

BOARD of SUPERVISORS



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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 *Victor Young*
Board of Supervisors

DATE: July 1, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2022 Election

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. 220639 Charter Amendment - Student Success Fund

Charter Amendment (Second 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

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 the San Francisco Unified School District and schools in the District**
7 **to implement programs that improve academic achievement and social/emotional wellness**
8 **of students; and to require an annual appropriation in a designated amount to the Fund**
9 **based on a calculation of the City’s excess Educational Revenue Augmentation Fund**
10 **allocation in specified fiscal years.**

11

12 Section 1. Findings.

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

1 (b) This Charter amendment aims to fund the creation of programs within a coherent
2 framework informed by the District, to assist students to reach grade-level proficiency in core
3 academic subjects, and to improve overall social/emotional wellness. The Student Success Fund
4 (the “Fund”) will allow every school the chance to have top-notch enrichment and support
5 programs, reduce staff turnover and resultant understaffing, implement programs that are most
6 beneficial for students in order to scale up proven successes, and ultimately increase enrollment
7 in the District. By aligning resources with evidence-based instructional strategies and wrap-
8 around student support, the Fund will promote efforts at school sites to bring together local
9 community stakeholders—parents, educators, administrators, and school-site-based and/or
10 connected community organizations—to address the challenges identified above and center
11 supportive programming on the distinctive needs of their students and their families. To create
12 this supportive learning environment, the range of interventions may include academic
13 intervention programming, academic tutoring, arts and culture programs, social/emotional
14 support, and/or programs that address the essential needs of families facing poverty and trauma.
15 To improve outcomes for students farthest from access and most impacted by the opportunity
16 gap, schools demonstrating low academic achievement and other factors, including poverty rates
17 of students’ families and enrollment of English-language learners, foster youth, and homeless
18 youth, will be prioritized for this funding. Indicators of these factors will come from State and
19 District ratings.

20 (c) The District’s community schools framework follows the definition used by the
21 California Department of Education. That definition includes four evidence-informed
22 programmatic features aligned and integrated with high-quality, rigorous teaching and learning
23 practices and environments: 1) integrated support services; 2) family and community
24 engagement; 3) collaborative leadership and practices for educators and administrators; and 4)
25 extended learning time and opportunities. This framework, combined with strategic data

1 collection and outcomes analysis, ensures continuous improvement to school-site interventions
2 that best match student needs.

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

7
8 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
9 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of
10 the City and County by adding Section 16.131, to read as follows:

11 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
12 **Additions** are *single-underline italics Times New Roman font*.
13 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
14 **Asterisks** (* * * *) indicate the omission of unchanged Charter
15 subsections.

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

17 **(a) Establishment of Fund.** *There is hereby established the Student Success Fund*
18 *(“the Fund”) to be administered by the Department of Children, Youth, and Their Families (the*
19 *“Department”), or any successor agency. Monies therein shall be expended or used solely by*
20 *the Department, subject to the budgetary and fiscal provisions of the Charter, for the purposes*
21 *set forth in this Section 16.131.*

22 **(b) Purposes of Fund.** *The purpose of the Fund is to provide additional resources to*
23 *the San Francisco Unified School District (the “District”) to accomplish grade-level success in*
24 *core academic subjects and improve social/emotional wellness for all District students. The*
25 *Fund will encourage the District to be innovative and creative in improving student outcomes in*
both areas, so that successful programs may be scaled up. One model to achieve the purposes of

1 this Fund is the community school framework that has been implemented across the country with
2 proven outcomes in academic achievement and student success.

3 Using this framework, students, families, educators, and connected community partners
4 work together with school administrators in determining strategies to serve students who are
5 struggling at their schools, and integrate partners inside and outside of the schools, such as City
6 departments and community-based organizations, to meet student and family needs in order to
7 increase student success and equity in and among schools. To help students succeed in the
8 classroom, this framework bolsters current resources available in schools, and may include
9 academic support, social/emotional interventions, strategies to address persistent poverty and
10 trauma, or support for families to secure stability. Many of these needs can be met within the
11 school by District educators and support staff including but not limited to school nurses, in-
12 classroom tutors, literacy and math specialists, academic coaches, social workers, specialized
13 curriculum, and school psychologists. Other interventions can be achieved with the assistance
14 of community-based organizations and/or City departments including but not limited to
15 programs and assistance to alleviate the impacts of poverty and/or trauma, after-school
16 programming, therapeutic arts and culture programing, and summer school.

