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California State Senate

EDUCATION



CONNIE LEYVA
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Staff Director
Lynn Lorber

Principal Consultant
Olgallila Ramirez
Ian Johnson

Consultant
Kordell Hampton

Committee Assistant
Lauren Robinson
Irma Kam

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

AGENDA

Wednesday, June 15, 2022
9 a.m. -- 1021 O Street, Room 2100
(Please note time change)

MEASURES HEARD IN FILE ORDER

- | | | | | |
|----|---------|----------|---|--|
| 1. | AB 558 | Nazarian | School meals: Child Nutrition Act of 2022. | |
| 2. | AB 1602 | McCarty | Student, faculty, and staff housing: California Student Housing Revolving Loan Fund Act of 2022.(Urgency) | |
| * | 3. | AB 2116 | McCarty | Service learning: California Serves Pilot Program. |
| * | 4. | AB 2401 | McCarty | Teacher preparation programs: planning grants and implementation or expansion grants. |
| * | 5. | AB 1703 | Ramos | California Indian Education Act: California Indian Education Task Forces. |
| | 6. | AB 1731 | Davies | Postsecondary education: Title 38 awards: postsecondary educational institutions: application for approval or renewal. |
| * | 7. | AB 2973 | Higher Education | Postsecondary education: omnibus bill. |
| | 8. | AB 1796 | Choi | Public postsecondary education: reenrollment. |
| | 9. | AB 1810 | Levine | Pupil health: seizure disorders. |
| | 10. | AB 1867 | Lee | School facilities: modernization projects: bathrooms. |
| * | 11. | AB 1868 | Luz Rivas | School accountability: English language acquisition status: data. |
| | 12. | AB 1913 | Bryan | Los Angeles Community College District: California Center for Climate Change Education. |
| | 13. | AB 2042 | Villapudua | Child daycare facilities: anaphylactic policy. |
| | 14. | AB 2069 | Villapudua | California Home Health Aide Training Scholarship Act. |
| * | 15. | AB 2072 | Gabriel | Mental health professionals: natural disasters: county offices of education: personnel sharing agreements. |
| * | 16. | AB 2121 | Eduardo Garcia | School accountability: California Collaborative for Educational Excellence: special education resource leads. |
| * | 17. | AB 2124 | Cristina Garcia | Pupil Support Training Program. |
| * | 18. | AB 2150 | Lackey | Cannabis research. |
| | 19. | AB 2315 | Arambula | Community colleges: records: affirmed name and gender identification. |
| * | 20. | AB 2810 | Arambula | Student nutrition: CalFresh: student eligibility: Federal Application for Student Aid data. |

*Proposed Consent

- | | | | |
|-----|---------|--------------|--|
| 21. | AB 2329 | Carrillo | Pupil health: vision examinations: schoolsites. |
| 22. | AB 2617 | Holden | Pupil instruction: dual enrollment programs:
competitive grants: College and Career Access
Pathways partnerships: best practices: communication
and marketing strategy. |
| 23. | AB 2627 | Bauer-Kahan | Electronically collected personal information: local
agencies: the California Community Colleges:
memorandum of understanding. |
| 24. | AB 2638 | Bloom | School facilities: drinking water: water bottle filling
stations. |
| 25. | AB 2640 | Valladares | Pupil health: food allergies: California Food Allergy
Resource internet web page. |
| 26. | AB 2806 | Blanca Rubio | Childcare and developmental services: preschool:
expulsion and suspension: mental health services:
reimbursement rates. |

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 558 **Hearing Date:** June 15, 2022
Author: Nazarian
Version: May 10, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: School meals: Child Nutrition Act of 2022

SUMMARY

This bill establishes the California School Plant-Based and Restricted Diet Program, authorizes local educational agencies (LEAs) to apply for additional reimbursement for serving plant-based food or milk options or restricted diet food options, provides an additional \$1,000 one-time payment to LEAs that serve plant-based or restricted diet food options, establishes a competitive grant to provide up to \$100,000 to LEAs, and requires the California Department of Education (CDE) to develop guidance for LEAs participating in the federal School Breakfast Program that maintain any of grades K-6 on how to serve eligible non-schoolaged children breakfast or a morning snack at a LEA schoolsite.

BACKGROUND

Existing law:

- 1) Requires all of the following, beginning with the 2022–23 school year:
 - a) A school district, charter schools, and county superintendent of schools maintaining any of grades K-12 to provide *two school meals free of charge during each schoolday* to any student who requests a meal, without consideration of the student's eligibility for a federally funded free or reduced-price meal. Meals must be nutritiously adequate meals that qualify for federal reimbursement.
 - b) An local educational agency (LEA) that has a reimbursable school breakfast program to not charge any student, and to provide a breakfast free of charge to any student who requests one, without consideration of the student's eligibility for a federally funded free or reduced-price meal. The meals provided free of charge pursuant to this paragraph shall be nutritiously adequate, and shall count toward the total of two school meals required to be provided each schoolday. (Education Code § 49501.5)
- 2) Prohibits a LEA from denying a meal to any free or reduced-price eligible students, and requires that these students receive the same meal as all other students. (EC § 49550 and § 49557)

ANALYSIS

This bill establishes the California School Plant-Based and Restricted Diet Program, authorizes local educational agencies (LEAs) to apply for additional reimbursement for serving plant-based food or milk options or restricted diet food options, provides an additional \$1,000 one-time payment to LEAs that serve plant-based or restricted diet food options, establishes a competitive grant to provide up to \$100,000 to LEAs, and requires the California Department of Education (CDE) to develop guidance for LEAs participating in the federal School Breakfast Program that maintain any of grades K-6 on how to serve eligible non-schoolaged children breakfast or a morning snack at a LEA schoolsite. Specifically this bill:

Plant-Based and Restricted Diet Program

- 1) Establishes the California School Plant-Based and Restricted Diet Program within the California Department of Education (CDE).
- 2) Encourages LEAs to give preference to the purchase of plant-based or restricted diet food options and plant-based milk options from California producers, when commercially available.

Additional reimbursement

- 3) Authorizes a LEA, upon an appropriation for this purpose, to apply for reimbursement in an amount of up to twenty cents per meal for meals that include a plant-based or restricted diet food option and up to ten cents per meal for meals that include a plant-based milk option. This bill authorizes a single meal with both a plant-based or restricted diet food option and a plant-based milk option to be eligible to receive reimbursement for both options, not to exceed the cost of the meal.
- 4) Requires CDE to pay the reimbursement amounts in quarterly installments; provides that reimbursement funds are to be deposited into the nonprofit school food service account of the LEA; provides that reimbursement pursuant to this bill is to be in addition to any other state or federal funding or reimbursement received.
- 5) Requires a LEA applying for funds for *plant-based food options or plant-based milk options* to provide documentation of the number of plant-based food options or plant-based milk options reimbursable under the federal National School Lunch Program that the LEA served in the baseline 2018–19 school year.
- 6) Requires a LEA applying for funds for *restricted diet food options* to provide documentation of the number of restricted diet food options that the LEA served in the baseline 2018–19 school year.
- 7) Prohibits a LEA that does not provide this documentation for a specific food option from being eligible for funding for that food option.

- 8) Provides that funds are to be available for plant-based or restricted diet food options or plant-based milk options that represent an increase from the number of reimbursable plant-based or restricted diet food options or plant-based milk options served in the baseline 2018–19 school year, as demonstrated by the required documentation.

Additional one-time payment

- 9) Provides that, upon an appropriation, a LEA that receives meal reimbursement pursuant to this bill is to receive an additional one-time payment of up to \$1,000 for the costs of collecting the 2018–19 school year baseline data. The CDE is to make one-time payments on a first-come-first-served basis.
- 10) Authorizes CDE to limit the total amount of reimbursements and payments to a total of \$3,000,000 per year, excluding funding from private sources.

Competitive grants

- 11) Requires CDE, upon a one-time appropriation to provide grants, in an amount of up to \$100,000, to LEAs for any of the following:
 - a) To contract with third parties for professional development training for schoolsite staff on serving, including preparing, procuring, advertising, and creating menus for plant-based or restricted diet food options or plant-based milk options.
 - b) To purchase cafeteria equipment to prepare plant-based or restricted diet food options, or plant-based milk options, as needed.
 - c) To provide technical assistance and student engagement and education on plant-based or restricted diet food options and plant-based milk options, including providing taste tests, recipe development, culinary education, and proper food handling.
 - d) To provide additional compensation for additional work relating to serving meals that include a plant-based or restricted diet food option, or a plant-based milk option, to the extent that funding is made available in the grant for this purpose.
- 12) Provides that grants are to be awarded on a competitive basis and requires CDE to give priority to LEAs with the largest percentage of students eligible to receive free or reduced-price lunches.
- 13) Requires a LEA, before entering into a contract with a third party for professional development training to complete negotiations on the training with the schoolsite staff's exclusive representative, if requested to do so by the exclusive representative.
- 14) Prohibits an employee from being required to attend professional development training for which the employee does not receive at least that employee's regular

rate of pay or that takes place outside of that employee's normal working hours.

General

- 15) Requires CDE to do all of the following:
 - a) Adopt regulations, as it deems necessary, to implement the Plant-Based and Restricted Diet Program.
 - b) Establish guidelines for the evaluation of the meal reimbursement and grant program.
 - c) Complete an evaluation of the meal reimbursement and grant program and report the results of the evaluation to the Legislature by September 1, 2026. The evaluation shall include the number of LEAs that applied for and received meal reimbursement and payments, the number of meals provided by each LEA, the number of LEAs that applied for and received grant funding, and the manner in which LEAs used grant funds.
 - d) Conduct outreach, with special attention given to the local educational agencies with the largest percentage of students eligible to receive free or reduced-price lunches.
- 16) Authorizes CDE to accept funding from private sources for the purpose of providing reimbursements and payments or grants.
- 17) Provides the following definitions:
 - a) "Local educational agency" means a school district, county office of education, or charter school maintaining any of grades K-12 that participates in the federal National School Lunch Program.
 - b) "Nonprofit school food service account" has the same meaning as defined in Section 210.2 of Title 7 of the Code of Federal Regulations.
 - c) "Plant-based food option" means a food that contains no animal products or byproducts, including meat, poultry, fish, dairy, or eggs, and that is recognized by the United States Department of Agriculture as a meat alternate for purposes of the federal National School Lunch Program.
 - d) "Plant-based milk option" means a beverage that contains no animal products or byproducts, including dairy, and that is recognized by the United States Department of Agriculture as a nondairy fluid milk substitute for purposes of the federal National School Lunch Program.
 - e) "Restricted diet food option" means a food prepared in response to a student with at least one dietary restriction, including, but not limited to, religious dietary restrictions or restrictions prescribed by a physician.

- 18) Requires CDE to develop guidance for LEAs participating in the federal School Breakfast Program that maintain any of grades K-6 on how to serve eligible non-schoolaged children breakfast or a morning snack at a LEA schoolsite.
- 19) Requires the guidance to highlight opportunities to maximize federal reimbursement through the federal School Breakfast Program and the federal Child and Adult Care Food Program.
- 20) Requires that a guardian of an eligible non-schoolaged child be present at the LEA schoolsite in order for the non-schoolaged child to receive breakfast or a morning snack at the schoolsite.
- 21) Requires the CDE to develop the guidance in a manner that does not jeopardize federal funding for school meal programs and that maximizes federal meal reimbursement.
- 22) Requires CDE to post the guidance on its website by July 1, 2023, and provides that CDE is not required to mail the guidance to LEA.
- 23) Provides that provisions related to this guidance does not require a LEA to take any action.
- 24) Requires CDE to evaluate the guidance and the impact of the guidance on LEA breakfast programs, and requires CDE to submit the evaluation to the Legislature by January 1, 2025.
- 25) Requires a LEA that chooses to implement the CDE guidance to submit to CDE the applicable information listed in # 26 below, and any other relevant information CDE requires in a manner determined by CDE.
- 26) Requires the evaluation to include specified information.
- 27) Defines:
 - a) "Eligible non-schoolaged child" to mean a child who is not enrolled in school and who is a sibling, half sibling, or stepsibling of, or a foster child residing with, a student who meets the federal eligibility criteria for a free or reduced-price breakfast at a LEA participating in the federal School Breakfast Program that maintains any of grades K-6.
 - b) "Guardian" to mean a parent, stepparent, grandparent, or other adult family member or caretaker who is caring for an eligible non-schoolaged child.
 - c) "Local educational agency" to mean a school district, county office of education, or charter school.

Miscellaneous

- 28) States findings and declarations relative to the benefits to children who eat breakfast.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, “Californians are suffering from adverse health effects associated with overconsumption of meat, including diabetes, heart disease, and even cancer. Studies suggest that increasing consumption of plant-based foods has substantial health benefits. It can reduce the risk of diabetes, maintain a healthy weight, and provide protection against cancer and other diseases.

“Agriculture (excluding processing) generates 8% of California’s greenhouse gas emissions, with livestock production accounting for two-thirds of those emissions and 55% of the state’s methane emissions. Animal foods generally have a significantly higher carbon footprint than plant-based foods. This is primarily due to methane emissions from the animal’s digestive process and waste management, as well as nitrous oxide emissions from feed production. Methane is a short-lived climate pollutant, up to 86 times more potent a gas than carbon dioxide over a 20-year period. We cannot meet the Paris Climate Accord targets without curbing consumption of animal products.

“Ultimately, it is understood that one of the most significant state concerns is expanding access to food for children and responding to child hunger. However, expanding access does not mean that we should keep feeding our children poor, processed foods. It is important that the state, especially during the COVID-19 pandemic, concerns itself with providing children with quality food options to ensure they are getting a proper diet as they continue to grow. This not only leads to healthy habits as they grow up, but creates a strong immune system during a time when we want to ensure that our kids are safe, especially once schools reopen and they are back to in-person learning.”

- 2) *Meal patterns and menu planning.* The United States Department of Agriculture (USDA) established nutrition standards for the National School Lunch Program and School Breakfast Program. Schools and other entities that operate these programs are required to use meal patterns and dietary specifications established by USDA to develop menus and serve meals to students. Meal patterns require a minimum weekly offering of meal components (vegetables, grains, meat/meat alternative) and from each vegetable subgroup category (dark green, red and orange, beans/peas, starchy, and other). For example, the vegetable meal component for grades K-8 requires a minimum of 3 ¾ cups of vegetables, ½ cup of dark green vegetables, ¾ cup of red/orange vegetables, etc., per week.

Plant-based meals currently meet the federal National School Lunch Program requirements; plant-based entrees may be composed of meal components such as fruits, vegetables, meat alternates, grains, and fluid milk alternates such as soy milk. [NSLP and SBP Meal Patterns - Healthy Eating & Nutrition Education \(CA Dept of Education\)](#) [USDA Food Patterns | Food and Nutrition Service](#)

- 3) *How do students receive plant-based or restricted diet meals now?* Federal law requires schools to provide substitutions or modifications in the National School Lunch Program and School Breakfast Program for students whose disabilities restrict their diets (e.g. the food allergy or food intolerance substantially limits one or more major life activities, as determined on a case-by-case basis and supported by a written medical statement from a state licensed healthcare professional). Schools are *authorized* to provide special meals and/or accommodations for students who do not have a disability that requires a restricted diet but who do have a food intolerance or other medical condition.

Separate and apart from the provision of special food options for students with a disability or medical condition, students may request plant-based food options. However, schools are not required to offer plant-based options, although the state does encourage “frequent” offering of plant-based offerings.

Further, CDE encourages child nutrition programs to offer plant-based options, recommends action steps for schools to consider vegetarian or vegan options, provides curriculum for students, recipes, training modules for food service directors and staff, and general information about plant-based meals [Plant-based Meal Options in CNPs - Healthy Eating & Nutrition Education \(CA Dept of Education\)](#).

Many, but not all, plant-based food and beverage options currently meet the federal National School Lunch Program nutrition standards and are reimbursable under the National School Lunch Program. Plant-based entrees may be composed of meal components such as fruits, vegetables, meat alternates, grains, and fluid milk alternates like soy milk. USDA-approved plant protein products include nut and seed butters, cooked beans and peas, and soy protein.

Data is not collected specifically about the number of schools that offer plant-based food or milk options. Several California school districts have implemented district-wide daily or weekly vegetarian meal options for students. Some districts implemented these meal options more than a decade ago. These districts include, but are not limited to, Elk Grove Unified School District, San Diego Unified School District, San Juan Unified School District, Oakland Unified School District, and Yuba City Unified School District. Additionally, Los Angeles Unified School District has implemented plant-based meal options for students.

- 4) *School meal reimbursement rates.* School meal reimbursement, by both the federal government and the state, varies each year. In order to receive reimbursement, schools must follow a certain meal pattern determined by the USDA. Depending on the age range of the students served, a full meal consists of a specified amount of fruits, vegetables, grains, meat/meat alternate, and milk.

The federal school lunch reimbursement rates are \$3.37 for free lunch and \$2.97 for reduced priced lunch. Schools that serve more than 60% low-income students receive \$0.02 more for both free and reduced priced lunches. The state school lunch reimbursement rate is \$0.26 for both free and reduced priced lunches. [2022–23 CNP Reimbursement Rates - Rates, Eligibility Scales, & Funding \(CA Dept of Education\)](#)

Beginning with the 2022-23 school year, the state will require school districts and charter schools to provide two free meals per day to all students, regardless of eligibility for free meals. The state will reimburse school districts and charter schools for the cost of the meal, up to the federal free meal reimbursement rates for all students who are not eligible for federal free meals.

AB 154 (Ting, 2022), the Budget Act, includes a significant increase in the state's reimbursement rate for school meals, from 26 cents to 89 cents, to support the new requirement that schools provide two free meals per day to all students. Additionally, AB 154 includes over \$611 million on an ongoing basis to provide an enhanced meal reimbursement rate of \$4.625 per meal, to the extent that the federal school meal reimbursement rates are increased. Committee staff understands that there is a legislative budget agreement to provide \$100 million for food procurement for local and sustainably grown food, restricted diets, and plant-based diets.

School nutrition program providers faced unprecedented challenges and were generally overwhelmed, in fulfilling their mission to feed children while most schools were closed due to the COVID pandemic. School nutrition staff, bus drivers, custodian staff, and many other educators provided daily, and sometimes weekly, meals to students. Federal waivers, which expire June 30, 2022, also allow schools (and other sites) to serve meals to anyone under the age of 18 years. Schools have had to create pick-up schedules, pick-up locations other than at schoolsites, and arrange deliveries to distant bus stop locations, apartment complexes where many students reside, and to the homes of students who are disabled and/or home-bound. School nutrition programs are now preparing to meet the new requirement to provide two free meals to each student every day. *While this bill creates an incentive for, but does not require, schools to offer plant-based food and beverage options, is this the right time for the state to add any programs for school nutrition providers?*

Should the state provide an increased reimbursement for all meals served rather than only for certain meals? Staff notes that additional reimbursement pursuant to this bill is contingent upon an appropriation for that purpose. As described above, committee staff understands that there is a legislative budget agreement to provide \$100 million for food procurement for local and sustainably grown food, restricted diets, and plant-based diets.

- 5) *Fresh or natural?* This bill defines plant-based food and beverage options as those that do not contain any animal products or byproducts, and that are recognized by the USDA as an alternative or substitute for purposes of the National School Lunch Program. However, these food and beverage options are not necessarily fresh or natural. **Staff recommends an amendment** to require schools to give preference in purchasing plant-based food and beverage options that are minimally processed, specifically that the nutritional quality of the food or beverage is maintained.
- 6) *California grown or produced.* This bill encourages LEAs to give preference to the purchase of plant-based or restricted diet food options and plant-based milk options from California producers, when commercially available. **Staff**

recommends an amendment to require, rather than encourage, LEAs to give preference to products from California producers.

- 7) *Feeding siblings.* This bill would require the CDE to issue guidance about how a school district, COE, or charter school could voluntarily serve younger siblings a federally reimbursable meal at a school site that their older sibling attends. Currently, schools may operate the School Breakfast Program, as well as the Child and Adult Care Food Program (CACFP), which allows but does not require younger, non-schoolage children to be served. Schools may serve younger, non-schoolage children through the CACFP at the same time and location as serving schoolage children through the School Breakfast Program. Schools are currently authorized, through federal waivers, to serve meals to anyone under the age of 18. The federal waivers expire on June 30, 2022.
- 8) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose:
 - a) Ongoing Proposition 98 General Fund costs, up to \$3 million, for reimbursements to LEAs offering plant-based food and beverage options.
 - b) One-time General Fund costs to CDE to develop guidance for LEAs participating in the federal School Breakfast Program that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at a LEA schoolsite.
 - c) Potential one-time Proposition 98 General Fund costs, in the tens of thousands up to \$1 million, to provide grants to LEAs wishing to receive a grant to collect the baseline data required.
 - d) Potential one-time Proposition 98 General Fund costs, in the millions up to \$100 million, to provide \$100,000 grants to LEAs for equipment purchases and professional development for staff, to increase accommodation of student dietary restrictions.
- 9) *Related legislation.* AB 996 (Nazarian, 2021) would have required the CDE to develop guidance for LEAs participating in the School Breakfast Program that maintain any of kindergarten through grade 6, on how to serve eligible non-school-aged children breakfast or a morning snack at an LEA schoolsite. AB 996 was not heard due to the shortened legislative timelines.
- 10) *Prior legislation.* AB 479 (Nazarian, 2019) would have established within the CDE the California Climate-Friendly Food Program to provide incentives for making plant-based food and beverages available to students. AB 479 was generally similar to this bill. AB 479 was held in the Senate Appropriations Committee.

AB 2527 (Nazarian, 2020) would have required the CDE to develop guidance for LEAs participating in the School Breakfast Program on how to serve eligible non-school-aged children breakfast or a morning snack at a schoolsite. AB 2527 was not heard due to the shortened legislative timelines.

AB 958 (Aguilar-Curry, 2019) would have created the California Organic to School Pilot Program, and provide schools up to 15 cents per meal for organic, locally grown food. AB 958 was held in the Assembly Appropriations Committee.

SUPPORT

Friends of The Earth – US (co-sponsor)
Social Compassion in Legislation (co-sponsor)
American Academy of Pediatrics, California
Animal Legal Defense Fund
Animal Protection and Rescue League
Animal Welfare Institute
Balanced
California Association of Student Councils
California School Employees Association
Castillo Animal Veterinary Corp
Center for Biological Diversity
Climate Reality Project, San Fernando Valley
Commission of Animal Control and Welfare San Francisco
Compassionate Bay
Cultivate Empathy for All
Direct Action Everywhere
Eat for The Earth
Farm Sanctuary
Gayle Paul
Hindu American Foundation, INC.
Humane Decisions
Humane Society of The United States
In Defense of Animals
Jane Unchained News Network
Lioness Productions
Los Angeles Democrats for The Protection of Animals
Mobius
Oceanic Preservation Society
Our Honor
Physicians Against Red Meat
Physicians Committee for Responsible Medicine
Plant Based Foods Association
Poison Free Malibu
Project Counter glow
Promise 4 Paws
Revolution Philadelphia
Start Rescue
Vegan of La
Women United for Animal Welfare

OPPOSITION

California Cattlemen's Association
Teamsters Public Affairs Council
Western United Dairymen

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1602 **Hearing Date:** June 15, 2022
Author: McCarty, et al.
Version: May 25, 2022
Urgency: Yes **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Student, faculty, and staff housing: California Student Housing Revolving Loan Fund Act of 2022.

NOTE: This bill has been referred to the Committees on Education and Labor, Public Employment, and Retirement. A "do pass" motion should include referral to the Committee on Labor, Public Employment, and Retirement.

SUMMARY

This bill establishes the California Student Housing Revolving Loan Fund Act of 2022 (the Act) to provide zero-interest loans to qualifying applicants of the University of California (UC), the California State University (CSU), and the California Community Colleges (CCC) for the purpose of constructing affordable student, faculty, and staff housing.

BACKGROUND

Existing law:

- 1) Establishes the California School Finance Authority (CSFA), comprised of the following members: a) The State Treasurer; b) The Director of the State Department of Finance; and, c) The State Superintendent of Public Instruction. Specifies that each member of CSFA may designate an individual from the member's department or agency to act for the member and represent the member at all meetings; and, that members of the CSFA or their designees, shall serve without compensation, but may be reimbursed by CSFA for necessary and reasonable expenses incurred in the discharge of their duties.
- 2) Provides CSFA the authority to enter into contracts, as specified, and to issue revenue bonds to finance projects for a single or several participating parties, defined to include a community college district that undertakes the financing or refinancing of a project.
- 3) Creates the Higher Education Student Housing and Capacity Expansion Grant Programs, which, in part, creates two new programs to support campus affordable student housing and campus capacity expansion projects. Appropriates \$500 million one-time General Fund in 2021-22 for student housing projects, and includes legislative intent to provide \$750 million in 2022-23, and \$750 million in 2023-24, for this purpose. Divides the appropriated and proposed funding by providing 50% to CCC, 30% to CSU, and 20% to the UC. Creates a process in which campuses will propose student housing projects by October

2021 for selection in a subsequent budget act. Creates the campus capacity expansion program and includes legislative intent to provide funding for this program in a future budget action.

- 4) Establishes the California Educational Facilities Authority (CEFA) Act, authorizing the CEFA, in part, to develop student housing on or near any campus of the CCC, CSU, or UC through the use of agreements with participating nonprofit entities.
- 5) Establishes the UC as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services.
- 6) Establishes the CCC, a postsecondary education system consisting of community college districts and the Board of Governors of the CCC.
- 7) Requires the Board of Governors of the California Community Colleges to provide leadership and direction in the continuing development of the California Community Colleges as an integral and effective element in the structure of public higher education in the state. The work of the board of governors shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the CCCs.
- 8) Establishes the CSU administered by the Board of Trustees, and provides that the Trustees shall have the full power over the construction and development of any CSU campus and any buildings or other facilities or improvements.

ANALYSIS

This bill:

- 1) Establishes the California Student Housing Revolving Loan Fund (Fund) in the State Treasury to provide zero-interest loans to qualifying college and university applicants for the purpose of constructing affordable student housing and affordable faculty and staff housing.
- 2) Expresses the intent of the Legislature to appropriate, in the annual Budget Act, the sum of \$5 billion into the Fund.
- 3) Requires each authority to develop a uniform application that includes requests for relevant information, such as project goals, costs, number of students or faculty and staff to be housed, timeline for the project, financial feasibility of the project, and other information deemed necessary for evaluation of creditworthiness and public benefit criteria established by each authority.

- 4) Requires that the applications be available by April 1, 2023, in accordance with each authority's existing regulations or any necessary amendments, which shall be undertaken as emergency regulations, if necessary.
- 5) Requires that the initial preliminary applications for projects be submitted to the designated authority by July 1, 2023; and, specifies that the authority, thereafter, may establish subsequent application periods, as necessary.
- 6) Specifies that applications may be submitted to the designated authority by college and university applicants, pursuant to the following:
 - a) The California Educational Facilities Authority (CEFA) shall consider applications from university applicants; and,
 - b) The California School Finance Authority (CSFA) shall consider applications from college applicants.
- 7) Requires that applications must demonstrate all of the following:
 - a) Construction on the project could begin by June 30, 2024, or by the earliest possible date thereafter, as stated in the application;
 - b) The per-bed rate for students will be below local market rental rates for comparable student housing, also taking into account the costs of utilities, food service, operations, maintenance, and other services included in the student housing rent;
 - c) Receipt of a loan from the authority shall result in a public benefit, such as the ability to reduce rents, serve more students, provide additional onsite student support services, or other tangible benefits that would not be practical without receipt of the loan;
 - d) The project will comply with the requirements established by the Act;
 - e) The project will be owned by a participating college or university; and,
 - f) In the event that an authority receives or anticipates receiving more applications than its allocation of state funding can support, the authority may consider any of the following criteria in selecting projects:
 - i) The timeline for construction, with priority given to projects that can begin construction the earliest;
 - ii) The campus' unmet demand for student housing, with priority given to applicants with greater unmet demand for student housing;
 - iii) A local match is available, with priority given to applicants with a local match; and,

- iv) When considered as a whole, the applications approved pursuant to the Act are representative of various geographical regions of the state and the UC, the CSU, and the CCC.
- 8) Requires that a project funded pursuant to the Act meet all of the following requirements:
- a) As specified, all work traditionally performed by employees of the college or university applicant shall be performed only by those employees;
 - b) The UC may proceed with capital expenditures for the project only if all work traditionally performed by persons with UC Service Unit (SX) job classifications is performed only by employees of the UC;
 - c) The UC may proceed with capital expenditures for the project only upon certification that all cleaning, maintenance, groundskeeping, food service, or other work traditionally performed by persons with UC SX job classifications, shall be performed only by employees of the UC at each beneficially affected project; and,
 - d) The Act, as specified, does not apply to, and shall not restrict the performance of, work done under contract and paid for in whole or in part out of public funds, when the work is either of the following:
 - i) Construction, alteration, demolition, installation, or repair work, including work performed during the design, preconstruction, and postconstruction phases of construction; and,
 - ii) Carpentry, electrical, plumbing, glazing, painting, and other craft work designed to preserve, protect, or keep the project in a safe and continuously usable condition, including repairs, cleaning, and other operations on machinery and other equipment permanently attached to the building or real property as fixtures.
- 9) Requires the Department of Finance to approve new or additional funding for UC projects funded by the Act only after the UC has demonstrated ongoing and continuous compliance with these provisions, as specified.
- 10) Requires that for each loan made by an authority, the authority must establish a schedule of payments, the primary source of which may be lease or rent payments for occupancy of the project financed by that loan, and the sum of which shall be calculated to result in full payment of the loan within a reasonable period of time not to exceed 30 years.
- 11) Authorizes CEFA to issue revenue bonds and enter into related agreements, and take all other actions necessary and convenient for the issuance of revenue bonds for university applicants for projects in accordance with the Act and its authorizing statutes, as amended from time to time.

- 12) Specifies that each authority may use amounts deposited in the Fund, including, but not limited to, loan repayments, as a source of reserve and security for the payment of principal and interest on revenue bonds, the proceeds of which are deposited in the Fund or in a designated Fund or account of the authority established for that purpose. The purpose of any such revenue bonds is to augment the Fund.
- 13) Stipulates that notwithstanding any other law, revenue bonds issued under the Act are not and shall not be deemed to constitute a debt or liability of the state or any political subdivision thereof, and are not and shall not be deemed to be a pledge of the faith and credit of the state, or any political subdivision thereof, other than the authority. Revenue bonds of the authority shall be payable solely from funds provided under the Act.
- 14) Requires that each revenue bond of the authority shall include a statement on the face of the bond that neither the State of California nor the authority is obligated to pay the principal or interest thereon, except from revenues of the authority, and shall also include a statement that neither the faith or credit, nor the taxing power of the State of California, or any political subdivision, is pledged to the payment of the principal or interest of the bonds.
- 15) Stipulates that the issuance of revenue bonds under this chapter shall not directly, indirectly, or contingently obligate the state, or any political subdivision thereof, to levy or pledge any form of taxation, or make any appropriation for their payment.
- 16) Authorizes each authority to adopt, amend, or repeal rules and regulations pursuant to the Act as emergency regulations. The adoption, amendment, or repeal of these regulations is conclusively presumed to be necessary for the immediate preservation of the public peace, health, safety, or general welfare as specified.
- 17) Requires each authority to provide a report to the Department of Finance and the Budget Committees of the Assembly and Senate by March 15, 2024.
- 18) Requires that the report must include, but not necessarily be limited to, all of the following information:
 - a) The number of projects receiving loans;
 - b) The total dollar amount of loans made;
 - c) The dollar amount of the loan provided for each project; and,
 - d) The terms of the loan for each project.
- 19) Stipulates that each authority may charge against the Fund its administrative costs, which cannot exceed 3% of the authority's respective allocation amount or proportion of the Fund, as the Fund may be augmented by revenue bonds over time.

- 20) Specifies that the Act is an urgency statute and is necessary to take effect immediately.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California is facing a housing and college affordability crisis. The demand for student housing is growing, while campuses struggle to build fiscally viable housing at rental rates that students can afford.

“This bill addresses both of these important issues. AB 1602 establishes a \$5 billion self-sustaining fund which will provide zero-interest loans to the UC, CSU, and CCC campuses to construct approximately 25,000 student housing beds at below market rents. This will help existing students thrive by addressing their basic housing needs, and it will allow California’s public colleges and universities to enroll more California students by providing new student housing beds.

“By creating a revolving loan fund, this bill leverages one-time funds to produce an *ongoing*, permanent financing tool that campuses can utilize to build affordable student housing.”

- 2) ***Background.*** The state’s nine UC campuses and 23 CSU campuses offer student housing, typically to undergraduate and some graduate students.

