

Vice-Chair
Ochoa Bogh, Rosllicie

Members
Cortese, Dave
Dahle, Brian
Glazer, Steven M.
McGuire, Mike
Pan, Richard

California State Senate

EDUCATION



CONNIE LEYVA
CHAIR

Staff Director
Lynn Lorber

Principal Consultant
Olgallia Ramirez
Ian Johnson

Consultant
Kordell Hampton

Committee Assistant
Lauren Robinson
Irma Kam

1021 O Street, Room 6740
(916) 651-4105
FAX: (916) 324-0917

AGENDA

Wednesday, June 8, 2022
9 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | | |
|---|-----|---------|-------------|--|
| * | 1. | AB 58 | Salas | Pupil health: suicide prevention policies and training. |
| | 2. | AB 1963 | Salas | California State University and University of California: gene synthesis providers. |
| * | 3. | AB 2355 | Salas | School cybersecurity. |
| * | 4. | AB 408 | Quirk-Silva | Homeless children and youths: reporting. |
| * | 5. | AB 1633 | Seyarto | Public postsecondary education: veterans' educational benefits: information sharing. |
| * | 6. | AB 1968 | Seyarto | Public postsecondary education: uniform informational guidance for sexual assault survivors. |
| * | 7. | AB 1625 | Medina | Trustees of the California State University: student members. |
| * | 8. | AB 1736 | Choi | Community colleges: student government. |
| * | 9. | AB 2122 | Choi | Public postsecondary education: mental health hotlines: student identification cards. |
| * | 10. | AB 1923 | Mathis | Partnership academies: science, technology, engineering, and mathematics (STEM). |
| * | 11. | AB 2028 | Davies | Pupil instruction: bicycle and scooter safety instruction. |
| | 12. | AB 2038 | Gipson | School finance: administrative employees to teacher ratio. |
| * | 13. | AB 2158 | Mike Fong | Local educational agencies: ethics training. |
| * | 14. | AB 2272 | Low | Postsecondary education: California Educational Facilities Authority. |
| * | 15. | AB 2337 | Megan Dahle | School districts: frontier school district. |
| * | 16. | AB 2683 | Gabriel | Postsecondary education: sexual violence and harassment: training and resources. |
| | 17. | AB 2821 | Nazarian | California Kids Investment and Development Savings Program.(Urgency) |

*Proposed Consent



SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 58 **Hearing Date:** June 8, 2022
Author: Salas
Version: January 13, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil health: suicide prevention policies and training

SUMMARY

This bill would require a local educational agency (LEA), on or before June 1, 2024, to review and update its policy on pupil suicide prevention, and encourages LEAs commencing with the 2024–25 school year, to provide suicide awareness and prevention training to teachers of pupils in all of the grades served by the local educational agency.

BACKGROUND

Existing law:

- 1) Requires the governing board of an LEA that serve pupils in grades 7 to 12 to adopt, before the 2017-18 school year, procedures relating to suicide prevention, intervention, and postvention in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. (Education Code § 215(a))
- 2) Requires the governing board of an LEA that serve pupils in Kindergarten and grades 1 to 6 to adopt, before the 2020-21 school year, a policy on pupil suicide prevention in kindergarten in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. (EC § 215 (a)(2)(A))
- 3) Requires, beginning July 1, 2019, a public school, including a charter school, or a private school, that issue identification cards to pupils grades 7 to 12 to include information to the National Suicide Prevention Lifeline, Crisis Text Line, and local suicide prevention hotline. (EC § 215.5)
- 4) Require the California Department of Education (CDE) to identify one or more evidence-based online training programs that a local educational agency can use to train school staff and pupils as part of the LEAs policy on pupil suicide prevention adopted (EC § 216)

ANALYSIS

This bill would require a LEA, on or before June 1, 2024, to review and update its policy on pupil suicide prevention, and encourages LEAs commencing with the 2024–25

school year, to provide suicide awareness and prevention training to teachers of pupils in all of the grades served by the local educational agency. Specifically, this bill:

- 1) Requires an LEA, on or before June 1, 2024, to revise its training materials to incorporate best practices identified by CDE.
- 2) Encourages an LEA, commencing the 2024–25 school year to provide suicide awareness and prevention training to teachers of pupils in all of the grades served by the LEA.
- 3) Requires CDE, on or before June 1, 2024, to complete the development of, and issue to local educational agencies, resources and guidance on how to conduct suicide awareness and prevention training remotely.
- 4) Requires, on or before June 1, 2024, the governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 12 to adopt best practices identified by CDE on pupil suicide prevention.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author “Youth suicide and self-harm have continued to rise alarmingly in California and across the country. In California, the rate of suicide among those aged 10 to 24 increased 38 percent between 2007 and 2018, according to the a report released by the CDC in 2020. Instances of youth committing acts of self-harm increased by 50 percent during the same period from 2009 to 2018. Suicide is the second leading causes of death among youth ages 10 to 24 and one out of every 15 high school students reports attempting suicide each year.

“A 2019 United Health Foundation report found that the teen suicide rate increased by 25 percent nationwide from 2016 to 2019 and that California was one of seven state with the most significant increases in teen suicide rates during that same period.

“With regard to this bill’s importance during the pandemic, emergency room visits for youth suicide attempts soared – especially among girls – during the pandemic, according to a CDC report. There was a 22.3 percent increase in ER trips for potential suicides by children aged 12 to 17 in summer 2020 compared to 2019, according to findings published in the CDC’s “Morbidity and Mortality Weekly Report” and visits were up by 39.1 percent when comparing winter of 2020 to winter of 2019.

“An article in the New York Times from January of 2021 also highlighted the importance of addressing youth suicide during COVID-19, stating: “The reminders of pandemic-driven suffering among students in Clark County, Nev., have come in droves. Since schools shut their doors in March, an early-warning system that monitors students’ mental health episodes has sent more than 3,100 alerts to district officials, raising alarms about suicidal thoughts, possible self-harm or cries for care. By December, 18 students had taken their own lives.” In another article by NPR entitled “Child Psychiatrists Warn That The Pandemic May Be Driving Up

Kids' Suicide Risk," it was noted that "the number of kids with suicide attempts coming to the emergency room at UCSF Benioff Children's Hospital Oakland, in California, in the fall of 2020 was double the number in the fall of 2019, says Marisol Cruz Romero, a psychologist and the coordinator for the hospital's behavioral emergency response team." With the onset of remote learning, it has made it much more difficult for teachers and school counselors to identify and help students that are at-risk, thus underscoring the important role that teachers and school staff play in addressing youth suicide.

"While the importance of improving youth suicide prevention and student mental health treatment has been brought to the forefront by COVID-19, it is an issue that also goes beyond the pandemic as youth suicides have increased alarmingly over the past few decades. A U.S. Public Health Service study in 1999 found that there was a nearly 200 percent increase in the rate of suicide attempts among 11-14 year olds between 1980 and 1999, a trend that has tragically continued to increase over the last decade. Utilizing best practices and ensuring schools have training in place for suicide prevention is critical to addressing the serious health crisis posed by the increase of youth suicide and self-harm. School personnel are well positioned to provide much-needed suicide prevention and to address the mental health needs of students."

- 2) ***Increasing occurrences of pupil mental health issues.*** According to a Pew Research Center analysis of data from the 2017 National Survey on Drug Use and Health, in 2017, 3.2 million teens aged 12-17 said they had at least one depressive episode within the past 12 months. This is up by 1.2 million from the same survey conducted by the National Survey on Drug Use and Health in 2007. One-in-five (2.4 million) teenage girls reported experiencing one depressive episode in 2017, compared to 845,000 teenage boys. According to data from the Centers for Disease Control and Prevention, 13 percent of students in grades 9-12 in California in 2017 reported experiencing at least one depressive episode within the last 12 months. 32 percent felt sad or hopeless almost every day for 2 or more weeks in a row so they stopped doing some usual activities within the past year, compared to 31 percent for the United States. 17 percent of pupils in grades 9-12 reported considering suicide attempts, while 9 percent reported they attempted suicide at least once within the past 12 months.

This trend is confirmed by data from the Office of Statewide Health Planning and Development. In 2019, emergency rooms throughout California treated 84,584 young patients ages 13 to 21 who had a primary diagnosis involving mental health. That is up from 59,705 in 2012, a 42 percent increase.

- 3) ***COVID-19 has had an exacerbating effect on mental health issues.*** According to the 2020 report, "Roadmap for Resilience: The California Surgeon General's Report on Adverse Childhood Experiences, Toxic Stress, and Health," COVID-19 has only furthered the mental health issues children face. As the report notes, "For many children, the school is a bedrock of community belonging. The pandemic has not only disrupted children's academic opportunities and connections with their peers and educators, it has also surfaced new and difficult experiences in the home: fear, anxiety, financial distress, food and housing insecurity, and countless other challenges. Economic uncertainty is associated with increases in harsh

parenting, which increases risk for child abuse and neglect, and the loss of friends and family through illness and isolation can also increase the total dose of acute stress and adversity and reduce the dose of buffering supports available from caregivers, educators, and other adults.”

- 4) **Recently adopted health framework includes mental health.** While health is not a specifically required topic or course in middle school or high school, the SBE has adopted both content standards and a curriculum framework for health. On May 8, 2019, the SBE *adopted the 2019 Health Education Curriculum Framework for California Public Schools, Transitional Kindergarten Through Grade Twelve*. The revised framework includes additional instructional strategies relating to mental health. In addition to the recently adopted framework, this bill ensures that schools district acquired best practices as identified by CDE. The health framework will not be revised again until 2027.
- 5) **State Auditor Report: Youth Suicide Prevention.** In September 2020, the State Auditor released a report titled *Youth Suicide Prevention: Local Educational Agencies Lack the Resources and Policies Necessary to Effectively Address Rising Rates of Youth Suicide and Self-Harm* which found that “schools can more effectively assist students if they have appropriate suicide prevention policies in place if they train their faculty and staff to recognize and respond to youth who are at risk of suicide or self-harm” and “the deficiencies we found in these areas during our review suggest LEAs could do more to address youth suicide and self-harm.”

Pursuant to AB 2639 (Berman; 2018), the California Department of Education published a model policy in May 2017 for the LEAs’ to adopt - highlighting best practices suicide prevention organizations recommend. This included identifying primary and secondary liaisons to whom staff report known or suspected suicidal intentions and providing students with education about mental health challenges. The Auditor Report notes that “Although the State does not mandate training for school personnel, state law does outline which elements such training must include if LEAs provide it. The Audit Report found that out of the six schools that were analyzed, “all six of the LEAs we reviewed lacked suicide prevention policy elements that either state law or the model policy identify. The Audit report believes, “Without these elements, the LEAs may be unprepared to identify warning signs or provide resources for students at risk.”

- 6) **Argument in Support.** According to the California Association for Health, Physical Education, Recreation and Dance (CAHPERD) “supports AB 58, which would encourage Local Education Agencies (LEAs) to provide suicide awareness and prevention training at the beginning of each school year to teachers. The bill also requires LEAs to review and update their policies on pupil suicide prevention and revise their training materials to incorporate best practices identified by the California Department of Education.

“CAHPERD recognizes that teachers are often among the first to notice when a student is struggling with mental health issues such as depression and/or suicidal thoughts. Unfortunately, many teachers lack adequate training regarding mental health topics. Training based on known best and appropriate practices would be critical and valuable to assist all the parties involved.”

7) **Related legislation. AB 552 (Quirk-Silva)** of this Session authorizes a county behavioral health agency (CHBA) and the governing board or governing body of a local educational agency (LEA) to enter into an Integrated School-Based Behavioral Health Partnership Program (Partnership Program), as established by this bill, to provide prevention and early intervention, and access to, behavioral health and substance use disorder services for pupils at schoolsites. *This bill is set to be heard in Senate Education Committee on June 1, 2022.*

AB 748 (Carrillo) of this Session this bill requires each schoolsite in a school district, county office of education (COE), or charter school serving pupils in any of grades 6 to 12, on or before the start of the 2023–24 school year, to create a poster that identifies approaches and shares resources regarding pupil mental health. This bill also requires the California Department of Education (CDE) to develop a model poster. *This bill is set to be heard in Senate Education Committee on June 1, 2022.*

AB 309 (Gabriel) Chapter 662, Statue of 2021, requires the CDE to develop model pupil mental health referral protocols, in consultation with relevant stakeholders, subject to the availability of funding for this purpose.

SB 229 (Dahle) of this Session requires DHCS, in consultation with CDE, to provide up to \$500 million in grants annually to LEAs and private schools, to provide mental health services for pupils affected by school closures and distance learning requirements resulting from the COVID-19 pandemic, subject to an appropriation by the Legislature for this purpose. *This bill was held on suspense in Senate Appropriations Committee.*

AB 2639 (Berman) Chapter 437, Statutes of 2018 requires the CDE to identify and make available an online training program in suicide prevention that an LEA can use to train school staff and pupils, consistent with the LEA’s policy on suicide prevention.

AB 2246 (O’Donnell) Chapter 642, Statutes of 2016 requires LEAs to adopt policies for the prevention of student suicides, and requires the CDE to develop and maintain a model suicide prevention policy.

SUPPORT

- American Academy of Pediatrics, California, Chapter 2
- Association of California School Administrators (ACSA)
- Association of Regional Center Agencies
- CA Council of Community Behavioral Health Agencies
- California Alliance of Child and Family Services
- California Association For Health, Physical Education, Recreation and Dance
- California Catholic Conference
- California State Association of Psychiatrists (CASP)
- California Teachers Association
- National Association of Social Workers, California Chapter
- Peace Officers of California (PORAC)

OPPOSITION

None on file.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1963 **Hearing Date:** June 8, 2022
Author: Salas
Version: March 28, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: California State University and University of California: gene synthesis providers

NOTE: This bill has been referred to the Committees on *Education* and *Health*. A "do pass" motion should include referral to the Committee on *Health*.

SUMMARY

This bill requires, beginning January 1, 2023, any California State University (CSU) campus, and requests any University of California (UC) campus to, purchase gene synthesis products and gene synthesis equipment only from providers and manufacturers, that are current members of the International Gene Synthesis Consortium (IGSC).

BACKGROUND

Federal law.

- 1) Establishes the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, setting forth the requirements for the possession, use, and transfer of select agents and toxins that have the potential to pose a severe threat to public health and safety, to animal health, or to animal products (Code of Federal Regulations (CFR) Title 42, Section 73.2).
- 2) Prohibits, unless subject to an exemption, any individual or entity from possessing, using, or transferring any select agent or toxin, as defined, without a certificate of registration issued by the Health and Human Services Secretary (CFR Title 42, Section 73.7).

State law.

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services (Article IX, Section (9)(a) of the California Constitution).
- 2) Establishes the CSU administered by the Board of Trustees and provides that the Trustees shall have the full power over the construction and development of any

CSU campus and any buildings or other facilities or improvements (Education Code Section 89030, et seq.).

ANALYSIS

This bill:

- 1) Requires, beginning January 1, 2023, any CSU campus, and requests any UC campus, to only purchase gene synthesis products from a gene synthesis provider, and gene synthesis equipment from a manufacturer of gene synthesis equipment, that is a current member of the International Gene Synthesis Consortium (IGSC).
- 2) Requires each campus of the California State University that purchases gene synthesis products or gene synthesis equipment to appoint the appropriate campus committee to ensure that gene synthesis products and gene synthesis equipment is *only* purchased from a current member of the IGSC.
- 3) Requests each campus of the UC that purchases gene synthesis products or gene synthesis equipment is requested to appoint the appropriate campus committee to ensure that gene synthesis products and gene synthesis equipment is purchased from a current member of the IGSC.
- 4) Defines various terms and purposes of the bill including all of the following:
 - a) "Current member" to mean a current member of the IGSC who is a certified member of that organization and includes voting members, small company members, and nonprofit members. It does not include provisional associate members or any other membership tier where the entity does not implement an IGSC tested and approved screening system.
 - b) "Gene synthesis equipment" to mean equipment needed to produce gene synthesis products that is not readily used for any other purpose.
 - c) "Gene synthesis product" to mean double-stranded DNA (dsDNA), double-stranded nucleic acids, RNA, or oligonucleotides, designed and created without an existing DNA template.
 - d) "Gene synthesis provider" to mean an entity that does any of the following:
 - i) An entity that creates gene synthesis products for delivery to a customer.
 - ii) A distributor of gene synthesis products, including, but not limited to, entities who manufacture gene synthesis products for use by other parties, both inside and outside of the entity.
 - iii) A third-party entity that is not the end user of a gene synthesis

product and does not make gene synthesis products, but otherwise fills, completes, modifies, or purifies gene synthesis products.