17 The Fund is born of a belief that students, parents, educators, and staff of community-
18 based organizations at individual schools are the best situated to determine, within the District's
19 instructional and community schools framework, the direct interventions and programming that
20 are necessary to help all students achieve academic success and social/emotional wellbeing at
21 their school. The community schools framework continuously monitors programs and practices
22 in each school community to ensure that strategies support student progress and outcomes, and
23 that the entire school community is part of that work. The Fund is also born of a belief that it
24 takes a village to successfully educate students, and the involvement of more caring adults to
25 help students overcome challenges is a building block to their ultimate success.

1 (c) **Definitions.**

2 “Core Staffing” shall mean the minimum classroom teacher staffing levels required by
3 the District’s collective bargaining agreement with the labor organization representing teachers
4 in the District. For the purposes of this definition, Core Staffing also means the school
5 principal.

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

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

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

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

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

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

23 (1) In Fiscal Year 2023-2024, the City shall appropriate \$11 million to the
24 Fund (an amount that is equivalent to approximately 3.1% of the anticipated value of Excess
25 ERAF for Fiscal Year 2023-24, as projected by the Controller on June 1, 2022). In Fiscal Year

1 2024-2025, the City shall appropriate \$35 million to the Fund (an amount that is equivalent to
2 approximately 9.4% of the anticipated value of Excess ERAF for Fiscal Year 2024-25, as
3 projected by the Controller on June 1, 2022). In Fiscal Year 2025-2026, the City shall
4 appropriate \$45 million to the Fund (an amount that is equivalent to approximately 11.5% of the
5 anticipated value of Excess ERAF for Fiscal Year 2025-26, as projected by the Controller on
6 June 1, 2022). In Fiscal Year 2026-2027, the City shall appropriate \$60 million to the Fund (an
7 amount that is equivalent to approximately 14.6% of the anticipated value of Excess ERAF for
8 Fiscal Year 2026-27, as projected by the Controller on June 1, 2022).

9 (2) In each year from Fiscal Year 2027-2028 through Fiscal Year 2048-2049,
10 the City shall appropriate to the Fund an amount equal to the prior year's appropriation,
11 adjusted by the percentage increase or decrease in aggregate discretionary revenues, as
12 determined by the Controller, based on calculations consistent from year to year, except as
13 provided in subsection (d)(3). In determining aggregate City discretionary revenues, the
14 Controller shall only include revenues received by the City that are unrestricted and may be
15 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

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

1 subsection (d)(1) and (d)(2), provided that the City must appropriate at least \$25 million to the
2 Fund in each such fiscal year.

3 (4) If, at any election after November 8, 2022, the voters of the City enact a
4 special tax measure that dedicates funds for the purposes described in this Section 16.131, the
5 City may reduce the amount of appropriations in subsections (d)(1) and (d)(2) in any subsequent
6 fiscal year by the amount of special tax revenues that the City appropriates for those purposes in
7 that fiscal year.

8 (5) Reserve Account.

9 (A) The Controller shall establish a separate reserve account in the
10 Fund to facilitate additional appropriations and expenditures during fiscal years described in
11 subsection (d)(3). In any fiscal year described in subsection (d)(3), the City may appropriate
12 and expend funds from the separate reserve account for the purposes permitted by this Section
13 16.131, provided that the total amount expended from the Fund in any fiscal year shall not
14 exceed the amount set forth for that fiscal year in subsection (d)(1) or (d)(2).

