

Vice-Chair  
Ochoa Bogh, Rosilicie

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

# California State Senate

## EDUCATION



CONNIE LEYVA  
CHAIR

Staff Director  
Lynn Lorber

Principal Consultant  
Olgallia Ramirez  
Ian Johnson

Consultant  
Kordell Hampton

Committee Assistant  
Lauren Robinson  
Irma Kam

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

## AGENDA

Thursday, June 30, 2022

Upon adjournment of Session -- 1021 O Street, Room 2100

### SPECIAL ORDER OF BUSINESS

1. AB 1797 Akilah Weber Immunization registry.
2. AB 2598 Akilah Weber Pupil rights: restorative justice practices.
3. AB 2774 Akilah Weber Education finance: local control funding formula:  
supplemental grants: lowest performing pupil subgroup  
or subgroups.

---

### MEASURES HEARD IN FILE ORDER

4. AB 22 McCarty California Longitudinal Pupil Achievement Data System: data collection.
5. AB 2422 McCarty California State University: investments.
6. AB 2507 McCarty The Universal Afterschool and Expanded Learning Opportunities Program: the After School Education and Safety Program: the 21st Century Community Learning Centers Program.
7. AB 99 Irwin School safety: crisis intervention and targeted violence prevention program.
8. AB 312 Valladares School safety: Safe-To-Tell Program.
9. AB 1746 Medina Student financial aid: Cal Grant Reform Act.
10. AB 1936 Ramos University of California: Hastings College of the Law.
11. AB 1939 Luz Rivas Pupil instruction: science requirements: climate change.
12. AB 1940 Salas School-Based Health Center Support Program.
13. AB 1958 Mike Fong The Community College Student Access, Retention, and Debt Cancellation Program.
- \* 14. AB 2034 O'Donnell Local educational agency: Medi-Cal billing option.
15. AB 2044 O'Donnell Graduation requirements: career technical education.

\*Proposed Consent

- |       |         |           |  |
|-------|---------|-----------|--|
| 16.   | AB 2058 | O'Donnell | Career technical education: California Career Technical Education Incentive Grant Program: Strong Workforce Program. |
| 17.   | AB 2222 | Reyes     | Student financial aid: Golden State Social Opportunities Program.  |
| 18.   | AB 2266 | Santiago  | Community colleges: California College Promise: fee waiver eligibility.  |
| 19.   | AB 2459 | Cervantes | Postsecondary education: student housing: data collection.   |
| 20.   | AB 2501 | Carrillo  | Before and after school programs: California Universal Afterschool Program Workgroup.                                |
| 21.   | AB 2548 | Nazarian  | California Kids Investment and Development Savings Program.  |
| * 22. | AB 2747 | Nazarian  | Public postsecondary education: tuition and fees: Team USA student athletes.   |
| 23.   | AB 2794 | Gipson    | School safety: school climate: professional development: training materials.   |

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 1797 **Hearing Date:** June 30, 2022  
**Author:** Akilah Weber  
**Version:** May 2, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Lynn Lorber

**Subject:** Immunization registry

### SUMMARY

This bill requires, rather than permits, health care providers and schools, child care facilities, family child care homes, Women, Infants and Children (WIC) program service providers, county welfare departments, foster care agencies, and health care plans that have access to immunization information to disclose certain information from a patient medical record or a client record to the California Department of Public Health and local health departments. This bill temporarily authorizes individual immunization information to be used by health care providers and schools, child care facilities, family child care homes, WIC service providers, county welfare departments, foster care agencies, and health care plans to perform immunization status assessments.

### BACKGROUND

Existing law:

- 1) Authorizes local health officers to operate immunization information systems in conjunction with the Immunization Branch of the California Department of Public Health (CDPH) either separately within their individual jurisdictions or jointly among more than one jurisdiction. The largest regional registry is referred to as the California Immunization Registry or "CAIR2." (Health and Safety Code § 120440(b))
- 2) Authorizes health care providers and specified agencies (such as schools, childcare facilities, and human services agencies), unless a refusal to permit record sharing is made, *to disclose* the information specified in # 5 below from the patient's medical record, or the client's record, *to local health departments and CDPH*. (Health and Safety Code § 120440(c))
- 3) Authorizes local health departments and CDPH to disclose this information to each other and, upon a request for information pertaining to a specific person, to health care providers taking care of the patient, the Medical Board of California, and the Osteopathic Medical Board of California. (Health and Safety Code § 120440(c))
- 4) Authorizes *local health departments and CDPH to disclose* this information to schools, childcare facilities, county human services agencies, family childcare homes, foster care agencies, California Special Supplemental Food Program for WIC service providers, and health plans, as specified. (Health and Safety Code

## § 120440(c))

- 5) Requires information included in the immunization information systems (such as CAIR2) to include:
  - a) The name of the patient/client and names of the parents/guardians of the patient/client and their current address and telephone number.
  - b) Types and dates of immunizations received by the patient/client.
  - c) Manufacturer and lot number for each immunization received.
  - d) Adverse reaction to immunizations received.
  - e) Non-medical information necessary to establish the patient's/client's unique identity and record, including their gender, date of birth, place of birth, and information needed to comply with California's immunization mandates.
  - f) Results of tuberculosis screening. (Health and Safety Code § 120440(c))
- 6) Requires health care providers, local health departments, and CDPH to maintain the confidentiality of this information in the same manner as other medical record information with patient identification they possess, and subjects health care providers, local health departments, CDPH, and contracting agencies are subject to civil action and criminal penalties for the wrongful disclosure of this information. (Health and Safety Code § 120440(d)(1))
- 7) Requires health care providers, local health departments, and CDPH to use this information *only* for the following specified purposes:
  - a) To provide immunization services.
  - b) To provide or facilitate provision of third-party payer payments for immunizations.
  - c) To compile and disseminate statistical information of immunization status on groups of patients or clients or populations, as specified. (Health and Safety Code § 120440(d)(1))
- 8) Requires schools, childcare facilities, family childcare homes, WIC service providers, foster care agencies, county human services agencies, and health care plans to maintain the confidentiality of this information in the same manner as other clients, patients, and student information they possess. This bill subjects these institutions and providers to civil action and criminal penalties for the wrongful disclosure of the information. (Health and Safety Code § 120440(d)(2))
- 9) Requires schools, childcare facilities, family childcare homes, WIC service providers, foster care agencies, county human services agencies, and health

care plans to use the information *only* for the following purposes:

- a) In the case of schools, childcare facilities, family childcare homes, and county human services agencies, to carry out their responsibilities regarding required immunization for attendance or participation benefits, or both.
  - b) In the case of WIC service providers, to perform immunization status assessments of clients and to refer those clients found to be due or overdue for immunizations to health care providers.
  - c) In the case of health plans, to facilitate payments to health care providers, to assess the immunization status of their clients, and to tabulate statistical information on the immunization status of groups of patients, without including patient-identifying information in these tabulations.
  - d) In the case of foster care agencies, to perform immunization status assessments of foster children and to assist those foster children found to be due or overdue for immunization in obtaining immunizations from health care providers. (Health and Safety Code § 120440(d)(2))
- 10) Authorizes a patient or their parent or guardian to refuse to permit record sharing, and requires the health care provider administering an immunization and any other agency possessing any patient/client information, if planning to provide patient or client information to an immunization system, to inform the patient/client or their parent or guardian, of the following information:
- a) The information listed in # 5 above may be shared with local health departments and CDPH.
  - b) Any information shared with local health departments or CDPH will be treated as confidential medical information and will be used only to share with each other, and, upon request, with health care providers, schools, child care facilities, family child care homes, WIC service providers, county welfare departments, foster care agencies, and health care plans (all are required to treat that information confidential).
  - c) The patient/client, or their parent/guardian has the right to examine any immunization-related information or tuberculosis screening results shared to correct any errors.
  - d) The patient/client, or their parent/guardian, may refuse to allow this information to be shared or to receive immunization reminder notifications at any time, or both. After refusal, the patient's/client's physician may maintain access to this information for the purposes of patient care or protecting public health. After refusal, local health departments and CDPH may maintain access to this information for the purpose of protecting public health. (Health and Safety Code § 120440(e))

- e) Prohibits this information from being shared if a patient/client, or their parent/guardian, refuses to allow the sharing of immunization information. (Health and Safety Code § 120440(l))

## ANALYSIS

This bill requires, rather than permits, health care providers and schools, child care facilities, family child care homes, WIC service providers, county welfare departments, foster care agencies, and health care plans that have access to immunization information to disclose certain information from a patient medical record or a client record to the CDPH and local health departments. This bill temporarily authorizes individual immunization information to be used by health care providers and schools, child care facilities, family child care homes, WIC service providers, county welfare departments, foster care agencies, and health care plans to perform immunization status assessments. Specifically, this bill:

- 1) Requires, rather than authorizes, health care providers and schools, child care facilities, family child care homes, WIC service providers, county welfare departments, foster care agencies, and health care plans that have access to immunization information to disclose certain information from a patient medical record or a client record to local health departments and CDPH.
- 2) Adds, until January 1, 2026, the following to the purposes for which immunization information may be used by health care providers, schools, child care facilities, family child care homes, WIC service providers, county welfare departments, foster care agencies, and health care plans:
  - a) In the case of schools, childcare facilities, family childcare homes, and county human services agencies, *for the COVID-19 public health emergency*, to perform immunization status assessments of students, adults, and clients to ensure health and safety.
  - b) Provides that, in the case of schools, a) only applies if the school's governing board or body has adopted a policy mandating COVID-19 immunization for school attendance and the school limits the use of the data to verifying immunization status for this purpose.
- 3) Adds "patient's or client's race or ethnicity" to the list of information collected for purposes of local/regional immunization information and reminder systems and CAIR2.

## STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Although, the CAIR2 system is an established tool to help schools and public health officials enforce and target safety measures, such as increasing vaccine rates, the limits of current law didn't allow school districts to assess a student's vaccination status against COVID-19. The ability for schools to have access to this information during a public health crisis would have been helpful during the COVID-19 pandemic to keep schools open and safe."

“Authorized pediatric and family practice physicians and public health departments are already permitted but not required to enter immunization data under current law. This presents potential gaps in accurate data. Lastly, race and ethnicity data fields are not required and puts public health officials at a disadvantage in targeting resources to the communities who need them the most.”

- 2) *CAIR2*. As noted in the Senate Health Committee analysis, CAIR2 is a confidential, statewide immunization information system for California residents. The CAIR2 system consists of 8 regions: Northern California, Greater Sacramento Area, Bay Area, Central Valley, Central Cost, Los Angeles-Orange, Inland Empire, Imperial, and San Diego). According to CDPH, the registry is accessed online to help health care providers and other authorized users track patient immunization records, reduce missed opportunities, and help fully immunize Californians of all ages. California law allows health care providers to share patient immunization information with an immunization registry as long as the patient (or their parent or legal guardian) is informed about the registry. Patients also have the right to “lock” the record in CAIR2, so that immunization information is only visible to the patient’s provider. Participation in CAIR2 is voluntary and is open to health care providers, schools, childcare facilities, county welfare departments, family childcare homes, foster care agencies, WIC service providers, and health care plans. To participate, an organization must enroll in CAIR2 and agree to maintain the confidentiality of the patient immunization information and only use the information to provide patient care or to confirm that childcare or school immunization requirements have been met. Health care providers and other authorized users can access patient immunization information, determine if any vaccinations are due, enter new patients or vaccine doses administered, remind or recall patients due for immunizations, and run patient reports. RIDE is California’s only other immunization registry, which serves a similar function in the Central Valley counties of San Joaquin, Stanislaus, Merced, Amador, Calaveras, Alpine, Tuolumne, and Mariposa.
- 3) *Immunization registry information*. Existing law allows patients, or their parents/guardians, to “lock” the patient’s record in CAIR2 so that immunization information is not shared with other CAIR2 users (though the data remains available to the patient’s provider). Information in CAIR2 includes a child’s name and birth date, mother’s (or guardian’s) name, and information about the child’s immunizations. Only a child’s doctor can access a child’s address and phone number; schools and other programs serving the child cannot see addresses or phone numbers in CAIR2. This bill adds a patient’s or client’s race or ethnicity to the information included in the system. While this bill broadens the information to be collected and maintained, it is limited in scope and existing confidentiality requirements remain; concerns about privacy, that information remains even after “locked,” and the use of information about people who may be undocumented are largely based on current law.
- 4) *Immunization status assessments during COVID*. This bill allows schools, child care facilities, family child care homes, WIC service providers, county welfare

departments, foster care agencies, and health care plans, for the COVID-19 public health emergency, to perform immunization status assessments of students, adults, and clients, to ensure health and safety during a public health emergency. This authority only applies to schools if the school's governing board or body has adopted a policy mandating COVID-19 immunization for school attendance and the school limits the use of the data to verify immunization status for this purpose (the assessment is a verification of a person's immunization status). This bill sunsets the authority to perform such immunization status assessments on January 1, 2026. While this bill broadens the authorized uses of immunization information, it is temporary and limited in scope and existing confidentiality requirements remain; concerns about privacy and the use of information about people who may be undocumented are largely based on current law.

- 5) *Senate Judiciary Committee comments.* This bill was triple referred, to the Senate Health Committee, Senate Education Committee, and Senate Judiciary Committee. Due to constrained legislative timelines, the referral to the Senate Judiciary Committee was rescinded. The following comments from that committee's staff are for consideration:

"This bill touches on various issues within the jurisdiction of the Senate Judiciary Committee, most prominently the issue of privacy. California's Constitution establishes that the right of privacy is inalienable. (Cal. Const., art. I, § 1.) As a practical matter, however, this right is not absolute; privacy concerns "must be balanced against other important interests." (*Hill v. National Collegiate Athletic Ass'n.* (1994) 7 Cal.4th 1, 37.) When a state action "primarily concerns health and safety, no fundamental right to privacy is at stake" and the action is reviewed under the rational basis standard with a presumption that there is no violation of privacy. (*Coshov v. City of Escondido* (2005) 132 Cal.App.4th 687, 711-712.)

"The author of this bill states that this bill will help prevent the spread of infectious diseases. To that end, this bill requires, rather than permits, health care providers and other entities to report vaccination information to the California Immunization Registry, adds race and ethnicity to the data that must be reported, and allowing schools, childcare facilities, and other stated entities to use vaccine data to perform COVID-19-related assessments, as specified. These steps appear rationally related to the state's interest in preventing the spread of disease, particularly COVID-19.

"Regarding individuals' interest in keeping their immunization and personal information private outside of the designated uses, existing law provides protections. The existing statute already provides that all information in the registry is confidential and cannot be used except for stated purposes. The information is also likely protected by at least two provisions in the Public Records Act. (See Gov. Code, § 6254(c), (k).) The bill permits an individual to opt out of having their records shared at all, which would provide additional assurance that multiple sources do not have possession of their personal and medical information."



- 6) *Heard by Senate Health Committee.* This bill passed the Senate Health Committee on June 22, on an 8-1 vote.
- 7) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose the following costs:
  - a) CDPH estimates General Fund (GF) costs to implement this bill are: \$317,000 in fiscal year (FY) 2022-23, \$633,000 in FY 2023-24 and \$303,000 in FY 2024-25 and ongoing. These costs are for information technology technicians and health educators to support increased enrollment of providers, schools, childcare facilities, and human services agencies in CAIR2.
  - b) Unknown costs, possibly in the hundreds of thousands of dollars in total (GF) to local school districts, health departments, and other entities to disclose immunization information to local health departments and DPH. Large school districts could incur significant costs. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.
- 8) *Related legislation.* SB 1479 (Pan) a) requires CDPH to coordinate COVID-19 testing programs in local educational agencies (LEAs) funded by federal resources or organized under the California COVID-19 Testing Task Force; b) requires CDPH to provide supportive services, as specified, related to LEA testing plans and testing programs for teachers, staff, students, and surrounding communities that help LEAs reopen and operate safely for in-person learning; and c) requires schools to create a COVID-19 testing plan consistent with CDPH guidance, as specified. SB 1479 is pending in the Assembly Education Committee.

SB 871 (Pan) would have added the COVID-19 vaccine to the list of immunizations required as a condition of school attendance. SB 871 was not heard.

SB 866 (Weiner) authorizes but does not require, a minor 15 years of age or older to consent to receive a federally-approved vaccine without parental consent. SB 866 is pending on the Assembly Floor.

## SUPPORT

American Association of University Women - California  
Cal State Student Association  
California Competes: Higher Education for A Strong Economy  
California State Student Association  
Michelson Center for Public Policy  
Office of Lieutenant Governor Eleni Kounalakis  
Student Senate for California Community Colleges  
The Education Trust - West  
Tipping Point Community

University of California Student Association  
Young Invincibles

**OPPOSITION**

Children's Health Defense California Chapter  
Stand Up Sacramento County  
Thirteen individuals

**-- END --**

---

# SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2598 **Hearing Date:** June 30, 2022  
**Author:** Akilah Weber  
**Version:** May 19, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Kordell Hampton

**Subject:** Pupil rights: restorative justice practices

## SUMMARY

This bill requires the California Department of Education (CDE), on or before June 1, 2024, to develop and post on its website, evidence-based best practices for restorative justice practices for local educational agencies (LEA) to implement to improve campus culture and climate.

## BACKGROUND

Existing law

- 1) Specifies a pupil shall not be suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed specified acts in subdivision (a) – (r). (EC § 48900)
- 2) Authorizes the principal of a school or the district superintendent to suspend a pupil from a school for any of the reasons identified above for no more than five consecutive days, and requires that suspension be preceded by an informal conference where the pupil must be informed of the reasons for the disciplinary action, including other means of correction that were attempted before the suspension, and the evidence against them, and must be given the opportunity to present their own version and evidence in their defense. Also requires a school employee to make a reasonable effort to contact the pupil's parent or guardian in person or by telephone, and if the pupil is suspended from school, requires that the parent or guardian be notified in writing. (EC § 48911)
- 3) Requires that a suspension only be imposed when other means of correction fail to bring about proper conduct. Specifies that other means of correction enumerated in subdivision (a) – (h). may include, but are not limited to, the following: (EC § 48900.5)
- 4) Requires the principal or superintendent of schools to recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds unless it is determined that the expulsion should not be recommended under the circumstances or that an alternative means enumerated in subdivision (a) – (r). (EC § 48915)

- 5) Require CDE to assess, among other things, whether an LEA has a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics as specified in Penal Code and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. (EC § 234.1)
- 6) The Superintendent shall post, and annually update the CDE's internet website and provide to each school district 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, including school-based discrimination, harassment, intimidation, or bullying on the basis of religious affiliation, nationality, race, or ethnicity, or perceived religious affiliation, nationality, race, or ethnicity. (EC § 234.5)

## ANALYSIS

This bill requires the CDE, on or before June 1, 2024, to develop and post on its website, evidence-based best practices for restorative justice practices for LEA to implement to improve campus culture and climate. Specifically, this bill:

- 1) Requires the CDE, by June 1, 2024, to develop evidence-based best practices for restorative justice practice implementation on a school campus and make these available on the CDE's website for use by LEAs to implement restorative justice practices as part of efforts to improve campus culture and climate.
- 2) Requires the CDE, in identifying best practices for effective, evidence-based restorative justice practices in elementary and secondary schools, to consult with all of the following:
  - a) School-based restorative justice practitioners;
  - b) Educators from public schools serving K-12;
  - c) Pupils from public schools serving K-12;
  - d) Community stakeholders; and
  - e) Nonprofit and public entities.
- 3) 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 "Restorative practices and restorative justice methods allow for greater understanding and community healing in addressing youth behavior. These practices also emphasize building strong relationships among students, staff, teachers, administrators, and parents while creating safe, productive learning environments for all. Widespread concern about

the climate and culture of our schools has caused some schools to implement restorative justice as an alternative way to deal with student behavior and conflict. However, there is no clear consensus about the best practices in developing, implementing, or measuring the outcomes of a restorative justice school program. AB 2598 would ensure that our educators and schools are equipped to effectively implement Restorative Justice Practices as an alternative to suspensions and expulsions. This bill would help address existing inequities within our public education system and improve school climate, which leads to increased attendance, reduced feelings of isolation, bullying, classroom disruption, truancy, antisocial behavior, and disputes among students.”

