s LCAP requests for English Learners were submitted to the Board for the March 4, 2020 public Board meeting.

Programs a Zoom link to the virtual meeting. The Office of State and Federal Programs initially accepted the invitation.¹⁶ But, on April 28, FE received an email from the Office asking to reschedule to a different date. In their reply, FE urged the Office to keep their original plan because the topics to discuss were very extensive and required translations.

On April 29, 2020, the Office of Federal and State Programs sent FE a new meeting link and suggested that they accept it, but FE's plans were already organized such that parents felt comfortable with the scheduled meeting. FE believed that the District was continuing to evade its responsibility to hear parent input. On April 30, the date of the scheduled meeting, FE started the meeting using their own Zoom link. Once the parents were already waiting for the Office of State and Federal Programs to join, the Office sent a separate meeting link controlled by District officials with a warning message that they would only be available for another 20 minutes before logging out. FE parents made the decision to remain firm and stay in an environment where everyone felt comfortable and respected. Later that day, the ACLU sent an initial email to the District outlining concerns about the District's LCAP procedures.¹⁷ FE parents had requested legal assistance due to their ongoing struggle to receive transparent communication from the District.

Despite Board members using FE's electronic meeting platform, the District refuses to use an electronic meeting platform where FE and other English Learner parents feel comfortable

FE conducted meetings with Board Trustee Veva Islas on April 8, 2020, Board Trustee Claudia Cazares on April 27, 2020, and Board Trustee Elizabeth Jonasson Rosas on May 5, 2020, all using FE's own Zoom link. And, despite FE's requests for more accessible meeting platforms from the District, some FE members have nonetheless attended virtual District and Board meetings across a variety of platforms, including Microsoft Teams, Facebook live, and by telephone. However, numerous parents, particularly those of English Learners, were unable to join any of these meetings due to limited access to videoconferencing technology or lack of adequate notice from the District.

On May 18, 2020, District Board members held an online town hall in Spanish to discuss the District's response to COVID-19 and remote learning. The District provided a separate Zoom link for the town hall meeting, which was organized by an intermediary, GO Public Schools. Even though FE raised these communication issues with the District, the District continued to leave FE out of the conversation for planning and organizing the townhall. The District did not even inquire as to whether the townhall, as planned, would be an environment that would foster robust conversation with FE and its parents.

Weeks after the planned meetings, the District's counsel sent an email to the ACLU outlining alleged concerns with using FE's Zoom link and stated that the District will host all

¹⁶ See Exhibit E. District email to FE confirming attendance at April 30 meeting (April 14, 2020).

¹⁷ See Exhibit F. ACLU email to FUSD (April 30, 2020).

future meetings using its own Zoom or Microsoft Teams links. The District also stated that all participants must use videoconference software and cannot call in via telephone. After the ACLU responded¹⁸ on behalf of FE that these requirements would be inaccessible for parents without videoconferencing technology, the District suggested that parents would be able to call in via telephone, but maintained requirements that the District host all meetings, control access of participants, and that parents must announce themselves and anyone near them before speaking. The District's response did not have any consideration for interpretation services. The District also dismissed the possible security threats that parents could face by being forced to use a District meeting link. Indeed, it is known that these links already collect additional surveillance data so the District's rigidity will continue to harm vulnerable populations where security is not a preference but a necessity. Even though FE has expressed their concerns for months about the District's inaccessibility for families of English Learners, the District continues to refuse just FE's request to meet on an accessible platform.

The District and Board continue to demonstrate that languages other than English are not prioritized in public-facing documents and meetings ensuring that English Learner parents and students cannot participate

FE parents have also received inadequate notice regarding public comments for Board meetings. Prior to the Board meeting on June 10, 2020, FE collected comments from 14 parent leaders representing the Edison, Bullard, Sunnyside, McLane, Hoover, and Roosevelt regions to submit to the Board. These comments were sent to publiccomment@fresnounified.org at 11:58am on June 10, the day of the meeting. However, the District responded that the deadline to file comments was 8pm on June 9, so FE's comments would not be included in the public comments for the Board meeting. FE responded that they were never notified of this deadline and that the District's participation guidelines were confusing for parents and prevented transparent participation. Moreover, FE requested that their comments be included in unscheduled comments for the Board meeting. The District refused to publicly record FE's comments.

Again, the District has failed to adequately notify ELAC and DELAC members of meetings and developments during remote learning. Most ELAC and DELAC members have not met since schools were closed due to COVID-19. Instead of communicating directly with parents, schools and the District emailed an informational video to parents serving on ELAC and DELAC. The link for the video was inaccessible for parents without Microsoft streaming services, and parents who could access the link had trouble understanding the video's content. Parents were not consulted in the decision to create and send an informational video. The District ultimately denied these parents the opportunity to express concerns regarding the needs of English Learners, particularly those relating to remote learning.

¹⁸ See Exhibit G. ACLU letter to FUSD (June 5, 2020).

Community input for the District's budget

Authentic community input and transparency are cornerstones of the Local Control Funding Formula (LCFF), and these principles are even more important given the numerous critical budget decisions that are being made about the future of education for Fresno Unified students during and following school closures. If parents, students, and community members have not even reviewed a meaningful outline for LCAP regarding a budget that will likely be reviewed in a few months, the District is woefully falling short of its obligation to obtain the “significant input from their communities.”¹⁹ By failing to provide sufficient time for public comment, notify stakeholders of opportunities for input, present LCAP materials in languages other than English, and meaningfully take contributions from the community into account in reviewing and updating the LCAP, the District excludes input from English Learner students and families.

Additionally, the District was providing its school board meeting agendas only in English, until FE parents advocated to include Spanish translation. However, the District's composition of students is very diverse, with Asian, Filipino, Black, and Pacific Islander students comprising over 10 percent of the student population. The District's failure to provide information in multiple languages will continue to create barriers to meaningful input and participation from students, parents, and community members. Moreover, the District's Board minutes are translated by Google and not a trained translator who can ensure that the translation is correct. Given that 13,116 of the District's students are English Learners and may have families that includes non-Native English speakers, the failure to translate materials properly excludes many community members from District decision-making.

Further, the District recently considered using valuable LCFF funding for a shot-spotter program that will serve little purpose other than diverting essential education funds towards law enforcement and policing activities during a pandemic. As we have outlined for the District in the past, the District has already demonstrated that it overly polices and criminalizes students of color. Additionally, the District was not able to justify its need for shot-spotter funds to CDE when the ACLU filed our UCP Complaint and Appeal against the District regarding its shot-spotter program. It is unfathomable that the District continues to try to find ways to fund this program despite the lack of need for it and the community and student opposition to more policing. We appreciate the Board members who also believe that this program has no place in discussion during the midst of this pandemic and even after in-person instruction resumes.

¹⁹ CDE Guidance Letter on Use of S&C Funds; *see also* Letter from Tom Torlakson, State Superintendent of Instruction, to District Superintendents (Oct. 2, 2017) (stating that “[r]ather than top-down, transactional exchanges between districts and support providers, the new system expects support providers to work collaboratively with districts to identify key challenges and opportunities. And rather than packaged interventions, the new system favors teams of local educators engaging with their communities to tailor approaches to specific needs ... To create change that is supported at the grassroots level, stakeholders must be authentically engaged, and transparency must be a top priority. Ensuring that each student has the support they need to succeed is a collective responsibility we all share. As such, we urge you to redouble your efforts to increase awareness and use of the Dashboard, the LCAP, and any improvement plans within your district this fall.”).

Indeed, policing students has never helped students succeed, particularly for students of color, and using funds that should be used for trauma-informed care and holistic and preventative wellness does all students a disservice.

Ultimately, the District should be leading with parent, student, and community comments and input first. We hope that the District can rectify our concerns immediately and provide next steps publicly and in multiple forums so that the community can provide input into resource allocations for Fresno Unified students. Such outreach should, at a minimum, include online surveys, online townhalls, written feedback, virtual listening sessions, surveys at school sites that are handing out meals, and other ways to solicit community input and engagement. Finally, the District must translate all its outreach, including collaborating with non-profit organizations to perform the services, in order to ensure accessible communication with families of English Learners.

C. Legal Claims

- 1. The District has violated the California Education Code and its board policies by failing to meaningfully engage with parents as part of its LCAP process and by creating a hostile environment for parents of English Learners.**

LCAP and Parental Involvement. Under the California Education Code, the District must “present the local control and accountability plan or annual update to the local control and accountability plan to the English Learner parent advisory committee, established pursuant to Section 52063, if applicable, for review and comment.” Cal. Educ. Code §§ 52062-52063. However, FE parents, including members of DELAC, have faced consistent barriers from the District when providing comments on the LCAP. For example, the DELAC has not been able to meet with District officials since schools closed due to the COVID-19 and were not consulted in the District’s decision to send out an informational video to parents of English Learners, rather than meeting directly with parents.

Further, the mere establishment of a DELAC does not satisfy the California Code of Regulations requirements that DELAC advise the District on the following tasks: 1) development of a district master plan for education programs and services for English Learners; 2) conducting of a district wide needs assessment on a school-by-school basis; 3) establishment of district program, goals, and objectives for programs and services for English Learners; 4) development of a plan to ensure compliance with any applicable teacher and/or teacher aide requirements; 5) review and comment on the school district reclassification procedures; and 6) review and comment on the written notifications required to be sent to parents and guardians. 5 CCR § 11308. FE parents serving on DELAC and ELACs have not received adequate communication or resources from the District allowing them to fulfill these tasks. Most ELACs and DELAC have not met since schools closed in March 2020 due to COVID-19. Therefore, parents of English Learners have struggled to work with the District to establish remote services for English Learner students.