- e) "Gene synthesis provider" does not include a research scientist making gene synthesis products for the research scientist's own use or for use by another research scientist or an entity that manufactures gene synthesis products for the entity's own use.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Gene synthesis companies are not required to conduct public safety screenings on their customers or the orders they place. This poses a significant public safety risk, which leaves California (and the world) vulnerable to a bio-attack or the intentional spread of a virus like COVID-19 or even Ebola. With technological improvements and reduction of costs, gene synthesis companies have made ordering customizable DNA accessible and affordable. For most major companies, a customer can simply log on to their website, upload a DNA sequence, and order thousands of genes through the mail. The genetic sequence information for most pathogens, including COVID-19 and Ebola, are freely available online or through legitimate organizations like the National Center for Biotechnology Information. Scientists have shown that it is possible to construct deadly diseases like Ebola or Smallpox, and more recently, COVID-19, by assembling bits of customized DNA. Consequently, a nefarious actor, like a bioterrorist, could construct a pathogen from scratch by ordering certain sequences of DNA from a gene synthesis company. The National Academies of Sciences noted in their 2018 report, *Biodefense in the Age of Synthetic Biology*, that the synthesis of known pathogens is one of the most pressing biodefense risks in the nation.

"With California's UC and CSU systems being on the frontline of cutting-edge research, tax dollars are being spent on the purchase of gene synthesis products (GSP) for a multitude of projects. However, there is currently no requirement that our higher education system ensures that they are purchasing GSP from responsible actors, who abide by screening protocols. This means that part of the state's funding for the education system could be supporting companies in the gene synthesis space who are not acting in the best interest of the world and who may be weakening our biosecurity by cutting corners and not screening their customers or their orders."

- 2) **About IGSC.** IGSC is an industry-led group of gene synthesis companies and organizations that formed in 2009 to design and apply a common protocol to screen both the sequences of synthetic gene orders and the customers who place them. IGSC members screen synthetic gene orders to identify regulated pathogen sequences and other potentially dangerous sequences. According to their website, by screening the sequences of ordered genes, and by vetting customers, IGSC members help ensure that researchers and the synthetic biology community realize the many benefits of gene synthesis technology while minimizing risk. Specifically, IGSC members screen the complete DNA and translated amino acid sequences of every double-stranded gene order against the IGSC's comprehensive curated Regulated Pathogen Database derived from

international pathogen and toxin sequence databases. IGSC members also perform customer screening measures and steps to review the individual and organization placing the order. Any synthetic gene order containing sequences for regulated pathogens or toxins may only be provided to verified government laboratories, universities, and industrial laboratories demonstrable engaged in legitimate research. All customer screening processes ensure that synthetic gene orders are only provided to validated end-users, not distributors or resellers. Additional processes covered in the Harmonized Screening Protocol establish best practices related to record keeping, order refusal and reporting, regulatory compliance, and consortium collaborative activities. According to IGSC, their members represent approximately 80% of commercial gene synthesis capacity worldwide.

- 3) **Federal guidelines.** In 2010, the United States Department of Health and Human (USDHH) Services published guidelines for commercial gene synthesis providers. The guidelines include sequence screening of gene synthesis orders and screening of customers. Staff understands the USDHH is considering updating its guidelines but it's unclear when that will occur. Notably, the National Institute of Health last month announced it would host on June 29, 2022, a stakeholder meeting and continue its engagement with the biosecurity stakeholder community to discuss federal and institutional policies for the oversight of Dual use Research of Concern. It is anticipated that these conversations would lead to new or updated guidelines. The committee may wish to consider whether this bill is premature given that updates to federal guidelines are underway.

- 4) **Is this the appropriate solution?** All UC campuses have Institutional Biosafety Committees that are responsible for enforcing policies and guidelines related to university-related use of all potentially hazardous biological agents including, but not limited to, infectious agents, human and nonhuman primate materials, Center of Disease control select agents, recombinant DNA and studies involving human gene transfer. The committees further ensure that research involving these agents is conducted in a manner that does not endanger the researcher, laboratory workers, human research subjects, the public, or the environment. These committees are created under mandate from the National Institute of Health, which is a part of the U.S. Department of Health and Human Services and is the designated medical research agency. Additionally, UC's systemwide *dual use research of concern* policy is designed to preserve the benefits of life sciences while minimizing the risk that the output of such research could be used for harmful purposes. CSU has internal review committees and research policies similar to that of UC. These internal safeguards exist for research approval of a biological agent product and for approval of the research itself. It appears that campus guidelines relating to actual purchases and screening of companies, which the bill is attempting to address, are minimal. Is this bill, however, the appropriate solution? Staff understands that the IGSC is a private association of international companies that requires its members to abide by customer screening guidelines established by its membership. *Should a single private entity dictate from which providers California public colleges purchase products and equipment?*

Rather than require purchasing exclusively from IGSC members, **staff recommends** that the bill be amended as follows:

- Strike the contents of paragraphs 66361 (a) and (b).
 - Require CSU and request UC to develop systemwide guidance for purchasing gene synthesis equipment or gene synthesis products from gene synthesis providers and manufactures who prevent the misuse of synthetic genes and safeguard the benefits of gene synthesis technology while minimizing risk.
 - Require CSU and request UC to consider including IGSC criteria in their guidance.
- 5) **Prior legislation.** AB 70 (Salas, 2021) would have required, beginning January 1, 2025, a gene synthesis provider and manufacturer of gene synthesis equipment operating in California to either be current members of the IGSC or verified by the Department of Public Health (DPH) as entities adhering to proper screening protocols, as specified. AB 70 was vetoed by the Governor whose message read, in part:

“This bill would require the CDPH to establish a new state regulatory program to provide oversight over gene synthesis providers and manufacturers of gene synthesis operating equipment. The bill would also require gene synthesis businesses to demonstrate membership in a voluntary industry consortium or be verified by CDPH to use customer and sequence screening protocols that meet or exceed the protocols established by that consortium.

In order to fund the establishment of the program, the bill would authorize CDPH to begin charging fees from the entities to be regulated before the program is established and before businesses are required to be in compliance. This structure is not implementable and General Fund resources needed to support the establishment of a new regulatory program should be considered in the annual budget process. Furthermore, consideration should be given to whether a patchwork of state and federal regulations on biosecurity is the most effective way to approach an issue of international magnitude. For these reasons, I am returning this bill without my signature.”

SUPPORT

None received.

OPPOSITION

None received.

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 2355	Hearing Date:	June 8, 2022
Author:	Salas		
Version:	April 21, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: School cybersecurity.

Note: This bill is Triple referred to Education, Governmental Organization, and Judiciary. A “do pass” motion would refer this bill to the Committee on Governmental Organization.

SUMMARY

Requires a Local Educational Agency (LEA) to report a cyberattack impacting 500 or more pupils or personnel to report to the California Cybersecurity Integration Center (Cal-CSIC) and requires the Cal-CSIC to annually report to the Governor and relevant policy committees of the Legislature with specified information related to the cyberattack.

BACKGROUND

Existing law:

Education Code (EC)

- 1) Authorizes an LEA to enter into a contract with a third party to provide services, including cloud-based services, for the digital storage, management, and retrieval of pupil records, or to provide digital educational software that authorizes a third-party provider to access, store, and use pupil records. (EC 49073.1(a))
- 2) Specifies numerous conditions and limitations on the use, maintenance, and disclosure or release of pupil records and information by an LEA, including prohibiting a school district from permitting access to pupil records to a person without written parental consent or a lawfully issued subpoena or court order to do so. (EC 49073)

Government Code (GOV)

- 3) Requires Cal-CSIC to serve as the central organizing hub of state government's cybersecurity activities and coordinate information sharing with local, state, and federal agencies, tribal governments, utilities and other service providers, academic institutions, and nongovernmental organizations. (GOV 8586.5(a))

Civil Code (CIV)

- 4) Requires any agency to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person, or, whose encrypted personal information was or is reasonably believed to have been, acquired by an unauthorized person and the encryption key or security credential was, or is reasonably believed to have been, acquired by an unauthorized person and the agency that owns or licenses the encrypted information has a reasonable belief that the encryption key or security credential could render that personal information readable or usable. (CIV 1798.29)
- 5) Requires a person or business that conducts business in California, and owns or licenses computerized data that includes personal information, shall disclose a breach of the security of the system following discovery or notification of the breach in the security of the data to a resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person, or, whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person and the encryption key or security credential was, or is reasonably believed to have been, acquired by an unauthorized person and the person or business that owns or licenses the encrypted information has a reasonable belief that the encryption key or security credential could render that personal information readable or usable. (CIV 1798.89)

ANALYSIS

Requires an LEA to report a cyberattack impacting 500 or more pupils or personnel to report to Cal-CSIC and requires the Cal-CSIC to annually report to the Governor and relevant policy committees of the Legislature with specified information related to the cyberattack. Specifically, this bill:

General Provisions

- 1) Requires an LEA to report any cyberattack impacting 500 or more pupils or personnel to report to the Cal-CSIC.
- 2) Requires the Cal-CSIC to establish a database that tracks reports of cyberattacks submitted by LEAs.
- 3) Requires the Cal-CSIC to annually report to the Governor and relevant policy committees of the Legislature summarizing the following:
 1. The types and number of cyberattacks on LEAs.
 2. The types and number of data breaches affecting LEAs that have been reported to the AG pursuant to Sections 1798.29 and 1798.82 of the Civil Code.
 3. Any activities provided by the Cal-CSIC to prevent cyberattacks or data breaches of an LEA.

4. Support provided by the Cal-CSIC following a cyberattack or data breach of an LEA.
- 4) Requires the Attorney General (AG) to share sample copies of data breach notifications with LEAs as specified, excluding any personally identifiable information, with the Center for the purpose of compiling this report.
- 5) Clarifies that nothing in this section shall be construed to affect any disclosure or notification requirements as specified.

Definitions

- 6) Defines, for the purposes of this article, "California Cybersecurity Integration Center" or "Center" to mean the California Cybersecurity Integration Center established by the Office of Emergency Services pursuant to Section 8586.5 of the Government Code.
- 7) Defines, for the purposes of this article, "Cyberattack" to mean either of the following:
 1. Any alteration, deletion, damage, or destruction of a computer system, computer network, computer program, or data caused by unauthorized access.
 2. The unauthorized denial of access to legitimate users of a computer system, computer network, computer program, or data.
- 8) Defines, for the purposes of this article, "Local educational agency" to mean a school district, county office of education, or charter school.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "In the past five years, more than two dozen California school systems have been targeted through cyber-attacks. In 2020 the FBI's internet crime report found that California had more cyber-crimes than any other state. The report's data only reflected reported cyber-attacks, the actual number is believed to be higher.

The K-12 Cybersecurity Resource Center and K12 Security Information Exchange's report, *The State of K-12 Cybersecurity: 2020 Year in Review*, reported this breakdown of cyber threats experienced by K-12 institutions in 2020: phishing (2%), denial of service (5%), ransomware (12%), data breach/leaks (36%) and other cyber threats (45%). According to a software company Seculore Solutions, since 2016 there have been 122 cyberattacks in California across the public safety, government, medical and education sectors with 26 of those being cyberattacks targeting California school districts. In both of these groups' research they noted that their findings would be the minimum number of attacks. The lack of

federal and state reporting requirements means much of the data on cyberattacks are incomplete. There is no archive for cyber-attacks in California.

This bill will help ensure schools collect consistent data regarding cyberattacks to ensure further transparency and protection against breaches. There needs to be data and information to begin with so that the scope of attacks can be better understood. This will also equipped researchers and schools with necessary and consistent information needed to adopt solutions to the problem. Additionally, requiring schools alert parents and guardians of if a pupil's data was breached allows them to take precautions and be alert of potential ramifications."

- 2) **Education and technology.** The COVID-19 pandemic laid bare education's dependence on technology. This integral relationship includes a multitude of networks, internet websites and portals, data systems, and devices, both on campus and off, across a variety of local educational agencies and state entities. LEAs and individual schools possess sensitive personal information protected by both state and federal privacy laws. As more LEAs provide devices to students for home use that remain connected to networks, more potential pathways for intrusion are created.

Cyberattacks on schools are particularly harmful, as they have the potential to interfere with a school's educational mission by prohibiting normal instruction, and can also result in the unauthorized disclosure of highly sensitive pupil records. Both state and federal law recognize the unique sensitivity of pupil records and place stringent limitations on conditions in which such information can be disclosed. The federal Family Educational Rights and Privacy Act (FERPA) provides parents and eligible students with the right to inspect and review the student's education records, and to request corrections to records they believe to be inaccurate, but generally prohibits disclosure of the student's education record without the consent of the parent or student, except under specified conditions. California law similarly considers pupil records worthy of additional protection and specifies several conditions and limitations on the use, maintenance, and disclosure of pupil records, including prohibiting a school district from permitting access to pupil records to a person without written parental consent or a lawfully issued subpoena or court order to do so. But these comprehensive privacy laws do not appear to protect such sensitive records against unauthorized access to and disclosure of student records that can result from a breach of cybersecurity.

- 3) **Cybersecurity and schools:** The Federal Bureau of Investigation's Internet Crime Complaint Center (FBI IC3) reported over two million complaints of internet crime over the past five years, totaling over \$13 billion in resulting losses. The number of reported internet crimes has increased every year since 2016, as have the associated costs, and the margin by which these rates increase year-over-year continues to grow. Between 2019 and 2020 alone, the number of complaints received by the FBI IC3 increased by nearly 70%, from 467,361 in 2019 to 791,790 in 2020, likely as a result of unprecedented demand for virtual technologies resulting from the COVID-19 pandemic. According to the FBI IC3's 2020 report, California leads the nation in both the number of complaints relating to internet crime and in the estimated costs experienced by the victims. In 2020, the FBI IC3

received 69,541 cybercrime complaints from Californians, costing victims over \$620 million.

- 4) **Data Security Breach Reporting.** The eCrime Unit, a division in the Office of the AG, is tasked with investigating and prosecuting criminal organizations that commit identity theft crimes, use an electronic device or network to facilitate a crime, or commit a crime targeting an electronic device, network, or intellectual property in excess of \$50,000. California law requires a business, state agency, or local agency to notify any California resident whose unencrypted personal information, as defined, was acquired, or reasonably believed to have been acquired, by an unauthorized person, and requires a breach notification to the AG when more than 500 California residents are believed to be impacted. In a 2016 report published by the Department of Justice (DOJ), from 2012 through 2015 the eCrime Unit received reports on 657 data breaches, affecting a total of over 49 million records of Californians. In 2012, there were 131 breaches, involving 2.6 million records of Californians; in 2015, 178 breaches put over 24 million records at risk. This means that nearly three in five Californians were victims of a data breach in 2015 alone. These breaches occurred in all parts of our economy: retailers and banks, doctors, dentists and hospitals, gaming companies, spas, hotels, restaurants, government agencies, schools, and universities. However, when a school is cyberattacked, it is unclear if a report needs to be sent to pupils, parents, or personnel. This bill provides additional clarity by requiring LEAs to inform pupils, parents, and personnel when a breach occurs under existing law.
- 5) **California Department of Education (CDE).** The CDE collects and protects student data. To protect and maintain sensitive information and awareness throughout the year, the Educational Data Governance Program hosts presentations by cybersecurity and privacy experts from federal partner agencies such as the FBI and the U.S. Department of Education. Additionally, CDE staff to network and learn from privacy professionals and share privacy resources with schools and districts at conferences and symposia. Schools are currently not required to report cyberattacks to the CDE and no state funds support cyberattacks on schools. This bill would require LEAs to report cyberattacks to Cal-CSIC.
- 6) **Cal-CSIC.** In April 2016, CalOES placed the Cal-CSIC alongside the State Threat Assessment Center (STAC), California's information-sharing clearinghouse of strategic threat analysis and situational awareness reporting. This co-location ensured immediate collaboration across the State Threat Assessment System, California's intelligence community.

According to Cal OES, since April of 2016, Cal-CSIC representatives from Cal OES, the California Department of Technology, the California Military Department, and the California Highway Patrol [have been] pooling resources to implement cyber vulnerability assessments and develop intuitive cyber threat alerts for the end-user. California receives a great deal of cyber threat information from other local, state, and national partners, but rarely receive a strategic look at the motivations behind these threats and the techniques to prevent, mitigate, or respond to them. The Cal-CSIC endeavors to provide useful information that will help protect California's residents and infrastructure.