- 2) ***Restorative Justice in Schools.*** In a 2019 study conducted by WestEd, *Restorative Justice in U.S. Schools*, “Educators across the United States have been looking to restorative justice as an alternative to exclusionary disciplinary actions. The popularity of restorative justice in schools has been driven in part by two major developments. First, there is a growing perception that zero-tolerance policies, popular in the United States during the 1980s– 1990s, have had a negative impact on students and schools, generally, and a particularly pernicious impact on Black students and students with disabilities. These policies, many argue, have increased the use of suspensions and other exclusionary discipline practices, to ill effect. For example, researchers reviewing data from Kentucky found that, after controlling for a range of other factors, suspensions explained 1/5 of the Black-White achievement gap. Secondly, restorative justice has gained popularity as a means of addressing disproportionalities in exclusionary discipline. For example, it was found that Black students were 26.2 percent more likely to receive out-of-school suspension for their first offense than White students.

“In this manner, restorative justice is viewed as a remedy to the uneven enforcement and negative consequences that many people associate with exclusionary punishment,” according to the study. Exclusionary discipline can leave the victim without closure and can fail to bring resolution to the harmful situation. In contrast, because restorative justice involves the victim and the community in the process, it can open the door for more communication and for resolutions to the situation that do not involve exclusionary punishments like suspension. Unlike punitive approaches which rely on deterrence as the sole preventative measure for misconduct, restorative justice uses community-building to improve relationships, thereby reducing the frequency of punishable offenses while yielding a range of benefits. There are a variety of practices that fall under the restorative justice umbrella that schools may implement. These practices include victim-offender mediation conferences; group conferences; and various circles that can be classified as community-building, peace-making, or restorative.”

- 3) ***California Department of Education (CDE).*** In recent years there have been other statutory provisions designed to limit the use of suspensions and promote alternatives to suspension. These provisions aim to address the root causes of the student’s behavior and to improve academic outcomes:
- a) **Minimize Suspension for Attendance Issues:** It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

- b) **Instead of Suspension, Support:** A superintendent of the school district or principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, that are age-appropriate and designed to address and correct the pupil's misbehavior.

The state has also established a Multi-Tiered System of Supports (MTSS), which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, that may be used to help students gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

- c) **Suspension as a Last Resort:** Suspension shall be imposed only when other means of correction fail to bring about proper conduct and then continues to provide an extensive list of suggested positive, non-exclusionary alternative practices. Other means of correction may include additional academic support, to ensure, for example, that instruction is academically appropriate, culturally relevant, and engaging for students at different academic levels and with diverse backgrounds.

- 4) ***Suspensions are declining.*** The initial prohibition for suspending pupils in kindergarten or grades 1-3 for willful defiance took effect January 1, 2015. According to data from CDE, 96,421 pupils were suspended for willful defiance in the 2015-16 school year, the first full school year after implementation, which is a decrease of almost 30,000 suspensions for willful defiance over the previous school year. However, data from 2011-12 to 2017-18 school years reveals that suspensions for disruption or willful defiance, and suspensions overall, have been steadily declining, making it difficult to attribute this decline to the prohibition alone. For example, in the 2011-12 school year there were 709,702 total suspensions, approximately 47 percent of which were for disruption or willful defiance. For the 2012-13 school year, those numbers fell to 609,810 and 42 percent, respectively. For the 2013-14 school year, those numbers continued to decline to 503,191 and 36 percent, respectively. For the 2014-15 school year, overall suspensions decreased to 420,881, and disruption or willful defiance accounted for approximately 30 percent of those suspensions. For the 2015-16 school year, overall suspensions declined to 396,751, and disruption or willful defiance accounted for approximately 24% of those suspensions. For the 2016-17 school year, overall suspensions were down to 381,835, and disruption or willful defiance accounted for approximately 20 percent of those suspensions. Finally, for the 2017-18 school year, overall suspensions were lowered to 363,406, and disruption or willful defiance accounted for approximately 14 percent of those suspensions.

To fully illustrate the steep decline in suspensions, and the percentage of which are attributable to willful defiance, one need only compare total suspensions overall in 2017-2018 (363,406) with those for willful defiance only in 2011-12 (335,079). Suspensions for willful defiance decreased approximately 82 percent since 2011-12.

- 5) **Related Legislation. AB 2794 (Gipson)** of this Session This bill requires the SPI to allocate funding to LEAs, COEs, charter schools, and state special schools for professional development and instructional materials related to deescalation training. *This bill is currently in Senate Education Committee.*

**SB 419 (Skinner)** Chapter 279, Statutes of 2019, extends the prohibition against suspending a pupil enrolled in kindergarten or any of grades 1 to 3 for disrupting school activities or otherwise willfully defied the valid authority of school staff to include grades 4 to 8 permanently, and grades 9 to 12 until January 1, 2025, and applies these prohibitions to charter schools.

**AB 420 (Dickerson)** Chapter 660, Statutes of 2014, eliminates the option to suspend or recommend for expulsion a pupil who disrupted school activities or otherwise willfully defied the authority of school officials and instead authorizes schools to suspend a pupil in grades 6-12 who has substantially disrupted school activities or substantially prevented instruction from occurring.

**SB 1111 (Lara)** Chapter 837, Statutes of 2014, requires parental consent for referrals to a county community school by a school attendance review board (SARB), school district, or probation department, except for situations where a student is expelled or pursuant to a court order. This bill also establishes the right of a student to reenroll in his/her former school or another school upon completion of the term of involuntary transfer to a county community school.

**AB 1729 (Ammiano)** Chapter 425, Statutes of 2012, recasts provisions relative to the suspension of a pupil upon a first offense, and authorizes the use and documentation of other means of correction.

**AB 1909 (Ammiano)** Chapter 849, Statutes of 2012, requires schools to notify a foster youth's attorney and representative of the county child welfare agency of pending expulsion or other disciplinary proceedings.

## SUPPORT

Black Leadership Council  
California Alliance of Child and Family Services  
California Association for Bilingual Education  
California Catholic Conference  
California Charter School Association  
Californians Together  
Disability Right CA  
National Association of Social Workers, California Chapter  
San Diego County Office of Education  
San Francisco Unified School District  
Vista Del Mar Child and Family Services

## OPPOSITION

None on file.

-- END --



---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2774 **Hearing Date:** June 30, 2022  
**Author:** Akilah Weber  
**Version:** February 18, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** Education finance: local control funding formula: supplemental grants: lowest performing pupil subgroup or subgroups

### SUMMARY

This bill expands the definition of "unduplicated pupil" for Local Control Funding Formula (LCFF) purposes by adding a pupil who is classified as a member of the lowest performing subgroup or subgroups, as defined, commencing with the 2023-24 fiscal year.

### BACKGROUND

In 2013, the LCFF was enacted. The LCFF establishes per-pupil funding targets, with adjustments for different student grade levels, and includes supplemental funding for local educational agencies (LEAs) serving unduplicated pupils—students who are low-income, English learners, or foster youth. The LCFF replaced almost all sources of state funding for LEAs, including most categorical programs, with general purpose funding including few spending restrictions.

The largest component of the LCFF is a base grant generated by each student. Current law establishes base grant target amounts for the 2013-14 fiscal year, which are increased each year by the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States.

The base grant target rates for each grade span for the 2021-22 fiscal year are as follows:

- 1) \$8,935 for grades K-3 (includes a 10.4 percent adjustment for class size reduction);
- 2) \$8,215 for grades 4-6;
- 3) \$8,458 for grades 7-8;
- 4) \$10,057 for grades 9-12 (includes a 2.6 percent adjustment for career technical education).

For each unduplicated pupil, a district receives a supplemental grant equal to 20 percent of its adjusted base grant. A district serving a student population with more than 55 percent of unduplicated pupils receives concentration grant funding equal to 50

percent of the adjusted base grant for each unduplicated pupil above the 55 percent threshold.

## ANALYSIS

This bill:

- 1) Requires, for school districts, charter schools, and county offices of education (COEs), the LCFF definition of "unduplicated pupil" to include a pupil who is classified as a member of the lowest performing subgroup or subgroups.
- 2) Requires the Superintendent of Public Instruction (SPI) to annually identify the lowest performing subgroup or subgroups based on the most recently available mathematics or English language arts results on the California Assessment of Student Performance and Progress (CAASPP).
- 3) Excludes the following subgroups from being identified pursuant to this calculation:
  - a) A subgroup already identified for LCFF supplemental funding (English learners, low-income pupils, and foster youth); and
  - b) Any subgroup specifically receiving supplemental funding on a per-pupil basis through state or federal resources received from a source other than LCFF (pupils with disabilities).
- 4) Provides that a subgroup identified in the 2023–24 fiscal year as a lowest performing subgroup shall continue to receive supplemental funding until its performance meets or exceeds the highest performing subgroup of pupils in the state.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "2019 statewide testing data shows that African American students are the lowest performing subgroup with 67% not meeting English Language Arts Standards and 79% not meeting Math Standards. The achievement gap for African American students is pervasive whether they are low-income or not. Low-income White students outperform non-low income Black students in math and science.

"80,000 African American students, or just over a quarter are not receiving additional supplemental funding or accountability through the LCFF. Unfunded African American students are the only subgroup performing below the statewide average on ELA and Math that is not already receiving an LCFF supplement. That is to say that while the entirety of the current subgroups in the unduplicated pupil count receives supplemental funding, only a portion of the lowest-performing subgroup realizes this benefit.

"A recent UC Berkeley study found that 'schools in districts receiving concentration grants during the initial two years of Local Control Funding did

engage in organizational change that parallels gains in pupil achievement, compared with schools in almost identical districts not receiving concentration grants. These benefits were largely experienced by Latino students and not by other groups at significant levels.' (Lee & Fuller 2017, 2) The authors also note that their 'inability to detect gains for Black students is worrisome.' (Lee & Fuller 2017, 24) These early findings suggest that while LCFF supplements may be improving outcomes for Latino students, as intended, a notable gap remains for African American students.

"AB 2774 would create a new supplemental grant category in the LCFF to include the lowest performing subgroup of students statewide (currently African American students) that is not already receiving supplemental state or federal funding. This would ensure that every student in the lowest-performing subgroup as defined in AB 2774, is generating additional supplemental funding to provide resources to increase their academic performance. AB 2774 would additionally ensure that local educational agencies (LEAs) including county offices of education, school districts, and charter schools are held accountable to provide additional services and improve academic performance for these students through their Local Control Accountability Plan where the LEA will describe how they plan to assist these high needs students in order to elevate their performance."

- 2) ***What does this bill do?*** This bill adds a pupil who is classified as a member of the lowest performing subgroup, excluding any subgroups that already receive supplemental funding on a per-pupil basis (from the LCFF or other state and federal programs). Based on the bill as currently drafted, the only pupil subgroups not meeting the exclusion are ethnic subgroups.

The California Department of Education (CDE) reports test scores for the following subgroups:

- a) Black or African American
- b) American Indian or Alaska Native
- c) Asian
- d) Filipino
- e) Hispanic or Latino
- f) Native Hawaiian or Pacific Islander
- g) White
- h) Two or more races

According to data provided by the California Department of Education (CDE) and the author's office, the lowest-performing ethnic group is Black/African American.

Therefore, this bill would add Black/African American pupils to the unduplicated pupil count for LCFF purposes.

- 3) ***The Black-White achievement gap.*** Studies show that the Black-White achievement gap has persisted, but changed over time. According to a 2014 Handbook of Research in Education Finance and Policy article, *Patterns and Trends in Racial/Ethnic and Socioeconomic Academic Achievement Gaps*, it narrowed in both reading and math from the early 1970s to the late 1980s, then widened in the early 1990s, but has been narrowing consistently since 1999. Tables 1 and 2 (below) show that the scores of Black/African American pupils are the lowest among the reported racial subgroups. In addition, even though the Black/African American subgroup includes pupils at all income levels, its scores are below the scores of economically disadvantaged pupils, which suggests that poverty alone does not explain this outcome. According to the 2014 Handbook of Research in Education Finance and Policy article,

“A relatively common question addressed in studies of racial/ethnic achievement gaps (particularly the Black-White gap) is the extent to which the observed gaps can be explained by socioeconomic differences between the groups. [Research shows] that socioeconomic factors explain almost all (85%) of the Black-White math gap, and all of the reading gap at the start of kindergarten....By the third grade, however, ...the same socioeconomic factors account for only about 60 percent of both the math and reading Black-White gaps. This finding suggests that socioeconomic factors explain, in large part, the Black-White differences in cognitive skills at the start of formal schooling, but do not account for the growth of the lack-White gap as children progress through elementary school.”

The academic achievement gap has consequences beyond school. According to a 2018 report from the Equality of Opportunity Project at Stanford University, *Race and Economic Opportunity in the United States*, “Black children born to parents in the bottom household income quintile have a 2.5% chance of rising to the top quintile of household income, compared with 10.6% for Whites,” and “American Indian and Black children have a much higher rate of *downward* mobility than other groups [emphasis in original].”

- 4) ***Low-Performing Students Block Grant.*** The Budget Act of 2018 established the Low-Performing Students Block Grant (LPSBG) as a state education funding initiative with the goal of providing grant funds to LEAs serving pupils identified as low-performing on state English-language arts or mathematics assessments who are not otherwise identified for supplemental grant funding under the LCFF or eligible for special education services as defined in Education Code section 41570(d). For the 2018-19 school year, \$300 million in one-time funds was appropriated to establish the block grant, available for expenditure or encumbrance during fiscal years 2018-19, 2019-20, and 2020-21. The final per pupil allocation was \$1,998.02.

LEAs were required to use LPSBG funds for evidence-based services that directly supported pupil academic achievement, including professional development activities for certificated staff; instructional materials; and additional supports for pupils. According to the CDE's legislative report on the LPSBG,

"The CDE reviewed submission data from 10 LEAs that were allocated the largest amount of LPSBG funding. Below is a summary of findings regarding their LPSBG plan implementation, the strategies used, and whether or not those strategies increased the academic performance of the pupils identified.

"LEAs reported on the comprehensiveness of their LPSBG plan and the integration of multiple supports and evidence-based strategies for students and staff. However, once the pandemic began and schools closed, LPSBG plan implementation waned primarily because students became virtual learners, yet most of the planned services and strategies required in-person attendance for both staff and students.

"Even with these challenges and the return to in-person learning in the 2020–21 school year, LEAs reported improvements in culture and climate (increased attendance and a reduction in referrals and suspensions), while others discussed increases in student achievement related to English language arts and mathematics based on LEA local assessment data, reports from computerized programs, and other anecdotal information collected by LEAs. Additionally, LEAs also reported on increased and improved competencies and instructional delivery relating to core subjects and culturally-responsive teaching amongst their staff.

"However, the overarching theme from the submission data was that due to the COVID-19 pandemic and the impact that it had on the implementation of the LPSBG plans, there is little to no comparable assessment data or analyses to truly determine the effectiveness of this block grant on student achievement. Since student eligibility was determined based on the CAASP, comparative data from the 2020–21 school year is not available as the CDE received a waiver from the U.S. Department of Education waiving the requirement to administer the state-wide assessment to all eligible students."

- 5) **Arguments in support.** The California State Parent Teachers Association (CAPTA) writes, "The California State PTA has a long history of supporting legislation and public policies that improve academic achievement for all students and eliminate the achievement gap. We believe this bill will move us closer to adequate funding for every student."
- 6) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would create ongoing annual Proposition 98 General Fund costs of about \$662 million to provide additional LCFF funding for the lowest performing subgroup or groups. Additional ongoing funding in the hundreds of millions of dollars if multiple subgroups qualify for funding in future years.

7) **Technical amendments.** The CDE has expressed concerns that this bill, as currently drafted, does not adequately define “lowest performing” and “highest performing” pupil subgroup. To address these concerns, the author has requested, and staff concurs with, amending the bill as follows:

a) Amend subparagraph (A) of paragraph (7) of subdivision (b) of Section 42238.02 as follows:

(7) (A) Commencing with the 2023–24 fiscal year, “unduplicated pupil” shall also mean a pupil who is included in the lowest performing subgroup or subgroups, as defined in Section 52052, based on the most recently available mathematics or language arts results on of the California Assessment of Student Performance and Progress (CAASPP) Smarter Balanced Summative Assessments for English language arts (ELA) and mathematics. “Lowest performing” shall be defined as the subgroup with the lowest percent of students who scored in level 3 and 4 on the CAASPP Smarter Balanced Summative Assessments for ELA and/or mathematics. In the event that a different subgroup is the lowest performing in ELA than in mathematics, a pupil belonging to either subgroup shall be considered an unduplicated pupil. For purposes of this paragraph, the Superintendent shall annually identify the lowest performing pupil subgroup or subgroups. For the 2023–24 fiscal year, the Superintendent shall use the 2019 assessment results.

b) Amend subparagraph (C) of paragraph (7) of subdivision (b) of Section 42238.02 as follows:

(7) (C) A subgroup identified in the 2023–24 fiscal year as a lowest performing subgroup shall continue to receive supplemental funding under this section until its performance meets or exceeds the highest performing subgroup of pupils in the state. “Highest performing” shall be defined as the subgroup with the highest percent of students who scored in level 3 and 4 on the CAASPP Smarter Balanced Summative Assessments for ELA and/or mathematics. In the event that a different subgroup is the highest performing in ELA than in mathematics, for the purposes of this section, the lowest performing subgroup shall be compared to the highest performing subgroup in each specific subject area.