In addition, California Education Code §§ 11500-11506 sets out parameters for school districts to create parental involvement programs that “engage parents and family members positively in their children’s education by providing assistance and training on topics such as state academic standards and assessments.” The District’s board policies specify the ways in which the District must work with parents/guardians and family members to “develop meaningful opportunities for parents/guardians and family members to be involved in district and school activities that support student achievement at home and in the school community.” B.P. 6020. By refusing to meet with parents of English Learners on their preferred platform, the District has failed to encourage and support effective communication between parents/guardians, family members and school personnel, as is required by its board policies. *Id.* The District has also failed to consistently communicate with parents of English Learners in order to facilitate remote learning needs and expectations despite its affirmative duty to ensure that schools “communicate frequently with the home and to help parents/guardians develop skills and family management techniques which support classroom learning.” *Id.*

Discrimination/hostile environment. The District violated the California Education Code and its Board policies by creating a hostile environment for parents of English Learners. FE has continuously battled to have their voices heard by the District which has failed to comply with FE’s reasonable requests for online meetings and failed to effectively communicate with parents of English Learners.

The district has an affirmative obligation to combat racism, sexism, and other forms of bias. Cal. Educ. Code § 201(b). Consistent with California Education Code section 200 et al., the District “prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, religion, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, marital status, medical information, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information.” B.P. 0410. The District has also made a commitment to “proactively identify class and cultural biases as well as practices, policies, and institutional barriers that negatively influence student learning, perpetuate achievement gaps, impede equal access to opportunities for all students.” B.P. 0415. However, FE parents have not received adequate instruction for English Learner students or monitoring of English Learner progress from the District, which does not have a database for tracking English Learner progress. The District’s failure to address barriers to educational opportunities for English Learners contributes to disparate educational outcomes for these students.

Further, the Board Policies reaffirm the District’s commitment to the success of all students and belief “that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.” B.P. 5145.13. By refusing to use FE’s preferred Zoom link and suggesting inaccessible alternatives, the District has failed to provide a safe and welcoming setting in which parents can meaningfully engage to address the needs of English Learners. FE parents and guardians whose primary language is not English should have the opportunity to work together in a mutually supportive and respectful

partnership with schools to help their children succeed in school. *See* Cal. Educ. Code §§ 51101(b), 51101.1.

2. The District has failed to effectively translate materials for non-English speaking families, both in public meetings and in daily communication, violating the California Education Code and its Board policies.

Under the California Education Code, if 15 percent or more of students in a district speak a primary language other than English, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or district shall, in addition to being written in English, be written in the student's primary language. Cal. Educ. Code. § 48985. However, the vast majority of FE parents have not received effective communication from schools regarding instruction for dual-language immersion and English Learner programs. The District was also unable to send all public records in Spanish despite requests from FE parents. Moreover, the District often relies on Google Translate rather than a trained professional to interpret and translate materials, thereby failing to ensure accurate and clear translations.

Further, by failing to hold ELAC and DELAC meetings regarding remote learning since schools closed due to the COVID-19 pandemic, the District has not effectively solicited input from parents of English Learners on instructional methods and language acquisition programs that assist students. *See* Cal. Educ. Code 305-306; B.P. 0460. Parent and community engagement in this process is essential to ensure that English Learners have access to core academic standards and English proficiency standards. Indeed, English Learners may be reclassified in the District prior to becoming proficient in English, thus losing access to English Learner services. As stated, the District does not have a database for tracking progress for long-term English Learners.

3. The District violates the open government policies of the Brown Act and California Education Code in how it administers and facilitates meetings for non-English speaking parents and community members.

The District has proposed that it host all online meetings using a District-provided link and maintain control of access for meeting participants. The District's proposal also requires participants to announce themselves and identify those who are with them in proximity to the virtual meeting. The District initially required all participants to use videoconference software and prohibited calling in via telephone. Only after the ACLU flagged that not all parents had access to videoconferencing technology did the District suggest it would remove this requirement. The District's proposal goes against the policies set forth in the Brown Act and the California Code of Education.

Under the Brown Act, attendees of public meetings cannot be forced to register or provide name as a condition of attendance; attendees have the right to provide testimony at any regular or special meeting; attendees may criticize policies, programs, services and procedures of the agency; and members of the public have the right to record proceedings with camera, audio or visual recorder. Cal. Gov't Code §§ 54953.3, 54953.5, 54954.3. If there are limits placed on

time for public comment, non-English speakers receive at least twice the allotted time. Cal. Gov't Code § 54954.3(b)(2). The District's proposal to restrict meeting access for parents of English Learners is contrary to the Brown Act's purpose that "the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know." Cal. Gov't Code § 54950.

Also, under the California Education Code, DELAC meetings "shall be open to the public, and any member of the public shall be able to address the council or committee during the meeting on any item within the subject matter jurisdiction of the council or committee." Cal. Educ. Code § 35147. The District has not held a DELAC meeting since January 23, 2020. However, the District's requirements for meetings with FE parents of English speakers raise concerns about the accessibility of virtual meetings. Specifically, the District must ensure that any member of the public can access the meeting and have their voice heard regardless of the platform used. In addition, "notice of the meeting shall be posted at the schoolsite, or other appropriate place accessible to the public, at least 72 hours before the time set for the meeting." Cal Educ. Code § 35147. FE parents, including members of ELACs and DELAC, have not received effective notice from the District regarding its decisions to postpone committee meetings. For example, instead of holding an end of year ELAC meeting, school officials from at least one school sent ELAC members a link to an informational video from the District's ELS office and a link to a survey for parent feedback. These links were sent without parent knowledge and, moreover, many parents were unable to access the links provided due to technological constraints.

D. Remedies Requested

For the reasons described in this UCP complaint, to comply with the law, the District must amend its policies and practices to reflect the changes below.

1. The District must review and respond to FE's petitions in support of English Learner students that were sent to the District in March 2020.²⁰ These recommendations from families of English Learners outline how the District can better facilitate learning for students who speak a language other than English and better engage families in the LCAP process.
2. The Superintendent, Board members, and District staff must meet with FE on FE's preferred platform to discuss how family and community engagement for English Learners can be improved to ensure transparent communication.
3. The District shall foster a community of teachers and administrators that are knowledgeable about child development and are culturally competent and sensitive, particularly to the needs of English Learners. To accomplish this goal:

²⁰ See Exhibit D. FE's petitions to the District in support of English Learners submitted to the Board on March 4, 2020.

- a. The District shall provide educators at all levels within the District with training about the cultural experiences of English Learners, and effective methods for engaging these students in the educational process.
 - b. The District shall provide professional development for teachers, staff and administrators in: childhood brain development; trauma-informed responses and interventions; implicit bias; mental health issues and symptoms in children; developmental and learning disabilities; and special education procedural requirements.
 - c. The District shall recruit certified one-on-one tutors for all long-term English Learners.
 - d. Every English Learner student should have an equitable individualized learning plan that the District monitors in a database for tracking English Learner progress.
 - e. The District shall hire certified counselors to provide one-on-one holistic counseling services for English Learner students.
 - f. The District shall create a club for parents with long-term English Learners.
4. The District shall have dedicated LCAP funding for programs, resources, and opportunities for English Learner students, and these programs should apply to all English Learners equally.
- a. The District shall institute bilingual or dual-language immersion programs for all schools with more than 50 English learners. EL teachers should be approved by the California Association for Bilingual Education and engage in ongoing training and professional development to better meet the needs of English Learners and their families.
 - b. English Learners should engage in daily reading programs that include intensive language development as well as instruction in literacy strategies and skills.
 - c. English Learners should have opportunities to enrich their learning outside of the classroom by engaging in cultural experiences guided by multilingual professionals.
 - d. All materials and communications from the District and schools must be sent to families in their home language using professional and effective translation services.
 - e. The District shall hire and train professional translators to assist with interpretation during Board meetings and LCAP community meetings. Interpreters should be accessible to answer questions and take notes on public comment and discussions for each agenda item.
 - f. The District shall ensure that all attendees have the opportunity to make public comments during LCAP community meetings.
 - g. The District shall coordinate with local nonprofit organizations to conduct LCAP workshops for parents and students at each school site. These workshops should be held prior to the dates of LCAP community meetings and be accessible to community members who speak a language other than English.

- h. LCAP surveys sent to families and community members to solicit feedback should include opportunities for open comments, rather than pre-filled answer options.
5. Reporting. The District will develop and implement a plan that contains strategies, objectives, and timelines to accomplish the remedies described above, and to ensure that the District complies with applicable federal and state law. The District should send a quarterly report regarding the status of each of the above points to the ACLU for the 2020-2022 academic years, then semiannually beginning in the 2022-2023 academic school year until 2027.

Sincerely,



Abre' Conner
Staff Attorney
ACLU Foundation of Northern California

Patrick Cremin
Litigation Intern
ACLU Foundation of Northern California

EXHIBIT A

[REDACTED]

From: Alex A. Lozada [REDACTED]
Sent: Tuesday, July 14, 2020 7:32 AM
To: Abre' Conner
Cc: Patrick Cremin; Isela Bravo; Mary Beth de Goede; Bob Nelson (Bob.Nelson@fresnounified.org); keshia.thomas@fresnounified.org; Sandra A. Huizar
Subject: Re: Fresno Unified School District / Public Records Act Request [AALRR-Cerritos.005801.00303]

Correct.