15 (B) At the end of each fiscal year, the Controller shall deposit in the
16 separate reserve account any monies that were appropriated to the Fund under subsection (d)(1)
17 or (d)(2) but that remain uncommitted, provided that the amount in the separate reserve account
18 shall not exceed \$30 million. The Controller shall return to the General Fund any additional
19 monies in the Fund that remain uncommitted.

20 (6) If the Controller reports to the Mayor and the Board of Supervisors in
21 any fiscal year after Fiscal Year 2026-2027 that the Controller anticipates the annual
22 appropriation to the Fund under subsection (d)(2) will exceed 14.6% of the value of Excess
23 ERAF in that fiscal year, the Board of Supervisors or a committee of the Board shall hold a
24 public hearing to evaluate the sources of revenues from which the next biennial budget will make
25 the required appropriations to the Fund.

1 (e) Uses of the Fund to Support Community Schools. On a funding cycle
2 determined by the Department, the Department shall invite Eligible Schools and the District to
3 apply for grant funding to support academic achievement and social/emotional wellness of
4 students. The Department shall establish after making reasonable efforts to consult with and
5 reach mutual agreement with the District, or the Board of Supervisors may establish by
6 ordinance after requesting input from the District, a simple and accessible grant funding
7 process. If there is any conflict between any ordinance and a regulation described in the
8 preceding sentence or in any other provision in this subsection (e), the ordinance shall prevail.

9 (1) Criteria: The Department, after consultation with the District, shall adopt
10 criteria, and the Board of Supervisors may by ordinance adopt criteria, establishing the
11 qualifications for Eligible Schools to receive a Student Success Grant or a Technical Assistance
12 Grant, or for the District to receive a District Innovation Grant in coordination with one or more
13 Eligible Schools. At minimum, to receive a Student Success Grant under subsection (e)(2), each
14 Eligible School, including Eligible Schools covered by a District Innovation Grant, must meet
15 the following criteria:

16 (A) The Eligible School must have a School Site Council that has
17 endorsed the Eligible School's grant funding proposal and has committed to supporting the
18 implementation of the programs and/or staffing funded by the grant.

19 (B) The Eligible School must have a full-time Community School
20 Coordinator, or must plan to hire and in fact hire a Community School Coordinator, who will
21 serve in a leadership role working alongside the Eligible School's principal in implementing the
22 grant and ensuring that the programs funded by the grant integrate with and enhance the
23 Eligible School's academic programs, social/emotional supports, and other programming. If
24 there is a program or a community-based organization integrally connected to the Eligible
25 School that provides on-site services and support for students and their families, including

1 without limitation an after-school, Beacon, or other program, the Community School
2 Coordinator must fully integrate these programs or organizations so they work together to
3 enhance the academic learning and social/emotional support that occurs during the regular
4 school day. The Community School Coordinator must participate in the School Site Council.
5 The District or the Eligible School may pay for the Community School Coordinator with monies
6 allocated through Student Success Grants or Technical Assistance Grants.

7 (C) The Eligible School must agree to coordinate with City
8 departments and with the District's administration to ensure that all resources, strategies, and
9 programs at the Eligible School best serve students and their families. If the Eligible School
10 implements initiatives that advance the community school model but are not funded by a grant
11 under the Fund (for example, but without limitation, Beacon, ExCEL, or Promised
12 Neighborhoods programs, or other partnerships with community-based organizations), then the
13 Eligible School must demonstrate to the Department how programs supported by the grant will
14 coordinate with, align with, and share leadership with those other initiatives. Eligible Schools'
15 initiatives should utilize the state-mandated school plan to ensure a coherent approach and align
16 resources allocation with student outcomes in both academic achievement and social/emotional
17 wellness.