**SUPPORT**

**OPPOSITION**

**-- END --**

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 22 **Hearing Date:** June 30, 2022  
**Author:** McCarty  
**Version:** June 13, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Lynn Lorber

**Subject:** California Longitudinal Pupil Achievement Data System: data collection

### SUMMARY

This bill expands the student level data that is to be included in the California Longitudinal Pupil Achievement Data System (CALPADS) to specify the student level data is to be for all grade levels and additionally include student level and teacher data from state preschool programs operated by a local educational agency (LEA).

### BACKGROUND

Existing law establishes CALPADS to accomplish all of the following goals:

- 1) To provide school districts and the California Department of Education (CDE) access to data necessary to comply with federal reporting requirements delineated in the federal No Child Left Behind Act of 2001.
- 2) To provide a better means of evaluating educational progress and investments over time.
- 3) To provide local educational agencies with the data needed to improve student achievement, including college and career readiness.
- 4) To provide an efficient, flexible, and secure means of maintaining longitudinal statewide student level data between and among the state's educational segments and operational tools, including, but not limited to, all of the following:
  - a) Student level data from all elementary and secondary schools, including, but not limited to, juvenile court schools, alternative schools, continuation schools, special education schools, and adult educational programs offering a high school diploma or equivalency.
  - b) Student level data collected in both detention and non-detention settings.
  - c) Student level data to postsecondary educational institutions and the Student Aid Commission.
  - d) To facilitate the ability of the state to publicly report data, as specified in the federal America COMPETES Act and as required by the federal American Recovery and Reinvestment Act of 2009.

- e) To ensure that any data access provided to researchers, as required pursuant to the federal Race to the Top regulations and guidelines is provided, only to the extent that the data access is in compliance with the federal Family Educational Rights and Privacy Act of 1974. (Education Code 60900)

## ANALYSIS

This bill expands the student level data that is to be included in CALPADS to specify the student level data is to be for all grade levels, and additionally include student level and teacher data from state preschool programs operated by a LEA. Specifically, this bill:

- 1) Specifies that the student level data is to be from all grade levels, including transitional kindergarten, and requires student data for transitional kindergarten to be collected separately from kindergarten student data.
- 2) Adds student level data from state preschool programs operated by a LEA.
- 3) Adds the collection of the data for teachers in a LEA-based state preschool program (same data as is collected from educators in K-12 classrooms) as part of the goal to provide an efficient, flexible, and secure means of maintaining longitudinal statewide student level data.
- 4) States legislative intent relative to collecting data necessary to understand the impact of transitional kindergarten on California's early education system, including the educational settings in which students are served and shifts in the early care and education and K-12 educator workforce.

## STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Last year, California made universal preschool a reality by expanding access to Universal Transitional Kindergarten for all four-year-olds, giving families an additional high-quality pre-K option and creating tens of thousands of new early education jobs. AB 22 will ensure that California collects the necessary student and workforce data to ensure the state optimizes its limited resources in ways that best serve California families."
- 2) *CALPADS.* CALPADS has been operational since 2009, and enables the migration of numerous methods of aggregate data collection to CALPADS, creating a central, cohesive system that maintains quality student-level data, as well as providing a vehicle that tracks individual student enrollment history and achievement data which thus provides reliable longitudinal information.

CALPADS is the foundation of California's K-12 education data system, comprising student demographic, program participation, grade level, enrollment, course enrollment and completion, discipline, and statewide assessment data. The student-level, longitudinal data in CALPADS enables the facilitation of program evaluation, the assessment of student achievement over time, the calculation of more accurate dropout and graduation rates, the efficient creation of reports to meet state and federal reporting requirements, and the ability to create ad hoc reports and responses to relevant questions. CALPADS provides



LEAs with access to longitudinal data and reports on their own students, and it gives LEAs immediate access to information on new students, enabling the LEAs to place students appropriately and to determine whether any assessments are necessary. <https://www.cde.ca.gov/ds/sp/cl/background.asp>

- 3) *Data about all state preschool programs?* State preschool programs may be provided by a LEA or a non-LEA entity (e.g. private center-based preschool). This bill requires the collection of student level and teacher data relative to state preschools that are operated by a LEA, as there is an existing system to collect and report this data. However, no such system exists for state preschools operated by non-LEAs. *The author may wish to consider working with CDE to find a way to gather this data from all state preschool program contractors.* Ideally, it would be helpful to have this data from all types of early learning and care providers as to how the expansion of transitional kindergarten has affected enrollment in other types of early learning and care programs that serve four-year-old children, as well as the effect on the early learning workforce.
- 4) *Author's amendments.* This bill requires data on transitional kindergarten and LEA-based state preschool to be tracked in CALPADS, but in order for data on transitional kindergarten to be publicly available like data for other grades, the bill should also specifically require CDE to report transitional kindergarten data in DataQuest. **Staff recommends this amendment** be adopted.
- 5) *Fiscal impact.* This bill was amended on June 13 to insert its current contents, and as such, the current version of this bill has not yet been analyzed by a fiscal committee.

## SUPPORT

California School Employees Association (co-sponsor)  
Early Edge California (co-sponsor)  
Kidango (co-sponsor)  
Children Now  
San Diego Unified School District

## OPPOSITION

None received

-- END --



---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2422 **Hearing Date:** June 30, 2022  
**Author:** McCarty  
**Version:** April 6, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** California State University: investments

### SUMMARY

This bill, commencing with the 2022-23 fiscal year, authorizes the California State University (CSU) to invest in specified mutual funds, publicly-traded real estate investment trusts, institutional commingled funds, and exchange-traded funds. This bill limits the amount of total investments that may be invested in these funds to 65% of total investments.

### BACKGROUND

Existing law:

- 1) Authorizes the Chief Fiscal Officer (CFO) of a campus of the CSU, upon approval of the CSU Board of Trustees (BOT), to invest certain money received by the CSU in mutual funds subject to registration by, and under the regulatory authority of, the Securities and Exchange Commission (SEC), or in United States registered real estate investment trusts. (Education Code (EDC) Section 89724)
- 2) Establishes the CSU Special Projects Fund, which consists of grants, revenues, and funds of any nature received by the trustees for research, workshops, conferences, institutes, and special projects from the state, federal government, local government, or private persons; continuously appropriates all grants, revenues, and funds deposited in the fund to the trustees for the operation, support, and development of research, workshops, conferences, institutes, and special projects in the CSU; and authorizes the Treasurer or the CFO of a campus of the CSU, upon approval of the trustees, to invest money from the fund in mutual funds subject to registration by, and under the regulatory authority of, the SEC, or in United States registered real estate investment trusts. (EDC Section 89725)
- 3) Limits, commencing with the 2019–20 fiscal year, the total amount that may be invested in those mutual funds and real estate investment trusts, as described in 1) and 2) above, to up to 30% of that money. (EDC Section 89726)

### ANALYSIS

- 1) Authorizes the CFO of a campus of the CSU, upon approval of the CSU BOT, to invest certain money, received by the CSU, as specified, in any of the following:
  - a) Publicly traded real estate investment trusts registered with the United

States Securities and Exchange Commission.

- b) Institutional commingled funds, including commingled trust funds and collective trust funds, offered by investment advisors registered with, and under the regulator authority of, the United States Securities and Exchange Commission.
  - c) Exchange-traded funds subject to registration by, and under the regulatory authority of, the SEC.
- 2) Limits CSU's investment authority for certain money (publication sales and of real estate investment trusts) to those that are publicly traded and registered with the SEC.
  - 3) Authorizes the California State Treasurer or CFO of a campus of the CSU, upon approval of the CSU BOT, to invest money from the CSU Special Projects Fund in any of the following:
    - a) Institutional commingled funds, including commingled trust funds and collective trust funds, offered by the investment advisors registered with, and under the regulatory authority of, the SEC.
    - b) Exchange-traded funds subject to registration by, and under the regulatory authority of, the SEC.
  - 4) Limits the real estate investment trusts that could be invested in from the CSU Special Projects Fund to those that are publicly traded and registered with the SEC.
  - 5) Requires all interest or earnings received from the investments of Special Funds be collected by the Treasurer, and be deposited in the fund.
  - 6) Increases, commencing with the 2022–23 fiscal year (FY), the limit on the total amount that may be invested in mutual funds, real estate investments trusts, institutional commingled funds, and exchange-traded funds, as described above, to up to 65% of that money.
  - 7) Makes other technical changes.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "AB 2422 allows CSU to enhance proceeds and lower fees by adding authority to invest in institutional commingled funds and exchange-traded funds (ETFs) registered with the U.S. Securities & Exchange Commission. It would also increase opportunities for higher proceeds from these investments by raising the current ceiling on this fund from 30% of total investments to up to 65%. This new ceiling aligns with recommendations from the State Treasurer's Office (STO). Proceeds from these investments are used to fund one-time capital projects, which directly benefit students at all 23 CSU campuses."

- 2) **Existing investment authority.** SB 1412 (Block, Chapter 282, Statutes of 2016), expanded CSU's investment authority by authorizing CSU to invest certain funds, up to 30%, in mutual funds and real estate investment trusts (known as CSU's Total Return Portfolio (TRP)) and restricted the use of any increased earnings from these investments to capital outlay expenditures (one-time campus facility improvement projects). Specifically, it allowed CSU to expand investment of revenues received by the CSU campuses from fees for services, materials and facilities, agreements, non-residents, special sessions, special fees, gifts, bequests and donations, the sale of unclaimed, lost or abandoned property, and monies collected as higher education fees and income from students of any campus of the CSU. The authority does not apply to CSU general fund appropriations.
- 3) **Proposed expansion.** This bill further expands the CSU's investment authority to include commingled funds and exchange-traded funds and raises the current cap on investments from 30% to 65% of total investments. According to CSU, the new ceiling aligns with recommendations from the State Treasurer's Office. Information provided by CSU describes each fund as follows:
  - a) *Institutional commingled funds*, like mutual funds, pool assets from multiple investors into a single fund. They are commonly utilized in institutional accounts such as retirement plans, pension funds endowments, and foundations. Since they are mainly used by institutions and have large economies of scale, the funds have lower fees, which results in higher returns.
  - b) *Exchange-traded funds (ETF)*, hold multiple types of assets and can track an index sector, or commodity. They can be focused on a specific sector such as technology, financial services, health care, etc. They tend to be more liquid and more cost effective than mutual funds. ETFs allow for investment strategies, which can focus on certain sectors and therefore avoid exposure to investments in for example fossil fuels.
- 4) **Investment gains.** In October 2021, the CSU Investment Advisory Committee approved the third annual TRP distribution to the system of approximately \$55.6 million, bringing total TRP distributions to the system since inception to approximately \$113 million. TRP distributions are allocated to the campuses annually for capital outlay or maintenance.
- 5) **Safeguards.** Under the provisions of the bill, existing guardrails around investment risks are maintained which include all of the following:
  - a) All TRP investment activity is overseen by the CSU Investment Advisory Committee, of which the State Treasurer is a member.
  - b) All CSU investment activity is reported annually to the Legislature and Department of Finance, in case of investment losses the CSU is prohibited from requesting funds from the state treasury or from raising student tuition or fees.

- c) Core CSU operations are protected from investment volatility since earnings from the TRP may only be used for one-time capital needs and not relied upon for long-term uses.
- 6) **Arguments in support.** The Honorable Fiona Ma, the California State Treasurer, wrote that "as one of the chief financial officers of the state, I am always working to ensure our college and university campuses have the tools they need to deal with capital and deferred maintenance issues we have seen grow significantly, especially in the wake of the pandemic. That is why I am proud to continue the work of my predecessor at the Treasurer's office, who worked with [Senator Block] on his previous bill to allow CSU to expand its investment options. We are pleased that the expanded authority, which led to the creation of the CSU [TRP], has been successful and has led to significant support to CSU campuses for one-time capital outlay and deferred maintenance needs.

## SUPPORT

Bakersfield, California State University  
 Cal Maritime, California State University  
 California State Treasurer  
 California State University Alumni Council  
 California State University East Bay  
 California State University, Office of The Chancellor  
 Channel Islands, California State University  
 CSU, Chico  
 Fresno, California State University  
 Fullerton, California State University  
 Humboldt, California State University  
 Long Beach, California State University  
 Los Angeles, California State University  
 Monterey Bay, California State University  
 Northridge, California State University  
 Pomona, California State University  
 Sacramento, California State University  
 San Bernardino, California State University  
 San Francisco, California State University  
 San Jose, California State University  
 San Luis Obispo, California State University  
 San Marcos, California State University  
 Sonoma, California State University  
 Stanislaus, California State University

## OPPOSITION

None received.

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2507 **Hearing Date:** June 30, 2022  
**Author:** McCarty  
**Version:** June 20, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Kordell Hampton

**Subject:** The Universal Afterschool and Expanded Learning Opportunities Program: the After School Education and Safety Program: the 21st Century Community Learning Centers Program

### SUMMARY

This bill creates new set-asides for the disbursement of After School Education and Safety Program (ASES) and 21st Century Community Learning Centers (21<sup>st</sup> CCLC) competitive grants, establishes a cost-of-living adjustment (COLA) for ASES, and requires that the provisions be operative only if the Legislature appropriates at least \$5 billion in a fiscal year to fund the Universal Afterschool Program and Expanded Learning Opportunities Program.

### BACKGROUND

Existing law:

*Early Learning Opportunities Program (ELOP)*

- 1) Commencing with the 2022–23 school year, as a condition of receipt of funds allocated all local educational agencies shall offer to all pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to ELOP, and shall ensure that access is provided to any pupil whose parent or guardian requests their placement in a program. (Education Code § 46120 (b)(1))
- 2) Local educational agencies operating ELOPs pursuant to this section may operate a before school component of a program, an after school component of a program, or both the before and after school components of a program, on one or multiple schoolsites in compliance with the educational literacy and enrichment element; meals; and eligible schools/entities as specified in the After School Education and Safety Program. (EC 4612 § (b)(2))
- 3) Local educational agencies may serve all pupils, including elementary, middle, and secondary school pupils, in expanded learning opportunity programs. (EC § 46120 (b)(4))
- 4) This section does not limit parent choice in choosing a care provider or program for their child outside of the required instructional minutes provided during a schoolday. Pupil participation in an expanded learning opportunities program is optional. Children eligible for an expanded learning opportunities program may participate in, and generate reimbursement for, other state or federally subsidized

childcare programs, pursuant to the statutes regulating those programs. (EC 46120 (b)(7))

### ASES

- 5) The After School Education and Safety Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. (EC § 8482.3(a))
- 6) A program may operate a before school component of a program, an after school component, or both, on one or multiple schoolsites and requires each component to include an educational and literacy element (in which tutoring or homework assistance is provided) and an educational enrichment element (such as fine arts, career technical education (CTE), recreation, physical fitness, and prevention activities). If a program operates at multiple schoolsites, only one application shall be required for its establishment, and require each component to consist of two re (EC § 8482.3 (b)(c))

### 21<sup>st</sup> Century Community Learning Centers

- 7) The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that provide opportunities for academic enrichment; offer students a broad array of additional services, programs, and activities; and offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education. (20 U.S.C. § 7171 (a)(1) – (3))
- 8) The term "eligible entity" means a local educational agency, community-based organization, Indian tribe, or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities. (20 U.S.C. § 7171 (b)(3))
- 9) In awarding subgrants under this part, a State educational agency shall give priority to applications proposing to target services to students who primarily attend schools that perform the following:
  - a. Implement comprehensive support and improvement activities or targeted support and improvement activities for students, and families of those students as specified.
  - b. Enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models. (20 U.S.C. § 6311 (c))

### ANALYSIS

This bill creates new set-asides for the disbursement of ASES and 21<sup>st</sup> CCLC competitive grants, establishes a COLA for ASES, and requires that the provisions be operative only if the Legislature appropriates at least \$5 billion in a fiscal year to fund



the Universal Afterschool Program and Expanded Learning Opportunities Program. Specifically, this bill:

*General Provisions*

- 1) Renames the current "Expanded Learning Opportunities Program" as the "Universal Afterschool Program and Expanded Learning Opportunities Program."
- 2) Specifies that these provisions be operative only if the Legislature appropriates at least \$5 billion in a fiscal year to fund the Universal Afterschool Program Expanded Learning Opportunities Program, as specified.
- 3) Requires that, for new grants awarded after the operative date of this section, the percentage of annual funding appropriated for the ASES program that is prioritized for middle school pupils be at least equal to the percentage of the total ASES appropriation allocated to middle school pupils in the 2021-22 fiscal year (FY).
- 4) Requires the California Department of Education (CDE), beginning with the 2023-24 FY, to provide a COLA, as specified, to grants received under the ASES program beginning with the 2023-24 fiscal year and requires an annual appropriation to the CDE for this purpose each year, as specified.
- 5) Requires that, for new grants awarded after the enactment of this bill, 100% of federal funds appropriated to the 21st CCLC program be allocated on a priority basis for programs serving high school pupils. Specifies if funds remain after grant applications are approved for funding community learning centers that serve high school and middle school pupils, CDE may award the remaining excess funds to community learning centers serving elementary school pupils.
- 6) Defines "Afterschool program" means a program of expanded learning opportunities that is offered to pupils before school, after school, both before and after school, in the summer, or during intersession and does not mean an extension of instructional time.
- 7) Redefines Expanded learning opportunities as learning opportunities that focus on developing the academic, social, emotional, and physical needs and interests of pupils through hands-on, engaging learning experiences and specifies that "Expanded learning opportunities" includes opportunities to engage pupils in enrichment, play, nutrition, and other developmentally appropriate activities, and opportunities that are pupil-centered, results driven, include community partners, and complement, but do not replicate, learning activities in the regular schoolday and school year.
- 8) Finds and declares that it is the intent of the legislature to commit more public funding to provide pupils in grades 7 to 12, inclusive, with a welcoming and enriching space through afterschool programs.
- 9) Makes other technical changes.

**STAFF COMMENTS**

- 1) ***Need for a bill.*** According to the author “Students who participate in quality afterschool programs are more likely to graduate high school, have lower rates of suspension and expulsions, and are less likely to become involved in the juvenile justice system or substance abuse. Many of these positive outcomes are particularly impactful for youth in middle and high school. Research shows that participating in afterschool programs leads to improved academic success, career preparation, and social and emotional development for youth in middle and high school. An evaluation of afterschool programs for high school students in California showed that participating students scored higher on standardized tests and had better attendance at school than their peers, demonstrating that afterschool programs can be an effective tool for student reengagement. This is critically important in the wake of COVID-19, which resulted in dramatic decreases in student attendance and engagement. Quality afterschool programs promote the physical, social, emotional, and academic growth of students of all ages. However, the vast majority of funding for afterschool programs is directed towards students in elementary school, leaving out middle and high school youth who would strongly benefit from these programs. AB 2507 will ensure an appropriate portion of existing state and federal afterschool funding is prioritized for youth in grades 7-12 as California progresses towards its goal of providing universal afterschool.”
  