Furthermore, Cal-CSIC personnel are working to identify best and most cost-effective technological solutions to augment the state's cybersecurity mission and protect the privacy and civil liberties of California's residents. The Cal-CSIC seeks to instill trust and confidence by promoting transparency of internal processes and protocols, and maintaining confidentiality and integrity while exchanging cybersecurity information with its partners.

- 7) **Related legislation. AB 2326 (Salas)** of the 2019-20 Session would have required an LEA to report any cyberattack to the Cal-CSIC and to designate a cybersecurity coordinator to serve as a liaison in cybersecurity matters between the LEA and the Cal-CSIC. The bill would have required the Cal-CSIC to establish a database that tracks reports of cyberattacks submitted by LEAs and required the Cal-CSIC to annually report to the Legislature on the state of cybersecurity in the state's LEAs. *This bill was held in the Assembly Education Committee.*

AB 1352 (Chau), Chapter 593, Statutes of 2021, authorized the Military Department, at the request of a LEA, and in consultation with the Cal-CSIC, to perform an independent security assessment of the LEA, or an individual schoolsite under its jurisdiction.

AB 2813 (Irwin), Chapter 768, Statutes of 2018, established the Cal-CSIC within the Cal OES, the primary mission of which is the same as Cal-CSIC as created by Executive order. The bill required Cal-CSIC to include representatives from the Cal OES, the Office of Information Security in the DOT, the State Threat Assessment Center, the Department of the California Highway Patrol, the Military Department, the Office of the AG, the California Health and Human Services Agency, and others. Required the Cal-CSIC to coordinate with the California State Threat Assessment System and the U.S. Department of Homeland Security, establish a cyber incident response team, and safeguard the privacy of individuals' sensitive information.

AB 1566 (Chau) of the 2019-2020 Session would have would established the California Cyber Range Pilot Project, administered by the California Cybersecurity Institute (CCI), to establish a cloud-hosted exercise area environment for hands-on cybersecurity labs and exercises for pupils and students, through a year-long multiphased effort, as specified. The bill would require the pilot project to produce a scalable model for a permanent California Cyber Range Program. *This bill was never heard in Assembly Higher Education Committee.*

SUPPORT

None on file.

OPPOSITION

None on file.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 408 **Hearing Date:** June 8, 2022
Author: Quirk-Silva
Version: January 3, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Homeless children and youths: reporting

SUMMARY

This bill requires local educational agencies (LEAs) to establish homeless education program policies, requires homeless education liaisons to offer training to specified school staff, and requires the California Department of Education (CDE) to develop a risk-based monitoring plan for homeless education requirements.

BACKGROUND

Existing federal law:

- 1) Defines, in the McKinney-Vento Homeless Assistance Act, "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence, and includes: a) Children who are sharing the housing of others due to economic hardship, are living in motels, hotels, trailer parks, or campgrounds due to the lack of alternative accommodations, are living in emergency or transitional shelters, or are abandoned in hospitals; b) Children who have a primary nighttime residence not designed or ordinarily used for sleeping; c) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and d) Migratory children who are living in the circumstances described above. (United States Code, Title 42, § 11434(a))
- 2) Defines "unaccompanied youth" to include a homeless child or youth not in the physical custody of a parent or guardian. (42 USC §11434(a))
- 3) Requires each LEA to designate a local liaison for homeless children and youth who, among other duties, is responsible for ensuring that homeless children and youth are identified by school personnel through outreach and coordination activities with other entities and agencies, and ensuring that homeless families and homeless children and youth have access to and receive educational services for which such families, children, and youth are eligible. (42 USC § 11432(g))
- 4) Provides a homeless student with specific rights and protections, including the right to immediate enrollment, and the right to continue education at the student's school of origin for the duration of the student's homelessness, according to the child's or youth's best interest. (42 USC §11432 (g))

Existing state law:

- 5) Provides, pursuant to the federal McKinney-Vento Homeless Assistance Act, specified rights and protections for students experiencing homelessness, including:
 - a) Exemption from graduation requirements that are in addition to the statewide requirements; (Education Code § 51225.1)
 - b) Full or partial credit for coursework satisfactorily completed in another school by a student who is homeless, even if the student did not complete an entire course; (EC § 51225.2(b))
 - c) The option to continue their education at the school of origin through the duration of homelessness, regardless of change in residence; and (EC § 48852.7)
 - d) Immediate enrollment, even if the homeless child has outstanding fees or fines due to the school last attended or is unable to produce items normally required for enrollment, including immunization history and academic records. (EC 48852.7)
- 6) Requires the CDE and the Department of Social Services (DSS) to identify representatives from the CDE, DSS, and other state agencies who have experience in homeless youth issues to develop policies and practices to support homeless children and youth and to ensure that child abuse and neglect reporting requirements do not create barriers to the school enrollment and attendance of homeless children or youth. (EC § 48850)
- 7) Requires the CDE to provide informational materials to LEA liaisons regarding the educational rights of homeless children and youth, updates and changes to law regarding the rights of homeless students, the responsibilities of LEA liaisons, and the resources available to schools to assist homeless children and youth. (EC 48852.5)
- 8) Requires the CDE to provide training materials to LEA liaisons to assist them with providing professional development and other support to school personnel providing services pursuant to McKinney-Vento. (EC § 48852.5)
- 9) Requires, pursuant to the federal McKinney-Vento Homeless Assistance Act, an LEA liaison to ensure that public notice of the educational rights of homeless children and youth is disseminated in schools that provide services pursuant to McKinney-Vento. (EC § 48852.5)
- 10) Includes the measurement of the overall performance of homeless youth in the state's school accountability system. (EC § 52052)
- 11) Requires an LEA to identify all homeless children and youths and unaccompanied youths enrolled at the school by administering a housing

questionnaire. (EC § 48851)

- 12) Requires a school district, charter school, or county office of education to create a website containing the list of LEA liaisons with contact information, and information on homelessness including educational rights and resources in that school district, charter school, or CDE. (EC § 48852.6)

ANALYSIS

This bill requires LEAs to establish homeless education program policies, requires homeless education liaisons to offer training to specified school staff, and requires the CDE to develop a risk-based monitoring plan for homeless education requirements. Specifically, this bill:

- 1) Requires LEAs to establish homeless education program policies that are consistent with existing law relative to the rights of homeless youth and responsibilities of LEA liaisons.
- 2) Requires LEAs to update these policies at intervals of at most three years.
- 3) Requires a LEA liaison to do both of the following:
 - a) Offer training at least annually to certificated and classified employees of the LEA, including but not limited to, teachers, support staff, and other school staff who work with students, relating to both of the following:
 - i) The homeless education program policies established pursuant to #1 above.
 - ii) Recognition of signs that students are experiencing, or are at risk of experiencing homelessness.
 - b) Inform the certificated and classified employees of the LEA of the availability of training and the services the liaison provides to aid in the identification and provision of services to students who are experiencing or are at risk of experiencing homelessness.
- 4) Requires CDE to develop and implement a plan for monitoring LEA compliance with existing law related to the rights of homeless youth and responsibilities of LEA liaisons.
- 5) Requires the implementation of this risk-based monitoring plan to include reviews of the LEAs that are to include but not be limited to, schoolsite inspections to ensure that the state is not underestimating the number of youth experiencing homelessness.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "According to data by the California Department of Education youth experiencing homelessness are much more likely

than their peers to experience poor performance outcomes, such as chronic absenteeism, suspension, and lower likelihood of graduating high school. These performance outcomes suggest that the Local Education Agencies (LEAs) are not providing sufficient, educational related support services such as, tutoring, school supplies, and counseling that help support the success of these youth. Therefore; adequately trained school personnel are needed to provide services to these youth and to ensure that the staff are aware of important resources and information. Such as, knowing the definition of a youth experiencing homelessness, and knowing key indicators to help identify the youth needing services to ultimately ensure successful performance outcomes.

"In 2019, the California State Auditor's audit, 'Youth Experiencing Homelessness,' reported that LEAs are not identifying and adequately providing services to homeless youth. Of the six LEAs that were reviewed, none of them sufficiently trained staff to ensure they were aware of information that could help them identify youth who needed services. For instance, when the auditors reviewed two comparable LEAs, they found that one which provided high level of services reported that its youth experiencing homelessness performed better than the statewide average on performance outcomes.

"The audit also found that schools and districts reported only 270,000 homeless youth while they believe at least 370,000 are experiencing homelessness. Being able to have an accurate count of these students is important in order to provide early intervention and provide necessary support. The COVID-19 pandemic has furthered hardships for students and families experiencing homelessness. Now more than ever, it is important for LEAs to capture these youth during these incredibly challenging times."

- 2) *How many students are homeless?* According to the CDE, there were over 207,000 California public school students who met the federal definition of homelessness at some point during the 2018-2019 school year, just under 195,000 students in 2019-20, and just over 183,000 students in the 2020-21 school year. Committee staff notes that a 2019 state audit found that LEAs underreport the number of students who are homeless (see # 3 below).
- 3) *Related state audit.* A 2019 report by the State Auditor, "Youth Experiencing Homelessness: California's Education System for K-12 Inadequately Identifies and Supports These Youth," found that LEAs under-identify homeless youth, and CDE does not adequately monitor LEAs in this area, resulting in a lack of support being provided to students who are homeless. This bill implements some of the recommendations included in this audit, specifically:
 - a) Follow best practices and existing law, such as disseminate information about homelessness and identify students who may be homeless or at risk of becoming homeless.
 - b) Train all school staff who provide services to youth experiencing homelessness on the homeless education program at least annually. (This bill only requires that training be offered annually).

- c) Requires CDE to develop and implement a plan for monitoring LEA compliance with existing law related to the rights of homeless youth and responsibilities of LEA liaisons. Youth Experiencing Homelessness California's Education System for K-12 Inadequately Identifies and Supports These Youth
- 4) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) One-time Proposition 98 General Fund state reimbursable mandated costs, likely in the hundreds of thousands, to LEAs to adopt a homeless education program policy. There are approximately 2,300 LEAs that would be required to develop a policy. Actual costs will depend on how local education agencies choose to implement the requirements of the bill.
 - b) Potential Proposition 98 General Fund state reimbursable mandated costs to LEAs, ranging from the tens of thousands of dollars to low millions of dollars annually, to offer annual training to specified staff.
 - c) One-time and ongoing General Fund administrative costs to the CDE to develop an oversight plan for monitoring LEA implementation of homeless education requirements and to conduct oversight. CDE did not provide a cost estimate
- 5) *Prior legislation.* AB 3218 (Quirk-Silva, 2020) was nearly identical to this bill. AB 3218 was not heard due to the shortened legislative timelines.

SUPPORT

California Federation of Teachers, AFL-CIO
California School Employees Association
California Teachers Association
National Association of Social Workers, California Chapter

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1633 **Hearing Date:** June 8, 2022
Author: Seyarto
Version: April 5, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Public postsecondary education: veterans' educational benefits: information sharing

NOTE: This bill has been referred to the Committees on Education and *Military and Veterans Affairs*. A "do pass" motion should include referral to the Committee on *Military and Veterans Affairs*.

SUMMARY

This bill, commencing with the 2023-24 academic year, and annually thereafter, requires the California State University (CSU) and requests the University of California (UC) to, electronically transmit to the Department of Veterans Affairs (CalVet), personal information regarding each student whose tuition or fees, or both are paid, or intended to be paid, using GI Bill educational benefits, if the student has provided written consent to the disclosure.

BACKGROUND

- 1) Existing federal law provides federal educational benefit awards for certain members and veterans of the Armed Forces of the United States. (38 U.S. Code Section 3001 et al.)
- 2) Existing state law, establishes that CalVet within state government has specified powers and duties relating to veterans, including those relating to education benefits. (Military and Veteran Code (MVC) Section 699.5 et al.)
- 3) Existing state law, authorizes the CCC and CSU, and encourages the UC, to report to CalVet, on an annual basis, the following information:
 - a) The number of qualified students assisted by a Military and Veterans Office.
 - b) The number of qualified students assisted who are active duty members of the Armed Forces of the United States, the California National Guard, reserves, or are veterans.
 - c) The total education benefits obtained by all qualified students assisted by a specified office. (Education Code (EC) Section 69786)
- 4) Under federal law, The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. It applies to all schools that

receive funds under an applicable program of the United States Department of Education. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under some of the following conditions:

- a) School officials with legitimate educational interest.
- b) Other schools to which a student is transferring.
- c) Appropriate parties in connection with financial aid to a student.
- d) Organizations conducting certain studies for or on behalf of the school.
- e) Accrediting organizations.
- f) State and local authorities, within a juvenile justice system, pursuant to specific State law (20 U.S.C. Section 1232g; 34 CFR Part 99)

ANALYSIS

This bill:

- 1) Commencing with the 2023-24 academic year, and annually thereafter, requires the CSU and requests the UC to, electronically transmit to the Department of Veterans Affairs, all of the following personal information regarding each student whose tuition or fees, or both are paid, or intended to be paid, using GI Bill educational benefits, if the student has provided written consent to the disclosure:
 - a) True, full name.
 - b) Email address.
 - c) Mailing address.
 - d) Mobile telephone number.
- 2) Specifies that the first data transfer includes all students using or intended to use GI bill educational benefits for the 2023-2024 academic year and subsequent data transfers include only new students not identified in the prior data transfer.
- 3) Requires, by June 1, 2023, the CSU Chancellor's Office, and requests the UC's President's Office to, develop and post on its internet website a template for a written consent to be used by campus financial aid offices that permits a student, when applying for financial aid, to opt-in to having the student's personal information shared with the Department of Veterans Affairs.
- 4) Provides that the written consent be developed and administered in compliance with federal and state laws relating to individual privacy, including the requirements of the Federal Family Education Rights and Privacy Act of 1974 and applicable regulations.

- 5) Limits information obtained by the Department of Veterans Affairs pursuant to the bill, for purposes of providing benefits and support services for veterans and prohibits use or disclosure of that information for any other purposes.
- 6) Defines, for purposes of the bill, "GI Bill educational benefits," to mean any educational benefit administered by the United States Department of Veterans Affairs that is designed to help eligible veterans of the Armed Forces of the United States or other eligible persons with a relationship to a veteran of the Armed Forces of the United States to cover the costs associated with enrollment as a student.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "While the Federal Government provides many benefits for veterans, California has also stepped up and offered more benefits to resident veterans. Benefits that include property tax breaks and education tuition reductions for family are just two benefits that California uniquely offers veterans who qualify. Some of the benefits are connected to disability ratings with Veteran Affairs and others are connected to time in service. The real connection comes in the form of CalVet who is charged by the state to connect the veterans living in California with their benefits.

"Unfortunately the current process for CalVet to connect with a veteran is limited to two methods, one where the veteran comes into either a CalVet office or a local County Veteran Service Office and the other where the Department of Defense shares the "Home of Record" for the service members who exited the military that year. Both of these options do not reach the main body of veterans in the community and neither provides a viable way of keeping the veteran up-to-date with benefits and their qualifications."

The author asserts that over half of veterans use federal education benefits, as such, connecting with veterans through their college campuses is an effective way to push information to CalVet.

- 2) **California Veterans.** It is the mission of CalVet to serve California veterans by connecting them and their families with their earned benefits. The department estimates that there are nearly 1.6 million veterans living in the State. Many of whom use their federal education benefits (e.g., Montgomery GI Bill and Post-9/11 GI Bill) to cover tuition or other expenses associated with attendance at a CSU and UC campus. Based on numbers reported on CSU's Troops to College webpage, the program services nearly 20,000 military-connected students systemwide. At UC, according to 2018-19 enrollment data, the system enrolled over 2,200 students who have served in the United States Armed forces including those on active duty and veterans. This bill seeks to improve veteran participation in federal and state benefit programs by using campus financial aid offices as a means to connect a greater number of California veterans with CalVet.
- 3) **CalVet and DMV data-sharing agreement.** The author has indicated that this legislation builds on successful data sharing efforts in existing law between

CalVet and the Department of Motor Vehicles (DMV). The transportation budget trailer bill, AB 105 (Committee on Budget, Chapter 712, Statutes of 2010) required the Department of Motor Vehicles (DMV) to update application forms to provide a space for an applicant to indicate whether they served in the armed forces. It further required that data collected from willing veterans be transmitted to the Department of Veterans Affairs in order to identify if they are eligible for benefits. The provisions detailed in AB 105 also contained restrictions around how the collected data can be used.

