


BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## 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: July 7, 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. 220639 Charter Amendment - Student Success Fund**

**Charter Amendment (Third 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 the San Francisco Unified School District and schools in the 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 for 15 years 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 for**  
9 **15 years based on a calculation of the City’s excess Educational Revenue Augmentation**  
10 **Fund 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           “Fund” shall mean the Student Success Fund established by this Section 16.131.

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

23           “Significant Reduction” shall mean a decrease in the amount of Excess ERAF from  
24 previous fiscal years such that the amount of anticipated Excess ERAF, as determined by the  
25 Controller, in a fiscal year is either (1) 50% less than the amount of Excess ERAF in the

1 immediately preceding fiscal year or (2) 50% less than the amount of Excess ERAF in the fiscal  
2 year three years prior.

3 (d) Annual Appropriations to the Fund.

4 (1) In Fiscal Year 2023-2024, the City shall appropriate \$11 million to the  
5 Fund (an amount that is equivalent to approximately 3.1% of the anticipated value of Excess  
6 ERAF for Fiscal Year 2023-24, as projected by the Controller on June 1, 2022). In Fiscal Year  
7 2024-2025, the City shall appropriate \$35 million to the Fund (an amount that is equivalent to  
8 approximately 9.4% of the anticipated value of Excess ERAF for Fiscal Year 2024-25, as  
9 projected by the Controller on June 1, 2022). In Fiscal Year 2025-2026, the City shall  
10 appropriate \$45 million to the Fund (an amount that is equivalent to approximately 11.5% of the  
11 anticipated value of Excess ERAF for Fiscal Year 2025-26, as projected by the Controller on  
12 June 1, 2022). In Fiscal Year 2026-2027, the City shall appropriate \$60 million to the Fund (an  
13 amount that is equivalent to approximately 14.6% of the anticipated value of Excess ERAF for  
14 Fiscal Year 2026-27, as projected by the Controller on June 1, 2022).

15 (2) In each year from Fiscal Year 2027-2028 through Fiscal Year 2037-2038,  
16 the City shall appropriate to the Fund an amount equal to the prior year's appropriation,  
17 adjusted by the percentage increase or decrease in aggregate discretionary revenues, as  
18 determined by the Controller, based on calculations consistent from year to year, provided that  
19 the City may not increase appropriations to the Fund under this subsection (d)(2) by more than  
20 3% in any fiscal year. In determining aggregate City discretionary revenues, the Controller  
21 shall only include revenues received by the City that are unrestricted and may be used at the  
22 option of the Mayor and the Board of Supervisors for any lawful City purpose.

23 (3) Notwithstanding subsections (d)(1) and (d)(2), the City may freeze  
24 appropriations to the Fund for any fiscal year after Fiscal Year 2023-2024 at the prior year  
25 amounts when the City's projected budget deficit for the upcoming fiscal year at the time of the



1 March Joint Report or March Update to the Five Year Financial Plan as prepared jointly by the  
2 Controller, the Mayor’s Budget Director, and the Board of Supervisors’ Budget Analyst exceeds  
3 \$200 million, adjusted annually beginning with Fiscal Year 2023-2024 by the percentage  
4 increase or decrease in aggregate City discretionary revenues, as determined by the Controller,  
5 based on calculations consistent from year to year. In any such fiscal year, the City also may in  
6 its discretion appropriate to the Fund an amount less than the amount required by subsection  
7 (d)(1) or (d)(2), as applicable, provided that the City must appropriate at least \$35 million to the  
8 Fund in each such fiscal year.

9 (4) Notwithstanding subsections (d)(1), (d)(2), or (d)(3), if the Controller  
10 determines that there will be a Significant Reduction in Excess ERAF in any fiscal year after  
11 Fiscal Year 2023-2024, then the City shall not be required to appropriate the full amount set  
12 forth in subsection (d)(1) or (d)(2) for that fiscal year, but the City shall appropriate at least \$35  
13 million to the Fund in that fiscal year, in the following manner and sequence: In any such fiscal  
14 year, the City shall appropriate monies withdrawn from the separate reserve account under  
15 subsection (d)(6) until that account has no remaining funds. If there are no remaining funds in  
16 that reserve account, the City shall appropriate monies withdrawn from the City’s Budget  
17 Stabilization Reserve established under Charter Section 9.120. If there are no remaining funds  
18 in the Budget Stabilization Reserve, the City shall appropriate monies withdrawn from other  
19 budget reserve accounts established under Charter Section 9.120.