- 2) ***The Importance of After School Programs.*** According to the Afterschool Alliance, “quality afterschool programs understand that children and youth in different age groups vary in academic, psychological, and physical activity needs. Consistent participation in afterschool programs has shown lower dropout rates and has helped close achievement gaps for low-income students. For older youth, regular participation in an afterschool program may also reduce risky behaviors and help them gain college and career-needed skills. Afterschool programming has been shown to improve social and academic outcomes for students, however, research points to certain key elements for success. To fully realize all the positives of afterschool programming, students must receive a regular dosage, adequately trained staff, and high-quality programming.” CDE’s *2017 After School Programs Report*, finds that high-quality after school and other expanded learning programs (ELPs) that purposely provide academic and/or developmentally enriching services have positively impacted a wide range of student outcomes, including the following:
  - School attendance and academic motivation.
  
  - Academic work habits, homework completion, English language development, and academic achievement (e.g., student grades and test scores)
  
  - Social-emotional development, behavior, and discipline
  
- 3) ***The After School Education and Safety Program (ASES).*** ASES, established in 2002 via Proposition 49 (Prop 49), provides \$550 million annually for before and after school programs for kindergarten – 9<sup>th</sup> grade. The 2017-18 Budget Act (AB

97; Chapter 14, Statutes of 2017) increased ongoing funding to the ASES program by \$50 million for a total of \$600 million. In 2021-22 (AB 130; Chapter 44, Statutes of 2021) ASES programs received \$650 million in state funds. In addition, one-time federal COVID relief funding is supporting temporary rate increases and additional slots. These funds will temporarily increase the ASES per student daily rate from \$8.88 to \$10.18 in 2021-22 and 2022-23. According to the California Afterschool Advocacy Alliance, ASES programs serve more than 400,000 students at 4,200 schools each day.

The purpose of ASES is to create incentives for establishing locally-driven Expanded Learning programs, including after school programs that partner with public schools and communities to provide academic and literacy support, and safe, constructive alternatives for youth. The ASES involves collaboration among parents, youth, and representatives from schools, governmental agencies, individuals from community-based organizations, and the private sector.

- 4) ***21st Century Community Learning Centers (21st CCLC)***. The purpose of 21<sup>st</sup> CCLC program is to support the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools in transitional kindergarten (TK) to grades 1-12, inclusive. The program helps students meet state and local student standards in core academic subjects, such as reading and math; offers students a broad array of enrichment activities that can complement their regular academic programs; and offers educational services to the families of participating children. Programs must operate during every regular school day and may operate during summer, weekends, intersession, or vacation periods.

Awards are made to State Education Agencies (SEAs), in this case, the California Department of Education. For this program, eligible entity means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more such agencies, organizations, or entities. States must give priority to applications that are jointly submitted by a local educational agency and a community-based organization or other public or private entity. According to data on the U.S. Department of Education's website, 21<sup>st</sup> Century Community Centers in California were allocated \$148,460,316 in 2021. CDE reports that, as of 2018-19, a total of 4,548 California schools received ASES and/or CCLC funding and served a total of 885,993 students.

- 5) ***Early Learning Opportunities Program (ELOP)***. ELOP (AB 130; Chapter 44, Statutes of 2021) provides funding for afterschool and summer school enrichment programs for TK – 6<sup>th</sup> grade. In the 2021-22 fiscal year, the state provided \$1.8 billion Proposition 98 funding to establish this program, with a goal to reach \$5 billion annually by 2025-26. The program must include educational and enrichment components with maximum student to staff ratios of 20:1 and LEAs are required to offer at least nine hours of combined in-person instructional time and expanded learning opportunities during the school day and for 30 days during the summer.

6) **Fiscal Comment.** The provision of this bill become enacted when funding for ELOP reaches \$5 billion. Currently, the Governor's budget allocates \$4.8 billion in Proposition 98 funding for the ELOP for 2022-23.

7) **Committee Amendment.** *The author has agreed to take the following amendment:*

- *Strike reserving 100 percent of the 21<sup>st</sup> CCLC competitive grant funds to community learning centers serving high school and middle school pupils and recast the provision to reserve 60 percent of the 21<sup>st</sup> CCLC competitive grant to community learning centers serving high school pupils.*
- *Reserve 20 percent of the 21<sup>st</sup> CCLC competitive grant funds to community learning centers serving middle school pupils.*
- *Reserves 15 percent of the 21<sup>st</sup> CCLC competitive grant funds to community learning centers serving elementary school pupils.*
- *Strike existing law that establishes a second disbursement structure of 21<sup>st</sup> CCLC competitive grant funds for any fiscal year in which the total state appropriation for that fiscal year exceeds the total state appropriation for the 2008–09 FY to establish one disbursement structure for the 2<sup>nd</sup> CCLC competitive grant funds*

7) **Related Legislation. AB 1112 (Carrillo)** of this Session would have required the CDE to conduct a statewide cost study, utilizing an expanded learning stakeholder group, to determine adequate funding levels for expanded learning programs and make associated recommendations. *This bill was held in the Senate Appropriations Committee.*

**AB 130 (Committee on Budget)** Chapter 44, Statutes of 2021, establishes the ELOP and appropriates \$753 million for allocation to specified school districts and charter schools serving a high proportion of unduplicated pupils. Requires, upon receipt of funding for this purpose, specified schools serving pupils in kindergarten through grade 6 to provide at least 50% of unduplicated pupils with expanded learning opportunity programs for a minimum of 9 hours of combined in-person instruction and expanded learning opportunities on school days and no less than 9 hours of expanded learning opportunities per day for at least 30 non-schooldays during summer and intersessional periods

**AB 2501 (Carrillo)** of this Session establishes the California Universal Afterschool Program Workgroup, within the CDE, to develop recommendations to develop a roadmap for providing universal access to afterschool programs for all school-age children. *This bill is currently in Senate Education Committee.*

**SB 78 (Leyva)** of the 2017-18 Session would have appropriated to the ASES program an additional \$99,135,000 in the 2017-18 fiscal year and each fiscal year thereafter, commencing with the increases to the minimum wage implemented during the 2018–19 fiscal year, and every fiscal year thereafter required the DOF

to adjust the total ASES program funding amount of \$654,135,000 by adding an amount necessary to fund an increase in the daily pupil rate of 50% of each increase to the minimum wage. *This bill was held in the Assembly Education Committee.*

**SUPPORT**

Abraza INC.  
ACLU California Action  
After School All Stars, Los Angeles  
California Afterschool Advocacy Alliance  
California Alliance of Boys and Girls Clubs INC.  
Californians For Justice  
Californians Together  
Clare Rose Foundation  
Congregation Organized For Prophetic Engagement  
Council for A Strong America  
CultureThrive  
Delano Union School District Power Expanded Learning Program  
Education Foundation  
Envisioneers INC  
Fight Crime: invest in Kids  
Innovate Public Schools  
Los Angeles Conservation Corps  
Mad Science of Sacramento Valley  
Partnership for Children and Youth  
Ready Nation  
Sacramento Chinese Community Service Center  
Think Together  
Woodcraft Rangers  
World Fit for Kids

**OPPOSITION**

California Association of School Administrators.

-- END --



---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

<b>Bill No:</b>	AB 99	<b>Hearing Date:</b>	June 30, 2022
<b>Author:</b>	Irwin		
<b>Version:</b>	June 8, 2022		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** School safety: crisis intervention and targeted violence prevention program

### SUMMARY

This bill would require the governing board of a school district, on or before August 1, 2023, to adopt policies for the establishment of a crisis intervention and targeted violence prevention program that assists in the identification and assessment of individuals who may be experiencing a crisis or whose behavior may indicate a threat to the health and safety of themselves, pupils, school staff, or other community members, and that provides referrals to appropriate services.

### 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 California Department of Education (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) 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. (EC § 49400)

## ANALYSIS

This bill would require the governing board of a school district, on or before August 1, 2023, to adopt policies for the establishment of a crisis intervention and targeted violence prevention program that assists in the identification and assessment of individuals who may be experiencing a crisis or whose behavior may indicate a threat to the health and safety of themselves, pupils, school staff, or other community members, and that provides referrals to appropriate services. Specifically, this bill:

- 1) Establishes the School Threat Assessment and Resource Act that requires a LEA to adopt policies, on or before August 1, 2023, consistent with the United States Secret Service National Threat Assessment Center, for the establishment of a crisis intervention and targeted violence prevention program, and referral process, that will identify and assess pupils who may be experiencing a crisis or whose health and safety of themselves, pupils, school staff, or other community



- members may be at risk, with the goal to establish a safe school climate built on a culture of safety, respect, trust, and emotional support.
- 2) Requires each LEA to establish at least one multidisciplinary threat assessment and resource team (Team), new or consisting of a LEAs existing Team, that includes, but is not limited to, school and school district personnel, behavioral health professionals, and at least one law enforcement representative, as specified, and sets other minimums such as designating a liaison to consultant with the Team and providing wraparound services with community partners to the extent those services are available.
  - 3) Requires the team to coordinate with the appropriate special education administrator or instructor if the team has identified a pupil with an individualized education program (IEP).
  - 4) Requires the policies adopted by the team to include, among other things, identifying the types of threatening behavior that may represent a physical threat to the school community, identifying members within the school community to whom threatening behaviors should be reported, what methods should be used to make those reports, and the steps to be taken after a report is received, and establishing procedures that include practices for maintaining documentation, identifying sources of information, reviewing records, and conducting interviews consistent with existing law, including individual privacy and medical rights.
  - 5) Encourages LEAs, in adopting policies, to include, among other things, investigative themes to guide the assessment process such as motive, communications, stressors, and planning, as recommended by the United States Secret Service National Threat Assessment Center.
  - 6) Authorizes the governing board of an LEA to establish a committee, or use an existing committee, to oversee the Team or Teams, with members that may, but are not limited to, having expertise in human resources, civil rights, school administration, behavioral or mental health, and law enforcement. The oversight committee may require periodic reports from multidisciplinary threat assessment and resource teams that summarize and evaluate the activities of the teams consistent with existing laws, including those protecting individual privacy and medical rights.
  - 7) Encourages an LEA that has a memorandum of understanding (MOU) with a local law enforcement agency to incorporate the applicable requirements of this section into that MOU.
  - 8) Requires CDE to make materials pertaining to multidisciplinary threat assessment and resource teams available on its internet website and is encouraged to use and is encouraged to use existing resources that are consistent with the recommendations by the United States Secret Service National Threat Assessment Center.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author “There have been 36 shootings on California school campuses since 2000. Because research has shown that school shooters often share their school shooting ideations and/or suffer from mental health issues, early identification and marshaling of resources may avert a potential shooting and provide treatment to the student. A safe school environment is crucial to the healthy academic and social development of students. Perceived and actual safety also impact a range of outcomes, from staff retention to parent satisfaction. Most importantly, student perceptions of safety affect their academic achievement and engagement in learning. AB 99 is a proactive and comprehensive approach toward early detection and intervention for students who may harm themselves or others. Because there are so many threats made by students on school campuses, most of a passing and harmless nature, it is important to quickly identify threats that are substantive and pose a continuing risk to the school community. Using a multi-tiered system of support (MTSS), teams consisting of specially trained teachers, administrators, mental health professionals, special needs educators, and law enforcement, will be able to rapidly identify, respond, and support students headed toward crisis.”
- 2) ***Traumatic events.*** 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. A 2004 report by the United States Secret Service and United States Department of Education found that over two-thirds of school shooters acquired the gun (or guns) used in their attacks from their own home or that of a relative (68 percent).
- 3) ***Threat Assessment Teams in School.*** According to the U.S Department of Education (USDE) “A threat assessment team is a group of officials that convene to identify, evaluate, and address threats or potential threats to school security. Threat assessment teams review incidents of threatening behavior by students (current and former), parents, school employees, or other individuals. Some schools may need assistance in determining whether a health or safety emergency exists in order to know whether a disclosure may be made under FERPA’s health or safety emergency provision. Accordingly, members of a threat assessment team might include officials who can assist in making such decisions, such as school principals, counselors, school law enforcement unit officials, as well as outside medical and mental health professionals and local law enforcement officers.”

To aid in these efforts, the U.S. Secret Service National Threat Assessment Center (NTAC), in 2019 studied 41 incidents of targeted school violence that occurred at K-12 schools in the United States from 2008 to 2017 and published a report to help schools across the country establish threat assessment teams. This report builds on 20 years of NTAC research and guidance in the field of threat assessment by offering an in-depth analysis of the motives, behaviors, and situational factors of the attackers, as well as the tactics, resolutions, and other operationally-relevant details of the attacks. The analysis suggests that many of these tragedies could have been prevented, and supports the importance of schools establishing comprehensive targeted violence prevention programs as recommended by the Secret Service *in Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence*.  
 (USSS NTAC Enhancing School Safety Guide.pdf (secretservice.gov))

Threat assessment teams can discern serious from non-serious threats and help identify the appropriate response to each situation, which may not include law enforcement. CDE also provides information on its website on develops school safety plans (<https://www.cde.ca.gov/ls/ss/vp/cssp.asp>)

- 4) **Family Educational Rights and Privacy Act (FERPA).** FERPA protects the privacy of students' personal records held by educational agencies or institutions that receive federal funds under programs administered by the U.S. Secretary of Education. Almost all public schools and public school districts receive some form of federal education funding and must comply with FERPA. Organizations and individuals that contract with or consult for an educational agency also may be subject to FERPA if certain conditions are met. FERPA controls the disclosure of recorded information maintained in a pupil's education record. FERPA generally limits access to all student records, and for example, only school staff with a legitimate educational interest in the information should be able to access it. FERPA also requires schools to include in their annual notices to parents a statement indicating whether the school has a policy of disclosing information from the education file to school officials, and, if so, which parties are considered school officials and what the school considers to be a legitimate educational interest.

According to USDE's website, "In establishing a threat assessment team, the school must follow the FERPA provisions in § 99.31(a)(1)(i)(B) concerning outsourcing this function if team members will be privy to personally identifiable information (PII) from students' education records. While not a requirement of FERPA, one way to ensure that members of the team do not disclose PII obtained from education records would be to have a written agreement with each of the team members specifying their requirements and responsibilities. Schools are reminded that members of the threat assessment team may only use PII from education records for the purposes for which the disclosure was made, i.e., to conduct threat assessments, and must be subject to FERPA's re-disclosure requirements in § 99.33(a)." *More information can be found on the USDE's website: <https://studentprivacy.ed.gov/faq/does-ferpa-permit-sharing-education-records-outside-law-enforcement-officials-mental-health>.*

5) **Committee Amendments.** *The author has agreed to take the following amendments.*

- Adds intent language related to promoting promote a safe school climate built on a culture of safety, respect, trust, and emotional support.
- Delete the reference to the School Threat Assessment and Resource Act and move the provisions of this bill under existing law regarding school safety plans.
- Clarify that nothing shall limit the ability of LEAs to bypass the multidisciplinary threat assessment and resource team and contact law enforcement when there is an imminent threat to the safety of students, school staff, or community members
- Authorize an LEA to establish a Team at the county, district, region, local district, and school site level and clarify that an LEA may establish more than one Team within their district.
- Specify an LEA shall include, to the extent possible, school and school district personnel, behavioral mental health professionals, and at least one law enforcement representative.
- Strike the provision restating the intent of the bill.
- Requires the California Department of Education to identify evidence-based practices related to Threat Assignment Teams.
- Clarify that a Team should establish procedures for referrals to health care providers or other appropriate community resources for evaluation or treatment where possible.
- Strike the use of the crime tip line when establishing procedures and protocols for coordinating with law enforcement.
- Add parents and guardians to the list of individuals who may participate on a LEAs oversight committee, should a LEA establish an oversight committee.
- Add a coauthor.
- Makes various technical and grammatical changes.

7) **Related legislation.** **AB 452 (Friedman)** requires LEAs to annually inform parents or guardians of enrolled students about California's child access prevention laws and laws relating to the safe storage of firearms. *This bill is currently on Senate Third Reading.*

**SB 906 (Portantino)** of this Session requires local educational agencies (LEAs) to annually provide information to parents or guardians about California's child

access prevention laws and laws relating to the safe storage of firearms; requires school officials to report to law enforcement any threat or perceived threat of an incident of mass casualties; requires law enforcement or the school police to conduct an investigation and threat assessment, including a review of Department of Justice's (DOJ's) firearm registry and a search of the school and/or students' property by law enforcement or school police. *This bill is currently on Assembly Third Reading.*

**AB 312 (Valladares)** of this Session establishes the School Safety Division within the CDE; requires the Division to administer the Safe-To-Tell Program to receive anonymous reports of dangerous, violent, or unlawful activity; requires LEAs to establish school-based teams of at least three members of the administrative staff at each of its schools to receive notice of reports; and establishes the Safe-To-Tell Program Advisory Committee and requires the advisory committee to provide an annual report to the Governor and Legislature. *This bill is currently in Senate Education Committee.*

**AB 2794 (Gipson)** of this Session requires the SPI to allocate funding to LEAs, COEs, charter schools, and state special schools for professional development and instructional materials related to de-escalation training. *This bill is currently in Senate Education Committee.*

**SB 1273 (Bradford)** of this Session eliminates criminal penalties for "willful disturbance" of a school or school meeting, and grants a school principal discretion to report an incident to law enforcement if it does not include a firearm. *This bill is currently in Assembly Education Committee.*

**AB 2598 (Akilah Weber)** of this Session requires the California Department of Education (CDE), on or before June 1, 2024, to develop and post on its website, evidence-based best practices for restorative justice practices for local educational agencies (LEA) to implement to improve campus culture and climate. *This bill is currently in Senate Education Committee.*

**AB 2133 (Irwin)** of the 2019-20 Session would have would require the governing board of a school district, on or before August 1, 2021, to adopt policies for the establishment of a crisis intervention and targeted violence prevention program that assists in the identification and assessment of individuals who may be experiencing a crisis or whose behavior may indicate a threat to the health and safety of themselves, pupils, school staff, or other community members, and that provides referrals to appropriate services. *This bill was never heard in Assembly Education Committee.*

**AB 1747 (Rodriguez)** Chapter 806, Statutes of 2018, expanded the required elements of school safety plans, including procedures to respond to active shooter situations, required schools to conduct annual active shooter drills, and required the CDE to provide additional guidance and oversight of safety plans.

## SUPPORT

Peace Officers Research Association of California (PORAC)

California School Association of School Psychologists

**OPPOSITION**

None on file.

