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California State Senate

EDUCATION



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AGENDA

Wednesday, April 27, 2022
9 a.m. -- 1021 O Street, Room 2100
(Please note time change)

SPECIAL ORDER OF BUSINESS

1. SB 1479 Pan COVID-19 testing in schools: COVID-19 testing plans.
-

MEASURES HEARD IN FILE ORDER

2. SB 964 Wiener Behavioral health.
3. SB 1144 Wiener Water efficiency and quality assessment reports: state buildings and public school buildings.
4. SB 1045 Melendez School curriculum: parental review.
- * 5. SB 1183 Grove The California State Library: Statewide Imagination Library Program.
6. SB 1199 Roth University of California, Riverside, School of Medicine: teaching hospital.
7. SB 1433 Roth Private postsecondary education: California Private Postsecondary Education Act of 2009.
8. SB 1255 Portantino Single-use products waste reduction: Dishwasher Grant Program for Waste Reduction in K-12 Schools and Community Colleges.
- * 9. SB 1487 Rubio Commission on Teacher Credentialing: survey: teachers exiting the profession.
10. SB 1229 McGuire Mental Health Workforce Grant Program.
- * 11. SB 1057 Education Committee on Education. Elementary and secondary education: omnibus bill.

*Proposed Consent

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 1479	Hearing Date:	April 27, 2022
Author:	Pan		
Version:	April 4, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: COVID-19 testing in schools: COVID-19 testing plans

SUMMARY

This bill requires each local educational agency (LEA) to create a COVID-19 testing plan that is consistent with guidance from the California Department of Public Health (CDPH), requires each LEA and each schoolsite to designate a staff member to report information on its COVID-19 testing program, requires CDPH to coordinate COVID-19 testing programs in LEAs, and requires CDPH to provide supportive services to LEA.

BACKGROUND

Existing law:

- 1) Establishes the California Department of Public Health (CDPH), directed by a state Public Health Officer, to be vested with all the duties, powers, purposes, functions, responsibilities, and jurisdiction as they relate to public health and licensing of health facilities, as specified. Existing law provides the Public Health Officer with broad authority to detect, monitor, and prevent the spread of communicable diseases in the state. (Health and Safety Code §131050 and §120130, et seq.)
- 2) Authorizes specified school apportionments to be used for any purpose consistent with providing in-person instruction for any student participating in in-person instruction, including but not limited to, COVID-19 testing, as specified. (Education Code §43521 and §43522)
- 3) Prescribes public health reporting requirements related to COVID-19 for local educational agencies (LEAs), including the development of a COVID-19 safety plan, as specified. (EC §32090 and §32091)

ANALYSIS

This bill requires each LEA to create a COVID-19 testing plan that is consistent with guidance from CDPH, requires each LEA and each schoolsite to designate a staff member to report information on its COVID-19 testing program, requires CDPH to coordinate COVID-19 testing programs in LEAs, and requires CDPH to provide supportive services to LEA. Specifically, this bill:

Local educational agencies (LEAs)

- 1) Requires each LEA to create a COVID-19 testing plan that is consistent with guidance from CDPH.
- 2) Requires each LEA to designate one staff member to report information on its COVID-19 testing program to CDPH.
- 3) Requires each school within a school district to designate one staff member to report information on its COVID-19 testing program to the school district.
- 4) Authorizes each school within a school district to name a staff member to lead its COVID-19 testing program.
- 5) Requires all COVID-19 testing data to be in a format that facilitates a simple process by which parents and LEAs may report data to CDPH.

California Department of Public Health (CDPH)

- 6) Requires CDPH to coordinate COVID-19 testing programs in LEAs funded by federal resources or organized under the California COVID-19 Testing Task Force.
- 7) Requires CDPH, in coordinating these COVID-19 testing programs, to provide supportive services related to the LEA testing plans and testing programs for teachers, staff, students, and surrounding communities that help LEAs reopen and keep LEAs operating safely for in-person learning.
- 8) Requires these supportive services to include, but not be limited to, all of the following:
 - a) Technical assistance.
 - b) Vendor support.
 - c) Guidance.
 - d) Monitoring.
 - e) Testing education.
- 9) Requires CDPH to expand its contagious, infectious, or communicable disease testing and other public health mitigation efforts to include prekindergarten, onsite after school programs, and childcare centers.
- 10) Requires CDPH to determine which COVID-19 tests are appropriate for use in the testing programs described in this bill.

Miscellaneous

- 11) Provides that implementation of the provisions of this bill are contingent upon an appropriation in the annual Budget Act or another statute for this purpose.
- 12) Requires any federal funds, if the state secures additional federal funds through the United States Centers for Disease Control and Prevention Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases Program for the purposes of COVID-19 testing in LEA, to be used before allocating state funds for CDPH's coordination of testing programs, provision of supportive services, and expansion of testing and mitigation efforts.
- 13) Defines "local educational agency" as a school district, county office of education, or charter school serving students in kindergarten or any of grades 1 to 12, inclusive.

STAFF COMMENTS

- 1) *Need for the bill.* The author cites the allocation of \$2.7 billion by the state for COVID-19 testing, and states "Despite these investments, the California Department of Public Health (CDPH) has not implemented a requirement that schools have a COVID-19 testing plan. This has resulted in inconsistent operations throughout the state. Some school districts have implemented strong testing programs, while others have not due to lack of resources or simply because they chose not to. Those that have implemented robust testing programs, increased vaccination rates, and masking have been able to provide in-person learning while preventing death and disability caused by COVID-19. In schools without testing protocols in place, students across California organized walkouts and sickouts to demand tests. Unfortunately, it was reported that adults mocked and bullied their efforts to protect their fellow students. Additionally, current testing programs do not account for other locations our children frequently attend, like preschool, afterschool programs, and childcare centers.

"SB 1479 ensures all school districts, County Offices of Education, and charter schools have a testing plan in place so parents stay informed of what is occurring on campus and schools remain prepared to handle COVID-19 surges in the future. Parents have a right to know if their child was exposed to COVID-19 at school. By requiring schools have a plan to test for COVID-19, SB 1479 ensures parents are informed about COVID-19 spread in schools. Although vaccination remains the cornerstone of public health's response to COVID-19, testing at our schools remains essential to preventing surges of the virus. This bill will help keep schools open and safe by ensuring schools have a plan to test for COVID-19 that is consistent with CDPH guidance. California must have its own testing plans and resources to reassure school districts that we will support them no matter what."

- 2) *Why conduct COVID-19 testing in schools?* In February 2022, the Governor released the *California SMARTER Plan: The Next Phase of California's COVID-19 Response*. This plan serves as a roadmap for moving forward, including "getting the right type of tests - PCR or antigen - to where they are needed most. Testing will help California minimize the spread of COVID-19." The California SMARTER Plan February 2022

The Safe Schools for All Hub provides a COVID-19 School Testing Framework that provides testing strategies and resources to assist schools in resuming full-time, in-person instruction. According to California's Safe School for All Hub, "Regular testing of unvaccinated students and staff who have no symptoms is an important layer to help protect school communities, especially when paired with important prevention measures such as masking and ventilation. Regular screening testing allows cases to be caught early before they can lead to the spread of COVID-19. Regular testing (such as testing a percentage of the population or testing at less frequent intervals) can reassure the school community and inform policies based on comparison of school case rates as compared to the community. Testing symptomatic children can help them return to school faster.

"Although vaccines are now widely available and vaccinated individuals are less likely to be infected with or transmit COVID-19, not all students and staff who are eligible for vaccination have been vaccinated. This highlights the continued need for proven COVID-19 prevention strategies, including testing people in school communities. Therefore, COVID-19 testing in K-12 schools remains a powerful tool for preventing the transmission of COVID-19." [CA Covid-19 School Readiness Hub](#)

On March 26, 2022, the Governor released a statement saying "the state has distributed more than 14.3 million COVID-19 at-home tests to schools for students and staff. In partnership with local county offices of education, the state has allocated tests based on the total number of students and staff – in both public and private schools – in each county." This statement cited the importance of testing as part of the state's SMARTER plan.

- 3) *State's vaccine requirement for schools.* On April 14, 2022, the Governor released a statement saying, "The federal Food and Drug Administration (FDA) has not yet fully approved COVID-19 vaccines for individuals of all ages within the 7–12 grade span. The State of California announced last October that full approval by the FDA was a precondition to initiating the rulemaking process to add the COVID-19 vaccine to other vaccinations required for in-person school attendance—such as measles, mumps, and rubella—pursuant to California's Health and Safety Code. To ensure sufficient time for successful implementation of new vaccine requirements, California will not initiate the regulatory process for a COVID-19 vaccine requirement for the 2022-2023 school year and as such, any vaccine requirements would not take effect until after full FDA approval and no sooner than July 1, 2023." Further, the statement asserts "Upon full approval by the FDA, CDPH will consider the recommendations of the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention, the American Academy of Pediatrics, and the American Academy of Family Physicians prior to implementing a school vaccine requirement."
- 4) *California COVID-19 Testing Task Force.* The California COVID-19 Testing Task Force was established in April 2020 to increase the state's COVID-19 testing capacity, with the goal of ensuring that every Californian who needs a test can get one. According to the Task Force's website, its role is to: a) Guide the use

and operations of a limited number of state-based testing sites; b) Share information and track progress on testing and testing gaps; c) Bring together experts to develop guidance to enable better testing; d) Drive targeted initiatives to improve testing access, timeliness, and equity; and, e) Provide informational resources to Californians and other partners and stakeholders (e.g., local health jurisdictions).

Under the task force's California K-12 Schools Testing Program, CDPH, and the task force are offering:

- a) Two Polymerase chain reaction (PCR) testing programs, Individual PCR and Pooled PCR, to support COVID-19 testing in California K-12 schools. LEAs may partner with the Valencia Branch Laboratory at no cost, or use a commercial lab at the LEAs own cost.
 - b) A program for rapid testing in California K-12 schools using Abbott BinaxNow antigen tests, at no cost to LEAs. This option requires schools to enter into a memorandum of understanding. [School Testing | California Coronavirus Testing Task Force](#)
- 5) *COVID-19 Public Health Guidance for K-12 Schools in California*. On July 12, 2021, CDPH released a public health guidance for K-12 schools, which is designed to keep schools open for in-person instruction safely during the COVID-19 pandemic, consistent with current scientific evidence. According to the guidance, in-person schooling is critical to the mental and physical health and development of our students, and the guidance is designed to help K-12 schools continue to formulate and implement plans for safe, successful, and full in-person instruction in the 2021-22 school year. This guidance has been updated since its initial release.

This guidance includes mandatory requirements, in addition to recommendations and resources to inform decision-making. Implementation requires training and support for staff and adequate consideration of student and family needs.

According to CDPH, "When applying this guidance, consideration should be given to the direct school population and the surrounding community. Factors include: a) community level indicators of COVID-19 and their trajectory; b) COVID-19 vaccination coverage in the community and among students, teachers, and staff; c) local COVID-19 outbreaks or transmission patterns; d) indoor air quality at relevant facilities; e) availability and accessibility of resources, including masks and tests; f) ability to provide therapeutics in a timely and equitable manner as they become available; g) equity considerations, including populations disproportionately impacted by and exposed to COVID-19; h) local demographics, including serving specialized populations of individuals at high risk of severe disease and immunocompromised populations; and, i) community input, including from students, families, and staff."

The testing component of the guidance provides:

- a) Recommendations for staying home when sick and getting tested, as specified.
- b) Screening testing recommendations.
- c) Recommendations for Students exposed to COVID-19 (including testing).
- d) School-Based Extracurricular Activities (including testing if masks are not worn).

The guidance further recommends that, when implementing this guidance, schools should carefully consider how to address the legal requirements related to the provision of a free appropriate public education and requirements to reasonably accommodate disabilities, which continue to apply.

- 6) *Designation of staff.* This bill requires each LEA to designate one staff member to report information on its COVID-19 testing program to CDPH and requires each school within a school district to designate one staff member to report information on its COVID-19 testing program to the school district. These requirements are a furtherance of CDPH guidance, which provides that LEAs should have a COVID-19 liaison to assist the local health department with activities related to COVID-19. *Do LEAs have the staffing capacity to dedicate staff to COVID-19 testing?*
- 7) *Which types of tests?* This bill requires CDPH to determine which COVID-19 tests are appropriate for use in the testing programs described in this bill. Current methods of COVID-19 testing in schools include nasal swaps and saliva tests. On April 14, 2022, the United States Food and Drug Administration announced it has issued an emergency use authorization for the first COVID-19 diagnostic test that detects chemical compounds in breath samples associated with a COVID-19 infection. The test uses an instrument about the size of a piece of carry-on luggage and can provide results in less than three minutes.

This bill requires LEAs to develop a COVID-19 testing plan, but does not prescribe the contents or details of plans, other than that they be consistent with CDPH guidance. It is likely that many or most LEAs will consult with employees and parents in the development of the LEA's plan. Plans could be unique to each LEA and its community, for example considering the COVID-19 testing needs of its students with exceptional needs.

- 8) *Fiscal considerations.* AB 128 (Ting, Chapter 21, Statutes of 2021) allocated \$319,675,000 to CDPH for various programs related to the COVID-19 pandemic, including funds to support COVID-19 testing in schools allocated from the federal American Rescue Plan Act of 2021 (Public Law 117-2). AB 128 also permits augmentation of up to \$887,716,000 to support COVID-19 testing in schools allocated from those federal funds.

AB 86 (Committee on Budget, Chapter 10, Statutes of 2021) allocates \$25 million for the Safe Schools For All Team to coordinate technical assistance, community engagement, increased transparency, and enforcement for public school health

and safety during the COVID-19 pandemic. Existing law provided that these funds may be encumbered until June 30, 2023.

The Governor's 2022 Budget proposes \$362 million for continued testing efforts, in many settings in addition to testing in schools. The Budget further proposes \$1.1 billion for COVID-19 impacts (excluding caseload), including COVID-19 testing in schools among other things.

Implementation of this bill is contingent upon an appropriation for this purpose.

- 9) *Senate Health Committee.* This bill was heard and passed by the Senate Health Committee on March 30, 2022, on a 9-2 vote.

