


BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
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## MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office  
Anne Pearson, Deputy City Attorney, Office of the City Attorney  
John Arntz, Director, Department of Elections  
LeeAnn Pelham, Executive Director, Ethics Commission  
Maria Su, Director, Children, Youth and Their Families

FROM: Victor Young, Assistant Clerk, Rules Committee   
Board of Supervisors

DATE: May 31, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED  
November 8, 2022 Election

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The Board of Supervisors' Rules Committee has received following Charter Amendment for the November 8, 2022, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.4.

**File No. 211286 Charter Amendment - Student Success Fund  
Charter Amendment (First Draft) to amend the Charter of the City and  
County of San Francisco, to establish the Student Success Fund under  
which the Department of Children, Youth, and Their Families will provide  
grants to schools in the San Francisco Unified School District to implement  
programs that improve academic achievement and social/emotional  
wellness of students; and to require an annual appropriation in a  
designated amount to the Fund based on a calculation of the City's excess  
Educational Revenue Augmentation Fund allocation in specified fiscal  
years; at an election to be held on November 8, 2022.**

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office  
Patrick Ford, Ethics Commission

Michael Canning, Ethics Commission



# City and County of San Francisco

## Master Report

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 220639      **File Type:** Charter Amendment      **Status:** 30 Day Rule

**Enacted:** \_\_\_\_\_ **Effective:** \_\_\_\_\_

**Version:** 1      **In Control:** Rules Committee

**File Name:** Charter Amendment - Student Success Fund      **Date Introduced:** 05/24/2022

**Requester:** \_\_\_\_\_ **Cost:** \_\_\_\_\_ **Final Action:** \_\_\_\_\_

**Comment:** \_\_\_\_\_ **Title:** Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco, to establish the Student Success Fund under which the Department of Children, Youth, and Their Families will provide grants to schools in the San Francisco Unified School District to implement programs that improve academic achievement and social/emotional wellness of students; and to require an annual appropriation in a designated amount to the Fund based on a calculation of the City's excess Educational Revenue Augmentation Fund allocation in specified fiscal years; at an election to be held on November 8, 2022.

**Sponsors:** Ronen; Melgar, Walton, Safai, Mar and Preston

### History of Legislative File 220639

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	05/24/2022	ASSIGNED UNDER 30 DAY RULE	Rules Committee	06/23/2022	

1 [Charter Amendment - Student Success Fund]

2

3 **Describing and setting forth a proposal to the voters at an election to be held on November**  
4 **8, 2022, to amend the Charter of the City and County of San Francisco, to establish the**  
5 **Student Success Fund under which the Department of Children, Youth, and Their Families**  
6 **will provide grants to schools in the San Francisco Unified School District to implement**  
7 **programs that improve academic achievement and social/emotional wellness of students;**  
8 **and to require an annual appropriation in a designated amount to the Fund based on a**  
9 **calculation of the City’s excess Educational Revenue Augmentation Fund allocation in**  
10 **specified fiscal years.**

11

12 Section 1. Findings.

13 (a) This Charter amendment shall be known as “Back On Track - Student Success  
14 Fund Charter Amendment.”

15 (b) As we emerge from the COVID-19 pandemic, students in the San Francisco  
16 Unified School District (the “District”) are experiencing a greater need for an integrated  
17 academic and social/emotional learning and support system to succeed in school. Current  
18 conditions in the District’s schools, exacerbated by the pandemic and persistent funding  
19 constraints, have resulted in too many students struggling in core academic subject areas, with  
20 many testing below grade level, experiencing unmet mental health challenges, and/or facing out-  
21 of-school barriers to learning, including pervasive poverty. Moreover, there are high rates of  
22 staff turnover and staff absences, making matters worse for already chronically understaffed  
23 schools. Many schools lack robust enrichment activities, such as arts, music, and sports, that  
24 educate the entire mind and body. Every year we face further educator flight and enrollment loss  
25 in our public school system.

1 (c) This Charter amendment aims to assist students to reach grade-level proficiency  
2 in core academic subjects, allow every school the chance to have top-notch enrichment  
3 programs, reduce staff turnover and understaffing in the schools, and ultimately increase  
4 enrollment in the District. The Student Success Fund will allow school sites to come together  
5 with their local community stakeholders—parents, educators, administrators, and school-site-  
6 based community organizations—to address the challenges identified above and center  
7 supportive programming on the distinctive needs of their students. To create this supportive  
8 learning environment, the range of interventions may include academic intervention  
9 programming, extracurricular tutoring, arts and culture courses and programs, social/emotional  
10 support staff, and/or programs that address the basic needs of families facing poverty. Schools  
11 demonstrating low academic achievement will be prioritized for this funding. Indicators that  
12 demonstrate low academic achievement will come from State and District ratings.

13 (d) The City intends to work in close partnership with the Board of Education and the  
14 District to ensure support, coordination, and collaboration between the District and City  
15 departments serving children and families. The implementation of the Student Success Fund will  
16 serve to accomplish this partnership in service of children and their families.

17  
18 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City  
19 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of  
20 the City and County by adding Section 16.131, to read as follows:

21 NOTE: **Unchanged Charter text and uncodified text** are in plain font.  
22 **Additions** are *single-underline italics Times New Roman font*.  
23 **Deletions** are ~~*strike-through italics Times New Roman font*~~.  
24 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Charter  
25 subsections.