Debt capacity to finance student housing projects differs from campus to campus. Due to issues with debt capacity and other variables, UC and CSU campuses have entered into private public partnerships (P3s) to finance capital projects such as student housing. In a P3, a public sector entity and a private-sector entity enter into an agreement whereby the private entity funds a public project in exchange for some benefit, such as partial ownership of the completed project or operating profits.

- 3) ***Many college students face food and housing insecurity.*** According to the California Student Aid Commission’s 2018-19 Student Expense and Resource Survey, nearly one in three college students in California faces food and housing insecurity. The survey, which sampled 150,000 college students from four-year institutions in 2018 and community colleges in 2019, found that students’ financial concerns extend far beyond tuition and fees. All CSU and UC institutions were represented in the study, according to the report.

Nearly two-thirds of students cited either the cost of college or balancing school and work responsibilities as their biggest obstacle to success. Students selected those obstacles over all other stressors, including the difficulty level of classes, too little support from friends or family, and difficulty balancing school and family responsibilities. The survey also found that black and Hispanic students were more likely to access financial aid, including federal Pell grants or the state Cal Grant, and other forms of public assistance, but were also more likely than other students to report food insecurity or housing insecurity.

Each segment of higher education has a different distribution of where students live while attending college. At the CSU, 14 percent of students live on campus, 39 percent live off campus, and 47 percent live with their parents. At the UC, 39 percent of students live on campus, 49 percent live off campus, and 11 percent live with their parents. Not surprisingly, housing insecurity is found to be highly correlated with lower degree completion, persistence, and credit attainment.

According to a 2021 report from CSAC, for many students, the COVID-19 pandemic has led to increased housing costs; CSAC found that nearly half of all college students reported increased monthly housing expenses during the pandemic.

- 4) ***Last year's state budget included funding for higher education enrollment growth and increased student housing.*** While the 2021 Budget Act invested \$1.8 billion to grow enrollment at the CSU and UC by more than 15,000 students in the 2022-23 academic year, the investment did not provide any funds for related housing expenses. Enrolling more students without expanding access to affordable housing has a huge potential to exacerbate the existing student housing crisis among our state's college and university students.

Additionally, the budget also included a \$2 billion in one-time grant funding for student housing at CCC, UC, and CSU. This investment is an important first-step, but does not appear to be sufficient to meet the rising demand for affordable student housing to support growing enrollment. For example, 30% of the \$2 billion – or \$600 million is to go to the CSU.

However, it would cost an estimated \$1.8 billion to meet the CSU's reported unmet housing need of 17,700 students. For Fall 2021, CSU reported 13 campuses with waitlists totaling 8,700 students (a 50% increase from 2019), and eight UC campuses report waitlists of over 7,500 students.

SUPPORT

California School Employees Association
 California State Association of Electrical Workers
 California State Pipe Trades Council
 Coalition of California Utility Employees
 EAH Housing
 National Association of Social Workers
 San Jose-Evergreen Community College District
 Student Senate for California Community Colleges

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2116 **Hearing Date:** June 15, 2022
Author: McCarty
Version: June 6, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Service learning: California Serves Pilot Program

SUMMARY

This bill requires, upon an appropriation by the Legislature, the California Department of Education (CDE), in collaboration with CaliforniaVolunteers; to conduct a study on ways to incorporate impactful service learning for pupils in grade 12; establish a pilot program for purposes of engaging pupils in grade 12 who are enrolled at participating schools and, requires CaliforniaVolunteers to submit a report on the pilot program to the Legislature.

BACKGROUND

Existing law:

- 1) Establishes a State Seal of Civic Engagement, to be affixed to the diploma of qualifying high school graduates, based on a demonstration of excellence in civics education and participation. (Education Code 51470)
- 2) Establishes the 21st Century High School After School Safety and Enrichment for Teens program to award grants for after-school enrichment programs for high school students. A program consists of an academic assistance element and an enrichment element that may include community service or service learning. (EC § 8421).

ANALYSIS

This bill requires, upon an appropriation by the Legislature, CDE, in collaboration with CaliforniaVolunteers, to conduct a study on ways to incorporate impactful service learning for pupils in grade 12; establish a pilot program for purposes of engaging pupils in grade 12 who are enrolled at participating schools and, requires CaliforniaVolunteers to submit a report on the pilot program to the Legislature. Specifically, this bill:

General Provisions

- 1) Requires the CDE in partnership with CaliforniaVolunteers and appropriate stakeholders shall do all the following:
 - a) Review the available evidence on ways to incorporate effective service learning for pupils in grades 9 to 12 and, on or before January 1, 2024, provide recommendations to the Legislature.

- b) Develop and post on CDE's internet website evidence-based strategies for expanding access to high-quality service learning programs that may be used by teachers and local educational agencies (LEA) on or before January 1, 2024.
- c) Develop uniform metrics for the measurement of pupil progress toward academic, civic engagement, and other learning objectives and awards, such as the State Seal of Civic Engagement.
- d) Use the evidence, recommendations, and metrics identified in the administration of the California Serves Pilot Program.

The California Serves Pilot Program

- 2) Requires the California Serves Pilot Program to be administered by CDE, in collaboration with CaliforniaVolunteers, and develop criteria for awarding of grants.
- 3) Specifies at least one-half of the pupils enrolled in an LEA must be unduplicated in order for an LEA to be eligible.
- 4) Authorizes the California Serves Pilot Program to determine the grant amount awarded to an LEA.
- 5) Authorizes awarded grants funds to be used for the following:
 - a) Paid planning time for teachers to increase the use of service learning in their instruction.
 - b) Professional development for teachers on service learning.
 - c) Purchase of instructional materials to aid in the use of service learning in instruction.
 - d) Participation costs of pupils and school personnel, including any materials or travel expenses related to service learning activities.
 - e) Personnel costs for coordination of service learning at a local educational agency or a schoolsite of a local educational agency.
 - f) Participation costs associated with program evaluation.
- 6) States on or before three years after the operative date of an appropriation, CDE, in collaboration with CaliforniaVolunteers, must submit a report to the Legislature.
- 7) Requires the report to include an evaluation of the program using the uniform metrics established by CDE and CaliforniaVolunteers and shall include, but not be limited to, all of the following information:

- a) The number of participating pupils, schools, and local educational agencies, and the grant awards for each grantee.
- b) The demographics of pupils engaged in service learning as a result of the grant.
- c) The impact of the service performed by pupils and school staff as a result of the grant.
- d) Pupil outcomes in the academic, civic engagement, and other learning objectives measured by the uniform metrics identified by the department pursuant to subdivision (c) of Section 33492.

Definitions

- 8) Defines "Local educational agency" to mean a school district, county office of education, or charter school.
- 9) Defines "Service learning" to mean an educational approach that intentionally combines meaningful community service activities with instruction and reflection to support pupil progress toward academic and civic engagement learning objectives while meeting societal needs.
- 10) Defines "program" to mean the California Serves Pilot Program.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Service-learning is a teaching and learning strategy that integrates academic learning objectives with hands-on community service to provide learning experiences while meeting societal needs. While service-learning can occur in various settings, schools with service-learning frameworks coordinate with community organizations to provide a structured time for students to engage and reflect on a service project that advances learning, promotes civic engagement, and develops research and problem-solving skills.

"Currently, there is no statewide service-learning initiative for students enrolled in K-12 schools in California. Previously, the CalServe Initiative was established within CDE to provide funding to county offices of education, districts, and schools to support the statewide implementation of service-learning programs. However, federal funding and support for the program was eliminated in the wake of the Great Recession. Research on the impact of service learning shows that service learning programs yield significant benefits for students. Participants of service-learning programs have higher academic achievement scores, are more likely to attend and graduate college, and experience fewer school disciplinary incidents when compared to peers that do not participate. Furthermore, service-learning participants achieve greater awareness of their impact on their communities and become more civically engaged. AB 2116 would increase access to service-learning opportunities for students, while providing state support for the implementation of a high-quality program with built-in supports."

- 2) ***The elimination of CalServe (2012).*** CalServe was eliminated in 2012 due to inconsistent implementation and unclear objectives. CalServe was created in response to the National and Community Service Act of 1990 by CDE to support K-12 service learning partnerships. The goal of each partnership was to enhance student academic achievement and civic responsibility, increase teacher effectiveness and satisfaction, heighten school district awareness of service-learning, and provide authentic service to the community. The 1997-2000 local evaluation process was designed to assist CalServe partnerships in the collection of participation and impact data for their local service-learning activities. The data collected were also to be used to develop a statewide profile of service-learning participation and impact across CalServe's funded partnerships. Upon analyzing each partnership CDE found the following:
- Partnerships experienced issues in measuring the academic impacts of service-learning making it difficult to track outcomes and progress. Goals proposed by the partnership were different than the goals the individual teachers adopted for their service-learning activities.
 - Metrics used by local partnerships to collect data were inconsistent thus making overall generalizations and conclusions about academic learning during service-learning activities difficult.
 - Difficulties determining students' sense of civic responsibility when participating in service-learning activities.
 - Goals among teachers regarding service learning varied greatly.
 - Partnerships focused primarily on immediate needs and issues and did not have a clear plan on sustainability and long-term goals.
 - Teachers faced difficulty arranging service activities and needed more planning time and support from administrators and other teachers.

The 2002 report provides a myriad of recommendations to improve CalServe partnerships.

- 3) ***History-Social Science Framework.*** The Instructional Quality Commission (IQC) embedded service learning throughout the History-Social Science Framework and was later adopted by the State Board of Education (SBE) in 2016. Appendix H details best practices, examples, and resources for schools to implement service learning.
- 4) ***Some districts have a volunteer or service-learning graduation requirement.*** While the state does not collect data on service learning courses or community service graduation requirements, many school districts have local service learning or volunteer graduation requirements. These vary in terms of time requirements and integration with coursework.

- 5) **State Seal Of Civic Engagement (SSCE).** In October 2017, then-Governor Jerry Brown signed AB 24 (Eggman; 2017). The law requires the State Superintendent of Public Instruction (SSPI), on or before January 1, 2020, to recommend to the State Board of Education (SBE) criteria for awarding an SSCE to pupils who have demonstrated excellence in civics education and participation and an understanding of the United States Constitution, the California Constitution, and the democratic system of government. The law also requires the SSPI to consider, among other criteria, the successful completion of history, government, and civics courses, including courses that incorporate character education and voluntary participation in community service or extracurricular activities.

A hallmark of the SSCE is its accessibility to all students, regardless of their backgrounds, communities, and experiences. This includes taking into consideration how local educational agencies (LEAs) can support California's most underserved students in earning the seal in ways that may not always mirror traditional student paths to civic engagement and learning. As civic engagement may look different from community to community, CDE encourages LEAs to work with local and statewide organizations to develop local criteria and to design and implement impactful civic engagement programs and pathways that reflect community interests, needs, and resources. To date, 5,359 seals have been awarded.

- 6) **The Local Control Funding Formula (LCFF).** The LCFF recognizes the necessity of investing in the reduction and ultimate removal of inequitable outcomes in California public schools. Revitalizing civic learning opportunities, in an equitable manner, can contribute to meeting these goals
- 7) **2022-23 Proposed Budget.** As proposed, the 2022-23 State budget has provided \$5 million, ongoing Proposition 98 allocation to CDE to support student civic engagement and community service pilots, aligned to the Seal of Civic Engagement. The budget will be finalized June, 15, 2022.
- 8) **Related Legislation.** AB 2678 (McCarty) of the 2019-20 Session would have required CaliforniaVolunteers, in collaboration with the CDE and appropriate stakeholders, to conduct a study on ways to incorporate impactful service learning for pupils in grade 12 and, on or before January 1, 2022, provide recommendations on how to integrate service learning. *This bill was held in the Assembly Education Committee.*
- 9) **AB 189 (Low)** of the 2017-18 Session would have required the Instructional Quality Commission (IQC) to develop a model curriculum on service-learning for pupils in grades 9 to 12, for voluntary use by educators. This bill was vetoed by Governor Brown. The veto message read:

I believe this bill is unnecessary. The Instructional Quality Commission carefully considered the subject of service learning when it was updating the History-Social Science Framework and embedded it throughout the curriculum framework that the State Board of Education subsequently adopted.

AB 24 (Eggman), Chapter 604, Statutes of 2017, establishes a State Seal of Civic Engagement, to be affixed to the diploma of qualifying high school graduates, based on a demonstration of excellence in civic education and participation.

AB 1689 (Low) of the 2015-16 Session would have required, beginning with the high school class of 2022-23, that at least one of the courses required for graduation include a service-learning component. The bill would have defined service-learning and also required the SPI to develop curriculum standards for courses that incorporate a service-learning component. *This bill was held in the Assembly Appropriations Committee.*

SUPPORT

None on file.

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2401 **Hearing Date:** June 15, 2022
Author: McCarty
Version: June 8, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Teacher preparation programs: planning grants and implementation or expansion grants.

SUMMARY

This bill expands and makes changes to a grant program, administered by the Commission on Teacher Credentialing (CTC), for the development of integrated programs of teacher preparation, in which an individual may earn a teaching credential while completing their undergraduate degree.

BACKGROUND

Existing law:

- 1) Establishes minimum requirements for teacher preparation programs leading to multiple and single subject teaching credentials, including a baccalaureate degree, passage of a basic skills test, completion of a teacher preparation program, study of methods of English language development and reading, completion of a subject matter program, demonstration of knowledge of the U.S. Constitution, and basic use of computers in education.
- 2) Authorizes integrated (also known as blended) programs of teacher preparation, in which credential candidates may earn a teaching credential while completing their undergraduate degree. Requires the CTC to encourage postsecondary institutions to offer integrated programs.
- 3) Requires the Chancellor of the California State University (CSU), in consultation with CSU faculty members, to develop a framework defining appropriate balance for an integrated program of general education, subject matter preparation, and professional education courses.
- 4) Requires the Chancellor of the CSU and the Chancellor of the California Community Colleges (CCC) to ensure that coursework completed by a community college student transferring to an integrated program is articulated with the corresponding coursework of the CSU.
- 5) Limits the duration of teacher preparation programs to two years.
- 6) Requires the CTC to develop and implement a program to award grants of up to \$250,000 each to regionally accredited IHEs for the development of transition

- plans to guide the creation of four-year integrated programs of professional preparation, including student teaching.
- 7) Permits an Institute of Higher Education (IHE) awarded a grant to use the transition plan to create a new four-year integrated program of professional preparation or to adapt an existing integrated program of professional preparation to a four-year integrated program of professional preparation.
 - 8) Permits an IHE to use grant funds for any proper purpose in support of planning for a four-year integrated program of professional preparation, including:
 - a) To provide faculty release time to redesign existing courses;
 - b) To provide program coordinators to assist in collaboration with subject-matter professors and pedagogy professors;
 - c) To create summer courses for students in a four-year integrated program of professional preparation; and
 - d) To recruit individuals for participation as students in four-year integrated programs of professional preparation.
 - 9) In awarding grants pursuant to the program, requires the CTC to grant priority to proposals for the establishment of four-year integrated programs of professional preparation designed to do both of the following:
 - a) Produce teachers with either an education specialist instruction credential authorizing the holder to teach special education or a single subject teaching credential in the areas of mathematics or science, or teaching in the area of bilingual education.
 - b) Partner with a CCC to create a four-year integrated program of professional preparation.
 - 10) Requires an IHE to provide to the CTC program and outcome data for at least three years after receiving the grant, including but not limited to program design and features, the number of graduates, the number and type of credentials earned, the time taken to earn a degree and credential.
 - 11) Permits the CTC to use up to \$100,000 to administer the grants, pursuant to Department of Finance approval.

ANALYSIS

This bill:

- 1) Requires the CTC to develop and implement a program to award, on a competitive basis, implementation or expansion grants of up to \$500,000 to regionally accredited institutions of higher education for developing a new integrated program of professional preparation and establishing a new

partnership with California community colleges (CCC) to create four-year integrated programs of professional preparation, with preference for proposals that commit to delivering a ratified articulation agreement, as specified.

- 2) Requires the CTC to conduct outreach to eligible institutions to encourage applications to develop programs in specified shortage areas to support institutions in developing programs in those shortage areas.
- 3) Requires the CTC to award the one-time grants to institutions for proposals to establish new integrated programs of professional preparation that support either of the following:
 - a) Producing teachers in the designated shortage fields of special education, bilingual education, science, computer science, technology, engineering, mathematics, transitional kindergarten, or kindergarten; or
 - b) Partnering with a CCC to create a four-year integrated program of professional preparation in those shortage fields. The CTC shall give preference to proposals that commit to delivering a ratified articulation agreement, as specified.
 - c) Developing integrated programs of professional preparation for the early childhood education specialist credential.
- 4) Authorizes an institution to use the grant funds to create a new, or adapt an existing, four-year integrated program of professional preparation and to use funds in support of implementation or expansion of a four-year integrated program of professional preparation, to:
 - a) Provide faculty release time to redesign existing courses;
 - b) Provide stipends for program coordinators to assist in collaboration with subject-matter professors and pedagogy professors;
 - c) Create summer courses for students in a four-year integrated program of professional preparation; and
 - d) Recruit individuals for participation as students in four-year integrated programs of professional preparation.
- 5) Authorizes an institution to use the grant funds for any purpose that supports the development, implementation, or expansion of an integrated program of professional preparation for the early childhood education specialist credential.
- 6) Requires, as a condition of the receipt of a grant, an institution to provide to the CTC program and outcome data for at least five years after receiving the grant, and to provide assurances of all of the following:
 - a) A commitment to implement a planned integrated program of professional preparation;

- b) A plan for recruitment and retention of candidates in shortage areas in teacher preparation programs, including integrated programs of professional preparation;
 - c) Coordination with existing sources of candidate support, such as the Golden State Teacher Grant Program and other forms of financial aid; and
 - d) Demonstrated commitment to expand enrollment in, and access to, teacher preparation programs, including enrollment in programs of integrated professional preparation.
- 7) Permits an institution that previously received a planning grant or an implementation or expansion grant to apply for a new grant if the institution reports on the implementation timeline and status of the program established with the grant funding previously received and proposes any of the following:
- a) Expansion of integrated program capacity;
 - b) New integrated programs in other credentialing fields; and
 - c) New CCC partnerships.
- 8) Authorizes the CTC to use up to \$100,000 to administer the grant program.
- 9) Requires the CTC to annually report to the appropriate fiscal and policy committees of the Legislature on any grants funded, until funds are fully expended.
- 10) States the intent of the Legislature to appropriate funds for the competitive grant programs and that 40% of the total appropriation for this purpose be designated for planning grants and 60% of the appropriation be designated for implementation or expansion grants.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California is facing a significant teacher shortage that stands to hamper the educational future of our students. The process to become a credentialed teacher is simply too long and burdensome to obtain. Districts up and down the state are clamoring for qualified and well-trained teachers that will support student learning and well-being, particularly in the wake of COVID-19. As California prepares for the largest expansion of public education in recent years through the implementation of universal transitional kindergarten, AB 2401 provides colleges and universities with additional tools to address our overwhelming teacher shortage by establishing and implementing additional integrated teacher preparation programs – particularly in existing shortage fields and in the emerging early childhood education field."

- 2) ***Integrated teacher preparation programs.*** In 1998, SB 2042 (Alpert), Chapter 548, Statutes of 1998, authorized “integrated” programs of teacher preparation, which would allow students working toward their baccalaureate degree to also earn a teaching credential. These programs also became known as blended programs. In addition to offering an efficient route to certification at a time when state incentives to reduce class size in primary grades had created an acute teacher shortage, the authorization of integrated programs was intended to address some of the concerns noted above. At the time this policy was implemented, state funding of \$350,000 in the 1998-99 state budget, and some federal funding, were available to foster integrated programs.

- 3) ***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 LPI report offered several policy recommendations for consideration, including the creation of more innovative pipelines into teaching.

- 4) ***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.

- 5) ***Already weak teaching pipeline further damaged by COVID-19 education disruptions.*** A March 2021 report by the Learning Policy Institute (LPI) raised concerns about the effects of the COVID-19 pandemic on the teacher shortage in California:
- a) Teacher shortages remain a critical problem. Most districts have found teachers to be in short supply, especially for math, science, special education, and bilingual education. Shortages are especially concerning as a return to in-person instruction will require even more teachers to accommodate physical distancing requirements. Most districts are filling hiring needs with teachers on substandard credentials and permits, reflecting a statewide trend of increasing reliance on underprepared teachers.
 - b) Teacher pipeline problems are exacerbated by teacher testing policies and inadequate financial aid for completing preparation. Many districts attributed shortages to having a limited pool of fully credentialed applicants, with more than half reporting that testing requirements and lack of financial support for teacher education pose barriers to entry into teaching.
 - c) Teacher workload and burnout are major concerns. The transition to online and hybrid learning models has had a steep learning curve and poses ongoing challenges that have been a primary contributor to some teachers' decisions to retire earlier than previously planned. With district leaders estimating that teacher workloads have at least doubled, many were concerned that the stressors of managing the challenges of the pandemic on top of the challenges of an increased workload could lead to teacher burnout and increased turnover rates.
 - d) Growing retirements and resignations further reduce supply. In some districts, retirements and resignations are contributing to shortages, while in others, these retirements and resignations offset the need for anticipated layoffs due to expected budget cuts this school year. District leaders anticipate higher retirement rates next year, which could exacerbate teacher shortages.
- 6) ***Governor's Budget proposed, and the Legislature further augmented, a funding increase for this program.*** The Governor's Budget proposal for the 2022-23 fiscal year proposes an additional \$10 million for this program. At the time of this writing, the Legislative Version of the 2022-23 State Budget takes the following action on the Governor's Proposal: "Approve, with an augmentation for a total of \$20 million General Fund, and Trailer Bill Language changes to include program criteria and outreach components to grants to encourage students to participate in the Integrated Teacher Preparation Programs."

Association of California School Administrators
Californians Together
GENup
Los Angeles County Office of Education
The Education Trust - West

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1703 **Hearing Date:** June 15, 2022
Author: Ramos
Version: June 6, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: California Indian Education Act: California Indian Education Task Forces

SUMMARY

This bill establishes the California Indian Education Act and encourages local educational agencies (LEAs) to form California Indian Education Task Forces with California Indian tribes local to their respective regions for purposes of discussing issues of mutual concern and to undertake certain work.

BACKGROUND

Existing law:

- 1) Requires the California Department of Education (CDE), no later than June 1, 2022, in collaboration with, and subject to the approval of, the executive director of the State Board of Education (SBE), to enter into a contract with a county office of education (COE), or a consortium of COEs for the purpose of developing a model curriculum related to Native American studies by September 1, 2025.
- 2) Defines "model curriculum" to mean lesson plans, primary source documents, planning resources, teaching strategies, and professional development activities to assist teachers in teaching about Native American studies.
- 3) Requires that the model curriculum be housed on the platform developed and maintained by the University of California (UC) California History-Social Science Project.
- 4) Requires the designated COE or COEs to work with the California History-Social Science Project and Teaching California to ensure that the model curriculum is accessible and compatible with the platform.
- 5) Requires the COE or COEs to ensure the inclusion of authentic voices and perspectives in the development of the model curriculum, and to provide multiple opportunities for authentic stakeholder engagement across the state.
- 6) Requires the COE or COEs to consult with federally recognized Native American tribes located in California, California Native American tribes, faculty of Native American studies programs at universities and colleges with Native American studies programs, representatives of LEAs, members of the Instructional Quality Commission (IQC), and teachers, including teachers who have relevant

- experiences or education backgrounds in the study and teaching of Native American studies.
- 7) Requires the Governor's Tribal Advisor, the Native American Heritage Commission, and the CDE to assist the COE or COEs in statewide tribal consultations with federally recognized Native American tribes located in California and California Native American tribes.
 - 8) Requires that the model curriculum be written as a guide to allow school districts and charter schools to adapt their related courses to reflect the pupil demographics in their communities, and to include examples of courses offered by local educational agencies that have been approved as meeting the A–G admissions requirements of the University of California and the California State University, including, to the extent possible, course outlines for those courses.
 - 9) Requires that the model curriculum be open source and accessible to educators across the state and include online instructional modules appropriate for use in elementary, middle, and high schools.
 - 10) Authorizes the COE or COEs to subcontract with a nonprofit organization or institution of higher education in the development of the model curriculum.
 - 11) Requires the COE or COEs to submit a report annually, until the completion of the model curriculum, on its progress to the appropriate fiscal and policy committees of the Legislature and to the SBE.
 - 12) Requires, beginning in the school year following the completion of the model curriculum, each school district or charter school maintaining any of grades 9 to 12, inclusive, that does not otherwise offer a standards-based Native American studies curriculum is encouraged to offer to all otherwise qualified pupils a course of study in Native American studies. A school district or charter school that elects to offer a course of study in Native American studies is required to offer the course as an elective in the social sciences or English language arts and shall make the course available in at least one year during a student's enrollment in grades 9 to 12, inclusive.
 - 13) Requires students, commencing with the graduating class of 2029-30, to complete a one semester course in ethnic studies that meets specified requirements, in order to receive a high school diploma, and requires, commencing with the 2025–26 school year, that LEAs and charter schools serving students in grades 9 through 12 offer at least a one-semester course in ethnic studies.
 - 14) Establishes the American Indian Education Centers (AIECs) program to provide community-based educational resource centers to American Indian students, parents, guardians, and public schools in order to promote the academic and cultural achievement of American Indian students. (Education Code (EC) section 33381)

- 15) Authorizes the AIECs, based upon established priority needs, to accomplish the following:
 - a) Improve the academic achievement of American Indian students in kindergarten through grade 12;
 - b) Improve the self-concept and sense of identity of American Indian students and adults;
 - c) Serve as a center for related community activities;
 - d) Provide individual and group counseling to students and adults related to personal adjustment, academic progress, and vocational planning;
 - e) Create and offer coordinated programs with the public schools;
 - f) Provide a focus for summer cultural, recreational, and academic experiences;
 - g) Create and offer adult classes and activities that benefit parents;
 - h) Provide training programs to develop pathways to college and the workplace for American Indian students; and
 - i) Provide American Indian educational resource materials to students, their parents, and the schools they attend in order to ensure appropriate tribal histories and cultures are made available.
- 16) Establishes an American Indian Education Unit within the CDE, to provide technical support to, and proper administrative oversight of, American Indian education programs established by the state in order to ensure that American Indian students in California public schools are able to meet the challenging academic standards of the federal Elementary and Secondary Education Act and that those programs reflect the cultural and educational standards stated in Federal Executive Order No. 13336 relating to American Indian and Alaska Native Education. (EC 33370)
- 17) Requires the SPI to appoint an American Indian Education Unit Manager to oversee the American Indian Education Unit.
- 18) The federal Every Student Succeeds Act (ESSA) requires specified LEAs to consult with appropriate officials from American Indian tribes or tribal organizations approved by the tribes located in the area served by the LEA prior to its submission of a required plan or application for a covered program under the Act. ESSA also requires the consultation to be done in a manner and in a time that provides the opportunity for the appropriate officials from American Indian tribes or tribal organizations to meaningfully and substantively contribute to that plan.

ANALYSIS

This bill:

- 1) Establishes the California Indian Education Act and encourages local educational agencies to form California Indian Education Taskforces with California Indian tribes that are local to their region or tribes historically located in the region.
- 2) Encourages participants of the California Indian Education Taskforce meetings to discuss issues of mutual concern, and are encouraged to work to do all of the following:
 - a) Develop a thorough, shared understanding of accurate, high-quality curricular materials about the history, culture, and government of local tribes, and develop curricular materials for use within LEAs that include tribal experiences and perspectives and each about the history, culture, and government of local tribes.
 - b) Develop a shared understanding of proper or improper instructional material when these materials use depictions of Native Americans.
 - c) Encourage local educational agencies to adopt curriculum developed by the California Indian Education Task Forces, in order to ensure that all pupils learn about the history, culture, government, and experiences of their Indian peers and neighbors, and to ensure that Indian pupils are more engaged and learn more successfully.
 - d) Identify the extent and nature of the achievement gap between Indian students and other students, and identify the strategies necessary to close it.
- 3) Requires the California Indian Education Task Forces to submit, within one year of formation and annually thereafter, a report of findings to the department, including a finding on the process of their work pursuant to the bill.
- 4) Provides that curricular materials developed by the California Indian Education Task Forces may be submitted to the county office education, or consortium of county offices, that has contracted to develop a model curriculum related to Native American studies, pursuant to existing law and that the submitted materials be considered by the county office of education, or consortium of county offices of education for inclusion in the model curriculum.
- 5) Requires that the department, within one year of receiving task force reports, to submit those reports to the Senate Education Committee and the Assembly Education Committee regarding the progress made in the narrowing of the achievement gap, and the identification and adoption of curriculum regarding tribal history, culture, and government. The report must also include information about any obstacles encountered, and any strategies under development to overcome those obstacles.

- 6) Defines, for purposes of this bill, "local educational agency," to mean a school district, county office of education, or charter school.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "California students receive instruction on California State history in both 4th grade and in high school. Native American educational advocates have long expressed concerns that the history taught during these instructional periods is inaccurate or misleading, focusing attention away from the history and contributions of the people native to the State of California.

"Concerns of this kind are regularly expressed about "mission projects" completed by the students during the 3rd and/or 4th grade. The mission era of Spanish occupation was perhaps the most devastating and sensitive period in the history of California's native peoples and the lasting impact of that epoch is lost by the current curriculum.

"California lacks high quality curriculum materials that highlight the history, culture, and government of local tribes. Although California students are instructed in Native American history, grave concerns remain about how this instruction is developed and offered. The existing framework focuses on some major lessons such as the mission diorama, which is still taught at the teacher's discretion. However, this ignores and overlooks the experiences of California Indians before, during and after the mission era and Spanish occupation.

"AB 1703 would help to education people in California about the tribes local to their area. So few people understand the diversity of California's first people. They speak different languages, use different musical instruments, practice different customs and traditions. Few know many tribes were wiped out or almost eliminated during the 1800s."

- 2) **Native American Studies model curriculum development underway.** Current law requires CDE to enter into contracts with county offices of education or a consortium of county offices for the development of a model curriculum in Native American studies by September 1, 2025. It further requires the contractor ensure the inclusion of authentic voices and perspectives in the development of the model curriculum and provided multiple opportunities for authentic stakeholder engagement across the state. Current law requires that the model curriculum be housed on the platform developed and maintained by the UC California History-Social Science Project. Humboldt County Office of Education and San Diego County Office of Education were chosen to develop the model curriculum. The model curricula are guides to allow school districts, charter schools, and county offices for education to adapt their related courses to best meet the educational needs of their communities.

This bill encourages LEA's to create a taskforce with local tribes and encourages taskforce participants to, among other things, develop high quality curricular materials about local tribes for use by LEAs. It also encourages the group to foster a shared understanding of proper or improper instructional materials when

these materials use depictions of Native Americans. This work appears to operate independently from that of model curriculum development and stakeholder engagement efforts required in existing law. This bill, however, provides for some coordination by allowing each task force to submit their curricular materials to the appropriate county office of education for consideration in the Native American Studies model curriculum adopted by the State Board of Education.

3) **Data show an achievement gap between Native American students and their peers.** This bill calls upon taskforce participants to identify the strategies necessary to close the achievement gap between Indian students and other students. Data from the California Department of Education suggest that there is a significant achievement gap between American Indian students and their peers:

- On the 2019 administration of the California Assessment of Student Performance and Progress, (CAASPP) test of English language arts, 38 percent of American Indian/Alaska Native students scored at “met standard” or above, compared to 51 percent of all students.
- On the 2019 administration of the CAASPP test of mathematics, 26 percent of American Indian/Alaska Native students scored at “met standard” or above, compared to 40 percent of all students.
- On the 2013 English language arts test, 47 percent of American Indian/Alaska Native students scored at proficient or higher, compared with 72 percent of white students. On the mathematics assessment, 42 percent scored at this level, compared with 62 percent of white students.
- The graduation rate for the class of 2020 for American Indian/Alaska Native students was 75 percent, compared to 88 percent of white students. American Indian/Alaska Native students had the second lowest graduation rate of any ethnic group and the highest annual dropout rate in 2020 of any ethnic group at 13.7 percent.

Moreover, according to a 2016 report by the American Indian Education Center program, “According to the United States Department of Education, California has the third largest American Indian student population. The number of students who identified as American Indian/Alaska Native in the 2013-14 and 2014-15 school years are 38,616 and 36,755, respectively. These figures account for 0.62% and 0.59% of California’s total student enrollment. The report additionally notes that American Indian students have some of the lowest achievement rates in the state.”

4) **Native Americans in California.** According to the most recent census data, California is home to more people of Native American/Alaska Native heritage than any other state in the Country. There are currently 109 federally recognized Indian tribes in California and several non-federally recognized tribes petitioning for federal recognition through the Bureau of Indian Affairs. Tribes in California currently have nearly 100 separate reservations or Rancherias. This bill

specifically encourages local educational agencies to work with California Indian tribes that are local to their region or tribes historically located in the region.