SUPPORT

Protect US (sponsor)
 Genup (co-sponsor)
 Teens for Vaccines INC. (co-sponsor)
 Advanced Medical Technology Association
 California Academy of Family Physicians
 California Medical Association
 California Pan - Ethnic Health Network
 County Health Executives Association of California
 Public Health Institute
 Sacramento City Unified School District
 Women's Foundation California
 6 Individuals

OPPOSITION

A Voice for Choice Advocacy
 California Health Coalition Advocacy
 California Parent Power
 Catholic Families 4 Freedom CA
 Catholic Families for Freedom San Bernardino
 Children's Health Defense California Chapter
 Committee to Support Parental Engagement in Santa Clarita School Districts
 Educate. Advocate.
 Freedom Keepers United, CA Freedom Keepers
 Hughson Unified School District
 Let Them Breathe
 Natomas USD for Freedom
 North Cow Creek Elementary School District
 Protection of The Educational Rights for Kids
 Protection of The Educational Rights of Kids
 Reopen California Schools
 San Joaquin County Liberty Coalition
 Stand Up Sacramento County
 United California Patriots
 1,674 Individuals

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 964	Hearing Date:	April 27, 2022
Author:	Wiener		
Version:	April 18, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Behavioral health

SUMMARY

This bill requires the California Community Colleges (CCC) and the California State University (CSU), and requests the University of California (UC), to develop two accelerated programs of study related to degrees in social work. This bill also includes several provisions related to the behavioral health workforce including an analysis of scope of practice laws for behavioral health workers and licensure requirements, a stipend program, creation of an online jobs board, and a workforce analysis.

BACKGROUND

Existing law:

- 1) Establishes the CCCs as postsecondary schools and that the Board of Governors are to exercise general supervision over the CCC. (Education Code § 66700)
- 2) Confers upon the CSU Board of Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees. (EC § 66606 and 89500, et seq.)
- 3) Creates the UC, to be administered by the Board of Regents with full powers of organization and government. (California Constitution, Article IX, § 9)
- 4) Differentiates the missions and functions of public and independent institutions of higher education. (EC § 66010.4)

ANALYSIS

This bill requires the CCC and the CSU, and requests the UC, to develop two accelerated programs of study related to degrees in social work. This bill also includes several provisions related to the behavioral health workforce including an analysis of scope of practice laws for behavioral health workers and licensure requirements, a stipend program, creation of an online jobs board, and a workforce analysis. Specifically, this bill:

Programs of study in social work

- 1) Requires the CCC and the CSU, and requests the UC, to develop both of the following accelerated programs of study related to degrees in social work:
 - a) A concurrent bachelor's and master's of social work program that will allow students to combine their last one or two years of undergraduate study in social work with their graduate study in social work in order to complete both programs at an accelerated rate.
 - b) An accelerated academic program in which students with experience as peer support specialists, registered or certified alcohol or other drug counselors, community health workers, or psychiatric technicians may receive their associate's degree, as well as a bachelor's and master's degree in social work. This bill requires the program to be designed to be completed by a student who is working full-time and may include online, part-time, and night class options.
- 2) Requires both programs to require a student to take a course on working with the severely mentally ill, with a focus on working in the public behavioral health system.
- 3) Provides that "behavioral health" refers to both mental health and substance use disorder.

Analysis of workforce, scope of practice, and licensure

- 4) Requires the Department of Health Care Access and Information (HCAI) to request the UC enter into a contract with HCAI to prepare a report providing a landscape analysis of the current behavioral health workforce and the state's behavioral health workforce needs, and to make recommendations on how to address the state's behavioral health workforce shortage. This bill requires the analysis to include, among other things:
 - a) Scope of practice laws for behavioral health workers, as well as health plan hiring guidelines and practices for different behavioral health certification and license types; and
 - b) License requirements, including out-of-state license application requirements, and clinical training requirements for behavioral health professionals.
- 5) Establishes the Behavioral Health Workforce Preservation and Restoration Fund to provide hiring or performance-based bonuses, salary augmentation, overtime pay, or hazard pay to licensed, certified, or registered professionals working in the behavioral health sector.
- 6) Establishes a stipend program for students pursuing a master's degree in social work with a specialized focus on public behavioral health.
- 7) Requires HCAI to create an online jobs board for behavioral health workers.

- 8) Requires the Department of Health Care Services (DHCS) to seek federal authority to replace the county peer support demonstration pilots slated to be implemented this year with a statewide peer support Medi-Cal benefit and requires DHCS to establish a body to certify peer support specialists statewide.
- 9) Adds behavioral health programs to the list of permissible graduate medical education programs for which designated public hospitals may receive additional Medi-Cal payments.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Just one-third of Californians who live with a mental illness receive the care they need. One of the largest drivers of this failure is a shortage of behavioral healthcare workers. Today, 31 counties with a 'high need' for mental health services report having a workforce shortage.

"With healthcare workers resigning in droves and mental health needs skyrocketing both as a result of the COVID-19 pandemic, the behavioral health workforce shortage has gone from challenge to crisis. Without essential workers to provide care, people with mild symptoms are falling into severe mental illness.

"We are also failing to provide MSW students with incentives to enter the behavioral health work field. Financial incentives for MSW students have proven effective in increasing behavioral workforce participation, as many may find it financially difficult to balance course work with required number of hours of field education practicum experience.

"Additionally, California has not yet implemented commonsense reforms that would increase the numbers of peer support specialists. Studies demonstrate that the use of peer support specialists in a comprehensive mental health or substance use disorder treatment program helps to reduce client hospitalizations, improve client functioning, increase client satisfaction, alleviate depression and other symptoms, increase participation in treatment, reduce homelessness and increase tenure in the community, and diversify the mental health workforce. By implementing a peer support program, Pierce County, Washington reduced involuntary hospitalizations by 32% in a single year.

"Those in our rural, linguistically and ethnically diverse, and LGBTQ+ communities are severely underserved when it comes to mental health; and our most vulnerable suffering from severe mental illness continue to cycle between hospital emergency rooms, jails and city streets. The state's strained mental health system is on the verge of collapse without enough behavioral health care workers. In addition, California's traditionally underserved communities face additional discrimination due to a lack of access to care."

- 2) *Academic freedom.* The faculty (via the academic senates) of the CCC, CSU, and UC are responsible for the curriculum because they have the disciplinary and curricular expertise and experience to best judge the knowledge and skills needed in a college or university degree. At the core of academic freedom is the establishment of faculty members' right to remain true to their pedagogical

philosophy and intellectual commitments; it preserves the intellectual integrity of our higher education systems. Additionally, academic freedom means that the political, religious, or philosophical beliefs of politicians, administrators, and members of the public cannot be imposed on faculty or students.

This bill requires the CCC and the CSU, and requests the UC, to develop two accelerated programs of study related to degrees in social work. *The Committee may wish to consider the precedent that would be set with this bill and determine whether it infringes on academic freedom and whether the decisions on curricula should remain the responsibility of faculty and administrators.*

- 3) *Shortage of social workers.* A 2018 report, "California's Current and Future Behavioral Health Workforce," cites an ongoing shortage of behavioral health professionals overall, as well as in particular geographic areas. The report states "Estimates of future supply and demand for behavioral health workers suggest that the state will face substantial shortages of workers in all occupations relative to projected need for behavioral health services."

This report recommends, relative to provisions of this bill, that "California policy-makers should also explore the feasibility of creating academic ladders by which persons who have completed certificate or associate's degree education in behavioral health services can obtain the additional training needed to become licensed behavioral health professionals, and employers should provide financial and other support to help their employees complete additional education. California should also ensure that persons who complete education in behavioral health professions are encouraged to provide behavioral health services."

This report includes the following information about the number of graduates in 2015:

	Clinical or Counseling Psychology - Master's	Clinical or Counseling Psychology - Doctoral	Social Work – Master's	Social Work - Doctoral
Central California	328	138	27	--
Greater Bay Area	1,062	270	390	9
Inland Empire	205	26	121	--
Los Angeles	1,465	234	701	9
Northern & Sierra	63	--	124	--
Orange	692	60	138	--
Sacramento Area	14	--	119	--
San Diego Area	691	301	131	--
San Joaquin	109	--	186	--
California	4,629	1,029	1,937	18

Note: These data exclude the MSW program at the University of Southern California (USC) because USC offers its program nationally via distance learning and the data do not distinguish between graduates who were residing in California at the time they completed the program and graduates who were residents of another state.

This report further noted "Many graduates of master's of social work programs do not provide behavioral health services, and instead provide community health, client navigation, care coordination, and other services. A survey conducted in 2004 found that nationwide 40% of licensed social workers provided behavioral health services. If employment patterns among 2015 graduates of master's of social work programs in California are consistent with this national estimate, only 775 of the 1,937 of graduates will provide behavioral health services."

This report presents the projected supply and demand for psychiatrists from 2016 through 2028. The report notes, "The estimates suggest that California will have a severe shortage of psychiatrists by 2028. The HRSA demand forecasts estimate that there was a shortfall of 5.8% for psychiatrists, which indicates that in 2016 the demand was 6,145 compared with the supply of 5,809. However, in order to provide services to all individuals who needed care in 2016, 7,238 psychiatrists were needed, which indicates a gap of 23.6% between the number of psychiatrists in California in 2016 and the number required to care for all persons who need behavioral health services. In 2028, the supply of psychiatrists is projected to decline to 3,833. The gap between demand and supply in 2028 under the current utilization scenario is 2,683 (70%), and in 2028 the supply is projected to be less than half of the demand in the unmet need scenario."

Microsoft Word - California's Current and Future Behavioral Health Workforce.docx (ucsf.edu)

This bill calls for a report that provides a landscape analysis of the current behavioral health workforce and the state's behavioral health workforce needs, and to make recommendations on how to address the state's behavioral health workforce shortage. Updated information specific to current shortages would be helpful for the CCC, CSU, and UC, and their respective academic senates, in developing new and/or expanding existing degree programs. *Does this bill predetermine the needed changes to degree programs? Should these analyses and recommendations be completed prior to the expansion of existing or development of new degree programs?*

- 4) *Accredited programs of social work at the CCC, CSU, and UC.* Accreditation provides a baseline measure of institutional quality. Accrediting agencies are private organizations that establish operating standards for educational or professional institutions and programs, and determine the extent to which the standards are met. Under federal law, the United States Department of Education establishes the general standards for accreditation agencies and recognizes those accrediting agencies that are deemed reliable authorities on quality of education. California's regional accrediting agency is separated into two commissions: the Accrediting Commission for Community and Junior Colleges accredits the CCC, and the Senior College and University Commission (commonly referred to as WASC-Sr.) The Council on Social Work Education (CSWE) accredits bachelor's and master's programs in social work.

Bachelor's programs in social work are currently offered at 10 CSUs, 1 UC, and 10 independent universities. Master's programs in social work are currently offered at 9 CSUs, 2 UCs, and one independent university. The CCC offers an Associate's Degree for Transfer in social work at 16 campuses. *It appears that only one campus has a program currently exists that meets the criteria established by this bill, the UC Berkeley's School of Social Welfare's FlexMSW Advanced Standing Program.*

- 5) *Process of developing new or expanding existing degree programs and coursework.* Degree programs must be accredited; CSWE accreditation for social work programs is based on program standards governed by the Board of Behavioral Sciences. New programs and major modifications to existing programs must meet accreditation standards as well as receiving accreditation from the appropriate accrediting body. While this bill could be clarified to provide that the accelerated programs must meet existing accreditation standards, these programs would still need to seek accreditation or, at a minimum, receive assurance from the accrediting body that the revised programs continue to be covered under existing accreditation (particularly for online courses, as some accrediting bodies restrict the number of courses or hours of online instruction offered within a program). Accreditation is a multi-year process that involves a deep review of the proposed curriculum for alignment with program standards for accreditation.

- 6) *Things to consider.* If this Committee wishes to proceed with requiring the CCC and CSU, and requesting UC, to develop specific accelerated degree programs and coursework, the Committee may wish to consider the following:
 - a) Whether existing accelerated degree programs at the UC and CSU can be modified without the need for re-accreditation.

 - b) Whether existing non-accelerated degree programs can become accelerated programs.

 - c) Whether existing degree programs can easily integrate "credit for prior learning" for students with experience as peer support specialists, registered or certified alcohol or other drug counselors, community health workers, or psychiatric technicians.

 - d) Whether a sufficient number of CCC, CSU, and UC faculty have the appropriate training to provide instruction in the programs and coursework required by this bill.

 - e) How can the Legislature help ease the bottleneck in clinical placements?

 - f) Will additional state funding be requested to support the development of the accelerated programs and coursework working with the severely mentally ill, with a focus on working in the public behavioral health system?

- 7) *Related budget action.* The 2021 Budget included a \$4.4 billion investment and five-year plan to establish California's Children and Youth Behavioral Health Initiative, for the purpose of better connecting children and youth to behavioral health care through the creation of an online platform, investment in school-based services, and expanding the infrastructure for behavioral health services.

As part of the multi-year compact Governor Newsom has with CSU, the budget proposes to expand and support high-demand career pipelines by increasing the number of students who enroll in STEM, education and early education disciplines, and social work by 25 percent by 2026-27. The budget further proposes that CSU collaborate with the CCCs to develop educator (early, primary, and secondary), healthcare, technology, social work, and climate action Associate's Degree for Transfer pathways and transfer pathways for transfer students interested in entering these fields, with an initial priority on educator pathways.

The budget also proposes a) \$210 million (General Fund) to support social work training programs and provide stipends and scholarships to create a new pipeline for diverse social workers who cannot otherwise afford the financial or time investment required to complete full-time programs; and, b) \$60 million General Fund to expand scholarships and loan repayment programs in healthcare and social work for multilingual applicants, with the goal of increasing language and cultural competencies throughout the care workforce.

- 8) *Related legislation.* SB 1229 (McGuire) requires the California Student Aid Commission to administer the Mental Health Workforce Grant Program to increase the number of mental health professionals serving children and youth. SB 1229 is scheduled to be heard by this committee on April 27.

AB 2222 (Reyes) establishes the Golden State Social Opportunities Program to provide grants to postgraduate students who are enrolled in programs to become an associate clinical social worker, an associate professional clinical counselor, an associate marriage and family therapist, or a registered psychological associate, and who commit to working in a California-based nonprofit eligible setting for their required post-degree hours of supervised experience. AB 2222 is pending in the Assembly Appropriations Committee.

- 9) *Senate Health Committee.* This bill was heard and passed by the Senate Health Committee on March 30, 2022, with a vote of 11-0.