According to information provided by the author, this collaboration resulted in over 28,500 veterans requesting information through their DMV application within 18 months. Further legislative efforts in 2014 required DMV to issue driver's licenses and identification cards with a veteran designation to eligible applicants, and utilized County Veteran Service Officers (CVSO) to process and certify service members' discharge papers.

Additional information provided by the author reveals, that as of December 31, 2018, 106,852 veterans have opted to have the veteran designation on their license. According to CalVet, 35,261 veterans applied for benefits as a result of their visit with a CVSO to get the paperwork necessary for the veteran designation. Those veterans are now receiving nearly \$74 million in annual benefits. In addition, nearly \$40 million in benefits have been awarded retroactively.

- 4) **Student privacy rights.** The Family Education Rights and Privacy Act (FERPA) prohibit the improper disclosure of personally identifiable information derived from education records. FERPA applies to all schools that receive federal funding through the U.S. Department of Education and protects the privacy of student educational records. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's educational record. In an effort to comply with these requirements, the bill's provisions only apply to information for which the student has provided written consent for disclosing their personal information to CalVet.

- 5) **Prior legislation.**

AB 105 (Committee on Budget, Chapter 6, Statutes of 2011), the transportation budget trailer bill, codified the information sharing relationship between DMV and CalVet as mandated by SB 870.

SB 870 (Ducheny, Chapter 712, Statutes of 2010) requires the DMV to update driver's license and state identification card application forms to identify veterans who wish to be contacted regarding their eligibility for state and federal veteran benefits. SB 870 also requires DMV to establish a data-sharing agreement with CalVet for the information DMV collects from veterans as part of the application process.

SB 1680 (Wyland, Chapter 123, Statutes of 2008) authorized the CCC and the CSU and would encourage the UC, to report to CalVet, on an annual basis, specified information relating to Military and Veterans Offices.

SUPPORT

None received.

OPPOSITION

None received.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1968 **Hearing Date:** June 8, 2022
Author: Seyarto
Version: March 17, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Public postsecondary education: uniform informational guidance for sexual assault survivors

SUMMARY

This bill requires the California State University (CSU) and requests the University of California (UC) to develop content and presentation standards and a model internet website template regarding the steps a student who is a victim of sexual assault may take immediately following the assault.

BACKGROUND

Existing law:

- 1) Requires, as a condition of receiving state funds for student financial assistance, the governing board of each community college district, the CSU Trustees, the UC Regents, and the governing boards of independent postsecondary institutions to:
 - a) Adopt a policy concerning sexual assault, domestic violence, dating violence, and stalking involving a student, both on and off campus;
 - b) Adopt detailed and victim-centered policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving a student that comport with best practices and current professional standards;
 - c) Enter into memoranda of understanding, agreements, or collaborative partnerships with existing on-campus and community-based organizations, including rape crisis centers, to the extent feasible to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, and including resources for the accused; and,
 - d) Implement comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking. Existing law requires outreach programming to be included as part of every incoming student's orientation. (Education Code § 67386)
- 2) Requires the governing board of each community college district, the Trustees of the CSU, the Board of Directors of the Hastings College of the Law, and the Regents of the UC to each adopt, and implement at each of their respective

campuses or other facilities, a written procedure or protocols to ensure, to the fullest extent possible, that students, faculty, and staff who are victims of sexual assault committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by the institution, or upon grounds or facilities maintained by affiliated student organizations, receive treatment and information. If appropriate on-campus treatment facilities are unavailable, the written procedure or protocols may provide for referrals to local community treatment centers. (EC § 67385)

- 3) Requires the governing board of each community college district and the Trustees of the CSU, and requests the Regents of the UC to provide as part of established campus orientations, educational and preventive information about sexual violence to students at all campuses of their respective segments. For a campus with an existing on-campus orientation program, this information must be provided, in addition to the required sexual harassment information, during the regular orientation for incoming students. (EC § 67385.7)
- 4) Requires each campus of the California Community Colleges (CCC) and the CSU, and requests each campus of the UC, to post sexual violence prevention and education information on its campus website. The educational and preventive information is required to include all of the following:
 - a) Common facts and myths about the causes of sexual violence;
 - b) Dating violence, rape, sexual assault, domestic violence, and stalking crimes, including information on how to file internal administrative complaints with the institution of higher education and how to file criminal charges with local law enforcement officials;
 - c) The availability of, and contact information for, campus and community resources for students who are victims of sexual violence;
 - d) Methods of encouraging peer support for victims and the imposition of sanctions on offenders; and,
 - e) Information regarding campus, criminal, and civil consequences of committing acts of sexual violence. (EC § 67385.7)

ANALYSIS

This bill requires the CSU and requests the UC to develop content and presentation standards and a model internet website template regarding the steps a student who is a victim of sexual assault may take immediately following the assault. Specifically, this bill:

- 1) Requires each campus of the CSU, and requests each campus of the UC, in order to help campus community members quickly access relevant information and resources following a sexual assault, to develop and post on its website sexual assault informational guidance that is based on the content and presentation and model internet website template developed or updated pursuant

to # 4 below.

- 2) Requires the sexual assault informational guidance to supplement other information related to sexual assault that is required to be provided to campus community members under existing state or federal laws.
- 3) Requires a campus with existing content on its website that is similar to the sexual assault informational guidance required by this bill to update the existing content as necessary based on the content and presentation and model website template developed or updated pursuant to # 4 below.
- 4) Requires the Trustees of the CSU, and requests the Regents of the UC, to ensure that sexual assault informational guidance is uniform across the websites of all campuses of each of their respective segments, to develop both of the following:
 - a) Standards for the content and presentation of information and resources regarding the steps a campus community member who is a survivor of a sexual assault might immediately take following the sexual assault, including the options, timing parameters, and potential outcomes relating to each step.
 - b) A model website template incorporating the standards.
- 5) Requires the standards and model website template to be developed in collaboration with sexual assault survivor advocates and others who work with sexual assault survivors, such as counselors, health care service providers, Title IX offices, law enforcement officials, prosecutors, and civil attorneys, in a manner informed by relevant experts and bona fide and reliable sources of relevant information, including but not limited to, information relating to state and federal laws, best practices for website design, and the web pages of campuses with existing relevant content, such as those developed by a Center for Advocacy, Resources and Education office or another campus office.
- 6) Authorizes the content standards to consist of general content guidance, specific language, or both, but must address at least all of the following:
 - a) Reporting the sexual assault to others who may provide emotional or other valuable help immediately following the sexual assault, such as advocates and counselors, health care service providers, and law enforcement agencies, and standards for a listing of the names, contact information, and services offered by each campus-based or community-based sexual assault resource.
 - b) Receiving proper medical attention following the sexual assault, including forensic evidentiary exams and other medical testing options.
 - c) Collecting and preserving evidence related to the sexual assault, including physical evidence and other types of evidence.

- 7) Authorizes the presentation standards that are required pursuant to # 4 above to include general guidance, prescriptive guidance, or both, related to the structure for organizing and presenting the content in a manner that ensures it prominently calls attention to the information and resources on the website and is not obscured by other related or unrelated content.
- 8) Authorizes the presentation standards to include, but are not limited to, any of the following:
 - a) The location of the content on the website, including a requirement for a web page that is dedicated solely to information and resources related to the steps a survivor might take immediately following a sexual assault and a prominent link on the homepage of the campus's website to that web page.
 - b) Standards to ensure the manner of presenting the information is helpful to survivors who may view it following a traumatic sexual assault incident, including requirements for text and background formatting, the use of concise sentences, paragraphs, sections, and bullet lists when appropriate, and avoiding or limiting legal and highly technical terminology.
 - c) Standards for accessibility and user interface, including the use of links to other web pages for the listing of survivor advocates and other resources, requirements related to readability on mobile devices or other electronic devices, and whether the information and resources are downloadable or searchable from the homepage of the campus's website.
- 9) Requires the Trustees of the CSU, and requests the Regents of the UC, to post the standards and model website template on their respective websites for use by campuses.
- 10) Requires the standards and model website template to be reviewed annually and updated as necessary.
- 11) Requires the CSU, and requests the UC, to implement this bill from existing funds and resources.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Despite increased reporting requirements and investment in preventative education, sexual assault is still pervasive on college campuses with 13% of all students experiencing some form of sexual assault or sexual violence. Moreover, in spite of improvements in the availability of services, data indicates only about 1 in 5 or 20% college-aged female survivors received assistance from a victim service agency. Similarly, only 20% of female student victims, age 18-24 report to law enforcement. While 32% of nonstudent females the same age do make a report. The disparagement between the prevalence of sexual assault and use of resources including law enforcement is disturbing. This signals a significant disconnect between what resources are available, student's knowledge of resources, and how students ultimately choose to utilize resources.

“Under existing law, California’s public higher education systems utilize trainings for students, faculty, and staff to promote environments where sexual assault and violence are prevented in addition to bringing attention to resources to respond to these traumatic events. However, the CSU and UC systems do not have a uniform approach for victims to utilize electronic resources to find crucial information. Some higher education websites host information that is virtually inaccessible on a mobile device or just plain confusing to look at. The disclosure of private information relating to a sexual assault is poorly presented and confusing. The best examples present clear steps for victims to follow, placing an emphasis on their safety and control of the process including information about mandated reporters, confidential advocates, and medical care. Although current legislative efforts have focused on giving survivors power over their information through rape kit tracking and other victims resources to secure justice, CSU and UC campus websites lack clarity and organization of where crucial informational resources are located – ultimately limiting their effectiveness.”

- 2) *Title IX.* Title IX prohibits the exclusion of any person, on the basis of sex, from participation in, be denied the benefits of, or be subjected to discrimination under any educational program of activity receiving federal financial assistance. Title IX applies to schools, local and state educational agencies, and other institutions that receive federal financial assistance from the federal Department of Education. An institution that receives federal financial assistance must operate its education program or activity in a nondiscriminatory manner free of discrimination based on sex, including sexual orientation and gender identity. Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; financial assistance; athletics; sex-based harassment, which encompasses sexual assault and other forms of sexual violence; treatment of pregnant and parenting students; treatment of LGBTQI+ students; discipline; single-sex education; and employment.
- 3) *Uniformity.* As noted in the Assembly Higher Education Committee analysis of this bill, while there are many sections of the Education Code that direct specified information be posted on an institution’s website, there is generally a lack of specificity as to the manner in which that information is displayed and no requirement that information on campus websites is uniform or consistent across the segment.
- 4) *Why not community colleges?* According to the author, the CCCs are not included in this bill because community colleges are overwhelmingly non-residential and therefore little evidence exists for the need to apply the provisions of this bill to community colleges.
- 5) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose minor, absorbable costs (less than \$150,000) to the UC and CSU to establish the standards and update campus websites.
- 6) *Related legislation.* AB 2683 (Gabriel) requires the CCC, the CSU, and any independent institution of higher education or private postsecondary education institutions that receives state financial assistance (and requests UC) to provide annual sexual harassment and sexual violence prevention training to students,

as specified. AB 2682 is scheduled to be heard by this Committee on June 8.

AB 1467 (Cervantes) requires sexual assault counselors at public colleges and universities to be independent from the Title IX office, prohibits sexual assault counselors from releasing the identity of the victim, and authorizes the California State University (CSU) chancellor to collaborate with specified entities when reviewing executive orders related to discrimination, harassment, and retaliation. AB 1467 passed this Committee on June 1 and is pending in the Senate Judiciary Committee.

SUPPORT

American Association of University Women - California
California State Student Association
California State University, Office of The Chancellor

OPPOSITION

None received

-- END --

as students during their respective terms.

- e) A faculty member from the CSU, who shall be tenured at the California State University campus at which the faculty member teaches. (Education Code § 66602)
- 3) Provides that the two-year term of office of the faculty member is to begin on July 1, and if the Governor has not appointed a successor, the faculty member may remain in office after the term expires for one additional year, or until a successor is appointed by the Governor, whichever occurs first. (EC § 66602)
- 4) Provides that the term of office of one student member is to begin on July 1 of an *even-numbered year* and expire on June 30 two years thereafter. The term of office of the other student member is to begin on July 1 of an *odd-numbered year* and expire on June 30 two years thereafter. (EC § 66602)

ANALYSIS

This bill authorizes a student who was appointed to the CSU Board of Trustees, whose term expires on June 30 of any year, to remain as a member of the Board of Trustees until either January 1 of the following year or until the Governor has appointed the student's replacement; whichever occurs first.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "[T]here is a lack of parity between faculty members and student members. On the CSU Board of Trustees, a faculty member is allowed to remain in office after their term expires for one additional year, if the Governor has not appointed a successor. This is not the case for student representatives on the Board. Therefore, this risks a lack of student representation and input between the time a student representative has finished their term and the Governor has appointed a successor. Especially now during the COVID-19 pandemic that student voice is needed more than ever. We cannot afford to diminish their input because of a lack of parity in state code. ... This bill seeks to ensure uninterrupted student representation."
- 2) Student representation on the Board of Trustees. The current governing structure of the CSU was established in 1960 with the implementation of the California Master Plan for Higher Education. Originally, the Board of Trustees had one student representative who was appointed by the Governor for two years and was expected to be entering their junior year at the time of their appointment. In 1999, legislation increased the student membership to two students but limited the voting authority to one student, who is in their second year of their two-year term.

From 1999 to 2019, student representatives provided their opinions in their first year on the Board of Trustees, but were unable to vote on behalf of students until their second term. The first year was meant to serve as a learning experience for the student representative, who would use the wisdom gleaned from their first year on the Board of Trustees to vote responsibly on behalf of students. In 2019,

legislation eliminated the prohibition against a student member voting during the student member's first year on the Board of Trustees.

In recent years, the student representative for the Board of Trustees has been appointed in August, sometimes as late as August 27. Each year the Board of Trustees has meetings in July and effectively there is a lack of student representation as one of the student representative seats remains empty. Unlike the faculty representatives who are able to remain on the board for a year after their term expires or until the Governor appoints a replacement, student representatives on the Board of Trustees are removed from office at the end of their term regardless of whether their successor has been named.

- 3) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose minor costs, less than \$150,000 annually, to the CSU in the event that an otherwise vacant position would be filled.

SUPPORT

California State Student Association (sponsor)
California State University, Office of The Chancellor
Public Advocates Inc.

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1736 **Hearing Date:** June 8, 2022
Author: Choi
Version: March 17, 2022
Urgency: No **Fiscal:** No
Consultant: Lynn Lorber

Subject: Community colleges: student government

SUMMARY

This bill expands the eligibility pool of students who may serve as an elected officer in the student government of a California Community College (CCC) to include students who are enrolled in an adult education program and students who are enrolled as a disabled student.

BACKGROUND

Existing law:

- 1) Authorizes a governing board of a CCC district to allow the creation of a student body association, whose purpose is to encourage students to participate in the governance of the college and allow conduct activities including fundraising activities if approved by the college officials. (Education Code § 76060)
- 2) Places conditions on which students are permitted to serve as an officer in the student government of a CCC to students who:
 - a) Are enrolled in at least five semester units or the equivalent quarter units at the community college at the time of the election and throughout the student's term.
 - b) Meet and maintain minimum standards of scholarships as prescribed by the community college district. (EC § 76061)
 - c) Defines "disabled students" as people with exceptional need because of a verified disability who cannot fully benefit from classes, activities, or services provided by the college they have applied or been enrolled in without additional services or educational programs (EC § 84850)

ANALYSIS

This bill expands the eligibility pool of students who may serve as an elected officer in the student government of a community college to include students who are enrolled in an adult education program and students who are enrolled as a disabled student. Specifically, this bill:

- 1) Expands the eligibility pool of students who may serve as an elected officer in the student government of a community college to include both of the following:
 - a) A student who is enrolled in an adult education program offered by a community college district at the time of the election and throughout the student's term.
 - b) A student who is enrolled in the community college at the time of election, and throughout the student's term, and is a disabled student,
- 2) Clarifies that the equivalent to the minimum of five semester units is to be quarter units.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Many students with disabilities are precluded from participating in student body associations because of the minimum unit requirement noted in California Education Code S76061a. This code section includes language stating 'or its equivalent' for unit requirements, which has allowed some California community colleges to raise the unit and GPA requirements to an inequitable level that has reduced access for students of all backgrounds to participate in the student body associations and/or run for student trustee.