- 5) **Staffing concerns at CDE.** This bill requires the CDE to submit, within one year of receiving task force reports and annually thereafter, a report to the Legislature regarding the progress made in the narrowing of the achievement gap, and the identification and adoption of curriculum regarding tribal history, culture, and government.

Current law establishes an American Indian Education Unit within the CDE to provide technical assistance and oversight for the AIEC program, led by a manager appointed by the SPI. Current law further requires AIEC continuous reporting to the department that reflects each center's progress toward meeting its objective including pupil academic performance, and meeting the continued educational and cultural needs of the community that the center serves. A consolidated report by the CDE is due every five years with the last report due on January 2021. It's unclear to staff whether a report was submitted. The Assembly Education Committee analysis states, "According to the CDE, prior to the recession and associated budget cuts and categorical program flexibility, the CDE was staffed with a manger and two program staff to oversee the AIEC program. CDE currently supports one education programs consultant position to fulfill the responsibilities required by existing law. In its 2016 report to the Legislature, the CDE recommended the reestablishment of the American Indian Education Unit as created in statute."

- 6) **Prior legislation.** AB 1554 (Ramos, 2022) states the intent of the Legislature to enact future legislation that supports the academic growth and well-being of Native American students in California by expanding the AIECs program, supporting and promoting meaningful and timely consultation between LEAs and tribal governments, and ensuring an adequate level of staffing at the CDE to support LEAs and tribes in supporting Native American students and meeting the requirements of state and federal law. AB 1554 was held in the Assembly Education Committee.
- 7) AB 101 (Medina, Chapter 661, Statutes of 2021) requires students, commencing with the graduating class of 2029-30, to complete a one semester course in ethnic studies that meets specified requirements in order to receive a high school diploma, and requires, commencing with the 2025-26 school year, that LEAs and charter schools serving students in grades 9 through 12 offer at least a one-semester course in ethnic studies.
- 8) SB 911 (Hertzberg, Chapter 490, Statutes of 2016) deleted the January 1, 2017 sunset of the AIEC program.
- 9) AB 1055 (Ramos, Chapter 287, Statutes of 2021) revises the definition of students in foster care for purposes of the Local Control Funding Formula (LCFF) and for purposes of specified educational rights of students in foster care, to include those students subject to a voluntary placement agreement and by

eliminating the requirement that a dependent child of the court of an Indian tribe also meets the definition of a dependent child of a county court.

- 10) ACA 6 (Ramos, 2022) would require that, in all of the public elementary and secondary schools of the state, the social studies curriculum for grades 3, 4, 8, and 11 include significant material on the history and culture of California Native Americans. This measure would require that the SPI ensure that appropriate instructional materials are available to LEAs and to private schools that wish to obtain these instructional materials.
- 11) AB 1962 (Wood, Chapter 748, Statutes of 2018) amended the definition of foster youth for LCFF purposes to include a dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court's jurisdiction in accordance with the tribe's law, provided that the child would also meet one of the descriptions in Section 300 of the Welfare and Institutions Code, describing when a child may be adjudged a dependent child of the juvenile court.
- 12) AB 945 (Ramos, Chapter 285, Statutes of 2021) establishes the Task Force to Study and Develop Best Practices to Protect Student Rights to Wear Traditional Tribal Regalia or Recognized Objects of Religious or Cultural Significance as an Adornment at School Graduation Ceremonies.

SUPPORT

California Charter Schools Association
California State Parent Teacher Association
California Teachers Association
Californians Together
Federated Indians of Graton Rancheria
Habematolel Pomo of Upper Lake
Los Angeles County Board of Supervisors
San Manuel Band of Mission Indians
Soboba Band of Luiseno Indians
State Superintendent of Public Instruction Tony Thurmond

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1731 **Hearing Date:** June 16, 2021
Author: Davies
Version: January 31, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Postsecondary education: Title 38 awards: postsecondary educational institutions: application for approval or renewal.

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

SUMMARY

This bill requires, by January 1, 2024, California State Approving Agency for Veterans Education (CSAAVE) to establish regulations that require postsecondary education institutions desiring to enroll students for federal Title 38 awards to provide the specified information to CSAAVE as part of an application for approval or renewal of its courses for Title 38 award eligibility.

BACKGROUND

- 1) Provides federal educational benefit awards for certain members and veterans of the Armed Forces of the United States. (United States Code Title 38 Section 3001 et al.)
- 2) Establishes that California Department of Veterans Affairs (CalVet) within state government has specified powers and duties relating to veterans, including those relating to education benefits. (Military and Veteran Code (MVC) Section 699.5 et al.)
- 3) Establishes the Title 38 award program, which provides federal financial aid to military veterans under the administration of CSAAVE and requires an institution headquartered or operating in California desiring to enroll students eligible for federal Title 38 awards to apply for approval of its courses to CSAAVE, and authorizes CSAAVE to approve the application of the school when the school and its courses satisfy specified criteria and *any additional reasonable criteria* established by CSAAVE. (Education Code Section 67100 et al.)

ANALYSIS

- 1) Requires by January 1, 2024, California State Approving Agency for Veterans Education to establish regulations that require postsecondary education institutions to provide the following information to CSAAVE as part of an application for approval or renewal:

- a) The institution's cohort default rate.
 - b) Evidence that the institution meets financial responsibility established by CSAAVE.
 - c) Evidence of the institution's accreditation status.
 - d) Whether a student, former student, or public prosecutor has filed a lawsuit against the institutions for fraud, misrepresentation, or deceit within five years before the institution's application for approval or renewal, including both pending and resolved lawsuits.
 - e) If the institution makes an implied or express representation that it prepares students to work in a profession, occupation, rate, or career field requiring licensure or certification by the state, the following information is also required to be disclosed:
 - i) Whether the institution meets all requirements necessary to allow a student to lawfully obtain a state license or certificate.
 - ii) The license or certificate passage rate for each program.
 - iii) An employment market assessment for non-degree programs.
- 2) States that the bill's provisions are severable.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "the bravest and most courageous members of our community are the women and men of the Armed Forces who dedicate their lives to protecting our country. Unfortunately, there are entities and organizations who take advantage of these patriots. Veterans and their families are prime targets for scams and cons by unscrupulous businesses who prey on these individuals for their rightly-earned benefits. It's time for California to crack down on these entities and ensure we have the strongest protections and regulations available to protect against fraud and deceit."
- 2) **Attempts to address deceptive recruitment tactics.** For-profit schools have come under particular scrutiny for practices used to recruit military veterans. In 2013, then California State Attorney General Kamala Harris filed suit against Corinthian Colleges, Inc. (CCI) for false and predatory advertising, intentional misrepresentations to students, securities fraud, and unlawful use of military seals in advertisements. According to the complaint, CCI included official military seals in mailings and on websites. Early this month the U.S. Department of Education announced it will discharge all remaining federal student loans borrowed to attend any campus of Corinthian Colleges Inc. This will result in 560,000 borrowers receiving \$5.8 billion in full federal student loan discharges. Supporters of this bill assert that in part the bill is motivated by the well-documented, funded, and aggressive veteran recruitment practices of some for-profit education businesses. This bill, however, applies to all California public

higher education institutions (i.e. CCC, CSU, and UC) and private postsecondary institutions.

- 3) **About CSAAVE.** The GI Bill, Title 38 of the United States Code, provides for educational awards for eligible active-duty members and veterans of the Armed Forces of the United States. Existing law requires an institution headquartered or operating in California desiring to enroll Title 38 recipients in courses to make application for approval of these courses, in this instance, to the CSAAVE and authorizes CSAAVE to approve the application of the school when the school and its accredited courses satisfy specified criteria.

CSAAVE, housed within CalVet, is federally funded and operates under an annual reimbursement contract with the United States Department of Veterans Affairs (VA). In its role as the approval agency, the primary function of CSAAVE is to review, evaluate and approve quality educational and training programs for veteran's benefits. The programs that can be approved by the CSAAVE are institutions of higher education (colleges and universities), non-degree institutions (vocational and technical schools), apprenticeship or on-the-job training, and licensing and certification exams.

- 4) **Accreditation.** This bill requires higher education institutions to provide evidence of their accreditation status. Accreditation is required to be eligible for federal and state financial aid programs. Accreditation is a method used in this country to generally: (1) assure a minimum standard of quality, (2) provide access to government funding, (3) generate stakeholder support, and (4) facilitate credit transfer for and to educational institutions. Existing state law (EC Section 67102 (c)(3)(A)) already requires degree granting institutions to provide evidence of accreditation of the institution and all degree programs to CSAAVE.
- 5) **Cohort default rate.** The cohort default rate is the percentage of student borrowers who default on their federal student loans within the first three years of graduation. Colleges with a high cohort default rate may lose eligibility for state and financial aid programs. The U.S. Department of Education releases official cohort default rates for each institution once per year. This information is publicly available on the department's website and is accessible to CSAAVE. This bill requires colleges to report their cohort default rate directly to CSAAVE.
- 6) **License passage rates.** This bill requires an institution that prepares students to work in a profession, occupation, trade, or career field requiring licensure or certification by that student to disclose the license and certificate passage rate for each program. Existing state law (EC Section 67102 (c) (2) (B)) requires degree granting and non-degree granting institutions to provide information to CSAAVE on where to access California license examination passage rates of its graduates. Accordingly, CSAAVE has the authority to collect and require institutions to provide license passage rates.
- 7) **Duplicative reporting requirements.** As noted in the Assembly Appropriations Committee analysis, CSU reports that, while some of the required information is already provided to CSAAVE and some is provided to and available to CSAAVE from other agencies (such as the U.S. Department of Education and accrediting

agencies), this bill would establish a redundant reporting requirement. For example, CSAAVE currently requires institutions to submit copies of official documentation issued by an accrediting agency as a condition for school eligibility of federal aid. Additionally, CSAAVE requires institutions to disclose, among other things, any and all material facts regarding regulatory actions pertaining to the current status of the institution to CSAAVE. The bill includes similar provisions related to providing information on lawsuits filed against the institutions. Other school eligibility requirements imposed by the U.S. Department of Education related to the bill include: a) disclosure of job placement and types of employment obtained by graduates of the school's degrees of certificated programs; b) fiscal responsibility standards; c) certificate and degree passage rates; and, d) information about whether completion of a program meets educational requirements for a specific professional license or certification needed for employment in an occupation in a state.

The disclosure requirements imposed by the U.S. Department of Education and that already collected by CSAAVE to safeguard federal financial aid are similar to that of the bill. This measure would essentially require schools to consolidate information available to CSAAVE from other sources (i.e. U.S. Department of Education) for CSAAVE. *The committee may wish to consider whether creating another layer of statutory and/or regulatory authority is necessary.*

SUPPORT

Amvets, Department of California
California Association of County Veterans Service Officers
California Low-income Consumer Coalition
California State Commanders Veterans Council
Center for Public Interest Law/children's Advocacy Institute/university of San Diego
Children's Advocacy Institute
Consumer Federation of California
Consumer Protection Protection Center (CPPC)/ USD School of Law
Housing and Economic Rights Advocates
Iraq and Afghanistan Veterans of America
National Consumer Law Center, INC.
Public Counsel
Public Law Center
Swords 2 Ploughshares
The Institute for College Access and Success
Veterans Education Success
Veterans Legal Clinic
Vietnam Veterans of America, California State Council

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2973 **Hearing Date:** June 15, 2022
Author: Committee on Higher Education
Version: June 8, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Postsecondary education: omnibus bill

SUMMARY

This bill makes non-controversial, technical and conforming changes to various provisions of the Education Code.

BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges (CCC), under the administration of the Board of Governors (BOG) of the CCC, the California State University (CSU), under the administration of the Board of Trustees (BOT) of the CSU, and the University of California (UC), under the administration of the Regents of the UC, as the three segments of public postsecondary education in this state.
- 2) Existing law sets forth the missions and functions of California's public and independent segments of higher education, and details the ways in which their respective institutions are to be differentiated. Existing law specifies that community colleges shall only offer instruction through, but not beyond, the 2nd year of college, and includes in the mission of the community colleges the provision of remedial instruction for those in need of it.
- 3) Effective for academic terms beginning after August 1, 2021, existing law exempts a student enrolled at a campus of the California Community Colleges or the California State University from paying nonresident tuition or any other fee that exclusively applies to nonresident students if the student resides in California, meets the definition of "covered individual" under federal law, and is eligible for education benefits under three specified categories of beneficiaries under the federal GI Bill, as the federal law read on January 5, 2021.
- 4) Provides that the name "California State University" and the names of various campuses of the CSU, and abbreviations of those names, are the property of the state, and prohibits the use of any of these names without the permission of the BOT; a violation of this provision is punishable as a misdemeanor.
- 5) Requires the CSU BOT to ensure that a change in the criteria for admission to a campus of the university complies with specified community notice and consultation requirements, and requires that these community notice and consultation requirements apply to determinations regarding impactation of majors.

- 6) Authorizes the BOG of the CCC may award grants to community college districts with associate degree nursing programs to expand enrollment, reduce program attrition, or both. In order to qualify for these funds, a community college associate degree nursing program must do either of the following:
 - a) Have a program attrition rate, as determined by the Board of Registered Nursing's Annual School Report or the Information Program Data System of the Chancellor's Office of the California Community Colleges, of 15 percent or less for the year prior to before application for funding.
 - b) Commit to implement a comprehensive program of diagnostic assessment, pre-nursing enrollment preparation, and program-based support to enrolled students, as defined in this article.
- 7) Requires the CCC chancellor's office to compile and provide information pursuant to 6) above and report to the Legislature and the Governor by March 1 of each year.

ANALYSIS

This bill:

- 1) Revises the mission of the community colleges to include the provision of instruction and additional learning supports to close learning gaps for those in need of it, and the provision of student support services to facilitate academic success and achievement.
- 2) Replaces the term "remedial," for "pretransfer," and the term "basic skills," for "foundational skills," through the education code and makes other non-substantive and conforming changes to these provisions.
- 3) Adds the Colonel John M. McHugh Tuition Fairness for Survivors Act of 2021 to the list of existing categories of beneficiaries under the Federal GI Bill, thereby exempting a student enrolled at a campus of the CCC or the California State University from paying nonresident tuition or any other fee that exclusively applies to nonresident students.
- 4) Updates the list of campuses of the California State University that are the property of the state to include "California State Polytechnic University, Humboldt" to reflect the recent name change and transition of Humboldt State University.
- 5) Provides that a decision to end additional admission criteria for an impacted program or campus may be implemented without following existing requirements for adopting a change to the admission criteria, provided that the decision is published on the campus internet website, described to community official and local high schools, and submitted to the Chancellor of the CSU for approval.

- 6) Delays, by three months, the date that the CCC Chancellor's Office must provide the specified nursing report to the Legislature and Governor,

STAFF COMMENTS

- 1) **Non-controversial provisions.** This bill is the annual higher education omnibus clean-up bill and proposes technical, non-controversial amendments to existing law.

By tradition, if any affected agency, stakeholder group, the Department of Finance, or any for the four legislative caucuses objects to a provision in the bill or one that is being considered, that particular provisions cannot be included.

- 2) **Rationale for inclusion in the omnibus bill.** This omnibus measure makes several changes to the EDC, below is the rationale for each change:
 - a) *Changes to the CCC Mission.* Section 1 of the bill, proposed by the CCC Chancellor's office (CCCCO), seeks to capture the present day role of the community college system by including the provision of academic support services and the closing of learning gaps as defined functions of the CCC system within its mission. Specifies that closing of learning gaps be provided in the form of concurrent support consistent with current law.
 - b) *Other CCC related changes.* The bill additionally updates the terms "remedial" to "pretransfer" and the term "basic skills," to "foundational skills" throughout the education code and makes technical and clarifying changes consistent with current law.
 - c) *Colonel John M. McHugh Tuition Fairness for Survivors Act of 2021.* Federal law, the Colonel John M. McHugh Tuition Fairness for Survivors Act of 2021, requires that states exempt students using the Dependents' Educational Assistance Program from paying out-of-state tuition. This requirement goes into effect for terms beginning on or after August 1, 2022, and requires adding the Dependents' Educational Assistance Program to the list of benefits that provide the non-resident tuition fee waiver in California.
 - d) *California State Polytechnic University, Humboldt.* The CSU BOT approved Humboldt State University's proposal on January 26, 2022 to become the first polytechnic university in Northern California and the third in the 23-campus system, renaming the campus officially to California State Polytechnic University, Humboldt. The language in Section 12 of AB 2973 codifies this change.
 - e) *Ending impaction at CSU campuses.* Current law, established in AB 2402 (Block, Chapter 262, Statutes of 2010) requires a comprehensive process, including three public hearings, to make any change in impaction designation. This includes changes to discontinue impaction of formerly impacted campuses and programs. Section 13 of the bill would permit impaction to end without following community notice and consultation

requirements, provided that the decision is published on the campus internet website, distributed to community officials and local high schools, and submitted to the Chancellor of the CSU for approval.

- f) *Change in nursing reporting date.* Section 8 of this bill changes the date of nursing reporting requirements from March 1 to July 1 to better align the timeframe when the CCCCO receives data from the Board of Registered Nursing. The CCCCO indicated that it has been a challenge for them to meet the report deadline because they do not receive the necessary data until months after the statutory due date.

SUPPORT

None received.

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1796 **Hearing Date:** June 15, 2022
Author: Choi
Version: March 23, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgallia Ramirez

Subject: Public postsecondary education: reenrollment

SUMMARY

This bill requests the University of California (UC) Regents and requires the California State University (CSU) Trustees to require each campus of their respective systems to grant students the right to reenroll in their baccalaureate degree program after withdrawing or stopping out if the students was in good academic standing with the university.

BACKGROUND

- 1) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services (Article IX, Section (9) (a) of the California Constitution).
- 2) Establishes the Donahoe Higher Education Act and assigns the mission of the UC and the CSU (Education Code (EC) Section 66010, et seq.).
- 3) Stipulates no provision of the Donahoe Higher Education Act shall apply to the UC unless the UC Regents adopts the provision (EC Section 67400).
- 4) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system (EC Section 66606 and 89030 et seq.).
- 5) Expresses the Legislature's intent for the Regents of the UC and the Board of Trustees for the CSU when determining the standards and criteria for undergraduate and graduate admissions to their respective universities to do the following:
 - a) Develop a process which is fair and easily understandable;
 - b) Consider the use of criteria and procedures that allow students to enroll even if they are not deemed eligible due to circumstances beyond their control and when appropriate require the student to make up the deficiency; and,

- c) Consult with California's diverse ethnic and cultural communities (EC Section 66205 (a)).
- 6) Expresses the Legislature's intent for the UC and CSU to enroll a student body, as defined, that meets high academic standards and reflects the cultural, racial, geographic, economic, and social diversity of California (EDC Section 66205 (b)).

ANALYSIS

This bill:

- 1) Requests the University of California Regents and requires the CSU Trustees to require each campus of their respective systems to grant students the right to reenroll in their baccalaureate degree program after withdrawing or stopping out, if the students was in good academic standing with the university.
- 2) Provides that a student may be required to pay any outstanding tuition and fees to be eligible for reenrollment pursuant to the bill.
- 3) Provides that nothing in this bill precludes the CSU and UC from adopting policies requiring a student to submit transcripts and proof of good academic standing if the student enrolled at another college or university after leaving the respective campus.
- 4) Allows CSU and UC for purposes of calculating the student's real graduation time under a graduation initiative to omit the semester or years in which the student was not enrolled in any classes from the student's time to graduation.
- 5) Encourages the CSU and UC to begin outreach programs to students who left campus without completing their baccalaureate degree program beginning with students' closest graduation.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "While attrition rates are on the decline, those who have left the system, face an uphill battle should they wish to continue their degree. The CSU allows students to proactively submit an "Undergraduate planned education leave request" before a leave of absence. The request must be completed by the fourth week of the semester, all current classes must have been dropped and the leave may only be granted for a maximum of two semesters. If the student does not report for their approved term, they must reapply for admissions.

"While most college students drop of the system due to financial issues, every student has their own personal reasons for not completing their degree. Some unfortunately might have family issues, a lack of support or unexpected medical problems that are beyond their control. While graduating rates are important, CSU's and UC's should also recognize the students who have faced hardships. By allowing students the right to reenroll after leaving the system, this is encouraging students to continue pursuing their higher education when the time

is right. The current practice of reenrolling is time-limiting and doesn't account for the students who are faced with unexpected situations.”

- 2) **CSU and UC enrollment trends.** According to the Legislative Analyst's Office (LAO) 2022-23, Overview of the Governor's Higher Education Budget Proposal, in a summary of enrollment trends, all three segments of public higher education segments seeing lower than anticipated enrollment in 2021-22. Largely at California Community Colleges but CSU and UC are also expected to experience declines in 2021-22. CSU resident undergraduate enrollment has generally increased over the past decade, peaking at about 353,000 full-time equivalent (FTE) students in 2020-21. In 2021-22, however, enrollment is declining. CSU is estimating about 13,000 (3.6) fewer resident undergraduate FTE students in 2021-22 than in 2020-21. CSU attributes this decline to the effects of the COVID-19 pandemic, which led to fewer applications from entering freshmen, as well as a smaller pipeline of transfer students due to enrollment declines at CCC. UC estimates 2021-22 resident undergraduate enrollment to be 199,358 students—717 students (0.4 percent) below the level in 2020-21. Though UC saw a drop in summer 2021 enrollment, fall 2021 enrollment increased, which likely will translate into a corresponding increase in the spring 2022 term. It is unclear to committee staff the extent of which student withdrawals have contributed to the declines in enrollment experienced at CSU and UC.
- 3) **Reenrollment practices.** This calls upon UC and CSU to grant students the right to reenroll in their baccalaureate degree program after withdrawing or stopping out, provided that the students were in good academic standing with the university. Neither the CSU nor the UC have a system-wide policy in place for reenrollment to the system. Instead, they have localized campus policies in place for the reenrollment of students who have stopped attending courses of study. Within the CSU system, all campuses engage in outreach efforts to reenroll students who left the campus without completing their degrees. This bill would essentially codify current practices for reenrolling students at CSU. Since UC reenrollment policies have a greater degree of variation by campus and in some cases by major (e.g. STEM majors) related to academic requirements this bill could have a greater impact on UC. *The author may wish to consider working with UC to ensure campuses have some flexibility to request other academic requirements for students wishing to reenroll into a specific major or campus.*
- 4) **Graduation initiatives.** This bill states that for purposes of calculating the student's real graduation time under a graduation initiative, CSU and UC may omit the period that the student was not enrolled from the student's graduation time. Historically, CSU's four-year graduation rate for incoming freshmen was below 20 percent and the two-year graduation rate for transfer students was below 30 percent. To address its low graduation rates, CSU launched the Graduation Initiative 2025 and set a systemwide goal to increase the four-year graduation for first-time freshmen to 40 percent, and the two-year transfer graduation rate to 45 percent by 2025. Currently, the systemwide four-year graduation rate is 33 percent and the two-year graduation rate is 44 percent. Although graduation rates are higher at UC, the system similarly established goals for improvement in this area. UC's system-wide freshmen four-year graduation rate stands at 72 percent systemwide with the goal of reaching 76

percent by 2030. Its transfer 2-year graduation rate is about 63 percent systemwide with the goal of reaching 70 percent by 2030.

SUPPORT

Campaign for College Opportunity

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1810 **Hearing Date:** June 15, 2022
Author: Levine
Version: March 30, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil health: seizure disorders.

Note: This bill has been referred to the Committees on Education and Judiciary. A "do pass" motion should include a referral to the Committee on Judiciary.

SUMMARY

This bill authorizes a trained employee volunteer to administer emergency anti-seizure medication to a pupil upon the request of the parent, requires the development of state standards for the training, and requires the parent to provide specified information to the LEA, including a seizure action plan.

BACKGROUND

Existing law:

Federal law

- 1) The Individuals with Disabilities Education Act (IDEA) governs Individualized Educational Programs (IEPs) and the special education process. IDEA guarantees children with disabilities a FAPE in the least restrictive environment (20 U.S.C § 1400 et seq)
- 2) Section 504 of the Rehabilitation Act of 1973 (504 Plan) provides federal financial assistance to state and local education agencies to guarantee special education and related services to eligible children with disabilities. Requires LEAs to provide Free Appropriate Public Education (FAPE) to each qualified person with a disability who is in the LEA's jurisdiction, regardless of the nature or severity of the person's disability, which includes reasonable accommodations required for the management of chronic medical conditions. (29 U.S.C. § 794)

State law

California Code of Regulations (CCR)

- 3) Pupils may be *assisted* if the pupil's health care provider gives a written statement with specific information, such as the medication the pupil is to take, the dosage, the period of time during which the medication is to be taken, and if the pupil's parent provides a written statement initiating a request to have the medication *administered* to the pupil or to have the pupil otherwise *assisted* in the administration of the medication. (CCR Title 5, § 600)

Education Code (EC)

- 4) Permits each public and private school to designate one or more volunteers to receive initial and annual refresher training, based on specified standards, regarding the storage and emergency use of an epinephrine auto-injector from the school nurse or other qualified person designated by an authorizing physician or surgeon. (EC § 49414(d))
- 5) Requires a LEA or county office of education (COE) to provide emergency epinephrine auto-injectors to school nurses or trained volunteers and allows those individuals to utilize epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. (EC § 49414(a))
- 6) Requires a LEA, COE, or charter school to ensure that each employee who volunteers under this section will be provided defense and indemnification by the LEA, COE, or charter school for any and all civil liability, in accordance with, but not limited to, as specified in Government Code. (EC § 49414(j) and 49414.7(i))
- 7) Authorizes each public and private elementary and secondary school in the state to voluntarily determine, as specified, whether or not to make emergency epinephrine auto-injectors and trained personnel available at its school. (EC § 49414(c))
- 8) Requires the State Superintendent of Public Instruction Superintendent (SSPI) to review, every five years, or sooner as deemed necessary by the SSPI, standards of training for the administration of epinephrine auto-injectors (EC § 49414(e)(1) – (3))

Business and Professionals Code (BPC)

- 9) The Nursing Practice Act sets forth the scope of practice for nursing, which specifically includes the administration of medication, and prohibits any person from engaging in the practice of nursing without a license. (BPC § 2725 and 2732)

ANALYSIS

This bill authorizes a trained employee volunteer to administer emergency anti-seizure medication to a pupil upon the request of the parent, requires the development of state standards for the training, and requires the parent to provide specified information to the LEA, including a seizure action plan. Specially, this bill:

General Provisions

- 1) Authorizes a school or LEA, upon receipt of a request from the pupil's parent or guardian, to designate one or more volunteers at the pupil's school to receive initial and annual refresher training, based on the standards developed as specified by the State Superintendent of Public Instruction (SSPI) regarding the emergency use of anti-seizure medication from the school nurse or other qualified person designated by an authorizing physician and surgeon if a pupil diagnosed with

seizures, a seizure disorder, or epilepsy has been prescribed an emergency anti-seizure medication by the pupil's health care provider.

- 2) Specifies there shall be no retaliation against any individual who chooses not to volunteer or who rescinds the individual's offer to volunteer, including after receiving training.
- 3) Authorizes an employee who volunteers to provide emergency anti-seizure medication to rescind their offer to administer emergency anti-seizure medication at any time, including after receiving training.
- 4) Authorizes a volunteer who is designated to administer emergency anti-seizure medication and has received training to administer emergency anti-seizure medication to a pupil diagnosed with seizures, a seizure disorder, or epilepsy if the pupil is suffering from a seizure, if a school nurse is not onsite or available or if the school does not have a school nurse.
- 5) Requires an LEA or school, upon receipt of a parent or guardian's request for a trained school employee to administer emergency anti-seizure medication, to distribute a notice at least once but no more than two times per school year to all staff if a trained employee volunteers to administer emergency anti-seizure medication.
- 6) Requires the notice to include specified information relative to the training of the volunteer
- 7) Specifies if a volunteer rescinds their offer to volunteer or is no longer able to act as a volunteer for any reason, or if the placement of a pupil changes and the pupil no longer has access to a trained volunteer, an additional two notices per school year may be distributed to all staff.
- 8) Requires the LEA, upon receipt of a parent or guardian's request for a trained school employee to administer emergency anti-seizure medication, to shall notify the parent or guardian that their child may qualify for services or accommodations such as a 504 Plan and IEP and shall assist the parent or guardian with the exploration of that option.
- 9) Requires an LEA to notify the pupil's parent or guardian of the pupil's right to be assessed for services and accommodations such as a 504 plan and IEP if there are no volunteers at the pupil's school to administer emergency anti-seizure medication.
- 10) Clarifies that the Seizure Safe Schools Act shall not be construed to preclude the negotiation by collective bargaining of additional compensation for volunteers.

Training Materials from California Department of Education

- 11) Requires the SPI to establish minimum standards of training to recognize and respond to seizures, including training for the administration of emergency anti-seizure medication on or before July 1, 2023 and to review the minimum standards

of training for the administration of emergency anti-seizure medication every five years, or sooner as deemed necessary.

- 12) Requires the SPI to develop minimum standards of training in consultation with organizations and providers with expertise in epilepsy and administering emergency anti-seizure medication and administering medication in a school environment including, but not limited to the Epilepsy Foundation, Epilepsy Foundations in California, The California School Nurses Organization, The California Medical Association, and the American Academy of Pediatrics.
- 13) Requires the SPI, in consultation with appropriate stakeholders, to include in the minimum standards of training recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to those symptoms, administration, or assisting with the self-administration of, an emergency anti-seizure medication, or a medication or therapy prescribed to treat the symptoms of seizures, seizure disorders, or epilepsy, basic emergency follow-up procedures, and written materials
- 14) Clarifies training administering emergency anti-seizure medication shall be consistent with the most recent guidelines for medication administration issued by CDE and that training shall be provided to the volunteer at no cost to the volunteer and during the volunteer's regular working hours.
- 15) Requires CDE to include on its internet website a clearinghouse for best practices in training nonmedical personnel to administer emergency anti-seizure medication and for schools to retain the written information provided by CDE.

Seizure Action Plan

- 16) Requires an LEA to obtain from the pupil's parent or guardian a seizure action plan before administering emergency anti-seizure medication or therapy prescribed to treat seizures in a pupil diagnosed with seizures, a seizure disorder, or epilepsy. The seizure action plan must, among other things, include specified parental consent and a statement from the pupil's physician with specified information related to the medication, its frequency, and method of administration:
- 17) Requires the school administrator or their designee to notify the school nurse assigned to the school or LEA if an employee at the schoolsite administers an emergency anti-seizure medication.
- 18) Requires the school administrator or their designee to notify the SSPI of the LEA, the county superintendent of schools, or the charter school administrator or their designees as appropriate, when an employee at the school administers an emergency anti-seizure medication if a school nurse is not assigned to the LEA.
- 19) Requires the school nurse assigned to the school or a nurse from LEA shall collaborate with the parent or guardian of each pupil diagnosed with seizures, a seizure disorder, or epilepsy to create a seizure action plan if the pupil does not have a 504 Plan or IEP.

- 20) Clarifies, a pupil's parent or guardian written consent shall distributed to any school personnel or volunteers responsible for the supervision or care of that pupil.
- 21) Requires the school nurse or a school administrator to store the notice and seizure action plan in compliance with all applicable state and federal privacy laws.
- 22) Requires emergency anti-seizure medication or medication prescribed to a pupil to treat the pupil's seizures, a seizure disorder, or epilepsy symptoms to be provided to the school with the label affixed by the dispensing pharmacy intact.

Protections for School Employees Who Volunteer

- 23) Requires that an LEA that designates volunteers ensure that each employee who volunteers will be provided defense and indemnification by the LEA for any and all civil liability.
- 24) Protects a volunteer who administers emergency anti-seizure medication or medication prescribed for seizure disorder symptoms in compliance with this article, in good faith and not for compensation, to a pupil diagnosed with seizures, a seizure disorder, or epilepsy who appears to be experiencing a seizure from being subject to professional review, be liable in a civil action, or be subject to criminal prosecution for the person's acts or omissions in administering the emergency anti-seizure medication
- 25) Clarifies any public employee who volunteers to administer emergency anti-seizure medication is not providing emergency medical care for compensation, notwithstanding the fact that the employee is a paid public employee.