SUPPORT

Steinberg Institute (sponsor)
 Aspiranet
 California Coalition for Youth
 California Consortium of Addiction Programs and Professionals
 California Council of Community Behavioral Health Agencies
 Central City Association of Los Angeles
 County Behavioral Health Directors Association
 Los Angeles County

National Alliance on Mental Illness (NAMI-CA)
National Association of Social Workers, California Chapter
One individual

OPPOSITION

One individual

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 1144	Hearing Date:	April 27, 2022
Author:	Wiener		
Version:	April 18, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Water efficiency and quality assessment reports: state buildings and public school buildings

SUMMARY

This bill requires state agencies and public schools to complete a water efficiency and quality assessment report on their facilities, including testing for lead, radon, Legionella, and other contaminants. If the report identifies noncompliant plumbing fixtures and appliances or contaminants, the bill would require the operating agency to remedy the problem at the earliest practical time, subject to available funding.

BACKGROUND

Existing law:

- 1) Requires the State Water Resources Control Board to administer the provisions relating to the regulation of drinking water to protect public health.
- 2) Prohibits a person from using any pipe, pipe or plumbing fitting or fixture, solder or flux that is not lead free in the installation or repair of any public water system or plumbing in a facility providing water for human consumption, except when necessary for repair or leaded joints of cast iron pipes.
- 3) Establishes the policy that all residents of the state have a right to clean, affordable, and accessible water for human consumption, and directs relevant state agencies to implement the policy.
- 4) Requires a school district to provide access to free, fresh drinking water during meal times in school food service areas.
- 5) Prohibits, beginning January 1, 1994, the use of lead-based paint, lead plumbing and solders, or other potential sources of lead contamination in the construction of any new school facility or the modernization or renovation of any existing school facility.
- 6) Requires the governing board of a school district to adopt a local control and accountability plan (LCAP) and specifies state priorities, including the priority for school facilities to be maintained in good repair.

- 7) Requires a community water system that serves a schoolsite with a building constructed before January 2010, to test for lead in the potable water system of the schoolsite by July 1, 2019, with exceptions.

ANALYSIS

This bill:

- 1) Requires an operating agency, as defined, to complete a water efficiency and quality assessment report, no later than January 1, 2024, for each covered building that shall include, among other things, all of the following information:
 - a) An inventory of all noncompliant plumbing fixtures and noncompliant appliances in the building.
 - b) An evaluation of the feasibility and costs of installing a graywater system in the building or connecting to a recycled water system for outdoor uses.
 - c) An evaluation of whether the building contains lead pipe or piping of unknown material that was installed prior to 1986.
 - d) Testing and assessment of water quality in the building's potable water systems, water features, and cooling towers, including testing for lead, radon, Legionella, and other potential contaminants.
- 2) Requires the water quality testing and assessment testing to be conducted by qualified safety and management personnel certified in accordance with the latest version of ASSE Series 12000, Professional Qualifications Standard for Water Management and Infection Control Risk Assessment for Building Systems (ASSE SERIES 12000).
- 3) Provides that if an operating agency is responsible for the operation and maintenance of more than one building, the time period for completing the quality assessment report shall be as follows:
 - a) A quality assessment report shall be completed for at least 25% of the buildings under the control of the operating agency on or before January 1, 2024.
 - b) A quality assessment report shall be completed for at least 50% of the buildings under the control of the operating agency by January 1, 2025.
 - c) A quality assessment report shall be completed for at least 75% of the buildings under the control of the operating agency by January 1, 2026.
 - d) A quality assessment report shall be completed for all covered buildings under the operating agency by January 1, 2027.

- 4) Requires an operating agency to maintain a copy of the quality assessment report for at least three years and make the report available to the public upon request.
- 5) Requires the operating agency, if the quality assessment report identifies noncompliant plumbing fixtures and noncompliant appliances to replace noncompliant plumbing fixtures and noncompliant appliances that fail to meet water efficiency standards with water-conserving plumbing fixtures and water-conserving appliances at the earliest practical time, subject to available funding.
- 6) Requires the operating agency, if the installation of a graywater system or connection to a recycled water system has been determined to be feasible and cost effective, to install the graywater system or connect to a recycled water system at the earliest practical time, subject to available funding.
- 7) Requires the operating agency, if the quality assessment determines that a building contains lead pipe, to replace the lead pipe at the earliest practical time, subject to available funding.
- 8) Requires the operating agency, if the quality assessment report determines that a building contains pipe of unknown material that was installed prior to 1986, to either treat the pipe as lead pipe or test the pipe to determine if it meets the definition of a lead pipe.
- 9) Requires the operating agency, until the lead pipe is replaced, to post a warning that the building contains lead pipe in the outside lobby window of the building or other conspicuous place near the primary entrance and clearly visible to the public.
- 10) Requires the operation agency, if the lead pipe has not been replaced within 12 months of the quality assessment report, to prepare a water quality management plan (management plan) that establishes a remediation plan, interim mitigation measures where appropriate, and regular testing schedule for lead in the building drinking water until remediation is completed.
- 11) Requires the operating agency, if the quality assessment report determines that a building's potable water systems, water features, or cooling towers are contaminated by lead, Legionella, radon, or other contaminants at levels that exceed state safety standards, to remediate the contamination at the earliest practical time, subject to available funding.
- 12) Requires the operating agency, until the identified contamination is fully remediated, to post a notice of contamination outside the lobby window of the building or other conspicuous place near the primary entrance and clearly visible to the public. The notice shall state that a quality assessment report has identified contaminants and shall identify the contaminants and the building water systems it affects.
- 13) Requires the operation agency, if the identified contaminants have not been fully remediated within six months, to prepare a management plan that establishes a

- remediation plan, interim mitigation measures, and regular testing schedule for the identified contaminants until remediation is completed.
- 14) Requires the management plan to be designed by a water management program team that includes at least one person certified in accordance with ASSE 12060 and one person certified in accordance with ASSE12080 under the latest editions of ASSE Series 12000.
 - 15) Requires, when water quality testing, control, prevention, or remediation measures are required, for those services to be performed by qualified persons and organizations certified in accordance with the latest version of ASSE Series 12000.
 - 16) Requires an operating agency, no later than one year after the completion of the quality assessment report, to implement a Legionella management program for any covered building with a cooling tower system. The program shall include a schedule for routine bacteriological culture sampling and routine Legionella culture sampling as well as identify conditions or events that require immediate Legionella culture sampling and analysis.
 - 17) Requires the Legionella management program to be designed to minimize the growth and transmission of Legionella bacteria in the cooling tower system, consistent with the most recent energy standards.
 - 18) Requires the Legionella management program to include remediation and disinfection plans and to include startup safety procedures for stagnant cooling towers that have been shut down without treatment and recirculation for more than five consecutive days.
 - 19) Requires that an operating agency of a building with a cooling tower shall ensure that any work or services required by the most recent energy standards or Legionella management program required by this bill are performed by qualified persons and organizations certified in accordance with the latest edition of ASSE SERIES 12000.
 - 20) Requires the operating agency to retain a copy of the Legionella management program with sampling details and sampling results for at least three years.
 - 21) Requires the state board to periodically monitor operating agencies to ensure that a Legionella management program is in place and designed and administered in compliance with this bill.
 - 22) Requires upon the operating agency to make the Legionella management program available request to an employee of the state board or any other state agency with license or inspection authority for the covered building.
 - 23) Requires an operating agency with a cooling system to annually review its Legionella management plan to conduct an additional review when under any of the following conditions:

- a) If one or more cases of Legionnaires' disease are, or may, be associated with the building.
 - b) Upon completion of any construction, modification, or repair activities that may affect the potable water system of the building.
 - c) Any other condition specified by the state board.
- 24) Requires the operating agency to notify the local health department within 24 hours of receipt of a Legionella culture sampling analysis that exceeds 1,000 colony-forming units per milliliter. The operating agency is also required to notify the public of the test result by posting a notice in the outside lobby window of the building or other conspicuous place near the primary entrance and clearly visible to the public, or as otherwise required by the local health department or state board.
- 25) Defines "state agency" to mean any state office, officer, department, division, bureau, board, commission, organization, or agency including, without limitation, the University of California, the California State University, the California Community Colleges, and the Judicial Council.
- 26) Defines a "school building" to mean any of the following:
- a) A structure used for the instruction of public school children, including a classroom, laboratory, library, research facility, or administrative facility.
 - b) An eating facility located in a school or a school kitchen.
 - c) A gymnasium or other facility used for athletic or recreational activities or for courses in physical education.
 - d) A dormitory or other living area of a residential school.
 - e) A maintenance, storage, or utility facility essential to the operation of a facility, as described above, which contains a potable water system.
- 27) Defines "operating agency" to mean the entity responsible for the operation and maintenance of a covered building.
- 28) Defines "covered building" to mean a building that is either a building owned, occupied, or leased and occupied, by a state agency or a public school building.
- 29) Defines a "lead pipe" to mean a pipe that has more than eight percent lead concentration.

STAFF COMMENTS

- 1) **Need for the bill.** The author's office states that, "according to the Office of Environmental Health Hazard Assessment, nearly one million Californians lack access to clean water. This issue is heightened at our public schools, with 53%

of participating school districts reporting the presence of lead in at least one of their drinking water fountains on a campus. Across 1,300 public schools, 2,100 water fountains were found to be contaminated with lead. These concerning rates of lead exposure exclude other contaminants that are potentially present, such as radon and Legionella, which have extremely detrimental health effects.”

The author’s office further argues that, “this type of contamination is not unique to schools, as older buildings with aged plumbing fixtures, like many state agency buildings, often find similar results. It is crucial that California tests for this type of exposure among our school-age children and state workers, and when possible, replace the systems that are causing this contamination.”

- 2) **Lead sampling of drinking water in schools.** As of July 1, 2019, the Division of Drinking Water (DDW), in collaboration with the California Department of Education, has completed the initiative to test for lead in drinking water at all public K-12 schools. Chapter 746, statutes of 2017 (AB 746, Gonzalez Fletcher) required community water systems to test lead levels, by July 1, 2019, in drinking water at all California public, K-12 school sites that were constructed before January 1, 2010.

Prior to the passage of AB 746, in early 2017, the DDW and Local Primacy Agencies issued amendments to the domestic water supply permits of approximately 1,200 community water systems so that schools that are served by a public water system could request assistance from their public water system to conduct water sampling for lead and receive technical assistance if an elevated lead sample was found. These amendments allowed the private schools to continue to request sampling and assistance after the passage of AB 746.

- 3) **Legionnaire’s Disease.** Legionnaire’s disease is a serious type of pneumonia caused by Legionella bacteria. People can get sick when they breathe in small droplets of water or accidentally swallow water containing Legionella into the lungs. Legionella occurs naturally in freshwater environments, like lakes and streams. It can become a health concern when it grows and spreads in human-made building water systems.

In 2018, health departments in the United State reported nearly 10,000 cases of Legionnaire’s disease. However, because Legionnaire’s disease is likely underdiagnosed, the number of cases could be much higher. According to the Centers for Disease Control and Prevention (CDC), about one in 10 people who get sick from Legionnaires’ disease will die.

This bill requires the quality assessment report conducted by state agencies and public schools to test their potable water system, water features, or cooling towers, to determine if Legionella and other contaminants are present at levels that exceed safety standards. If the report determines that such contaminants exist, the operating agency is required to remediate the contamination at the earliest practical time, subject to available funding.

The bill also requires an operating agency to implement a Legionella management program for any building with a cooling tower system, as specified. Among other things, the program must include a schedule for routine bacteriological culture sampling and routine Legionella culture sampling.

- 4) **Graywater Water Systems.** Graywater refers to domestic wastewater generated in households or office buildings that are free of fecal matter. Generally, graywater comes from sinks, washing machines, bathtubs and showers. Since it contains lower levels of contamination, it's easier to treat and process. One of the most common methods for using gray water is for irrigation purposes.

This bill requires state agencies and public schools, through the quality assessment report, to evaluate the feasibility of installing a graywater system in their facilities for outdoor uses. If the quality assessment report determines that the installation of a graywater system is feasible, the bill requires the operating agency to install a graywater system at the earliest practical time, subject to available funding.

- 5) **Arguments in support.** According to the California State Pipe Trades Council, "SB 1144 will address [poor water quality] problems by requiring a one-time assessment of water quality and efficiency in all public school and state agency buildings within a year of this legislation taking effect. These sites must be tested for lead, radon, Legionella, and other contaminants as well as an inventory of lead pipes in the buildings. SB 1144 is essential legislation for providing safe water in our schools and for conserving water at a time of historic drought."

- 6) **Arguments in opposition.** The Coalition for Adequate School Housing states, "Under AB 746, K-12 schools have had their potable water systems tested for lead by their local water agency, and have mitigated water from faucets and drinking fountains with readings above 15 ppb, which is the federal standard. Useful statewide data focused on progress schools have made, and areas that would benefit from improvement, is now available. CASH believes that a more targeted approach that builds on the success of AB 746 using data and experience from practitioners is the best way to improving water quality at K-12 schools.

"SB 1144 as would increase capitol and operational costs for schools, but does not include a funding source to assist schools with funding to conduct the required assessment or fund larger plumbing upgrade projects to address issues found in the assessment. CASH is working to quantify a typical assessment. While CalSHAPE funding can be used for some plumbing upgrade projects, funding is limited and cannot be accessed by all schools. CalSHAPE is a California Energy Commission (CEC) funding program focused on K-12 school HVAC and Plumbing assessment and maintenance. Only one-third of CalSHAPE funding is dedicated to plumbing projects. State school bond discussions are ongoing, but do not currently include a plumbing upgrade program."

SUPPORT

California State Pipe Trades Council (sponsor)
California Water Association
State Building and Construction Trades Council

OPPOSITION

Coalition for Adequate School Housing

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022 Regular

Bill No:	SB 1045	Hearing Date:	April 27, 2022
Author:	Melendez		
Version:	March 14, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: School curriculum: parental review.

SUMMARY

This bill requires 1) classroom instructors to provide, upon request of a parent, a copy of the instructor’s lesson plan no later than three business days from the date of the request; and, 2) each schoolsite to make its prospectus of curriculum available for physical review and publish the prospectus on its website at least three calendar days before the start of the academic year.