18 (2) Student Success Grants: The Department shall provide a Student Success
19 Grant to each Eligible School that the Department, after consultation with the District,
20 determines is capable of successfully implementing the District's instructional and community
21 schools frameworks or other evidence-based school improvement strategies, based on the
22 school's application. The Department may determine the amount of each Student Success Grant
23 based on criteria adopted by the Department, or by the Board of Supervisors by ordinance,
24 which may include but need not be limited to the number of students attending the Eligible
25 School; the number of students at the Eligible School who are English language learners, foster

1 youth, eligible for free or reduced-price meals, or otherwise vulnerable or underserved; and the
2 types of programs that will be funded by the grant. The Department may determine the amount
3 of each Student Success Grant, up to a maximum amount of \$1 million per fiscal year. In
4 addition to other uses consistent with this Section 16.131, a Student Success Grant may fund the
5 Eligible School's staffing costs associated with administering the programs funded by the grant,
6 including the Eligible School's Community School Coordinator. The Department may develop a
7 process for working with Eligible Schools to determine alternative programs for the use of grant
8 funds where the Department finds that the Eligible School's initial proposal does not align with
9 the Department's criteria.

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

16 (4) District Innovation Grants: The Department may also provide grants to
17 the District if the District applies for funding to plan or implement innovative programs designed
18 to enhance student achievement or social/emotional wellness at an Eligible School or group of
19 Eligible Schools. Such programs may but need not be pilot programs. The Department may
20 determine the amount of each District Innovation Grant based on criteria adopted by the
21 Department, or by the Board of Supervisors by ordinance, which may include but need not be
22 limited to the number of students attending the Eligible School(s); the number of students at the
23 Eligible School(s) who are English language learners, foster youth, eligible for free or reduced-
24 price meals, or otherwise vulnerable or underserved; and the types of programs that will be
25 funded by the grant.

1 (5) Restrictions on Uses of Student Success Grants and Technical Assistance
2 Grants: Eligible Schools may not use Student Success Grants or Technical Assistance Grants to
3 pay for the Eligible School's or the District's costs to provide Core Staffing.

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

10 (7) Outcomes and Goal Measurement: The Department, in consultation with
11 the District, shall establish clearly defined goals and measurable outcomes for each grant and
12 for the interventions and programs supported by the Fund overall. The Department, in
13 consultation with the District, also shall establish a report structure and template for Eligible
14 Schools, the District, and the Department to evaluate the effectiveness of those interventions and
15 programs. The Department's compliance standards and evaluations for Eligible Schools shall
16 complement and align with those of existing evaluation structures, such as, but not limited to,
17 quality practices of the San Francisco Beacon Initiative, 21st Century Community Learning
18 Centers Program, and ExCel After School Programs, and any new similar out-of-school
19 programs that the District may implement over time.

20 (8) Ordinances: The Board of Supervisors may enact ordinances setting forth
21 additional criteria, restrictions, procedures, or guidelines, including but not limited to additional
22 permissible or prohibited uses of grant funds.

23 (f) Uses of the Fund for Administration by City Departments and the District. The
24 City may appropriate up to 3.5% of the monies appropriated from the Fund each fiscal year to
25 City departments to implement this Section 16.131 and administer the grant programs.

1 Additionally, the District may retain up to 3.5% of each Student Success Grant or Technical
2 Assistance Grant to cover the District’s expenses to comply with the administrative,
3 implementation, and reporting requirements in this Section 16.131.

4 (g) **Reports.** As a condition of each grant provided under this Section 16.131, the
5 Department shall require the District and Eligible School to provide the Department with data
6 documenting the student outcomes, both academic and social/emotional, of the programs funded
7 by the grants, to the extent permitted by State and federal law. Based on this data and other
8 information available to the Department, the Department shall regularly assess the outcomes of
9 the grant programs to evaluate how they are serving students, communities, and schools to meet
10 the goals of improving student academic and social/emotional wellness outcomes. Each year by
11 no later than May 1, the Department shall submit to the Mayor and the Board of Supervisors a
12 report covering the prior calendar year and providing information about the uses of grants
13 awarded under the Fund and data regarding outcomes from the grant funding.

14 (h) **Expiration.** This Section 16.131 shall expire by operation of law on December
15 31, 2049, following which the City Attorney may cause it to be removed from future editions of
16 the Charter unless the Section is extended by the voters.

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18 APPROVED AS TO FORM:
19 DAVID CHIU, City Attorney

20 By: /s/
21 JON GIVNER
22 Deputy City Attorney

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