**-- END --**

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 312 **Hearing Date:** June 30, 2022  
**Author:** Valladares  
**Version:** June 13, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Lynn Lorber

**Subject:** School safety: Safe-To-Tell Program

### SUMMARY

This bill a) establishes the School Safety Division within the California Department of Education (CDE); b) requires the Division to administer the Safe-To-Tell Program to receive anonymous reports of dangerous, violent, or unlawful activity; c) requires local educational agencies (LEAs) to establish school-based teams of at least three members of the administrative staff at each of its schools to receive notice of reports; and d) establishes the Safe-To-Tell Program Advisory Committee and requires the advisory committee to provide an annual report to the Governor and Legislature.

### BACKGROUND

Existing law:

- 1) Requires each school district or county offices of education 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 county office of education for approval and requires a school district or county office of education to notify the CDE by October 15 of every year of any school that is not in compliance. (EC § 32288)

**ANALYSIS**

This bill a) establishes the School Safety Division within the CDE; b) requires the Division to administer the Safe-To-Tell Program to receive anonymous reports of dangerous, violent, or unlawful activity; c) requires LEAs to establish school-based teams of at least three members of the administrative staff at each of its schools to receive notice of reports; and d) establishes the Safe-To-Tell Program Advisory Committee and requires the advisory committee to provide an annual report to the Governor and Legislature. Specifically, this bill:

*CDE and the Safe-To-Tell Program*

- 1) Establishes the School Safety Division within the CDE for purposes of administering the Safe-To-Tell Program.
- 2) Requires the School Safety Division to be administered by the Director of School Safety, who shall be appointed by the Superintendent of Public Instruction (SPI) and who may hire staff as appropriate to implement this bill.
- 3) Establishes the Safe-To-Tell Program within the School Safety Division of the CDE.
- 4) Requires the Director of School Safety to implement the Safe-To-Tell Program consistent with all of the following requirements:
  - a) Requires the program to enable any person to anonymously report any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted on the property of a LEA, at an activity sponsored by the LEA, or on a schoolbus of a LEA.
  - b) Prohibits the identity of a person who reports information to the program from being known by persons operating the program, prohibits the identity from being disclosed to any person and requires the identity to remain unknown to persons employed by, contracting with, volunteering with, or otherwise assisting any organization operating any program platform.
- 5) Requires the Safe-To-Tell Program to operate a crisis call center, website, mobile telephone application, and email address for purposes of the program.
- 6) Requires the crisis call center, website, mobile telephone application, and email address to be operated by the School Safety Division, or authorizes CDE to



contract with a qualified organization to operate the crisis call center, website, mobile telephone application, or email address.

- 7) Requires the crisis call center to be staffed by individuals with evidence-based counseling and crisis intervention training and to be operational 24 hours per day, every day of the year.
- 8) Requires the crisis call center to support and help facilitate a coordinated response by schools, public safety dispatchers, and sworn law enforcement agents to an identified crisis when such a response is to be reasonably expected.
- 9) Requires the School Safety Division to develop and implement a triage approach to disseminating anonymous tips based on the severity of the tip.
- 10) Requires that all information received by the program be strictly confidential and requires the School Safety Division to develop policies and procedures to ensure all of the following:
  - a) All relevant information reported to the program is promptly forwarded to the appropriate public safety agencies and the appropriate school-based teams (see # 13 below).
  - b) Prohibits a person from being compelled to produce or disclose any record or information provided to the program except upon a court order.
  - c) Requires, if a report filed with the program is determined by the Director of School Safety to be a false report, information about the subject of the false report to be immediately removed from the subject student's record, if they are a student, including records held by the LEA and an individual school, and requires the director to notify any law enforcement agencies previously notified of the report. This bill requires law enforcement agencies so notified by the director to remove the report from any records on the subject, unless the report is part of an active criminal investigation.
- 11) Requires the School Safety Division to maintain a list of points of contact for each school-based team, local law enforcement dispatch, and law enforcement agencies.
- 12) Requires the School Safety Division to develop and provide training to all of the following:
  - a) Each member of a school-based team concerning the appropriate response to various types of tips.
  - b) Students and teachers on how to recognize and identify observable warning signs and signals of an individual or peer who may be at risk of harming themselves or others, the importance of taking threats seriously and seeking help, and how to make a report on one of the program platforms.

- c) Law enforcement dispatchers as to how to receive notice of any report submitted to the program that requires response from sworn law enforcement.

*LEAs*

- 13) Requires each LEA to establish school-based teams of at least three members of the administrative staff at each of its schools for purposes of receiving notice of any report submitted to the program concerning the respective school.
- 14) Prohibits LEAs from being additionally liable as a result of their participation in the program.

*Advisory committee*

- 15) Establishes the Safe-To-Tell Program Advisory Committee within the School Safety Division of CDE.
- 16) Requires the advisory committee to annually report to the Governor and the Legislature, by December 31, all of the following information:
  - a) The total number of tips received for the previous school year.
  - b) The total number of tips received since the program began, disaggregated by school and each of the following:
    - i) Tips by type.
    - ii) Method by which the tip was received.
    - iii) The total number of false reports received.
    - iv) The total number of responses to incoming tips disaggregated by disciplinary actions, non-disciplinary actions, and interventions, as well as the gender and race of the student subject to the disciplinary action, non-disciplinary action, or intervention.

*Fund*

- 17) Establishes the Safe-To-Tell account in the General Fund for purposes of implementing this bill. This bill requires funds in the account to be used, upon appropriation by the Legislature, only for purposes of this bill.
- 18) Prohibits funds appropriated for purposes of this bill from counting toward satisfying the minimum funding obligation to school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution (Proposition 98).

*General*

- 19) Defines "local educational agency" to mean a school district, county office of education, charter school, or state special school.

### STAFF COMMENTS

- 1) *Need for the bill.* According to the author, waiting for background.
- 2) *Capacity.* This bill imposes a number of duties on CDE, including developing and providing training to a) each member of a school-based team concerning the appropriate response to various types of tips; b) students and teachers on how to recognize and identify observable warning signs and signals of an individual or peer who may be at risk of harming themselves or others, the importance of taking threats seriously and seeking help, and how to make a report on one of the program platforms; c) Law enforcement dispatchers as to how to receive notice of any report submitted to the program that requires response from sworn law enforcement.

This bill requires CDE to operate the crisis call center, website, mobile telephone application, and email address, or to contract with a qualified organization, and requires the crisis call center to be staffed by individuals with evidence-based counseling and crisis intervention training and to be operational 24 hours per day, every day of the year. This bill also requires the School Safety Division within CDE to develop and implement a triage approach to disseminating anonymous tips based on the severity of the tip. It is unlikely that CDE has the capacity to develop and provide training, or operate a crisis call center, website, mobile phone application, and email address, nor does CDE likely have staff qualified to do so. *The Committee may wish to consider whether tip lines are better handled at the local level (see # 5 below).*

This bill requires CDE's School Safety Division to disseminate anonymous tips and all relevant information to be promptly forwarded to the appropriate public safety agencies and the appropriate school-based teams at the LEA-level. This bill requires LEAs to establish school-based teams of at least three members of the administrative staff *at each of its schools* for purposes of receiving notice of any report submitted to the Safe-To-Tell Program concerning the respective school. While this bill does not specify what actions the school-based teams are to take, presumably LEAs would need to investigate each tip, respond, coordinate with public safety agencies, and take action if appropriate. This bill requires CDE to provide training to each member of a school-based team concerning the appropriate response to various types of tips. This bill requires the call center to support and help facilitate a coordinated response by schools, public safety dispatchers, and sworn law enforcement agents to an identified crisis when such a response is to be reasonably expected; however, it is possible that not all LEAs have the staff or time necessary to investigate tips received at the state level, particularly in small school districts and schools.

- 3) *Other things to consider.* This bill references removing false information from student records, yet provides no mechanism or parameters for placing information based on anonymous tips in student records.

This bill requires the crisis call center to be staffed by individuals with evidence-based counseling and crisis intervention training, yet does not require the website, mobile telephone application, and email address to be staffed by individuals with any specific qualification.

This bill requires LEAs to establish school-based teams of at least three members of the administrative staff at each of its schools for purposes of receiving notice of any report submitted to the program concerning the respective school, yet does not include educators, school counselors, or any non-administrative personnel who may know students well such as teachers and classified employees.

This bill establishes the Safe-To-Tell Program Advisory Committee within the School Safety Division of CDE, yet does not specify who is to appoint the membership, which entities should be represented, how long the members are to serve, how often the committee is to meet, etc.

This bill requires the annual report of the advisory committee to include the total number of tips received since the program began, disaggregated as specified. It is not clear why each annual report should include historical data.

This bill requires the annual report of the advisory committee to include the total number of false reports received, and the total number of responses to incoming tips disaggregated by disciplinary actions, non-disciplinary actions, and interventions, as well as the gender and race of the student subject to the disciplinary action, non-disciplinary action, or intervention. Presumably, LEAs will investigate and respond to tips. This bill does not provide a process by which LEAs forward information to the advisory committee for inclusion in its annual report.

This bill requires the annual report of the advisory committee to include the total number of responses to incoming tips disaggregated by disciplinary actions, non-disciplinary actions, and interventions, as well as the gender and race of the student subject to the disciplinary action, non-disciplinary action, or intervention. Presumably, LEAs will investigate and respond to tips. It is not clear why information only about gender and race are necessary, yet information about grade level, type of LEA, or name of school district is not considered.

Is it appropriate for the Legislature to prescribe the organization of the CDE, which is led by a statewide elected Constitutional Officer, and grant authority for a CDE employee to hire staff as appropriate to implement this bill?

- 4) *Liability.* This bill specifically prohibits LEAs from being additionally liable as a result of their participation in the program. Issues of liability, and implications for LEAs and their employees, is not within the jurisdiction of this Committee. Staff cautions the Committee in this area, particularly without understanding what “additionally liable” means.
- 5) *Existing LEA tip lines.* Some LEAs currently have their own tip lines, including Colton Joint Unified School District <https://www.cjUSD.net/Page/4102>, Rescue

Union School District <http://www.rescueusd.org/Resources/District-Resources/Anonymous-Tip-Line/index.html>, Centinela Valley Union High School District [https://www.centinela.k12.ca.us/apps/pages/index.jsp?uREC\\_ID=68550&type=d&pREC\\_ID=151096](https://www.centinela.k12.ca.us/apps/pages/index.jsp?uREC_ID=68550&type=d&pREC_ID=151096), and Fullerton Joint Union School District <https://www.fjuhsd.org/Page/3903>

- 6) *Fiscal impact.* This bill establishes the Safe-To-Tell account in the General Fund and requires funds in the account to be used, upon appropriation by the Legislature, only for purposes of this bill. The budget does not include funding for the purposes of this bill. This bill was amended on June 13 to insert its current contents, and as such, the current version of this bill has not yet been analyzed by a fiscal committee.
- 7) *Related legislation.* SB 906 (Portantino, 2022) requires a school official who is alerted to or observes any threat or perceived threat, as defined, to immediately report the threat or perceived threat to law enforcement. SB 906 requires the local law enforcement agency or the schoolsite police, as appropriate, with the support of the LEA, to immediately conduct an investigation and assessment of any threat or perceived threat. SB 906 is pending on the Assembly Floor.

AB 99 (Irwin, 2022) requires LEAs to adopt policies for the establishment of a crisis intervention and targeted violence prevention program to assist in the identification and assessment of individuals who may be experiencing a crisis or whose behavior may indicate a threat to the health and safety of themselves, students, school staff, or other community members, and requires LEAs to provide referrals to appropriate services. AB 99 is scheduled to be heard by this Committee on June 30.

AB 2384 (Valladares, 2022) would have authorized a school district or charter school that serves students in any of grades 7 to 12, to adopt an anonymous reporting program administered by a nonprofit organization and a threat assessment system administered by a nonprofit organization. AB 2384 was not heard in the Assembly Education Committee.

## **SUPPORT**

None received

## **OPPOSITION**

None received

-- END --



---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 1746 **Hearing Date:** June 30, 2022  
**Author:** Medina  
**Version:** June 20, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** Student financial aid: Cal Grant Reform Act

### SUMMARY

This bill makes significant reforms to the Cal Grant Program, the state's largest post-secondary financial aid program, including phasing-out existing programs and the creation of the new Cal Grant 2 Program for California Community College (CCC) students and the Cal Grant 4 Program for students attending the University of California (UC), California State University (CSU), and eligible private institutions.

### BACKGROUND

Existing Federal law. The federal Pell Grant provides aid to students who demonstrate financial need. The Pell Grant award can be used for tuition and fees, books, and supplies, transportation, and living expenses for the equivalent of up to six years of full-time enrollment. The maximum Pell Grant for 2022-23 (which covers the span of July 1, 2022, through June 30, 2023), will be \$6,895 (20 U.S.C. Section 1070).

Currently, the maximum Pell Grant for 2021-22 is \$6,345.

Existing state law:

- 1) Establishes the Commission for the purpose of administering specified student financial aid programs (Education Code (EC) Section 69510, et seq.).
- 2) Cal Grant A Entitlement Awards. Students that meet income, asset, and other eligibility requirements, have at least a 3.0 grade point average (GPA), and apply either the year they graduate from high school or the following year are entitled to an award that provides coverage for tuition and fees (EC 69434).
- 3) Cal Grant B Entitlement Awards. Students that meet income and asset thresholds and other eligibility requirements, have at least a 2.0 GPA, and apply either the year they graduate from high school or the following year are entitled to a living allowance and tuition and fee assistance. Awards for most first-year students are limited to an allowance for non-tuition costs (access award), such as books and living expenses. In the second and subsequent years, the award also provides tuition and fee support (EC Section 69435.).
- 4) California Community College (CCC) Expanded Entitlement Program. Commencing with the 2020-21 academic year, a student who was not awarded a Cal Grant A or B award at the time of the student's high school graduation but

will be enrolled at a CCC during the award year and meets all of the eligibility criteria, will be entitled to a Cal Grant A or B award (EC 69435.5).

- 5) CCC Transfer Entitlement Awards. Cal Grant A and B awards are guaranteed to every student who graduated from a California high school after June 30, 2000, was a California resident at the time of high school graduation, transferred to a qualifying baccalaureate-degree granting institution from a CCC during the award year, was under the age of 28 at the time of the transfer, and had a minimum CCC GPA of 2.4 (EC Section 69436).
- 6) Competitive Cal Grant A and B Awards. Students who are not eligible for entitlement awards may compete for a Cal Grant A or B Competitive award. The award benefits and eligibility requirements are the same as the entitlement program, but awards are not guaranteed (EC Section 69437).
- 7) Cal Grant C Awards. The grants specifically assist students with tuition and training costs at occupational or vocational programs of four months to two years in length. Since 2000-01, the total number of new annual Cal Grant C awards has been set at 7,761. The maximum award amounts, which are determined in the annual Budget Act, are currently up to \$2,952 for tuition and fees and \$576 for non-tuition costs, for recipients attending other than a community college, and \$1,094 toward non-tuition costs for CCC students (EC Section 69439).
- 8) Establishes the Middle Class Scholarship (MCS) Program to offset a portion of tuition costs at the UC and the CSU for students with annual household incomes of less than \$150,000. Commencing with the 2022-23 academic year, the student's annual household income does not exceed the following amounts: \$201,000 if the student is a dependent student or an independent student with dependents other than a spouse; \$133,000 if the student is a married independent student with no dependents other than a spouse; and, \$116,000 if the student is a single independent student with no dependents (EC 70020, et seq.).
- 9) Establishes the Community Colleges Student Success Completion Grant, which supplements the Cal Grant B access award by up to \$1,298 annually for students enrolled in 12, 13, or 14 units per semester and up to \$4,000 annually for students taking 15 or more units per semester (EC Section 88930.).

## ANALYSIS

This bill makes significant reforms to the Cal Grant Program, the state's largest post-secondary financial aid program, including phasing-out existing programs and the creation of the new Cal Grant 2 Program for CCC students and the Cal Grant 4 Program for students attending the UC, CSU, and eligible private institutions. Specifically, this bill:

- 1) Establishes the Cal Grant Reform Act and makes the Act's provisions contingent upon an appropriation by the Legislature of sufficient funds, for students applying for aid beginning October 1, 2023, and receiving aid for the 2024-25 academic year.



- 2) Recast and revises the existing long-term policy and maximum award payment provisions establishing and governing the Cal Grant program and the Middle Class Scholarship Program to apply to the Cal Grant Reform Act.
- 3) Specifies that the new Cal Grant Program consists of a Cal Grant 2 Program for students attending a CCC and a Cal Grant 4 Program for students attending a four-year university or private college.
- 4) Requires that the Commission adopt regulations, including emergency regulations, necessary to implement the Cal Grant Reform Act, as specified.
- 5) Recasts and revises definitions in the Ortiz-Pacheco-Poochingan-Vasconcellos Cal Grant Program to apply to the Cal Grant Reform Act.
- 6) Revises provisions related to the federal methodology used to determine financial need with the new federal "Eligibility index for student aid" and requires that "Eligibility index for student aid" serve as the formula for determining the eligibility for state-funded financial assistance.

#### *Cal Grant 2*

- 7) Establishes the Cal Grant 2 program for students enrolled in a degree, certificate, or transfer program at a campus of the CCC and requires that to be eligible for the award, a student must:
  - a) Be a California resident or qualify for a waiver of nonresident tuition, as specified.
  - b) Submit a Free Application for Federal Student Aid (FAFSA) or a California Dream Act application on or before September 2 of the year immediately preceding the award year.
  - c) Enroll, at least half-time, at a campus, or a combination of campuses, of the CCC and maintain satisfactory academic progress.
  - d) Establish eligibility based on their household income or other circumstances that would qualify the student for a maximum federal Pell Grant award.
- 8) Provides that the award includes an access award, covering non-tuition expenses, of no less than the per-student amount provided in the 2020-21 award year in the first award year. In subsequent years, the award amount is adjusted based on the California Consumer Price index, except under certain circumstances, as provided.

#### *Cal Grant 4 Program*

- 9) Establishes the Cal Grant 4 program for students enrolled in any institution, other than a community college, meeting the definition of "qualifying institution" specified in current law and requires to be eligible for the award, that a student:
  - a) Be a California resident or qualify for a waiver of nonresident tuition.
  - b) Submit a FAFSA or a California Dream Act application on or before March 2 of the year immediately preceding the award year.
  - c) Verify, from a high school or community college transcript, that the student has a grade point average of 2.0 or greater.
  - d) Enroll, at least half-time, at a qualifying California institution, as defined, and maintain satisfactory academic progress.
  - d) Have a household income below the percentage of the federal poverty level applicable to the student, as prescribed in the bill and based on the status and size of the student's household.
- 10) Requires that the amount of the annual Cal Grant 4 award be based on the institution at which the recipient student is enrolled, in accordance with the following:
  - a) For a student enrolled at a UC campus or CSU campus, the cost of tuition and mandatory systemwide fees;
  - b) For a student enrolled at an independent institution of higher education, \$9,220;
  - c) For a student enrolled at a for-profit institution accredited by the Western Association of Schools and Colleges (WASC), \$8,056; and,
  - d) For a student enrolled at a for-profit institution that is not accredited by WASC, \$4,000.