On Jul 10, 2020, at 6:57 AM, Abre' Conner <aconner@aclunc.org> wrote:

Thank you,

To be clear, does this mean the Board policies, Board presentations, and budget information are not available in Spanish? I reviewed the documents that were sent over, and wanted to confirm.

All my best

Abre'

From: Alex A. Lozada [REDACTED]
Sent: Wednesday, July 8, 2020 4:48 PM
To: Abre' Conner [REDACTED]; Patrick Cremin [REDACTED]; Isela Bravo [REDACTED]
Cc: Mary Beth de Goede [REDACTED]; Bob Nelson (Bob.Nelson@fresnounified.org) <Bob.Nelson@fresnounified.org>; keshia.thomas@fresnounified.org; Sandra A. Huizar [REDACTED]
Subject: RE: Fresno Unified School District / Public Records Act Request [AALRR-Cerritos.005801.00303]

Good afternoon,

This email responds to both of the emails you sent us on the morning of July 2, 2020 regarding your May 11, 2020 Public Records Act request. I've included a Sharefile link that you can use to access all of the documents that are available in Spanish. <https://aalrr.sharefile.com/d-s6da529bd9d64207b>. Please let us know if you have any difficulty opening the documents.

[REDACTED]

From: Abre' Conner [REDACTED]
Sent: Thursday, July 02, 2020 8:20 AM
To: Sandra A. Huizar
Cc: Mary Beth de Goede; Alex A. Lozada; Isela Bravo; Bob Nelson (Bob.Nelson@fresnounified.org);

keshia.thomas@fresnounified.org; Patrick Cremin

Subject: RE: Fresno Unified School District / Public Records Act Request [AALRR-Cerritos.005801.00303]

Good morning

Since all of these documents are public, our clients would like each of them in Spanish. If the District does not have each document accessible in Spanish, please let us know as soon as possible. Preferably by middle of next week so that we can communicate that to our clients.

All my best

Abre'

From: Sandra A. Huizar [REDACTED]
Sent: Thursday, June 4, 2020 4:57 PM
To: Abre' Conner [REDACTED]
Cc: Mary Beth de Goede [REDACTED]; Alex A. Lozada [REDACTED]; Isela Bravo [REDACTED]; Bob Nelson (Bob.Nelson@fresnounified.org) <Bob.Nelson@fresnounified.org>; keshia.thomas@fresnounified.org
Subject: RE: Fresno Unified School District / Public Records Act Request [AALRR-Cerritos.005801.00303]

Good afternoon Ms. Conner,

Attached please find the Fresno Unified School District's determination letter in response to your May 11, 2020 Public Records Act request. The District's document production may be accessed at the following link: <https://aalrr.sharefile.com/d-s7c6880cf93e4e92a>.

Thank you.

[REDACTED]
[REDACTED]
[REDACTED]

From: Abre' Conner [REDACTED]
Sent: Thursday, May 21, 2020 4:51 PM
To: Sandra A. Huizar
Cc: Mary Beth de Goede; Alex A. Lozada; Bob Nelson (Bob.Nelson@fresnounified.org); keshia.thomas@fresnounified.org; Isela Bravo
Subject: RE: Fresno Unified School District / Public Records Act Request [AALRR-Cerritos.005801.00303]

Good afternoon,

The ACLU requests that we receive these documents on a rolling basis so that we can get documents as quickly as possible. Please cc Isela Bravo, also in this email, on your responses to the ACLU.

All my best

Abre'

From: Sandra A. Huizar [REDACTED]
Sent: Thursday, May 21, 2020 4:47 PM
To: Abre' Conner [REDACTED]
Cc: Mary Beth de Goede [REDACTED]; Alex A. Lozada [REDACTED]; Bob

Nelson (Bob.Nelson@fresnounified.org) <Bob.Nelson@fresnounified.org>;
keshia.thomas@fresnounified.org

Subject: Fresno Unified School District / Public Records Act Request [AALRR-Cerritos.005801.00303]

Good afternoon Ms. Conner,

Attached please find our initial response to your Public Records Act Request of May 11, 2020. Thank you.




<image001.png>

This electronic message transmission contains information from the Firm of Atkinson, Andelson, Loya, Ruud & Romo which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying or distribution or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify us by telephone (559-225-6700) or by electronic mail immediately. Thank you.

EXHIBIT B

Fresno Unified School District
Board Communication

BC Number AS-5

From the Office of the Superintendent
To the Members of the Board of Education
Prepared by: Santino Danisi, Executive Officer
Cabinet Approval: 

Date: March 27, 2020

Phone Number: 457-3661

Regarding: Local Control and Accountability Plan Engagement and Feedback

The purpose of this communication is to provide the Board an update regarding input received and engagement opportunities in connection with the Local Control and Accountability Plan (LCAP). The attached presentation provides a full update and highlights will be briefly covered during the April 01, 2020 Board meeting.

As shared previously, engagement opportunities commence in November and run through the end of February. There were many opportunities provided for a variety of stakeholders to engage and provide input. One notable experience was the Community Engagement Workshops. Here a blend of stakeholders had an opportunity to review district data, learn of district initiatives, and provide feedback. Attendance at workshops this year doubled in participation when compared to the prior year. Attached is a categorized summary of the feedback received at the various workshops and other committee gatherings.

The LCAP survey serves as another helpful tool to gather and summarize input. Staff is pleased to report that survey participation continues to increase, with a notable improvement in the number of parents that have completed the survey. Summarized below are the top two investment priorities selected in each area by all participants:

- Goal 1 – After School Tutoring & Support Beyond the Classroom
- Goal 2 – Enrichment Trips & College Exposure Trips
- Goal 3 – Teach Job Search Skills & Career Technical Education
- Goal 4 – Mental Health Supports & Credit Recovery Opportunities

If you have any questions, or require additional information, please contact Santino Danisi at 457-3661.

Approved by Superintendent
Robert G. Nelson Ed.D.



Date: 03/27/2020

Agenda Item B-19



2020/21 Local Control and Accountability Plan Feedback

Board of Education
March 18, 2020



Outline



- ❑ Local Control and Accountability Plan (LCAP) Annual Cycle
- ❑ Stakeholder Engagement
- ❑ Stakeholder Feedback

LCAP Annual Cycle



- Engage community
- Collect feedback
- Compile results
- Inform LCAP plan as part of our strategic budget development process



- Present feedback received:
 - District Advisory Committee (DAC)
 - District English Learner Advisory Committee (DELAC)
- Create draft LCAP



- Present draft for review and comment to:
 - District Advisory Committee (DAC)
 - District English Learner Advisory Committee (DELAC)
- Respond in writing
- Invite public comment

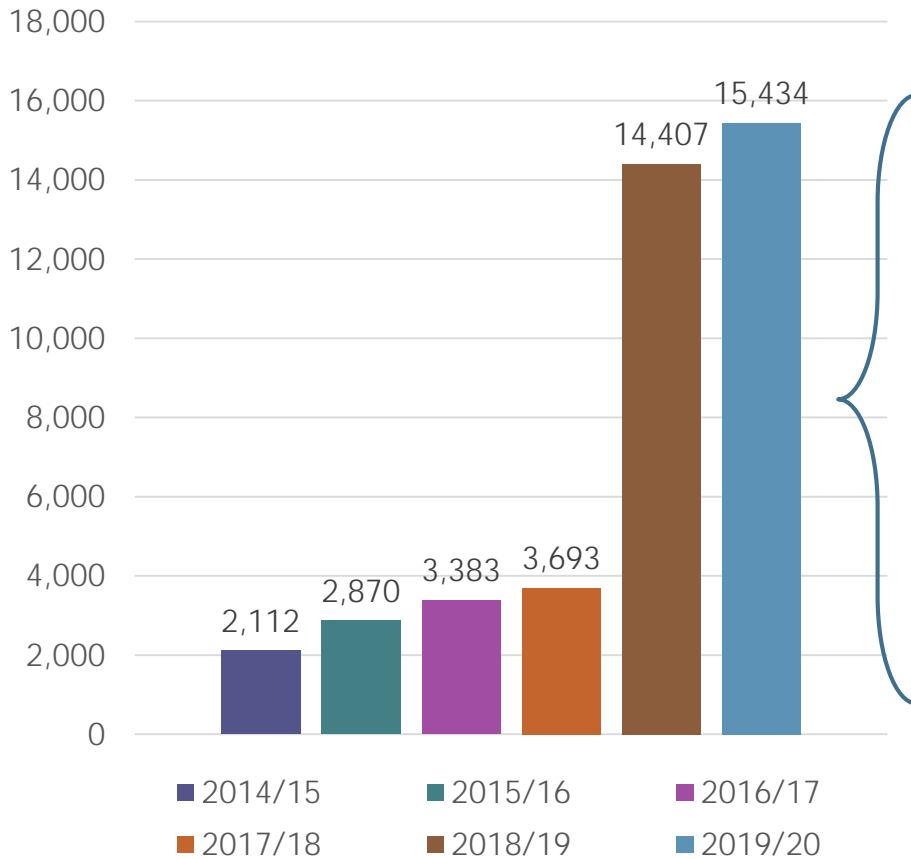


- Present Local Indicators
- Host public hearing
- Finalize draft after public comment
- Adopt LCAP concurrent with the budget
- Submit to FCSS for approval
- Post on District website