**SEC. 16.131. STUDENT SUCCESS FUND.**

1           (a) **Establishment of Fund.** There is hereby established the Student Success Fund  
2 ("the Fund") to be administered by the Department of Children, Youth, and Their Families, or  
3 any successor agency. Monies therein shall be expended or used solely by the Department,  
4 subject to the budgetary and fiscal provisions of the Charter, for the purposes set forth in this  
5 Section 16.131.

6           (b) **Purposes of Fund.** The purpose of the Fund is to accomplish grade-level success  
7 in core academic subjects and achieve social/emotional wellness for all District students. One  
8 model to achieve the purposes of this Fund is the community school approach that has been  
9 implemented across the country with proven outcomes in academic achievement and student  
10 success. Under this model, families and educators work together with school administrators in  
11 determining strategies to serve students who are struggling at their schools, and integrate actors  
12 inside and outside of the schools, such as City departments and community-based organizations,  
13 to meet student and family needs in order to increase student success and equity in and among  
14 schools. To help students succeed in the classroom, this model may include extra tutoring or  
15 other academic support, social/emotional interventions, strategies to address persistent poverty  
16 and trauma, or support for families to secure stability. Many of these needs can be met within  
17 the school by District educators and support staff including but not limited to school nurses, in-  
18 classroom tutors, literacy and math specialists, academic coaches, social workers, specialized  
19 curriculum, and school psychologists. Other interventions can be achieved with the assistance  
20 of community-based organizations and/or City departments including but not limited to  
21 programs and assistance to alleviate the impacts of poverty, after-school programming,  
22 therapeutic arts and culture programming, and summer school. The Fund is born of a belief that  
23 students, parents, educators, and staff of community-based organizations at individual schools  
24 are the best situated to determine the direct interventions and programming that are necessary to  
25 help all students achieve academic success and social/emotional wellbeing at their school. The

1 Fund is also born of a belief that it takes a village to successfully educate students, and the  
2 involvement of more caring adults to help students overcome challenges is a benefit to their  
3 ultimate success.

4 (c) **Definitions.**

5 “Department” shall mean the Department of Children, Youth, and Their Families, or any  
6 successor agency.

7 “District” shall mean the San Francisco Unified School District.

8 “Eligible School” shall mean a school in the District serving students at one or more  
9 grade levels from transitional kindergarten through 12th grade. The Board of Supervisors may,  
10 by ordinance, or the Department may, by regulation, establish criteria or prerequisites for  
11 Eligible Schools to receive grants from the Fund. If there is any conflict between an ordinance  
12 and a regulation under the preceding sentence, the ordinance shall prevail.

13 “Excess ERAF” shall mean the amount of remaining Educational Revenue Augmentation  
14 Fund monies allocated to the General Fund in a fiscal year under California Revenue and  
15 Taxation Code Section 97.2(d)(4)(B)(i)(III), as that provision may be amended from time to time.

16 “School Site Council” shall mean a council established under California Education  
17 Code Section 52852, as that provision may be amended from time to time. The Board of  
18 Supervisors may enact ordinances modifying the meaning of the term School Site Council for the  
19 purpose of this Section 16.131, provided that the ordinance must require participation by  
20 parents, students, community members, and school staff.

21 (d) **Annual Appropriations to the Fund.**

22 (1) In Fiscal Year 2023-2024, the City shall appropriate \$22.5 million to the  
23 Fund (an amount that is equivalent to 6% of the anticipated value of Excess ERAF for Fiscal  
24 Year 2023-24, as projected by the Controller on June 1, 2022). In Fiscal Year 2024-2025, the  
25 City shall appropriate \$45 million to the Fund (an amount that is equivalent to 12% of the

1 anticipated value of Excess ERAF for Fiscal Year 2024-25, as projected by the Controller on  
2 June 1, 2022). In Fiscal Year 2025-2026, the City shall appropriate \$70 million to the Fund (an  
3 amount that is equivalent to 18% of the anticipated value of Excess ERAF for Fiscal Year 2025-  
4 26, as projected by the Controller on June 1, 2022).

5 (2) In each year from Fiscal Year 2026-2027 through Fiscal Year 2048-2049,  
6 the City shall appropriate to the Fund an amount equal to the prior year's appropriation,  
7 adjusted by the percentage increase or decrease in aggregate discretionary revenues, as  
8 determined by the Controller, based on calculations consistent from year to year, except as  
9 provided in subsection (c)(3). In determining aggregate City discretionary revenues, the  
10 Controller shall only include revenues received by the City that are unrestricted and may be  
11 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

12 (3) Notwithstanding any other provision in this Section 16.131, the City may  
13 freeze appropriations to the Fund for any fiscal year after Fiscal Year 2025-2026 at the prior  
14 year amounts when the City's projected budget deficit for the upcoming fiscal year at the time of  
15 the March Joint Report or March Update to the Five Year Financial Plan as prepared jointly by  
16 the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst  
17 exceeds \$200 million, adjusted annually beginning with Fiscal Year 2023-2024 by the  
18 percentage increase or decrease in aggregate City discretionary revenues, as determined by the  
19 Controller, based on calculations consistent from year to year. In any such fiscal year, the City  
20 also may in its discretion appropriate to the Fund an amount less than the amount required by  
21 subsection (d)(2), provided that the City must appropriate at least \$25 million to the Fund in  
22 each such fiscal year.