*Institutional aid*

- 11) Requires the CSU Trustees, and request the UC Regents, to adopt a statement of policy by June 30, 2023, on how their institutional aid programs address student basic needs and how these institutional funds are prioritized for disbursement.
- 12) Declares that it is the intent of the Legislature that:
  - a) In partnership with the UC and CSU, that institutional aid programs address tuition and fee assistance for highest need students when other coverage is not available, prioritize addressing nontuition costs serving the highest need students first, and support students who are not as needy if funding permits;

- b) The UC and CSU do not supplant their undergraduate institutional need-based aid for students with the funds provided by the Cal Grant Reform Act, and to the extent possible, maintain institutional aid funding amounts at a level that is equal to the level maintained during the 2022-23 academic year.
- c) That Cal Grant recipients maximize their awards via timely degree completion. It further states that it is the intent of the Legislature that the degree completion requirements and use of awards align with goals of the Associate Degree for Transfer and the California Community College Guided Pathways program.
- d) That a working group be convened to evaluate changes to statute and federal financial aid following the operative date of the Act.

#### *Reporting requirements*

- 13) Requires the UC, CSU, and private nonprofit and for-profit institutions of higher education, and community college districts whose students receive Cal Grant aid to report annually, as specified, to the Department of Finance, the Legislative Analyst's Office, and the Legislature starting with the 2022-23 academic year.

#### *Miscellaneous*

- 14) Declares that it is the intent of the Legislature to enact future legislation that would appropriate funds for purposes of the Cal Grant 2 and 4 Programs that would, among other things, revise eligibility requirements so that all students with household incomes qualifying for a Federal Pell Grant award would be eligible for a Cal Grant award, as well as increase Cal Grant 2 award amount to \$2,500.
- 15) Grandfathers existing Cal Grant A, B, C (Entitlement and Competitive Awards) Program award recipients in for these programs until the expiration of their award eligibility.
- 16) Suspends and makes the current financial aid program inoperable on July 1, 2024, or on a date determined in the annual Budget Act, whichever date is later.
- 18) Makes clarifying and conforming changes to existing law.

#### *State goals for higher education*

- 18) Modifies state goals for California's postsecondary education system to add the following:
  - a) It is the intent of the Legislature that students who are recipients of Cal Grant awards maximize their awards via a timely degree completion.
  - b) It intent of the Legislature that the completion of degree requirements and use of awards aligns with the goals of the Associate Degree for Transfer program and the California Community College Guided Pathways Grant

program, which is based on providing students who are pursuing an associate degree with a full two-year sequence of courses that can serve as a default plan to help ensure that these students are positioned to complete their programs on time.

- c) The intent of the Legislature is that a working group consisting of policymakers from the Legislature, the administration, the Student Aid Commission, segments of postsecondary education, external advocates, and student representatives be convened to evaluate changes to state and federal financial aid, following the operative date of the act that adds this subdivision.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “the Cal Grant program excludes hundreds of thousands of the most financially vulnerable students.” The author contends that, “Cal Grant eligibility rules are geared toward college students who are 18- to 24-years old and attending college directly after finishing high school. Although the Community College Entitlement Program of 2021 removed age and time-out-of high school eligibility for community college students, adult learners are still overwhelmingly excluded from Cal Grants due to the GPA barrier.”

“Additionally, non-tuition costs are not adequately addressed. Much of the state financial aid program was created in a time when housing costs were lower, part-time jobs were more easily available to college students and the minimum wage had more buying power. Today’s college students face significant costs, particularly housing: all three public segments and independent postsecondary institutions indicate many students will spend at least \$12,000 annually on room and board in 2018-19.

The author also contends that, “State aid programs are too complex. The different Cal Grant Awards have complicated eligibility and application requirements that limit students’ access to aid and do not align with federal financial aid policies.”

- 2) **Cal Grant Workgroup.** In September 2019, Assemblymembers José Medina and Kevin McCarty, along with Senator Connie Leyva, requested the Commission create a working group of financial aid stakeholders that could develop recommendations for reforms to the Cal Grant program. Specifically, the group was to consider priorities of previous reform legislation - AB 1314 (Medina and McCarty, 2020) and SB 291 (Leyva, 2019) – and create a plan and cost estimates to expand Cal Grant eligibility and better support students’ costs. The Cal Grant Reform Work Group (workgroup) included representatives of higher education segments, students, staff from the Executive and Legislative branches, and key nonprofit and advocacy partners. The result of their work was published in a report, “Cal Grant Modernization: A Vision for the Future” released March 2020. The report highlights several issues with the existing program and recommendations for reforms, many of which are related to the provisions of this bill. Those findings and recommendations include:

- a) Eligibility barriers. Over the years, various "rationing" mechanisms to reduce the costs of the state financial aid have effectively served to exclude many low-income, high-need students from the program; without access to grant aid, many of these students do not achieve their academic goals. To address those issues the report recommends eliminating a number of eligibility requirements including, among other things, eliminating the current restriction on first-year Cal Grant B students receiving tuition awards, and eliminating all age and time out of high school restrictions that block older students from accessing aid.
- b) Total cost of attendance. The current Cal Grant program is focused largely on covering tuition and fees; however, at the California public institutions of higher education, tuition comprises less than half of the total cost of attendance. The report recommends that state aid be used to provide tuition guarantees for eligible low- and middle-income Cal Grant students at four-year institutions, coordinate with four-year institutions to target institutional aid towards highest need students to provide access awards, and use state aid to provide access awards for highest need CCC students.
- c) Need for consolidation. The Cal Grant program is overly complicated and should be easier to understand. The program includes a mixture of grant types (A, B, C, and both entitlement and competitive) with a variety of eligibility requirements that create complications for students and schools. The report recommends consolidation of A, B, C, and entitlement and competitive pathways into Cal Grant 2 and Cal Grant 4 eligibility pools.
- d) Need for coordination. To help close the affordability gap for students, aid should strategically coordinate and maximize the benefit of all sources of aid including federal, other state assistance and institutional aid. The report recommends coordination with institutional aid and state aid by having institutional aid provide access awards and state aid cover tuition costs for a greater number of students at four-year intuitions.

Consistent with these recommendations, the proposed reform, in part, consolidates the existing A, B, C, and entitlement and competitive programs into two programs; 2) eliminates certain eligibility requirements that block older students from accessing awards; 3) removes GPA verification requirement of CCC students; 4) prioritizes students with the greatest financial need and; 5) uses the new federal formula to determine the level of financial need.

- 3) **What would the program look like?** In addition to the changes mentioned in the above paragraph, the proposed program would maintain general eligibility criteria regarding residency, application completion, enrollment status, and academic progress. Additionally, it preserves current definitions around Cal Grant qualifying institutions. All of which cumulate into two programs--Cal Grant 2 and 4 -- that are designed based on which institution the student is attending.
  - a) *Cal Grant 2.* The Cal Grant 2 guarantees an access award (covers non-tuition costs) for all CCC students with incomes below specified ceilings

based on their household status and size that are used to qualify for a Pell Grant award and who do not have any dependents under age 18 (those who have dependents under age 18 are covered under a different award). The proposal would eliminate high school GPA verification, eliminate time out of high school and age requirements, and allow students to apply until September 2 for the academic year.

- b) *Cal Grant 4*. The Cal Grant 4 would serve UC and CSU students, as well as students at private institutions. Similar to Cal Grant 2, the proposal would eliminate time out of high school and age requirements and would lower the GPA requirement from 3.0 to 2.0. The award would cover full tuition and fees at a UC or CSU and maintain existing award amounts for students at eligible private institutions. The grant program guarantees tuition/fee awards to students with incomes below specified ceilings based on their household status and size (average eligible income is approximately \$26,000 per year). Income ceilings based on household status/size are consistent with the methodology used to determine new Pell Grant cutoffs. Institutional aid programs are expected to provide low-income students with a stipend to support their basic needs expenses, in part, by redirecting funds currently used to cover tuition traditionally covered by Cal Grant.
- 4) **Who is eligible?** A California resident or an eligible nonresident under the California DREAM Act who is enrolled in a certificate or undergraduate degree program at a California institution would qualify for the award. By removing the age cap, the modified eligibility criterion captures a broader and older student body than that of the state's traditional financial aid programs and is likely to produce an eligibility pool that is reflective of the diversity of those enrolled in California-based colleges and universities. Like the current Cal Grant program, a degree seeking student could receive a grant for the equivalent of four full-time academic years. The amount and duration of the award would be based on the student's attendance status (full-time/part-time/less than part-time) and term (semester or quarter). According to the Commission, the proposed reform would expand Cal Grant access to an additional 150,000 students in the first year of application.
- 5) **Impact to CSU.** In exchange for covering tuition for a greater number of students, the proposed reform assumes that CSU and UC can modify their grant aid programs to provide non-tuition awards to help cover expenses such as books, supplies, food, and housing for students with the most financial need. This particularly impacts the CSU, with approximately 75 percent of its Cal Grant recipients receiving the Cal Grant B Access Award (\$1,656 per year), which this bill would eliminate. CSU expressed concerns on with AB 1456 (Medina, 2021) nearly identical to this bill, that their grant aid program "will be financially overextended if the CSU is to continue to both support the academic persistence of our students and provide non-tuition awards for our low-income students." At the time this analysis was written the committee had not received a letter of concern from CSU on this bill.

- 6) **Middle Class Scholarship.** This bill does not affect the MCS program, which helps middle to higher income households cover college costs. The MCS would continue to operate outside of the Cal Grant program as it does currently.
- 7) **Financial aid equity for community college students.** Higher education funding policy in California has traditionally focused on making community college tuition more affordable for students and their families. California boasts the lowest tuition in the nation (\$1,380 annually), with the California College Promise Grant (formerly BOG waiver) covering tuition for low-income students. Approximately 43 percent of community college students have their tuition waived under the California College Promise Grant. Even so, community colleges are often the least affordable option for students when non-tuition costs like housing, food, and textbooks are considered. That is, need-based financial aid to cover non-tuition costs is so limited for community college students, it is often more expensive for the lowest-income students to attend a CCC than a UC. According to a report released by The Institute for College Access and Success in 2019, "What College Costs Low-Income Californians," in 2017-18 the average amount of grant aid available per low-income student was approximately \$5,800 at CCCs, \$10,600 at CSU, and \$27,500 at UC. Per full-time equivalent student, the average amount of grant aid was approximately \$2,300 at CCCs, \$6,700 at CSU, and \$10,800 at UC. Those results show the disparities in grant aid available to CCC students. The existing financial aid programs do not adequately cover the full cost of education beyond tuition and, by contrast, offer more aid to public or nonprofit four-year students. This bill proposes to address affordability for community college students by providing an entitlement award from the state's grant program to meet the true cost of attending college.
- 8) **Related and prior legislation.**

SB 851 (Portantino, 2022) which is currently in the Assembly Appropriations Committee, modifies the formula for determining the amount of a Cal Grant award for a student who attends a California nonprofit independent institution of higher education (Independent California Colleges and Universities - ICCU). It further expands eligibility for supplemental Cal Grant programs and the Community College Entitlement program to students attending ICCUs.

AB 1456 (Medina and McCarty, 2021) nearly identical to this bill, was vetoed by the Governor, enacted the Cal Grant Reform Act to be operative for financial aid awarded during the 2022-23 academic year. The act made vast reforms to the Cal Grant program, the state's largest post-secondary financial aid program. The Governor's veto message read:

*Expanding access to financial aid has been a priority for my Administration. During my first year as Governor, I worked with the Legislature to provide access awards of up to \$6,000 for students with dependent children. In partnership with the Legislature, we recently made historic investments in our financial aid system, including over \$235 million in ongoing resources to expand Cal Grant eligibility for community college students, and a combined \$632 million in ongoing resources to focus the Middle Class Scholarship Program on reducing students' total cost of*

*attendance. This bill seeks to replace those investments prior to their full implementation.*

*I agree with the author that making the Cal Grant program simpler to navigate would benefit our students and their families. However, this bill results in significant cost pressures to the state, likely in the hundreds of millions of dollars annually. Future changes to the financial aid system of this magnitude should be considered as a part of the annual budget process.*

AB 1314 (Medina and McCarty, 2020) initially enacted the Cal Grant Reform Act. However, on June 26, 2020, the measure was amended to relate to law enforcement. The amended version of the bill was not heard in the Senate Public Safety Committee.

SB 291 (Leyva, 2019), in part, would have established the CCC Student Financial Aid Program to be administered by the CCC Board of Governors in order to assist in covering CCC students' total cost of attendance. SB 291 was not heard in the Assembly Higher Education Committee.

## **SUPPORT**

Allan Hancock College  
 Alliance College-ready Public Schools Foundation  
 Alliance for A Better Community  
 Blu Educational Foundation  
 California Community Colleges Chancellor's Office  
 California Edge Coalition  
 California Federation of Teachers Afl-cio  
 California State Student Association  
 California Student Aid Commission  
 California Undocumented Higher Education Coalition  
 Campaign for College Opportunity  
 Cerritos College  
 Community Coalition  
 Community College League of California  
 Congregations Organized for Prophetic Engagement  
 Council for A Strong America  
 Council of Mexican Federations (COFEM)  
 Dolores Huerta Foundation  
 Faculty Association of California Community Colleges  
 Genup  
 Go Public Schools  
 Growing Inland Achievement  
 Hispanas Organized for Political Equality (HOPE)  
 Improve Your Tomorrow, INC.  
 Innerscity Struggle  
 John Burton Advocates for Youth  
 League of Women Voters of California



Linked Learning Alliance  
Long Beach Community College District  
Los Angeles Community College District  
Los Rios Community College District  
Mt. San Antonio College  
Napa Valley College  
Nextgen California  
North Bay Leadership Council  
North Orange County Community College District  
Office of The Riverside County Superintendent of Schools  
Para Los Ninos  
Pasadena Area Community College District  
Promesa Boyle Heights  
Public Advocates  
Readynation  
Regional Economic Association Leaders (R.E.A.L.) Coalition  
San Jose-evergreen Community College District  
Santa Clarita Community College District - College of The Canyons  
Santa Monica College  
Santa Rosa Junior College  
South Orange County Community College District  
Southern California College Attainment Network  
Student Senate for California Community Colleges  
The Education Trust - West  
The Institute for College Access & Success  
Tv Academy  
Uaspire  
Unidosus  
Unite-la  
University of California Student Association  
Western Association for College Admission Counseling (WACAC)  
Young Invincibles

**OPPOSITION**

None received.

-- END --



---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 1936 **Hearing Date:** June 30, 2022  
**Author:** Ramos  
**Version:** May 19, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** University of California: Hastings College of the Law

### SUMMARY

This bill modifies provisions relative to the founding of Hastings College of the Law by striking references throughout the Education Code of its founder, S.C. Hastings. This bill further re-designates Hastings College as the College of the Law and specifies a process for renaming the college in the future.

### BACKGROUND

Existing law:

- 1) Establishes, under the California Constitution, the University of California (UC) as a public trust to be administered by the Regents of the UC with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university, and such competitive bidding procedures as may be made applicable to the university for construction contracts, selling real property, and purchasing materials, goods and services. (Constitution of California, Article IX, Section 9).
- 2) Establishes the Hastings College of the Law, under the governance of an 11-member Board of Directors of the Hastings College of the Law, within the UC. It provides that the college forever be known and designated as the Hastings College of the Law. Additionally, existing law requires that one of the directors include an heir or representative of S.C. Hastings (Education Code § 92200-92215)

### ANALYSIS

This bill:

#### *Renaming Hastings College of the Law*

- 1) Modifies provisions relative to the founding of Hastings College of the Law by striking references throughout the Education Code of its founder, S.C. Hastings, and re-designates the college as the College of the Law.
- 2) States the city and year in which the College of the Law was founded.

- 3) Provides that a future name change requires both of the following:
  - a) The Legislature requests that the Board of Directors of the Law college, make a final recommendation to the Legislature after consultation with representatives of the Round Valley Indian Tribes, and its designees of the Yuki Indian Committee.
  - b) That full consultation with the Round Valley Indians Tribes, and its designees of the Yuki Indian Committee approved by the Round Valley Tribes, have concluded.
- 4) Defines "consultation" for the purposes of the bill, to mean the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation is to recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.
- 5) Makes the provisions of the bill relative to the future name change contingent upon an appropriation of funds in the Budget Act of 2022 to the University of California for the purpose of designating a name for the College of the Law.

#### *Changes to the Board of Directors*

- 6) Modifies the composition of the Board of Directors of the College of the Law as follows:
  - a) Removes the requirement that an heir or representative of S.C. Hastings be on the board of directors.
  - b) Limits any director in office on January 1, 2023, who was not appointed by the Governor to a six-year term, from January 2023 to January 1, 2029, inclusive.
- 7) Makes conforming changes.

#### *Finding and declarations*

- 8) States all of the following Legislative findings and declarations:
  - a) On March 26, 1878, the Legislature approved an act (the "Original Act") to create Hastings' College of the Law, in the University of the State of California.
  - b) The Original Act authorized Serranus Clinton Hastings ("S.C. Hastings") to found and establish a law college known as Hastings College of the Law (the "College").

- c) The object of the Original Act was for the state to grant a perpetual annuity for the support and maintenance of the College.
- d) The Original Act provided that S.C. Hastings would pay into the State Treasury the sum of \$100,000, and that amount is never to be refunded, except as provided in the Original Act;
- e) S.C. Hastings completed the payment of \$100,000 specified in the Original Act on May 24, 1878.
- f) The Original Act required the state to appropriate the sum of seven percent per annum upon \$100,000 to be paid in two semiannual payments to the Board of Directors of the College.
- g) In each year since 1878, the state has appropriated and paid, in semiannual payments to the Board of Directors of the College, a sum equal to or greater than seven percent per annum upon \$100,000.
- h) The College was established in 1878 and has continued to exist ever since without interruption.
- i) The Original Act stated that the College was to be designated as Hastings' College of the Law.
- j) The Legislature previously amended the Original Act in 1907, in 1943, in 1959, in 1976, in 1980, and in 1992 (as amended, the "Act"), and the Act currently is codified in Article 1 (commencing with Section 92200) of Chapter 3 of Part 57 of Division 9 of Title 3 of the Education Code.
- k) In September 2020, the College completed a three-year project to examine founder S.C. Hastings' involvement in mass killings of Native Americans in California's Eden and Round Valleys before the College's founding.
- l) The project determined that the founder of the College, S.C. Hastings, perpetrated genocidal acts against Native California Indigenous Peoples, most especially the Yuki Tribe, in the 1850s in the Eden Valley and Round Valley areas in the County of Mendocino.
- m) For a period of four years preceding this bill, the College collaborated with the Round Valley Indian Tribes' Tribal Council and Yuki Tribal members in pursuit of restorative justice. As one of several restorative justice actions, on November 2, 2021, the Board of Directors of the College unanimously authorized that the name of the College be changed.
- n) In connection with the name change authorization, the Board of Directors of the College determined that changing the name of the College is in the best interests of the continuation of the College in perpetuity, and is an element of the College's ongoing work to address the needs of the current generation of Yuki Tribal members and the College's legal community.