Definitions

- 26) "Authorizing physician and surgeon" to mean may include, but is not limited to, a physician and surgeon employed by, or contracted with, an LEA, a medical director of the local health department, or a local emergency medical services director.
- 27) "Local educational agency" to mean a local education agency, county office of education, or charter school.
- 28) "School" means a public school maintained by a LEA or COE, or a charter school.
- 29) "Seizure action plan" means a written, individualized health plan designed to acknowledge and prepare for the health care needs of a pupil diagnosed with seizures, a seizure disorder, or epilepsy.
- 30) "Volunteer" means an employee who (1) has volunteered to administer emergency anti-seizure medication to a pupil diagnosed with seizures, a seizure disorder, or epilepsy if the pupil is suffering from a seizure, (2) has been designated by a school or LEA, and (3) has received training as specified by the SSPI.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Seizures are unpredictable and can occur at any time—including during school hours. While school nurses are trained to administer medication, school nurses may not be onsite or available when one occurs. In 2013, the California Supreme Court ruled that non-medical school employees could administer anti-seizure medication to students suffering from seizures. It is important that those who are supervising a child with epilepsy have the opportunity to be trained properly to recognize and, if necessary, to respond to a seizure and help the child. AB 1810 (Levine) would establish the Seizure Safe Schools Act to allow schools to designate one or more volunteers to receive initial and annual refresher training for the emergency use of anti-seizure medication for a pupil diagnosed with seizures, a seizure disorder, or epilepsy, if the pupil is suffering from a seizure.”
- 2) ***California American Nurses Assoc. v. Torlakson, (2008).*** The Supreme Court held that, as with other prescription medications, state law permits trained, unlicensed school personnel to administer insulin to students where a physician has determined that unlicensed school personnel may safely and appropriately deliver the medication.
- 3) ***The provisions of SB 161 (Huff; 2011) expired 2017.*** SB 161 (Chapter 560; Statutes of 2011) added to Education Code 49414.7 which authorized LEAs to train non-medical school employees, who volunteer, to administer emergency anti-seizure medication to students with epilepsy.

Schools electing to participate were required to develop a school plan including the identification of staff to be trained, pupils who may require anti-seizure medication, authorization from the parent, and written instructions from the pupil’s healthcare provider. The measure also authorized, but did not require, schools to prepare an individualized health plan or seizure action plan to prepare for the child’s health care needs in school. The CDE was required to develop guidelines for the training and supervision of employees under these provisions and to post this information on its website. This statute also contained significant protections for employee volunteers to avoid coercion by school administrators, as well as protections from civil liability.

This bill essentially reinstates the authority for trained non-medical school employees to administer anti-seizure medication. The CDE has maintained information and guidelines on the administration of seizure rescue medications, and other considerations for schools dealing with a pupil with a seizure disorder despite the provision of SB 161 ending in 2017. The provision of this bill require CDE to update that information.

- 4) ***Current anti-seizure medication and devices.*** According to the sponsors (Epilepsy Foundation) “There are many different medicines that can prevent or stop seizures. These are sometimes called anti-seizure medications, anti-epileptic drugs, or anti-seizure drugs. They will successfully control seizures for about 7 out of 10 people with epilepsy. Some medicines tend to work better for certain kinds of seizures than for others. If one medicine fails, another may work better. A combination of medications may be tried too.” This may include devices such as the Vagus Nerve Stimulation, Responsive Neurostimulation, and Deep Brain

Stimulation. (All FDA approved). "Emergency anti-seizure medications have been approved by the FDA to be given outside of hospital settings by parents and non-medical caregivers. Administration of these medications may be oral, sublingual, buccal, rectal or intranasal. As of 2022, current medications approved by the FDA for these purposes include diazepam (nasal, rectal), midazolam (nasal, buccal), and clonazepam (oral)."

- 5) **504 plans.** Section 504 of the federal Rehabilitation Act of 1973 requires school districts to provide a free appropriate public education to each qualified pupil, regardless of the nature or severity of the disability, which includes reasonable accommodations required for the management of chronic medical conditions. A "504 plan" differs from an individualized education program (IEP) in that an IEP provides for specialized instruction while a 504 plan provides for accommodation due to a physical or mental impairment that does not require specialized instruction. Currently, a pupil with a history of experiencing a seizure could have a 504 plan that requires a licensed health practitioner be on site to administer emergency medication, if necessary. If this bill were to become law, a 504 plan that calls for a non-medical school employee to administer emergency medication would supersede the Nursing Practices Act.
- 6) **Liability and defense of school employees who volunteer to provide emergency medication to pupils experiencing epilepsy** Government Code Section 995 requires public entities to provide a legal defense for employees (upon request of the employee) in civil actions when the action is brought in the employee's official or individual capacity on account of an act or omission in the scope of their employment. Government Code Section 995.2 authorizes a public entity to refuse to provide for the defense of a civil action if the act or omission was not within the scope of employment. Government Code Section 995.8 states that a public entity is not required to provide for the defense of a criminal action, but may do so if the criminal action is brought on account of an act or omission in the scope of employment and the public entity determines that such defense would be in the best interests of the public entity and that the employee acted, or failed to act, in good faith without actual malice and in the apparent interests of the public entity. This bill is double referred to Judiciary for consideration of provision regarding defense and immunity for school employees who volunteer.
- 7) **Related legislation. SB 161 (Huff), Chapter 560, Statutes of 2011**, allowed LEAs, COEs, or charter schools to participate in a program to train nonmedical school employees who volunteer to administer emergency anti-seizure medication to students with epilepsy.

AB 2116 (Levine) of the 2019-20 Session. This bill would, commencing January 1, 2022, require the governing board or governing body of a LEAs, as defined, to have at each school under its jurisdiction at least one school employee who has received specified training relating to seizure recognition, treatment, and response. *This bill was held in Assembly Education Committee.*

SB 1051 (Huff) of the 2009-10 Session would have authorized a LEA, until January 1, 2016, to provide non-licensed school employees with voluntary training for the provision of emergency medical assistance to a pupil suffering from an

epileptic seizure, in the absence of licensed personnel. *This bill was held in Senate Appropriation Committee.*

SUPPORT

Epilepsy Foundation Los Angeles (Sponsor)
American Academy of Pediatrics, California
Association of Regional Center Agencies
California Chronic Care Coalition
California Life Sciences
California Neurology Society
California School Nurse Organization
National Association of Pediatric Nurse Practitioners (NAPNAP)

OPPOSITION

California Nurses Association

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1867 **Hearing Date:** June 15, 2022
Author: Lee
Version: April 19, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: School facilities: modernization projects: bathrooms.

SUMMARY

This bill requires the governing board of a school district intending to seek state funding for specified school modernization projects to include, as part of the project, faucet aerators and water-conserving plumbing fixtures in all bathrooms.

BACKGROUND

Existing law:

- 1) Specifies the duties of a governing board of a school district and gives authority to the governing board to enter into contracts, establish funds, and make payments for the purpose of maintaining property.
- 2) Requires, under the Leroy F. Greene School Facilities Act of 1998, the State Allocation Board (SAB) to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.
- 3) Requires the Division of the State Architect (DSA), under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of, or addition to, any school building to ensure that plans and specifications comply with existing law and Title 24 regulations (California Building Standards Code).
- 4) Requires, on and after July 1, 2011, all new construction projects submitted to the DSA to include locks that allow doors to classrooms and any room with an occupancy of five or more persons to be locked from the inside. Requires the locks to conform to the specifications and requirements set forth in Title 24 regulations. Exempts doors that are locked from the outside at all times and pupil restrooms from the requirement.
- 5) Requires the governing board of a school district seeking state school facilities bond funds for a modernization project and submitted to the DSA for approval on or after January 1, 2019, to include, as part of a modernization project, locks that allow doors to classrooms and any room with an occupancy of five or more persons to be locked from the inside of the room.

- 6) Requires building alterations or improvements to single-family residential and multifamily residential real property to replace all noncompliant plumbing fixtures with water-conserving plumbing fixtures. Defines “noncompliant plumbing fixtures” as the following:
 - a) Any toilet manufactured to use more than 1.6 gallons of water per flush;
 - b) Any urinal manufactured to use more than one gallon of water per flush;
 - c) Any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute; and
 - d) Any interior faucet that emits more than 2.2 gallons of water per minute.
- 7) Defines “water-conserving plumbing fixture” as any fixture that is in compliance with current building standards applicable to a newly constructed real property of the same type.

ANALYSIS

This bill:

- 1) Requires faucet aerators and water-conserving plumbing fixtures in all bathrooms for modernization projects for school facilities that were constructed before January 1, 2012.
- 2) Provides that the requirements of the bill apply to the following:
 - a) Projects submitted to the Division of the State Architect (DSA) three months after voters approve a statewide general obligation (GO) bond that provides funds for school facilities for kindergarten or any of grades 1 to 12, inclusive, at a statewide election occurring after November 1, 2022.
 - b) Projects that propose to repair or make alterations to the interior of a school building and do not apply to projects that only propose to repair or make alterations to the exterior of a school building, the school grounds, or the playing fields of a school.
- 3) States that bathrooms that already contain both faucet aerators and water-conserving plumbing fixtures at the time a modernization project is submitted to DSA are not subject to this requirement.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “AB 1867 establishes parity between modernization and new construction requirements in the state School Facility Program to ensure school bathrooms are up to code to help us address water efficiency and conservation. The bill requires the governing board of a school district, if they apply for state funding pursuant to the Greene Act for a school modernization project on a school constructed before Jan. 1, 2012, to meet the

same standards established in the CALGreen code. This will help the State of California address our worsening climate crisis by prioritizing water efficient fixtures in our school facilities when they are being modernized.”

- 2) **Background on the School Facility Program (SFP).** The construction and rehabilitation of public K-12 facilities are funded by a combination of state and local general obligation (GO) bonds, developer's fees and, local assessments such as Mello-Roos community facilities districts. State bond funds are allocated pursuant to the SFP and administered by the Office of Public School Construction under the direction of the SAB, a ten member body comprised of the Department of Finance, the Director of the Department of General Services, the State Superintendent of Public Instruction, three Senators, three Assemblymembers, and a Governor's appointee. Under the SFP, the New Construction program requires a 50% local match, unless the school district qualifies for financial hardship, which pays up to 100% of project costs. Modernization funds are awarded at 60% with a 40% match. Since the inception of the SFP in 1998, voters have approved \$54 billion in state GO bonds for K-12 schools.

The last bond passed by voters, Proposition 51 on the November 2016 statewide ballot, provided \$9 billion for K-12 and California Community Colleges facilities. While the full amount of the bond has not been sold, there is a total of \$3.3 billion in applications submitted without funding authority. Of that amount, \$1.94 billion are from applications for modernization funding.

- 3) **DSA Review and Title 24 Regulations.** The SFP requires a school district seeking state bond funds to receive approval from the California Department of Education (CDE), to ensure that the selected site and school specifications are safe and meet the school's education plan; and the DSA, to ensure that the architectural design plans meet fire, life and safety requirements, Field Act requirements, and access requirements under the Americans with Disability Act pursuant to Title 24 of the California Code of Regulations.

The California Green Standards Code (CALGREEN) is one part of Title 24 and was first adopted by the Building Standards Commission in 2009. CALGREEN establishes regulations for energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality, and applies to residential, commercial and public school buildings. All new school construction design plans submitted to the DSA after July 1, 2011 must comply with CALGREEN. CALGREEN does not currently apply to existing buildings.

This bill requires a school district seeking state bond funds from the proceeds of a GO bond passed by the voters after November 1, 2022, for a project to repair or make alterations to the inside of a school building constructed prior to January 1, 2012, to include in the project faucet aerators and water-conserving plumbing fixtures if they meet the standards defined as "noncompliant plumbing fixture" in the Civil Code. Bathroom facilities that already have faucet aerators and water-conserving plumbing fixtures at the time projects are submitted to the DSA for approval are exempted from the requirement. The CDE estimates that

approximately 30% of the state's K-12 school buildings are at least 50 years old and 10% are 70 years old.

- 4) **Arguments in support.** The California Association of Student Councils writes, "Droughts are becoming more frequent, intense, and long lasting. This results in more difficulty managing our water systems throughout California. The CALGreen Code's purpose is to reduce negative environmental impacts and promote sustainable infrastructure to conserve water and increase resilience. Low-flow plumbing fixtures and appliances reduce per-capita water usage in most urban areas. We must safeguard our water supply and ensure that all school facilities meet the standards set forth in the CALGreen Code as we prepare for intensified droughts."
- 5) **Arguments in opposition.** The County School Facilities Consortium writes, "AB 1867 would require that the finite grant schools and [county offices of education] receive for modernization projects be used for a specific purpose, without increasing the amount of funding that schools receive from the state. Schools would be required to add faucet aerators and replace plumbing fixtures, even if their project was not originally intended to renovate the restroom facilities. A school planning to use its modernization grant for important building systems, such as roofing or HVAC replacement, would now be required to upgrade its restrooms, even if the planned project did not include restrooms. We are concerned that the restroom fixture replacement could trigger other much more costly upgrades, including access compliance and path of travel. This could make it cost prohibitive to complete the original project, especially for COEs and other Financial Hardship districts that do not have sufficient local funds to cover such increased costs."
- 6) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill could create annual state school construction bond cost pressure, likely in the low millions of dollars, to install faucet aerators and water-conserving plumbing fixtures. The cost would depend on the number of schools receiving modernization funding and the size of the bathrooms in those schools. As of March 31, 2022, there were nearly 700 applications for modernization funding pending with the State Allocation Board. Assuming 20 aerators at a cost of \$1.00 each, 10 water-conserving urinals at a cost of \$300 each, and 20 water-conserving toilets at a cost of \$350 each the total cost would be \$10,020, or about \$7 million for 700 projects.

SUPPORT

California Association of Student Councils
California Pipe Trades Council
Los Angeles County Office of Education

OPPOSITION

None received

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1868 **Hearing Date:** June 15, 2022
Author: Luz Rivas
Version: April 18, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: School accountability: English language acquisition status: data.

SUMMARY

This bill requires the California Department of Education (CDE) to annually report on its website specified data on English learners (ELs), including enrollment data by English language acquisition status and disability and specified student performance and outcome data by English language acquisition status.

BACKGROUND

Existing law:

- 1) Defines a "Long-term English learner" (LTEL) as a student who is (1) enrolled in any of grades 6 to 12; (2) has been enrolled in schools in the United States for six years or more; (3) has remained at the same English language proficiency level for two or more consecutive prior years, or has regressed to a lower English language proficiency level, as determined by the English language development (ELD) test, or a score determined by the Superintendent of Public Instruction (SPI) on any successor test; and (4) for a student in any of grades 6 to 9, has scored far below basic or below basic on the prior year's English language arts (ELA) test, or a score determined by the SPI on any successor test.
- 2) Defines an "English-learner at risk of becoming a long-term English learner" (ARLTEL) as a student who is (1) enrolled in any of grades 3 to 12; (2) has been enrolled in schools in the United States for four to five years; (3) has scored at the intermediate level or below on the prior year's ELD test, or a score determined by the SPI on any successor test, and (4) for a student in any of grades 3 to 9, inclusive, has scored in the fourth or fifth year at the below basic or far below basic level on the prior year's ELA test, or a score determined by the SPI on any successor test.
- 3) Requires that the CDE annually ascertain and report the number of students who are LTELs and ARLTELs and to provide this information to districts and schools, and requires that each school district with ELs annually assess these students' ELD until they are redesignated as reclassified fluent English proficient pupil (RFEP).
- 4) Through the federal Individuals with Disabilities Education Act (IDEA), requires that a free appropriate public education (FAPE) be made available to individuals with exceptional needs, and establishes thirteen categories of disability.

- 5) Requires the CDE to develop a manual providing guidance to LEAs on identifying and supporting ELs with disabilities.

ANALYSIS

This bill:

- 1) Requires the CDE to publicly report on an annual basis on its website, or a successor system, enrollment data by English language acquisition status and disability, including reporting on thirteen disability categories, as specified.
- 2) Requires the CDE to annually include a report that allows users of its website to view data by English language acquisition status for all of the following subjects:
 - a) Assessment data, including California Assessment of Student Performance and Progress (CASPP) test results and English Language Proficiency Assessments for California (ELPAC);
 - b) Enrollment data, including annual enrollment data, EL data, and foster pupil data;
 - c) Graduation and dropout data, including four-year cohort graduation rates and outcomes, five-year cohort graduation rates, one-year graduation data, and one-year dropout data;
 - d) Postsecondary enrollment data, including college-going rates;
 - e) School climate data, including suspension and expulsion data, absenteeism data, and stability rates; and
 - f) Other reports, including free and reduced-price meals.
- 3) Defines "English language acquisition status" for purposes of this requirement to include, but not be limited to, separately reporting data for:
 - a) LTELs;
 - b) ARLTELs;
 - c) ELs; and
 - d) Reclassified fluent English proficient pupils (RFEPs).

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "To ensure that our English learner students do not get left behind, AB 1868 will allow the state to better serve our students with highest needs. Specifically, by requiring the CDE to further separate achievement, enrollment, and other outcomes for long-term English

learners and students at risk of becoming long-term English learners. With these newly established strategies and reporting standards for California's LTELs, the state can intervene at precisely the right moment to strengthen our bilingual students' language capabilities and prepare them for future academic success."

- 2) **Long Term English Learners.** This bill requires that academic and other specified data for ELs be disaggregated by LTEL, ARLTEL, EL, and RFEP language acquisition status.

Current law defines an LTEL as a student who is 1) enrolled in any of grades 6 to 12; 2) has been enrolled in schools in the United States for six years or more; 3) has remained at the same English language proficiency level for two or more consecutive prior years, or has regressed to a lower English language proficiency level; and 4) for a student in any of grades 6 to 9, has scored far below basic or below basic on the prior year's ELA test.

Current law defines an ARLTEL as a student who is 1) enrolled in any of grades 3 to 12; 2) has been enrolled in schools in the United States for four to five years; 3) has scored at the intermediate level or below on the prior year's ELD test; and 4) for a student in any of grades 3 to 9, inclusive, has scored in the fourth or fifth year at the below basic or far below basic level on the prior year's ELA test.

Current law also requires that the CDE annually ascertain and report the number of students who are LTELs and ARLTELs and to provide this information to districts and schools, and requires that each school district with English learners annually assess these students' English language development until they are redesignated as English proficient. Overall, 18% of ELs were LTELs in the 2019-20 academic year. The proportion of ELs who are LTELs increases by grade level, so that by the 12th grade, 60% of ELs were LTELs in the 2019-20 academic year.

The state does not disaggregate data for LTELs or ARLTELs, so it is not possible to represent the academic achievement and other indicators for these groups of students. This bill seeks to require that this information be provided by the CDE.

- 3) **English learners with disabilities.** This bill requires that specified academic and other outcomes be disaggregated for ELs, LTELs, ARLTELs and RFEP students by the disability categories specified in the federal IDEA.

The inappropriate identification of English learners for special education has been a concern since at least the 1960's, and has been the subject of numerous reports, court cases, and policy initiatives. Research points to a number of problems relating to the difficulty distinguishing between language learning and disability, reclassification, intervention, referral, assessment, and appropriate instruction.

- 4) **No publicly available state data on outcomes by disability.** This bill would require the CDE to publish data about specified groups of ELs, disaggregated by disability group. While the CDE collects data on the progress of students with disabilities in English language arts in grades 3 - 8 and 11, this data is reported

as the performance of all students with disabilities, with no disaggregation by disability. As a result, it is not possible to examine the language development of any subgroup of students with disabilities (such as those who are visually impaired or on the Autism spectrum) or view trends over time to measure the impact of policy and programmatic changes.

- 5) **Arguments in support.** Californians Together writes, "The current accountability system combines Reclassified Fluent English Proficient (RFEPs) and EL students into a single EL indicator. This makes it difficult to distinguish ELs, LTELs, and RFEPs. The need to support ELs, LTELs, and RFEPs is masked. This is most problematic in grades 6-12 since there are many more RFEPs than ELs in these grades, making LTELs invisible...This bill will also allow us to see the breakdown of special education data by English language status and type of disability. Lastly, we will be able to see achievement, enrollment, and other outcomes by LTELs and students at risk of becoming an LTEL."
- 6) **Author amendments to address CDE implementation concerns.** The CDE has expressed concerns that this bill, as currently drafted, will be impossible to implement. Specifically, the existing statutory definitions of LTEL and ARLTEL rely on assessment criteria, resulting in LEAs being dependent on CDE for identification. As a result, LEAs have difficulty in identifying those EL students who have transferred from another LEA. The CDE has to provide LEAs with a student-level file on those EL students who have met the State LTEL and ARLTEL definition. This file ensures LEAs are able to identify their LTEL students and provide services, as needed; however, due to delays in obtaining the assessment data and processing it to make LTEL determinations, CDE is unable to provide the data to LEAs in time for them to make good use of the information.

To address CDE's implementation concerns, the author requests to amend this bill to strike the requirement for CDE to annually report the following data by English language acquisition status:

- a) Enrollment data, including annual enrollment data, English learner data, and foster pupil data.
- b) Graduation and dropout data, including four-year cohort graduation rates and outcomes, five-year cohort graduation rates, one-year graduation data, and one-year dropout data.
- c) Postsecondary enrollment data, including college-going rates.
- d) School climate data, including suspension and expulsion data, absenteeism data, and stability rates.
- e) Other reports, including free and reduced-price meals.

SUPPORT

California Association for Bilingual Education (co-sponsor)

Californians Together (co-sponsor)
California Association of Teachers of English to Speakers of Other Languages
Center for Equity for English Learners, Loyola Marymount University
Parent Institute for Quality Education
Parent Organization Network
Sobrato Early Academic Language
The Children's Partnership
The Education Trust West
UnidosUS
One individual

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1913 **Hearing Date:** June 15, 2022
Author: Bryan
Version: June 6, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgallia Ramirez

Subject: Los Angeles Community College District: California Center for Climate Change Education

SUMMARY

This bill establishes the California Center for Climate Change Education for the purpose of promoting climate change education at the California Community Colleges and to establish hands-on learning opportunities for community college students.

BACKGROUND

Existing law:

- 1) Differentiates the mission and functions of public and independent institutions of higher education. Under these provisions, the mission and function of the California Community Colleges (CCC) is the offering of academic and vocational instruction at the lower division level, and the CCC is authorized to grant the Associate in Arts and the Associate in Science degrees. The community colleges are also required to offer remedial instruction, English as a Second Language instruction, and adult noncredit instruction, and support services which help students succeed at the postsecondary level. The community colleges may conduct institutional research concerning student learning and retention as is needed to facilitate their educational missions. (EC § 66010.4)
- 2) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (Education Code (EC) § 70900).
- 3) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified (EC § 70902).
- 4) Authorizes the Regents of the University of California (UC) to establish the California-China Climate Institute in partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University and other entities and institutions in China and California (EC § 92687).

ANALYSIS

This bill:

- 1) Establishes the California Center for Climate Change Education in the Los Angeles Community College District (LACCD) to be located at West Los Angeles College.
- 2) Provides that it is the mission of the center to promote climate change education at the CCCs and establish opportunities for students to engage in hands-on internships and other learning opportunities, and requires the center to do the following:
 - a) Serve as a resource for community colleges on climate change education with the understanding that at its core, climate change is a global issue of equity and social justice.
 - b) Build a clear climate change pathway that leads to appropriate certificates, degrees, and employment opportunities.
 - c) Enhance partnerships with nonprofit organizations that encourage the development of student internships and work based learning opportunities.
 - d) Explore and expand internships, pre-apprenticeships, apprenticeships, and other work based learning opportunities in equity, environmental justice, and green jobs sectors.
 - e) Partner with local and regional entities to support the workforce training needed in the greening of the energy grid and other industries.
 - f) Develop and sustain annual urban climate change and sustainability conference.
- 3) Requires, in the development of a clear climate change pathway, the center to consult with relevant faculty and administrative groups of the CCCs, the California State University, and the University of California, including, but not limited to, the Academic Senates of the California Community Colleges, the California State University, and the University of California and the Intersegmental Committee of the Academic Senates.
- 4) Appropriates \$5 million from the General Fund for the development and initial operations of the center to be used for any of the following purposes:
 - a) Developing curricula related to climate change education for community colleges.
 - b) Establishing opportunities for students to engage in hands-on internships and other learning opportunities.
 - c) Hiring staff to develop the center.

- 5) Requires, by January 1, 2027, the LACCD to prepare a summary report that includes an evaluation of the center and an accounting of how funds were used to accomplish its mission.
- 6) Makes legislative findings and declarations relative to the unique circumstances of LACCD to condition a special law that cannot be made applicable as a general statute defined by the California Constitution.
- 7) Establishes, that if the Commission on State Mandates determines that this bill contains costs mandated by the state, the state shall reimburse the applicable entities.
- 8) Makes various findings and declarations on behalf of the Legislature pertaining to climate change.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Community colleges are powering California's dynamic economic growth through job training and workforce development. Yet, there is currently no program at California's community colleges designed to address the impacts of climate change. As our state works toward a future of clean, renewable energy, we need to ensure that we are training the needed workforce in the clean energy industry and that the current workers in the oil and gas industries have pathways for retraining and reskilling for jobs of the future."
- 2) **CCC Mission.** The Master Plan for Higher Education and state statute, differentiate the mission and functions of public institutions of higher education, UC is designated as the primary state-supported academic agency for research. Accordingly, the legislature creates and funds a number of research initiatives at UC to address statewide issues. The CCCs are designated to bear the most extensive responsibility for lower-division undergraduate instruction. Its three primary areas of mission include education leading to associate degrees and university transfer, career technical education, and basic skills. As a secondary function, the community colleges may conduct institutional research concerning student learning and retention as is needed to facilitate their educational missions. This bill appropriately limits the responsibility of the center to fit within CCCs' core functions of workforce training and building pathways that lead to certificates and degrees. Additionally, the center is charged with exploring and expanding internships, pre-apprenticeships, apprenticeships, and other work based learning opportunities in equity, environmental justice and green job sectors.
- 3) **Why West Los Angeles College?** According to the LACCD letter of support, "currently, the West Los Angeles College campus is the only community college that offers a Climate Change and Environmental Studies Associate of Arts Degree." The degree is designed as a pathway for student transfer into environmental studies programs at four-year universities, or for pursuing environmental-related careers. Recently, LACCD's Board of Trustees adopted the Clean Energy and Sustainability Resolution, which directs the district's staff

to develop and implement a sustainability plan for the district to achieve 100-percent carbon-free energy goals by 2040. Changing workforce needs within Los Angeles call for solutions in retraining and upskilling workers. California's clean energy transition, according to information provided by the author's office, is set to have a large impact on workers in Los Angeles County. The county is one of three counties (Kern, Contra Costa, and Los Angeles) that, combined, account for roughly 50 percent of all employment in the fossil fuel and ancillary industries in California. As such, worker-training programs are needed to ensure that a wide range of workers, including displaced fossil fuel industry workers, have access to the jobs created by clean energy investments. Seemingly, these efforts and circumstances position the campus as the location for the center. This bill appropriates \$5 million dollars for its development and initial operations.

- 4) **Related budget activity.** The in Governor's 2022-23 budget proposes a number of climate initiatives to identify and mitigate the impacts of climate change on the environment, public health, communities, and businesses, and to help current and future workers develop the skills needed for transitioning into a cleaner and more sustainable economy. It designates funding for UC and CSU to drive this research and support workforce development and training hubs. Specifically, the Governor's proposal provides \$83 million one-time General Fund for the construction of the Energy Innovation Center at CSU Bakersfield to support climate change research. The proposal provides \$100 million to the UC for regional incubators and workforce development and training hubs to support workers. The California Center for Climate Change Education proposed in this bill is not included in the Governor's or Legislative budget plan.

SUPPORT

California Federation of Teachers Afl-cio
Los Angeles Community College District
Outward Bound Adventures
Strategic Energy Innovations
US Green Building Council, Los Angeles

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 2042	Hearing Date:	June 15, 2022
Author:	Villapudua		
Version:	May 19, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Child daycare facilities: anaphylactic policy.

Note: This bill has been referred to the Committees on Education, Human Services, and Judiciary. A "do pass" motion should include a referral to the Committee on Human Services.

SUMMARY

This bill requires the California Department of Social Services (CDSS) to establish an anaphylactic policy that sets guidelines and procedures to be followed by child daycare personnel to prevent a child from suffering from anaphylaxis and to be used during a medical emergency by July 1, 2024.

BACKGROUND

Existing law:

Education Code (EC)

- 1) Permits each public and private school to designate one or more volunteers to receive initial and annual refresher training, based on specified standards, regarding the storage and emergency use of an epinephrine auto-injector from the school nurse or other qualified person designated by an authorizing physician or surgeon. (EC § 49414(d))
- 2) Requires a school district or county office of education to provide emergency epinephrine auto-injectors to school nurses or trained volunteers, and allows those individuals to utilize epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. (EC § 49414(a))
- 3) Requires a school district, county office of education, or charter school to ensure that each employee who volunteers under this section will be provided defense and indemnification by the school district, county office of education, or charter school for any and all civil liability, in accordance with, but not limited to, that provided in Government Code 810, this information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EC § 49414(j) and 49414.7(i))
- 4) Authorizes students to carry and self-administer prescribed inhaled asthma or auto-injectable epinephrine medication while at school. (EC § 49423 and 49423.1)

- 5) Authorizes each public and private elementary and secondary school in the state to voluntarily determine, as specified, whether or not to make emergency epinephrine auto-injectors and trained personnel available at its school. (EC § 49414(c))
- 6) Requires the Superintendent to review, every five years, or sooner as deemed necessary by the Superintendent, standards of training for the administration of epinephrine auto-injectors by consulting with organizations and providers with expertise in administering epinephrine auto-injectors and administering medication in a school environment and set minimum standards for training. (EC § 49414(e)(1) – (3))

Health and Safety Code (HSC)

- 7) Provides that no person who in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission other than an act or omission constituting gross negligence or willful or wanton misconduct. (HSC § 1799.102)
- 8) Establishes the “California Child Day Care Facilities Act”, creating a separate licensing category for child day care centers and family day care homes within CDSS’s existing licensing structure. (HSC § 1596.70 et seq.)

Government Code (GOV)

- 9) Under the Government Tort Claims Act, specifies rules of civil liability that apply to public entities and public employees in California. (GOV § 810)

ANALYSIS

This bill requires CDSS to establish an anaphylactic policy that sets guidelines and procedures to be followed by child daycare personnel to prevent a child from suffering from anaphylaxis and to be used during a medical emergency by July 1, 2024.

General Provisions

- 1) Requires CDSS, on or before July 1, 2024, in consultation with the California Department of Education, to establish an anaphylactic policy that sets forth guidelines and procedures recommended for child daycare personnel to prevent a child from suffering from anaphylaxis and to be used during a medical emergency resulting from anaphylaxis.
- 2) Requires CDSS to develop recommended guidelines and procedures for *child daycare* personnel to prevent a child from suffering from anaphylaxis in consultation with the following representatives:
 - a) Pediatric physicians and other health care providers with expertise in treating children with anaphylaxis.

- b) Parents of children with life-threatening allergies.
 - c) Child daycare administrators and personnel, including local educational agency employees employed in childcare programs, and the labor organizations representing those employees.
 - d) Not-for-profit corporations that represent allergic individuals at risk for anaphylaxis.
- 3) Requires CDSS, in developing this policy, to consider existing requirements and current and best practices for child daycare providers on allergies and anaphylaxis and to consider any voluntary guidelines issued by the United States Department of Health and Human Services for managing food allergies in child daycare facilities.
 - 4) Requires CDSS to develop recommended guidelines and procedures for family childcare providers in consultation and coordination with the Joint Labor Management Committee and Child Care Providers United - California (CCPU), and requires the CCPU to provide training for all family childcare providers who wish to participate, regardless of union status.
 - 5) Authorizes a child daycare facility to implement the anaphylactic policy developed by CDSS on or before January 1, 2025 and requires the child daycare facility to annually, upon enrollment of a child, to notify the parent or guardian of the anaphylactic policy.
 - 6) States this section shall not be construed to preempt, modify, or amend a child daycare provider's requirement to comply with existing federal and state disability laws, or the requirements related to a child's individualized family service plan or individualized education program.

Training Materials from CDSS

- 6) Requires CDSS to create information materials detailing the anaphylactic policy in multiple languages and for CDSS and the California Department of Education (CDE) to post these materials on each of their department internet websites on or before September 1, 2024.
- 7) Requires CDSS to update the recommended anaphylactic policy at least once every three years.

The Anaphylactic Policy

- 8) The anaphylactic policy, developed by CDSS, shall include all of the following:
 - a. A process for a child daycare facility to solicit volunteers among its employees to be trained and to administer epinephrine to a child having an anaphylactic reaction.