BACKGROUND

Existing law:

Instructional materials

- 1) Defines “curriculum” as the courses of study, courses, subjects, classes, and organized group activities provided by a school. (Education Code § 51013)
- 2) Requires the Instructional Quality Commission to do all of the following:
 - a) Recommend curriculum frameworks to the State Board of Education (SBE).
 - b) Develop criteria for evaluating instructional materials submitted for adoption.
 - c) Study and evaluate instructional materials submitted for adoption.
 - d) Recommend instructional materials for adoption to the SBE.
 - e) Recommend to the SBE policies and activities to assist the department and school districts in the use of the curriculum framework and other available model curriculum materials for the purpose of guiding and strengthening the quality of instruction in the public schools. (EC § 60204)
- 3) Requires the SBE to adopt basic instructional materials for use in kindergarten and grades 1 to 8, and requires the SBE to adopt at least five basic instructional materials for all applicable grade levels in each of the specified subject areas. (EC § 60200)
- 4) Requires the governing board of each school district maintaining one or more high schools to adopt standards-aligned instructional materials for use in the high

schools under its control. (EC § 60400)

- 5) Requires each school district governing board to provide for substantial teacher involvement in the selection of instructional materials and to promote the involvement of parents and other members of the community in the selection of instructional materials. (EC § 60002)
- 6) Prohibits a school district governing board from adopting any instructional materials for use in the schools that, in its determination, contain:
 - a) Any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, occupation, or because of a protected characteristic.
 - b) Any sectarian or denominational doctrine or propaganda contrary to law. (EC § 60044)
- 7) Requires that all instructional materials adopted by any governing board for use in the schools be, to the satisfaction of the governing board, accurate, objective, current, and suited to the needs and comprehension of pupils at their respective grade levels. (EC § 60045)
- 8) Requires the governing board of a school district to hold a public hearing or hearings at which the governing board is required to encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and to make a determination, through a resolution, as to whether each student in each school in the school district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted by the State Board of Education (SBE) in specified subjects that are consistent with the content and cycles of the curriculum framework adopted by the SBE. (EC § 60119)

Inspection by parents

- 9) Provides that the parents and guardians of students enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, including among other things:
 - a) To examine the curriculum materials of the class or classes in which their child is enrolled.
 - b) To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.
 - c) To participate as a member of a parent advisory committee, schoolsite council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. (EC §

51101)

- 10) Requires that all primary supplemental instructional materials and assessments, including textbooks, teacher's manuals, films, audio and video recordings, and software be compiled and stored by the classroom instructor and made available promptly for inspection by a parent or guardian in a reasonable timeframe or in accordance with procedures determined by the governing board of the school district. (EC § 49091.10)
- 11) Provides that a parent or guardian has the right to observe instruction and other school activities that involve his or her child in accordance with procedures determined by the governing board of the school district to ensure the safety of students and school personnel, and to prevent undue interference with instruction or harassment of school personnel. Existing law requires reasonable accommodation of parents and guardians to be considered by the governing board of the school district. Existing law requires, upon written request by the parent or guardian, school officials to arrange for the parental observation of the requested class or classes or activities by that parent or guardian in a reasonable timeframe and in accordance with procedures determined by the governing board of the school district. (EC § 49091.10)
- 12) Requires that the curriculum, including titles, descriptions, and instructional aims of every course offered by a public school, be compiled at least once annually in a prospectus. Existing law requires each schoolsite to make its prospectus available for review upon request. Existing law requires, when requested, the prospectus to be reproduced and made available, and authorizes school officials to charge for the prospectus an amount not to exceed the cost of duplication. (EC § 49091.14)
- 13) Requires school districts to notify parents in writing of their rights (upon the date of the student's initial enrollment, and at the beginning of each school year annually thereafter) as specified, including the availability of the prospectus. (EC § 49063)

ANALYSIS

This bill requires 1) classroom instructors to provide, upon request of a parent, a copy of the instructor's lesson plan no later than three business days from the date of the request; and, 2) each schoolsite to make its prospectus of curriculum available for physical review and publish the prospectus on its website at least three calendar days before the start of the academic year. Specifically, this bill:

Lesson plans

- 1) Requires a classroom instructor to provide a parent or a guardian with a copy of the classroom instructor's lesson plan upon request, in hard copy or electronic word processor document format, at the parent or guardian's choosing.
- 2) Requires any request for a copy of a lesson plan to be honored within a reasonable timeframe or in accordance with procedures determined by the

governing board of the school district, but in all cases no later than three business days from the date of the request.

- 3) Authorizes school officials to charge for the lesson plan an amount not to exceed the cost of duplication.
- 4) Defines "lesson plan" as a comprehensive and detailed document that identifies:
 - a) The core objectives of the course.
 - b) The learning materials that will be used by students as part of their studies.
 - c) The individual and group assignments and activities that students will be expected to complete and participate in.
 - d) The dates and times in which the specific learning materials and activities will be assigned and set for completion.

Prospectus

- 5) Requires each schoolsite to publish the prospectus on its website, if it maintains a website, at least three calendar days before the start of the academic year.
- 6) Requires any changes to the school's prospectus to be reflected on the school's website, if it maintains an internet website, no later than seven calendar days after the change has been made.
- 7) Specifies that the review of the prospectus is to be a *physical* review.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Existing law requires that most teaching materials – including textbooks – be available for parent inspection (Ed. Code §49091.10). Among the exceptions are lesson plans, which – according to the international teachers' organizations TEFL and TESOL – are "at the heart of being an effective teacher". Lesson plans can increase the cohesiveness of lessons, increase teachers' confidence, and "can serve as evidence of a teacher's professional performance". SB 1045 would add lesson plans to the list of teaching materials required to be available and would mandate that previously required materials – such as the compiled curriculum prospectus and subsequent changes (Ed. Code §49091.14) – be publically posted before the school year or no later than 7 days after changes are made.

"According to Governor Newsom in regards to previous educational transparency legislation [SB 126 (Leyva – 2019)], "we are for transparency. And sometimes people claim they are for transparency for everybody else, but not for themselves." Given that existing law clearly declares that parents have a right to participate in the educational process and that such participation is vital to both student success and a strong democracy (Ed. Code §51100), transparency in education is not a partisan issue. Providing more transparency will strengthen

Californians' faith in the educational process, either disproving arguments that indoctrination by faculty is prevalent or allowing parents to offer different perspectives."

- 2) *Academic content standards.* Academic content standards describe what students should know and be able to do in each subject at each grade. The State Board of Education (SBE) has adopted academic content standards in the following subjects: English language arts/English language development, mathematics, history-social science, science, career technical education, computer science, health education, model school library, physical education, arts education, and world languages. Content Standards - Waivers, Standards & Frameworks (CA Dept of Education)

The content standards form an anchor for the statewide assessment system as well as the State's curriculum frameworks and instructional materials adoptions in the core curriculum areas. Generally, the content standards are organized by grade level. In some instances, they are organized by grade clusters or subject matter disciplines.

- 3) *Curriculum frameworks.* The frameworks offer guidance to educators for implementing the content standards; the frameworks describe the curriculum and instruction necessary to help students achieve proficiency, and provide guidelines and selected research-based approaches for implementing instruction.

The Instructional Quality Commission develops the K-12 curriculum frameworks, and SBE subsequently adopts the frameworks to provide guidance for implementing the standards adopted by the SBE. Curriculum frameworks have been adopted in English language arts/English language development, mathematics, history-social science, science, visual and performing arts, physical education, health education, and world languages. The SBE adopts curriculum frameworks on an eight-year cycle.

The frameworks also provide direction to publishers in the criteria for the evaluation of instructional materials. These criteria are used to select, through the state adoption process, instructional materials for K-8. Frameworks also serve as guidelines for the local selection of instructional materials for grades nine through twelve. All Curriculum Frameworks - Curriculum Frameworks & Instructional Materials (CA Dept of Education)

- 4) *Instructional materials.* Instructional materials are defined as "all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or non-printed, and may include textbooks, technology-based materials, other educational materials, and tests."

"State-adopted" instructional materials are those instructional resources which the SBE has formally "adopted" for use in grades K-8. LEAs are authorized to use instructional materials that are aligned with the academic content standards but on the list of SBE-adopted instructional materials; this is considered "locally-adopted."

There are no state adoptions for grades 9-12. LEAs serving these grades have the authority and responsibility to adopt instructional materials for use in their high schools for grades nine through twelve. All instructional materials must be aligned to SBE-adopted academic content standards.

The curriculum is essentially the evidence-based and standards-aligned instructional program and materials adopted by each local educational agency (LEA).

- 5) *Prospectus.* Existing law requires the curriculum, including titles, descriptions, and instructional aims of every course offered by a public school, to be compiled at least once annually in a prospectus, and requires each schoolsite to make its prospectus available for review upon request. Three separate sections of the Education Code currently provide parents with the right and opportunity to review curriculum and all instructional materials. Further, parents have the right to observe classroom instruction, meet with educators and administrators, and participate in the LEA's process in selecting instructional materials. This bill's requirements related to review of the prospectus appears unnecessary.
- 6) *Lesson plans.* Lesson plans are the detailed steps, activities, and instruction that will be provided on a daily basis. Lesson plans often include differentiated approaches to instruction based on the educational needs of students within each class. Lesson plans are not necessarily fully developed until the week, or even day, of instruction. Lesson plans are fluid goals for specific instructional goals and are adjusted frequently; they are "data driven" through formative assessments (examples include quizzes and exit slips) and frequent checks for understanding.

This bill defines "lesson plans" to include the individual and group assignments and activities that students will be expected to complete and participate in, and the dates and times in which the specific learning materials and activities will be assigned and set for completion. It could be difficult for teachers to predict the date and time each lesson will be provided. There are many variables in lesson plans and when they are developed and adjusted.

- 7) *Related legislation.* SB 1222 (Dahle) amends the California Healthy Youth Act by requiring LEAs to adopt a policy at a publicly noticed meeting specifying how parents and guardians of pupils may inspect the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education. SB 1222 failed passage in this Committee and was granted reconsideration.

AB 1785 (Davies) establishes the California Parents' Bill of Rights. Recognizes specified parental rights in the Civil Code, including among many other things, a) the requirement that LEAs provide to parents at the beginning of each quarter with opportunities to learn about their minor child's course of study, including the source of any supplemental educational materials; and, b) the requirement that LEAs post on their websites how to inspect instructional materials, including

curriculum materials. AB 1785 has not been set for hearing in the Assembly Education Committee.

SUPPORT

Californians for Equal Rights Foundation
Natomas USD for Freedom
Six individuals

OPPOSITION

Association of California School Administrators
California Teachers Association

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 1183	Hearing Date:	April 27, 2022
Author:	Grove		
Version:	March 16, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: The California State Library: Statewide Imagination Library Program

SUMMARY

This bill establishes the Statewide Imagination Library Program, administered by the State Librarian, to provide age-appropriate books to children age birth through age five who are registered for the program, sent to the child's home on a monthly basis at no cost to families, through Dolly Parton's Imagination Library.

BACKGROUND

Existing law:

- 1) Establishes in the state government an agency known as the California State Library, and provides that the California State Library is under the control of an executive who is to be a technically trained librarian and is to be known as the "State Librarian." (Education Code § 19301 and § 19302)
- 2) Authorizes the State Librarian to do, among many other things:
 - a) Make rules and regulations, not inconsistent with law, for the government of the California State Library.
 - b) Sell or exchange duplicate copies of books.
 - c) Authorize the California State Library to serve as regional library for the blind and print disabled, in cooperation with the Library of Congress.
 - d) Give advisory, consultive, and technical assistance with respect to public libraries to librarians and library authorities, and assist all other authorities, state and local, in assuming their full responsibility for library services. (EC § 19320 and § 19321)
- 3) Requires the State Librarian to establish the Reading Initiative Program with funds appropriated for that purpose and with funds received from private sources. The State Librarian is to administer the program, develop a list of recommended books and develop a method of involving K-12 students in the program. (EC § 19336)

ANALYSIS

This bill establishes the Statewide Imagination Library Program, administered by the State Librarian, to provide age-appropriate books to children age birth through age five who are registered for the program, sent to the child's home on a monthly basis at no cost to families, through Dolly Parton's Imagination Library. Specifically, this bill:

Statewide Imagination Library Program

- 1) Establishes the Statewide Imagination Library Program under the direction of the State Librarian for purposes of developing, implementing, promoting, and fostering a comprehensive statewide initiative for encouraging preschool children to develop a love of reading and learning.
- 2) Requires funds (see # 8) to be used to provide age-appropriate books on a monthly basis, at home, to each child registered in the program, from birth to their fifth birthday, inclusive, at no cost to families, through Dolly Parton's Imagination Library.
- 3) Requires that funds be allocated only to qualified local entities that agree to a dollar-for-dollar match for purposes of the program.
- 4) Defines a "qualified local entity" as any existing or new local Dolly Parton Imagination Library affiliate.
- 5) Authorizes the California State Library to promulgate regulations as may be needed for the administration of the Statewide Imagination Library Program.

Non-profit public benefit corporation

- 6) Requires the State Librarian to contract with a non-profit public benefit corporation that is organized solely to promote and encourage reading by the children of the state to implement the Statewide Imagination Library Program.
- 7) Requires the non-profit public benefit corporation to do all of the following:
 - a) Promote the statewide development of local Dolly Parton Imagination Library programs.
 - b) Advance and strengthen local Dolly Parton Imagination Library programs with the goal of increasing enrollment.
 - c) Recruit volunteers to assist in the development, promotion, and coordination of the programs.
 - d) Solicit donations, gifts, and other funding to financially support local Dolly Parton Imagination Library programs.
 - e) Develop community engagement.
 - f) Develop, promote, and coordinate a public awareness campaign to make donors aware of the opportunity to donate to the affiliate programs and make

the public aware of the opportunity to register eligible children to receive books through the programs.

- g) Administer the local match requirement and coordinate the collection and remittance of local program costs for books and mailing.
- h) Develop statewide marketing and communication plans.

Funding

- 8) Creates the Imagination Library of California Fund within the State Treasury.
- 9) Provides that all moneys deposited in the fund, including state General Fund appropriations, public or private bequeaths, donations, gifts, or grants, and any federal funds, are continuously appropriated to the California State Library for purposes of this bill.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "The modern state library was moved under the authority of the Governor's office in 1972 and since then has expanded its role to providing support for local branches and programs that promote early childhood literacy. From online digital content including magazines, books, scientific research, newspaper articles, photos and videos to various grant opportunities supporting local broadband access and early learning programs, the State Library has aimed to meet the burgeoning literacy needs of California's children and families.