"Some students will take non-credit courses, which provide instruction in critical thinking along with preparing students to study independently outside-of-class. Students who choose to take non-credit courses often have the same workload as a credited student, but do not receive equal representation in extracurricular activities.

"Students with disabilities already participate in fewer extracurricular activities, like clubs or on-campus events, than non-disabled peers. One reason for their lack of participation is a lack of social inclusion. With the current minimum unit requirements, it unintentionally leaves out a majority of the Community Colleges students from being more involved on campus."

- 2) *Minimum standards of scholarship.* Existing law requires a student officer to meet and maintain the minimum standards of scholarship prescribed by the community college district. This bill does not apply the minimum standards of scholarship to student officers who are in adult school or who are disabled. According to the author, students who are in adult education or who are disabled may take non-credit courses so they are not given an actual grade; this could affect their grade point average or what is considered standards of scholarship.
- 3) *Qualifications to participate in student government.* As noted above, to be eligible to serve as an officer in community college student government, a student must be enrolled at the community college they are elected to represent, be enrolled in at least five semester units or its quarter unit equivalent, and maintain the minimum standards of scholarship as set forth by the community college district. The minimum standards of scholarship may differ as the

community college district sets the standard for all students; however, the general standard of maintaining academic excellence at a community college is a 2.0 grade point average in enrolled courses. Campus-based student body organizations and the statewide Student Senate for the CCCs can set additional standards for leadership positions beyond what is identified in the Education Code.

SUPPORT

GenUp
Public Advocates Inc.

OPPOSITION

None received

-- END --

identification cards the telephone number of their mental health hotline or the city's or county's mental health hotline, for which the campus is located, if the campus does not have a campus mental health hotline. Specifically, this bill:

- 1) Requires each campus of a CSU, CCC, and requests each campus of the UC, to have printed on either side of student identification cards the telephone number of their campus mental health hotline, if that campus has a campus mental health hotline.
- 2) Requires each campus of a CSU, CCC and request each campus of the UC, to have printed on either side of student identification cards the telephone number of their city's or county's mental health hotline, for which the campus is located, if the campus does not have a campus mental health hotline.
- 3) Clarifies that the telephone number of a campus's mental health hotline or the campus's city or county mental health hotline must be affixed on a student's identification card if it is issued for the first time or to replace a damage or lost identification card anytime on or after January 2023.
- 4) Authorizes each campus of a CSU, CCC, and UC without a campus mental health hotline to establish a campus mental health hotline for students to access mental health services remotely.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "With academic and economic burdens of higher education, college students face an overwhelming amount of pressure and struggle from a variety of mental health issues ranging from depression to anxiety. The 2018 National College Health Assessment discovered that in 2018, "63% of college student's surveyed felt overwhelming anxiety, 42% felt so depressed that it was difficult to function, 62% felt very lonely and 12% seriously considered suicide [...] Such mental health struggles have only been exacerbated during the COVID-19 pandemic when feelings of isolation, financial burdens, and grief have increased at alarming rates. According to an Active Minds survey in 2020, 80% of college students reported feeling that their mental health was negatively impacted by COVID-19 while 85% reported that focusing on school and work has been the most difficult struggle with the stay-at-home orders [...] AB 2122 builds upon SB 972 (Portantino, 2018), which requires public and private schools that serve pupils in any grades 7-12 and that issue student identification (ID) cards, and public or private institutions of higher education that issue student ID cards, to have printed on either side of the cards the telephone number for a suicide prevention hotline.
- 2) ***Room for information on identification cards?*** Current law requires Institutions of Higher Education (IHE) to provide the National Suicide Prevention Lifeline and either the local suicide prevention hotline telephone number or the local non-emergency telephone number if the campus does not have a campus police or security telephone number. Furthermore, current statute authorizes an IHE to include additional information such as the "Crisis Text Line" or a local suicide prevention hotline telephone number. This information is in addition to a student's

name, identification number, photo, barcode, school logo, or any other information that an IHE has deemed necessary to include. A student identification card is roughly the same size as a State Driver's license. Thus, only a finite amount of information can be affixed to a student identification card. *The Committee may wish to consider, when reviewing any future proposals to require content to be printed on student ID cards, whether student ID cards can fit any text beyond the requirements of current law and this bill.*

- 3) **UC, CSU, and CCC campus mental hotline.** As noted in the Assembly Higher Education analyses, 13 of the 23 CSU campuses have campus mental health hotlines. Additionally, nine of the 10 UC campuses have campus mental health hotlines. It is presently unclear if any of the 116 CCC campuses have campus mental health hotlines.
- 4) **National Suicide Hotline Designation Act of 2020.** The past several years have marked several groundbreaking developments with respect to the National Suicide Prevention Lifeline (1-800-273-TALK). In fiscal year (FY) 2001, Substance Abuse and Mental Health Services Administration (SAMHSA) awarded a competitive, discretionary grant to establish a network of crisis centers that would respond to crisis calls from their local communities, to ensure those crisis center counselors were trained, and that all crisis centers in the network met standards for accreditation. A single national number was established, which in 2005 became the National Suicide Prevention Lifeline (Lifeline; 800-273-8255 (TALK)). The Lifeline answered more than 2.1 million calls and 234,671 chats in FY 2020.

In 2018, Congress passed and the President signed into law, the National Suicide Hotline Improvement Act in which SAMHSA and the Veterans Administration were called upon to report to the Federal Communications Commission (FCC) regarding the effectiveness of the existing National Suicide Prevention Lifeline and the potential value of a three digit number being designated as the new national suicide prevention number. The FCC subsequently recommended to Congress that the number 988 be designated as the new national suicide prevention number. On July 16, 2020, the FCC issued a final order designating 988 as the new NSPL and Veterans Crisis Line (VCL) number. This order gave telecom providers until July 16, 2022, to make every landline, cell phone, and every voice-over-internet device in the United States capable of using the number 988 to reach the Lifeline's existing telephony structure. On October 17, 2020, the National Suicide Hotline Designation Act of 2020 was signed into law, incorporating 988 into statute as the new Lifeline and VCL phone number.

Why 988 Is Important

- 1) More people in suicidal and mental health crises will be helped. Sources of increased contacts (calls, chats, and texts) include baseline contact volume, new contact volume, and contacts diverted from 911 and other crisis hotlines.
- 2) Those in crisis will be more likely to receive help from those most qualified to provide support.

- 3) More effective triage means less burden on emergency medical services, emergency departments, law enforcement, etc. so that their agencies can be appropriately focused their limited resources on those areas for which they are best trained.
- 4) The attention the transition to 988 has brought to crisis services has led to an opportunity for states to reimagine their crisis service provision, and to ensure adequate financing of 1) mobile crisis services, 2) crisis center hubs and 3) crisis stabilization services.

While the FCC ruling requiring activation of 988 by July 2022 is a critical and groundbreaking step in realizing the vision of a nation with easier access to suicide prevention and crisis intervention services, there must be sufficient local crisis center capacity to answer this projected significant increase in contact volume, and for these contacts to be answered rapidly and effectively.

In order to address this need for increased capacity, a number of states already have pending 988 legislation at this time, with two states—Utah, and Virginia — having already signed 988 legislation into law. The states have introduced 988 legislation: Oregon, California, Colorado, Idaho, Kansas, Kentucky, Massachusetts, Nebraska, New York, New Jersey, Rhode Island, and Wisconsin, and the following four states have already passed 988 legislation: Alabama, Indiana, Nevada, and Washington. In addition, 988 legislation is expected to materialize in Arkansas, Pennsylvania, and South Carolina

- 5) ***Mental Health Block Grant Crisis Set-Aside.*** A FY 2021 funding measure directed SAMHSA to implement a 5 percent crisis set-aside within its Mental Health Block Grant program. According to the House Appropriations Committee report, “the Committee directs a new five percent set-aside of the total for evidence-based crisis care programs addressing the needs of individuals with serious mental illnesses and children with serious mental and emotional disturbances[...]. The Committee directs SAMHSA to use the set-aside to fund, at the discretion of eligible States and Territories, some or all of a set of core crisis care elements including: centrally deployed 24/7 mobile crisis units, short-term residential crisis stabilization beds, evidence-based protocols for delivering services to individuals with suicide risk, and regional or State-wide crisis call centers coordinating in real time” (House Appropriation Committee Report, 2020).
- 6) ***Surgeon General’s Call to Action to Implement the National Strategy for Suicide Prevention.*** In 2001, the U.S. Surgeon General published the National Strategy for Suicide Prevention (NSSP), the intention of which was to outline a comprehensive strategy for reducing the suicide rate in the United States. The National Strategy was revised in 2012 by the National Action Alliance for Suicide Prevention (NAASP), a public-private partnership (its Executive Secretariat is SAMHSA-funded) devoted to the implementation of the National Strategy and to the reduction of suicide. Subsequent to recognition that while significant progress had been made in implementing many elements of the NSSP, implementation progress was relatively lacking in other areas, SAMHSA, the NAASP, and the Office of the Surgeon General published the Surgeon General's Call to Action to Implement the National Strategy for Suicide Prevention (2020).

The Call to Action recommends action in each of the following areas:

Action 1: Activate a Broad-Based Public Health Response to Suicide.

Action 2: Address Upstream Factors that Impact Suicide.

Action 3. Ensure Lethal Means Safety.

Action 4. Support Adoption of Evidence-Based Care for Suicide Risk.

Action 5. Enhance Crisis Care and Care Transitions.

Action 6. Improve the Quality, Timeliness, and Use of Suicide-Related Data.

- 7) **AB 988 (Bauer-Kahan; 2021).** As mentioned in staff comment 4, a number of states already have pending 988 legislation at this time, with two states—Utah, and Virginia—having already signed 988 legislation into law with other state having pending legislation, including California. AB 988 would implement the National Suicide Hotline Designation Act of 2020 (NSHD), in compliance with rules adopted by the Federal Communication Commission, by July 16, 2022, designating "988" as a three-digit number for the National Suicide Prevention Hotline (NSPL). *AB 988 is currently pending in Senate Energy, Utilities, and Communications.*
- 7) **Argument in Support:** According to the San Jose-Evergreen Community College District (SJECCD), "The Pandemic these past 2+ years has further impacted the well-being of many of our community college students who were already dealing with mental health issues like depression and anxiety. More of our students reported that their mental health negatively affected their academic performance in this period. Last year, the Legislature approved additional state funding for mental health counseling services. We want to thank you for this support. The proposed campus mental health hotline and scripting the phone number onto the student ID card will help our students to be able to reach out for professional assistance."
- 8) **Related legislation. AB 2390 (Harper)** of the 2018-19 Session would have required schools that serve grades 7-12 that issue student identification cards to include on the card the telephone number for the National Suicide Prevention Lifeline, the Crisis Text Line, and the school's campus police or security telephone number. *AB 2390 was never heard in the Senate.*

AB 2391 (Harper) of the 2018-19 Session would have required a campus of the California Community Colleges or the California State University, and requested a campus of the University of California or an independent institution of higher education, that issues student identification cards to include on the card the National Suicide Prevention Lifeline and Crisis Text Line (or local numbers that the campus deems appropriate), and the campus police or security number. *AB 2391 was never heard in the Senate.*

AB 624 (Gabriel) of the 2019- 20 Session would, in part, require, commencing July 1, 2020, every public postsecondary educational institution and nonsectarian private postsecondary educational institution, to print on student identification

cards the telephone numbers for the National Sexual Assault Hotline and a local resource that provides sexual and reproductive health care information, as specified. *This bill was vetoed by the Governor with the following message:*

"I signed Senate Bill 316 (Chapter 270, Statutes of 2019), which requires schools to list the National Domestic Violence Hotline on student identification cards because I support giving teens and young adults access to resources not readily available in school. I do not support, however, burdening schools with the job of investigating local reproductive health agencies as the bill would require. There are many agencies across this state that refuse to give women information about all of their reproductive health care options, and I am not persuaded that schools have the appropriate expertise to decide which of these organizations they should direct their students to. Furthermore, I believe the time and money that would be spent on this activity would be better used improving teaching and learning as well as meeting the existing requirements of the California Healthy Youth Act."

SB 316 (Rubio) Chapter 270, Statutes of 2019, commencing October 1, 2020, (1) required public schools, including charter schools, that serve pupils in any of grades 9 to 12, inclusive, that issue pupil or student identification cards, to print the telephone number for the National Domestic Violence Hotline on the back of those identification cards; and (2) required public or private institutions of higher education, that issue pupil or student identification cards, to print the telephone number for the National Domestic Violence Hotline or a local domestic violence hotline that provides confidential support services for students that have experienced domestic violence.

SB 972 (Portantino) Chapter 460, Statutes of 2018, required schools public schools, including charter schools, and private schools that serve students in any of grades 7-12, and institutions of higher education, that issue student identification cards to have printed on the back of the identification card the number for a suicide hotline or text line, or both.

SUPPORT

GenUp
San Jose Evergreen Community College District

OPPOSITION

None of file.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1923

Hearing Date: June 8, 2022

Author: Mathis

Version: April 18, 2022

Urgency: No

Fiscal: Yes

Consultant: Ian Johnson

Subject: Partnership academies: science, technology, engineering, and mathematics (STEM).

SUMMARY

This bill requires the Superintendent of Public Instruction (SPI) to prioritize proposals for new California Partnership Academies (CPAs) based on a school district's enrollment of socioeconomically disadvantaged pupils, as specified, and for school districts located in a rural or economically disadvantaged area.

BACKGROUND

Existing law:

- 1) Establishes the CPA program as a state-school-private sector partnership to provide combined academic and occupational training to at-risk high school pupils in grades 10-12 who present a high risk of dropping out of school and motivating those pupils to stay in school and graduate from high school.
- 2) Defines "at-risk pupil" as a pupil enrolled in high school who is at risk of dropping out, as indicated by at least three of the following criteria:
 - a) Past record of irregular attendance (absent 20% or more of the school year);
 - b) Past record of underachievement in which the pupil is at least one-third of a year behind the coursework or credits achieved for the respective grade level;
 - c) Past record of low motivation or disinterest in the regular school program;
 - d) Disadvantaged economically;
 - e) Scoring below basic or far below basic in mathematics or English language arts (ELA) on the standardized test, as defined; and
 - f) Maintaining a grade point average of less than or equal to 2.2.
- 3) Authorizes enrollment in a CPA of up to one-half of pupils who do not meet the at-risk criteria.

- 4) Establishes funding and grant amounts to be awarded to school districts for purposes of planning, establishing and maintaining academies, and expresses legislative intent to expand the CPA program.
- 5) Requires the SPI to ensure that the CPA planning grants are equitably distributed among high-wealth and low-wealth school districts in urban, rural, and suburban areas.
- 6) Requires districts and participating businesses to each provide 100% matching funds for all state funds received for CPA programs; provides that the match may be in the form of direct and in-kind support; and requires the district to establish an advisory committee consisting of specified individuals and representatives.
- 7) Requires each district operating CPAs to annually certify information to the SPI regarding the number of qualified students enrolled during the just-completed school year, by grade level, and for each academy operated by the district, as well as an assurance that each academy is established as a "school within a school."
- 8) Establishes the Green Technology Partnership Academies and the Goods Movement Partnership Academies, commencing with the 2009-10 school year, and requires, when funds become available for additional partnership academies, the SPI to issue grants for the establishment of such partnership academies in each of the nine economic regions established by the state.
- 9) Authorizes the Career Technical Education Incentive Grant (CTEIG) Program as a state education, economic, and workforce development initiative with the goal of providing pupils in kindergarten through 12th grade with the knowledge and skills necessary to transition to employment and postsecondary education. Authorizes \$300 million in annual funding to be apportioned to the CTEIG program, subject to an annual appropriation and beginning with the 2021-22 fiscal year. (EC 53070).
- 10) Authorizes the K-12 component of the Strong Workforce Program (SWP) to create, support, or expand high-quality CTE programs at the K-12 level that are aligned with the workforce development efforts occurring through the SWP, and authorizes, commencing with the 2018-19 fiscal year, and subject to an annual appropriation, \$150 million to be apportioned annually by the California Community College Chancellor's Office (CCCCO) to local consortia. (EC 88827)
- 11) Federal law, the Strengthening Career and Technical Education for the 21st Century Act, reauthorizes the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins) provides federal support for CTE programs and focuses on improving the academic and technical achievement of CTE students, strengthening the connections between secondary and postsecondary education and improving accountability.