- b. A procedure and treatment plan, including emergency protocols and responsibilities, for child daycare personnel responding to a child suffering from anaphylaxis.
- c. A training course during work hours, and provided at no cost, for child daycare personnel for preventing, recognizing the symptoms of, and responding to anaphylaxis. .
- d. Appropriate guidelines for each child daycare facility to develop an individual emergency health care plan for children with a food or other allergy that could result in anaphylaxis.
- e. A communication plan for dissemination of information by the department regarding children with a food or other allergy that could result in anaphylaxis, including a discussion of methods, treatments, and therapies to reduce the risk of allergic reactions.
- f. Strategies for the reduction of the risk of exposure to children of anaphylactic causative agents, including food and other allergens.
- g. A communication plan for discussion with children that have developed adequate verbal communication and comprehension skills, and with the parents or guardians of all children, about foods that are safe and unsafe and strategies to avoid exposure to unsafe food.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author “Anaphylactic events lead to approximately one in five children with a food allergy reporting one or more allergy-related emergency room visits in the previous year. Recognizing anaphylaxis can be hard to identify in infants and toddlers (as they often respond differently to allergens and they cannot describe their symptoms compared to older children), it is imperative that special considerations be in place for childcare providers understanding the important role they play in the health and well-being of the children in their care. In 2017, three-year-old Elijah Silvera tragically passed away after he had an anaphylactic reaction after taking a bite of a grilled cheese sandwich at his daycare. Elijah’s parents informed staff at the daycare of Elijah’s food allergies and provided necessary documents, medication and instructions for handling a food allergy emergency. However, staff was not trained in identifying signs of anaphylaxis. AB 2042 will increase awareness for the signs and symptoms of anaphylaxis and ensure the health and well-being of the 976,000+ California children cared for in the 13,000+ day care settings throughout the state.”
- 2) **Food Allergy Among U.S. Children.** According to the Food Allergy Research & Education (FARE) website, eight foods account for 90 percent of all reactions: milk, eggs, peanuts, tree nuts, soy, wheat, fish, and shellfish. Even trace amounts of a food allergen can cause a reaction. Researchers estimate that up to 15 million Americans have food allergies. This potentially deadly disease affects one in every 13 children (under 18 years of age) in the U.S., equaling roughly two in every classroom. According to a study released in 2013 by the Centers for Disease

Control and Prevention, food allergies among children increased approximately 50 percent between 1997 and 2011. FARE's website states the economic cost of children's food allergies is nearly \$25 billion per year. Teenagers and young adults with food allergies are at the highest risk of fatal food-induced anaphylaxis. The California School Board Association (CSBA) has a sample policy that addresses students' food allergies and special dietary needs, including the development of guidelines that address things such as strategies for identifying students at risk for allergic reactions, avoidance measures, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction. CSBA notes in the sample policy that it is prohibited to exclude students from school activities or otherwise discriminate against, harass, intimidate, or bully them because of their food allergies.

- 3) ***What is anaphylaxis?*** According to the National Institutes of Health, anaphylaxis is a severe, whole-body allergic reaction to a chemical that has become an allergen. After being exposed to a substance, such as bee sting venom, the person's immune system becomes sensitized to it. When the person is exposed to that allergen again, an allergic reaction may occur. Anaphylaxis happens quickly after the exposure, is severe, and involves the whole body. Tissues in different parts of the body release histamine and other substances. This causes the airways to tighten and leads to other symptoms. Some drugs (such as morphine, x-ray dye, and aspirin) may cause an anaphylactic-like reaction when people are first exposed to them. These reactions are not the same as the immune system response that occurs with true anaphylaxis. However, the symptoms, risk for complications, and treatment are the same for both types of reactions. Risks include a history of any type of allergic reaction. According to Food Allergy Research & Education (FARE), approximately 25% of first-time allergic reactions that require epinephrine happen at school.
- 4) ***California's child daycare system.*** California has a multifaceted system of licensed child daycares. The Early Childhood Development Act of 2020 authorized the transfer of most childcare programs to the CDSS from CDE effective July 1, 2021. CDE continues to operate the California State Preschool Program (CSPP), which is administered through LEAs, colleges, community-action agencies, and private nonprofit agencies. CSPP serves eligible children ages three and four for both part-day and full-day services and is the largest state-funded preschool program in the nation. CDSS's Community Care Licensing Division (CCLD) has the responsibility of licensing and monitoring the state's 12,768 daycare centers, which have a capacity to serve 663,454 children. There are an additional 2,201 licensed school-age daycare facilities with a capacity to serve 139,610 children.
- 5) ***Committee Amendments.*** *The author has agreed to accept the following amendments to address stakeholders concerns regarding protection from civil liability and other technical changes.*
 - Strike "epinephrine" and insert "epinephrine using an auto-injector," to provide more clarity on the device being used to administer
 - Add "Any local educational agency that designates volunteers pursuant to this section shall ensure that each employee who volunteers under this

section will be provided with defense and indemnification by the local educational agency for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file," to provide volunteers protections

- Ensure that informational materials created by CDSS are made in multiple languages, *as applicable*, in accordance with the Dymally-Alatorre Bilingual Services Act.

- 6) **Related legislation. AB 2640 (Valladares)** of this Session requires the CDE to create the California Food Allergy Resource internet web page to provide voluntary guidance to LEAs to help protect pupils with food allergies. *This bill is set to be heard on June 16 in Senate Education Committee.*

SB 1258 (Huff) of the 2015-16 Session would have required requires each school district, county office of education, and charter school to develop a comprehensive policy to protect students with food allergies. *This bill was held on suspense in Senate Appropriations Committee.*

SB 738 (Huff), Chapter 132, Statutes of 2015, provides qualified immunity to a physician who issues a prescription for an epinephrine auto-injector to a school district, county office of education, or charter school.

SB 1266 (Huff), Chapter 321, Statutes of 2014, requires school districts, county offices of education (COE), and charter schools to provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered and allows school nurses or trained personnel to use the epinephrine auto-injectors to provide emergency medical aid to persons

AB 559 (Wiggins), Chapter 458, Statutes of 2001, established provisions of law that permit a school district or county office of education to provide emergency epinephrine auto-injectors to trained personnel, and permit trained personnel to utilize these epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction at a school or during a school activity.

SUPPORT

Food Allergy and Research Education
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OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2069 **Hearing Date:** June 15, 2022
Author: Villapudua
Version: April 20, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: California Home Health Aide Training Scholarship Act

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

SUMMARY

This bill establishes the California Home Health Aide Training Scholarship Act to be administered by the California Student Aid Commission (CSAC) to incentivize enrollment in home health aide training programs by awarding \$1,500 scholarships.

BACKGROUND

Existing law:

- 1) Establishes CSAC as the state agency charged with administering state financial aid programs to qualifying students enrolled in institutions of higher education throughout the state. (Education Code § 69510, et seq.)
- 2) Establishes the Cal Grant C program for the purpose of providing financial resources to qualifying students, as defined, who seek to enroll in occupational and technical training programs which are aligned with the state's dynamic economic needs as determined by CSAC in consultation with various state and federal agencies associated with workforce development. Cal Grant C will be authorized for training that is not less than four months and the amount of the grant and number of recipients shall be determined in the annual Budget Act (EC § 69439).
- 3) Defines a home health aide as an aide who has completed a state-approved training program, is employed by a home health agency or hospice program, and provides personal care service in a patient's home. Existing law defines home health aide services as personal care services provided within a plan of treatment prescribed by a licensed doctor or surgeon. These services are rendered by a home health aide. (Health and Safety Code § 1727)
- 4) Authorizes the certification of an applicant for a home health aide certification if the applicant has successfully completed specified training and obtained a clear criminal record clearance. (HSC § 1736.1)

- 5) Establishes requirements for basic training for a home health aide certificate program. (California Code of Regulations, Title 22, Division 5, Chapter 6, Article 5).

ANALYSIS

This bill establishes the California Home Health Aide Training Scholarship Act to be administered by CSAC to incentivize enrollment in home health aide training programs by awarding \$1,500 scholarships. Specifically, this bill:

- 1) Establishes the California Home Health Aide Training Scholarship Act to be administered by CSAC for the purpose of incentivizing enrollment in home health aide training programs.
- 2) Requires CSAC to do all of the following:
 - a) Solicit applications from those interested in training as a home health aide.
 - b) Develop an application process.
 - c) Award scholarships on a rolling basis to qualified applicants.
 - d) Award scholarships to up to 1,000 people.
 - e) Award scholarships of one thousand five hundred dollars (\$1,500) per person to be used for a variety of costs related to the training program, including, but not limited to, tuition, books, supplies, uniforms, cardiopulmonary resuscitation certification, background checks, childcare, and transportation.
- 3) Requires that a scholarship recipient agree to do all of the following:
 - a) Use the scholarship funds for enrollment in a home health aide training program and related costs.
 - b) Upon completion of the home health aide training program, satisfy the state requirements for certification as a home health aide.
 - c) Complete the service requirement of working for three years as a home health aide after becoming a certified home health aide.
 - d) Repay 25 percent of the total scholarship funds received if the scholarship recipient fails to comply with a) – c) above.
- 4) Provides that non-performance of the commitment to work at least three years as a home health aide after becoming a certified home health aide is to be certified by the State Department of Public Health.
- 5) Provides that this bill is to be operative upon appropriation by the Legislature.

- 6) States legislative findings and declarations relative to the need for home health aides.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "According to the Master Plan for Aging, California will face a labor shortage up to 3.2 million paid direct care workers, which includes home care aides and home health aides. As greater numbers of older adults choose to age in place, the shortage of these essential workers severely impacts the wellbeing of older adults and individuals with disabilities residing at home. AB 2069 will enact the California Caregivers Home Health Aide Training Scholarship Act, which will award scholarship recipients \$1,500 each to be used for home health aide training programs and will be required to work in this field for at least five years. By incentivizing enrollment in this field, it will help address the direct care workers shortage and will provide immediate relief to families who desperately need help caring for loved-ones aging at home."
- 2) *Home Health Aide Training Programs.* As noted in the Assembly Higher Education Committee analysis, the California Department of Public Health (CDPH) approves and maintains a list of postsecondary education institutions' home health aide training programs in the state. Currently, there are 177 approved programs located at California Community Colleges, for-profit institutions, and non-profit institutions throughout the state. These programs only offer the 40-hour home health aide training program that is taken after a prospective student has completed the certified nursing assistant certificate. The majority of community colleges on the approved list offer both a nursing assistant certification (CNA) and a home health aide certification. One of the approved CCC on the list is Allan Hancock College in Santa Maria which offers a 12 unit course for a CNA and a 2 unit course for a home health aide for a total of 14 units or roughly two semesters. Therefore, for a California resident or AB 540 student, the cost to complete the required training to become a home health aide is \$644. On average the cost of a home health aide training program offered by a private for-profit is around \$2,000 – \$2,500.
- 3) *Financial Aid for Home Health Aides.* Cal Grant C is a state-funded financial aid program, which offers financial assistance to students pursuing an occupational or technical program. There is no grade point average requirement or age requirement for Cal Grant C and a student can qualify by completing either the Free Application for Federal Student Aid (FASFA) or the California Dream Act Application. Qualifying low and middle income students receive up to \$2,462 for tuition fees and \$547 in books, tools, or equipment if the student attends an eligible private for profit or private nonprofit institution or students can receive up to \$1,094 at any community college. Cal Grant C can be used for any approved occupational training program and home health aides is an approved occupation.

The 2021-2022 Budget Act included a \$150 million one-time investment for "Direct Care Workforce (non-IHSS) Training and Stipends Program" administered by the California Department of Aging to build a qualified workforce to meet the needs of the aging population. Based on various proposals from the California

Department of Aging, the Direct Care Workforce Training and Stipends Program will be focused on providing training and stipends to either recruit individuals into the workforce or to provide stipends to existing direct care workers who wish to build on their experience to obtain a higher-level job in the home care and healthcare industry. Specifically, the target population for these programs would be home health aides, social workers, and personal care assistants. The California Department of Aging has confirmed the program has been approved by the Federal Government and will be implemented in the years to come.

This bill provides that it is to be operative upon appropriation by the Legislature. The 2002 Budget proposal (Governor's version and Legislative agreement) does not include any funding specific to providing scholarships or other financial aid to student pursuing training to become a home health aide.

The California Student Aid Commission oversees several other scholarship and grant programs which provide funding for occupations the State sees as vital to its future. The Golden State Teacher Grant Program is an example where the State provides grants to assist potential teachers in obtaining their teaching credentials. Recipients of the grant are then expected to fulfill a service agreement by teaching in a high need area at a priority school for four years after successfully completing their credentials. This bill establishes a similar fiscal incentive to attract more people to the home health aide profession.

This bill is double-referred to the Senate Health Committee, where consideration may be given to the need for more home health aides – rather than other health care professionals – so critically as to warrant to new scholarship program specifically for this one field of health care professionals.

- 4) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose one-time cost pressure, presumably to the General Fund, of up to \$1.5 million for the scholarships. Significant costs, potentially in the hundreds of thousands of dollars, to CSAC to administer the program for the duration of the scholarship program. CSAC estimates startup and ongoing costs in excess of \$700,000 to develop an application and disbursement process outside of its normal operating structure, establish and maintain partnerships with home health aide training programs, and develop and monitor a system to track scholarship recipients' compliance with the terms of the scholarship

SUPPORT

Association of Regional Center Agencies

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 2072	Hearing Date:	June 15, 2022
Author:	Gabriel		
Version:	February 14, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Mental health professionals: natural disasters: county offices of education: personnel sharing agreements.

SUMMARY

Requires county offices of education (COE), in consultation with the California Department of Education (CDE) and other relevant state and local agencies, to coordinate agreements between a local education agency (LEA) and charter schools within the county to deploy qualified mental health professionals and other key school personnel in the event of a natural disaster or traumatic event.

BACKGROUND

Existing law:

- 1) Requires each school district or county offices of education (COE) to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. (Education Code § 32281)
- 2) Specifies that the schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (EC § 32281)
- 3) Requires that the comprehensive school safety plans include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety, and address the school's procedures for complying with existing laws related to school safety, including child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EC § 32282)
- 4) Requires the comprehensive school safety plan to be evaluated at least once a year. (EC § 32282)
- 5) Encourages that, as school safety plans are reviewed, plans be updated to include clear guidelines for the roles and responsibilities of mental health professionals,

- community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district employs these professionals. (EC § 32282.1)
- 6) Requires the comprehensive school safety plan to be submitted annually to the school district or COE for approval and requires a school district or COE to notify the CDE by October 15 of every year of any school that is not in compliance. (EC § 32288)
 - 7) Requires the Superintendent of Public Instruction (SPI), for apportionment purposes, to credit to a local educational agency (LEA) a material loss of average daily attendance (ADA) due to the following reasons, provided the loss has been established to the satisfaction of the SPI by affidavits of the members of the governing board or body of the LEA:
 - a) Fire;
 - b) Flood;
 - c) Impassable roads;
 - d) Epidemic;
 - e) Earthquake;
 - f) The imminence of a major safety hazard as determined by the local law enforcement agency; or
 - g) A strike involving transportation services to pupils provided by a non-school entity. (EC § 46392)
 - 8) In the event of a state of emergency declared by the Governor in a county, requires the SPI to determine the length of the period during which ADA has been reduced by the state of emergency, and prohibits the SPI from extending the period into the next fiscal year except upon a showing by a LEA, to the satisfaction of the SPI, that extending the period into the next fiscal year is essential to alleviate continued reductions in ADA attributable to the state of emergency. (EC § 46392)

ANALYSIS

Requires COE, in consultation with the CDE and other relevant state and local agencies, to coordinate agreements between a LEA and charter schools within the county to deploy qualified mental health professionals and other key school personnel in the event of a natural disaster or traumatic event. Specifically, this bill:

General Provisions

- 1) Requires county offices of education, in consultation with the California Department of Education (CDE) and other relevant state and local agencies, to coordinate agreements between school districts and charter schools within the county to deploy qualified mental health professionals and other key school

personnel to an area of the county that has experienced a natural disaster or other traumatic event to provide support to pupils and staff on or before November 1, 2024.

- 2) Requires a COE to consider when developing these agreements, to consider at a minimum, all of the following:
 - 1) The cost of creating and maintaining the system described in this bill.
 - 2) The criteria required for a LEA to request the use of mental health professionals and other key school personnel employed by another LEA.
 - 3) Potential reimbursement between LEAs.
 - 4) Reimbursement for travel expenses incurred by mental health professionals and other key school personnel.
- 5) Specifies single school district COEs shall comply shall meet the minimum agreement requirements by entering into agreements with at least one other COE they share a border with.
- 6) Requires COEs, with multiple school districts that share a county border with a single school district COE shall consult with and enter into agreements with at least one single school district COE in order to comply.

Intent of the Legislature

- 7) States that school communities currently do not employ an adequate number of mental health professionals and other key school personnel necessary to support pupil and staff after traumatic natural disasters and human-caused event.

Definition

- 8) For the purposes of this section, defines "Local educational agency" to mean a school district, county office of education, or charter school.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "Unfortunately we are living in a time where the effects of climate change are worsening. We are seeing more extreme wildfires, floods and other weather related disasters. At the same time, we are seeing a rise in school shootings. We must act preventatively to save lives and prepare to provide the services needed when disaster strikes. AB 2072 will facilitate conversations and planning on the local level so that when disaster strikes, school districts have a mutual aid plan in place that will help ensure that the appropriate mental health professionals are available to provide crisis support and mental health services to students and faculty. AB 2072 will facilitate conversations and planning on the local level so that when disaster strikes, school districts have a mutual aid plan in place that will help ensure that the appropriate

mental health professionals are available to provide crisis support and mental health services to students and faculty.”

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

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

- 3) ***Traumatic event on and off campus.*** According to a 2018 study by the Pew Research Center, the majority of U.S. teens fear a shooting could happen at their school, and most parents share their concerns. Firearms are a leading cause of morbidity and mortality in the United States and accounted for more than 36,000 deaths and nearly 85,000 injuries in 2015. In 2020, California saw a troubling rise of more than 500 homicides, the largest jump in state history since record-keeping began in 1960. Gun homicides drive the rise. California saw 1,658 homicides in 2019; the number climbed to 2,161 in 2020—an increase of 503 homicides (or 30.3%). Of the 503 additional homicides, 460, or 91%, were gun related deaths. While the 2020 homicide rate is far lower than past peaks, the past year deviates from historically low rates of the last decade. Over the past few years, gun violence has risen to the forefront of public consciousness. The consequences of gun violence are more pervasive and affect entire communities, families, and children. With more than 25% of children witnessing an act of violence in their homes, schools, or community over the past year, and more than 5% witnessing a shooting.
- 4) ***Climate change effects school campuses.*** “More frequent school closures due to wildfires and extreme heat waves, as well as higher utility bills for schools as temperatures rise are among the increasingly severe impacts climate change will have on K-12 and early childhood education,” as reported in the Legislative Analyst Offices (LAO) report titled *Climate Change Impacts Across California: K-12 Education*. The report projects that districts will face higher and more volatile cost pressures in dealing with the wide-ranging impacts of climate change, from higher utility bills on hotter days to massive recovery efforts after major emergencies. Additionally, school facilities will require modifications to withstand the harsh impacts of climate change. Child care providers and districts with smaller budgets

and that serve higher numbers of lower-income families could be particularly vulnerable to the impacts of climate change. The report goes on to mention that “Schools and child care providers are already beginning to experience the impacts of climate change, most notably from wildfires. For instance, the California Department of Education (CDE) reports that 104 school districts were subject to wildfire evacuation orders in 2020. In addition to emergencies, climate change impacts may also lead to public health issues that require modifications to educational delivery models. For example, extreme heatwaves or poor air quality from wildfires may make it temporarily unsafe for students and staff to participate in normal outdoor activities. Accordingly, schools and child care providers will need to establish and continually update emergency preparedness and response plans that adequately reflect the increased likelihood and intensity of these events.”

- 5) ***The State Superintendent of Public Instruction (SSPI) and CDE’s role in responding to emergencies.*** The SSPI and CDE have an obligation and responsibility to serve LEAs at all times, especially as it relates to emergency preparation, response, and recovery. The type of response has varied over time based on the priorities and style of individual SPIs, as well as the type and duration of emergencies faced by schools during a SSPI’s term of office. Previous SSPIs have initiated task forces, established conference calls with impacted county superintendents of schools and district superintendents, and provided information on the CDE’s website. Given the rapid increase of wildfires, other natural disasters and pandemics, a common and shared understanding of the role and responsibilities of the SSPI and CDE would likely facilitate increased communication between the state agency and the field, and support the expedited delivery of goods and services.

Despite these efforts, when a natural disaster or other traumatic event occurs, some school districts may not have mental health professionals and other key school personnel necessary to help pupil’s and staff while other do. *This bill attempts to create a forum in which schools share their resources with each other in the event of a traumatic event to help students and staff.*

- 6) ***Related legislation. AB 1837 (Smith)*** of the 2019-20 Session required the SSPI to establish a State Assistance for Emergency Response (SAFER) Team within CDE to provide guidance and support to LEAs experiencing emergencies. *This bill was held in Senate Education.*

AB 2126 (O’Donnell) of the 2019-20 Session would require the CDE to develop and implement a website and app for the purpose of collecting temporary school closure information for local educational agencies (LEAs) from superintendents and charter school administrators. *This bill was held in Senate Education.*

AB 2127 (O’Donnell) of the 2019-20 Session would require LEAs to provide the CDE information related to each school facility, schoolsite, or school property owned or leased by the LEA in order to improve coordination between LEAs and emergency response agencies during emergencies. *This bill was held in Senate Education.*

SB 884 (Dodd) of the 2019-20 Session would add public safety power shutoffs to the list of emergencies for which LEAs may submit a J-13A form request, and would establish the Disaster Relief Instructional Recovery Program for the purpose of allocating funding to eligible LEAs to make up instructional days lost due to emergency or other extraordinary conditions. *This bill was held in Assembly Education.*

SUPPORT

CA Council of Community Behavioral Health Agencies
California County Superintendents Education Services Association (CCSESA)
National Association of Social Workers, California Chapter

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2121 **Hearing Date:** June 15, 2022
Author: Eduardo Garcia
Version: March 7, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: School accountability; California Collaborative for Educational Excellence; special education resource leads.

SUMMARY

This bill establishes a special education resource lead project to provide training and technical assistance on family support and alternative dispute resolution (ADR) in special education.

BACKGROUND

Existing state law:

- 1) Requires the California Collaborative for Educational Excellence (CCEE) and the California Department of Education (CDE) to establish a process, administered by the CDE, to select, subject to approval by the executive director of the State Board of Education (SBE) in consultation with the Department of Finance (DOF), special education local plan areas (SELPA), or consortia of SELPAs, to serve as special education resource leads to work with lead agencies and other county offices of education (COEs), to improve pupil outcomes as part of the statewide system of support (SOS).
- 2) Requires that the process to select special education resource leads ensure that no more than ten resource leads are selected to provide specific expertise on special education issues within the SOS.
- 3) Requires that at least three resource leads be selected in a manner to ensure statewide representation and focus directly on building SELPA capacity to support local educational agencies (LEAs) in achieving the goals, actions, and services identified in their local control and accountability plans (LCAPs).
- 4) Requires that special education resource leads be selected for a term not to exceed five years.
- 5) Appropriates \$100 million on a one-time basis for allocation to SELPAs for the purpose of supporting member LEAs in conducting dispute prevention and voluntary alternative dispute resolution activities to prevent and resolve special education disputes resulting from school disruptions stemming from the COVID-19 public health emergency, in a collaborative and equitable manner. Funds may be used for:

- a) Early intervention to promote collaboration and positive relationships between families and schools and to prevent disputes;
 - b) Conducting voluntary ADR activities;
 - c) As practicable, working in partnership with Family Empowerment Centers (FECs) or other family support organizations; and
 - d) Developing and implementing plans to identify, and conduct outreach to, families who face language barriers and other challenges to participation in the special education process.
- 6) Appropriates \$450 million on a one-time basis for allocation to SELPAs for purposes of providing learning recovery support associated with impacts to learning due to school disruptions stemming from the COVID-19 public health emergency.
 - 7) Appropriates, through the Budget Act of 2021, funding to develop a statewide Individualized Education Program (IEP) facilitation network.

Existing Federal law:

- 8) Through the federal Individuals with Disabilities Education Act (IDEA), requires that a free appropriate public education (FAPE) be made available to individuals with exceptional needs.
- 9) Requires that every individual with exceptional needs who is eligible to receive special education instruction and related services receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her.
- 10) Establishes procedural safeguards, including those pertaining to the opportunity to present and resolve complaints through the due process and state complaint procedures, including:
 - a) The time period in which to file a complaint;
 - b) The opportunity for the agency to resolve the complaint;
 - c) The differences between the due process complaint and state complaint procedures;
 - d) The availability of mediation;
 - e) The child's placement during the pendency of any due process complaint;
 - f) Hearings on due process complaints;
 - g) State-level appeals;
 - h) Civil actions, including the time period in which to file those actions; and

- i) Attorneys' fees.
- 11) Authorizes a parent or an LEA to file a due process complaint relating to the identification, evaluation or educational placement of a child with a disability, or the provision FAPE.
- 12) Requires that a due process complaint must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint.
- 13) Establishes rights to appeals and civil actions related to a due process decision and includes provisions relating to the awarding of attorney's fees.
- 14) Authorizes the filing of complaints to the SEA for an alleged violation that occurred not more than one year prior, and requires the SEA to investigate and issue a written decision within 60 days.

ANALYSIS

This bill:

- 1) Requires, subject to an appropriation for this purpose, by the commencement of the grant cycle beginning July 1, 2023, the California Collaborative for Educational Excellence (CCEE) and the California Department of Education (CDE) to select a partnership consisting of special education local plan areas (SELPAs), county offices of education (COEs), or consortia of SELPAs and COEs, and a family support organization or a coalition thereof, from applications jointly submitted to the CDE, to serve as a special education resource lead to work with lead agencies and other COEs, local educational agencies (LEAs), and family support organizations, through capacity building, training, and technical assistance on both of the following:
 - a) Family support for families of pupils with disabilities; and
 - b) Conflict prevention and ADR in special education.
- 2) Defines, for purposes of this measure, family support organizations to include, but not be limited to, state and federally funded organizations which provide support to families of pupils with disabilities.
- 3) Permits all special education resource leads to be administered by COEs or coalitions thereof.
- 4) Requires that all special education resource leads focus on building local and regional capacity to support LEAs, instead of focusing on building SELPA capacity.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Numerous surveys show that the COVID-19 school disruption has made special education cases more contentious and harder to resolve, pitting school districts and families against each other. California experiences more of these cases, on average, than most other states and for these cases to be prevented - or at least be minimized in a cooperative and equitable manner, more investments are needed. AB 2121 would create a statewide resource that strengthens collaboration between schools and families with the hope of improving the outcome of special education students who are disproportionately being affected by the pandemic.”
- 2) **Special education formal dispute resolution.** When parents and schools disagree on matters such as student eligibility for services or the services to be included in a student’s IEP, parents have the right under the law to resolve their disagreements with the district using a system known as “due process.” This system provides parents and schools with a progressive series of options for resolving their complaints. At the least formal end of the spectrum, parents and districts settle their disagreements using a resolution session, which typically involves only parents and the district and may result in the production of a settlement that does not become binding until three days post-session.

If parents do not feel that their complaints can be resolved with a resolution session, or if that session does not resolve the dispute, they may request mediation, mediation and a hearing, or a hearing without mediation. In mediations, a mediator from the Office of Administrative Hearings (OAH) will try to help both parties reach a binding agreement. If parents and districts cannot reach an agreement via mediation, or if the filing party does not wish to go to mediation, the case will go to a hearing. In this case, an OAH judge specializing in special education law decides the outcome of the case. The most commonly requested option is mediation and a hearing, while “hearing only” is the least common type of due process request.

- 3) **Informal dispute resolution, known as ADR, and recent investments to help prevent formal disputes.** In addition to the options above, parents and schools may engage in less formal means of resolving conflict, through a set of practices known as ADR. According to the CDE, the ADR process is intended to maintain positive relationships between families and LEA staff by working collaboratively toward solutions. ADR is a voluntary method of resolving disputes and may not be used to delay the right to a due process hearing. Examples of ADR include facilitated IEP meetings, parent-to-parent assistance, ombudspersons, collaborative negotiation, and informal local mediation.

For a number of years, the state encouraged LEAs to resolve disagreements with families collaboratively and informally whenever possible, through \$1.9 million in small grants to SELPAs and LEAs to support training in ADR. A 2018 survey of ADR grantees conducted by the Napa County Office of Education indicated that over 500 state complaints were averted by ADR activities conducted by grantees. The 2020-21 Budget, in anticipation of an increased number of disputes related to the COVID-19 pandemic, included \$8.6 million to SELPAs to assist LEAs with establishing and improving local ADR.

The 2021-22 Budget appropriated \$100 million on a one-time basis for allocation to SELPAs for the purpose of supporting member LEAs in conducting dispute prevention and ADR activities to prevent and resolve special education disputes resulting from school disruptions stemming from the COVID-19 school disruptions, in a collaborative and equitable manner. Funds may be used for:

- a) Early intervention to promote collaboration and positive relationships between families and schools and to prevent disputes;
 - b) Conducting voluntary ADR activities;
 - c) As practicable, working in partnership with FECs or other family support organizations; and
 - d) Developing and implementing plans to identify, and conduct outreach to, families who face language barriers and other challenges to participation in the special education process.
- 4) **More special education resource leads.** Current law requires the CCEE and the CDE to establish a process, to select SELPAs to serve as special education resource leads to work with lead agencies and other COEs, to improve pupil outcomes as part of the statewide system of support.

In total, eight special education resource leads were chosen as a part of two projects as follows:

- a) **SELPA System Improvement Leads.** According to the CDE, the purpose of the SELPA System Improvement Leads (SILs) Project is to work collaboratively within the SOS to build the capacity of SELPAs and LEAs with a common goal to improve outcomes for students with disabilities. The SILs work to build the capacity of SELPAs to support LEAs in 1) data use and governance, 2) continuous improvement, and 3) implementation of high leverage practices; with the goal of student access to cohesive and effective school systems intentionally designed to provide the necessary supports and interventions for educational and post-secondary success.
- b) **SELPA Content Leads.** According to the CDE, the SELPA Content Leads develop the capacity of SELPAs to support the LEAs they serve in developing and implementing evidence-based practices for students with disabilities in particular areas of need.

This bill proposes to create a special education resource lead to provide assistance to LEAs and families on family support and ADR in special education.

- 5) **Existing ADR system is inadequate and inequitable.** Calling an examination of the special education dispute resolution system “imperative,” the 2015 *One System* report by the Statewide Task Force on Special Education noted “the current due process system is in need of revision in order to assist in resolving disputes in a more timely, efficient and cost effective manner.” The report noted

that the current process often results in costly attorney fees for both families and schools, may negatively impact educational benefit for the child, and can cause excessive stress and anxiety for all participants.

The *One System* report also cites a 2013 report by the American Association of School Administrators (AASA), *Rethinking Special Education Due Process*, which states, "The cost and complexity of a due process hearing hinder low- and middle-income parents from exercising the procedural protection provisions to which they are entitled. Because of education, language, or income barriers, the majority of low-income parents cannot obtain representation, afford to pay for it, or advocate effectively for their children. Notably, it is districts composed of high populations of low-income students that are more likely to struggle to meet IDEA mandates. In addition, the parents residing in these districts file due process requests at a considerably lower rate than their wealthier counterparts. The correlation between low quality of education for students with disabilities and the low earnings of their parents means that families of children who are in dire need of improved educational services are the least able or likely to advocate and seek enforcement of IDEA's education protections through the due process system. As a result, the rights provided by the IDEA become worthless because parents do not have true avenues to exercise them."

- 6) **Arguments in support.** The Alliance for Children's Rights writes, "Our families and schools would greatly benefit from a statewide resource, jointly operated by school districts and family support organizations, to provide professional development and technical assistance on family support, conflict prevention, and alternative dispute resolution in special education. Active family engagement in program planning and dispute prevention and resolution processes strengthens child and family outcomes. AB 2121 will provide critical support for families of students with disabilities when it becomes necessary for the family to engage the providing local education agency in conflict prevention and alternative dispute resolution in special education."

SUPPORT

Alliance for Children's Rights
Coalition for Adequate Funding for Special Education
Riverside County Office of Education

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 2124	Hearing Date:	June 15, 2022
Author:	Cristina Garcia		
Version:	June 6, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil Support Training Program.

SUMMARY

Upon appropriation, this bill would require the State Superintendent of Public Instruction (SSPI) to develop, administer, and award the Pupil Peer Support Training Program grant (grant), as established in this bill, on a competitive basis to local educational agencies (LEA) serving pupils in grades 9 to 12 to establish a peer support training program.