23 (4) If, at any election after November 8, 2022, the voters of the City enact a  
24 special tax measure that dedicates funds for the purposes described in this Section 16.131, the  
25 City may reduce the amount of appropriations in subsections (d)(2) and (d)(3) in any subsequent



1 fiscal year by the amount of special tax revenues that the City appropriates for those purposes in  
2 that fiscal year.

3 (5) Reserve Account.

4 (A) The Controller shall establish a separate reserve account in the  
5 Fund to facilitate additional appropriations and expenditures during fiscal years described in  
6 subsection (d)(3). In any fiscal year described in subsection (d)(3), the City may appropriate  
7 and expend funds from the special reserve account for the purposes permitted by this Section  
8 16.131, provided that the total amount expended from the Fund in any fiscal year shall not  
9 exceed the amount set forth in subsection (d)(2).

10 (B) At the end of each fiscal year, the Controller shall deposit in the  
11 separate reserve account any monies that were appropriated to the Fund under subsection (d)(1)  
12 or (d)(2) but that remain uncommitted, provided that the amount in the separate reserve account  
13 shall not exceed \$25 million. The Controller shall return to the General Fund any additional  
14 monies in the Fund that remain uncommitted.

15 (6) If the Controller reports to the Mayor and the Board of Supervisors in  
16 any fiscal year after Fiscal Year 2025-2026 that the Controller anticipates the annual  
17 appropriation to the Fund under subsection (d)(2) will exceed 18% of the value of Excess ERAF  
18 in that fiscal year, the Board of Supervisors or a committee of the Board shall hold a public  
19 hearing to evaluate the sources of revenues from which the next biennial budget will make the  
20 required appropriations to the Fund.

21 (e) Uses of the Fund to Support Community Schools. Each fiscal year, the  
22 Department shall invite Eligible Schools to apply for grant funding to support academic  
23 achievement and social/emotional wellness of students. The Department shall establish, or the  
24 Board of Supervisors may establish by ordinance, a simple and accessible grant funding process.

1 If there is any conflict between any ordinance and a regulation adopted under the preceding  
2 sentence or under any other provision in this subsection (d), the ordinance shall prevail.

3 (1) Criteria: The Department shall adopt criteria, and the Board of  
4 Supervisors may adopt criteria by ordinance, establishing the qualifications for Eligible Schools  
5 to receive grant funding. At minimum, to receive a Student Success Grant under subsection  
6 (d)(2), each Eligible School must meet the following criteria:

7 (A) The Eligible School must have a School Site Council that has  
8 endorsed the Eligible School's grant funding proposal and has committed to implementing the  
9 programs funded by the grant.

10 (B) The Eligible School must have a full-time Community School  
11 Coordinator, or must plan to hire and in fact hire a Community School Coordinator, who will  
12 serve in a leadership role working alongside the Eligible School's principal in implementing the  
13 grant and ensuring that the programs funded by the grant integrate with and enhance the  
14 Eligible School's academic and other programming. If there is a program at the Eligible School  
15 that provides on-site services and support for students, including without limitation an after-  
16 school, Beacon, or other program, the Community School Coordinator must fully integrate the  
17 programs so they work together to enhance the academic learning that happens during the  
18 regular school day. The Community School Coordinator must also be a member of the School  
19 Site Council.

20 (C) The Eligible School must agree to coordinate with City  
21 departments and with the District's administration to ensure that all resources, strategies, and  
22 programs at the Eligible School best serve students. If the Eligible School implements initiatives  
23 that advance the community school model but are not funded by a grant under the Fund (for  
24 example, but without limitation, Beacon, ExCEL, or Promised Neighborhoods programs, or  
25 other partnerships with community-based organizations), then the Eligible School must

1 demonstrate to the Department how programs supported by the grant will coordinate with, align  
2 with, and share leadership with those other initiatives.

3 (2) Student Success Grants: The Department shall provide a Student Success  
4 Grant to each Eligible School that the Department determines is capable of successfully  
5 implementing a community school model based on the school's application. The Department  
6 may determine the amount of each Student Success Grant based on criteria adopted by the  
7 Department, or by the Board of Supervisors by ordinance, which may include but need not be  
8 limited to the number of students attending the Eligible School; the number of students at the  
9 Eligible School who are English language learners, foster youth, eligible for free or reduced-  
10 price meals, or otherwise vulnerable or underserved; and the types of programs that will be  
11 funded by the grant. The Department may determine the amount of each grant, up to a maximum  
12 amount of \$1 million.

13 (3) Technical Assistance Grants: If the Department determines that an  
14 Eligible School does not have the organizational capacity to implement a community school  
15 model in the next fiscal year, the Department may award that Eligible School a Technical  
16 Assistance Grant, which shall be a grant to provide technical assistance or peer-to-peer  
17 counseling to the school and its School Site Council to assist the school and its School Site  
18 Council to gain the skills and capacity to apply for additional grants in future fiscal years.