Stakeholder Engagement



Completed Surveys

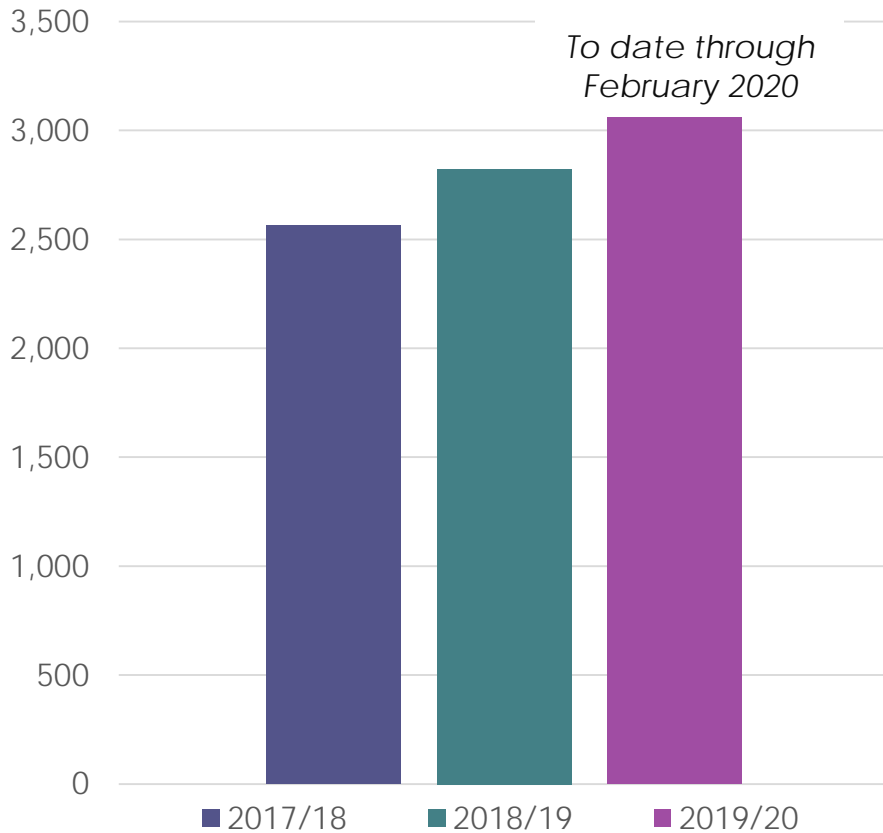


	2018/19	2019/20	% Chg
Certificated Employees	1,995	2,045	2.5%
Parent	924	2,371	156.6%
Community Member/ Partner	326	145	(55.5%)
Classified Employees	364	407	11.8%
Management or Administrators	197	239	21.3%
Student K-12	9,918	9,343	(5.8%)
Students at Fresno Adult	683	884	29.4%
Total	14,407	15,434	7.1%

Stakeholder Engagement

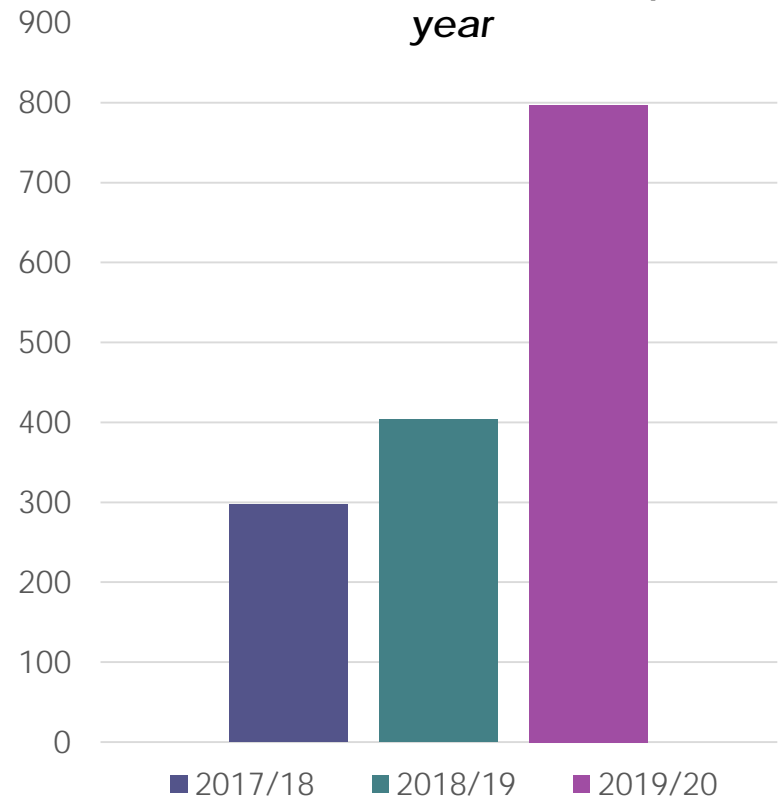


Stakeholder Participation



Community Engagement Workshops

Attendance doubled from the previous year



All Students will Excel in Reading, Writing and Math

Answer Options	Parent	Students at Fresno Adult	Classified Employees	Certificated Employees	Management or Administrators	Community Member/ Partner	Student K-12
Classroom Instructional Aide support	1,126	279	229	1,178	96	51	1,711
After school tutoring ● ★	1,352	364	257	1,132	117	65	3,691
Rigorous academic programs	859	174	129	693	94	36	1,692
Increase instructional time	495	160	75	203	59	22	609
Increase library services for students and parents	795	284	124	538	63	47	1,800
Summer/Winter learning opportunities	1,024	337	177	723	106	51	2,063
Increase professional learning for teachers	765	224	108	600	126	34	1,792
Continue reducing student/teacher class size ratio	1,139	195	222	1,665	119	42	1,926
Classroom technology ●	900	320	131	1,000	111	34	2,714
Dual Language Immersion Programs	1,110	343	153	598	93	60	1,895
Access to technology beyond the classroom ● ★	865	325	158	814	105	52	3,646
Training opportunities for FUSD employees	712	229	182	714	116	38	1,175
Support beyond the classroom ★	1,311	360	211	1,085	129	66	3,350

● Top Priorities – Foster Youth
 ★ Top Priorities – English Learners



All Students will Participate in Arts, Activities and Athletics

Answer Options	Parent	Students at Fresno Adult	Classified Employees	Certificated Employees	Management or Administrators	Community Member/ Partner	Student K-12
Funding for school clubs ●	1,213	316	217	1,235	138	73	3,799
Athletic opportunities ● ★	1,382	372	221	1,129	132	59	4,510
Visual or Performing Arts opportunities	1,307	338	235	1,509	153	68	3,824
Outside speakers/assemblies to inspire and inform	836	234	150	870	108	55	2,554
Transportation to increase student participation	857	264	167	785	119	56	2,326
College exposure trips ★	1,213	389	220	1,084	160	67	4,343
Career exposure trips	1,207	386	232	1,205	149	73	4,382
Music opportunities	1,362	346	218	1,353	145	54	3,436
Community volunteer opportunities	899	341	145	718	101	64	2,530
Free enrichment/field trips ● ★	1,495	381	257	1,480	154	86	5,226
Professional learning for teachers	899	265	129	695	89	44	1,329

● Top Priorities – Foster Youth
 ★ Top Priorities – English Learners

All Students will Demonstrate the Character and Competencies for Workplace Success

Answer Options	Parent	Students at Fresno Adult	Classified Employees	Certificated Employees	Management or Administrators	Community Member/ Partner	Student K-12
Help students navigate college applications ★	1,064	317	190	948	116	54	3,344
Link instruction and learning to real life job skills	1,044	279	190	1,134	140	53	2,788
Community and business involvement at schools	825	275	145	845	113	48	2,258
Fresno Adult School programs	870	599	126	484	76	36	1,571
Adult mentors for students ●	967	295	174	988	125	51	2,721
Professional behavior and etiquette for students	1,083	272	217	1,258	139	57	2,351
Teach job search skills ● ★	1,399	478	264	1,419	148	84	4,266
Nurture cultural sensitivity	963	239	113	663	100	42	1,512
Internships and Apprenticeship opportunities	895	256	188	1,151	128	57	2,429
Career Technical Education (CTE) ● ★	1,143	364	200	1,116	149	65	2,816
Dual enrollment	972	229	184	926	115	52	2,659
Project based or hands on learning opportunities	1,125	317	224	1,192	136	52	3,062
Civic Engagement Service-Learning Opportunities	1,000	297	154	946	132	48	1,866
Technology related skills	1,013	303	153	948	110	47	2,491

● Top Priorities – Foster Youth
★ Top Priorities – English Learners

Feedback Goal 4



All Students will Stay in School on Target to Graduate

Answer Options	Parent	Students at Fresno Adult	Classified Employees	Certificated Employees	Management or Administrators	Community Member/ Partner	Student K-12
Academic Counselor support ●	1,253	380	208	1,074	127	58	3,388
Training in conflict prevention and resolution skills	938	256	181	899	137	52	2,105
Culturally responsive discipline practices	787	231	140	775	120	51	1,330
Highlight positive student behaviors ● ★	1,331	438	245	1,298	138	57	4,061
Increase partnerships with community organizations	920	297	145	800	94	55	2,113
Peer mentoring opportunities	1,186	340	239	1,130	120	60	2,824
Campus safety supports ● ★	1,226	361	203	1,115	128	49	3,362
Social Emotional/Mental health supports	1,269	366	250	1,426	168	59	3,263
Credit recovery ★	1,379	422	219	786	116	65	4,365
Investments to improve student attendance	930	332	167	877	128	53	2,754
Bilingual school site staff	1,170	378	175	814	103	60	2,149
Relationship centered schools	754	231	145	917	139	58	2,424
Opportunities for parent involvement	1,026	289	194	904	129	43	1,675

