



May 24, 2021

The Honorable Betty Yee  
State Controller  
P. O. Box 942850  
Sacramento, CA 95814

The Honorable Tony Thurmond  
State Superintendent of Public Instruction  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Dear Controller Yee and Superintendent Thurmond:

As representatives of the San Francisco Unified School District (SFUSD) community and Members of the Legislature, we are gravely concerned about the San Francisco Unified School District's school reopening plan. The full legislature passed AB 86 (Ting, 2021), which requires schools to meet certain reopening criteria in order to access additional school funding.

We plainly see that the SFUSD plan, which only offers a select few high school seniors to return before May 15<sup>th</sup>, is a poor attempt to exploit a perceived legal loophole. Additionally, the intent of AB 86 was that a reopening plan would be proposed and fully implemented before May 15, 2021.

We call on you, the school fiscal agents for the state, to ensure this perceived loophole is not allowed.

To be clear the intent of the Legislature, in passing AB 86, was that schools would "offer in person instruction to the greatest extent possible," and once open, provide instruction in a continuous manner through the end of the instructional calendar.

Further, in regards to high school, the law states:

*"For middle schools and high schools, for grades 6 to 12, inclusive, as applicable, when eligible pursuant to COVID-19 industry sector guidance for schools and school-based programs to provide in-person instruction for kindergarten and grades 1 to 12, inclusive, the local educational agency offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to subparagraph (A), and to all pupils in at least one full grade level."*

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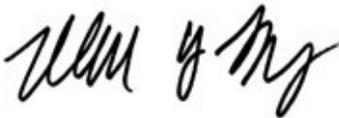
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The definition of “offered” in-person instruction to all pupils in at least one full grade level could not be clearer. We did not intend for some pupils to be merely informed of when they may see the inside of a classroom, a teacher, and their peers, on some future date. Our intent, and the letter of the law, states that every student in that grade shall be offered the opportunity to return to school no later than May 15, 2021.

In addition, the law also requires all students with an individualized education plan, are homeless, or are learning English as a second language, to be offered in-person instruction. SFUSD has only made this offer to “focal” students, citing social distancing constraints while the overwhelming majority of middle and high school campuses remain closed. If the real issue were social distancing, SFUSD would just open more school campuses. Clearly, SFUSD did not offer in-person instruction to these high-needs students.

We ask you to ensure that these loopholes, which are intended to skirt these funding guidelines, are not allowed. We need accountability of and responsibility from our school districts now more than ever.

Sincerely,



**Philip Y. Ting**  
Assemblymember, 19<sup>th</sup> District



**David Chiu**  
Assemblymember, 17<sup>th</sup> District



**Scott Wiener**  
Senator, 11<sup>th</sup> District

cc: SFUSD Board of Education  
Dr. Vince Matthews, SFUSD Superintendent