ANALYSIS

This bill:

- 1) Requires the SPI to prioritize proposals for new CPAs based upon a school district's enrollment of the following pupil groups:
 - a) Unduplicated pupils, including students that are English learners, low-income or foster youth.
 - b) Pupils from groups historically underrepresented in career technical education (CTE) or science, technology, engineering, and mathematics (STEM) programs or professions.
 - c) At-promise pupils.
- 2) Authorizes the SPI to prioritize new CPAs for school districts located in a rural area or an economically disadvantaged area.
- 3) Adds STEM courses to the CTE courses required to be provided to the pupils at each grade level participating in CPAs.
- 4) Adds STEM courses to the existing requirement to offer CTE courses in high skill occupations of regional and local economic need.
- 5) Adds STEM courses to the requirement that, whenever possible and appropriate, the school district offer CTE courses that also meet the subject requirements for admission to the California State University (CSU) and the University of California (UC).

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "By establishing 100 Science, Technology, Economics and Mathematics grants for California Partnership Academies, AB 1923 is a key step to overcoming the barriers facing those within disadvantaged communities from excelling in STEM fields. This bill would create a better foundation for the future of our children and the future of the California economy.

"The future is coming towards us no matter what; already we have self-driving cars, phones that can find any information in seconds, and a whole new type of sporting event involving nothing but computers and innovation. By planting the seeds, in the form of new Partnership Academics focused on STEM, and nurturing the children in the state of California with these fields, we are setting them up for a bigger and brighter future. A future full of knowledge, innovation, and expertise in the field of STEM."

- 2) ***What are California Partnership Academies?*** A CPA is a small learning community within a larger high school that is designed to prepare students for both college and careers, organized around a career-related theme. Under the CPA model, a team of teachers work with the same group of students over several years, aligning instruction across disciplines, while employers provide internships and other opportunities for students to learn outside the classroom.

Each CPA frames its curriculum around one of the 15 CTE industry fields. 500 CPAs have been funded since the program's inception in the 1993-94 fiscal year. According to the CDE, there are currently 370 CPAs in operation in the state, representing the following industry sectors:

- a) Arts, Media, and Entertainment;
- b) Building and Construction Trades;
- c) Business and Finance;
- d) Education, Child Development, and Family Services;
- e) Energy, Environment, and Utilities;
- f) Engineering and Architecture;
- g) Fashion and Interior Design;
- h) Health Science and Medical Technology;
- i) Hospitality, Tourism, and Recreation;
- j) Information and Communication Technologies;
- k) Manufacturing and Product Design;
- l) Manufacturing and Product Development;
- m) Marketing, Sales, and Service;
- n) Public Services; and
- o) Transportation.

To receive the full state funding, a CPA must show that at least 50% of the students in each incoming class of sophomores meet three of the following six "at-risk" criteria: 1) having a poor attendance record; 2) are significantly behind in credits; 3) demonstrate low motivation for the regular school program; 4) are economically disadvantaged; 5) have low state test scores; or 6) have a low grade point average.

Data from a recent evaluation suggested that CPA students were 53% female and 47% male. CPA student gender balances vary considerably among industry sectors, from Fashion and Interior Design (2 academies) which is 79% female to Manufacturing and Product Development (8 academies) which is 78% male. Compared to the state as a whole, CPAs enroll larger percentages of Hispanic and African American students: 59% of students enrolled are Hispanic, 16% are Caucasian, 10% are Asian, and 9% are African American.

- 3) **How are California Partnership Academies funded?** There are three sources of supplemental support for CPAs: grants from the state; financial or in-kind support from the host district, required to be at least equal to the state grant; and financial or in-kind contributions from local employers, also required to be at least equal to the state grant. The state grant is therefore leveraged at least two-to-one by local matching contributions.

In the 2021-22 fiscal year, year one grants of \$81,000 were allocated to 9 high schools, and 109 year two grants of between \$63,000 to \$81,000 per school were allocated, for a total CPA allocation of \$9.4 million. An additional 19 schools were funded under the Clean Technology CPA program with grants ranging from \$55,000 to \$144,750 per school, for a total of \$2.5 million.

Current law authorizes the SPI, when funds become available for new partnership academies, in establishing the criteria for the awarding of CPA grants, to consider district indicators of need such as the number or percent of pupils in poverty or with limited English proficiency and the dropout rate.

- 4) **Need to increase diversity in STEM education.** STEM education includes four specific disciplines—science, technology, engineering, and mathematics—in an interdisciplinary and applied approach. STEM teaches and trains students to engage in critical thinking, inquiry, problem solving, collaboration, and what is often referred to in engineering as design thinking. In recent years the state has undertaken a number of policy reforms to address STEM teaching and assessment practices, curriculum, and policies that expand STEM opportunities for all students.

A 2021 report by the Pew Research Center, *STEM Jobs See Uneven Progress in Increasing Gender, Racial, and Ethnic Diversity*, identified the following:

- a) Black and Hispanic workers remain underrepresented in STEM workforce compared with their share of all workers, including in computing jobs, which have seen considerable growth in recent years;
- b) The representation of women varies widely across STEM occupations. Women make up a large majority of all workers in health-related jobs, but remain underrepresented in other job clusters, such as the physical sciences, computing, and engineering;
- c) Black and Hispanic adults are less likely to earn degrees in STEM than other degree fields, and they continue to make up a lower share of STEM graduates relative to their share of the adult population;
- d) While women now earn a majority of all undergraduate and advanced degrees, they remain a small share of degree earners in fields like engineering and computer science – areas where they are significantly underrepresented in the workforce;
- e) The gap in STEM workforce representation is especially large for Hispanic adults. Hispanic workers make up 17% of total employment across all

occupations, but just 8% of all STEM workers. Their share of all STEM workers is up 1% since 2016, in line with their growth in the overall workforce; and

- f) Black workers comprise 11% of all employed adults, compared with 9% of those in STEM occupations. Their share is lower in some STEM job clusters, including just 5% in engineering and architecture jobs. There has been no change in the share of Black workers in STEM jobs since 2016.
- 5) **Arguments in support.** The California Chamber of Commerce notes “put simply – STEM education is good for both workers and for California’s economy. California’s rapidly growing technology sector will need more workers in the coming decades than our present pipeline produces. Without increases to STEM education, Californians will miss out on these high-quality jobs and California’s economy will be slowed by the lack of available qualified candidates. Existing law recognizes this reality, and the state has attempted to improve STEM education through a variety of means over the past decade.

“AB 1923 adjusts slightly these aims to address our STEM needs by increasing opportunity for the sector of our upcoming workforce that is most likely to presently miss such opportunities – underrepresented groups such as rural communities, economically disadvantaged groups, and others who might otherwise not have exposure to a potential career in STEM. In other words – AB 1923 aims to solve the state’s skills gap by filling it with those who are presently unlikely to have such opportunities. We view this as a solution that improves equity concerns across California, and simultaneously will help ensure that California’s economy can continue to grow based on the skills of California’s youth.”

SUPPORT

California Chamber of Commerce
Riverside County Office of Education

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2028 **Hearing Date:** June 8, 2022
Author: Davies
Version: April 4, 2022
Urgency: No **Fiscal:** No
Consultant: Kordell Hampton

Subject: Pupil instruction: bicycle and scooter safety instruction.

SUMMARY

Authorize the governing board of any local educational agency (LEA) to provide time and facilities to public agencies and other organizations, in addition to a local law enforcement agency, to provide bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction.

BACKGROUND

Existing law:

- 1) Authorizes LEA having jurisdiction over any elementary, intermediate, or junior high school may provide time and facilities to any local law enforcement agency having jurisdiction over the schools of the district, for bicycle safety instruction. (Education Code § 51860)
- 2) Allows an LEA to authorize the use of school facilities or grounds under its control by a nonprofit organization, or by a club or an association organized to promote youth and school activities. (EC § 38134(a))
- 3) States there is a civic center at each and every public school facility and grounds within the state where the citizens, parent-teacher associations, Camp Fire Girls, Boy Scout troops, veterans' organizations, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions that in their judgment pertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. (EC § 38131)
- 4) States a "motorized scooter", notwithstanding any other provision of law, may be operated on a bicycle path or trail or bikeway, unless the local authority or the governing body of a local agency having jurisdiction over that path, trail, or bikeway prohibits that operation by ordinance. (Vehicle Code § 21230)
- 5) Clarifies an "electric bicycle" is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts. (VEH § 312.5(a))

- 6) Specifies a "motorized bicycle" or "moped" is a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor that produces less than 4 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. (VEH § 406(a))
- 7) Clarifies a "motorized scooter" is any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor. This device may also be designed to be powered by human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, or a motorized bicycle or moped, as defined in Section 406, is not a motorized scooter. (VEH § 407.5)

ANALYSIS

Authorize an LEA to provide time and facilities to public agencies and other organizations, in addition to local law enforcement agency, to provide bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction. Specifically, this bill:

- 1) Adds "public agencies" and "other organizations," to the list of entities an LEA may provide time and facilities to for the safety instruction of a bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter.
- 2) Adds "scooter", "electric bicycle", "motorized bicycle", and "motorized scooter," to the list of safety instruction that a local law enforcement agency, to provide bicycle, scooter, may provide.
- 3) Aligns the definition of "electric bicycle", "motorized bicycle", or "motorized scooter" as specified in Vehicle Code.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "California is leading the way when it comes to our push for cleaner ways to get around our communities. One of the great technologies to come out of this push is the popularity of electric and motorized bikes and scooters. While these products are easy to access, they do require some getting used to. This is especially true if the person operating one has never driven anything before. AB 2028 is a simple measure to allow all students, regardless of age, to have this training if a school district wishes to partner with law enforcement or other public agencies to provide safety training and exercises."
- 2) ***Intent of the Civic Center Act.*** The Civic Center Act was originally enacted to ensure public access to publicly funded facilities for purposes that benefit the community. It requires the governing board of a school district to authorize the use of any school facilities or grounds under its control to nonprofit organizations, and clubs or associations organized to promote youth and school activities, including,

but limited to, the Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teachers' associations; and a school-community advisory council. This bill aligns with the intent of the Civic Center Act. The Civic Center Act states that " there is a civic center at each and every public school facility and grounds within the state where the citizens, parent teacher associations, Camp Fire girls, Boy Scout troops, veterans' organizations, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions that in their judgment pertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside." (EDC § 38131). Presumably, this bill would also pertain to public agencies and other organizations providing bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction as such instruction would benefit the community.

- 3) ***Schools are currently partnering with non-profits and law enforcement.*** Currently, there is no central source that states how many safety classes are being conducted statewide. According to the California Highway Patrol, the agency created a Bicycle Safety Course with information related to bicycle safety and maintenance. The online course is open to anyone; however, there is no safety information regarding the safety guardrails for motorized scooters and E-bikes.
- 4) ***Comparison of Injury Patterns between Electric Bicycle, Bicycle and Motorcycle Accidents.*** In a 2021 cohort study conducted by the National Center for Biotechnology Information (NCBI), accident statistics show that electric bicycles are increasingly involved in traffic accidents. In this retrospective cohort study, the data of 1,796 patients who were treated at a Level I Trauma Center between 2009 and 2018 due to traffic accident, involving bicycles, E-bikes or motorcycles, were evaluated and compared with regard to injury patterns and injury severity. The cohort study found that injury pattern of E-bikers resembled that of bicyclists much more than that of motorcyclists. The patients with E-bike accidents were almost 14 years older and had a higher incidence of moderate traumatic brain injuries than patients with bicycle accidents, in spite of the fact that E-bike riders were nearly twice as likely to wear a helmet as compared to bicycle riders. The rate of pelvic injuries in E-bike accidents was twice as high compared with bicycle accidents, whereas the rate of upper extremity injuries was higher following bicycle accidents. The study concluded that overall E-bike injury pattern is similar to that of cyclists. The differences in the injury pattern to motorcycle accidents could be due to the higher speeds at the time of the accident, the different protection and vehicle architecture.
- 5) ***Helmets Reduce the Risk of Death.*** The proper use of a helmet has been shown to reduce head injuries and the risk of death from bicycle crashes. A study of ~6,000 bike-related injuries in the US found that riders wearing helmets had 52% lower risk of brain injury and a 44% lower risk of death compared to unhelmeted riders. There is little information specifically for motorized scooters, due to the low number of riders, but helmets should similarly reduce the risk of death and injury when operating motorized scooters. Due to these safety concerns, Bird and other

similar companies highly recommend the use of helmets on their scooters, and some even offer their riders free helmets.

6) **Committee Amendment:** *The committee recommends the following amendments:*

- Specify and align the phrase “other organizations” with existing statute that allows the governing board of a school district to authorize the use of school facilities or grounds under its control by a nonprofit organization, club, or association organized to promote youth and school activities.

7) **Related legislation. AB 1286 (Muratsuchi)** Chapter 91, Statutes of 2020, requires that local governments adopt operation, parking, and maintenance rules for devices, requires providers to have certain amounts of general commercial liability insurance coverage, and prohibit riders from waiving legal rights.

AB 2989 (Flora) Chapter 552, Statue of 2018, authorized a local authority to allow for the operation of a motorized scooter on a highway with a speed limit of up to 35 miles per hour, as specified; specified that the existing maximum 15 mile per hour speed limit for the operation of a motorized scooter applies regardless of a higher speed limit applicable to the highway; and required operators under 18 years of age to wear a helmet.

AB 604 (Olsen) Chapter 77, Statues of 2015, defined “electrically motorized skateboards” and required these devices to meet certain operational requirements.

AB 1096 (Chiu, Ch. 568, Stats. 2015) defined various classes of electric bicycles and establishes parameters for their operation in California.

SB 441 (Chesbro) Chapter 722, Statues of 1999, defined “motorized scooters” and required these devices to meet certain operational requirements.

SUPPORT

None of file.

OPPOSITION

None on file.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2038
Author: Gipson
Version: April 19, 2022
Urgency: No
Consultant: Ian Johnson

Hearing Date: June 8, 2022

Fiscal: Yes

Subject: School finance: administrative employees to teacher ratio.

SUMMARY

This bill allows the Los Angeles Unified School District (LAUSD), for purposes of calculating the administrative employee-to-teacher ratio in the 2022–23 to 2024–25 school years, inclusive, to include in the definition of “teacher” certain subject matter coaches and intervention specialists, as specified. The bill also requires LAUSD to submit various reports related to the administrative employee-to-teacher ratio to the Superintendent of Public Instruction (SPI), the Department of Finance, and the budget committees of both houses of the Legislature, as specified.

BACKGROUND

Existing law:

- 1) Defines, for the purpose of calculating the maximum ratios of administrative employees to teachers in school districts, the following:
 - a) “Administrative employee” means an employee of a school district, employed in a position requiring certification qualifications, who does not come within the definition of a “pupil services employee” or a “teacher”.
 - b) “Classified employee” means an employee of a school district, employed in a position not requiring certification qualifications.
 - c) “Pupil services employee” means an employee of a school district, employed in a position requiring a standard designated services credential, health and development credential, or a librarian credential, who performs direct services to pupils. “Pupil services employee” includes, but is not limited to, in-school librarians, school nurses, assistant in-school librarians, audiovisual personnel, counselors, psychologists, psychometrists, guidance and welfare personnel, attendance personnel, school social workers, and all other certificated personnel performing pupil-personnel, health, or librarian services.
 - d) “Teacher” means an employee of a school district, employed in a position requiring certification qualifications, whose duties require him or her to provide direct instruction to pupils in the schools of that district for the full time for which he or she is employed. “Teacher” includes, but is not limited to, teachers of special classes, teachers of exceptional children,

teachers of pupils with physical disabilities, teachers of minors with intellectual disabilities, substitute teachers, instructional television teachers, specialist mathematics teachers, specialist reading teachers, home and hospital teachers, and learning disability group teachers. Requires instructional preparation time to be counted as part of the teacher full-time equivalent, including, but not limited to, mentor teacher or department chairperson time.