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

25 (6) Reserve Account.

1                   (A) The Controller shall establish a separate reserve account in the  
2 Fund to facilitate additional appropriations and expenditures during fiscal years described in  
3 subsections (d)(3) and (d)(4). In any fiscal year described in subsection (d)(3) or (d)(4), the City  
4 may appropriate and expend funds from this separate reserve account for the purposes permitted  
5 by this Section 16.131, provided that the total amount expended from the Fund in any fiscal year  
6 shall not exceed the amount set forth for that fiscal year in subsection (d)(1) or (d)(2).

7                   (B) At the end of each fiscal year, the Controller shall deposit in the  
8 separate reserve account any monies that were appropriated to the Fund under subsection (d)(1)  
9 or (d)(2) but that remain uncommitted, provided that the amount in the separate reserve account  
10 shall not exceed \$40 million. The Controller shall return to the General Fund any additional  
11 monies in the Fund that remain uncommitted.

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

20                   (1) Criteria: The Department, after consultation with the District, shall adopt  
21 criteria, and the Board of Supervisors may by ordinance adopt criteria, establishing the  
22 qualifications for Eligible Schools to receive a Student Success Grant or a Technical Assistance  
23 Grant, or for the District to receive a District Innovation Grant in coordination with one or more  
24 Eligible Schools. At minimum, to receive a Student Success Grant under subsection (e)(2), each  
25

1 Eligible School, including Eligible Schools covered by a District Innovation Grant, must meet  
2 the following criteria:

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

6 (B) The Eligible School must have a full-time Community School  
7 Coordinator, or must plan to hire and in fact hire a Community School Coordinator, who will  
8 serve in a leadership role working alongside the Eligible School's principal in implementing the  
9 grant and ensuring that the programs funded by the grant integrate with and enhance the  
10 Eligible School's academic programs, social/emotional supports, and other programming. If  
11 there is a program or a community-based organization integrally connected to the Eligible  
12 School that provides on-site services and support for students and their families, including  
13 without limitation an after-school, Beacon, or other program, the Community School  
14 Coordinator must fully integrate these programs or organizations so they work together to  
15 enhance the academic learning and social/emotional support that occurs during the regular  
16 school day. The Community School Coordinator must participate in the School Site Council to  
17 help it gain and maintain the skills and capacity to meaningfully reflect the values of the school  
18 community and support the implementation of programs funded by each Student Success Fund  
19 Grant. The District or the Eligible School may pay for the Community School Coordinator with  
20 monies allocated through Student Success Grants or Technical Assistance Grants.

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

1 Neighborhoods programs, or other partnerships with community-based organizations), then the  
2 Eligible School must demonstrate to the Department how programs supported by the grant will  
3 coordinate with, align with, and share leadership with those other initiatives. Eligible Schools'  
4 initiatives should utilize the state-mandated school plan to ensure a coherent approach and align  
5 resources allocation with student outcomes in both academic achievement and social/emotional  
6 wellness.

7 (2) Student Success Grants: The Department shall provide a Student Success  
8 Grant to each Eligible School that the Department, after consultation with the District,  
9 determines is capable of successfully implementing the District's instructional and community  
10 schools frameworks or other evidence-based school improvement strategies, based on the  
11 school's application. The Department shall establish criteria, or the Board of Supervisors may  
12 establish criteria by ordinance, to prioritize grants to schools demonstrating low academic  
13 achievement and/or with a high number of vulnerable students, including but not limited to  
14 English language learners, foster youth, students eligible for free or reduced-price meals,  
15 homeless students, and students who are otherwise vulnerable or underserved. To determine  
16 whether an Eligible School has demonstrated low academic achievement, the Department shall  
17 rely on ratings prepared by the State and/or the District. The Department may determine the  
18 amount of each Student Success Grant, up to a maximum amount of \$1 million per fiscal year.  
19 In addition to other uses consistent with this Section 16.131, a Student Success Grant may fund  
20 the Eligible School's staffing costs associated with administering the programs funded by the  
21 grant, including the Eligible School's Community School Coordinator. The Department may  
22 develop a process for working with Eligible Schools to determine alternative programs for the  
23 use of grant funds where the Department finds that the Eligible School's initial proposal does  
24 not align with the Department's criteria.