● Top Priorities – Foster Youth
 ★ Top Priorities – English Learners



Answers written in by stakeholders

Answer Options	Responses
Academic Supports	860
Student Supports	331
Clubs & Activities	269
Improve Curriculum	222
Student Accountability	220
Athletics	212
Invest in Arts	209
Tutoring	199
Instructional Day Adjustments	174
CTE	157

Questions



Goal 1 - All Students will Excel in Reading, Writing and Math

Investment Area	Hoover	Patiño	McLane	Edison	Bullard	Fresno	Roosevelt	Sunnyside	CAC / DAC / DELAC	LCAP Student Advisory Committee
Academic Interventions	X	X	X					X		X
Additional School Site Administration								X	X	
African American Student Supports					X					
Afterschool	X		X	X	X		X	X		
Alternative Education Supports					X	X			X	
AP/IB/GATE/Magnet programs	X			X	X			X		
AVID				X				X		
Bilingual Support (Native Language)			X	X					X	
Classroom Aides				X	X	X	X	X		X
Classroom Supplies					X			X		X
Dual Immersion/Bilingual Programs	X	X	X	X	X	X	X	X	X	
Early Learning	X				X	X				
English Learner Language Support	X	X	X	X	X			X		
Extend Instructional Day			X			X	X			
Increased Lunch/Recess time					X					
Library Expansion	X			X	X		X			X
Personalized Learning Strategies							X			
Professional Learning Opportunities							X			
Project Based Learning		X					X			
Reading Comprehension	X					X	X			
Resource Teacher Support				X						
Smaller Class Sizes				X	X	X	X	X		X
Special Education Support	X		X				X	X	X	
Study Support			X							
Summer/Winter School Learning Opportunities	X				X	X	X			
Technology	X			X	X		X	X	X	
Tutoring	X	X		X	X	X	X	X	X	X

Goal 2 - All Students will Participate in Arts, Activities and Athletics □

Investment Area	Hoover	Patiño	McLane	Edison	Bullard	Fresno	Roosevelt	Sunnyside	CAC / DAC / DELAC	LCAP Student Advisory Committee
Art (Including Performing Arts)	X	X		X	X	X	X		X	
Athletics	X		X	X	X	X	X	X	X	X
Campus Culture Expansion						X		X		X
Enrichment Trips	X			X	X	X	X	X		
Involve SPED Students						X	X			
Music	X		X	X	X	X	X	X	X	
Physical Education Expansion				X			X			
School Activities & Club Resources	X		X	X		X	X		X	
Transportation	X			X	X	X	X	X	X	
Uniform/Equipment/Supply Support				X				X	X	

Goal 3 - All Students will Demonstrate the Character and Competencies for Workplace Success □

Investment Area	Hoover	Patiño	McLane	Edison	Bullard	Fresno	Roosevelt	Sunnyside	CAC / DAC / DELAC	LCAP Student Advisory Committee
Career Exposure Trips	X					X	X			
Career Technical Education	X		X		X	X	X	X		X
College Exposure Trips				X			X	X		
High School Dual Enrollment Access					X			X		
Internship/Volunteer Opportunities			X			X	X		X	
Job/Life Skill Training	X			X	X	X	X	X		X
Motivational Speakers	X		X			X	X	X		
Robotics or STEM	X		X		X	X	X			

Goal 4 - All Students will Stay in School on Target to Graduate □

Investment Area	Hoover	Patiño	McLane	Edison	Bullard	Fresno	Roosevelt	Sunnyside	CAC / DAC / DELAC	LCAP Student Advisory Committee
Adult Mentors					X	X	X	X	X	
Bullying Prevention				X		X			X	
Counselors	X			X	X	X	X	X		
Credit Recovery				X		X	X	X	X	
Culturally Responsive Practices					X	X			X	
eLearn		X								
Focus on Attendance		X			X			X		
Improve Facilities				X					X	
More Parent Engagement Opportunities/Resources	X	X		X	X	X	X	X	X	X
More Transportation				X						
Nurses (Health Services)				X						
Peer Mentoring			X		X	X	X			
Positive Student/Teacher Relationships				X						
Psychologists		X			X		X			
Safety Support	X				X	X	X			
School Wellness Centers					X					
Social Emotional Supports	X	X		X	X	X	X	X	X	
Social Workers							X	X		
Student Discipline/Restorative Practice	X				X	X		X		
Student Incentives/Motivation		X					X	X	X	

EXHIBIT C

Fresno Unified School District
Board Agenda Item

Board Meeting Date: April 01, 2020

AGENDA ITEM B-32

AGENDA SECTION: B

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Discuss

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Present and Discuss the 2020/21 Strategic Budget Development

ITEM DESCRIPTION: The 2020/21 Governor's Proposed Budget was released on January 10, 2020. The Board of Education has discussed the Governor's proposal and the potential impacts on Fresno Unified, as well as the strategic budget development process, at the following Board of Education meetings:

- January 15, 2020
- January 29, 2020
- February 12, 2020
- February 26, 2020
- March 04, 2020

On April 01, 2020, staff and the Board will continue budget development discussions including the following:

- Updated information regarding the 2020/21 Governor's Proposed Budget
- The specific impact to Fresno Unified School District
- The budget goals in connection with the Board adopted policies
- Preliminary recommendations for 2020/21 budget planning:
 - Instructional Division
 - School Leadership
 - Special Education
 - Psychological & Guidance
 - Health Services
 - Operational Services (excluding Food Services and Transportation)

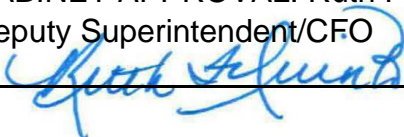
FINANCIAL SUMMARY: Not available at this time.


PREPARED BY: Kim Kelstrom
Executive Officer

DIVISION: Administrative Services
PHONE NUMBER: (559) 457-6226

CABINET APPROVAL: Ruth F. Quinto
Deputy Superintendent/CFO

SUPERINTENDENT APPROVAL:





Agenda Item B-32



2020/21 Strategic Budget Development Phase IV – Preliminary Recommendations

Board of Education
April 1, 2020



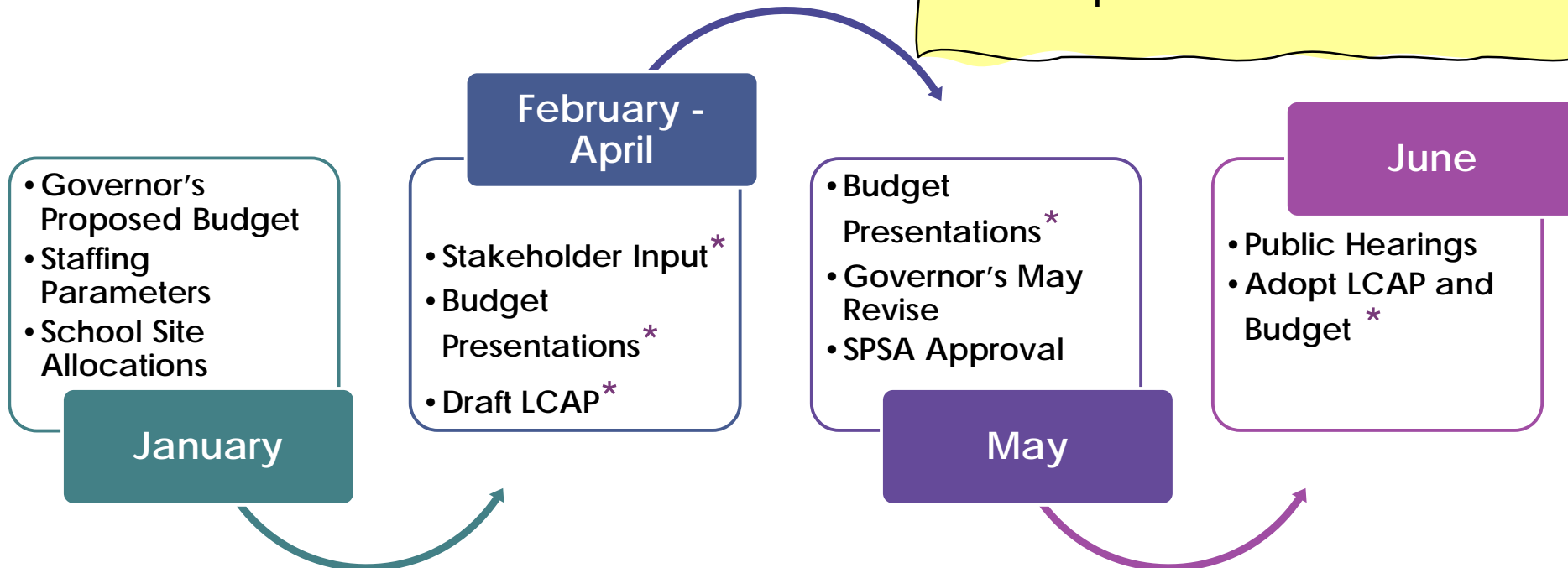
Outline

- Budget Development Timeline
- LCAP Update
- Consideration of Evolving Budget Priorities
- Department of Finance – *Budget Letter*
- Revisiting the Governor’s Proposed Budget
- 2020/21 Budget Obligated Cost Increases
- 2020/21 Strategic Budget Development – *New Considerations*
- Upcoming Discussions