19 (4) Restrictions on Uses of Student Success Grants and Technical Assistance  
20 Grants: Eligible Schools may not use Student Success Grants or Technical Assistance Grants to  
21 pay for positions or programs that were cut or eliminated by the District in the two fiscal years  
22 prior to the grant award as a result of funding shortages, unless the Eligible School  
23 demonstrates in its grant application that the positions or programs were cut or eliminated in  
24 response to decreases in State or federal funding for the District. Eligible Schools also may not  
25

1 use Student Success Grants or Technical Assistance Grants to pay for positions or programs that  
2 are otherwise funded using monies appropriated by the City for use by the District.

3 (5) School District Coordinator: Notwithstanding any other provisions in this  
4 subsection (e), the Department shall not issue any grants to Eligible Schools unless the District  
5 has at least one employee dedicated full-time to managing and coordinating the community  
6 school program District-wide, and providing training and support for each Eligible School's  
7 Community School Coordinator; or unless the District is in the process of selecting and hiring a  
8 full-time employee to perform those functions.

9 (6) Ordinances: The Board of Supervisors may enact ordinances setting forth  
10 additional criteria, restrictions, procedures, or guidelines, including but not limited to additional  
11 permissible or prohibited uses of grant funds.

12 (f) **Uses of the Fund for Administration.** The City may appropriate monies in the  
13 Fund each fiscal year to City departments to implement this Section 16.131 and administer the  
14 grant programs.

15 (g) **Reports.** As a condition of each grant provided under this Section 16.131, the  
16 Department shall require the District and Eligible School to provide the Department with data  
17 documenting the outcomes of the programs funded by the grants. Based on this data and other  
18 information available to the Department, the Department shall regularly assess the outcomes of  
19 the grant programs to evaluate how they are serving students, communities, and schools. Each  
20 year by no later than May 1, the Department shall submit to the Mayor and the Board of  
21 Supervisors a report covering the prior calendar year and providing information about the uses  
22 of grants awarded under the Fund and data regarding outcomes from the grant funding.

1            (h) **Expiration.** This Section 16.131 shall expire by operation of law on December  
2 31, 2049, and the City Attorney may cause it to be removed from future editions of the Charter  
3 unless the Section is extended by the voters.

4  
5 APPROVED AS TO FORM:  
6 DAVID CHIU, City Attorney

7 By:    /s/ \_\_\_\_\_  
8            JON GIVNER  
9            Deputy City Attorney

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## LEGISLATIVE DIGEST

[Charter Amendment - Student Success Fund]

**Describing and setting forth a proposal to the voters at an election to be held on November 8, 2022, to amend the Charter of the City and County of San Francisco, to establish the Student Success Fund under which the Department of Children, Youth, and Their Families will provide grants to schools in the San Francisco Unified School District to implement programs that improve academic achievement and social/emotional wellness of students; and to require an annual appropriation in a designated amount to the Fund based on a calculation of the City's excess Educational Revenue Augmentation Fund allocation in specified fiscal years.**

### Existing Law

The City has several agencies that coordinate and fund services for children and youth, including the Department of Children, Youth, and Their Families ("DCYF"). The San Francisco Unified School District ("School District") is not a City department. It is a separate entity governed by an elected Board of Education.

The City does not govern the School District, but the City provides funding to the School District every year. The Charter establishes a set-aside fund called the Public Education Enrichment Fund ("PEEF") into which the City must appropriate a specific amount of money each year. The Charter requires the City to distribute money from the PEEF each year in three categories: one-third to the School District for arts, music, sports and library programs; one-third for universal preschool programs; and one-third to the School District for general education purposes. The City also provides discretionary funding to the School District, which means the Board of Supervisors and the Mayor may choose to appropriate extra funds to the School District in addition to the funding required by the Charter.

The City does not currently provide grant funding to the School District or individual schools to support a community school model that some other school districts outside San Francisco have implemented. Under the community school model, families and educators work together with school administrators to determine strategies to serve students who are struggling at their schools, and integrate actors inside and outside of the schools, such as government agencies and community-based organizations, to meet student and family needs. The community school model may include extra tutoring or other academic support, social/emotional interventions, strategies to address persistent poverty and trauma, or support for families to secure stability.

### Amendments to Current Law

The proposed Charter amendment would establish a new set-aside fund in the Charter called the Student Success Fund. The Student Success Fund would pay for grants from DCYF to

schools in the School District to support academic achievement and social/emotional wellness of students. The Fund would pay for two types of grants: Student Success Grants and Technical Assistance Grants. DCYF would provide Student Success Grants up to \$1 million per year to schools that are capable of implementing a successful program using a community school model, and would provide Technical Assistance Grants for technical assistance or peer-to-peer counseling to schools that do not have the organizational capacity to implement such a program.

To receive a Student Success Grant, a school would need to (1) have a school site council (with participation from parents, students, community members, and school staff) that is committed to the implementation of the grant; (2) have a full-time community school coordinator, or a plan to hire such a coordinator, to implement the grant; and (3) coordinate with City departments and with the District's administration to ensure that all resources, strategies, and programs at the school best serve students.