- 2) Establishes maximum ratios of administrative employees to each 100 teachers in the various types of school districts, as follows:
 - a) In elementary school districts—9:100;
 - b) In unified school districts—8:100; and
 - c) In high school districts—7:100.
- 3) Requires the Superintendent of Public Instruction (SPI) to determine, for each current fiscal year, for each school district in the state, to two decimal points, the following:
 - a) The total number of administrative employees, except those serving in positions that are supported by categorical grants from any source and are in programs that require specific teacher/administrator ratios, or that are supported by federal funds;
 - b) The total number of teachers except those serving in positions that are supported by federal funds or by categorical grants from any source and are in programs that require specific teacher/administrator ratios;
 - c) The total maximum number of administrative employees that should be employed by the district based upon the application of the appropriate ratio to the number of teachers; and
 - d) The number of administrative employees in excess of the number allowable without penalty as determined by subtracting the number of administrative employees from the number of teachers.
- 4) Requires, for purposes of determining the allowable ratio of administrative employees to teachers for the San Diego City School District, the number of employees and the full-time equivalent of all of the fractional time of employees serving the district in positions mandated as the result of the district's court-ordered integration plan is excluded from the ratio calculation.
- 5) Requires the SPI to determine the reduction in state support resulting from excess administrative employees as follows:
 - a) Compute the ratio which total state support to the district general fund bears to the total general fund income of the district;
 - b) Multiply the ratio by the average salary of administrative employees; and

- c) Multiply the product by the number of administrative employees converted to the nearest whole number in excess of the maximum number, as specified.
- 6) Requires the amount of the second principal apportionment made to the district for the current fiscal year pursuant to Section 41335 to be reduced by the product so produced.
 - 7) Exempts a school district with an average daily attendance (ADA) of more than 400,000 as of the 2016–17 second principal apportionment from any reduction in state support, as specified, for the 2019–20 fiscal year to the 2021–22 fiscal year, inclusive. Requires a school district subject to this exemption to submit the following to the SPI, the Department of Finance, and the budget committees of both houses of the Legislature:
 - a) By September 1, 2019, a report containing the administrator-to-teacher ratio for the 2011–12 fiscal year to the 2019–20 fiscal year, inclusive, a description of the reasons for not meeting the ratio requirement for each fiscal year in which the ratio was not met, including the estimated impact on pupils, and a plan setting out goals for meeting the ratio by the 2023–24 fiscal year; and
 - b) By each September 1 from 2020 to 2022, inclusive, a report detailing the administrator-to-teacher ratio for the prior fiscal year and the progress towards meeting the goals set out in the report.

ANALYSIS

This bill:

- 1) Allows LAUSD, for purposes of calculating the administrative employee-to-teacher ratio in the 2022–23 to 2024–25 school years, inclusive, to include in the definition of “teacher” subject matter coaches and intervention specialists who spend a majority of their time with pupils or mentoring other teachers on a school campus.
- 2) Requires LAUSD to submit the following to the SPI, the Department of Finance, and the budget committees of both houses of the Legislature:
 - a) By September 1, 2023, a report containing the ratio of administrative employees to teachers for the 2011–12 to 2022–23 fiscal year, inclusive, a description of the reasons for not meeting the ratio requirement for each fiscal year in which the ratio was not met, including the estimated impact on pupils and the number of teachers and administrators above the required ratio, and a plan setting out goals for meeting the ratio by the 2024–25 fiscal year.
 - b) By each September 1 from 2024 to 2025, inclusive, a report detailing the ratio of administrative employees to teachers, including the number of

teachers and administrators above the required ratio, for the prior fiscal year and the progress towards meeting the goals set out in the report.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “With Los Angeles Unified School District being the largest public school system in California, we must do all that we can to continue to provide our teachers and students with the necessary resources needed to recover from learning losses due to the pandemic.

“Administrators play a critical role in improving the learning environment and overall academic progress of a student by directly supporting teachers and students in the classroom, especially in districts like LAUSD that serve a high percentage of high-needs individuals who heavily rely on supplemental services.

“For these reasons, reducing staff to adhere to the administrator teacher ratio (ATR) in a time when our teachers and students need it the most is not ideal. AB 2038 will make necessary clarifications to the term “administrator” in order to assure accuracy in the calculation of the ATR for all school districts in California and would align Los Angeles Unified School District with the San Diego Unified School District to exclude its magnet coordinators from the ATR.”

- 2) ***What is the administrator-to-teacher ratio requirement?*** School districts are required to have maximum ratios of administrative employees to each 100 teachers in the various types of school districts, as follows: in elementary school districts—9:100; in unified school districts—8:100; and in high school districts—7:100. Each year the California Department of Education (CDE) determines the ratio for each school district and for those that are over the ratio a fiscal penalty is imposed by reducing their principal apportionment.

- 3) ***LAUSD’s three-year exemption from this requirement expires this year.*** The education omnibus budget trailer bill of 2019 (SB 75 (Committee on Budget and Fiscal Review, Chapter 51, Statutes of 2019) authorized an exemption of the administrator-to-teacher fiscal penalty for the LAUSD for the 2019-20 fiscal year, to the 2021-22 fiscal year. Further, LAUSD is required to annually report to the SPI, the Department of Finance, and the budget committees of both houses of the Legislature on the administrator-to-teacher ratio calculation for each year a school district receives an exemption from the fiscal penalty, including historical information for past years and the school district's plan to meet the ratio requirements over time.

According to the LAUSD in the 2019 and 2020 reports, “The administrator-to-teacher ratio is a districtwide number and not a school site number as defined in EC 41402. This is a key distinction because the overall districtwide ratio does not accurately differentiate whether noncompliance is due to central office or school site administrators. Additionally, the narrow definition of what constitutes a ‘teacher’ results in a substantial number of teachers being defaulted to administrators. In the case of LAUSD, these examples include instructional coaches, magnet school coordinators, intervention coordinators, dean of

students, college and career coaches, targeted student population advisors, and restorative justice coaches.”

- 4) **Recent efforts by LAUSD to reduce its ratio.** In 2021, the LAUSD retained School Services of California Inc. (SSC) to perform a review and analysis of the District’s administrator-to-teacher ratio, and to establish a standardized way of evaluating and classifying positions. After a review of LAUSD’s job descriptions, SSC recommended approximately 1,000 full-time equivalent employees (FTEs) for reclassification to teacher. This resulted in a lower preliminary ratio for 2020-21. Despite this reclassification, according to information provided by the district, the ratio continues to exceed the statutory requirement by about 417 employees – 230 teachers on special assignment (TOSAs) and 187 magnet coordinators.

The LAUSD has also engaged other school districts to understand how their methodology to classify positions for the calculation of this ratio. The district has plans to continue to review its internal hiring and classification practices, and worked with SSC to conduct staff training on employee classifications for the calculation of the ratio. Additional measures include a communication campaign and plan to make ratio data available to stakeholders, school leaders, and administrators for decision-making as it relates to staffing and compliance of the ratio requirement. LAUSD plans to reach compliance by 2023-24.

Despite modest efforts by the LAUSD to reduce the administrator-to-teacher ratio, and a three-year exclusion from the fiscal penalties, the school district remains above the allowable ratio and could be subject to fiscal penalties based on compliance in the 2022-23 fiscal year. Exceeding the ratio remains a persistent problem for the LAUSD, and as of this writing, the district estimates it will be subject to penalties in excess of approximately \$36 million per year.

- 5) **State Board of Education waivers.** The State Board of Education (SBE) considers requests from local educational authorities (LEAs) to waive statutory and regulatory requirements. According to the CDE, ten requests for waivers from this provision in the Education Code (EC 41402(a)) were received for consideration by the SBE from 2011-2020, the majority of which were requested in the years 2016 -2018. Of the ten waiver requests: four were approved, four were approved with conditions, one was denied, and one resulted in no action.
- 6) **Arguments in support.** The Los Angeles Unified School District writes, “Current law requires school districts to meet a certain R2 ratio with the intent resources are dedicated to classroom supports and instruction. However, since the enactment of that law, there have been many changes in education policy and funding and in school districts’ approaches to supporting the whole child by taking into account the academic, social-emotional and health needs of every student. In 2019, Los Angeles Unified received a three-year waiver from meeting the R2 requirements as an opportunity for the District to reassess local programs and move towards compliance. Despite the ongoing COVID-19 pandemic posing unprecedented challenges for the 2020-21 school year, Los Angeles Unified staff has continued its commitment to examine existing processes and analyze job descriptions, including interpretation of the law as it relates to our staffing needs in educating the whole child.

“While the district continues to examine its hiring practices and impact of the Community of Schools model, it is necessary to pursue the clarification of the definition of “administrator” in order to assure accuracy in the calculation of the R2 ratio. AB 2038 clarifies the definition of “administrator” is intended to include only staff employed in a position requiring an administrative certification qualification. It also exempts Los Angeles Unified – similar to the provision added to state law in 1976 for the San Diego Unified School District – from counting magnet school coordinators in its calculation since these positions support compliance with a court desegregation order.”

- 7) **Committee amendments.** As currently drafted, LAUSD has expressed concerns that certain teachers on special assignment—intervention specialists and those spending a majority of their time providing professional development for other teachers—may not be captured for purposes of calculating their ratio.

If it is the desire of the committee to pass this measure, **staff recommends** amending the bill as follows:

- a) Specify within the definition of a “teacher” that LAUSD may include either of the following when calculating the ratio of administrative employees to teachers in the 2022-23 through 2024-25 fiscal years, inclusive:
 - i) Teachers who spend a majority of their time with pupils as intervention specialists, or
 - ii) Teachers who spend a majority of their time on a school campus providing training, coaching, or professional development to other teachers.
- b) Clarify that, in the report due September 1, 2023, LAUSD shall include “...a plan setting out goals for meeting the ratio by the 2025-26 fiscal year.”

SUPPORT

Los Angeles Unified School District (sponsor)
Diversity in Leadership Institute

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2158 **Hearing Date:** June 8, 2022
Author: Mike Fong
Version: March 17, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Local educational agencies: ethics training

SUMMARY

This bill requires each member of a governing board of a school district, a county board of education, or the governing body of a charter school, in service as of January 1, 2025, to receive ethics training before January 1, 2026, and at least once every two years thereafter.

BACKGROUND

Existing law:

- 1) Requires each local agency official who commences service with a local agency on or after January 1, 2006, to receive ethics training no later than one year from the first day of service with the local agency. Thereafter, each local agency official is required to receive the training at least once every two years. (Government Code § 53235.1)
- 2) Authorizes a local agency official who serves more than one local agency to satisfy the ethics training requirements once every two years without regard to the number of local agencies with which he or she serves. (Government Code § 53235.1)
- 3) Requires a local agency that requires its local agency officials to complete ethics training to maintain records indicating the dates that local officials satisfied the ethics training, and the entity that provided the training. (Government Code § 53235.2)
- 4) Defines the following terms:
 - a) "Legislative body" includes, in part, the governing body of a local agency or any other local body created by state or federal statute, a commission, committee, board, or other body of a local agency, a board, commission, committee, or other multimember body that governs a private corporation, or limited liability company, as specified.
 - b) "Local agency" means a city, county, city and county, charter city, charter county, charter city and county, or special district.

- c) "Local agency official" means the following:
- i) Any member of a local agency legislative body or any elected local agency official who receives any type of compensation, salary, stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.
 - ii) Any employee designated by a local agency governing body to receive the training specified under this article.
- d) "Ethics laws" include, but are not limited to, the following: i) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws; ii) Laws relating to claiming perquisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies; iii) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws; and iv) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members. (Government Code § 53234)
- 5) Requires all local agency officials to receive training in ethics if a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties. (Government Code § 53235)

ANALYSIS

This bill requires each member of a governing board of a school district, a county board of education, or the governing body of a charter school, in service as of January 1, 2025, to receive ethics training before January 1, 2026, and at least once every two years thereafter. Specifically, this bill:

- 1) Requires all local agency officials who are members of the governing board of a school district, a county board of education, or the governing body of a charter school to receive training in ethics, whether or not any member receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.
- 2) Requires each local agency official who, as of January 1, 2025, is a member of the governing board of a school district, a county board of education, or the governing body of a charter school (except for officials whose term of office ends before January 1, 2026) to receive ethics training before January 1, 2026.

- 3) Requires, after January 1, 2026, each local agency official who is a member of the governing board of a school district, a county board of education, or the governing body of a charter school to receive ethics training at least once every two years.
- 4) Expands the definition of "local agency" to include a school district, county office of education, and charter school.
- 5) Expands the definition of "local agency official" to include a member of the governing board of a school district, a county board of education, or the governing body of a charter school, whether or not that member receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Current law mandates local agency officials to receive training in ethics at least once every two years. These training courses familiarize officials with general ethics principles and laws relating to conflicts of interest, transparency, fair processes, and prerequisites of office, among other issues. Upon completing their training, officials receive a certificate of completion and must maintain records of their completion."

The definition of 'local agency official' "applies to many types of officials, but it fails to explicitly include officials responsible for the administration of school districts, county offices of education, and charter schools. This legal gap is concerning. These officials must make a plethora of important decisions that may carry ethical implications, whether these decisions involve the administration of public funds or other matters. Therefore, it is only sensible that such officials are required to receive training in ethics to the same extent as other local agency officials."

- 2) *Parity.* The ethics training requirements for local officials in existing law do not apply to the governing board members of school districts, county offices of education, or the governing body members of charter schools. It appears that governing board members of local educational agencies (LEA) were not contemplated for inclusion in this training requirement, although nothing in existing law prohibits LEA board members from voluntarily receiving ethics training.
- 3) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose minimal, if any, cost to LEAs. Although this bill is keyed a state mandated local program, the requirement is imposed on board members and not on LEAs. Because board members, by law, cannot be employed by the LEA on whose board they serve, their time taking the training is not compensable. Moreover, free online training is available from the Fair Political Practices Commission.
- 4) *Prior legislation.* AB 2396 (O'Donnell, 2020) was very similar to this bill. AB 2396 was not heard due to the shortened legislative timeline.

SUPPORT

California Fair Political Practices Commission

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2272 **Hearing Date:** June 8, 2022
Author: Low
Version: February 16, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Postsecondary education: California Educational Facilities Authority.

SUMMARY

This bill authorizes the California Educational Facilities Authority (CEFA) to finance working capital loans to a participating independent (non-public) college and defines "working capital" for purposes of the CEFA Act.

BACKGROUND

Existing law:

- 1) Stipulates that public higher education in the state consists of (1) the California Community Colleges (CCC), (2) the California State University (CSU), and each campus, branch, and function thereof, and (3) each campus, branch, and function of the University of California (UC). Defines "independent institutions of higher education" as those nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in this state and are accredited by an agency recognized by the United States Department of Education.
- 2) Establishes the CEFA Act and the CEFA to, in part:
 - a) Provide private institutions of higher education within the state with an additional means by which to expand, enlarge, and establish dormitory, academic, and related facilities, to finance those facilities, and refinance existing facilities; and,
 - b) Enter into agreements with nonprofit entities, as defined, to develop student, faculty, and staff housing near the campuses of the UC, the Hastings College of the Law, the CSU, the CCC, or a participating private college, as specified.
 - c) Authorize the CEFA to fund, as specified, and to construct, acquire, or otherwise provide projects for these purposes.
 - d) Define "projects" for a participating private college to mean a dormitory, an educational facility, or faculty or staff housing, and define "projects" for a participating nonprofit entity to mean the construction or acquisition of student housing or faculty and staff housing.

- e) Require that a project involving a participating nonprofit entity include and maintain for 40 years, a restriction to the grant deed on the real property on which the student, faculty, or staff housing is to be located, with specified rights for the participating institution and its students, faculty, or staff.

ANALYSIS

This bill:

- 1) Amends the CEFA Act to authorize the financing of working capital loans to a participating independent college by the CEFA, as specified.
- 2) Defines "working capital" as maintenance or operation expenses or any other costs that would be treated as an expense item, under generally accepted accounting principles, in connection with the ownership or operation of an educational facility, faculty or staff housing, student housing, or any combination thereof, including, but not limited to, reserves for maintenance or operation expenses, interest on any loan for working capital made pursuant to this part, and reserves for debt service with respect to, and any costs necessary or incidental to, that financing.
- 3) Makes technical, clarifying, and conforming changes to existing law.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 2272 will provide a critical financing tool to private, nonprofit institutions of higher learning by allowing the CEFA to finance working capital loans and bonds separately from larger capital projects.

"CEFA loans and bonds can provide short-term and long-term relief to private, nonprofit colleges and universities financially affected by the impact of COVID-19. However, due to the restrictions currently in the CEFA Act limiting working capital financings to components of larger capital project financings, no such financing has been possible.

"With the deleterious financial effects of COVID-19, CEFA needs the ability to finance working capital loans and bonds for private, nonprofit institutions of higher learning to help them continue to provide services to students until they are able to resume normal operations."