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

7                   (4) District Innovation Grants: The Department may also provide grants to  
8 the District if the District applies for funding to plan or implement innovative programs designed  
9 to enhance student achievement or social/emotional wellness at an Eligible School or group of  
10 Eligible Schools. Such programs may but need not be pilot programs. The Department may  
11 determine the amount of each District Innovation Grant based on criteria adopted by the  
12 Department, or by the Board of Supervisors by ordinance. Any such criteria shall prioritize  
13 programs in Eligible Schools demonstrating low academic achievement and/or with a high  
14 number of vulnerable students, including but not limited to English language learners, foster  
15 youth, students eligible for free or reduced-price meals, homeless students, and students who are  
16 otherwise vulnerable or underserved.

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

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

1           (7) Outcomes and Goal Measurement: The Department, in consultation with  
2 the District, shall establish clearly defined goals and measurable outcomes for each grant and  
3 for the interventions and programs supported by the Fund overall. The Department, in  
4 consultation with the District, also shall establish a report structure and template for Eligible  
5 Schools, the District, and the Department to evaluate the effectiveness of those interventions and  
6 programs. The Department’s compliance standards and evaluations for Eligible Schools shall  
7 complement and align with those of existing evaluation structures, such as, but not limited to,  
8 quality practices of the San Francisco Beacon Initiative, 21<sup>st</sup> Century Community Learning  
9 Centers Program, and ExCel After School Programs, and any new similar out-of-school  
10 programs that the District may implement over time.

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

14           (f) Uses of the Fund for Administration by City Departments and the District. The  
15 City may appropriate up to 3.5% of the monies appropriated from the Fund each fiscal year to  
16 City departments to implement this Section 16.131 and administer the grant programs.  
17 Additionally, the District may retain up to 3.5% of each Student Success Grant or Technical  
18 Assistance Grant to cover the District’s expenses to comply with the administrative,  
19 implementation, and reporting requirements in this Section 16.131.

20           (g) Reports. As a condition of each grant provided under this Section 16.131, the  
21 Department shall require the District and Eligible School to provide the Department with data  
22 documenting the student outcomes, both academic and social/emotional, of the programs funded  
23 by the grants, to the extent permitted by State and federal law. Based on this data and other  
24 information available to the Department, the Department shall regularly assess the outcomes of  
25 the grant programs to evaluate how they are serving students, communities, and schools to meet

1 the goals of improving student academic and social/emotional wellness outcomes. Each year by  
2 no later than May 1, the Department shall submit to the Mayor and the Board of Supervisors a  
3 report covering the prior calendar year and providing information about the uses of grants  
4 awarded under the Fund and data regarding outcomes from the grant funding.

5 (h) **Task Force.** By no later than March 31, 2023, the Board of Supervisors shall  
6 pass an ordinance establishing a task force to exist until at least July 31, 2024 with the purpose  
7 to provide advice to the Board and the Mayor regarding potential future sources of revenue for  
8 the Fund, including a potential special tax measure that would dedicate funds for the purposes  
9 described in this Section 16.131.

10 (i) **Expiration.** This Section 16.131 shall expire by operation of law on December  
11 31, 2038, following which the City Attorney may cause it to be removed from the Charter unless  
12 the Section is extended by the voters.

13 APPROVED AS TO FORM:  
14 DAVID CHIU, City Attorney

15 By: /s/  
16 JON GIVNER  
17 Deputy City Attorney

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