The Charter amendment would require the City to appropriate specified amounts of money to the Fund each year. The amounts in the first three years would be based on the Controller's 2022 estimates of the excess Educational Revenue Augmentation Fund ("excess ERAF") money that the Controller anticipates will be allocated to the General Fund in those years. In Fiscal Year 2023-2024, the City would appropriate \$22.5 million to the Fund. In Fiscal Year 2024-2025, the City would appropriate \$45 million to the Fund, and in Fiscal Year 2025-2026, the City would appropriate \$70 million to the Fund. From Fiscal Year 2026-2027 through Fiscal Year 2048-2049, the City would appropriate \$70 million to the Fund, adjusted each year by the percentage increase or decrease in aggregate discretionary revenues, so the amount of the set-aside will grow each year at the same rate as the City's discretionary revenues grow.

In fiscal years where the Controller, the Mayor's Budget Director, and the Budget Analyst anticipate the City's projected deficit will exceed \$200 million (as adjusted each year), the City would not be required to increase the annual appropriation to the Fund to reflect increases in aggregate discretionary revenues. In those years, the City could also decide to appropriate a smaller amount of money to the Fund than the Charter would normally require. But even in those deficit years, the Charter would require the City to appropriate at least \$25 million to the Fund.

At the end of a fiscal year, if DCYF has not committed all the money appropriated to the Fund, the Controller would deposit the remaining money in a special reserve account that the City could draw upon in future deficit years. The special reserve account could hold no more than \$25 million at any time. When the special reserve account has \$25 million, the Controller would return any additional uncommitted money at the end of the fiscal year to the General Fund.

If the voters approve a special tax in the future to dedicate money to the programs supported by the Fund, then the City could reduce the amount of the Charter-required annual

appropriations to the Fund accordingly. And if the City's excess ERAF decreases in the future to a point where the required annual appropriation to the Fund will exceed 18% of the value of excess ERAF in that fiscal year, the Board of Supervisors or one of its committees would hold a public hearing to evaluate the sources of revenues for the Fund.

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**Introduction Form**

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor  inquiries"
5. City Attorney Request.
6. Call File No.  from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Describing and setting forth a proposal to the voters at an election to be held on November 8, 2022, to amend the Charter of the City and County of San Francisco to establish the Student Success Fund under which the Department of Children, Youth, and Their Families will provide grants to schools in the San Francisco Unified School District to implement programs that improve academic achievement and social/emotional wellness of students; and to require an annual appropriation in a designated amount to the Fund based on a calculation of the City's excess Educational Revenue Augmentation Fund allocation in specified fiscal years.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only

**From:** [Givner, Jon \(CAT\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Ferrigno, Jennifer \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** RE: Introduction Form for Student Success Fund Charter Amendment  
**Date:** Tuesday, May 24, 2022 1:27:08 PM  
**Attachments:** [image004.png](#)

---

Thanks Jocelyn. I approve this Charter amendment as to form.

Jon Givner (he/him)  
Deputy City Attorney  
Office of City Attorney David Chiu  
1 Dr. Carlton B. Goodlett Place, Suite 234  
San Francisco, CA 94102  
phone: (415) 554-4694 (Email preferred.)  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

The information in this email is confidential and may be protected by the attorney/client privilege and/or the attorney work product doctrine. If you are not the intended recipient of this email or received this email inadvertently, please notify the sender and delete it.

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**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Sent:** Tuesday, May 24, 2022 1:25 PM  
**To:** Ferrigno, Jennifer (BOS) <jennifer.ferrigno@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** Givner, Jon (CAT) <Jon.Givner@sfcityatty.org>  
**Subject:** RE: Introduction Form for Student Success Fund Charter Amendment

Hi Jennifer,

We are seeking the approval of Deputy City Attorney Jon Givner for use of his electronic signature and approval as to form for the attached Charter Amendment, by reply to this email.

Thank you,

**Jocelyn Wong**

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



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***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

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**From:** Ferrigno, Jennifer (BOS) <[jennifer.ferrigno@sfgov.org](mailto:jennifer.ferrigno@sfgov.org)>  
**Sent:** Tuesday, May 24, 2022 1:23 PM  
**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Subject:** Introduction Form for Student Success Fund Charter Amendment

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**From:** Ferrigno, Jennifer (BOS)  
**Sent:** Tuesday, May 24, 2022 1:03 PM  
**To:** Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; BOS Clerks Office (BOS) <[clerksoffice@sfgov.org](mailto:clerksoffice@sfgov.org)>  
**Cc:** Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>  
**Subject:** Introduction Form for Student Success Fund Charter Amendment

Dear Clerks,

Supervisor Ronen is submitting the attached Charter Amendment for introduction today. See attached Introduction Form, Charter, and Legislative Digest (word and pdf). Supervisor Ronen's electronic signature serves in place of a wet signature. Let me know if you need anything else.

Thank you,

Jen

.....