BACKGROUND

Existing law:

- 1) Requires the governing board of a school district to give diligent care to the health and physical development of pupils, and authorizes the district to employ properly certified persons for the work. (Education Code § 49400)
- 2) Specifies that school districts are not precluded from utilizing community-based service providers, including volunteers, individuals completing counseling-related internship programs, and state licensed individuals and agencies to assist in providing pupil personnel services, provided that such individuals and agencies are supervised in their school-based activities by an individual holding a pupil personnel services authorization. (California Code of Regulations, Title 5, Section 80049.1(c))
- 3) Requires the Superintendent of Public Instruction to post, and annually update, on the department's website a list of statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying. The website must also include a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community. (EC § 234.5)
- 4) Specifies that the minimum requirements for the services credential with a specialization in pupil personnel services are a bachelor degree or higher degree, a fifth year of study, and any specialized and professional preparation that the Commission on Teacher Credentialing (CTC) requires, including completion of a CTC-approved program of supervised field experience that includes direct classroom contact, jointly sponsored by a school district and a college or university. The services credential with a specialization in PPS authorizes the

holder to perform, at all grade levels, the PPS designated on the credential, which may include, but need not be limited to, school counseling, school psychology, child welfare and attendance services, and school social work. (EC 44266)

ANALYSIS

Upon appropriation, this bill would require the SSPI to develop, administer, and award grants, as established in this bill, on a competitive basis to LEAs serving pupils in grades 9 to 12 to establish a peer support training program. Specifically, this bill:

General Provisions

- 1) Requires the SSPI to develop an application process and administration plan for the selection of grant recipients before January 31, 2024.
- 2) Specifies the SSPI shall award Pupil Peer Support Training Program grants on a competitive basis to LEA serving pupils in grades 9 to 12.
- 3) Clarifies that an LEA may apply for a grant under this program to establish a peer support training program at one or more schools that enroll pupils in grades 9 to 12.
- 4) Clarifies that an LEA awarded a grant under the Pupil Peer Support Training Program shall ensure that the training and ongoing supervision of pupils serving as peer supports be conducted by school staff holding a pupil personnel services credential or by the staff of a community-based organization.
- 5) Encourages an LEA to partner with community-based organizations to administer the Pupil Peer Support Training Program.
- 6) Specifies participating community-based organization must have a valid, current satisfactory background check.
- 7) Requires the SSPI to compile a list of evidence-based peer support programs that meet the requirements of this program and post it on the department's internet website on or before January 1, 2024.
- 8) Specifies LEAs that receive the Pupil Peer Support Training Program grant shall commit to providing program data to the CDE, as specified by the Superintendent.
- 9) Clarifies that this bill is in addition to any other requirement in law and does not replace another established form of care.
- 10) Specifies the SSPI shall reserve no more than 1 percent of grant funding for the purposes of administering the grant program.

Definitions

- 11) For the purposes of this section, defines "local educational agency" to mean a school district, county office of education, or charter school.
- 12) For the purposes of this section, defines "community-based organization" to mean a public or private nonprofit organization that is representative of a community, or significant segments of a community, and provides educational, physical, behavioral health, or related services to individuals in the community.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "California is failing to fully address children's mental health and preventive care. According to the most recent Commonwealth Fund Scorecard on State Health System Performance, our state ranks 48th in the nation for providing children with needed mental health care. Additionally, only 30 percent of children who needed mental health care in 2018 actually received it. Peer support has long been acknowledged as an integral part of addressing behavioral health challenges. Peer support occurs when people provide knowledge, experience, and emotional, social, or practical help to each other. Peer-to-peer mental health programs support students by leveraging shared experience to foster trust, decrease stigma, and create a sustainable forum for those seeking help by sharing information about support resources and positive coping strategies removing the taboo around mental health for our youth."
- 2) ***Increasing occurrences of pupil mental health issues.*** According to a Pew Research Center analysis of data from the 2017 National Survey on Drug Use and Health, in 2017, 3.2 million teens aged 12-17 said they had at least one depressive episode within the past 12 months. This is up by 1.2 million from the same survey conducted by the National Survey on Drug Use and Health in 2007. One-in-five (2.4 million) teenage girls reported experiencing one depressive episode in 2017, compared to 845,000 teenage boys. According to data from the Centers for Disease Control and Prevention, 13 percent of students in grades 9-12 in California in 2017 reported experiencing at least one depressive episode within the last 12 months. 32 percent felt sad or hopeless almost every day for 2 or more weeks in a row so that they stopped doing some usual activities within the past year, compared to 31 percent for the United States. 17 percent of pupils in grades 9-12 reported considering suicide attempts, while 9 percent reported they attempted suicide at least once within the past 12 months.

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

- 3) ***Pupil Peer Support.*** According to the American School Counselors "peer support programs help students develop an improved sense of well-being, social confidence and health behaviors. The informed implementation of peer support programs enhances the effectiveness of school counseling programs and provides increased outreach and expansion of services."

The Rationale. "Development of relational peer networks in schools can improve students' academic achievement and social supports. Specifically, peer support programs can be defined as peer-to-peer interaction in which individuals who are of approximately the same age take on a helping role, assisting students who may share related values, experiences, and lifestyles. Peer support programs include activities such as assistance in one-to-one and group settings, academic/educational help, new student aid, and other diverse activities of an interpersonal helping nature. "

School counselors are aware that students often communicate more readily to peers than adults. Peer support programs can enhance the effectiveness of school counseling programs by increasing outreach and raising student awareness of services. Through proper selection, training, and supervision, peer support can be a positive influence within the school and community. Research indicates peer support programs are helpful when focused on assisting students with social/emotional or academic problems and disabilities, while promoting protective factors (Peer support programs can also help create a positive school culture and connectedness to the school community for both mentors and mentees as well as safer schools.

- 4) **2022-23 State Budget.** As proposed, the 2022-23 State Budget currently allocates \$10 million, one time, to develop and promote high quality peer-to-peer mental health support programs for youth. Final action on the budget will occur June 15, 2022.
- 5) **Related legislation. AB 2221 (C. Garcia)** of the 2019-20 Session would have required school districts to establish a peer support training program at each high school. *This bill was held in the Assembly Education Committee.*

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

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

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

AB 1808 (Committee on Budget) Chapter 32, Statutes of 2018, requires the CDE to identify one or more evidence-based online training programs that an LEA can use to train school staff and pupils as part of the LEA's policy on pupil suicide prevention. Also requires the CDE to provide a grant to a COE to acquire a training program identified by the CDE and disseminate that training program to LEAs at no

cost. Also appropriates, for the 2018–19 fiscal year, the sum of \$1.7 million from the General Fund to the SPI for these purposes.

SUPPORT

California alliance of child and Family services
California Coalition For Youth
California School-Based Health Alliance
Los Angeles County of Education
National Alliance on Mental Illness (NAMI-CA)

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2150 **Hearing Date:** June 15, 2022
Author: Lackey
Version: May 19, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Cannabis research

NOTE: This bill has been referred to the Committees on Education and Business, Professions, and Economic Development. A "do pass" motion should include referral to the Committee on Business, Professions, and Economic Development.

SUMMARY

This bill requires the Center for Medicinal Cannabis Research, if the Regents of the UC accept by appropriate resolution, to establish a study examining the effects of cannabis products that are currently in the commercial cannabis market, and appropriates \$2,000,000 for this purpose.

BACKGROUND

Existing law:

- 1) Requires the State Controller to disburse \$2,000,000 annually to the Center for Medicinal Cannabis Research (housed at UC San Diego) to further the objectives of the Center, including the enhanced understanding of the efficacy and adverse effects of cannabis as a pharmacological agent. (Revenue and Taxation Code § 34019)
- 2) States that it is the intent of the Legislature that the state commission objective scientific research by the premier research institute of the world, the UC, regarding the efficacy and safety of administering cannabis, its naturally occurring constituents, and synthetic compounds, as part of medical treatment. (Health and Safety Code § 11362.9(a))
- 3) Requires the UC, if the Regents of the UC accept by appropriate resolution, to create a program known as the California Cannabis Research Program, hosted by the Center for Medicinal Cannabis Research. (HSC § 11362.9(a))
- 4) Requires the California Cannabis Research Program to develop and conduct studies intended to ascertain the general medical safety and efficacy of cannabis and if found valuable, to develop medical guidelines for the appropriate administration and use of cannabis. The studies may examine the effect of cannabis on motor skills, the health and safety effects of cannabis, cannabinoids, and other related constituents, and other behavioral and health outcomes. (HSC § 11362.9(a)(2))

- 5) States legislative intent that the California Cannabis Research Program be established as follows:
- a) The program shall be located at one or more UC campuses that have a core of faculty experienced in organizing multidisciplinary scientific endeavors and, in particular, strong experience in clinical trials involving psychopharmacologic agents. The campuses at which research under the auspices of the program is to take place shall accommodate the administrative offices, including the director of the program, as well as a data management unit, and facilities for detection and analysis of various naturally occurring and synthetic cannabinoids, as well as storage of specimens.
 - b) When awarding grants under this section, the program shall utilize principles and parameters of the other well-tested statewide research programs administered by the UC, modeled after programs administered by the National Institutes of Health, including peer review evaluation of the scientific merit of applications.
 - c) The scientific and clinical operations of the program shall occur partly at University of California campuses and partly at other postsecondary institutions that have clinicians or scientists with expertise to conduct the required studies. Criteria for selection of research locations shall include the elements listed in b) and, additionally, shall give particular weight to the organizational plan, leadership qualities of the program director, and plans to involve investigators and patient populations from multiple sites.
 - d) The funds received by the program shall be allocated to various research studies in accordance with a scientific plan developed by the Scientific Advisory Council. As the first wave of studies is completed, it is anticipated that the program will receive requests for funding of additional studies. These requests shall be reviewed by the Scientific Advisory Council. (HSC § 11362.9)

ANALYSIS

This bill requires the Center for Medicinal Cannabis Research, if the Regents of the UC accept by appropriate resolution, to establish a study examining the effects of cannabis products that are currently in the commercial cannabis market, and appropriates \$2,000,000 for this purpose. Specifically, this bill:

- 1) Requires the Center for Medicinal Cannabis Research, if the Regents of the UC accept by appropriate resolution, to establish a study examining the effects of cannabis products that are currently in the commercial cannabis market.
- 2) Appropriates \$2,000,000 in the 2022–23 fiscal year, from the State and Local Government Law Enforcement Account in the California Cannabis Tax Fund to the Center for Medicinal Cannabis Research to conduct this study.
- 3) Requires the study, in consultation with the Department of the California Highway Patrol, to evaluate the public safety consequences of driving after cannabis use,

as well as improve understanding of the best methods for determining related driving impairments.

- 4) Authorizes the study to use driving simulations, blood, oral fluid or breath analysis, cognitive tests, and standardized field sobriety tests to determine the effects of commercial cannabis.
- 5) Requires the Center for Medicinal Cannabis Research to report the results of the study to the Department of Cannabis Control and to the Legislature and Governor's office by January 1, 2027.
- 6) Sunsets the provisions of this bill on January 1, 2028.
- 7) States legislative findings and declarations relative to the need for research on the impacts of cannabis on public safety, cognition, and methods for identifying impaired drivers.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Impairment remains difficult to measure in a standardized way. We also do not know how indicators could change if a person were using different methods or consuming higher concentration products.

"Federal regulations currently restrict the kinds of products allowed for lab-based experiments, which do not exceed 19% Tetrahydrocannabinol (THC). This is what is available from the National Institute on Drug Abuse (NIDA) Drug Supply Program (DSP).

"This is a substantively lower percentage than the products sold in the commercial cannabis stream, at dispensaries. The concentration of these products could be as high as 90% THC.

"The accessible products do not include dabbing, edibles, or other methods that could make self-regulation more difficult

- 2) *Center for Medicinal Cannabis Research.* The Center for Medicinal Cannabis Research was established in 2000 as a result of legislation (AB 266, Bonta, Chapter 689, 2015). As stated on the Center's website, its mission is "to accelerate high quality scientific studies intended to ascertain the medical safety and efficacy of cannabis and cannabinoid products and examine alternative forms of administration. More broadly, the Center is concerned with the health effects of cannabis. This includes advancing cannabinoid science via the awarding of grant funding, establishment of data and sample repositories, facilitating assessment and laboratory harmonization, and facilitating training of the next generation of researchers into cannabinoid science. The Center aims to be a model resource for health policy planning by virtue of its close collaboration with federal, state, and academic entities, as well as to act as a conduit for educating medical professionals and the public regarding the responsible use of cannabis/cannabinoids as medicine."

Through California's Proposition 64 (Adult Use of Marijuana Act) the Center for Medicinal Cannabis Research began receiving annual funds, with which the Center has established a grants program that funds primary and pilot studies furthering the Center's mission. The Center has completed eleven clinical studies and is currently involved in 21 studies, including 18 clinical trials. Additionally, the Center has a rich biospecimen and data repository, which allows for cross-study and future scientific studies. Moreover, the Center advises policymakers at all levels of government. These studies were conducted at five UC campuses (San Diego, Irvine, Los Angeles, San Francisco, and Davis), as well as in San Mateo, and examined the analgesic efficacy of cannabis on experimental models of neuropathic pain, neuropathic pain from HIV and diabetes, and neuropathic pain of diverse etiology. [About Us \(ucsd.edu\)](#)

- 3) *Practical effect.* As noted by the author, existing studies on the effects of cannabis do not examine the effects of high-potency cannabis. According to a July 2020 research report by the National Institute on Drug Abuse, "Researchers do not yet know the full extent of the consequences when the body and brain (especially the developing brain) are exposed to high concentrations of THC or whether the recent increases in emergency department visits by people testing positive for marijuana are related to rising potency. The extent to which people adjust for increased potency by using less or by smoking it differently is also unknown. Recent studies suggest that experienced people may adjust the amount they smoke and how much they inhale based on the believed strength of the marijuana they are using, but they are not able to fully compensate for variations in potency." [View PDF \(nih.gov\)](#)

This bill calls upon the UC to direct the Center for Medicinal Cannabis Research to study the effects of cannabis products that are *currently in the commercial cannabis market*.

- 4) *Related budget activity.* The "Legislative Version of the 2022-23 State Budget: Delivering Prosperity and Strengthening the Future By Putting California's Wealth To Work" proposes \$2 million for the Center for Medicinal Cannabis Research to conduct research on cannabis impairment and driving. [2022-23 Legislative Budget Package Actions.pdf \(ca.gov\)](#) page 179.
- 5) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose a total cost of \$2 million in fiscal year 2023-24 (California Cannabis Tax Fund) for the Center for Medicinal Cannabis Research to conduct the research and prepare the report. Minor and absorbable cost to California Highway Patrol to provide consultation to the Center.

SUPPORT

Alcohol Justice
California Narcotic Officers Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2315 **Hearing Date:** June 15, 2022
Author: Arambula
Version: June 1, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Community colleges: records: affirmed name and gender identification

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

SUMMARY

This bill requires community colleges to implement a process whereby current students, staff, and faculty may request the updating of any records for that person to include the person's affirmed name, gender, or both name and gender identification.

BACKGROUND

Existing law:

- 1) Establishes, through the Donahoe Higher Education Act, the California Community Colleges (CCC) under the administration of the Board of Governors as one of the segments of public postsecondary education. (Education Code § 70900)
- 2) Requires, as part of the Equity in Higher Education Act, a public postsecondary educational institution (including a campus of the CCC) to update a former student's records to include an updated legal name or gender if the institution receives government-issued documentation from a former student demonstrating that the former student's legal name or gender has been changed. (EC § 66271.4)
- 3) Requires a public postsecondary educational institution, beginning with the 2023–24 graduating class, to provide an option for a graduating student to request that the diploma to be conferred by the institution to list the student's chosen name. Existing law prohibits an institution from requiring a graduating student to provide legal documentation sufficient to demonstrate a legal name or gender change in order to have the student's chosen name listed on the student's diploma. (EC § 66271.4)

ANALYSIS

This bill requires community colleges to implement a process whereby current students, staff, and faculty may request the updating of any records for that person to include the person's affirmed name, gender, or both name and gender identification. Specifically, this bill:

- 1) Requires the governing board of each community college district to implement a system by which current students, staff, and faculty can declare an affirmed name, gender, or both name and gender identification to be used in their records where legal names are not required by law.
- 2) Requires a community college campus, upon the request of an individual, to update any records for current students, staff, and faculty to include the affirmed name, gender, or both name and gender identification.
- 3) Provides that the records that are to be updated include, but are not limited to, all of the following:
 - a) School-issued email addresses.
 - b) Campus identification cards.
 - c) Class rosters.
 - d) Transcripts.
 - e) Diplomas, certificates of completion of courses, or similar records.
- 4) Requires community college campus systems, beginning with the 2023–24 academic year, to be fully capable of allowing such updates.
- 5) Prohibits a community college campus from charging a higher fee for correcting, updating, or reissuing a document or record based on the declaration of an affirmed name or gender identification than the fee it charges for correcting, updating, or reissuing that document or record generally.
- 6) States legislative findings and declarations describing how the use of an individual's name assigned at birth rather than their affirmed name is termed "deadnaming." Specifically, for transgender and gender nonbinary students, being deadnamed by incorrect student records can lead to unwanted outing, bullying, discrimination, violence, and loss of employment opportunities.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Not everyone uses their legal name for any number of reasons, with a chosen or affirmed name being more reflective of the individual. For instance, a transgender or a non-binary individual may choose a name more representative of their gender identity. Use of a student's name assigned at birth rather than their chosen or affirmed name is termed "deadnaming." Specifically for transgender and non-binary individuals, being deadnamed by incorrect student records can lead to unwanted outing, bullying, discrimination, violence, and loss of employment opportunities.

"Deadnaming in public college settings is unfortunately a common practice. The 2015 U.S. Transgender Survey – California State Report revealed 63 percent of transgender and gender nonconforming individuals did not have their chosen

name or accurate gender on their identification. Research has shown that transgender youth who are able to use their affirmed name in multiple contexts reported fewer depressive symptoms and less suicidal ideation and behavior.”

- 2) *Extends to current students, staff and faculty.* Provisions in existing law relating to updating records specifically relate to former students and diplomas for graduating students. This bill essentially extends those provisions to current students, staff, and faculty at CCCs.
- 3) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose minor, one-time costs to community college districts for the updating of student records. Some colleges have already done this or are in the process of doing so. If the Commission on State Mandates determines that this bill imposes a state-mandated local program, costs would be reimbursable. However, because costs would be minor and one time, it is unlikely a community college district will file a claim for reimbursement.

SUPPORT

Equality California (co-sponsor)
Faculty Association of California Community Colleges (co-sponsor)
Office of Lieutenant Governor Eleni Kounalakis (co-sponsor)
American Federation of State, County, and Municipal Employees
California Community Colleges, Chancellor's Office
California Federation of Teachers AFL-CIO
California School Employees Association
Community College League of California
GenUp

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2810 **Hearing Date:** June 15, 2022
Author: Arambula and Cervantes
Version: April 20, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Student nutrition: CalFresh: student eligibility: Federal Application for Student Aid data.

SUMMARY

This bill requires each campus of the California State University (CSU) and California Community College (CCC), and encourages the University of California (UC) and independent institutions of higher education, to identify and notify students of CalFresh eligibility through using their Free Application for Federal Student Aid (FAFSA) information.

BACKGROUND

Existing law:

Federal law

- 1) Establishes the federal nutrition program, Supplemental Nutrition Assistance Program (SNAP), pursuant to the Food Stamp Act of 1964 to provide funding to low-income households for food and essential household items. Requires the federal government to appropriate funds for the nutritional benefits and enables the states to distribute the funds and determine eligibility based on federal regulations. (7 United States Code (U.S.C) § Section 2011)
- 2) Restricts any individual, who is enrolled at least half-time in an institution of higher education from qualifying for SNAP benefits, unless the individual qualifies for an exception, as specified. (7 Code of Federal Regulations (CFR) § 273.5(a))
- 3) Clarifies that a college student, enrolled at least part-time, may qualify for SNAP nutritional benefits if they are:
 - a) Over the age of 50 or under the age of 17; or,
 - b) Physically or mentally unfit; or,
 - c) Receiving Temporary Assistance for Needy Families under Title IV of the Social Security Act; or,
 - d) Enrolled in a Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program; or,

- e) Employed for a minimum of 20 hours per week and are paid to the equivalent of Federal minimum wage for 20 hours of work per week; or,
- f) Participating in a state or federally financed work study program during the regular school year; or,
- g) Participating in an on-the-job training program; or,
- h) Responsible for the care of a child under the age of six; or,
- i) Responsible for the care of a child between the ages of six and twelve when adequate child care is not available to enable the student to work 20 hours a week; or,
- j) A single parent enrolled full-time and are responsible for a child under the age of 12; or,
- k) Enrolled in a program associated with the Job Training Partnership Act of 1974; an employment and training program funded by Carl Perkins and Technical Education Act of 2006, as defined; a program associated with the Trade Act of 1974 as defined; or an employment and training program for low-income households operated by the State or local government. (CRF § 273.5(b))

State Law

- 4) Establishes the UC as a public trust to be administered by the UC Board of Regents (Regents) and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services. (Article IX, § (9)(a) of the California Constitution)
- 5) Stipulates no provision of the Donahue Higher Education Act shall apply to UC unless the Regents adopt the provision. (Education Code § 67400)
- 6) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the powers, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and 89030)
- 7) Requires each campus of the CSU and the CCC, and requests each campus of the University of California to include on a website account for enrolled students, a notification of and a link to information on specified public services and programs, including the CalFresh program, county or local housing resources, as specified, and local or county mental health services. (EC § 66027.6)
- 8) Establishes basic needs centers and basic needs coordinators on CCC campuses by July 1, 2022, to support students in finding resources to alleviate their basic needs including food and housing insecurities, and requires CCC campuses to report data to the office of the California Community Colleges Chancellor's Office

(CCCCO) on basic needs services and the number of students who are served. This report will be made available to the Legislature every year beginning on May 1, 2023. (EC § 66023.5)

- 9) Establishes the California CalFresh program to administer federal SNAP monetary benefits to qualifying families and individuals, as specified. (Welfare and Institutions Code (WIC) §18900)

ANALYSIS

This bill requires each CSU and CCC, and encourages the UC and independent institutions of higher education, to identify and notify students of CalFresh eligibility through using their FAFSA information. Specifically, this bill:

General Provisions

- 1) Clarifies a student shall be determined to be attending at least one-half time any semester or term in which the student enrolls in at least one-half of the number of credits needed each semester or term to graduate within four years of enrollment as a first-time freshmen or within two years of enrollment as a transfer student unless prohibited by federal law.
- 2) Requires each CSU and CCC, and encourages the UC and independent institutions of higher education, to use FAFSA data to identify and email students who may be eligible for the CalFresh program if they can also meet one of the exemptions for the CalFresh student eligibility rules as specified in the Code of Federal Regulations.
- 3) Specifies the email regarding potential CalFresh eligibility must include:
 - a. Encourage the student to contact and apply for CalFresh benefits at their local county welfare agency.
 - b. Include the contact information for the local county welfare agency.
 - c. The designated campus staff who can assist the student in applying for the CalFresh program.
- 4) Clarifies that data shall be used in accordance with federal law and shall only be used to inform students of their potential CalFresh program eligibility.

Intent of the Legislature

- 5) States that it is the intent of the Legislature to codify the United States Department of Education's Dear Colleague Letter and to clarify educational policies for purposes of addressing student hunger on campus.

Definitions

- 6) For the purposes of this section, defines "CalFresh program" to mean the program established pursuant to Welfare and Institutions Code.
- 7) For the purposes of this section, defines "FASFA" to mean Free Application for Federal Student Aid.
- 8) For the purposes of this section, defines "Independent institution of higher education" to have the same meaning in existing law.
- 9) For the purposes of this section, defines "Private postsecondary educational institution" to have the same meaning in existing law.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office "College students are facing food, housing, and other basic needs insecurities. In 2019, surveys found that on average over one-third of college students have experienced either housing insecurity or food insecurity. The COVID-19 pandemic only increased this insecurity, especially for students from disadvantaged families. Another survey conducted by the California Student Aid Commission in 2020 revealed 7 in 10 students said they had lost some or all of their income. Financial aid offices within college campuses are aware of which students receive state and federal financial aid, and therefore who may qualify for state assistance. But the connection to that student is not always made, unless the student seeks out the information themselves. Campuses are concerned about using this private information of the student in order to connect them. A recent Dear Colleague Letter from the U.S. Department of Education implores institutions of higher education to increased awareness of available benefits for students in order to reduce hunger on campus and keep students enrolled. AB 2810 seeks to codify the recommendations made by the US Department of Education and require college campuses to make the connection to students who may qualify for CalFresh benefits."
- 2) ***Deficient of student aid programs.*** Student aid programs like Cal Grant and others largely cover tuition costs but fall short of helping students pay for other costs associated with college attendance such as food and housing. The need gap has had a significant impact on low-income families. The Institute for College Access and Success highlights this point in their report, "Charting the Course for Redesigning Financial Aid in California," released October 2019. According to the report, college students in California from families that make \$30,000 or less in household income typically pay no tuition after grants and scholarships, but they still have to spend about half or more of their entire family income for other costs not covered by aid. Estimates by the California Student Aid Commission project that, for 2019-20, non-tuition costs, such as food, books, and housing, will exceed \$22,000 for students who live off campus across all types of institutions. These numbers are particularly concerning for community college students where hunger, or food insecurity, affects up to two-thirds of students (based on CCC student survey). The COVID-19 pandemic has exacerbated the need for additional resources. Finding ways to connect students with other social safety net resources, such as CalFresh benefits, have gained momentum in response to this issue.

- 3) **Federal rules disqualify students from eligibility.** CalFresh is California's version of the federal SNAP program, which provides monthly food benefits to qualified low-income individuals and families to assist them with purchasing the food they need to maintain adequate nutrition levels. It is administered by the California Department of Social Services (CDSS) at the state level and California's 58 counties are responsible for administering CalFresh at the local level. CalFresh benefits are 100 percent federally funded and the federal government establishes national income eligibility standards and benefit levels.

However, student eligibility for CalFresh is limited based on a number of factors that essentially disqualify most full-time college students from benefits unless they qualify for one of several exemptions. These exemptions include, being employed at least 20 hours per week, being approved and anticipate participating in a work-study program, being responsible for the care of a child, attending school as part of an employment and training program, or participating in a program to improve employability, or receiving TANF funding. The CDSS estimates the annualized average number of students receiving CalFresh food benefits to be 127,630 and the total number of students likely eligible for CalFresh to be between 416,471. Consequently, student eligibility is complicated and presumably contributes to low participation rates.

The COVID-19 relief bill (H.R. 133) passed by Congress in December made it easier, albeit temporarily, for college students to access the CalFresh program for as long as the federal emergency related to COVID-19 is in place.

- 4) **CalFresh workgroup findings.** SB 77 (Committee on Budget and Fiscal Review, Ch. 53, Statutes of 2019) directed CDSS in consultation with UC, CSU, and CCCs, to assess the effectiveness of the federal CalFresh program in serving low-income college students and provide recommendations. The report included various findings for improving CalFresh access to college students including supporting targeted CalFresh outreach and development of integrated messaging to address food insecurity among students.
- 5) **Previous legislative efforts and investments.** In the attempt to decrease food insecurity among college students, the Legislature has made numerous efforts to address food insecurity on college campuses. Last year, the Legislature passed AB 543 (Chapter 561; Statutes of 2021) which requires CCC and CSU, and request the UC, campuses to provide all incoming students with educational information regarding the CalFresh program, including the eligibility requirements, during campus orientation.

The Legislature also passed AB 132 (Chapter 144; Statutes of 2021) which approved \$100 million one-time to address CCC student basic needs including food insecurity and to assist homeless and housing-insecure students in securing stable housing and requires the Chancellor of the California Community Colleges to develop and submit to the Governor and the Legislature. In addition to AB 132, in an effort to provide immediate relief during the COVID-19 pandemic, the Legislature approved 84 (Chapter 4; Statutes of 2021) which appropriated \$28.8 8 million for county administrators and outreach costs associated with Calfresh benefits to student enrolled in higher education institutions; \$2.93 million for

CalFresh outreach to students at the UC and the CSU; and 123.1 million to the CCC to increase student retention, increase CalFresh outreach to CCC students and to provide CCC students with emergency financial assistance grants.

- 6) **Related legislation. AB 543 (Davies), Chapter 561, Statutes of 2021**, requires campuses of the CCC and the CSU Board of Trustees, and requests the UC Board of Regents to provide all incoming students with educational information regarding the CalFresh program, including the eligibility requirements, during campus orientation.

AB 1278 (Gabriel), Chapter 517, Statutes of 2019, requires each CCC and CSU campus and requests each UC campus to provide on an internet website-based account for an enrolled student notification of and a link to internet sites of CalFresh and local mental health and housing resources as specified.

AB 132 (Committee on Budget), Chapter 144, Statutes of 2021 makes necessary changes to implement the higher education provisions adopted as a part of the Budget Act of 2021.

AB 84 (Committee on Budget), Chapter 4, Statutes of 2021, appropriates \$28.8 8 million for county administrators and outreach costs associated with Calfresh benefits to student enrolled in higher education institutions; \$2.93 million for CalFresh outreach to students at the UC and the CSU; and 123.1 million to the CCC to increase student retention, increase CalFresh outreach to CCC students and to provide CCC students with emergency financial assistance grants.

SUPPORT

National Association of Social Workers, California Chapter
California Student Aid Commission

OPPOSITION

None on file.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 2329	Hearing Date:	June 15, 2022
Author:	Carrillo		
Version:	June 6, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil health: mobile vision examinations: schoolsites.

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

SUMMARY

This bill authorizes a local education agency (LEA) and charter schools to enter into a memorandum of understanding (MOU) with a nonprofit vision examination provider, including, but not limited to, a nonprofit mobile vision examination provider; requires notification to parents; and deems that informed medical consent has been given if the parent does not opt-out of the examination in writing.

BACKGROUND

Existing law:

- 1) Requires the governing board of any school district to provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified supervisors of health employed by the district; or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the Commission for Teacher Preparation and Licensing; or by contract with an agency duly authorized to perform those services by the county superintendent of schools of the county in which the district is located. (Education Code 49452)
- 2) States during the kindergarten year or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, the pupil's vision shall be appraised by the school nurse or other authorized person. (Education Code § 49455(a))
- 3) Specifies that school districts are not precluded from utilizing community-based service providers, including volunteers, individuals completing counseling-related internship programs, and state licensed individuals and agencies to assist in providing pupil personnel services, provided that such individuals and agencies are supervised in their school-based activities by an individual holding a pupil personnel services authorization. (California Code of Regulations, Title 5, Section 80049.1(c))
- 4) States a parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school, in which he is

enrolled, a statement in writing, signed by the parent or guardian, stating that he will not consent to a physical examination of his child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (EC § 49451)

ANALYSIS

This bill authorizes a LEA and charter schools to enter into a MOU with a nonprofit vision examination provider, including, but not limited to, a nonprofit mobile vision examination provider; requires notification to parents; and deems that informed medical consent has been given if the parent does not opt-out of the examination in writing. Specifically, this bill:

- 1) Authorizes a public school maintaining kindergarten or any of grades 1 to 12, inclusive, to enter into an MOU with a nonprofit mobile vision examination provider to provide vision examinations to pupils at the schoolsite of the public school.
- 2) Clarifies that vision examinations provided by a nonprofit mobile vision examination provider under this section shall be supplemental to, and shall not replace, the vision screenings as specified in current law.
- 3) Clarifies a vision examination provided by a nonprofit mobile vision examination provider shall be noninvasive and provided exclusively for the purpose of providing vision examinations and eyeglasses.
- 4) Specifies that a mobile vision examination provider providing vision examination pursuant to this section shall provide reports to parents and guardians as specified.
- 5) Requires a schoolsite of a public school to have an MOU in place with a nonprofit mobile vision examination provider before a vision examination is provided.
- 6) Requires a public school to notify parents and guardians of the upcoming provision of vision examinations at the schoolsite.
- 7) Specifies that a notification to parents and guardians shall include a form in which a parent or guardian may indicate that they do not consent to a vision examination being provided to their child and, upon a parent or guardian completing and submitting that form to the public school, may opt-out of their child receiving a vision examination.
- 8) Clarifies that notwithstanding the submittal of a written statement exempting a child from any physical examination, a parent or guardian having control or charge of any child enrolled in the public school may consent to a vision examination by submitting a written consent to the examination to the public school.