"To that same end, Dolly Parton's Imagination Library, since 1995, has delivered more than 90 million books to children in more than 2,000 local communities world-wide. In the United States, the Imagination Library has partnered with states, counties and non-profits to provide families with a book delivered monthly through a book mail delivery program at no direct cost to families.

"It is widely understood that the most significant amount of brain growth occurs in the first five years of a child's life and by age three most of the brain structure has formed. Research shows that young children who are exposed to a variety of linguistic and literacy experiences often do better in school.

"Knowing this, select California communities have tried to bring together partners and non-profits in establishing a local Imagination Library affiliate to provide more books to families for preschool children. Though many have been successful, barriers remain, especially those in rural communities that lack the resources to establish an affiliate."

- 2) *Need for early literacy.* The benefits of reading to young children and early literacy are well-documented. Studies have also found that, by 3 years of age, there is a 30 million word gap between children from the wealthiest and poorest families. A 2013 study shows that the vocabulary gap is evident in toddlers; by 18 months, children in different socio-economic groups display dramatic

differences in their vocabularies. By 2 years, the disparity in vocabulary development has grown significantly.

According to the World Population Review, "California's 23.1% of adults lacking basic prose literacy skills make California have the lowest literacy rate of 76.9%. The state of California and the state Department of Education are being blamed and sued for the failing literacy rate, as families and students believe that they are not receiving a quality education in reading and writing." California has the lowest literacy rate of any state, data suggests | EdSource

A March 2021 report by Policy Analysis for California Education (PACE), found that school-age students' development of oral reading fluency (ORF) "largely stopped in spring 2020 following the onset of the COVID-19 pandemic. In fall 2020, students' gains in reading were stronger and similar to prepandemic rates. However, fall gains were insufficient to recoup spring losses; overall, students' ORF in second and third grade is approximately 30 percent behind expectations. We also observe inequitable impact: students at lower achieving schools are falling farther behind and 10 percent of students were not assessed this fall. While growth in ORF was stronger in the fall than in the spring, measures to address accumulated learning losses and to support students falling behind are needed."

- 3) *Dolly Parton Imagination Library programs.* The Dolly Parton Imagination Library is a book-gifting program that has been operated by the Dollywood Foundation for over 25 years. The Library maintains a database of book selections and a process that enables local affiliates to register children through the Library's existing system. According to the Library's website, "Each year, the esteemed Blue Ribbon Book Selection Committee, a specially selected panel of early childhood literacy experts, is responsible for reviewing hundreds of potential titles for inclusion in Dolly Parton's Imagination Library." Choosing Our Books - Dolly Parton's Imagination Library

This program essentially functions as follows:

- a) A non-profit entity or an entity such as a business that partners with a non-profit (a school, library, or any 501(c)3 non-profit) becomes a Dolly Parton affiliate.
- b) The local affiliates raise matching funds, promote the program, enroll children in Dolly Parton Imagination Library's program (information goes into the national database), and pay \$2.10 per child per month to the national program.
- c) The Dolly Parton Imagination Library maintains the enrollment database, manages book selection, coordinates monthly book orders and fulfillment, and covers all overhead and administrative expenses for local affiliates.
- d) Books that have been ordered by enrolled children/families are sent by the Dolly Parton Imagination Library directly to each child's home.

- e) The state-level partner provides matching funds and promotes the program statewide. United States - Dolly Parton's Imagination Library
- 4) *Existing Dolly Parton programs in California and other similar programs.* There are 38 Dolly Parton affiliate programs in California, providing approximately 1.8 million free books to children age birth to five years. These programs are operated by school districts and county offices of education, public libraries, community-based non-profit organizations, county First 5 agencies, United Way, and a mayor's office. This is no statewide coordination, outreach, or financial support for these local programs.

It is likely that there are other book-gifting early literacy programs that function similarly to the Dolly Parton Imagination Library. This bill would not affect those programs; other programs could continue to exist as they are or they could become an affiliate of the Dolly Parton Imagination Library.

Existing law requires the State Librarian to establish the Reading Initiative Program with funds appropriated for that purpose and with funds received from private sources. The State Librarian is to administer the program, and develop a list of recommended books and develop a method of involving K-12 students in the program. This program was never fully funded or implemented.

The state recently allocated \$50 million to establish the Early Literacy Support Block Grant Program to award funds to the 75 schools with the highest percentage of students in grade three scoring at the lowest achievement standard level on the State Summative English Language Arts assessment (funds go to the school districts that maintain these 75 schools).

- 5) *Amendments.* **Staff recommends this bill be amended** as follows:
- a) Provide that the State Librarian is to administer this program.
 - b) Delete reference to the non-profit public benefit corporation.
 - c) Require the State Librarian to provide a report to the Legislature, by January 1, 2028, and annually thereafter, that provides data on the deposits made to and expenditures made from the Library of California Fund; whether any local match requirements were waived; how many local programs exist, where they are located, and which entity/organization is the local partner; and how many children are enrolled, including their age and geographic distribution.
 - d) Provide that any state funding may continue only as a condition of the submission of the report described above in c).
 - e) On page 3, lines 10-11, strike "preschool children" and insert "children birth to five years"
 - f) Add Senator Atkins as a co-author.

- 6) *Governor's budget proposal for schools.* The Governor's 2022 budget proposes early literacy proposals for schools, including one-time Proposition 98 funding of \$475 million for very low-income schools to hire literacy coaches, \$25 million for statewide training for literacy coaches, and \$200 million for culturally relevant and multilingual books in school libraries. These programs are not directed toward children not yet in the school setting. The 2022-23 Budget: K-12 Early Literacy Proposals (ca.gov)
- 7) *Related legislation.* AB 2465 (Bonta) establishes the California Family Literacy Innovation Project to be administered by the California Department of Education. AB 2465 is pending in the Assembly Appropriations Committee.
- 8) *Prior legislation.* SB 1025 (Umberg, 2020) would have required school districts to enter into a memorandum of agreement with the appropriate library district or public library to collaborate and connect for the purpose of providing every public school student with a student success card (essentially a library card). SB 1025 was not heard due to the shortened legislative timelines in 2020.

SUPPORT

Basic Assistance to Students in the Community
 Berkeley Baby Book Project
 California Library Association
 Family Resource & Referral Center of San Joaquin
 First 5 Kern
 First 5 Merced County
 First 5 Plumas County Children and Families Commission
 Giving Opportunities to Kids Foundation
 Read to Me, Stockton!
 San Francisco Mayor's Office of Housing and Community Development
 San Joaquin County Office of Education, Division of Early Education and Support
 Sutter County Children & Families Commission
 The Dollywood Foundation
 11 individuals

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 1199 **Hearing Date:** April 27, 2022
Author: Roth
Version: March 15, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: University of California, Riverside, School of Medicine: teaching hospital

SUMMARY

This bill authorizes the University of California (UC) Regents, upon appropriation by the Legislature, to secure a teaching hospital in the County of Riverside to serve as an academic medical center for the purposes of training UC, Riverside (UCR) School of Medicine (SOM) students.

BACKGROUND

Existing law:

- 1) Under, Section 9, Article IX of the State Constitution creates the UC to be administered by the Regents with full powers of organization and government.
- 2) Differentiates the missions and functions of public and independent institutions of higher education. Under these provisions, the UC is authorized to provide undergraduate and graduate instruction and has exclusive jurisdiction in public higher education over graduate instruction in the professions of law, medicine, dentistry, and veterinary medicine. The UC is also the primary state-supported academic agency for research (Education Code § 66010.4 (C))

ANALYSIS

This bill:

- 1) Authorizes the UC Regents to expend money, upon appropriation by the Legislature, to secure an acute care teaching hospital in the County of Riverside through acquisition, construction, rehabilitation, lease management, or operating agreement to serve as an academic medical center for the purposes of training UCR School of Medicine, medical students, medical residents, and medical fellows.
- 2) States various findings and declarations regarding the demand for physicians within inland southern California and the need to support the expansion of the UC, Riverside School of Medicine to increase student capacity and clinical training.
- 3) Defines various terms for purposes of the bill.

STAFF COMMENTS

- 1) **Need for the Bill.** According to the author, "In order to properly fortify the future of the UCR School of Medicine and strengthen the health equity of the region, it is imperative that California invest an acute care teaching hospital in Riverside County. This teaching hospital facility will serve as the public epicenter of clinical training slots for UCR School of Medicine students, a home base for critical UCR School of Medicine primary and secondary residency training programs, and a vital revenue generator to support ongoing growth. In investing in this facility, California will signal to the next generation of physicians that Inland Southern California is a region well equipped for innovative medical training that will provide a sustainable future for practicing medicine."
- 2) **About UCR School of Medicine.** UCR School of Medicine welcomed its first class of 50 students in 2013, its mission is to expand and diversify the physician workforce in Inland Southern California, develop research and health care, and deliver programs that will improve the health of underserved populations living in the region. Inland Southern California has barely half of the primary care doctors it needs, a ratio of 35 primary care physicians for every 100,000 people, according to the California HealthCare Foundation. Of the medical students enrolled, more than 67 percent have ties to the Inland Empire, nearly 38 percent are underrepresented in medicine and roughly 31 percent are first generation college graduates. In 2021, the school graduated its fifth class of M.D. recipients and 98% are pursuing residency training, 78 percent of them in Southern California and 38 percent remaining in Inland Southern California. In addition, UCR School of Medicine continues to offer a series of student pipeline programs focusing on increasing access to medical school for socio-economically and/or educationally disadvantaged students.
- 3) **UCR School of Medicine's Strategic Plan.** UCR's School of Medicine completed a 5-year strategic plan in 2019 that outlines five imperatives to position the school for long term sustainability and growth for its academic and clinical missions including "to position the UCR SOM for lasting sustainability by focusing on long-term strategic health system and hospital partners, including the potential for longer-term opportunities to develop or operate our own hospital." The UCR School of Medicine with funding appropriated by the Budget Act of 2021 (SB 170 (Skinner, Chapter 240, Statutes of 2021)) retained a consultant to evaluate the potential acquisition of a dedicated hospital facility, lease, or the construction of a new hospital within Riverside and/or San Bernardino County. The evaluation is currently in progress. *The author may wish to consider whether the provisions of this bill are premature given that the work to help determine and inform appropriate next steps has not yet been realized.*
- 4) **Related budget activity.** Through a number of budget actions, the state has invested in the development and expansion of UCR's School of Medicine including an appropriation of \$15 million ongoing in 2014, \$100 million for construction in 2019, and an additional \$25 million ongoing in 2020. Most recently, the Budget Act of 2021 provided one-time funding of \$35 million to expand the school of medicine and \$10 million specifically towards the acute

care teaching hospital which provided funds to evaluate the possibility of a dedicated facility as mentioned in comment 3 of this analysis.

- 5) **Arguments in support.** The California Medical Association writes that California is experiencing a health care provider shortage, and its reached crisis mode... SB 1199 would directly address the physician shortage by building the facilities to educate, train, and keep physicians in the Inland Empire. Data shows that medical students, a majority of the time, remain in the areas where they complete their residency program or medical fellowship.”
- 6) **Arguments in opposition.** The Riverside County Medical Association writes that “Healthcare stakeholders embraced the shared vision of a UCR hospital-without-walls and to rely upon and utilize the local healthcare community for the education and training of medical students, residents and fellows, which over the long term could alleviate the chronic primary care and specialty physician shortage facing our region [Inland Empire]. By any yardstick, this collaboration and partnership has already had positive impact... The emergence of SB 1199 was an unexpected new development into this successful dynamic and without an appropriate analysis and discussion between UCR and local healthcare leaders. The bill’s open-ended language signals a new direction by UCR to secure in some fashion a teaching hospital. Such an undertaking will require massive public funding and ongoing financial support well beyond a physical infrastructure. New teaching hospitals require hundreds of beds and additional physicians in a region whose hospital capacity remains flexible to meet the needs of local residents, while a serious physician shortage remains that will not be alleviated anytime in the foreseeable future.”

Staff notes that the author plans to amend the bill in hopes of addressing concerns from the opposition regarding the type of health care setting secured for purposes of training UCR medical students.

7) **Prior legislation.**

SB 56 (Roth, 2019) would have authorized the construction of a new facility for the UC Riverside School of Medicine, subject to appropriation. SB 56 was held in Assembly Higher Education Committee.

SB 21 (Roth, Chapter 203, statutes of 2014) requested the School of Medicine at the University of California, Riverside (UCR) to develop a program, consistent with its mission, in conjunction with the health facilities of its medical residency programs, to identify eligible medical residents and to assist those medical residents to apply for physician retention programs, as specified.

SUPPORT

The Association of California Healthcare Districts
California Academy of Family Physicians
California Medical Association

Greater Riverside Chambers of Commerce
Monday Morning Group of Western Riverside County
The office of Riverside County Superintendent of Schools
Reach Out

OPPOSITION

Riverside County Medical Association
Tenet Healthcare Corporation

-- END --

6SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 1433	Hearing Date:	April 27, 2022
Author:	Roth		
Version:	February 18, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgallia Ramirez		

Subject: Private postsecondary education: California Private Postsecondary Education Act of 2009.

SUMMARY

This bill modifies provisions that require the Bureau for Private Postsecondary Education (Bureau) take enforcement actions based on the severity of an institution's violations to include the harm *that results or may result to students* from the institution's violations. It further expands provisions that authorize the Bureau to issue a citation to compensate students for harm to include the harm *that results or may have resulted* from an institution's violations.

BACKGROUND

Existing law establishes the California Private Postsecondary Education Act of 2009 (Act) until January 1, 2022, and requires the Bureau for Private Postsecondary Education (Bureau) to, among other things, review, investigate and approve private postsecondary institutions, programs and courses of instruction pursuant to the Act, and authorizes the Bureau to take formal actions against an institution/school to ensure compliance with the Act and even seek closure of an institution/school if determined necessary. The Act requires unaccredited degree granting institutions to be accredited by an accrediting agency recognized by the United States Department of Education (USDE) by 2020. The Act also provides for specified disclosures and enrollment agreements for students, requirements for cancellations, withdrawals and refunds, and that the Bureau shall administer the Student Tuition Recovery Fund (STRF) to provide refunds to students affected by the possible closure of an institution/school. (Education Code § 94800 et seq.)