- o) An act of the Legislature is needed to change the name of the College.
- p) S.C. Hastings, founder of the Hastings College of the Law, promoted and financed Native American hunting expeditions in the Eden and Round Valleys, funding bounties resulting in the massacre of hundreds of Yuki men, women, and children.
- q) S.C. Hastings enriched himself through the seizure of large parts of these lands and financed the college of the law bearing his namesake with a \$100,000 donation to the state.
- r) S.C. Hastings and the state bear significant responsibility for the irreparable harm caused to the Yuki people and the Native American people of the state.
- s) The state has formally apologized to the Native American people of the state for the genocide financed and perpetrated by the state.
- t) S.C. Hastings' name must be removed from the College to end this injustice and begin the healing process for the crimes of the past.

*Legislative intent*

- 9) Expresses that the Legislature intends to ensure that the "College" (defined for this measure as Hastings College of the Law) achieves all of the following:
  - a) Assists in the formation of a nonprofit organization, as described in subsection (c) of Section 501 of the Internal Revenue Code, in association with, and jointly governed by, Yuki descendants selected by the government of the Round Valley Indian Tribes to provide an organizational structure to raise capital, organize pro bono legal assistance, and other support, and assist tribal leadership with federal, state, and county matters, water and property rights, economic development, and efforts to meet the social needs of the community. The College's responsibilities extend only to assisting in the formation of the nonprofit organization, and will not otherwise involve its governance or the ongoing operations of the organization.
  - b) Seeks to organize, through the College's Indigenous Law Center or other administrative offices, as appropriate, pro bono legal assistance and other support, and assist tribal leadership with federal, state, and county matters, water and property rights, economic development, tribal courts, and efforts to meet the social and security needs of the community.
  - c) Works with interested public and private parties or entities to develop scholarship assistance for duly admitted law students at the college that are members of Round Valley Indian Tribes, a federally recognized tribal government. These funds may be used to offset tuition, housing costs,

and other incidentals for Round Valley Indian Tribes tribal members admitted to the law school.

- d) Dedicates a permanent and public memorial, and other displays, as appropriate, to the Yuki people at an appropriate location on its campus, with display panels, historical explanations, and cultural presentations. This memorial should acknowledge and atone for the historical traumas suffered by the Yuki people.
- e) Provides a fully functional, interactive public internet website to allow dissemination of the College's approach, to seek public input, and to keep the public advised of historical, academic, and programmatic work to address the broader issues and the restorative justice agenda. A page on this internet website shall be dedicated to the College's work with Round Valley Indian Tribes and the Yuki people.
- f) Establishes clinical or experiential educational programs for its students, one that may serve as a model for other law schools, to address the specific needs of the residents of the Round Valley, including the possibility of a center for pro bono legal assistance in tribal legal matters and public law assistance that could be staffed with student interns, faculty leadership, and pro bono contributors.
- g) Collaborates with Governor Newsom's Tribal Advisor to engage with, and contribute to, that office and the newly formed Truth and Healing Council, which is working to clarify the historical record of mistreatment, violence, and neglect of Native Americans in California.
- h) Assists in the organization of pro bono attorneys with a connection to the College to assist in mutually agreed upon goals and objectives.
- i) Assists tribal leaders, where possible, with other community needs, such as making connections to the College's award-winning moot court program, preservation of the Yuki legacy with an emphasis on youth, preservation of tribal oral traditions and stories, and advancement in teaching and preserving native languages.
- j) Assists, as appropriate, with the legal aspects of establishing a museum or cultural center in the Round Valley, and a project for the protection of sacred sites and repatriation of artifacts and human remains.
- k) Highlights the injustices of the past by bringing attention to the public at large and the College's community with a lecture series, guest speakers, and tribal elders, dealing with "Righting the Wrongs."
- l) Supports collaboration by assisting tribal members to obtain grant opportunities from public and private sources, including identifying grants for economic development.
- m) Establishes an Indian Law Program and related academic and educational

programs at the College, available to all students interested in studying Indian Law. The goal of these programs is the encouragement of scholarship, educational growth, opportunity and support for students, and recruitment of qualified individuals from the Round Valley Tribes or Yuki descendants for legal education and career opportunities in law.

- n) Assists, as appropriate to the work of a law school, with the revitalization and preservation of Yuki history and language efforts.
- o) Provides academic support, as needed, to Round Valley Indian Tribes students attending the College.
- p) Creates a working group consisting of members of the College's Restorative Justice Advisory Board and members of the Yuki Indian Committee to define the content to be placed in the commemorative space reserved for this purpose at the College.
- q) Assists tribal leadership with understanding the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) and the California Native American Graves Protection and Repatriation Act of 2001 (Chapter 5 (commencing with Section 8010) of Part 2 of Division 7 of the Health and Safety Code) laws.
- r) Engages in ongoing relationship building between the Round Valley Indian Tribes and the Yuki people, submitting reports to the Legislature, and the Assembly Select Committee on Native American Affairs.
- s) An apology from the College, the S.C. Hastings family, and all of those associated with the genocide of the Yuki people.
- t) Grants a seat on the College's commemorative committee to a representative of the Yuki people. The College shall create a subcommittee of the commemorative committee with Yuki Indian representation.
- u) The College and the Board of Directors provide resources for restorative justice to the extent required by law, and, when not required by law, assists in restorative justice policies.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "This bill is seeking to change the name of the UC Hastings College of the law, which is named in California statute.

"In September of 2020, the College of law completed a three-year project on the founder's role in the mass killings of Native Americans in Eden and Round Valleys before the College's founding. The project determined the founder perpetrated genocidal acts, most especially against the Yuki Tribe in the 1850s.



“The Board of directors unanimously approve a name change on November 2021 along with other measures to address the needs of the current generation of Yuki Tribal members and the College’s legal community.”

- 2) **Hastings College of the Law.** Hasting College of the Law, founded in 1878, is a public law school affiliated with the UC, it is one of five public law schools within the system. Hastings, however, has its own governing board (known as the Board of Directors), and the state budgets for it separately from UC. Hastings’ board has similar responsibilities as the UC Board of Regents, including establishing policy and setting student tuition and fee levels. Serranus Clinton (S.C.) Hastings, the first Chief Justice of the State of California, is credited as the founder of the college.

The decision to rename the college by the Board of Directors follows findings from the Hastings Legacy Review Committee which was commissioned by the Chancellor and Dean of the college in 2016. The findings include a report by a Sacramento State historian that detailed Serranus Hastings’ involvement in promoting and funding genocide against Native Americans. Historical accounts also show that the California State Legislature voted to reimburse Serranus Hastings for expenses incurred during these massacres.

However, a consensus on a new name was not achieved. This bill requires the college to engage in meaningful consultation, as defined, with the tribes impacted by Hastings’ actions, specifically Round Valley Indians Tribes, and members of its Yuki Indian Committee prior to making a recommendation to the Legislature on renaming the college.

- 3) **Restorative justice advisory board action.** Subsequent action by the college led to the creation of the Restorative Justice Advisory Board, which made recommendations on restorative justice actions and initiatives for reconciliation and partnership with the Round Valley Indian Tribal Council and the Yuki Indian Committee for members of the pertinent tribes, including establishment of an Indigenous Law Center at the College, which has been operating as of September 2020. This bill expresses that it is the Legislature’s intent that the college supports the community through the law center and commitment to other restorative justice efforts to meet the social and educational needs of the Round Valley Indian community.
- 4) **Arguments of support.** The Chairwomen for the Habematolel Pomo of Upper Lake writes, in part, “The namesake of the College was responsible for the massacre and subsequent land theft of the Yuki Indian people. The wealth he created from those actions allowed him to help found the College. Therefore, we believe changing the name of the college and enacting true, effective restorative justice for the Yuki Indian people establishes the best path toward true healing of past wrongs.

“Historically, Native American tribes have always been excluded in decision-making about issues that involve our history and shared trauma. The shameful history of Serranus Hastings is not a unique episode for California’s tribes. We share a history of stolen lands and a ‘divide and conquer’ approach that pits tribe

against tribe. In these tumultuous times, it is more essential than ever that California Indian Country stand united behind the Round Valley Tribal Council and Yuki Indian people in their quest for restorative justice and meaningful acknowledgment of the past.”

- 5) **Arguments in opposition.** None received on AB 1936 as of 6/24/2022.
- 6) **Related legislation.** SB 1288 (Umberg) similar to this bill, SB 1288 also sought to remain Hastings College of the Law by striking references to its founder S.C. Hastings and re-designates the law college as College of the Law. SB 1288, however, did not include provisions relative to consultation with tribal members. SB 1288 was ordered to the inactive file on the Senate Floor.

### SUPPORT

Federated Indians of Graton Rancheria  
Habematolel Pomo of Upper Lake  
Morongo Band of Mission Indians  
San Manuel Band of Mission Indians  
Yocha Dehe Wintun Nation>

### OPPOSITION

None received.

-- END --

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

<b>Bill No:</b>	AB 1939	<b>Hearing Date:</b>	June 30, 2022
<b>Author:</b>	Luz Rivas		
<b>Version:</b>	April 18, 2022		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil instruction: science requirements: climate change

### SUMMARY

This bill adds content on the causes and effects of, and methods to mitigate and adapt to, climate change to the course of study in the subject of science for grades one to six and grades seven to twelve, requires that appropriate coursework be offered to students no later than the 2023-24 school year.

### BACKGROUND

Existing law:

Education Code (EC)

- 1) Requires the Instructional Quality Commission (IQC) to ensure that environmental principles and concepts (EP&Cs) are integrated into the academic content standards and curriculum frameworks in the subjects of English language arts, science, history-social science, health, and, to the extent practicable, mathematics whenever those standards and frameworks are revised. (EC § 51227.3.)

Public Resources Code (PRC)

- 2) Establishes the Office of Education and the Environment (OEE) of the Department of Resources Recycling and Recovery (DRRR) and requires it, in cooperation with the California Department of Education (CDE) and the State Board of Education (SBE), to develop and implement a unified education strategy on the environment for elementary and secondary schools in the state. (Public Resources Code (PRC) 71300)
- 3) Requires, as part of the unified education strategy, the OEE, in cooperation with the Secretary for Environmental Protection, the Natural Resources Agency (NRA), the CDE, and the SBE, to develop EP&Cs for elementary and secondary school students. (PRC 71301)
- 4) Requires that the EP&Cs include but not be limited to, concepts relating to the following topics:
  - a) Air.
  - b) Climate change.

- c) Energy.
  - d) Environmental justice.
  - e) Environmental sustainability.
  - f) Fish and wildlife resources.
  - g) Forestry.
  - h) Integrated pest management.
  - i) Oceans.
  - j) Pollution prevention.
  - k) Public health and the environment.
  - l) Resource conservation, waste reduction, and recycling.
  - m) Toxics and hazardous waste.
  - n) Water. (PRC 71301)
- 5) As determined appropriate by the Superintendent of Public Instruction (SPI), CDE shall incorporate into publications that provide examples of curriculum resources for teacher use, and those materials developed by the office that provides information on the education principles for the environment. (PRC 71303)

## ANALYSIS

This bill adds content on the causes and effects of, and methods to mitigate and adapt to, climate change to the course of study in the subject of science for grades one to six and grades seven to 12, requires that appropriate coursework be offered to students no later than the 2023-24 school year. Specifically, this bill:

- 1) Adds content on the causes and effects of and methods to mitigate and adapt to, climate change to the science course of study for grades 1 to 6 and grades 7 to 12.
- 2) Requires that appropriate coursework be offered to students no later than the 2023-24 school year.
- 3) Makes technical changes.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author's office "Climate change is no longer a future problem waiting for us to act upon – it is already here. Extreme climate

events are wreaking havoc across the globe and escalating in severity each year. Millennials and Generation Z have already mobilized as key leaders in climate and environmental activism because they know their generations will have to live with the consequences of a changed climate. Several countries, such as Italy and New Zealand, are preparing their youth for the new climate realities affecting the planet by educating them on climate change. This legislation will cultivate a new generation of climate policy leaders in California as we educate, help prepare, and give our next generation the tools to shape their futures in the wake of our current climate crisis”

- 2) **California Next Generation Science Standards (CA NGSS).** The State Board of Education (SBE) adoption of new California science standards began in 2013. Adoption of the CA NGSS involved a two-year process. Former SPI Tom Torlakson convened a Science Expert Panel (SEP) to recommend new science content standards for California public schools based upon the nationally developed CA NGSS. On September 4, 2013, the SBE adopted the CA NGSS and Appendices A-M. On November 6, 2013, the SBE approved the SEP recommended Integrated Learning Progression model as the preferred model for middle grades six through eight. At the same November meeting, the SBE approved a recommendation by the SPI to reconvene the SEP in order to develop as an alternative model a “discipline specific model” for the grade span of six through eight based on the model shown in Appendix K. A statewide plan to implement the CA NGSS was approved by the SBE on November 13, 2014. SB 300 (Chapter 480, Statutes of 2013) called for the revision of the Science Framework to align with the CA NGSS. A new Science Curriculum Framework was adopted by the State Board of Education on November 3, 2016.
- 3) **Environmental Literacy Task Force (ELTF) - 2015.** In 2015 former SPI Tom Torlakson published *Educating Every California Student In, About, and For the Environment*. The Blueprint contains a set of guiding principles and six key strategies with corresponding recommendations that will support the ultimate goal of environmental literacy for all California students. It is intended to guide state level work to foster environmental literacy, and can also serve as a guide for local efforts led by local educational agencies (LEAs), American Indian Education Centers, environmental education stakeholders, and other community organizations in implementing changes that will improve environmental literacy at the local level. In order to achieve this vision, the Task Force recommends six key strategies. Each strategy contributes to the development of an integrated, well-funded, and effective statewide approach to achieving environmental literacy for every student. The Task Force recommends the following six overarching strategies.
  1. Integrate environmental literacy efforts into existing and future education initiatives.
  2. Strengthen partnership and collaboration among key stakeholders.
  3. Leverage the State Superintendent of Public Instruction’s influence and build public awareness.

4. Implement changes to relevant state law and policy.
  5. Ensure strong implementation through capacity building and continuous improvement.
  6. Develop a coherent strategy for funding environmental literacy.
- 4) **The Science Framework.** According to the CDE, content related to climate change appears in a number of the state curriculum frameworks. Every grade level has been integrated with the EP&Cs at the performance expectation and instructional segment groupings. The CDE notes that climate change is spread throughout the Science Framework at all grade levels, from specific standards to an understanding that science literate students are better climate stewards. There are at least two instructional segments in grades K-8 that directly discuss climate change, and each high school course deals with at least three, or more if the course follows the recommended course outlines in the Framework.

*Appendix 5.* In this section, recommendations are made to provide teachers with examples of a variety of literature resources that might stimulate students' minds and deepen their understanding of science and engineering topics related to the CA NGSS. The use of these texts provides opportunities to expand students' interests in science by connecting scientific content to topics relevant to their lives. In addition, these texts allow students to examine scientific content through the lens of different literary genres.

- 5) **California Regional Environmental Education Community (CREEC) Network.** The CREEC Network is a program of the CDE which fosters regional partnerships to promote environmental education and environmental literacy by providing teachers with access to high-quality professional learning opportunities and education resources. Along with statewide sponsors and partners, each of the 11 California CREEC Regions provides professional learning opportunities and resources to educators as well as foster communications among schools and organizations interested in supporting the environmental literacy of California's teachers and students.
- 6) **Budget.** The 2022-23 State budget, the Arts, Music, Multi-lingual Libraries & Instructional Materials Block Grant proposes \$1.3 billion one-time Proposition 98 General Fund and \$9 billion one-time Proposition 98 General Fund for personnel (such as professional development) related costs. While not specifically directed toward climate change instructional materials, this funding could be used for the purposed of this bill.
- 7) **Related Legislation. AB 2051 (Cunningham)** of the Session requires the SPI) to allocate funding to LEAs, COEs, charter schools, and state special schools for the purchase of standards-aligned instructional materials and professional development in financial literacy. *This bill is currently in Senate Education.*

**AB 2465 (M. Bonta)** of this Session establishes the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program, to be administered by CDE, to support the goal of all of California's

pupils reading at grade level by third grade. *This bill is currently in Senate Education.*

**AB 2284 (Gabriel)** of this Session requires, the SPI to allocate funding to LEAs, charter schools, and the state special schools for the purchase of standards-aligned instructional materials and professional development in media literacy and digital literacy, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

**AB 2794 (Gipson)** of this Session requires the SPI to allocate funding for professional development for staff in methods to improve school safety and school climate, including de-escalation training, and for the purchase of training materials in these subjects, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

**AB 1718 (Boerner Horvath)** of this Session requires the SPI, upon appropriation of the budget, to allocate funding for the purchase of standards-aligned instructional materials in visual and performing arts and world languages in kindergarten and grades 1 to 12, inclusive, and for professional development in those subjects. *This bill is currently in Senate Education.*

**SB 300 (Hancock)**, Chapter 480, Statutes of 2013, This bill requires the State Board of Education (SBE) to consider the adoption of a revised curriculum framework and evaluation criteria for instructional materials based on the Next Generation of Science Standards.

**SB 720 (Allen)**, Chapter 374, Statutes of 2018 revised provisions relating to the education principles for the environment by, among other things, (1) renaming them the environmental principles and concepts; (2) revising the process for, and entities involved in, updating the environmental principles and concepts; and (3) requiring the Instructional Quality Commission to ensure that the environmental principles and concepts are integrated into content.

**AB 1548 (Pavley)**, Chapter 665, Statutes of 2003, established the OEE within the California Environmental Protection Agency and required it to develop environmental education principles and a model curriculum.

## SUPPORT

350 Sacramento  
Climate Reality Project, San Fernando Valley  
San Jose Community Energy Advocates  
Ten Strands  
California Environmental Voters  
California Association of Professional Scientist

## OPPOSITION

None on file.