Budget Development Timeline

Pandemic Conditions Impacting Budget Development:

- LCAP engagement and timeline
- Governor's May Revise may lead to significant changes
- Altered priorities and student needs



* Process and timing may be altered based on pandemic



	Certificated Employees	Parent	Community Member / Partner	Classified Employees	Management or Administrators	Student K-12	Students at Fresno Adult School	Total
2018/19	1,995	924	326	364	197	9,918	683	14,407
2019/20	2,045	2,371	145	407	239	9,343	884	15,434
% Chg	2.5%	156.6%	(55.5%)	11.8%	21.3%	(5.8%)	29.4%	7.1%

Emerging Themes:

Goal 1

- After School Tutoring
- Support Beyond the Classroom

Goal 2

- Enrichment Trips
- College Exposure Trips

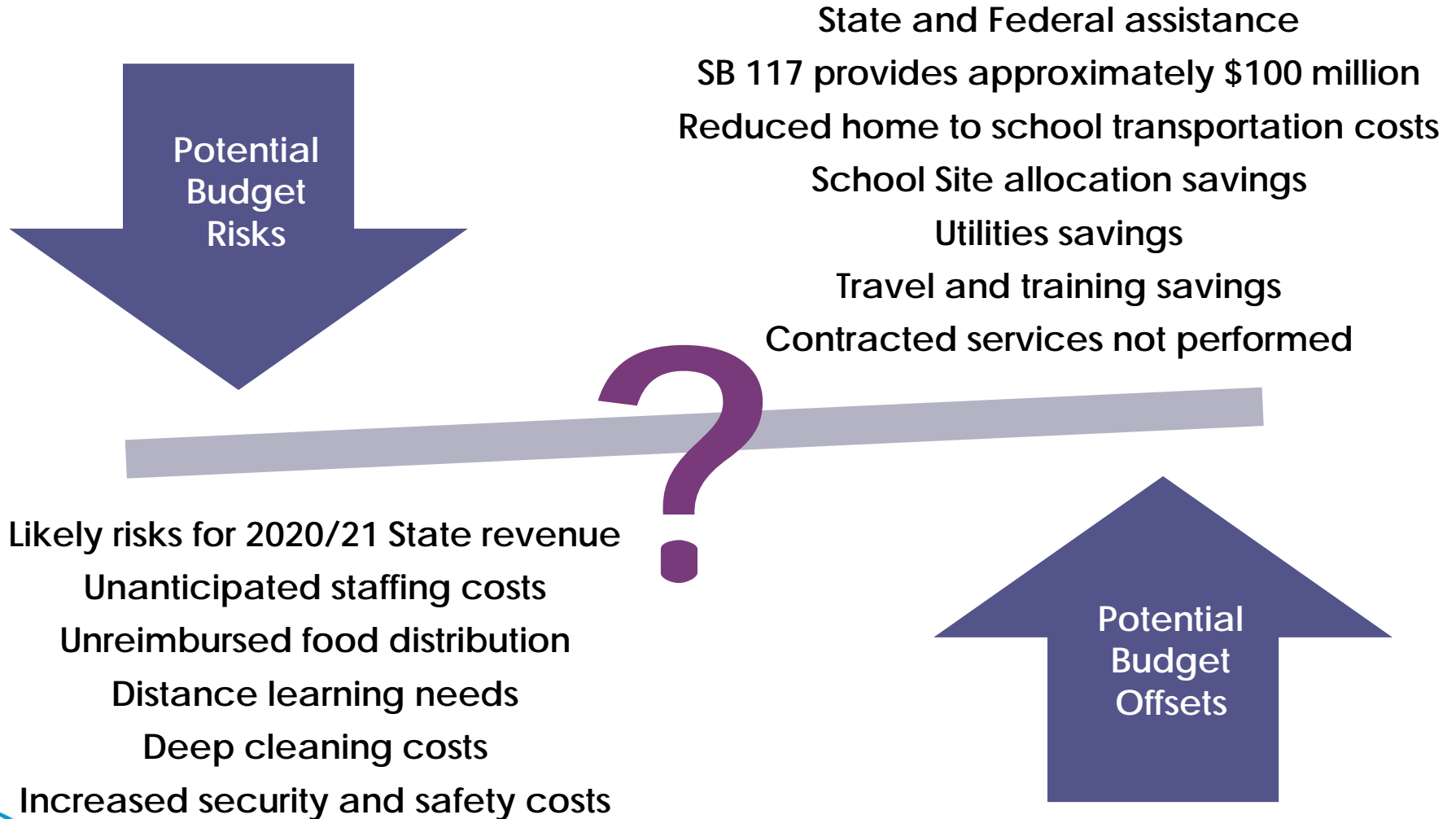
Goal 3

- Teach Job Search Skills
- Career Technical Education

Goal 4

- Mental Health Supports
- Credit Recovery Opportunities

Considering Evolving Budget Priorities



6 Department of Finance – *Budget Letter*

“Due to rapidly deteriorating economic conditions resulting from the COVID-19 pandemic, the Department of Finance now anticipates potentially significant corresponding reductions to expected revenues.

The impact on revenues could be immediate, affecting the 2019/20 fiscal year, and will certainly produce impacts for the upcoming 2020/21 fiscal year and beyond.”

*Department of Finance
March 24, 2020*



Governor's January Proposals Likely to Change (Presented to the Board January 29, 2020)

LCFF

- Proposed COLA 2.29% – \$16.4 million for 2020/21

Special Education

- Proposed 2.29% or \$900,000 for 2020/21
- Proposed base funding increase of \$88 per ADA or \$5.9 million
- Special Education Preschool one-time grant - \$2.4 million

Educator Recruitment

- Proposed \$900 million in competitive one-time grants

Community Schools

- Proposed \$300 million in one-time competitive grant

Opportunity Schools

- Proposed \$300 million in one-time funds

School Nutrition

- Increase meal rate reimbursement by \$0.085 or \$1.2 million
- Proposed funding for one-time for training



2020/21 Obligated Cost Increases

(Presented to the Board January 29, 2020)

Collective Bargaining Agreement

- Ten Additional Designated Schools
- Future Salary Increases based on contingency language
- Health Fund Contribution

Increased Contribution to CalSTRS and CalPERS

- Approximately \$8 million for 2020/21
- Approximately \$800,000 for 2021/22

9 New Considerations: Senate Bill 117 in Response to COVID-19

- Fast-tracked Senate Bill
- District Average Daily Attendance (ADA)
 - Will be based on attendance through February 29, 2020
- Emergency Appropriation \$100 million
- Extends some key reporting deadlines

New Considerations: Federal Actions

- March 4, 2020 Congress Passes Bill - \$8.3 billion
 - \$500 million to allow Medicare providers to administer tele-health services
 - \$2.2 billion for federal, state and local public health agencies
 - \$1 billion for small business loan subsidies
 - \$3 billion for the research and development of vaccines
 - \$1.6 billion for other supports
- March 18, 2020 Families First Coronavirus Response Act – Exact cost yet to be calculated
 - Covers cost of COVID-19 testing and screening for all Americans
 - Two weeks of paid sick leave for workers at companies with 500 or fewer employees
 - Maintain federal nutrition assistance, including subsidized lunches for low-income children
 - Assist states with unemployment insurance claims



New Considerations: Federal Stimulus Package

- Federal Stimulus Plan - \$2.2 trillion
- Approved by the House and Senate March 26, 2020
 - Loans and guarantees to businesses, state and local governments - \$500 billion
 - Small business loans - \$350 billion
 - Unemployment supports - \$260 billion
 - Healthcare - \$150 billion
 - Aid to state and local governments - \$150 billion
 - Direct payments to individuals – exact cost unknown
 - \$1,200 for individuals
 - \$2,400 for married couples earning less than \$150,000 per year
 - \$500 for each child
 - Tax Breaks for employers and employees

New Considerations: Federal Stimulus Package (Continued)

- ▣ Department of Homeland Security - \$45 billion
- ▣ Education - \$31 billion
 - \$13.5 billion K-12
- ▣ Coronavirus treatments - \$27 billion
- ▣ Transportation - \$25 billion
- ▣ Veterans - \$20 billion
- ▣ Food and Agriculture - \$15.5 billion
- ▣ Defense - \$10.5 billion
- ▣ Economic aid to communities - \$5 billion
- ▣ Social Programs - \$3.5 billion
- ▣ Native American communities - \$2 billion
- ▣ Diplomacy, arts, other supports - \$ 2 billion

Upcoming Budget Discussions

- April 15, 2020 and May 6, 2020
 - Department budget reviews and requests
- May 20, 2020
 - Governor's May Revise
- June 10, 2020
 - Public Hearings – LCAP and Budget
 - SPSA Approval
- June 17, 2020
 - Adoption – LCAP and Budget

Note: Awaiting guidance to LCAP process requirements and deadlines

EXHIBIT D

Peticiones para FUSD:

Meta 1:

All students will excel in reading, writing and math.