ANALYSIS

This bill:

- 1) Authorizes the Bureau to include an order to compensate students for harm that resulted or may have resulted from a private institution's violations in a citation.
- 2) Requires Bureau to take enforcement actions based on the severity of an institution's violations, and the harm that results or may result to students from the institution's violations.

STAFF COMMENTS

- 1) **Need for the Bill.** This bill is one of a number of "sunset bills" the author is sponsoring this year. This bill seeks to incorporate changes as outlined in the Business, Professions and Economic Development Committee (BPED Committee) background paper for the recent Bureau Sunset Hearing. According to the author, "this bill is necessary to make changes to the Act and the Bureau operations in order to improve oversight of private postsecondary education institutions."

SB 1433 makes changes to address the issue that California law currently requires the Bureau to demonstrate that a student has already been harmed as the result of a school's misconduct before it can place the school on probation or suspend or revoke the school's license. However, this "harm requirement" has forced the Bureau to be reactive, rather than proactive, and prevents the Bureau from taking action until students can show that they have already suffered harm, which for many students is far too late and which, from a regulatory perspective, fails to minimize or eliminate future harm. Administration of Enforcement changes to the Act, as contained in this measure, will allow the Bureau to take necessary action.

- 2) **California Private Postsecondary Education Act.** The state's program for regulation of private postsecondary and vocational education institutions has historically been plagued with problems. During the late 1980's, California developed a reputation as the "diploma mill capital of the world."

After numerous legislative attempts to remedy the laws and structure governing regulation of private postsecondary institutions, AB 48 (Portantino, Chapter 310, Statutes of 2009) was enacted to establish the California Private Postsecondary Education Act of 2009 (Act), which took effect January 1, 2010. The Act provided the regulatory framework for oversight of private postsecondary educational institutions operating with a physical presence in California.

The Act requires all unaccredited colleges in California to be approved by the Bureau, and all nationally accredited colleges to comply with numerous student protections. It also establishes prohibitions on false advertising and inappropriate recruiting. The Act requires disclosure of critical information to students such as program outlines, graduation and job placement rates, and license examination information, and ensures colleges justify those figures. The Act also guarantees students can complete their educational objectives if their institution closes its doors while providing the Bureau with enforcement powers necessary to protect consumers.

In 2014, SB 1247 (Lieu, Chapter 840, Statutes of 2014) amended the Act to require degree-granting institutions to be accredited, prohibit an institution that participates in federal veterans' aid funding from claiming an exemption from the Act, and expanded the use of Student Tuition Recovery Fund payments to cover economic loss.

The Act was subsequently amended in 2015, (SB 1192, Hill, Chapter, Statutes of 2015) to extend the Bureau sunset date until 2021. SB 1192, among other things, required an out-of-state online institution to register with and pay a fee to the

Bureau, extended the sunset date for a degree-granting institution to obtain accreditation, increased certain institutional fees, and established the Office of Student Assistance and Relief to provide outreach and individualized assistance to students impacted by unlawful activities or closure of a Bureau-approved institution.

SB 802 (Roth, Chapter 552, Statutes of 2021) made various changes to the Act, including an extension until January 1, 2023. SB 802 also updated various definitions and exemption criteria, allowed the Bureau to extend deadlines by which approved institutions must be accredited according to certain conditions, and made various other changes intended to strengthen the Bureau's role in protecting students.

- 3) **Consideration of remaining issues.** On March 23, 2021, the Senate BPED Committee convened a joint hearing that included the Senate Education, Assembly Higher Education, and Assembly Business and Professions committees. The background paper prepared by the BPED Committee for the hearing identified 17 different issues for consideration at the hearing, including those related to student protection, licensing, exemptions, enforcement, approval, and accountability. Additionally, as a follow-up to the Sunset review report submitted to the Legislature in 2019 and in light of the one-year extension, the Bureau provided an addendum to its report with key developments and recommendations for the legislature to consider. While some of those issues raised in the hearing were addressed in SB 802, there are still a number of remaining areas where statutory updates to the Act may be necessary.
- a) *Exemptions.* The Act contains a number of exemptions for a variety of types of institutions. The Legislature is continuously asked to expand exemptions through legislative proposals that aim to carve out one specific school or one type of educational entity. *The author may wish to continue discussing the appropriateness of exemptions and may wish to make relevant statutory updates that balance student interests with the regulatory approach contained in the Act that may benefit from providing flexibility to some institutions based on specified criteria.*
- b) *Funding.* The Bureau's main source of revenue is an annual institution fee, based on a percentage of annual revenue reported by licensed institutions. Currently, the Bureau's fund has a significant structural imbalance - annual expenditures exceed annual revenue intake, which draws down the balance of the fund. The fund's balance has been declining over the last several years. The Department of Consumer Affairs (DCA) states, "this revenue source is unconventional when compared to other DCA programs, due to it being based on an institution's profitability, which can lead to unpredictable revenue collections year to year based on a multitude of economic factors including school closures." The BPED background paper suggested that in evaluating proposed fee levels, the Committees should consider the scope of the Bureau's activities and whether priorities align to Legislative intent. The background paper also requested the Bureau and DCA to inform the Committees about efficiencies that have been undertaken to ensure Bureau is doing

necessary work, including reorganization, staffing adjustments, and efforts to achieve cost savings. *The author may wish to update Bureau revenue authority to ensure stability based on broad stakeholder engagement and an evaluation of the Bureau's mission and opportunities to promote student success.*

- c) *Approval by means of accreditation.* Accredited institutions are almost automatically approved by the Bureau and not subject to the same review and approval process required for other institutions that operate in this state. Accreditation provides a baseline measure of institutional quality, but with federal accreditation rules and standards weakened, and in light of significant scrutiny of accrediting agencies, questions remain as to whether accreditation alone is enough, as well as whether the Bureau educational quality review adds value and assists students in making appropriate educational and training decisions when enrolling at a Bureau approved school. *The author may wish to consider authorizing Bureau to deem an institution ineligible for approval by means of accreditation based on certain criteria or actions by other authorities.*
- d) *Distance Education and Out-of-State Public and Nonprofit Institutions.* The Bureau has traditionally regulated only those institutions with a "physical presence" in California. As a growing number of public and private institutions organized or incorporated outside California serve California students through online and hybrid instruction, the need for Bureau oversight has increased. The Legislature has expanded some areas of oversight, providing a registration process for out-of-state for-profit institutions and requiring their participation in the STRF. Public and nonprofit institutions, however, remain outside of Bureau's purview and increasingly, public institutions are adopting methods of program delivery modeled after for-profit institutions. Still, it has been challenging for the Bureau to define a line of when an institution has a physical presence, and when it does not. Education Code section 94858 defines a "Private Postsecondary Educational Institution" as a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge. The statute, however, is silent on what constitutes a physical presence. *The author may wish to consider further defining physical presence and may wish to provide a pathway for some schools to become regulated by the Bureau and subject to the Act in order to deliver educational services to California students with oversight and protections in place.*
- e) *Income Share Agreements.* An Income Share Agreement (ISA) is a contract in which a person agrees to pay a fixed percentage of their income for a defined length of time, in exchange for up-front funding or services. In higher education, this contract is typically between a student and institution. An ISA differs from a loan in how the amount owed is calculated. In a loan, the individual makes payments based on an interest rate until their principal balance is reduced to zero. With an ISA, the individual pays a percentage of their income for a set period of time regardless of the total amount paid. There is no outstanding "balance." If

implemented responsibly, this education funding mechanism could be a useful option for some students but may warrant greater oversight to protect consumers from bad actors or from unintentionally overly committing their repayment obligation. Recent action by the California Department of Financial Protection and Innovation subjects income share agreements services to state licensing and regulation. Effectively, this treats ISAs like student loans to protect student borrowers and provide greater oversight of the industry. *The author may wish to consider whether statutory changes related to the ISA model are necessary within the Act to complement these efforts and provide clarity, if necessary, around how to treat a student's outstanding requirement to pay in the event of a school closure.*

- f) *Minimum Operating Standards.* Existing statutory authority requires the Bureau to adopt by regulation minimum operating standards for institutions. Among other requirements, the Bureau must ensure that the content of each educational program can achieve its stated objective, the facilities, instructional equipment, and materials are sufficient to enable students to achieve the educational program's goals; the institution maintains a withdrawal policy and provides refunds; the director, administrators, and faculty are properly qualified; and that adequate records and standard transcripts are maintained and are available to students. The sunset review oversight discussions asked whether the Bureau should be authorized to adopt additional minimum operating standards in the following areas:
- i) The amount the institutions charge for their educational programs to ensure the amount is fair and reasonable as compared with the average cost of similar educational programs offered by the other private postsecondary education institutions and as compared to expected student earnings upon graduation.
 - ii) To ensure an acceptable number of students who enroll in the institution's educational programs complete those programs, obtain licensure, and obtain gainful employment in the field of training, as applicable.
 - iii) To ensure the institution periodically evaluates its educational program offerings and institutional effectiveness and takes active measures to make improvements where warranted.
 - iv) To provide an acceptable level of quality and academic rigor of an institution's educational programs.
 - v) To establish a market indicator as to whether programs are of sufficient value by requiring a specific amount of revenues to come from non-publicly funded sources.

- vi) To ensure that California students qualify for state certification, licensure, registration, or other recognized regulation upon completion of a program.

The author may wish to consider updating the Act moving forward to increase Bureau oversight opportunities according to the above.

- g) *Disclosure of Government Investigations.* Current law requires that Bureau-approved institutions report to the Bureau when they are under investigation by certain government entities. However, this reporting requirement excludes some governmental agencies and oversight entities the Bureau interacts with regularly, including state agencies and city and county district attorney's offices that are conducting criminal investigations and/or pursuing criminal charges. *The author may wish to consider expanding institutional reporting requirements to include other governmental agencies.*
- h) *Gaps in Prohibited Business Practices.* Through its role in investigating complaints filed by private postsecondary education students, the Bureau has encountered situations in which students are being harmed by institutional conduct that is generally prohibited by California law outside of the Private Postsecondary Education Act. However, the Bureau has limited ability to independently discipline institutions for these same violations. Examples include situations when an institution misrepresents itself to the public, gathers personal information from prospective students under false pretexts, or transcripts are withheld due to debt owed. *The author may wish to consider whether to expand the prohibited business practices in the Act for which the Bureau is appropriately positioned to address.*
- i) *Student Tuition Recovery Fund (STRF).* Under current law, when the STRF balance exceeds \$25 million, the Bureau is required to temporarily stop collecting from institutions and when the STRF balance drops below \$20 million, the Bureau is to resume collecting. In 2015, the STRF fee was fifty cents per every one thousand dollars in institutional charges assessed on a student, the funds exceeded the \$25 million threshold, and the Bureau stopped collecting and amended the regulations to a collection rate of zero. In February 2021, the STRF dropped below the \$20 million threshold and the Bureau resumed collection of the fifty cents per thousand dollars in March 2021. According to the Bureau, notifications were sent to the institutions on this fee change. The Bureau also provided institutions notification at the December 2020 and February 2021 Advisory Committee Meetings that the assessment would be effective very shortly. However, some schools were unable to update enrollment agreements in time to reflect the additional charge and were out of compliance with the Act. *The author may wish to consider requiring the Bureau to provide an adjustment period when STRF assessments change.*

- 4) **Heard by the Senate Business Professions and Economic Development Committee.** This bill was heard by the Senate Business Professions and Economic Development Committee on April 18, where it passed on a 12-0 vote.

SUPPORT

The Institute of College Access and Success

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 1255 **Hearing Date:** April 27, 2022
Author: Portantino
Version: February 17, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Single-use products waste reduction: Dishwasher Grant Program for Waste Reduction in K-12 Schools and Community Colleges.

SUMMARY

This bill establishes the Dishwasher Grant Program for Waste Reduction in K-12 Schools and Community Colleges to be administered by the Department of Resources Recycling and Recovery (CalRecycle) to provide grants to local educational agencies (LEAs), including community college districts, for the purchase and installation of commercial dishwashers at schoolsites and campuses.

BACKGROUND

Existing law:

- 1) Under the Integrated Waste Management Act of 1989 (IWMA), establishes a state recycling goal of 75% of solid waste generated to be diverted from landfill disposal through source reduction, recycling, and composting. Requires each state agency and each large state facility to divert at least 50% of all solid waste through source reduction, recycling, and composting activities. IWMA also requires a state agency and large stage facility, for each office building of the state agency or large state facility, to provide adequate receptacles, signage, education, and staffing, and arrange for recycling services, as specified.
- 2) Prohibits a state food service facility from dispensing prepared food using a type of food service packaging unless the packaging is on a specified list maintained by CalRecycle and has been determined to be reusable, recyclable, or compostable.
- 3) Requires "full service restaurants" to only provide single-use plastic straws upon request.
- 4) Requires CalRecycle to develop and implement a source reduction and recycling program for school districts that includes, among other things, the development of a model waste reduction and recycling program for school districts and schools.
- 5) Requires the California Energy Commission (CEC), in collaboration with each utility, to develop and administer the School Noncompliant Plumbing Fixture and Appliance Program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures and appliances that fail to

meet water efficiency standards with water-conserving plumbing fixtures and appliances.