- 2) ***The CEFA.*** Established in 1973, the CEFA, housed in the California State Treasurer's Office, was created for issuing revenue bonds to assist private nonprofit (independent) institutions of higher education, in the expansion and construction of educational facilities. Because the CEFA is authorized to issue tax-exempt bonds, the CEFA may provide more favorable financing to such independent institutions than might otherwise be obtainable.

Existing law specifically provides that bonds issued under the CEFA Act shall not be a debt, liability, or claim on the faith and credit or the taxing power of the State of California or any of its political subdivisions. The full faith and credit of the participating institution is normally pledged to the payment of the bonds.

Presently, the CEFA issues tax-exempt conduit revenue bonds and may loan the proceeds to a private college (as defined in law) or nonprofit entity in order to acquire or construct certain projects. A revenue bond guarantees repayment solely from the revenues generated from the project being financed, rather than from a tax. On February 25, 2021, California State Treasurer Fiona Ma announced CEFA's approval of the sale of up to \$68 million in revenue bonds for Chapman University. The proceeds of the bonds will be used by Chapman to refund its prior debt issued through CEFA, as well as to fund the costs of issuance.

Other recent CEFA-approved projects include: 1) Art Center College of Design's request to issue up to \$35 million in fixed-rate, tax-exempt bonds. The bond proceeds were used to finance construction and renovation projects located at their Hillside and South campuses. CEFA approved the issuance of these bonds on January 12, 2022; 2) Stanford University's request to issue up to \$300.4 million in fixed-rate, tax-exempt bonds. The bond proceeds were used to finance the construction, renovation, equipping, and furnishing of educational facilities located on the main campus as well as to pay the remaining outstanding CEFA Series, U-5 Bonds. CEFA approved the issuance of these bonds on March 25, 2021; and, 3) Chapman University's request to issue up to \$68 million in fixed-rate, tax-exempt bonds. The bond proceeds were used to refund outstanding CEFA Series 2011 Bonds. The refunding of these bonds will provide Chapman with a net present value savings of approximately \$13.8 million. The CEFA approved the issuance of these bonds on February 25, 2021.

In addition to its bond financing program, CEFA helps students finance the cost of attendance of college through its College Access Tax Credit Fund and has the ability to develop housing through nonprofit public-private partnership (P3) agreements.

Since 1976, the CEFA has issued 382 bonds in a cumulative amount of \$14.4 billion for the benefit of 59 colleges and universities. Committee Staff understands that over the last ten years, the CEFA has provided funding for at least ten independent colleges and universities to build over 43 residence halls.

- 3) **Arguments in support.** According to the State Treasurer, Fiona Ma, sponsor of this measure, "Currently, the CEFA Act only allows the provision for working capital financing as part of a larger capital financing, such as a facility construction or renovation. However, when COVID-19 first arose in the state, colleges and universities had a difficult time paying for short-term obligations, like salaries or the purchase of personal protective equipment and tests."

The State Treasurer contends that "Working capital financings could have provided a tool to pay for these expenses. Since most colleges and universities are in the bond market for capital projects sporadically, it is not reasonable to

wait to include working capital financing in capital project bonds when costs are incurring, and revenues are falling now.”

Further, the State Treasurer states, “Providing private, nonprofit colleges and universities with access to working capital financing provides them with a financing tool that allows them to continue operating through financial stress.”

SUPPORT

California State Treasurer (sponsor)
Association of Independent California Colleges and Universities

OPPOSITION

None received

-- END --

inadequate financial resources, mixed grade levels of students in classrooms, and difficulty recruiting qualified teachers. California's failure to statutorily recognize Frontier School Districts perpetuates a one-size-fits all approaches to education policy and funding that often overlooks the needs of California's rural communities. Frontier School Districts in California are unlike the majority of districts throughout the state and ought to be properly recognized. Recognition is the first step towards solving problems and creating effective public policy, and for too long Frontier Schools have been undefined in state law and therefore have not received proper recognition related to the unique challenges and issues they face."

- 2) *Practical effect.* This bill defines "frontier school district" for no specific purpose (such as funding) other than recognition in the Education Code. While this definition aligns to one of the eligibility requirements for the federal Small, Rural School Achievement Program grant funds, this bill does not change eligibility for those funds or result in increased funding for frontier school districts.
- 3) *Necessary Small Schools.* Existing law provides that necessary small schools may receive an additional allowance based on the combination of ADA, and the number of full-time teachers for elementary schools or the number of full-time equivalent certificated employees for high schools, whichever provides the lesser amount. School districts have the option of selecting necessary small school funding in lieu of the Local Control Funding Formula adjusted grade span base grant funding. This bill does not affect provisions related to necessary small schools.
- 4) *Smallest school districts.* According to the California Department of Education's website, based on data from the 2019-20 school year, 25 school districts have an enrollment of 18 or fewer students, with the smallest school district serving only four students. [Largest & Smallest Public School Districts - Accessing Educational Data \(CA Dept of Education\)](#)
- 5) *Prior legislation.* AB 1022 (Dahle, 2021) was identical to this bill. AB 1022 was not heard due to the shortened legislative timelines.

AB 2034 (Dahle, 2020) was identical to this bill. AB 2034 was not heard due to the shortened legislative timelines.

SUPPORT

Small School Districts Association

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2683 **Hearing Date:** June 8, 2022
Author: Gabriel
Version: March 23, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Postsecondary education: sexual violence and harassment: training and resources

SUMMARY

This bill requires the California Community Colleges (CCC), the California State University (CSU), and any independent institution of higher education or private postsecondary education institutions that receives state financial assistance, requests the University of California (UC), to provide annual sexual harassment and sexual violence prevention training to students.

BACKGROUND

Existing law:

- 1) Requires, as a condition of receiving state funds for student financial assistance, the governing board of each community college district, the CSU Trustees, the UC Regents, and the governing boards of independent postsecondary institutions to:
 - a) Adopt a policy concerning sexual assault, domestic violence, dating violence, and stalking involving a student, both on and off campus;
 - b) Adopt detailed and victim-centered policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving a student that comport with best practices and current professional standards;
 - c) Enter into memoranda of understanding, agreements, or collaborative partnerships with existing on-campus and community-based organizations, including rape crisis centers, to the extent feasible to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, and including resources for the accused; and,
 - d) Implement comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking. Existing law requires outreach programming to be included as part of every incoming student's orientation. (Education Code § 67386)

- 2) Requires the governing board of each community college district, the Trustees of the CSU, the Board of Directors of the Hastings College of the Law, and the Regents of the UC to each adopt, and implement at each of their respective campuses or other facilities, a written procedure or protocols to ensure, to the fullest extent possible, that students, faculty, and staff who are victims of sexual assault committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by the institution, or upon grounds or facilities maintained by affiliated student organizations, receive treatment and information. If appropriate on-campus treatment facilities are unavailable, the written procedure or protocols may provide for referrals to local community treatment centers. (EC § 67385)
- 3) Requires the governing board of each community college district and the Trustees of the CSU, and requests the Regents of the UC to provide as part of established campus orientations, educational and preventive information about sexual violence to students at all campuses of their respective segments. For a campus with an existing on-campus orientation program, this information must be provided, in addition to the required sexual harassment information, during the regular orientation for incoming students. (EC § 67385.7)
- 4) Requires the governing board of each community college district and the Trustees of the CSU, and requests the Regents of the UC, in collaboration with campus-based and community-based victim advocacy organizations, to provide educational and preventive information about sexual violence as part of established campus orientations at all campuses of their respective segments. (Education Code § 67385.7)
- 5) Requires each campus of the CCC and the CSU, and requests each campus of the UC, to post sexual violence prevention and education information on its campus website. (EC § 67385.7)
- 6) Requires the educational and preventive information to include, but not necessarily be limited to, all of the following:
 - a) Common facts and myths about the causes of sexual violence.
 - b) Dating violence, rape, sexual assault, domestic violence, and stalking crimes, including information on how to file internal administrative complaints with the institution of higher education and how to file criminal charges with local law enforcement officials.
 - c) The availability of, and contact information for, campus and community resources for students who are victims of sexual violence.
 - d) Methods of encouraging peer support for victims and the imposition of sanctions on offenders.
 - e) Information regarding campus, criminal, and civil consequences of committing acts of sexual violence.

ANALYSIS

This bill requires the CCC, the CSU, and any independent institution of higher education or private postsecondary education institutions that receives state financial assistance, requests the UC, to provide annual sexual harassment and sexual violence prevention training to students. Specifically, this bill:

Training

- 1) Requires the CCCs, CSU, independent institutions of higher education that receive state financial assistance, and private postsecondary educational institutions that receive state financial assistance, and requests UC, to train its students on sexual violence and sexual harassment, beginning on September 1, 2024, and annually thereafter.
- 2) Requires students attending the California Community Colleges shall complete their annual training within six months of the beginning of the academic year, beginning on September 1, 2024, and annually thereafter.
- 3) Requires the annual training for students to cover all of the following topics:
 - a) Common facts and myths about the causes of sexual violence and sexual harassment.
 - b) What constitutes sexual violence and sexual harassment, including information on how to file internal administrative complaints with the institution of higher education and how to file criminal charges with local law enforcement officials.
 - c) The availability of, and contact information for, campus and community resources for students who are victims of sexual violence and sexual harassment.
 - d) Methods of encouraging peer support for victims and the imposition of sanctions on offenders.
 - e) Information regarding campus, criminal, and civil consequences of committing acts of sexual violence and sexual harassment.
 - f) The contact information of a Title IX coordinator or a similar position.
 - g) Statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity. (This is consistent with the existing requirement that each employee engaged in the grievance procedures related to sex discrimination, including sexual violence, receive specified training.)

- 4) Provides that this bill does not prevent the CCCs, the CSU, independent institutions of higher education, private postsecondary educational institutions, and the UC from incorporating the training from being integrated into existing trainings.
- 5) Provides that "training" or "train" includes, but is not limited to, in-person, remote, or video instruction but does not include instruction that is only provided through written materials.

Educational and preventative information

- 6) Extends the existing requirement for each campus of the CCC and CSU, and requests that each campus of the UC, post sexual violence prevention and education on its campus website to also apply this requirement to each campus of an independent institution of higher education, and a private postsecondary educational institution.
- 7) Updates the prevention and education information to require/request the posting of educational and preventive information on sexual violence and sexual harassment.
- 8) Modifies and updates the contents of the educational and preventive information to also include common facts and myths about the causes of sexual harassment, and what constitutes sexual violence and sexual harassment.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "The prevalence of sexual violence and sexual harassment among college students today can be a significant hurdle to their ability to achieve an education and pose a threat to their health. According to the 2019 Campus Climate Survey on Sexual Assault and Misconduct conducted by the Association of American Universities, an average of 13% of undergraduate students nationwide experienced non-consensual sexual contact. This same report found that the majority of those who had been a victim of non-consensual sexual contact experienced multiple behavioral, emotional, academic, or professional consequences after the incident occurred.

"Currently, each segment in the higher education system approaches the topic of sexual violence and harassment on their campus differently. The UC system's training requirement is the most substantive, followed by the CSU system, in which many campuses use the Not Anymore module. The community college system currently provides education during its new student orientation, but due to the nature of the community colleges system, not all students attend this training. As for independent colleges and universities, policies vary based on the campuses. Unfortunately, this patchwork approach to student training on sexual violence has left students with varying degrees of training on the topic. Since students do not interact with students only from their campus, we believe that the need for a baseline minimum training that all higher education students receive is critical for student health and success statewide. AB 2683 seeks to codify in California law the requirement for training on sexual violence and harassment,

establishing a baseline for the training that all California higher education students will receive.”

- 2) *Existing training.* As explained in the Assembly Higher Education Committee analysis, existing state and federal law requires all postsecondary education institutions who receive state or federal funding to, at the very least offer students the opportunity to receive sexual violence training.

At the CCC, campuses offer the training as part of their orientation to students. Orientation at the CCC is not mandatory and, therefore, unless a student elects to attend orientation they may never receive sexual violence prevention training while they are enrolled at a CCC.

The current systemwide policy at the CSU requires each campus to offer a prevention education program that includes bystander intervention, reporting, and support services. The training also includes discussions of confidentiality, campus administrative processes for reporting, procedures of how to report to law enforcement, civil and criminal processes, and campus/community based support resources. All CSU students (new and continuing) must complete the online training, as it is mandatory.

At the UC, all students are required to take sexual violence prevention and intervention training and education annually. Incoming students are required to take the education and training program within their first six weeks of class. The curriculum for the trainings include definitions of sexual violence, attitudes and beliefs that normalize violence, bystander intervention, how one is to respond to sexual violence using methods that acknowledge the impact of violence and trauma on survivor's lives, local resources for survivors, the rights of a survivor, and the options available to them to report the sexual violence.

At independent universities throughout the state, the federal and state requirements apply if the institution receives federal or state financial assistance including Pell Grants or Cal Grants for students attending the institution. At the University of Southern California, the "Relationship and Sexual Violence Prevention Services" is an annual required training for all first and second year undergraduate students on affirmative consent and healthy relationships. Azusa Pacific University offers an online training program "Haven – Understanding Sexual Assault" to every incoming student. At Stanford University, incoming undergraduates receive an online "Beyond Sex Ed: Consent and Sexuality at Stanford program" at orientation and continuing undergraduates receive an expanded program that builds upon the program listed above.

- 3) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose "Negligible, if any costs, to the UC and CSU. Likely minor costs (Proposition 98 General Fund) to CCC districts to develop and maintain a system to enforce student compliance. If the Commission on State Mandates determines that this bill creates a mandate, those costs would be reimbursable."
- 4) *Related legislation.* AB 1968 (Seyarto) requires the CSU and requests the UC to develop content and presentation standards and a model internet website

template regarding the steps a student who is a victim of sexual assault may take immediately following the assault. AB 1968 is scheduled to be heard by this Committee on June 8.

AB 1467 (Cervantes) requires sexual assault counselors at public colleges and universities to be independent from the Title IX office, prohibits sexual assault counselors from releasing the identity of the victim, and authorizes the California State University (CSU) chancellor to collaborate with specified entities when reviewing executive orders related to discrimination, harassment, and retaliation. AB 1467 is pending in the Senate Judiciary Committee.

SUPPORT

GenUp (sponsor)
California State Student Association
California State University, Office of The Chancellor

OPPOSITION

None received

-- END --

university, or vocational/technical school appointed by the Speaker of the Assembly. The Treasurer serves as chair of the SIB.

ANALYSIS

This bill:

- 1) Delays the submission of the CalKIDS Program implementation report by the SIB to the Department of Finance and the Legislature from June 30, 2022, and annually thereafter, to June 30, 2023, and annually thereafter.
- 2) Specifies that the act is an urgency statute necessary to ensure the SIB has relevant data available to report before its reporting deadline.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “CalKIDS Program will create savings accounts for 3.7 million low-income K-12th graders initially, and then 450,000 newborns, and hundreds of thousand low-income first-graders and make way for the next generation of entrepreneurs, scientists, educators, and community leaders. With Governor Newsom’s expanded investment in CalKIDS, we needed to take additional time to ensure a smooth launch and implementation of the CalKIDS program. To keep the SIB compliant, we need to delay the reporting deadline by one year to give them adequate time to gather their findings of the program.”

This measure seeks to delay the SIB reporting deadline from June 30, 2022, to June 30, 2023, and annually thereafter.

- 2) ***CalKIDS Program and Fund.*** Enacted in the 2019-20 State Budget, CalKIDS was designed to expand access to higher education through savings with tools like ScholarShare 529, California’s official tax-advantaged college savings plan. CalKIDS is administered by the SIB, an agency of the State of California, and was initially established to automatically provide newborns in California with college savings accounts, including seed deposits and other potential financial rewards. However, in 2021, CalKIDS was expanded significantly to include 3.7 million low-income public school students enrolled in grades one through 12 who qualify for free or reduced lunch, are homeless, or are in foster care.

The investments provided in CalKIDS accounts can be a stepping stone to building a new savings behavior for families and serve as a tangible demonstration of the state’s commitment to supporting children in reaching the goal of higher education.

Each CalKIDS account will be seeded with a minimum deposit held in the ScholarShare 529 college savings plan or another investment mechanism in which money can potentially grow and eventually be used for a range of postsecondary expenses. This statewide program—which is part of a growing child savings accounts movement—provides universal eligibility, automatic

enrollment, investment growth potential, and opportunities for progressive subsidies for our most vulnerable Californians.

SUPPORT

California State Treasurer

OPPOSITION

None received

-- END --

