

1 [Charter Amendment - Student Success Fund]

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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.

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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
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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.

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

7 By: _____
8 JON GIVNER
9 Deputy City Attorney

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