Jennifer Ferrigno  
Legislative Aide  
San Francisco District 9 | Supervisor Hillary Ronen  
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1 [Charter Amendment - Student Success Fund]

2  
3 **Describing and setting forth a proposal to the voters at an election to be held on November**  
4 **8, 2022, to amend the Charter of the City and County of San Francisco, to establish the**  
5 **Student Success Fund under which the Department of Children, Youth, and Their Families**  
6 **will provide grants to schools in the San Francisco Unified School District to implement**  
7 **programs that improve academic achievement and social/emotional wellness of students;**  
8 **and to require an annual appropriation in a designated amount to the Fund based on a**  
9 **calculation of the City’s excess Educational Revenue Augmentation Fund allocation in**  
10 **specified fiscal years.**

11  
12 Section 1. Findings.

13 (a) This Charter amendment shall be known as “Back On Track - Student Success  
14 Fund Charter Amendment.”

15 (b) As we emerge from the COVID-19 pandemic, students in the San Francisco  
16 Unified School District (the “District”) are experiencing a greater need for an integrated  
17 academic and social/emotional learning and support system to succeed in school. Current  
18 conditions in the District’s schools, exacerbated by the pandemic and persistent funding  
19 constraints, have resulted in too many students struggling in core academic subject areas, with  
20 many testing below grade level, experiencing unmet mental health challenges, and/or facing out-  
21 of-school barriers to learning, including pervasive poverty. Moreover, there are high rates of  
22 staff turnover and staff absences, making matters worse for already chronically understaffed  
23 schools. Many schools lack robust enrichment activities, such as arts, music, and sports, that  
24 educate the entire mind and body. Every year we face further educator flight and enrollment loss  
25 in our public school system.

1 (c) This Charter amendment aims to assist students to reach grade-level proficiency  
2 in core academic subjects, allow every school the chance to have top-notch enrichment  
3 programs, reduce staff turnover and understaffing in the schools, and ultimately increase  
4 enrollment in the District. The Student Success Fund will allow school sites to come together  
5 with their local community stakeholders—parents, educators, administrators, and school-site-  
6 based community organizations—to address the challenges identified above and center  
7 supportive programming on the distinctive needs of their students. To create this supportive  
8 learning environment, the range of interventions may include academic intervention  
9 programming, extracurricular tutoring, arts and culture courses and programs, social/emotional  
10 support staff, and/or programs that address the basic needs of families facing poverty. Schools  
11 demonstrating low academic achievement will be prioritized for this funding. Indicators that  
12 demonstrate low academic achievement will come from State and District ratings.

13 (d) The City intends to work in close partnership with the Board of Education and the  
14 District to ensure support, coordination, and collaboration between the District and City  
15 departments serving children and families. The implementation of the Student Success Fund will  
16 serve to accomplish this partnership in service of children and their families.

17  
18 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City  
19 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of  
20 the City and County by adding Section 16.131, to read as follows:

21 NOTE: **Unchanged Charter text and uncodified text** are in plain font.  
22 **Additions** are *single-underline italics Times New Roman font*.  
23 **Deletions** are ~~*strike-through italics Times New Roman font*~~.  
24 **Asterisks** (\* \* \* \*) indicate the omission of unchanged Charter  
25 subsections.

**SEC. 16.131. STUDENT SUCCESS FUND.**

1           (a) **Establishment of Fund.** There is hereby established the Student Success Fund  
2 ("the Fund") to be administered by the Department of Children, Youth, and Their Families, or  
3 any successor agency. Monies therein shall be expended or used solely by the Department,  
4 subject to the budgetary and fiscal provisions of the Charter, for the purposes set forth in this  
5 Section 16.131.

6           (b) **Purposes of Fund.** The purpose of the Fund is to accomplish grade-level success  
7 in core academic subjects and achieve social/emotional wellness for all District students. One  
8 model to achieve the purposes of this Fund is the community school approach that has been  
9 implemented across the country with proven outcomes in academic achievement and student  
10 success. Under this model, families and educators work together with school administrators in  
11 determining strategies to serve students who are struggling at their schools, and integrate actors  
12 inside and outside of the schools, such as City departments and community-based organizations,  
13 to meet student and family needs in order to increase student success and equity in and among  
14 schools. To help students succeed in the classroom, this model may include extra tutoring or  
15 other academic support, social/emotional interventions, strategies to address persistent poverty  
16 and trauma, or support for families to secure stability. Many of these needs can be met within  
17 the school by District educators and support staff including but not limited to school nurses, in-  
18 classroom tutors, literacy and math specialists, academic coaches, social workers, specialized  
19 curriculum, and school psychologists. Other interventions can be achieved with the assistance  
20 of community-based organizations and/or City departments including but not limited to  
21 programs and assistance to alleviate the impacts of poverty, after-school programming,  
22 therapeutic arts and culture programming, and summer school. The Fund is born of a belief that  
23 students, parents, educators, and staff of community-based organizations at individual schools  
24 are the best situated to determine the direct interventions and programming that are necessary to  
25 help all students achieve academic success and social/emotional wellbeing at their school. The

1 Fund is also born of a belief that it takes a village to successfully educate students, and the  
2 involvement of more caring adults to help students overcome challenges is a benefit to their  
3 ultimate success.

4 (c) **Definitions.**

5 “Department” shall mean the Department of Children, Youth, and Their Families, or any  
6 successor agency.

7 “District” shall mean the San Francisco Unified School District.