ANALYSIS

This bill:

- 1) Establishes the Dishwasher Grant Program for Waste Reduction in K–12 Schools and Community Colleges, to be administered by CalRecycle, to provide incentive grants to school districts, charter schools, and community college districts for the purchase and installation of commercial dishwashers at the schoolsites and campuses, as specified.
- 2) Defines “commercial dishwasher” to mean a nonresidential dishwasher that meets the Energy Star Product Specification criteria for Commercial Dishwashers, Version 2.0, any revision to those criteria published by the United States Environmental Protection Agency (U.S. EPA) that is adopted by CalRecycle, or other standards established by the department.
- 3) Requires CalRecycle to award grants of up to \$40,000 per kitchen of a school or campus of an applicant district, as follows:
 - a) Twenty-five thousand dollars (\$25,000) per kitchen of a school or campus of an applicant district for the purchase of a commercial dishwasher and its installation by the manufacturer.
 - b) Fifteen thousand dollars (\$15,000) per kitchen of a school or campus of an applicant district for costs directly related to the installation, such as necessary electrical and plumbing upgrades, new outlets or appliance relocation, kitchen counter modification, modification of work areas to accommodate a new layout or function of the space, and venting and heat booster equipment and installation.
- 4) Prohibits grant funds from being used for the purchase of reusable food service ware or long-term dishwasher maintenance costs.
- 5) Stipulates, as a condition of receiving grant funding, a district agrees to the following:
 - a) Grant funds be used within two years of receipt for the purchase and installation of at least one commercial dishwasher;
 - b) The commercial dishwasher be installed by the manufacturer or the manufacturer’s designated installer and be properly maintained and serviced when necessary;
 - c) Training be provided for staff to operate and properly maintain the machine, as necessary; and

- d) CalRecycle may conduct an onsite inspection at any school or campus of the district for which a grant was awarded and the district provides any documents and information requested by the department related to the grant.
- 6) Requires CalRecycle to develop administrative guidelines for implementation of the program, as specified.
- 7) Requires CalRecycle to develop and maintain information about the program on the department's internet website, including a list of environmentally preferable commercial dishwashers and information about any organizations that may donate or sell reusable service ware products.
- 8) Requires CalRecycle to conduct outreach to those local educational agencies about the program, as provided.
- 9) Authorizes CalRecycle to work with the State Department of Education, the Office of the Chancellor of the California Community Colleges, or other relevant state agencies for purposes of the program.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California is meant to be a leader in sustainability, yet we are facing a single-use waste crisis that is being exacerbated by our K-12 school cafeterias and community college campuses. A tremendous amount of waste is generated from single-use foodware such as trays, plates, and utensils. However, we currently have no program dedicated to stemming these waste streams, which are harming our environment and posing substantial costs to our schools and colleges. Both plastic and compostable recycling have proven inadequate and ineffective, and the cost of managing waste is rising.

"Industrial dish machines present an upstream waste prevention measure by avoiding single-use items and allowing the transition to safe, reusable foodware. Current machines use very little water and complete a cycle in only a few minutes. However, the upfront cost creates a barrier to implementation. Schools operating on very limited budgets and with competing needs may remain with single-use serviceware simply due to the cost of upfront investment. SB 1255 will result in less waste and reduced hauling costs, alleviating these burdens on schools and colleges. Instead of contributing to the waste crisis facing California, providing funding for industrial dishwashers will help reduce waste while instilling the values of environmental stewardship in our students."

- 2) ***CalRecycle offers resources to help schools and school districts meet recycling requirements.*** The following is a partial list of solid waste and recycling laws affecting schools and local educational agencies:
 - a) The Mandatory Commercial Recycling (AB 341, Chesbro, 2011) law went into effect in June 2012 and requires public entities that generate a certain

threshold of solid waste per week to reuse, recycle, compost, or otherwise divert solid waste from disposal.

- b) Mandatory Organic Recycling (AB 1826, Chesbro, 2014) requires regulated entities to implement an organic waste recycling program to divert food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.
- c) Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reduction (SB 1383, Lara, 2016) requires schools and local education agencies to prevent, reduce the generation of, and recycle organic waste. Additionally, effective on January 1, 2024, schools and local education agencies with an on-site food facility will be required to recover edible food.

Other related school recycling and sustainability laws require CalRecycle to provide assistance to school districts in establishing and implementing source reduction and recycling programs. Additionally, existing law encourages each school district to establish and maintain a paper recycling program in all classrooms, administrative offices, and other areas owned or leased by the school district.

- 3) **California Schools Healthy Air, Plumbing, and Efficiency (CalSHAPE) Program.** AB 841 (Ting, Chapter 372, Statutes of 2020) established the School Energy Efficiency Stimulus Program (CalSHAPE), administered by the CEC. The CalSHAPE Program includes two, ratepayer-funded, grant programs for local educational agencies (LEAs), the CalSHAPE Ventilation Program and CalSHAPE Plumbing Program. The CalSHAPE Plumbing Program provides funding to LEAs to replace aging and water-inefficient plumbing fixtures and appliances with water-conserving plumbing fixtures and appliances. The noncompliant appliances eligible for replacement are commercial dishwashers, automatic commercial ice makers, and commercial clothes washers that do not meet ENERGY STAR® Product Specifications.

The CalSHAPE Plumbing Program guidelines were adopted by the CEC in June 2021 and the online system opened for user registration shortly after. The CEC received 127 applications (including 31 commercial dishwasher requests) in the first round of funding for the Program, totaling \$18,573,635 in grant funding, and issued 43 notices of the proposed award. Per Program requirements for the first funding round, schools in underserved communities were given priority.

- 4) **Transitioning back to dishwashers makes sense.** According to the Senate Environmental Quality Committee, today's commercial dishwashers use very little water, last approximately 15 years, and can complete a cycle in only a few minutes. Additionally, certain models can be installed without venting, significantly decreasing installation and utility costs.

A transition back to the use of new, energy and water efficient dishwashers at schoolsites and campuses would support numerous important state

environmental goals articulated above. Further, analyses of schools in other states, as well as California, have demonstrated cost savings by switching to commercial dishwashers, due to reduced waste and hauling costs and the elimination of single-use foodware purchases.

SUPPORT

Glendale Environmental Coalition (sponsor)
301 Organics
350 Humboldt: Grass Roots Climate Action
350 Silicon Valley
7th Generation Advisors
Active San Gabriel Valley
Burbank Eco Council
California Product Stewardship Council
California School Employees Association
Californians Against Waste
Center for Environmental Health
Climate Reality Project, Los Angeles Chapter
Climate Reality Project, San Fernando Valley
Green Lunchroom
Habits of Waste
Heal the Bay
Northern California Recycling Association
Oak Crest Institute of Science
Plastic Oceans International
Plastic Pollution Coalition
Plasticfreerestaurants.org
Recyclesmart
Save Our Shores
Sea Hugger
Seventh Generation Advisors
Sierra Club
Stopwaste
Surfrider Foundation
The 5 Gyres Institute
The Center for Oceanic Awareness, Research, and Education
Upstream
Wishtoyo Chumash Foundation
Zero Waste USA

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 1487 **Hearing Date:** April 27, 2022
Author: Rubio
Version: April 20, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Commission on Teacher Credentialing: survey: teachers exiting the profession.

SUMMARY

This bill requires the Commission on Teacher Credentialing (CTC) to develop, and local educational agencies (LEAs) to annually administer and report on, a survey of teachers exiting the profession.

BACKGROUND

Existing law:

- 1) Establishes the minimum requirements for the preliminary multiple or single subject teaching credential and specialist teaching credential in special education for first time applicants for that credential who are not credentialed in another state, including all of the following:
 - a) Completion of a baccalaureate or higher degree, except in professional education, from a regionally accredited college or university.
 - b) Satisfaction of basic skills requirements, including passing the California Basic Educational Skills Test (CBEST), the California Subject Examinations for Teachers (CSET), appropriate subject matter examinations, completion of subject-matter course work from the CTC, or CTC-approved professional development.
 - c) Completion of a course in the provisions and principles of the U.S. Constitution or pass an examination given by a regionally-accredited college or university.
 - d) Completion of a CTC-approved teacher preparation program.
 - e) A formal recommendation for the credential by the program sponsor.
- 2) Requires individuals who complete a professional teacher preparation program and receive a five-year preliminary credential to earn a clear credential by completing one of the following options:

- a) Complete a Commission-approved Teacher Induction Program and submit their application for the clear credential through the Induction program sponsor.
- b) Certification by the National Board of Professional Teaching Standards.

ANALYSIS

This bill:

- 1) Requires the CTC to develop a survey, with input from education stakeholders by July 1, 2023, for purposes of collecting data from teachers of LEAs exiting the profession.
- 2) Requires LEAs, beginning with the 2023-24 school year, to administer the survey within 15 days of a teacher of the LEA exiting the profession.
- 3) Requires LEAs to report the results of the surveys to the CTC annually.
- 4) Requires the CTC to prepare an annual report that compiles the LEA data, submit the report to the California Department of Education (CDE) and the Legislature, and post the report on its internet website.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Prior to the onset of the pandemic, California has been experiencing a severe teacher shortage with significantly low numbers of educators entering the profession, and high numbers of educators leaving the profession.

"California's supply of new, credentialed teachers plummeted by nearly 70 percent in the decade from 2001–02 to 2011–12 as the state's education budgets shrank. Today, the State Teachers' Retirement System also confirms the shortage of teachers by reporting a surge of an increase of more than 25 percent of retirements within the first half of 2020 than the previous year. The retirements, combined with a severe shortage in substitutes, led to an unprecedented shortage in teachers. Some schools have been closing as a result of these teaching positions not being filled. Schools are currently grappling with higher than normal teacher vacancies, leaving remaining teachers overworked.

"Furthermore, on top of teacher vacancies, schools are experiencing food supply shortages, and are having trouble finding enough bus drivers, janitors, and other support staff. The administration and data collection on why teachers are leaving the profession will only help further prepare the needs of future students and educators."

- 2) ***Learning Policy Institute (LPI) report.*** The LPI's 2016 report, "Addressing California's Emerging Teacher Shortage: An Analysis of Sources and Solutions" included the following summary: "After many years of teacher layoffs in

California, school districts around the state are hiring again. With the influx of new K-12 funding, districts are looking to lower student-teacher ratios and reinstate classes and programs that were reduced or eliminated during the Great Recession. However, mounting evidence indicates that teacher supply has not kept pace with the increased demand." The report included the following findings:

- a) Enrollment in educator preparation programs has dropped by more than 70 percent over the last decade.
- b) In 2014-15, provisional and short-term permits nearly tripled from the number issued two years earlier, growing from about 850 to more than 2,400.
- c) The number of teachers hired on substandard permits and credentials nearly doubled in the last two years, to more than 7,700 comprising a third of all the new credentials issued in 2014-15.
- d) Estimated teacher hires for the 2015-16 school year increased by 25 percent from the previous year while enrollment in the University of California and the California State University teacher education programs increased by only about 3.8 percent.

The Learning Policy Institute (LPI) report offered several policy recommendations for consideration, including the creation of more innovative pipelines into teaching.

- 3) **Legislative Analyst Office (LAO) assessment.** As part of the Proposition 98 Education Analysis for the 2016-17 Governor's Budget released in February 2016, the LAO included a section on teacher workforce trends in which it examined evidence for teacher shortages in specific areas, identified and assessed past policy responses to these shortages, and raised issues for the Legislature to consider going forward in terms of new policy responses. In the report, the LAO indicated that the statewide teacher market will help alleviate existing shortages over time and that the shortages may decrease without direct state action. However, the LAO noted there are perennial staffing difficulties in specific areas, such as special education, math, and science, for which they encouraged the Legislature to address with narrowly tailored policies rather than with broad statewide policies.
- 4) **The California School Staff Survey.** The California School Climate, Health, and Learning Surveys (Cal-SCHLS) system is the most comprehensive effort in the nation to regularly assess students, staff, and parents at the local level to provide key data on school climate and safety, learning supports and barriers, and stakeholder engagement, as well as youth development, health, and well-being. The Cal-SCHLS system is a collection of three surveys—the California School Staff Survey (CSSS), the California Healthy Kids Survey (CHKS), and the California School Parent Survey (CSPS).

The CSSS was developed for CDE by WestEd in 2004, to fulfill the requirement in the No Child Left Behind Act of 2001, Title IV, that schools conduct an anonymous teacher survey related to student drug use and violence. Recognizing the opportunity this requirement presented, CDE expanded the content to collect other data to guide school improvement efforts and to meet LCAP state priorities. Schools can also add questions of their own choosing to meet other local data needs. Because the results are anonymous and confidential, the survey provides staff with an opportunity to honestly communicate their perceptions about the school.

Schools are provided with detailed survey planning and administration instructions. CDE guidelines call for the CSSS to be administered online at the same time as the CHKS, among all staff in grades 5 and above. Staff participation is totally voluntary, anonymous, and confidential.

5) ***Committee Amendments.***

- Clarify that the survey is for purposes of collecting data from teachers of LEAs resigning their positions, including whether or not they are exiting the profession.
- Require LEAs to administer the survey within 15 days of a teacher resigning their position or electing not to accept a teaching assignment for the upcoming school year.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 1229	Hearing Date:	April 27, 2022
Author:	McGuire		
Version:	April 18, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Mental Health Workforce Grants

SUMMARY

Upon appropriation by the Legislature, this bill would require the California Student Aid Commission (Commission) to administer the Mental Health Workforce Grant Program (Program), as established by this bill, to increase the number of mental health professionals serving children and youth.

BACKGROUND

Existing law:

Service Credential with a Specialization in Pupil Personnel Services

- 1) The minimum requirements for the services credential with a specialization in pupil personnel services are a baccalaureate degree or higher degree from a regionally accredited institution of higher education, a fifth year of study, and any specialized and professional preparation that the commission shall require, including completion of a commission-approved program of supervised field experience that includes direct classroom contact, jointly sponsored by a school district and a college or university. (Education Code § 44266)

Licenses or Registration

- 2) To qualify for a license or registration in marriage, family, and child counseling, marriage and family therapy, couple and family therapy, psychology, clinical psychology, counseling psychology, or either counseling or clinical mental health counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, and applicant must possess a doctoral or master's degree meeting the requirements in those professions (Business and Professions Code § 4980.36)
- 3) To qualify for licensure or registration in counseling or psychotherapy, applicants shall possess a master's or doctoral degree that meets the requirements of the profession and be obtained from an accredited or approved institution (BPC 4999.33)
- 4) The Board of Behavioral Science (BBS) may issue a license as an educational psychologist if the applicant satisfies, with proof satisfactory to the BBS, the following requirements:

- a) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent by the board; Attainment of 18 years of age; Not subject to denial of licensure; Successful completion of 60 semester hours of postgraduate work in pupil personnel services; Two years of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools. (BPC § 4989.20)

ANALYSIS

This bill would require the Commission to administer the Program, as established by this bill, to increase the number of mental health professionals serving children and youth. Specifically, this bill:

- 1) States the Legislature finds and declares that California is experiencing a shortage of licensed behavioral health professionals while the state is experiencing a behavioral health crisis among its youth.
- 2) Stipulates the Program, as established by this bill, shall become enacted upon an appropriation from the Legislature.
- 3) Clarifies the Commission shall award up to 10,000 grants over a three-year period.
- 4) Specifies each grant cannot exceed \$25,000.
- 5) Requires each grant to be awarded to an applicant who meets all of the following requirements:
 - a) To be enrolled in a California postgraduate program or pupil personnel services credential program at an accredited school or department of social work, on or after January 1, 2022 that meets the requirements for licensure for educational psychologists or for the pupil personnel services credential.
 - b) An applicant who commits to all of the following:
 - i) Working with an eligible California-based nonprofit entity or a local educational agency for their required supervised experience hours pursuant to BPC or meeting the requirements of the services credential with a specialization in pupil personnel services described in the (EDC).
 - ii) Working with an eligible California-based nonprofit entity or a local educational agency for two years upon completion of the postgraduate or credential program.
 - iii) Upon completion of the postgraduate or credential program, satisfying the requirements to become a registered associate

clinical social worker, associate professional clinical counselor, or associate marriage and family therapist.