Todos los estudiantes sobresaldrán en lectura, escritura y matemáticas.

1. Que los fondos para programas de doble inmersión se alineen a la proposición 58, y se separen de cualquier fondo destinado para aprendices de inglés. Que los fondos para aprendices de inglés sean gastados únicamente en programas que realmente apoyen el éxito académico de estos estudiantes.

We ask that the funds for Dual Immersion programs are aligned with Proposition 58, and separated from the English Learners Students funds. EL students funds must be spent on programs that support English Learners students needs and academic success.

2. Acceso fácil y gratuito para padres al Plan Maestro para aprendices de Inglés. Que se imprima una copia para cada representante ELAC y para cualquier otro padre que lo pida pueda llevarlo a casa sin restricciones.

We ask for easy and free access to the English Learner's Master Plan. Every ELAC representative should have a printed copy. It should be available to any parents without restrictions.

3. Talleres de padres para explorar y entender el Plan Maestro para aprendices de inglés, el proceso de reclasificación, exámenes ELPAC y las estrategias que apoyen la reclasificación oportuna.

We ask for parent workshops to help us explore and understand the EL Master Plan, the redesignation process, ELPAC exam, and strategies to help our students redesignate as soon as possible.

4. Implementar de manera adecuada la nueva herramienta pública, Dashboard de FUSD, con un sistema claro y lenguaje sencillo que informe a todos los padres la información sobre estudiantes Aprendices de Inglés, incluyendo datos de reclasificación oportuna y estudiantes que pasan a "EL long term" por año escolar, por escuela y por grado.

Implement the new public tool, FUSD Dashboard, with a clear and simple language system that informs all parents of information about English Learners, including timely reclassification data and students who become "EL long term" by school and by grade.

4.1 La nueva herramienta debe proveer información en las diferentes lenguas reconocidas por el distrito. La información debe ser revelada de manera clara, adecuada y oportuna.

The new tool should provide information in the different languages offered by the district. The information must be disclosed in a clear, adequate, and timely manner.

5. Enviar todas las comunicaciones impresas y en el idioma materno para los hogares que no tienen computadora o acceso a la tecnología.

Print and send flyers, letters, and any other document in the appropriate student's home language, focus on those with no computer access.

6. Evitar los sustitutos por largo periodo de tiempo en los salones de clases. Si un maestro planea faltar por más de un mes en el año escolar, será necesario asignar un suplente certificado, que sea asignada una persona efectiva para el salón de clases. Así se apoyaría que los estudiantes mejoren su rendimiento académico, establezcan relaciones efectivas y se evitará que los estudiantes pierdan el sentido de pertenencia y el interés en asistir a la escuela.

Avoid long term substitutes. If a teacher will be out of the classroom for a month or longer, make sure a certified/credentialed substitute teacher could replace them. This will help our students keep up with their academic performance, will establish positive relationships and our students will not lose interest in attending school.

Meta 2

All students will engage in arts activities and athletics.

Todos los estudiantes se involucrarán en actividades artísticas y atléticas.

Meta 3

All students will demonstrate the character and competencies for workplace success.

Todos los estudiantes demostraran carácter de competencia en sus lugares de trabajo.

Crear **programas de prevención** para salud mental, asignar trabajadores sociales a que ofrezcan recursos efectivos e intervengan de manera oportuna, antes de que los estudiantes caigan en crisis.

Create mental health prevention programs, assign social workers to offer effective interventions before students go into crisis.

Meta 4

All students will stay in school, on track to graduate

Todos los estudiantes permanecerán en la escuela en camino a graduarse.

1. Que incrementen el presupuesto para estudiantes EL en un 20 % para asegurar la reducción de aprendices de inglés a largo plazo en un 50%.

Increase 20% of the funding for EL students to ensure we drop the number of long term English learners for about 50% by 2023.

2. Que se evalúen **TODOS** los programas existentes para aprendices de Inglés de manera anual, y se eliminen todos aquellos que no muestren alto rendimiento académico, al cabo de un término de tres años.

We ask for an annual evaluation of the existing programs. Monitor for three years and remove the ones that are not showing great success.

3. Asegurar la implementación del Plan Maestro de Aprendices de Inglés en cada sitio escolar. Que los resultados de cada escuela reflejen el presupuesto y las necesidades de los ELL para asegurar el éxito académico de los estudiantes en los estándares académicos, CCSS.

To ensure the implementation of EL Master Plan in every school site. We would like for all schools to provide parents with the number or reclassified students aligned with the budget allocated for EL students, to ensure academic success and that they are meeting CCSS.

4. Que el distrito permita el involucramiento transparente y genuino de padres en la educación de sus hijos, que FUSD permita a los padres la libertad de elegir los programas y escuelas que mejor beneficien a sus hijos.

Allowing transparent and genuine parent involvement. Allowing parents to choose the best schools and programs to better fit their children's needs.

5. Tutoría especializada, maestros certificados para estudiantes que han caído como aprendices de inglés a término largo.

Personalized tutoring, with certified teachers, for ALL long term English Learners.

5.1 Que se desarrolle un plan de acción individualizado por cada estudiante aprendiz de inglés de largo plazo, donde se monitoree el rendimiento y el cumplimiento de las metas, además de que anime a participar de dicho monitoreo.

Develop a student individualized plan for each long term EL students, including monitoring academic achievement and goals, and encouraging parent participation.

6. Que FUSD permita y anime la participación de padres en el desarrollo de las metas de los próximos años.

Allow and encourage parents to participate in the development of the next FUSD goals for next academic school years.

7. Permitir a los padres la elección de talleres impartidos por organizaciones comunitarias no lucrativas. Organizaciones que velen por los intereses y de los estudiantes y no por los intereses del FUSD.

Allow parents to choose workshops offered by non-profit organizations or community based organizations. These organizations will need to look after the interests of the students and their families.

EXHIBIT E

----- Forwarded message -----

De: **Sandra Toscano** <Sandra.Toscano@fresnounified.org>

Date: mar., 14 de abr. de 2020 a la(s) 11:37

Subject: RE: En espera de reunión con ELS departament, FUSD

To: FE FRESNO Familias Empoderadas [REDACTED]

Cc: Bob Nelson <Bob.Nelson@fresnounified.org>, Veva Islas <Veva.Islas@fresnounified.org>, Valerie Davis <Valerie.Davis@fresnounified.org>, Claudia Cazares <Claudia.Cazares@fresnounified.org>, Elizabeth Jonasson Rosas <Elizabeth.Jonasson.Rosas@fresnounified.org>, Kim Mecum <Kim.Mecum@fresnounified.org>, Carlos Castillo <Carlos.Castillo@fresnounified.org>, Santino Danisi <Santino.Danisi@fresnounified.org>

Familias Empoderadas,

Gracias por compartir inquietudes y preguntas de la comunidad! Tengo una reunión programada con usted el 30 de abril como se me pidió. Santino Danisi y yo planeamos estar presentes en la reunión, estábamos esperando la confirmación de la hora (9:00 o 9:30). Podemos tratar de tenerlo antes, 20 o 23 de abril si eso funciona mejor para todos ustedes. Mientras tanto, estaré trabajando en nuestro plan para responder a los artículos que enumeró en su mensaje. Gracias de nuevo por sus comentarios!

Empowered Families,

Thank you for sharing concerns and questions from the community! I have a scheduled meeting with you on April 30 as requested. Santino Danisi and I planned to be present at the meeting, we were waiting for confirmation on the time (9:00 or 9:30). We can try to have it earlier on April 20 or 23 if that works best for you all. Meanwhile, I will be working on our plan to address the items you listed below. Thanks again for your feedback!



Preparing Career Ready Graduates

Sandra Toscano

Assistant Superintendent

English Learner Services

[REDACTED]

[REDACTED]

[REDACTED]

From: FE FRESNO Familias Empoderadas <[REDACTED]>
Sent: Sunday, April 12, 2020 5:05 PM
To: Sandra Toscano <Sandra.Toscano@fresnounified.org>
Cc: Bob Nelson <Bob.Nelson@fresnounified.org>; Veva Islas <Veva.Islas@fresnounified.org>; Valerie Davis <Valerie.Davis@fresnounified.org>; Claudia Cazares <Claudia.Cazares@fresnounified.org>; Elizabeth Jonasson Rosas <Elizabeth.Jonasson.Rosas@fresnounified.org>
Subject: En espera de reunión con ELS departament, FUSD

CAUTION: Think before you click! This email originated from outside of Fresno Unified School District.

Sra Toscano,
Departamento de ELS del Distrito Unificado de Fresno, FUSD

Por medio de la presente hacemos de su conocimiento las preocupaciones y dudas que familias con estudiantes aprendices de inglés en el Distrito de Fresno, tienen ante tanta incertidumbre en FUSD.

Cabe mencionar que en la última reunión de la mesa directiva de FUSD, Abril 1, 2020 no se habló de un plan de acción claro para los estudiantes aprendices de inglés, esto es muy alarmante, ya que como sabe, esta categoría de estudiantes son los más bajos en los estándares estatales, CCSS. Lo que es peor aún, los estudiantes aprendices de inglés a largo plazo perderán grandes oportunidades para su éxito académico, si no reciben ayuda oportuna. Por tal razón, exigimos que el Distrito implemente un plan de acción rápido y adecuado para estos estudiantes.