8 “Eligible School” shall mean a school in the District serving students at one or more  
9 grade levels from transitional kindergarten through 12th grade. The Board of Supervisors may,  
10 by ordinance, or the Department may, by regulation, establish criteria or prerequisites for  
11 Eligible Schools to receive grants from the Fund. If there is any conflict between an ordinance  
12 and a regulation under the preceding sentence, the ordinance shall prevail.

13 “Excess ERAF” shall mean the amount of remaining Educational Revenue Augmentation  
14 Fund monies allocated to the General Fund in a fiscal year under California Revenue and  
15 Taxation Code Section 97.2(d)(4)(B)(i)(III), as that provision may be amended from time to time.

16 “School Site Council” shall mean a council established under California Education  
17 Code Section 52852, as that provision may be amended from time to time. The Board of  
18 Supervisors may enact ordinances modifying the meaning of the term School Site Council for the  
19 purpose of this Section 16.131, provided that the ordinance must require participation by  
20 parents, students, community members, and school staff.

21 (d) **Annual Appropriations to the Fund.**

22 (1) In Fiscal Year 2023-2024, the City shall appropriate \$22.5 million to the  
23 Fund (an amount that is equivalent to 6% of the anticipated value of Excess ERAF for Fiscal  
24 Year 2023-24, as projected by the Controller on June 1, 2022). In Fiscal Year 2024-2025, the  
25 City shall appropriate \$45 million to the Fund (an amount that is equivalent to 12% of the

1 anticipated value of Excess ERAF for Fiscal Year 2024-25, as projected by the Controller on  
2 June 1, 2022). In Fiscal Year 2025-2026, the City shall appropriate \$70 million to the Fund (an  
3 amount that is equivalent to 18% of the anticipated value of Excess ERAF for Fiscal Year 2025-  
4 26, as projected by the Controller on June 1, 2022).

5 (2) In each year from Fiscal Year 2026-2027 through Fiscal Year 2048-2049,  
6 the City shall appropriate to the Fund an amount equal to the prior year's appropriation,  
7 adjusted by the percentage increase or decrease in aggregate discretionary revenues, as  
8 determined by the Controller, based on calculations consistent from year to year, except as  
9 provided in subsection (c)(3). In determining aggregate City discretionary revenues, the  
10 Controller shall only include revenues received by the City that are unrestricted and may be  
11 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

12 (3) Notwithstanding any other provision in this Section 16.131, the City may  
13 freeze appropriations to the Fund for any fiscal year after Fiscal Year 2025-2026 at the prior  
14 year amounts when the City's projected budget deficit for the upcoming fiscal year at the time of  
15 the March Joint Report or March Update to the Five Year Financial Plan as prepared jointly by  
16 the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst  
17 exceeds \$200 million, adjusted annually beginning with Fiscal Year 2023-2024 by the  
18 percentage increase or decrease in aggregate City discretionary revenues, as determined by the  
19 Controller, based on calculations consistent from year to year. In any such fiscal year, the City  
20 also may in its discretion appropriate to the Fund an amount less than the amount required by  
21 subsection (d)(2), provided that the City must appropriate at least \$25 million to the Fund in  
22 each such fiscal year.

23 (4) If, at any election after November 8, 2022, the voters of the City enact a  
24 special tax measure that dedicates funds for the purposes described in this Section 16.131, the  
25 City may reduce the amount of appropriations in subsections (d)(2) and (d)(3) in any subsequent



1 fiscal year by the amount of special tax revenues that the City appropriates for those purposes in  
2 that fiscal year.

3 (5) Reserve Account.

4 (A) The Controller shall establish a separate reserve account in the  
5 Fund to facilitate additional appropriations and expenditures during fiscal years described in  
6 subsection (d)(3). In any fiscal year described in subsection (d)(3), the City may appropriate  
7 and expend funds from the special reserve account for the purposes permitted by this Section  
8 16.131, provided that the total amount expended from the Fund in any fiscal year shall not  
9 exceed the amount set forth in subsection (d)(2).

10 (B) At the end of each fiscal year, the Controller shall deposit in the  
11 separate reserve account any monies that were appropriated to the Fund under subsection (d)(1)  
12 or (d)(2) but that remain uncommitted, provided that the amount in the separate reserve account  
13 shall not exceed \$25 million. The Controller shall return to the General Fund any additional  
14 monies in the Fund that remain uncommitted.

15 (6) If the Controller reports to the Mayor and the Board of Supervisors in  
16 any fiscal year after Fiscal Year 2025-2026 that the Controller anticipates the annual  
17 appropriation to the Fund under subsection (d)(2) will exceed 18% of the value of Excess ERAF  
18 in that fiscal year, the Board of Supervisors or a committee of the Board shall hold a public  
19 hearing to evaluate the sources of revenues from which the next biennial budget will make the  
20 required appropriations to the Fund.

21 (e) Uses of the Fund to Support Community Schools. Each fiscal year, the  
22 Department shall invite Eligible Schools to apply for grant funding to support academic  
23 achievement and social/emotional wellness of students. The Department shall establish, or the  
24 Board of Supervisors may establish by ordinance, a simple and accessible grant funding process.

1 If there is any conflict between any ordinance and a regulation adopted under the preceding  
2 sentence or under any other provision in this subsection (d), the ordinance shall prevail.