- 9) States that no later than March 1, 2023, the California Department of Education (CDE) shall develop and post on appropriate department internet websites a model opt-out form.
- 10) Clarifies if a parent or guardian does not opt-out by submitting the form or statement as specified, a vision examination provided by a nonprofit mobile vision examination provider shall be deemed informed medical consent for the vision examination.
- 11) Clarifies parents, guardians, or pupils who do not opt-out by submitting the form or by submitting a written statement shall be deemed to have waived all claims against the public school and the State of California for injury, accident, illness, or death that occurs during or by reason of participating in a vision examination pursuant to this section.
- 12) Clarifies parents, guardians, or pupils who participate in a vision examination provided by a nonprofit mobile vision examination provider shall be deemed to have waived all claims against participating licensed health care professionals for providing services without parent or guardian consent.
- 13) Clarifies a participating licensed health care professionals, including independent contractors of those professionals, who provide services on the behalf of a mobile vision examination provider, shall have immunity from civil and criminal liability, and shall not be subject to disciplinary action by a licensing board.
- 14) Specifies a public school, the State of California, or a participating licensed health care professionals, including independent contractors of those professionals, who provide services on the behalf of a mobile vision examination provider may be subject to the following:
 - a) A person's liability for damages caused by an act or omission that constitutes gross negligence or willful or wanton misconduct.
 - b) A person's culpability for an act that constitutes a crime and is not specifically authorized by the MOU between the school and a nonprofit mobile vision examination provider.
 - c) The ability of a licensing board to take disciplinary action against a licensed health care professional for an act not specifically authorized by the MOU between the school and a nonprofit mobile vision examination provider.
 - d) The ability of a parent or guardian, having control or charge of a pupil enrolled in the public school stating that they do not consent to a physical examination of their child, thereby exempting the pupil from any physical examination, including, but not limited to, the vision examination unless the parent or guardian have provided written consent to the school.
- 15) States that vision examination providers providing vision examinations to pupils at a public school are subject to, and shall comply with existing law as specified.

- 16) Requires any nonprofit mobile vision examination provider, participating licensed health care professional, including independent contractors of these professionals, or other entity providing services to have a background check prior to interacting with any pupils.
- 17) Defines "public school" as a school of a school district or a charter school.
- 18) Defines "Nonprofit mobile vision examination provider" to mean a nonprofit optometric provider that uses a "mobile optometric office," as specified in Business and Profession Code.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "According to the American Optometric Association, a child trying to cope with untreated vision problems is likely to experience learning difficulties, which lead to disengagement in the classroom, physical education, and extracurricular activities. They may even experience physical symptoms, such as headaches and fatigue. Vision is critical to classroom learning. In fact, up to 80% of the information that a child learns at school is from visual presentations. A 2021 study showed that addressing a pupil's vision problem, between third and seventh grade, had an immediate and meaningful positive impact on reading scores. Specifically, this bill would authorize a public school to enter into a memorandum of understanding with a nonprofit mobile vision provider to offer noninvasive vision exams and eyeglasses to students at the school site. It would also provide parents with an opportunity to opt out of their child receiving these vision care services through a form developed by the State Department of Education."
- 2) ***CDE Guidelines (2019).*** California public schools are committed to providing equal educational opportunities to all students. The school vision screening program has a vital role in the early identification of serious vision problems that may contribute to academic disparities. A vision screening program meets state requirements when it is provided under the direction of qualified personnel. The major objectives of the vision screening program are to:
 1. Identify students with potential vision deficits through:
 - a. Administration of selected vision screening tools.
 - b. Planned procedures of observation.
 2. Notify parents of each student identified as having a possible vision deficit and encourage further examination through a professional comprehensive eye and vision evaluation.
 3. Establish follow-up procedures that will ensure that each identified student receives appropriate follow-up care.

4. Inform teachers of students who have vision deficits about vision eye care professionals' recommendations and assist them in planning for needed adjustments in the educational program.

Personnel Authorized to Conduct Screening. Only the following persons shall conduct vision screening:

1. Duly qualified supervisors of health employed by the school district or county offices of education (COE).
2. A registered nurse who holds both (1) a license from the appropriate California board or agency; and (2) a health and development credential, a standard designated service credential with a specialization in health, a health services eight credential as a school nurse, or a school nurse services credential.
3. Certificated school district or county employees who hold a teaching credential and are qualified by training, including satisfactory completion of one six hours of vision screening or an accredited college or university course in vision screening of at least one-semester unit.
4. Contracting agents who have met the requirements noted above and who have been authorized by the County Superintendent of Schools in which the district is located to perform tests.

Legal Requirements for Periodicity of the School Screening Program.

Grade Level	Distance Vision	Near Vision	Color Vision Deficiency
Transitional Kindergarten/Kindergarten	Required	Required	Not Required
Grade 1	Not Required	Not Required	Required
Grade 2	Required	Required	Required in subsequent years only if not screened in grade 1
Grade 5	Required	Required	See Above
Grade 8	Required	Required	See Above
Special Education	Required	Required	Required

While the education code does not require vision screening of preschool students, the National Expert Panel to the National Center for Children's Vision recommends vision screening for children ages three, four, and five years for eye and visual system disorders. Best practice for this age group is screening at least once (accepted minimum standard) or optimally, annually. Preschoolers at risk for vision disorders and those with noticeable eye abnormalities, i.e., strabismus, and ptosis, should be referred directly to an eye care professional. Personnel in a school district or COE who may be required or permitted to screen vision shall be qualified to conduct such tests.

- 3) **Los Angeles County Pilot Program.** In an effort to determine whether children's access to and utilization of, vision care services can be increased by providing vision care services at schools, existing law required the California Department of Health Care Services to establish a pilot program in the County of Los Angeles that enables school districts to allow students enrolled in Medi-Cal managed care plans to receive vision care services at the schoolsite through the use of a mobile vision service provider. The vision care services available under this pilot program were limited to vision examinations and providing eyeglasses and are supplemental to the vision testing required by schools in the Education Code. The pilot program operated for two years from January 1, 2015, to January 1, 2017. The Budget Act of 2018 appropriated \$1,000,000 to reimburse a qualifying mobile vision service provider for furnishing mobile vision care services previously covered under the pilot program and not otherwise reimbursable under the Medi-Cal program for dates of service on or after July 1, 2018, through December 31, 2018.
- 4) **2011 Study.** A 7-year study, "Uncorrected refractive error among first-grade students of different racial/ethnic groups in southern California: results a year after school-mandated vision screening," of 11,332 first-grade students published in the *Journal of Public Health Management and Practice*, concluded that "95% of children with decreased visual acuity (858 of 906 children) lacked eyeglasses that would have helped them attain normal vision. The lack of eyeglasses was more common in boys and African American/Latino children compared with that in girls and non-Hispanic white children, respectively."
- 5) **Committee comment:** The provisions of this bill provide participating licensed health care professionals, including independent contractors of those professionals immunity from civil and criminal liability, and are not subject to disciplinary action by a licensing board, for performing non-invasive eye examinations. *While the committee supports increasing access to healthcare through our schools, the committee may wish to consider the immunity provision set forth in this bill.*
- 6) **Argument in support.** According to the California Federation of Teachers "According to the American Optometric Association, a child trying to cope with untreated vision problems is likely to experience learning difficulties, which leads to disengagement in the classroom, physical education, and extracurricular activities. They may even experience physical symptoms, such as headaches and fatigue. Currently school districts are required to get parental consent for vision exams, a requirement that does not exist for physical exams. By opting-in students for vision exams as the default, we are removing a significant administrative barrier, and providing school districts greater flexibility to collaborate with community nonprofit providers to expand further access to needed vision services and corrective remedies. AB 2329 (Carrillo) would authorize a public school to enter into a memorandum of understanding with a nonprofit mobile vision provider to offer noninvasive vision exams and eyeglasses to students at the school site. It would also provide parents with an opportunity to opt out of their child receiving these vision care services through a form developed by the State Department of Education."
- 7) **Related legislation.** **AB 2904 (Carrillo)** of the 2017-18 Session, would have authorized the governing board of a school district to enter into an MOU with a

nonprofit mobile vision care services provider to provide vision care services to pupils at the schoolsite of a public school that are supplemental to required vision screenings. This bill was placed on the inactive file in the Senate.

SB 870 (Senate Budget and Fiscal Review Committee) Chapter 40, Statutes of 2014 Among other things, implements a pilot program in Los Angeles County no sooner than January 1, 2015, and concluding December 31, 2017, to expand pediatric vision examinations and services through the use of mobile vision providers.

SB 1172 (Steinberg) Chapter 925, Statutes of 2014, deletes the existing vision screening requirements and instead, requires, during the kindergarten year or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, the pupil's vision to be appraised by the school nurse or other authorized person.

AB 1840 (Campos) Chapter 803, Statutes of 2014 clarifies that a child's vision is permitted to be appraised by using an eye chart or any scientifically validated photoscreening test. This bill requires photoscreening tests to be performed, under an agreement with, or the supervision of, an optometrist or ophthalmologist, by the school nurse or a trained individual who meets requirements established by the Department of Education.

SB 430 (Wright) of the 2013-14 Session 2013 would have required a pupil to receive a vision examination from a physician, optometrist, or ophthalmologist and requires that screening to include a test for binocular function, refraction, and eye health. SB 430 was never heard in the Assembly Health Committee.

SUPPORT

Los Angeles Unified School District (Sponsor)
California Federation of Teachers AFL-CIO
National Association of Pediatric Nurse Practitioners (NAPNAP)

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2617 **Hearing Date:** June 15, 2022
Author: Holden
Version: June 8, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Pupil instruction: dual enrollment programs: competitive grants: College and Career Access Pathways partnerships: best practices: communication and marketing strategy.

SUMMARY

This bill establishes a grant program administered by the California Department of Education (CDE) to increase participation in dual enrollment programs at designated local education agencies (LEAs).

BACKGROUND

Existing law:

- 1) Authorizes a student to undertake courses at a California Community College (CCC) if the governing board of a school district, upon recommendation of the principal of the student's high school and with parental consent, determines a student would benefit from advanced or vocational coursework. The student may attend the CCC during any session or term as a special part-time or full-time student and take one or more courses of instruction offered at the CCC. Provides methods for parents to petition for students to attend community college courses and methods for appeals in case of a denial. Includes criteria for allocating attendance and funding for high school students who attend courses at the community college.
- 2) Stipulates that summer courses may be offered if a student has met specified conditions and if the principal has not recommended summer session attendance to more than 5% of the student's grade population in the previous year. All physical education courses must adhere to the 5% threshold and the following courses are exempt until January 1, 2027:
 - a) Courses which are part of a California College and Career Access Pathways (CCAP) partnerships and meet specified criteria;
 - b) Courses which are lower division, college-level courses that are either a college-level course that are part of the Intersegmental General Education Transfer Curriculum or applies towards the general education requirements of the CSU; and
 - c) Courses which are a college-level occupational course, as defined.

- 3) Authorizes, until January 1, 2027, the governing board of a CCC district to enter into a CCAP partnership with the governing board of a school district or the governing body of a charter school for the purpose of offering or expanding dual enrollment opportunities for pupils who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness.
- 4) Requires that the CCAP partnership agreement be approved by the respective governing boards of the CCC district and the school district or governing body of the charter school. Requires the governing boards or body to:
 - a) Consult with and consider the input of the appropriate local workforce development board in order to determine to what extent the career technical education pathways are aligned with regional and statewide employment needs; and,
 - b) Present, take comments from the public on, and approve or disapprove of the CCAP partnership agreement at an open public meeting of the governing board of the district or governing body of the charter school.
- 5) Requires the California Community College Chancellors Office (CCCCO) to report to the Department of Finance (DOF) and Legislature annually on the amount of full-time equivalent students (FTES) claimed by each CCC district for high school pupils enrolled in non-credit, non-degree applicable, and degree applicable courses; and provides that, for purposes of receiving state apportionments, CCC districts may only include high school students within the CCC district's report on FTES if the students are enrolled in courses that are open to the general public, as specified. Additionally, requires the governing board of a CCC district to assign a low enrollment priority to special part-time or full-time students in order to ensure that these students do not displace regularly admitted community college students.
- 6) Requires the Chancellor of the CCC, on or before January 1, 2021, to prepare a summary report that includes an evaluation of the CCAP partnerships, an assessment of the growth of special admits system wide and by campus, and recommendations for improving the CCAP partnerships, as specified. Requires the report to be transmitted to the Legislature, the DOF, and the Superintendent of Public Instruction (SPI). Requires the Chancellor of the CCC to annually collect specified data from the CCC and school districts participating in a CCAP partnership. Requires the data to include:
 - a) The total number of high school pupils by school site enrolled in each CCAP partnership, disaggregated by gender and ethnicity;
 - b) The total number of CCC courses taken by CCAP partnership participants disaggregated by category, type, and school site;

- c) The total number and percentage of courses successfully completed by CCAP partnership participants disaggregated by course category, type, and school site;
 - d) The total number of FTEs generated by the CCAP partnership community college district participants; and,
 - e) The total number of full-time equivalent students served online by the CCAP partnership college district participants.
- 7) Establishes Middle College High Schools (MCHS). Requires each MCHS to be structured as a broad-based, comprehensive instructional program focusing on college preparatory and school-to-work curricula, career education, work experience, community service, and support and motivational activities. Authorizes the specific design of a MCHS to vary depending on the circumstances of the community college or school district. Requires the basic elements of the MCHS to include, but not be limited to, the following:
- a) A curriculum that focuses on college and career preparation;
 - b) A reduced adult-student ratio;
 - c) Flexible scheduling to allow for work internships, community service experience, and interaction with community college student role models; and
 - d) Opportunities for experiential internships, work apprenticeships, and community service.
- 8) States that Early College High Schools (ECHS) are small, autonomous schools that blend high school and college into a coherent educational program. In ECHS, pupils begin taking college courses as soon as they demonstrate readiness and the college credit earned may be applied toward completing an associate or bachelor's degree, transferring to a four-year university, or obtaining a skills certificate.

ANALYSIS

This bill:

- 1) Requires, contingent upon an appropriation by the Legislature in the annual Budget Act or another statute, the CDE, in consultation with the office of the Chancellor of the California Community Colleges (CCCCO), beginning on or before July 1, 2023, to administer a competitive grant program to do all of the following:
 - a) Enable more local educational agencies (LEAs) to establish either middle college or early college high schools that provide pupils with access to obtain college credits while enrolled in high school.

- b) Provide incentives for LEAs to establish dual enrollment course opportunities that are consistent with the requirements of California College and Career Access Pathways (CCAP) partnerships.
 - c) Enable LEAs with existing middle college or early college high schools or CCAP partnerships to couple robust pupil advising and success supports with available dual enrollment programs and establish outreach campaigns to promote dual enrollment for new or existing middle college or early college high schools or CCAP partnerships.
- 2) Requires, of the funds appropriated in support of this grant program, the SPI to provide approved applicants with any, or all, of the following, as applicable:
- a) A one-time grant of up to \$500,000 to support an LEA's costs, over a five-year period, to couple robust pupil advising and success supports with dual enrollment and establish outreach campaigns to promote dual enrollment for new or existing middle college or early college high schools or CCAP partnerships;
 - b) A one-time grant of up to \$250,000 to support the costs to plan for, and start up, a middle college or early college high school that is located on the campus of an LEA, a partnering community college, or other location determined by the local partnership, as specified; and
 - c) A one-time grant of up to \$100,000 to establish a CCAP dual enrollment partnership agreement, as specified, and to enable pupils at the participating high school to access dual enrollment opportunities pursuant to the CCAP partnership agreement.
- 3) Authorizes an LEA to request grants from any, or all, of the opportunities specified above.
- 4) Requires the funds appropriated in the annual Budget Act or other statute to be distributed, approximately, in the following manner:
- a) 60% to be available for the purposes of one-time grants of up to \$500,000 to support a LEA's costs, over a five-year period, to establish outreach campaigns to encourage pupils to enroll in dual enrollment programs, and to couple robust pupil advising and success supports with available dual enrollment and accelerated college credit opportunities;
 - b) 27.5% to be available for the purposes of one-time grants of up to \$250,000 to support the costs to plan for, and start up, a middle college or early college high school that is located on the campus of a LEA, as specified; and
 - c) 12.5% be available for the purposes of one-time grants of up to \$100,000 to establish a CCAP dual enrollment partnership agreement, as specified, and to enable pupils at the participating high school to access dual enrollment opportunities pursuant to the CCAP partnership agreement.

- 5) Requires an LEA seeking a grant to submit an application to the SPI at a time, in a manner, and with any appropriate information, as the SPI may reasonably require.
- 6) Requires the SPI to give priority to available grant funds to support applications from LEAs that display any of the following characteristics:
 - a) 50% or more of the enrolled pupils at the LEA are unduplicated pupils for purposes of the Local Control Funding Formula (LCFF);
 - b) The LEA has a higher than state average dropout rate;
 - c) The LEA has a higher than state average rate of suspension and a higher than state average rate of expulsion;
 - d) The LEA has higher than state average rates of child homelessness, foster youth, or justice-involved youth; or
 - e) The LEA has a lower than state average rate of pupils completing all of the A–G courses required to be eligible for admission to the University of California or the California State University.
- 7) Requires the SPI to begin disbursing funds for approved applicants on or before December 1, 2023, to ensure funds are disbursed in a timely manner.
- 8) States the intent of the Legislature that courses offered to high school pupils in dual enrollment programs are part of structured, well-sequenced pathways and count toward postsecondary certificate or degree requirements, and are counted toward high school graduation requirements in equivalent subject areas.
- 9) States the intent of the Legislature that courses offered to high school pupils pursuant to a CCAP partnership agreement are part of structured, well-sequenced pathways and consist of transfer-level courses unless one of the following occurs:
 - a) The pupil elects to participate in a degree or certificate pathway that is not met with transfer-level courses.
 - b) The pupil has failing grades in mathematics, English, or both, in grade 10 or 11, as determined by the partnering school district, county office of education (COE), or charter school. The pupil may be placed into an innovative remediation course during their first year of participating in the CCAP partnership agreement as an intervention taken to ensure the pupil is on track to satisfactorily complete state and any local graduation requirements, as determined by the school district, COE, or charter school, and is prepared for transfer-level coursework at a community college upon graduation.

- 10) Requires, on or before June 30, 2024, and on or before June 30, 2027, the CDE to prepare a summary of how the funds were disbursed and used to further the specified goals, and to submit the summary to the Senate Committee on Education, Assembly Committee on Higher Education, and Assembly Committee on Education. Requires the summary to include all of the following information:
 - a) The number of grants awarded, disaggregated by LEA;
 - b) How the funding was used by local educational agencies to accomplish the specified goals;
 - c) The total number of high school pupils by schoolsite enrolled in dual enrollment programs disaggregated by participation in middle college high school, early college high school, CCAPs, and other dual enrollment programs.
 - d) The total number of community college courses by course category taken by pupils participating in middle college high school, early college high school, CCAPs, and other dual enrollment programs.
 - e) The total number of successful course completions by course category disaggregated by participation in middle college high school, early college high school, CCAPs, and other dual enrollment programs.
 - f) Program outcomes for pupils who were enrolled in dual enrollment programs, disaggregated by grade level, gender, socioeconomic status, and race and ethnicity.
- 11) States the intent of the Legislature that, upon the implementation of the California Cradle-to-Career Data System, future data and outcome reporting on dual enrollment programs to be linked through, and conducted in accordance with, the privacy requirements of the California Cradle-to-Career Data System.
- 12) Defines "local educational agency" to mean a school district, charter school, or COE.
- 13) Appropriates \$500 million in one-time funds from the General Fund, Proposition 98, to the CDE, in consultation with the office of the CCCCO, to administer this competitive grant program. Requires the appropriated funds to be available for encumbrance until June 30, 2027.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Dual enrollment programs such as the College and Career Access Pathways are key tools to turning the tide on successful college graduation because they give students a chance to see for themselves what their college experience could be, and before they know it, they have a few semesters of college credit under their belt. Of course, it does not end with just providing an opportunity; we need to communicate to students and parents that the opportunity is available and once they take up the opportunity,

students need to know they have the academic and non-academic support needed on their journey to college graduation.”

- 2) **Concurrent enrollment.** Concurrent enrollment provides pupils the opportunity to enroll in college courses and earn college credit while still enrolled in high school. Generally, a pupil is allowed to concurrently enroll in a community college as a "special-admit" while still attending high school, if the pupil's school district determines that the pupil would benefit from "advanced scholastic or vocational work." Special-admit students have typically been advanced pupils wanting to take more challenging coursework or pupils who come from high schools where Advanced Placement or honors courses are not widely available. Additionally, programs such as middle college high schools and early college high schools use concurrent enrollment to offer instructional programs for at-risk pupils that focus on college preparatory curricula. These programs are developed through partnerships between a school district and a community college.
- 3) **College Access and Career Pathways (CCAP) program.** The CCAP program allows for partnerships between school and community college districts such that high school students dual-enroll in up to 15 community college units per term; students may enroll in no more than four courses per term. The goals of CCAP are to develop seamless pathways from high school to community college for career technical or general education transfer, improve high school graduation rates, or help high school students achieve college and career readiness. Courses must be part of an academic program defined in a CCAP agreement and meet criteria for both a high school diploma and an Associate of Arts or other credentials.

Unlike other concurrent enrollment options, College and Career Access Pathways (CCAP) offers dual enrollment as a pathway, rather than a series of disconnected individual courses, and provides greater flexibility in the delivery of courses at the high school campus.

- 4) **Other concurrent enrollment options.** Beyond the College and Career Access Pathways (CCAP), community college districts have several statutorily authorized means by which apportionments can be claimed for minors enrolled by the district. These include:
 - a) *Special part-time full-time students.* School district governing boards can recommend students who would benefit from advanced scholastic or vocational work for attendance at a community college upon recommendation of the principal. The number of students who can be recommended for summer session enrollments is capped at five percent of the students in each grade. Community colleges can claim state funding for these students only if the course is open and advertised to the general public. Under this authority, students are limited to enrolling in a maximum of 11 units per semester and must be assigned low enrollment priority by the college to avoid displacement of adults.

- b) *Early College High Schools (ECHS) and Middle College High Schools (MCHS)*. ECHS are designed for young people who are underrepresented in postsecondary education, including students who have not had access to the academic preparation needed to meet college readiness standards, students for whom the cost of college is prohibitive, students of color, first generation college-goers, and English language learners. MCHS is a collaborative program that enables high-potential, "at-risk" students to obtain a high school education while concurrently receiving direct access to college courses and services. High school students attend classes at a community college and earn credit toward a high school diploma while having the opportunity to concurrently take college courses and to receive more intensive counseling and administrative attention. These programs are subject to the same conditions that exist for special admit students, with the exception that MCHS students are exempt from the low enrollment priority provisions for classes necessary for completion of their programs.
- c) *College Promise Partnership Act*. SB 650 (Lowenthal, Chapter 633, Statutes of 2011) authorized a partnership between the Long Beach community college and school district to provide a seamless bridge to college for students who were not already college bound and to reduce the time needed for advanced students to complete programs. These students are exempted from the requirements applicable to special admit students that they must be recommended by the school principal. The community college is eligible to receive state funding for these students but is prohibited from receiving apportionment for instructional activity for which the school district received apportionment. Formerly set to sunset on January 1, 2018, this partnership was extended indefinitely by AB 1533 (O'Donnell, Chapter 762, Statutes of 2017).
- 5) ***Similar proposal included in the Governor's Budget.*** The Governor's Budget for 2022-23 includes a proposal of \$500 million in one-time Proposition 98 General Funds to be provided over the course of five years for the purpose of strengthening and expanding access and participation in dual enrollment programs that include the use of student advising and support services. Contained within the K-12 omnibus trailer bill language proposed by the Department of Finance (DOF) is language closely aligned to the language provided in this bill. At the time of this writing, the Legislative Version of the 2022-23 State Budget takes the following action on the Governor's Proposal: "Approve \$200 million one-time Proposition 98 General Fund for planning grants as specified, and adopt placeholder trailer bill language."
- 6) ***Arguments in support.*** According to the Stanislaus Community Foundation, "Research clearly shows that students not on the college pathway or who are seen as farthest from 'college-ready' are the ones who see the biggest gains when accessing dual enrollment. Dual enrollment can support their educational recovery by reengaging students to recover credits for on-time high school graduation and it can help them perceive college as realistic by letting them access college courses and increase the likelihood that they will enroll after graduation. AB 2617 will enable and incentivize more local education agencies

to establish dual enrollment opportunities for students, couple those opportunities with student support services and outreach campaigns, and ensure dual enrollment opportunities for students, couple those opportunities with student support services and outreach campaigns, and ensure dual enrollment outcomes are studied for future program improvements.”

SUPPORT

California Charter Schools Association
California State Parent Teacher Association
Campaign for College Opportunity
San Jose-Evergreen Community College District
The Education Trust - West
Television Academy Foundation

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2627 **Hearing Date:** June 15, 2022
Author: Bauer-Kahan
Version: April 28, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Electronically collected personal information: local agencies: the California Community Colleges: memorandum of understanding

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

SUMMARY

This bill authorizes a local agency, at the request of the governing board of a California Community College (CCC) district, to enter into a memorandum of understanding (MOU) that would allow the agency and the CCC district to share electronically collected personal information about users for the purpose of facilitating outreach to, and enrollment of, individuals in the CCC system and notifying the user of all available support resources.

BACKGROUND

Federal law

- 1) Protects the privacy of student education records in federal law with the Family Educational Rights and Privacy Act (FERPA). The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level (United States Code, Title 20 § 1232g; Code of Federal Regulation, Title 34, Part 99).

State law

- 2) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education. (Education Code § 70900)
- 3) Creates for each CCC district a board of trustees, known as the governing board, and authorizes the governing board of each CCC district to establish, maintain, operate, and govern each CCC within their district in accordance with state and federal law, as specified. Existing law authorizes a governing board to initiate and carry on any program, activity, or to otherwise act in any manner that is not in conflict or inconsistent with any law and that is not in conflict with the purpose of a CCC district, as specified. (EC § 70902)

- 4) Authorizes a CCC to provide statistical data to any public agency, private nonprofit college, university, or educational research and development organization when it is deemed the data will be used in a manner that is in the best educational interest of students. (EC § 76241)
- 5) Authorizes a CCC district to allow access to student records to any person that a student has provided written consent for those records to be released. Transmission of the records by the permitted person to another third party is prohibited and the consent notice provided by the student is to be kept within the student's record. (EC § 76242)
- 6) Defines a "local agency" to include a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or entities that are legislative bodies of a local agency. (Government Code § 6252)

ANALYSIS

This bill authorizes a local agency, at the request of the governing board of a CCC district, to enter into a MOU that would allow the agency and the CCC district to share electronically collected personal information about users for the purpose of facilitating outreach to, and enrollment of, individuals in the CCC system and notifying the user of all available support resources. Specifically, this bill:

- 1) Authorizes a local agency, at the request of the governing board of a CCC district, to enter into a MOU that would allow the agency and the CCC district to share electronically collected personal information about users unless the user has not granted permission for that disclosure.
- 2) Provides that electronically collected personal information provided by the local agency to the CCC district shall only be used for facilitating outreach to, and enrollment of, individuals in the CCC system and notifying the user of all available support resources.
- 3) Prohibits a CCC district from providing student personal information or student level data to the local agency unless the data will be used in a manner that is in the best educational interest of students.
- 4) Requires a CCC district that enters into a MOU pursuant to this bill to do all of the following:
 - a) Comply with the United States Constitution and applicable federal laws, including FERPA and its implementing regulations.
 - b) Comply with the California Constitution, and applicable state laws and regulations, as specified.
 - c) Ensure that material used by the CCC district for outreach, enrollment, and notification of resources protects the user's identity so that the user's

- membership in the targeted population is not revealed.
- d) Limit the memorandum of understanding to personal identifying user data received from the local agency to the service area of the CCC district. This bill requires CCC district that receives data from the service area of another CCC district to delete the data without using it.
 - 5) Prohibits a CCC district from using the electronically collected personal information provided by the local agency for purposes of prepopulating admission applications or enrollment documents.
 - 6) Requires the CCC district, upon first contact with the user, to notify the individual of any educational services available to them and include an opportunity to opt-out of future contact.
 - 7) Requires the CCC district, in any and all subsequent contact, to notify the user of the opportunity to opt-out of future contact. This bill requires the CCC district to discard without reuse or distribution any electronically collected information upon the request by the user or when the user has enrolled at the CCC district.
 - 8) Defines:
 - a) "Electronically collected personal information" to mean a user's name, home address, home telephone number, cellular phone number, electronic mail address, and education.
 - b) "User" to mean an individual who communicates with a state agency or with an agency employee or official electronically.
 - 9) Clarifies that this bill does not permit an agency to act in a manner inconsistent with the standards and limitations adopted pursuant to the California Public Records Act or the Information Practices Act of 1977.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Community colleges offer a myriad of education and job training programs that have shown to lift vulnerable populations out of poverty. Community colleges also have targeted wrap around services for special populations, providing tutoring services, special financial aid assistance, and course and program guidance.

"Under current law, community college districts are able to share data with local K-12 districts in order to access information about those students. With that information, community college districts are able to reach out to high school students and let them know about programs and services available at the community colleges. They are able to provide them with dual enrollment information, information about wrap around services for special populations, financial aid information, and enrollment guidance."

- 2) *Parity.* Currently, K-12 school districts have the authority to enter into MOU agreements with local agencies, such as the local human services agency, to share information regarding students within their district boundary. Further, existing law authorizes the CCC Board of Governors to enter into data sharing agreements with state agencies via its authority to contract for the procurement of goods and services, but does not authorize CCC districts to enter into such agreements. This bill specifically authorizes CCC districts to obtain personal identifying information from various state and local agencies for the purpose of informing and recruiting individuals, who receive services from the various state and local agencies.
- 3) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose:
 - a) Possibly reimbursable costs (General Fund (GF)) in excess of \$150,000 for local agencies, including county health and human services department or behavioral health department to submit user personal information to a community college district for purposes of outreach and enrollment in a community college. Costs may include staff or third party contractors to negotiate and draft an MOU.
 - b) Minor and reimbursable one-time costs to the BOG CCCD for staff to develop and finalize an MOU to the extent a community college district requests an MOU with a local agency.
 - c) Possibly reimbursable one-time costs (GF and Proposition 98) to community college districts to participate in an MOU to share PI. Total costs per district will likely be between \$2,000 and \$4,000. Assuming all 72 districts to enter into an MOU, the total cost may be between \$144,000 and \$288,000. The 2021 Budget allocated \$100 million for retention and enrollment efforts (an additional \$20 million was also included as part of last year's Early Action Package). Further, the Governor's proposed 2022 Budget includes an additional \$150 million for enrollment and retention strategies. These funds may offset some of the workload costs of the bill.

SUPPORT

Contra Costa Community College District (sponsor)
AMVETS – Department of California
Antelope Valley Community College District
California Association of County Veterans Service Officers
California Federation of Teachers AFL-CIO
California State Commanders Veterans Council
Military Officers Association of America-California Council of Chapters
San Diego Community College District
Yuba Community College District
Vietnam Veterans of America-California State Council

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2638 **Hearing Date:** June 15, 2022
Author: Bloom
Version: April 21, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: School facilities: drinking water: water bottle filling stations.

NOTE: This bill has been referred to the Committee on Education and Environmental Quality. A "do pass" motion should include a referral to the Committee on Environmental Quality.

SUMMARY

This bill requires new construction or modernization projects submitted to the Division of State Architect (DSA) by a school district or governing body of a charter school includes one or more water bottle filling stations.

BACKGROUND

Existing law:

- 1) Requires a school district to provide access to free, fresh drinking water during meal times in the food service areas of the schools under its jurisdiction, including, but not necessarily limited to, areas where reimbursable meals under the National School Lunch Program or the federal School Breakfast Program are served or consumed. Authorizes a school district to comply with this requirement by, among other means, providing cups and containers of water or soliciting or receiving donated bottled water.
- 2) Authorizes the governing board of a school district to adopt a resolution stating that it is unable to comply with the requirement to provide access to free, fresh drinking water during meal times and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns. Requires the resolution to be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item, and approved by at least a majority of the governing board.
- 3) Requires the California Department of Education (CDE) to consult with the California Department of Public Health (CDPH), the Department of Water Resources (DWR), and the State Water Resources Control Board (SWRCB) to identify available sources of funding, including, but not limited to, funding from Proposition 1, approved by the voters at the November 4, 2014, statewide General Election; funds for safe drinking water programs administered by the CDE, the CDPH, the DWR, and the SWRCB; other state funding; and federal funding available to fund school water quality and infrastructure.

- 4) Requires the CDE to post the information collected on the CDE's website and authorizes the CDE to receive funds transferred from any available state and federal source, to be allocated by the CDE to school districts for the purpose of complying with the requirement for schools to provide access to free, fresh drinking water during meal time.
- 5) Specifies that subject to all laws, guidelines, policies, and criteria applicable to the funds, school districts may use funds received for water quality projects including, but not limited to, water treatment, water facilities restructuring, water filling stations, and maintenance of water facilities.