- 6) Requires a grant recipient to repay the state annually a proportional percentage of the total grant funds up to full repayment of the received grant funds, for each year the recipient fails to fulfill their commitments.
- 7) Authorizes the Commission to determine any exceptions to the requirement for repayment.
- 8) Allows the Commission, to include but is not limited to, counting a school year towards the fulfillment of a grant recipient's two-year work commitment, if a grant recipient is unable to complete the school year when any of the following occurs:
 - a) The employer deems the recipient to have fulfilled the recipient's contractual requirements for the school year for purposes of salary increases, probationary or permanent status, and retirement.
 - b) The recipient was unable to fulfill their contractual requirements due to the financial circumstances of the nonprofit entity or local educational agency, including a decision to not reelect or rehire the recipient for the next succeeding school year.
 - c) The recipient has a condition covered under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) or similar state law.
 - d) The recipient was called or ordered to active duty status for more than 30 days as a member of a reserve component of the Armed Forces of the United States.
- 9) Provides the California Department of Education (CDE) the authority to determine nonperformance of the commitment to work with an eligible California-based nonprofit entity or local education agency.
- 10) Provides the Commission authority to determine nonperformance of the commitment to earn an eligible degree in a postgraduate or credential program.
- 11) Clarifies funds appropriated for the program in the 2022 Budget Act shall be available for encumbrance or expenditure by the commission until June 30, 2025.
- 12) States grants shall be used to supplement and not supplant other sources of grant financial aid.
- 13) Specifies that one-time grants issued by this Program should exceed the amount appropriated for the Program as allocated by the 2022 Budget Act.
- 14) Allows the Commission to use up to 1 and one-half percent of funding appropriated for program outreach and administration.

- 15) Requires the Commission to award at least 60 percent of the grants to eligible applicants who commit to working with a local educational agency for their required supervised experience hours.
- 16) Specifies the Commission shall give priority in awarding grants to communities with the greatest need, as determined by the department, including factors such as adverse childhood experiences (ACES) scores.
- 17) Allows the Commission to award a grant to a grant recipient in a one-time payment or two installment payments.
- 18) Defines, unless the context requires otherwise, "Eligible California-based nonprofit entity" to mean a nonprofit entity located in California that provides mental health services to children and youth.
- 19) Defines, unless the context requires otherwise, "Grant program" or "program" to mean the Mental Health Workforce Grant Program established pursuant to this article.
- 20) Allows the Commission to adopt regulations necessary for the implementation of the program.
- 21) Authorizes the Commission to adopt emergency regulations it deems necessary for the implementation of this program, in accordance with the rulemaking provisions of the Administrative Procedure Act.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "California is experiencing a shortage of licensed behavioral health professionals, and the shortage is expected to grow over the next decade. Currently, just under eight million Californian's – the majority of them Latinx, African American, and Native American – live in Behavioral Health Professional Shortage Areas (BHPSA's), a federal designation for geographic regions experiencing shortfalls of mental health care providers.

"In addition to workforce shortages, we are experiencing a behavioral health crisis among our youth. COVID-19 has left an indelible mark on all of our lives, especially children and youth. Tragically, as of June 2021, more than 140,000 U.S. children had lost a primary or secondary caregiver due to COVID-19. In addition to death and illness, students have experienced increased anxiety, reduced interactions with peers, struggled with distance learning, and many saw their families' financial situations worsen. In one meta-analysis of international youth during COVID-19, researchers discovered that 1 in 4 youth encountered clinically heightened depressive symptoms and 1 in 5 youth faced heightened anxiety symptoms.

"SB 1229 seeks to address the behavioral health professional shortage and increasing demand for mental health services among our youth by providing 10,00 grants of up to \$25,000 each for students pursuing qualifying postgraduate degrees or PPS credentials to increase the number of behavioral health

professionals serving children and youth at California public schools and community-based organizations.”

- 2) ***Mental Health Professional Shortage.*** The Census Bureau reported that 30 percent of American adults had symptoms consistent with an anxiety or depression diagnosis. While the pandemic has exacerbated underlying mental health issues for many Americans, barriers to receiving mental health care have existed for years. A central issue is the lack of mental health care professionals.

According to the National Survey on Drug Use and Health (NSDUH), 12.3 percent of adolescents had a major depressive episode in 2014-2015. In 2014-2015, 6.6 percent of persons age 12 or older had an alcohol use disorder. Historically, many Californians with behavioral health needs have had difficulty obtaining the services they need. Among California adolescents who had a major depressive episode between 2011 and 2015, only 32.1 percent reported that they received treatment within the past year.

In a report published by the California Future Health Workforce Commission, without significant changes to the system, the situation in California will only get worse. The Commission projects that California will have 41 percent fewer psychiatrists and 11 percent fewer psychologists, marriage and family therapists, clinical counselors, and social workers than needed by 2030. Gaps in care are particularly acute for millions of Californians already living in communities facing overall shortages of health professionals, including both rural and underserved urban areas. Meeting behavioral health needs is critical to optimizing the health and well-being of Californians. SB 1229 (McGuire) aims to address this shortage by providing a grant to postgraduate students working toward their licensure.

- 3) ***Similar Teacher Programs.*** The Golden State Teacher Program, approved in budget trailer bill SB 169 (2021), provides one-time grant funds of up to twenty thousand dollars (\$20,000) to each student enrolled on or after January 1, 2020. The student must be in a professional preparation program leading to a preliminary teaching credential, at either a qualifying institution or a teacher preparation program approved by the Commission on Teaching Credentialing (CTC) that has a main campus location or administrative entity that resides in California, including teacher preparation programs operated by local educational agencies in California, if the student commits to working in a high-need field at a priority school for four years after the student receives the teaching credential.

- 4) ***Recommended Committee Amendments.*** Staff recommends that the bill be amended as follows:

- Add a licensed educational psychologist, credentialed social worker, credentialed school psychologist, and credentialed school counselor to clarify the list of profession a student must become upon completion of the postgraduate program or credential program.
- Clarify that grant applicants be enrolled in eligible postgraduate programs and credential programs at a University of California or California State University campus or an independent institution of higher education.

- 5) **Related legislation. SB 964 (Wiener; 2022)** This bill requires the California Community Colleges (CCC) and the California State University (CSU), and requests the University of California (UC), to develop two accelerated programs of study related to degrees in social work. This bill also includes several provisions related to the behavioral health workforce including an analysis of scope of practice laws for behavioral health workers and licensure requirements, a stipend program, creation of an online jobs board, and a workforce analysis.. *This bill is currently in Senate Education and is set to be heard April 27, 2022.*

AB 2222 (Reyes; 2022) Establishes, upon an appropriation by the Legislature in the Budget Act of 2022, the Golden State Social Opportunities Program. *This bill is currently in Assembly Appropriations Committee.*

SUPPORT

State Superintendent of Public Instruction Tony Thurmond (Sponsor)
Association of Independent California Colleges and Universities
California Alliance of Child and Family Services
Children Now
Family Care Network, INC.
Los Angeles County Office of Education
Sycamores

OPPOSITION

None of file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 1057 **Hearing Date:** April 27, 2022
Author: Committee on Education
Version: April 18, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Committee on Education. Elementary and secondary education: omnibus bill

SUMMARY

Makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code.

BACKGROUND

Existing law:

Chacon-Moscone Bilingual-Bicultural Education Act

- 1) The Legislature findings and declarations that a critical need exists for teaching and administrative personnel qualified in the bilingual and cross-cultural skills are necessary to the instruction of the limited-English-proficient population in the state's school districts. It is the purpose of the Chacon-Moscone Bilingual-Bicultural Education Act to require California school districts to offer bilingual learning opportunities to each pupil of limited English proficiency enrolled in the public schools, and to provide adequate supplemental financial support to achieve the Chacon-Moscone Bilingual-Bicultural Education Act. (Education Code § 52160 – 52178)

School District Organization

- 2) An action by the county committee approving a petition may be appealed to the state board by the chief petitioners or one or more affected school districts. (EC § 35710.5)
- 3) A person questioning the finding of the county committee pursuant to Section 35709 or 35710 that the action to transfer territory or form one or more new districts will not adversely affect the racial or ethnic integration of the schools of the districts affected, may appeal a decision based on that finding. The appeal shall be made to the state board within 30 days. The appeal shall be based upon factual and statistical evidence. If the state board denies the appeal, the decision of the county committee shall stand. If the state board approves the appeal, it shall review the findings of the county committee at a regular meeting of the state board. (EC § 35711)
- 4) Following the public hearing, or the last public hearing, the county committee may adopt a final recommendation for unification or other reorganization and

shall transmit that recommendation together with the petition or with the resolution, if any, to the State Board of Education for a hearing. (EC § 35722)

- 5) The county superintendent of schools, within 35 days after receiving the notification, shall call an election, to be conducted at the next election of any kind in the territory of districts as determined by the state board. (EC § 35756)

Component District

- 6) "Component district" means an elementary school district that is included within a high school district or an elementary school district that is excluded from an action to unify a high school district but that continues to feed into the high schools of the new unified school district. (EC § 35515)
- 7) The boundaries of each high school district shall be coextensive with the boundaries of the component districts included within it. (EC § 35540)
- 8) When the boundaries of a district which is a component of a high school district are for any cause changed to include territory in, or to exclude from, the district, the territory added to, or removed from, the district shall, at the same time, be included in, or excluded from, the high school district. (EC § 35541)

Saturdays and Holidays

- 9) The governing board of any elementary, high school, or unified school district or any county superintendent of schools may maintain classes on Saturday or Sunday, or both. The classes maintained pursuant to this section may include, but are not necessarily limited to, all of the following:
 - a) Continuation classes.
 - b) Special day classes for mentally gifted minors.
 - c) Makeup classes for absences occurring during the week.
 - d) The programs of a regional occupational center or regional occupational program. (EC § 37223)
- 10) The voluntary attendance of pupils in approved programs for mentally gifted minors in special educational activities conducted on Saturday or Sunday shall not be included in the computation of the average daily attendance of the school district. (EC § 37223)

Science, Technology, Engineering, Math (STEM) & Career Technical Education Educator Credentialing (CTEEC) Program

- 11) The Legislature hereby establishes the STEM and CTEEC Program for purposes of providing alternative routes to credentialing, in accordance with the guidelines for the federal Race to the Top Fund, authorized under the federal American Recovery and Reinvestment Act of 2009. (EC § 44227.2)

- 12) The California Commission on Teacher Credentialing (CTC), in consultation with the Committee on Accreditation shall develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations. (EC § 44227.2)
- 13) CTC shall authorize community-based or nongovernmental organizations accredited by an accrediting organization that is recognized by the Council for Higher Education Accreditation and the United States Department of Education. The commission may also establish alternative criteria, if necessary, for project participants that are not eligible for accreditation by one of the accredited organizations. (EC § 44227.2)

Community Advisory Committees (CAC)

- 14) The members of the CAC shall be appointed by, and responsible to, the governing board of each participating district or county office, or any combination thereof participating in the local plan. Appointment shall be in accordance with a locally determined selection procedure that is described in the local plan. (EC § 56191)
- 15) Select councils and school site advisory committees are exempt from the Bagley-Keene Open Meeting Act and the Ralph M. Brown Act. (EC § 35147)
- 16) It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed. In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly. (GOV § 11120)
- 17) In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils, and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. (GOV § 54950)

ANALYSIS

Makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code. Specifically, this bill:

Chacon-Moscone Bilingual-Bicultural Education Act (Act)

- 1) Repeals all obsolete provisions of the Act except the provisions clarifying the use of appropriated funds and the reading in the primary language waiver.

School District Organization

- 2) Clarifies existing law by aligning statutes relative to appeal of a county committee action to reorganize a school district.

Component District

- 3) Extends the existing definition of component districts to additional sections of Education Code to clarify the intent of SB 146 (2016).

Saturdays and Holidays

- 4) Repeals an obsolete code reference and inserts the phrase “gifted and talented pupils” to replace the phrase “mentally gifted minors”

STEM & CTEEC Program

- 5) Repeals the obsolete reference to the federal Race to the Top Fund and for CTC to establish alternative criteria for project participants that were not eligible for accreditation by a community-based or nongovernmental organization.

CAC

- 6) Includes CAC to the list of local council and school site advisory committees that are exempt from the Bagley-Keene Open Meeting Act and the Ralph M. Brown Act.

STAFF COMMENTS

- 1) ***Purpose of the elementary and secondary education omnibus bill.*** Each year, there is typically a K-12 education omnibus bill that makes various technical, conforming, clarifying, and non-controversial revisions to the Education Code. Typically, staff with the Senate and Assembly education policy, fiscal and budget committees (and their minority consultants), the Department of Finance, the California Department of Education, the Legislative Analyst’s office, and other similarly situated state government offices, identify statutes in existing law which need updating or correcting and propose corrections. Custom and practice provide that if offices or entities object to a proposed provision in the omnibus bill, that particular provision is prohibited from inclusion.
- 2) ***Related legislation. AB 2973 (Committee on Higher Education)*** is the annual higher education omnibus bill that corrects technical errors and oversights and makes numerous non-controversial and conforming changes to various provisions of the Education Code. *This bill is set to be heard April 26, 2022 in Assembly Higher Education.*

AB 486 (Committee on Education) was the annual education omnibus bill that corrects technical errors and oversights and makes numerous non-controversial and conforming changes to various provisions of the Education Code. *(Chapter 666; 2021)*

SUPPORT

None of file.

OPPOSITION

None of file.

-- END --