3 (1) Criteria: The Department shall adopt criteria, and the Board of  
4 Supervisors may adopt criteria by ordinance, establishing the qualifications for Eligible Schools  
5 to receive grant funding. At minimum, to receive a Student Success Grant under subsection  
6 (d)(2), each Eligible School must meet the following criteria:

7 (A) The Eligible School must have a School Site Council that has  
8 endorsed the Eligible School's grant funding proposal and has committed to implementing the  
9 programs funded by the grant.

10 (B) The Eligible School must have a full-time Community School  
11 Coordinator, or must plan to hire and in fact hire a Community School Coordinator, who will  
12 serve in a leadership role working alongside the Eligible School's principal in implementing the  
13 grant and ensuring that the programs funded by the grant integrate with and enhance the  
14 Eligible School's academic and other programming. If there is a program at the Eligible School  
15 that provides on-site services and support for students, including without limitation an after-  
16 school, Beacon, or other program, the Community School Coordinator must fully integrate the  
17 programs so they work together to enhance the academic learning that happens during the  
18 regular school day. The Community School Coordinator must also be a member of the School  
19 Site Council.

20 (C) The Eligible School must agree to coordinate with City  
21 departments and with the District's administration to ensure that all resources, strategies, and  
22 programs at the Eligible School best serve students. If the Eligible School implements initiatives  
23 that advance the community school model but are not funded by a grant under the Fund (for  
24 example, but without limitation, Beacon, ExCEL, or Promised Neighborhoods programs, or  
25 other partnerships with community-based organizations), then the Eligible School must

1 demonstrate to the Department how programs supported by the grant will coordinate with, align  
2 with, and share leadership with those other initiatives.

3 (2) Student Success Grants: The Department shall provide a Student Success  
4 Grant to each Eligible School that the Department determines is capable of successfully  
5 implementing a community school model based on the school's application. The Department  
6 may determine the amount of each Student Success Grant based on criteria adopted by the  
7 Department, or by the Board of Supervisors by ordinance, which may include but need not be  
8 limited to the number of students attending the Eligible School; the number of students at the  
9 Eligible School who are English language learners, foster youth, eligible for free or reduced-  
10 price meals, or otherwise vulnerable or underserved; and the types of programs that will be  
11 funded by the grant. The Department may determine the amount of each grant, up to a maximum  
12 amount of \$1 million.

13 (3) Technical Assistance Grants: If the Department determines that an  
14 Eligible School does not have the organizational capacity to implement a community school  
15 model in the next fiscal year, the Department may award that Eligible School a Technical  
16 Assistance Grant, which shall be a grant to provide technical assistance or peer-to-peer  
17 counseling to the school and its School Site Council to assist the school and its School Site  
18 Council to gain the skills and capacity to apply for additional grants in future fiscal years.

19 (4) Restrictions on Uses of Student Success Grants and Technical Assistance  
20 Grants: Eligible Schools may not use Student Success Grants or Technical Assistance Grants to  
21 pay for positions or programs that were cut or eliminated by the District in the two fiscal years  
22 prior to the grant award as a result of funding shortages, unless the Eligible School  
23 demonstrates in its grant application that the positions or programs were cut or eliminated in  
24 response to decreases in State or federal funding for the District. Eligible Schools also may not  
25

1 use Student Success Grants or Technical Assistance Grants to pay for positions or programs that  
2 are otherwise funded using monies appropriated by the City for use by the District.

3 (5) School District Coordinator: Notwithstanding any other provisions in this  
4 subsection (e), the Department shall not issue any grants to Eligible Schools unless the District  
5 has at least one employee dedicated full-time to managing and coordinating the community  
6 school program District-wide, and providing training and support for each Eligible School's  
7 Community School Coordinator; or unless the District is in the process of selecting and hiring a  
8 full-time employee to perform those functions.

9 (6) Ordinances: The Board of Supervisors may enact ordinances setting forth  
10 additional criteria, restrictions, procedures, or guidelines, including but not limited to additional  
11 permissible or prohibited uses of grant funds.

12 (f) **Uses of the Fund for Administration.** The City may appropriate monies in the  
13 Fund each fiscal year to City departments to implement this Section 16.131 and administer the  
14 grant programs.

15 (g) **Reports.** As a condition of each grant provided under this Section 16.131, the  
16 Department shall require the District and Eligible School to provide the Department with data  
17 documenting the outcomes of the programs funded by the grants. Based on this data and other  
18 information available to the Department, the Department shall regularly assess the outcomes of  
19 the grant programs to evaluate how they are serving students, communities, and schools. Each  
20 year by no later than May 1, the Department shall submit to the Mayor and the Board of  
21 Supervisors a report covering the prior calendar year and providing information about the uses  
22 of grants awarded under the Fund and data regarding outcomes from the grant funding.

1           (h) Expiration. This Section 16.131 shall expire by operation of law on December  
2           31, 2049, and the City Attorney may cause it to be removed from future editions of the Charter  
3           unless the Section is extended by the voters.

4  
5 APPROVED AS TO FORM:  
6 DAVID CHIU, City Attorney

7 By: /s/ \_\_\_\_\_  
8           JON GIVNER  
9           Deputy City Attorney

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