ANALYSIS

This bill:

- 1) Requires a school district or governing body of a charter school to include water bottle refilling stations in a new construction project or modernization project submitted to the DSA three months after voter approval of a statewide school facilities general obligation bond that provides funds for K-12 school facilities.
- 2) Specifies that a school undergoing modernization must have a minimum of one water bottle filling station at the school.
- 3) Specifies that a newly constructed school must have a minimum of one water bottle filling station per 350 people at the school.
- 4) Requires that water bottle filling stations be placed in or near high traffic and common areas, such as hallways; gymnasiums; school food service areas; outdoor recreation areas; and, faculty lounges.
- 5) Requires water bottle filling stations to meet specified criteria regarding drinking water standards, sanitary conditions, and regular maintenance.
- 6) Encourages school districts and governing bodies of charter schools to install touchless water bottle filling stations for sanitary reasons and to install water bottle filling stations that dispense cooled water if the filling stations are located near an electrical source.
- 7) Requires a school district or governing body of a charter school, and specifies that water bottles may be excluded from places where it is deemed dangerous to have drinking water, such as libraries, computer labs, and science labs.
- 8) Requires administrators of a school district or governing body of a charter school to allow pupils, teachers, and staff to bring and carry water bottles, and to encourage water consumption through promotional and educational activities and signage that focus on the benefits of drinking water and highlight water bottle filling stations throughout schools.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Children are not consuming the amount of water they need to be healthy. On average, kids drink about 2.4 ounces of water when they drink directly from a water fountain (about the size of a condiment cup). When they have access to water bottle filling stations, they can increase their water intake by as much as triple. A 2009-2012 national survey found that one in two children aged 6-19 in the U.S. is not adequately hydrated, with disparities by race and gender. Furthermore, inadequate hydration was more prevalent among boys, non-Hispanic black and younger children, compared to girls, non-Hispanic white and older children. Low-income and minority children report more negative perceptions about tap water and have poorer beverage intake habits.

"As students, teachers, and faculty return to campus and the classroom, increased access to free, safe, and appealing drinking water offers a host of benefits that will help address some of the negative impacts that the COVID-19 pandemic has had. The installation of water bottle filling stations will also help keep everyone safe upon their return to campus."

- 2) **Background on the School Facility Program (SFP).** The construction and rehabilitation of public K-12 facilities are funded by a combination of state and local general obligation (GO) bonds, developer's fees and local assessments such as Mello-Roos community facilities districts. State bond funds are allocated pursuant to the SFP and administered by the Office of Public School Construction under the direction of the State Allocation Board (SAB), a ten member body comprised of the Department of Finance, the Director of the Department of General Services, the State Superintendent of Public Instruction, three Senators, three Assemblymembers, and a Governor's appointee. Under the SFP, the New Construction program requires a 50% local match, unless the school district qualifies for financial hardship, which pays up to 100% of project costs. Modernization funds are awarded at 60% with a 40% match. Since the inception of the SFP in 1998, voters have approved \$54 billion in state GO bonds for K-12 schools.

The last bond passed by voters, Proposition 51 on the November 2016 statewide ballot, provided \$9 billion for K-12 and California Community Colleges facilities. While the full amount of the bond has not been sold, there is a total of \$3.3 billion in applications submitted without funding authority. Of that amount, \$1.94 billion are from applications for modernization funding.

- 3) **DSA Review and Title 24 Regulations.** The SFP requires a school district seeking state bond funds to receive approval from the California Department of Education (CDE), to ensure that the selected site and school specifications are safe and meet the school's education plan; and the DSA, to ensure that the architectural design plans meet fire, life and safety requirements, Field Act requirements, and access requirements under the Americans with Disability Act pursuant to Title 24 of the California Code of Regulations.

The California Green Standards Code (CALGREEN) is one part of Title 24 and was first adopted by the Building Standards Commission in 2009. CALGREEN establishes regulations for energy efficiency, water efficiency and conservation,

material conservation and resource efficiency, and environmental quality, and apply to residential, commercial and public school buildings. All new school construction design plans submitted to the DSA after July 1, 2011 must comply with CALGREEN. CALGREEN does not currently apply to existing buildings.

- 4) **Current requirements for schools.** Under the California Plumbing Code, schools must install drinking water fountains sufficient for one for every 150 students. The Plumbing Code also authorizes bottle filling stations to be substituted for drinking fountains up to 50% of the requirements for drinking fountains. "Bottle filling station" is defined as "a plumbing fixture connected to the potable water distribution system and sanitary drainage system that is designed and intended for filling personal use drinking water bottles or containers not less than 10 inches (254 mm) in height. Such fixtures can be separate from or integral to a drinking fountain and can incorporate a water filter and a cooling system for chilling the drinking water."

Current law also requires school districts to provide free, fresh drinking water during meal times in the food service areas. A school district may provide cups and containers of water or bottled water to comply with this requirement. The goal of this provision of law is to reduce the consumption of sugar-sweetened beverage while increasing the consumption of water in an effort to reduce obesity among children.

- 5) **Funds for drinking water at schools.** SB 828 (Budget and Fiscal Review Committee), Chapter 29, Statutes of 2016, established the Drinking Water for Schools Grant Program to improve access to, and the quality of, drinking water in public schools. The 2016-17 budget allocated \$9.5 million for this purpose. Seventy-six districts received funds, which could be used for installation or replacement of water bottle filling stations or drinking water fountains, and other repairs or fixtures to improve the safety or quality of drinking water. Priority for funding was given to small disadvantaged communities. An additional \$6.8 million was made available for the program in 2018.

- 6) **Arguments in support.** The American Heart Association, the sponsor of the bill, states, "When children do not have access to water, they tend to have more sugary drinks. It is estimated that they consume twice the calories from sugary drinks when compared to children who drink water. We know that consumption of sugary drinks is linked to chronic diseases such as type 2 diabetes and heart disease and is a risk factor for dental caries. When water is available from a drinking water fountain, children drink about 2.4 ounces of water (about the size of a condiment cup). When they have access to water bottle filling stations, they can increase their water intake by as much as triple. To ensure that every California public K-12 student can achieve proper hydration, water bottle filling stations should be placed in schools and made easily accessible."

SUPPORT

American Cancer Society Cancer Action Network Inc.
California Dental Association

California State Parent Teacher Association
Californians Against Waste

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2640

Hearing Date: June 15, 2022

Author: Valladares

Version: April 19, 2022

Urgency: No

Fiscal: Yes

Consultant: Kordell Hampton

Subject: Pupil health: food allergies: California Food Allergy Resource internet web page

SUMMARY

This bill requires the California Department of Education (CDE) to create the "California Food Allergy Resource Guide" (Guide) for voluntary use by local educational agencies (LEAs) to protect pupils with food allergies.

BACKGROUND

Existing law:

Government Code (GOV)

- 1) Under the Government Tort Claims Act, specifies rules of civil liability that apply to public entities and public employees in California. (GOV § 810)

Health and Safety Code (HSC)

- 2) Provides that no person who in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission other than an act or omission constituting gross negligence or willful or wanton misconduct. (HSC § 1799.102)

Education Code (EC)

- 3) Permits each public and private school to designate one or more volunteers to receive initial and annual refresher training, based on specified standards, regarding the storage and emergency use of an epinephrine auto-injector from the school nurse or other qualified person designated by an authorizing physician or surgeon. (EC § 49414(d))
- 4) Requires a school district or county office of education to provide emergency epinephrine auto-injectors to school nurses or trained volunteers, and allows those individuals to utilize epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. (EC § 49414(a))
- 5) Requires a school district, county office of education, or charter school to ensure that each employee who volunteers under this section will be provided defense and indemnification by the school district, county office of education, or charter

school for any and all civil liability, in accordance with, but not limited to, that provided in GOV 810 This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EC § 49414(j) and 49414.7(i))

- 6) Authorizes students to carry and self-administer prescribed inhaled asthma or auto-injectable epinephrine medication while at school. (EC § 49423 and 49423.1)
- 7) Authorizes each public and private elementary and secondary school in the state to voluntarily determine, as specified, whether or not to make emergency epinephrine auto-injectors and trained personnel available at its school. (EC § 49414(c))
- 8) Requires the Superintendent of Public Instruction (SPI) to review, every five years, or sooner as deemed necessary by the SPI, standards of training for the administration of epinephrine auto-injectors by consulting with organizations and providers with expertise in administering epinephrine auto-injectors and administering medication in a school environment and set minimum standards for training. (EC § 49414(e)(1) – (3))

ANALYSIS

This bill requires the CDE to create the Guide for voluntary use by LEAs to protect pupils with food allergies. Specifically this bill:

- 1) Declares that this section may be cited as the Zacky Bill.
- 2) Require CDE to create the California Food Allergy Resource internet web page to provide voluntary guidance to LEAs to help pupils with food allergies.
- 3) Requires the content on the California Food Allergy Resource internet web to meet the following:
- 4)
 - a) Provide LEA, caregivers, and pupils practical information, planning steps, and strategies for reducing allergic reactions to food within schools and early education centers.
 - b) The internet web page includes a link to the most recent version of the federal Centers for Disease Control and Prevention "Voluntary Guidelines for Managing Food Allergies in Schools and Early Care Education Programs," as well as other relevant resources, which may include, but are not limited to, best practices fact sheets produced by the Institute of Child Nutrition.
 - c) A summary of the specific state laws relevant to the issue of pupils with food allergies in schools are included to serve as a complement to the federal laws and regulations included in the federal guidelines.
- 5) Requires the content of the California Food Allergy Resource internet web page to include, at a minimum, the following:

- a) A compilation of state and federal resources available for pupils with food allergies.
 - b) Methods and qualifications necessary for pupils, or their parents and guardians, to initiate individualized food allergy management and prevention plans.
 - c) Potential strategies to minimize the risk of food allergy anaphylaxis in school.
 - d) Methods to obtain ingredient lists for foods served to pupils at school from each of the school's food service providers.
- 6) Encourages LEAs to consult the internet web page and use it as an equitable resource to ensure the inclusiveness of pupils with food allergies at school and is encouraged to make it available annually to pupils, parents, and guardians.
- 7) For the purposes of this section, defines "local educational agency," to mean a school district, county office of education, and charter school.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author "According to the Food Allergy Research Education (FARE) organization, as many as 32 million Americans suffer from life threatening allergies. This accounts for a 377% increase in the diagnosis of anaphylactic food reactions between 2007 and 2016. Of this population, 1 in 13 are children who rely on parents, caregivers, teachers, and school administrators to keep them safe while at school. Due to an oversaturation of information on food allergies, it can be difficult for parents and school officials to navigate the complex collection of existing state and federal resources. This confusion is compounded by the fact that school districts vary wildly in terms of the resources they devote to student health. While some school districts have the resources to provide parents with detailed information on best practices and give students access to school nutritionists, many districts do not. Parents and caregivers shouldn't need an advanced degree to understand all of the resources available to them and their children. It is imperative that the state make it as easy for schools, parents, caregivers, and students to access comprehensive and straightforward information that will improve campus safety for students with food allergies. California should offer this information to school districts and parents through a comprehensive online resource guide on food allergies."
- 2) **Food Allergy Among U.S. Children.** According to the Food Allergy Research & Education (FARE) Web site, eight foods account for 90 percent of all reactions: milk, eggs, peanuts, tree nuts, soy, wheat, fish, and shellfish. Even trace amounts of a food allergen can cause a reaction. Researchers estimate that up to 15 million Americans have food allergies. This potentially deadly disease affects one in every 13 children (under 18 years of age) in the U.S., equaling roughly two in every classroom. According to a study released in 2013 by the Centers for Disease Control and Prevention, food allergies among children increased approximately 50

percent between 1997 and 2011. FARE's Web site state's the economic cost of children's food allergies is nearly \$25 billion per year. Teenagers and young adults with food allergies are at the highest risk of fatal food-induced anaphylaxis. California School Board Association (CSBA) has a sample policy that addresses students' food allergies and special dietary needs, including the development of guidelines that address things such as strategies for identifying students at risk for allergic reactions, avoidance measures, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction. CSBA notes in the sample policy that it is prohibited to exclude students from school activities or otherwise discriminate against, harass, intimidate, or bully them because of their food allergies.

- 3) ***What is anaphylaxis?*** According to the National Institutes of Health, anaphylaxis is a severe, whole-body allergic reaction to a chemical that has become an allergen. After being exposed to a substance, such as bee sting venom, the person's immune system becomes sensitized to it. When the person is exposed to that allergen again, an allergic reaction may occur. Anaphylaxis happens quickly after the exposure, is severe, and involves the whole body. Tissues in different parts of the body release histamine and other substances. This causes the airways to tighten and leads to other symptoms. Some drugs (such as morphine, x-ray dye, and aspirin) may cause an anaphylactic-like reaction when people are first exposed to them. These reactions are not the same as the immune system response that occurs with true anaphylaxis. However, the symptoms, risk for complications, and treatment are the same for both types of reactions. Risks include a history of any type of allergic reaction. According to Food Allergy Research & Education (FARE), approximately 25% of first-time allergic reactions that require epinephrine happen at school.
- 4) ***Are schools required to accommodate students with food allergies?*** Federal law *requires* schools to provide substitutions or modifications in the National School Lunch Program and School Breakfast Program for students whose disabilities restrict their diets (e.g. the food allergy or food intolerance substantially limits one or more major life activities). Schools are *authorized* to provide special meals and/or accommodations for students who do not have a disability that requires a restricted diet but who do have a food intolerance or other medical condition.

1973 Rehabilitation Act. Section 504 allows the pupil and parent, in collaboration with the school, to develop a 504 plan, which is a written management plan outlining how the school will address the individual needs of the child and allow the child to participate safely and equally alongside their peers during the school day. This section applies to schools and programs that receive federal money and entitles students to accommodations for a wide range of health conditions, including life-threatening food allergies. US Department of Education's (USDOE) Office for Civil Rights lists allergy as an example of a hidden disability for the purpose of Section 504 and further explains how a food allergy, for many children, would be considered a disability under 504. Protections under Section 504 have been reinforced by the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008. Section 504 allows the pupil and parent, in collaboration with the school, to develop a 504 plan, which is a written management plan

outlining how the school will address the individual needs of the child and allow the child to participate safely and equally alongside their peers during the school day.

Food allergy management and prevention plans (FAMPP). The Center for Disease Control and Prevention encourages each school to have a team leader on the FAMPP; one person whose job it is to ensure all guidelines are being met and all policies implemented appropriately. The FAMPP is designed to ensure a safe and equal learning environment for each student, regardless of allergies. Each FAMPP should be written in plain language, comply with all federal laws (especially Section 504 of the 1973 Rehabilitation Act), and be adaptable to the changing circumstances of food allergies in schools. Moreover, the CDC has laid out five priorities which administrators should keep in mind when drafting an FAMPP.

- 5) **United States Department of Agriculture (USDA).** In its guidance for accommodating students with special dietary concerns that when a physician diagnoses a food allergy as impacting a major bodily function or other major life activity, the child's condition meets the definition of disability. In addition, federal law requires school food authorities (SFA) to serve special meals, at no extra charge to children with disabilities, and requires SFAs to make substitutions or modifications in the National School Lunch Program and School Breakfast Program for children whose disabilities restrict their diets. In California, the CDE notes that SFAs are required to make substitutions to meals for children with a disability that restricts the child's diet on a case-by-case basis and only when supported by a written medical statement from a state licensed healthcare professional.
- 6) **Related legislation. AB 3064 (Mayes)** of the 2019-20 Session would have also established Zacky Bill and required CDE to develop guideline for LEAs to protect pupils with food allergies. *This bill was held in Assembly Education Committee.*

SB 1258 (Huff) of the 2015-16 Session would have required requires each school district, county office of education, and charter school to develop a comprehensive policy to protect students with food allergies. *This bill was held on suspense in Senate Appropriations Committee.*

SB 738 (Huff), Chapter 132, Statues of 2015, provides qualified immunity to a physician who issues a prescription for an epinephrine auto-injector to a school district, county office of education, or charter school.

SB 1266 (Huff) Chapter 321, Statues of 2014, requires school districts, county offices of education (COE), and charter schools to provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered and allows school nurses or trained personnel to use the epinephrine auto-injectors to provide emergency medical aid to persons

SUPPORT

Allergy and Asthma network
Allergy Strong
California Food Allergy Moms

County of Los Angeles Board of Supervisors
Food Allergy and Anaphylaxis Connection Team (FAACT)
Food Allergy and Research Education
Latino Food Allergy Network
Latitude Food Allergy Medical Care
Nessie Bear Memorial Group
No Nuts Mom
Red Sneakers For Oakley

OPPOSITION

None on file.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2806 **Hearing Date:** June 15, 2022
Author: Blanca Rubio
Version: May 2, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates

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

SUMMARY

This bill expands the existing prohibition on expelling children from state preschool programs to also prohibit the suspension of children enrolled in state preschool programs, and extends the prohibition on suspension and expulsion of children to include those enrolled in child care programs, with exception.

BACKGROUND

Existing law:

- 1) Establishes the Child Care and Development Services Act to provide childcare and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents including a full range of supervision, health, and support services through full- and part-time programs. (Welfare and Institutions Code § 10207 et seq.)
- 2) Establishes the Early Education Act to provide an inclusive and cost-effective preschool program that provides high-quality learning experiences, coordinated services, and referrals for families to access health and social-emotional support services through full- and part-day programs. (Education Code § 8200 et seq.)
- 3) Defines "early childhood mental health consultation service" to mean a service benefiting a child who is served in a California state preschool program, an infant or toddler who is 0 to 36 months of age and is served in a general childcare and development program, or a child who is 0 to 5 years of age and is served in a family childcare home education network setting funded by a general childcare and development program that includes, but is not limited to:
 - a) Support to respond effectively to all children, with a focus on young children with disabilities, challenging behaviors, and other special needs.
 - b) Assistance through individual site consultations, provision of resources, formulation of training plans, referrals, and other methods that address the

unique needs of programs and providers.

- c) Aid to providers in developing the skills and tools needed to be successful as they support the development and early learning of all children, including observing environments, facilitating the development of action plans, and supporting site implementation of those plans.
 - d) The development of strategies for addressing prevalent child mental health concerns, including internalizing problems, such as appearing withdrawn, and externalizing problems, such as exhibiting challenging behaviors.
 - e) If a child exhibits persistent and serious challenging behaviors, support with the pursuit and documentation of reasonable steps to maintain the child's safe participation in the program. (WIC § 10281, EC § 8243)
- 4) Provides that the early childhood mental health consultation service is to be supervised and provided by a licensed marriage and family therapist, a licensed clinical social worker, a licensed professional clinical counselor, a licensed psychologist, a licensed child and adolescent psychiatrist, or others, as specified. (WIC § 10281(b)(2), EC § 8243(b)(2))
 - 5) Prohibits, in federal regulations, a Head Start program from expelling or disenrolling a child from Head Start based on the child's behavior and requires a program to prohibit or severely limit the use of suspension due to a child's behavior, as specified. (Code of Federal Regulations, Title 45 § 1302.17)
 - 6) Prohibits a state preschool program contracting agency from expelling or disenrolling a child because of the child's behavior, *except* as described in # 7 below. (EC § 8222)
 - 7) Authorizes a state preschool contracting agency to disenroll a child *only if* the contracting agency has expeditiously pursued and documented reasonable steps to maintain the child's safe participation in the program and determines, in consultation with the parents or legal guardians of the child, the child's teacher, and, if applicable, the local agency responsible for implementing the federal Individuals with Disabilities Education Act, that the child's continued enrollment would present a continued serious safety threat to the child or other enrolled children. (EC § 8222)
 - 8) Requires a state preschool contracting agency, if it disenrolls a child, to refer the parents or legal guardians to other potentially appropriate placements, the local childcare resource and referral agency, or any other referral service available in the local community. A contracting agency has up to 180 days to complete the referral and process in # 7. (EC § 8222)

ANALYSIS

This bill expands the existing prohibition on expelling children from state preschool programs to also prohibit the suspension of children enrolled in state preschool

programs, and extends the prohibition on suspension and expulsion of children to include those enrolled in child care programs, with exception. Specifically, this bill:

Expulsion

- 1) Extends to general child care programs serving children birth through age five years the existing provisions that prohibit a state preschool program from doing either of the following, except as provided in # 5:
 - a) Expel or disenroll a child because of a child's behavior.
 - b) Persuade or encourage a child's parents or legal guardians to voluntarily disenroll from the program due to a child's behavior.
- 2) Expands existing requirements and steps a program must take if a child exhibits persistent and serious behaviors, to include engaging an early childhood mental health consultant, if available.
- 3) Expands information that is to be provided to parents or guardians of a child who exhibits persistent and serious behaviors to include a description of the behaviors and the program's plan for maintaining the child's safe participation in the program.
- 4) Extends to general child care programs existing requirements that apply to state preschools related to (a) contacting agencies responsible for the individualized family service plan (IFSP) or individualized education program (IEP), if applicable, to seek consultation on serving the child; and, (b) completing a comprehensive screening to identify the needs of the child, including, but not limited to, screening the child's social and emotional development, referring the child's parents or legal guardians to community resources, and implementing behavior supports within the program.
- 5) Extends to general child care programs to authority to disenroll a child if the program has done both of the following within a 180 day timeframe:
 - a) Expeditiously pursued and documented reasonable steps to maintain the child's safe participation in the program and determines, in consultation with the parents or legal guardians of the child, the child's teacher, and, if applicable, the local agency responsible for implementing the federal Individuals with Disabilities Education Act, that the child's continued enrollment would present a serious safety threat to the child or other enrolled children; and,
 - b) Refer the parents or legal guardians to other potentially appropriate placements, the local childcare resource and referral agency, or other referral services available in the local community, and, to the greatest extent possible, support direct transition to a more appropriate placement.

Suspension

- 6) Prohibits a state preschool program and a general child care program from doing either of the following, except as provided in # 7, # 8, and # 9:
 - a) Suspend a child due to a child's behavior.
 - b) Encourage or persuade a child's parents or legal guardians to prematurely pick up a child due to a child's behavior before the program day ends.
- 7) Authorizes suspension to be used only as a last resort in extraordinary circumstances when there is a serious safety threat that cannot be reduced or eliminated without removal. Requires a program, to the greatest extent possible, to endeavor to ensure the full participation of enrolled children in all program activities.
- 8) Requires a program, before it determines that suspension is necessary, to collaborate with the child's parents or legal guardians and use appropriate community resources, as needed, to determine no other reasonable option is appropriate, and provide written notice to the child's parents or legal guardians within 24 hours.
- 9) Requires a program, if suspension is deemed necessary, to help the child return to full participation in all program activities as quickly as possible while ensuring child safety by doing all of the following:
 - a) Continuing to engage with the parents or legal guardians and continuing to use appropriate community resources.
 - b) Developing a written plan to document the action and supports needed.
 - c) Providing referrals to appropriate community services.
 - d) Contact the agency responsible for the IFSP or IEP, as appropriate, with written parental consent, to seek consultation on serving the child.

Mental health consultation service

- 10) Modifies the definition of "early childhood mental health consultation service" to clarify who is to receive support (families, providers, caregivers) and to include the creation of trauma-informed, proactive inclusive environments.
- 11) Expands early childhood mental health consultation to include (a) face-to-face interactions or video-based platforms and other modes of communication that are compliant with the federal Health Insurance Portability and Accountability Act, such as the telephone; and, (b) group or individual consultations of any of the specified actions.
- 12) Modifies the frequency at which early childhood mental health consultation services may occur in order for reimbursement, from a "consistent frequency to ensure a mental health consultant is available to partner with staff and families in a timely manner", to the service being provided continuously throughout the

program year.

- 13) Specifies that early childhood mental health consultation is to significantly contribute to all of the following: (a) improving interpersonal relationships and child outcomes; (b) increasing the confidence, competence, and well-being of those consulted; and, (c) eliminating suspensions and expulsions.
- 14) Expands the existing list of licensed mental health professionals who are to provide early childhood mental health consultation to include a credentialed school psychologist and a credentialed school counselor.
- 15) Modifies the existing qualifications to specify that the licensed mental health professional must have experience providing mental health services to children from 0 to 5 years of age (not just experience working with children), as well as training in infant, family, and early childhood mental health.
- 16) Authorizes certain mental health professionals eligible for licensure, as well as individuals holding a master's degree in a field related to mental health or human services and who has at least two years of experience working with children 0 to 5 years of age, to provide service when they are supervised by a professional meeting all of the requirements of the program, and requires that any person providing mental health consultation services have a successful criminal background check.
- 17) Modifies the existing requirement that consultation services use a relationship-based model emphasizing strengthening relationships to require the relationship-based model to include, but not be limited to, all of the following: a) Conducting of early care and education setting-based mental health assessments at least twice per program year; b) Recordkeeping that adequately documents all consultation activities; and c) Conducts at least one screening of each enrolled child for adverse childhood experiences, with the consent of parents or legal guardians.
- 18) Requires the preschool or child care provider agency, within the first 30 days of the start of a consultation service, to ensure that the consultant is trained in all of the following: a) California law, professional ethics, and confidentiality for early childhood mental health consultation; b) Child abuse and neglect mandated reporting laws; c) Best practices and foundations of early childhood mental health consultation; and d) All relevant laws and regulations regarding state and federal childcare programs.
- 19) Requires that consultants and supervisors participate in continuing professional development and education for at least 18 hours of training per program year in relevant topics.

California Department of Education (CDE) and Department of Social Services (DSS)

- 20) Requires CDE to include in each contract for state preschool programs, and DSS to include in each contract for general child care, the limitations on expulsion and suspension provided in this bill.

- 21) Requires CDE to issue guidance for state preschool programs, and DSS to issue guidance for general child care programs, on implementing the requirements related to suspension and expulsion, by July 1, 2023.
- 22) Requires CDE and DSS, separately, to publish aggregate data relative to the use of suspension and expulsion using data submitted pursuant to # 27 below, by January 1, 2025, and annually thereafter.
- 23) Requires CDE and DSS, separately, to create guidelines for offering additional support and requiring additional staff training for programs with exceptionally high numbers of suspension and expulsion reported.
- 24) Requires CDE and the Child Care Providers United (CCPU), if CCPU elects to participate, to establish a Joint Labor-Management Committee, in consultation with DSS, *and* requires DSS and CCPU, to establish a Joint Labor-Management Committee, in consultation with CDE, to discuss suspension and expulsion practices among family childcare providers, and make recommendations for potential changes related to prohibiting the expulsion or suspension of a child by a family childcare provider including access to sufficient resources or training for providers and parents to work with children.

Notification to Parents

- 25) Requires a state preschool program or general child care program, upon enrollment of a child, to notify the child's parents or legal guardians of the limitations on disenrollment, including expulsion and suspension. This bill requires the notification to be in writing and include resources to submit a complaint or appeal a decision made by a program regarding the expulsion or suspension of a child.
- 26) Requires the existing written "Notice of Action, Recipient of Services" to include information on expulsions and suspensions and resources to submit a complaint or appeal a decision made by a program regarding the expulsion or suspension of a child.
- 27) Requires a state preschool program and general child care program to maintain records on, and requires CDE to annually collect from contracting agencies specified data on the use of suspension and expulsion.

Conditions of licensure for child care

- 28) Authorizes a general child care facility to appeal a citation or civil penalty issued by DSS that is related to the behavior of a child, including the actions of the facility or its staff related to the behavior of a child, as specified.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, “Across California, children are expelled and suspended from preschool at alarming rates and in situations where more support for the child, teacher, and program could have prevented unnecessary exclusionary discipline and instead, kept the child in school and on track to stronger outcomes in school and life. Furthermore, these suspensions and expulsions are disproportionately impacting African American/Black and Hispanic/Latino children and students of color, especially boys of color, children with disabilities, and dual-language learners. It is counterproductive for our state to allow early learning and care settings to exclude children at a time when they are most in need of support, care, and guidance

“The root cause of this problem is a combination of factors. It is developmentally appropriate for young children to need support with behavior and social-emotional development – this is particularly true for children who have experienced trauma and toxic stress in early childhood. Teachers must be equipped with developmentally appropriate, culturally and linguistically relevant, trauma-informed, anti-racist knowledge and mindsets and early childhood mental health training to provide every child with the support, care, and guidance they need to thrive. When teachers are able to take this approach, research shows that the social-emotional competency of children increases and behaviors typically labeled as ‘challenging’ decrease. Children are then better able to participate in the classroom, feel a sense of belonging, form positive relationships, and set a foundation for later success. Without clear definitions of suspension and expulsion, a required process that positions suspensions and expulsions as a last resort, and support for teachers with an alternative solution, suspensions and expulsions will continue to significantly contribute to discriminatory and racist practices, the school readiness gap, the academic achievement gap and the graduation gap, and the school to prison pipeline.”

- 2) *Masterplan for Early Learning and Care.* In December 2020, the California Health and Human Services Agency released the Master Plan for Early Learning and Care to create a roadmap and recommendations for expanding and improving California’s early learning and care system over the next five to ten years. Within the Master Plan are recommendations to address equity in early learning and care programs. Among the solutions were the suggestion that, “Providers should also agree to a no-exclusionary-practice clause (banning suspensions and expulsions) as a condition of state or federal funding, as these practices disproportionately affect children of color and children with disabilities.” Additionally, the Master Plan suggested that the state, “should collect suspension, expulsion, and discipline data, disaggregated by gender, age, race, ethnicity, home language, and disability, to focus on support for providers, including technical assistance, anti-bias training, and early childhood mental health consultation.” This bill essentially implements these recommendations.
- 3) *Existing prohibition against expelling children from state preschool.* Existing law, beginning in 2018, prohibits state preschools from expelling or disenrolling a child because of the child’s behavior, other than under specific circumstances. This bill extends this prohibition to general child care providers, and also prohibits both state preschool and general child care programs from suspending children,

with exception.

- 4) *Early Childhood Mental Health Consultation Service.* Existing law defines “early childhood mental health consultation services” and provides an additional reimbursement (adjustment factor) to state preschool programs, general child care, and family childcare home education networks. Early childhood mental health consultation services may include (a) consultative support in how to effectively respond to all children in the classroom, including children exhibiting challenging behaviors and individual developmental differences; (b) on-site consultation that includes consultative meetings and observations, and training and technical assistance to supply resources and develop teacher capacity; (c) best practices/strategies for promoting positive social-emotional health and addressing problems; and, (d) developing documentation of a behavior plan by the early childhood mental health licensed professional outlining steps to maintain a child’s participation in a program, in consultation with the teacher and parent, to support children with persistent and challenging behaviors.

Existing law sets forth adjustment factors to be applied to a contractor’s reported child days of enrollment for any children that meet specific criteria, in order to reflect the additional expense of serving those children. Effective January 1, 2019, all state preschool contractors, and any child care contractors who care for infants and toddlers in a center-based setting or children 0–60 months in a family child care home setting, who elect to implement these services, may claim an adjustment factor.

This bill (a) adds components to early childhood mental health consultation; (b) expands the list of licensed mental health professionals; (c) clarifies that these professionals must have experience providing mental health services to children from 0 to 5 years of age (not just experience working with children), as well as training in infant, family, and early childhood mental health; and, (d) requires the relationship-based model is to include specified components.

- 5) *Double-referred to Senate Human Services.* This bill is double-referred to the Senate Human Services Committee for consideration of provisions related to general child care providers.
- 6) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose:
 - a) Estimated ongoing General Fund (GF) costs of an unknown amount, but likely in the high-hundreds of thousands of dollars annually, to DSS to provide staff training, administrative support for record keeping, and to contract mental health consultants to conduct counseling and screening exercises to center-based childcare programs. Staff will also provide ongoing technical assistance, collect and publish required data and develop guidance for childcare programs on implementing the new requirements by July 1, 2023.
 - b) Estimated ongoing GF costs of an unknown amount, but likely in the high-hundreds of thousands of dollars annually, to CDE to provide staff training and technical assistance to CSPP, establish a joint labor-management

committee, ensure data collection and publication, and develop guidance for CSPP on implementing the new requirements by July 1, 2023.

- c) The expansion of the mental health consultant definitions could create additional opportunities for contractors to access mental health consultation services and make use of the provider reimbursement rate adjustment factors for this additional expense. Exact costs associated with this change are unknown, but, to the extent changes in this bill increase the number of contractors able to utilize the adjustment factors, there will be an increase in state costs.
- 7) *Prior legislation.* AB 1361 (B. Rubio, 2021) was very similar to this bill. AB 1361 was held in the Assembly Appropriations Committee.

AB 568 (R. Rivas, 2021) would have established a process related to discriminatory practices around the suspension or expulsion of a child in childcare and would have required DSS to create a Dashboard to collect data for publicly reporting specified race, and suspension and expulsion data from early learning and care programs. AB 568 was held in the Assembly Appropriations Committee.

SUPPORT

Kidango (co-sponsor)
California Association of School Counselors
Early Edge California
First 5 California
National Association of Social Workers, California Chapter
Santa Clara County Office of Education
Silicon Valley Community Foundation

OPPOSITION

None received

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