Así mismo, hacemos un llamado de atención para que FUSD, provea traducción acorde y de calidad en los diferentes idiomas reconocidos por el Distrito, con personal que sepa sobre los temas de discusión y que se presenten las traducciones, durante las reuniones, de los materiales impresos presentados por los departamentos de FUSD ante la mesa directiva.

A Continuación hay una lista de preocupaciones y sugerencias que fueron colectados de familias con estudiantes aprendices de inglés, y que piden su inmediata resolución.

Problemática	Detalles	Solución
Comunicaciones	FUSD está comunicándose por teléfono en el idioma inglés a familias que no hablan inglés	Que FUSD se comunique en el idioma materno del hogar
No comunicación en absoluto	Familias sin acceso al internet no han recibido noticias de FUSD desde el cierre de las escuelas.	Que FUSD se comunique en el idioma materno del hogar, por el medio del tel o correo regular
Problemas para acceder a los programas/recursos	Existen muy pocos recursos en línea y ningún recurso	Que maestros y personal bilingüe

	impreso para familias con estudiantes aprendices de inglés. Esto obstaculiza el aprendizaje de estudiantes EL.	colaboren para implementar nuevos recursos dirigidos exclusivamente a estudiantes EL.
Problemas de familias con estudiantes EL adquiriendo la información de acceso para iReady, Clever, y otros recursos en línea ofrecidos por FUSD	Estudiantes y padres, están teniendo problemas con nombres de usuario y contraseñas de acceso que fueron creadas por FUSD.	Que FUSD ofrezca apoyo para recuperar esta información.
Programas de recuperación o tutoría	NO hay un plan de acción adecuado para estudiantes que necesitan ayuda para recuperar sus créditos	Que FUSD ofrezca tutoría especializada en línea.
Estudiantes presentarán exámenes a libro abierto	Los resultados de estos exámenes a libro abierto no reflejaran aprendizaje real de los estudiantes, más bien serán el resultado de copiar lo que está en los textos.	Que FUSD ofrezca plan de estudio y tutorías en línea.

Cabe mencionar también que seguimos esperando ya más de 30 días para una reunión con usted y su departamento. No podemos dejar pasar más tiempo, ya que estos son asuntos urgentes. Tenemos las fechas tentativas para lunes abril 20 o jueves abril 23, entre 9 am y 1 pm, esperamos que algún horario funcione para ustedes.

Nos despedimos de usted, esperando una respuesta oportuna.

Respetuosamente,

Familias con estudiantes aprendices de inglés & Familias Empoderadas

EXHIBIT F

[REDACTED]

From: Abre' Conner

Sent: Thursday, April 30, 2020 1:53 PM

To: Santino Danisi <Santino.Danisi@fresnounified.org>; Sandra Toscano <Sandra.Toscano@fresnounified.org>; Vanessa Ramirez1 <Vanessa.Ramirez1@fresnounified.org>

Cc: Mary Beth de Goede [REDACTED] FE FRESNO Familias Empoderadas

[REDACTED]; Luis Ojeda [REDACTED]

Subject: Follow-up to District no-show for meeting with Familias Empoderadas

Dear District staff:

As you know, you are obligated to ensure that parents, students, and community members can engage in the LCFF process under law. Additionally, it is your obligation to create a safe and welcoming environment for students under the California Education Code. The actions of staff up until this point regarding allowing parents, particularly Familias Empoderadas, to engage with the LCAP and LCFF process contradicts the basic principles of LCFF regulations. As you are aware, the District worked with CDE in the past because it did not meet its basic LCFF obligations after the ACLU tried to ensure that the District properly engaged with this process. We hope that the District is not actively working against parents' needs. It is our understanding that this parent group sent you a zoom link multiple times for a meeting this morning. The District literally refused to use the link that many parents already had access to. This meeting has been pushed off for nearly five months. We hope that the District can ensure that it uses Familias Empoderadas link moving forward and expeditiously.

Thank you for your cooperation in advance and please let us know your response. I have copied Mary Beth so that we are all on the same page that the ACLU is not contacting District staff without her knowledge.

All my best,

Abre' Conner
Staff Attorney
ACLU Foundation of Northern California

EXHIBIT G



Northern
California

June 5, 2020

Page 1

Mary Beth de Goede
Atkinson, Andelson, Loya, Ruud & Romo
10 River Park Place East, Suite 240
Fresno, California 93720

Sent via email

Re: Response to the District's correspondence on May 21, 2020

Dear Ms. de Goede:

Familias Empoderadas ("FE") has continuously battled to have their voices heard with Fresno Unified School District ("District") and your most recent email unfortunately follows this same pattern. For at least six months, the District has demonstrated a lack of professionalism and respect towards FE parents. The District has continuously failed to conduct meaningful engagement in its LCAP process, as required by statute.¹ Additionally, it is the district's obligation to create a safe and welcoming environment for students under the California Education Code. As discussed in previous correspondence, the actions of district staff to this point regarding allowing parents, particularly Familias Empoderadas, to engage with the LCAP and LCFE process contradicts the basic principles of LCFE regulations. Specifically, by refusing to use FE's preferred Zoom link, the District's latest proposal fails to provide a welcoming setting in which parents can meaningfully engage with the District to meet student needs.

The District has not given any viable reason for why FE's link cannot be used to help facilitate meaningful participation for parents regarding the LCAP process. As stated in previous emails and by phone with the District, FE still requests using their own Zoom link for meetings with FUSD to ensure that the District meets LCAP requirements. FE believes that if the District really wants to listen and support the needs of parents, it will agree to meet in a setting where parents feel comfortable and confident that their participation will be genuine and valued.² FE has continuously explained that it wants to hold a public meeting with the Federal & State

¹ Cal. Educ. Code §§ 52062-52063.

² Cal. Educ. Code § 52060(d)(3)(B) ("Family engagement may include, but need not be limited to, efforts by the school district and each individual schoolsite to apply research-based practices, such as welcoming all families into the school community, engaging in effective two-way communication, supporting pupil success, and empowering families to advocate for equity and access. Family engagement may include, but need not be limited to, treating families as partners to inform, influence, and create practices and programs that support pupil success and collaboration with families and the broader community, expand pupil learning opportunities and community services, and promote civic participation.").

Department of the District that involves Board members. FE also wants to make sure the District includes parent comments and suggestions on the LCAP before it is approved. The District has not demonstrated authentic and transparent involvement in parent engagement, which is why FE has continued to host meetings for participants and affiliates of this parent group. Because FE would like to meet with parents, students, and the District soon given the conversations regarding remote learning and LCAP, FE requests to use its link so that this can happen as quickly as possible.

FE has conducted previous meetings using its own Zoom link with Fresno Unified and Board member staff without complications. FE has conducted a number of meetings regarding the District's LCAP and English learner issues. FE has also taken steps to ensure greater security on its Zoom meeting platform. As you may know, this can vary from Zoom platform to platform. Because purchasing privacy rights on Zoom can mitigate security concerns, FE purchased a Zoom account in March to ensure privacy and protect community information. The District has not once addressed the possible security threats it could be putting those parents in by forcing them to use a District Zoom link. Indeed, it is known that these links already collect additional surveillance data and the District's rigidity will continue to harm vulnerable populations where security is not a preference but a necessity.

FE also requests that all meetings be public and accessible to all parents.³ The District's proposal that every meeting participant use videoconference software, and that no participant may call in via telephone only, limits those parents in need who do not have the necessary electronics or technology to meet these requirements. This is why FE's Zoom link is a better option.

Schools that provide parent empowerment and advocacy programs help ensure that parents are able to advocate for their children and that their voices are valued in making decisions about their children's education. When well implemented, these types of programs have an impact on parental behaviors that support their children's learning.⁴

Although FE is willing to collaborate with the District to resolve issues of transparency and accountability, we reserve the right for further legal options if the District continues to restrict the LCAP process.

³ Cal. Educ. Code § 52060(g) ("The governing board of a school district shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents, and pupils in developing a local control and accountability plan."); *see also* Every Student Succeeds Act § 1116(a)(1) (requiring that local educational agencies conduct outreach to all parents and family members and implement programs, activities, and procedures for the involvement of parents and family members).

⁴ Gándara, P., with Zárate, M.E. (2014). Seizing the Opportunity to Narrow the Achievement Gap for English Learners: Research-based Recommendations for the Use of LCFF Funds. The Civil Rights Project/Proyecto Derechos Civiles. <https://civilrightsproject.ucla.edu/research/k-12-education/language-minority-students/seizing-the-opportunity-to-narrow-the-achievement-gap-for-english-learners-research-based-recommendations-for-the-use-of-lcff-funds-1/crp-seizing-opportunity-achievement-gap-el-2014.pdf>; Ordoñez-Jasis, R., & Jasis, P. (2011). Mapping literacy, mapping lives: Teachers exploring the sociopolitical context of literacy and learning. *Multicultural Perspectives*, 13(4), 189-196.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abre' Conner', written in a cursive style.

Abre' Conner
Staff Attorney for the American Civil
Liberties Union Foundation of Northern California

Patrick Cremin
Litigation Intern for the American Civil
Liberties Union Foundation of Northern California

CC:

Ruthie Quinto, Fresno Unified School District
Santino Danisi, Fresno Unified School District
Sandra Toscano, Fresno Unified School District
Vanessa Ramirez, Fresno Unified School District
Alex A. Lozada, Atkinson, Andelson, Loya, Ruud & Romo
Sandra A. Huizar, Atkinson, Andelson, Loya, Ruud & Romo