-- END --



---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

<b>Bill No:</b>	AB 1940	<b>Hearing Date:</b>	June 30, 2022
<b>Author:</b>	Salas		
<b>Version:</b>	March 17, 2022		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** School-Based Health Center Support Program

### SUMMARY

This bill renames the Public School Health Center Support Program (PSHCSP) as the School-Based Health Center Support Program (SBHCSP) and makes various changes to the program to assist in providing and expanding health services to students through school-based health centers.

### BACKGROUND

Existing law:

*Education Code (EC)*

- 1) Establishes the Office of School-Based Health at the California Department of Education (CDE) for the purpose of assisting local educational agencies (LEA) regarding the current health-related programs under the purview of the CDE, and requires the scope of the Office to include collaborating with the Department of Health Care Services (DHCS) and other departments in the provision of school-based health services, and assisting LEAs with information on, and participation in specified school-based health programs. (EC § 49419)
- 2) Requires the governing board of any school district to give diligent care to the health and physical development of pupils, and authorizes it to employ properly certified persons to conduct this work. (EC § 49400)

*California Code of Regulation (CCR)*

- 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. (CCR, Title 5, § 80049.1(c))

*Health and Safety Code (HSC)*

- 4) Requires the California Department of Public Health (CDPH), to the extent funding is appropriated annually in the Budget Act or other statute, to establish PSHCSP, in collaboration with the CDE, to assist in establishing, expanding, and sustaining

school-based health centers (SBHCs), as specified. Requires CDPH to establish a grant program for LEAs for these purposes. (HSC §124174)

- 5) Permits SBHCs to provide age-appropriate health care services at the program site, including conducting routine physical, mental, and oral health assessments onsite, and providing referrals for any services not offered onsite. Permits a SBHC to serve two or more nonadjacent schools or LEAs. (HSC §124174)

## ANALYSIS

This bill renames the PSHCSP as the SBHCSP and makes various changes to the program to assist in providing and expanding health services to students through school-based health centers. Specifically, this bill:

### *General Provisions*

- 1) Requires CDE's Office of School-Based Health to work with the CDPH to support the Program.
- 2) Renames the PSHCSP as SBHCSP, and defines SBHCSP to mean a student-focused health center or clinic that meets all the following:
  - a) Is located at or near a school or schools.
  - b) Is organized through school, community, and health provider relationships.
  - c) Provides age-appropriate, clinical health care services onsite by qualified health professionals.
- 3) Authorizes a SBHCSP to provide primary medical care, behavioral health services, or dental care services onsite or through mobile health or telehealth.
- 4) Requires that SBHCs receiving grant funds under the Program meet specified requirements, including:
  - a) Providing primary medical care, and may also include other health care services, including behavioral health, dental care, health education, and related services;
  - b) Striving to provide a comprehensive and integrated set of health care services, provided or supervised by licensed or credentialed professionals;
  - c) Adding substance use disorder services, including education, prevention, screening, early interventions, counseling, and referral to treatment, as services that may be provided by SBHCs;
  - d) Striving to address the health of the entire school campus by focusing on prevention services, including but not limited to, group and classroom education, schoolwide prevention programs, and community outreach

strategies within the school's Multi-Tiered System of Support (MTSS) or other similar framework employed by the LEA;

- e) Striving to provide integrated and individualized support for students and families and act as a partner with the student or family to ensure that health, social, or behavioral challenges are addressed; and
  - f) Striving to integrate the SBHC in the school or LEA's community school model, if applicable.
- 5) States that it is not the intent of the Legislature that a SBHC serve as a substitute for a school nurse employed by an LEA.
  - 6) Increases the dollar value of planning grants from a range of \$25,000 to \$50,000 to \$50,000 to \$100,000, and extends the timeframe for expenditure to 24 months; and adds a requirement to collect data on the percentage of students eligible for private health care coverage benefits during the planning process.
  - 7) Requires the applicant for planning grants to have a letter of interest from an LEA if the applicant is not an LEA.
  - 8) Increases the dollar value of facilities and start-up grants to between \$300,000 and \$850,000 for a three-year period, and authorizes grant funds to be used for a mobile health unit in addition to the existing authorization to use the funds for the design, retrofit, renovation, construction, or purchase of a facility, as well as for the purchase of medical equipment and supplies.
  - 9) Requires that preference for facility and start-up grants be given to proposals that include a plan for cost sharing among LEAs, health providers, and community organizations, or that identify matching funding; and also requires that preference be given to proposals that include plans to provide integrated primary medical care and behavioral health services.
  - 10) Requires applicants for facility and start-up grants to have a contract or memorandum of understanding (MOU) between the LEA and the health care provider, if other than the LEA, and any other provider agencies, among other requirements.
  - 11) Changes the term "sustainability grants" to "expansion grants", and increases the dollar value to between \$150,000 and \$300,000 for up to a three-year period for these grants, for the purpose of renovating and improving an existing SBHC or enhancing and expanding programming, including adding physical health, oral health, or behavioral health services; and requires that preference be given to proposals that increase access to comprehensive health services by adding staff or services, or expanding the facility.
  - 12) Adds the following to the existing requirements that an LEA must meet, to be eligible for an expansion grant:
    - a) Have the ability and procedures in place to bill managed health care plans or county mental health plans; and

- b) Develop a plan to sustain expanded services after the grant period.
- 13) Requires the CDPH, in collaboration with the CDE's Office of School-Based Health, to determine which proposals receive grant funding; and requires the CDPH to give preference to SBHCs serving any of the following:
- a) Areas designated as federally medically underserved areas with medically underserved populations or areas with a shortage of health professionals;
  - b) Areas experiencing health disparities in child and adolescent access to primary care, behavioral health, preventative health, or oral health services; and
  - c) Schools in which more than 50% of pupils are unduplicated pupils, as defined.

#### *Findings and Declarations*

- 14) Finds and declares the importance and value of SBHC and the intent of the Legislature to support existing, and expand the number of, SBHCs in California by placing funds within the Program.

#### **STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author "Children are not receiving the care they need. Less than 50 percent of Medi-Cal children receive all required preventative health services. Child vaccination rates have decreased since the beginning of the pandemic. There was an estimated 27 percent decline in pediatric office visits in 2020, and students showed a 25 percent increase in rates of suicidal behavior. The COVID-19 pandemic laid bare the increasing need for health and mental health supports, as well as the low access to those services for historically marginalized communities. SBHCs provide quality, age and developmentally appropriate comprehensive health care and other support services on or near public school campuses. These centers give children and families easy and safe access to much-needed medical care. They support the whole child by providing services to meet their physical, mental, and social emotional health needs. Research also shows that SBHCs have a positive impact on absences, dropout rates, disciplinary problems, and other academic outcomes. SBHCs provide students a safe, welcoming, youth-friendly space where their holistic health needs are met through comprehensive health care services coordinated with the school and other community partners. AB 1940 updates and modernizes the existing school-based health center (SBHC) grant program to meet the current needs of school-based health centers in the state, clarifies the definition of "school-based health center" in statute, increases the grant amounts for facilities & start-up grants, and adds a new expansion grant category for existing SBHCs. AB 1940 is a vital tool to addressing the significant disparities in child and youth health and education outcomes."
- 2) ***Increasing occurrences of pupil mental health issues.*** According to a Pew Research Center analysis of data from the 2017 National Survey on Drug Use and Health, in 2017, 3.2 million teens aged 12-17 said they had at least one depressive

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

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

- 3) **School-Based Health Centers.** According to the Health Resources and Services Administration, students and their families rely on school-based health centers to meet their needs for a full range of age-appropriate health care services, typically including:

- primary medical care
- mental/behavioral health care
- dental/oral health care
- health education and promotion
- substance abuse counseling
- case management
- nutrition education

Students can be treated for acute illnesses, such as flu, and chronic conditions, including asthma and diabetes. They can also be screened for dental, vision and hearing problems. With an emphasis on prevention, early intervention and risk reduction, school-based health centers counsel students on healthy habits and how to prevent injury, violence and other threats. School-based health centers often are operated as a partnership between the school and a community health organization, such as a community health center, hospital, or local health department. The specific services provided by school-based health centers vary based on community needs and resources as determined through collaborations between the community, the school district and the health care providers.

Nearly 2,000 school-based health centers operate nationwide, according to the most recent National Assembly on School-Based Health Care census. Most are open every day school is in session. About 20 percent receive funding through the HRSA Health Center Program.

- 4) **Funding School-Based Health Centers.** According to the California School-Based Health Alliance "there is no single funding stream for SBHCs in California, and no dedicated state funding. Instead, California SBHCs are funded through a

variety of sources that depend on their lead agencies, student populations, communities and local resources. These funding sources include: reimbursement from Medi-Cal and other third party payers; local, state, and federal grants; private foundation or corporate grants; subsidies from their lead organizations; donations; and/or in-kind contributions from schools districts and other partners.”

In June 2021, the Legislature made an included unprecedented investments of \$4.4 billion in the California Child and Youth Behavioral Health Initiative, with a special focus on school-based services and supports. The 2022 calendar year will see many of these investments become available for schools, communities, and health care partners. To assist in local planning and strategy, this guide walks through the ways that schools and partners can braid together these new state funding opportunities to support new SBHCs or expand and improve existing SBHCs.

- 5) **Related legislation. AB 563 (Berman)** of this Session requires the CDE to establish an Office of School-Based Health Programs for the purpose of improving the operation of, and participation in, school-based health programs, including the SMAA and the LEA BOP. Requires that \$500,000 in federal reimbursements be made available for transfer through an interagency agreement to CDE for the support of the Office. *This bill is currently in Senate Education Committee.*

**AB 586 (O'Donnell)** of this Session establishes the School Health Demonstration Project to expand comprehensive health and mental health services to students by providing intensive assistance and support to selected local educational agencies to build the capacity for long-term sustainability through leveraging multiple funding streams and partnering with county Mental Health Plans, Managed Care Organizations, and community-based providers. Lessons learned through the pilot project would be used as a basis to scale up robust and sustainable school-based health and mental health services throughout the state. *This bill is currently in Senate Education Committee.*

**AB 1322 (Berman)** of the 2019-20 Session required CDE to establish a School-Based Health Unit (Unit), and requires that \$500,000 in federal reimbursements be made available for transfer through an interagency agreement to CDE for the support of the Unit. *This bill as vetoed by Governor Newsom.*

*“In recognition that all state agencies must work together to better support our youth, the 2019 Budget Act included \$500,000 in one-time funding to support the creation of an interagency collaborative between the Department of Education, the Department of Health Care Services, and other regional and state agencies to improve the coordination and accessibility of services and supports to our students. While this bill is well-intentioned, the creation of a school-based health unit at the CDE would be premature given this recent investment.”*

**SB 118 (Liu)** of the 2015-16 Session would have modified an existing unfunded grant program administered by the CDPH to add substance use as an allowable service, changed the purpose of sustainability grants to the development of sustainable funding models, and created a new population health grant category to

fund specified public health topics. *This bill was held in the Assembly Appropriations Committee.*

**AB 766 (Ridley-Thomas)** of the 2015-16 Session would have required the CDPH to give grant funding preference to schools with a high percentage of students enrolled in Medi-Cal, under the Public School Health Center Support Program. *This bill was held in the Senate Appropriations Committee.*

**SUPPORT**

California School-Based Health Alliance (Sponsor)  
CA Council of Community Behavioral Health Agencies  
California Dental Association  
California School Nurse Organization  
CaliforniaHealth+ Advocates  
Community Clinic Association of Los Angeles County

**OPPOSITION**

None on file.

-- END --







- 3) Requires a community college district that receives funds from the program to prioritize the dispersal of funds to community colleges within the district who have experienced the largest declines in enrollment due to the impacts of the COVID-19 pandemic.
- 4) Permits community college districts to use the funds from the program to provide a financial incentive to encourage students to enroll at the community colleges within the district and/or to forgive any debt or unpaid balance owed by a student who attends a community college within the district.
- 5) Authorizes the Chancellor to disperse additional funds from the program to community college districts that have observed the most significant declines in unduplicated student headcount since Fall 2019.
- 6) Authorizes the Chancellor to use up to 10% of funds in the program to support statewide recruitment and retention efforts.
- 7) Stipulates the implementation of the program is contingent upon funding in the annual Budget Act.

#### STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “the COVID-19 pandemic brought immediate changes to education as a whole, and community colleges have been no exception. As a result of the pandemic, the rates of students enrolling into community college, as well as the rates of those continuing their community college education, have severely declined. The Legislature has already taken meaningful action to reverse these rates, notably with last year’s appropriation of \$120 million toward supporting community colleges’ efforts in bolstering their retention rates and enrollment. Still, we can build upon this investment by expressly addressing the fiscal challenges of education.

“To do exactly that, AB 1958 would create the Community College Student Access, Retention, and Debt Cancellation Program (CCSARDCP). This program would provide funding to community colleges for the purpose of encouraging the enrollment or re-enrollment of students at the CCC through fiscal incentives, including the discharging of students’ debt or unpaid balances.”

- 2) **CCC enrollment has dropped notably since the start of the pandemic.** Although four-year institutions, both in California and elsewhere, are seeing much more modest declines, the impacts the CCCs are experiencing in California are highly consistent with what is being observed across the country among community colleges when examined under conditions that hold the method consistent across institutions, something not typically done in most lay reporting. For example, when comparing the results of the California Community Colleges to other public two-year colleges using the National Center for Educational Statistics, the decline in headcount across the California Community Colleges is highly similar to that exhibited by public community colleges across the country. This clear divergence in pandemic impacts for different segments of higher education mirrors the way the pandemic has interacted with and

exacerbated existing inequality such that, while the health and economic impacts of the pandemic have affected us all, better resourced institutions, communities, and individuals have experienced far less severe impacts and much quicker recovery than others.

The graph below shows enrollment data for the last three fall terms as recorded by the California Community Colleges Chancellor's Office Management Information System Data Mart.

<u>Term and Year</u>	<u>Total Student Head Count</u>	<u>Full-time Equivalent Students (FTES)</u>
Fall 2021	1,339,683	424,462
Fall 2020	1,459,681	457,465
Fall 2019 (pre-pandemic)	1,659,399	521,453

- 3) **Related budget activity.** AB 132 (Committee on Budget, Chapter 144, Statutes of 2021) appropriated \$100 million one-time from Proposition 98 (GF) for the same purpose as this bill, of supporting efforts to increase student retention rates and enrollment by engaging students who have withdrawn.

Similarly, the Governor's 2022 budget proposal includes \$150 million one-time Proposition 98 General Fund to support community college efforts to increase student retention rates and enrollment by primarily engaging with former students who may have withdrawn from college due to the impacts of COVID-19, and with current and prospective students who are hesitant to remain or enroll in college due to the impacts of COVID-19.

Consistent with the goals approved and proposed through the budget process, this bill prescribes specific uses of funds designated for recruitment and retention by allowing colleges to disburse fiscal incentives and/or discharging student debt as a strategy to encourage students to stay or re-enroll in college. This bill makes its provisions contingent upon an appropriation in the annual Budget Act or another statute for its purposes. If enacted, this bill could affect the aforementioned budget allocations.

- 4) **Amendment.** Staff understands that the intent of the bill is to cover fees owed by the student to a community college and not necessarily repay debt, which could imply loan debt. For this reason, **staff recommends** the following clarifying amendment:

78090(c)(3) A community college district may use funds allocated pursuant to subdivision (b) ~~to discharge student debt or unpaid balances owed by a student to a community college in the district~~ *to discharge unpaid fees due or owed by a student to a community college in the district.*

**SUPPORT**

None received.

**OPPOSITION**

None received.

**-- END --**



- 4) Requires DHCS to amend its Medicaid state plan with respect to the billing option for services by LEAs, to ensure that schools are reimbursed for all eligible services that they provide that are not precluded by federal requirements. (WIC §14115.8)
- 5) Requires DHCS to examine methodologies for increasing school participation in the Medi-Cal billing option for LEAs so that schools can meet the health care needs of their students. Requires DHCS, to the extent possible, to simplify claiming processes for LEA billing. (WIC §14115.8)

#### *Health and Safety Code (HSC)*

- 6) Requires the California Department of Public Health (CDPH), to the extent funding is appropriated annually in the Budget Act or other statute, to establish Public School Health Center Support Program (PSHCSP), in collaboration with the CDE, to assist in establishing, expanding, and sustaining school-based health centers (SBHCs), as specified. Requires CDPH to establish a grant program for LEAs for these purposes. (HSC §124174)

#### **ANALYSIS**

This bill requires DHCS to revise its audit process for LEA BOP and provide technical assistance to LEAs. Specifically, this bill:

- 1) Requires DHCS establish a revised audit process for LEA BOP claims submitted for dates of service on or after January 1, 2024. Requires DHCS's audit plan to make fraud, waste, and abuse the primary focus of recoupment.
- 2) Requires DHCS, upon completing an audit, to notify an LEA of the audit findings within 12 months of the date that the Cost and Reimbursement Comparison Schedule (CRCS) is submitted and specifies the timeline may be extended by no more than three months upon a determination that the LEA has not provided sufficient documentation as requested by the auditor.
- 3) Requires DHCS to provide an interim settlement of a claim within 12 months and perform final settlement on a claim, including completion of the appeals process, as specified in Welfare and Institutions Code within three years from the date the CRCS is submitted.
- 4) Specifies in the event that an LEA's audit appeal is not fully and finally resolved by the DHCS within 300 days after the date a notice of appeal is filed, the LEA may elect to seek immediate relief in superior court in the same manner as if DHCS appeal process had been concluded.
- 5) Specifies if an audit disallows more than 25 percent of an LEA's total value of claims in a given year, DHCS must provide technical assistance to the LEA that is specific to the reasons that claims were disallowed, and preparation of a corrective action plan

- 6) Specifies in the event an audit disallows 50 percent or more of an LEA's total value of claims in a given year, those appeals, including both informal and formal appeals, shall be completed within 180 days.
- 7) Prohibits the auditor from disallowing a claim for LEA BOP services unless the claim is out of compliance with the standards of the LEA BOP guide or the State Plan in effect at the time of submission.
- 8) Requires the person reviewing the audit appeal to use the LEA BOP guide, when reviewing an audit appeal, including the guidance contained in any website links in the LEA program guide, to determine whether the claim was appropriately disallowed.
- 9) Requires DHCS to revise its state plan regarding the revised audit process only to the extent necessary to obtain federal approval upon consultation with the LEA Ad Hoc Workgroup, as specified, and report to the relevant policy committees and post on its internet website any changes made to the state plan.
- 10) Requires DHCS to regularly consult with the LEA Ad Hoc Workgroup, consisting of, but not limited to, representatives of the California Department of Education, urban, rural, large and small school districts, and county offices of education, local education consortia, and LEAs, in formulating the state plan amendments.
- 11) Requires DHCS to provide an LEA participating in the LEA BOP to participate virtually in any training or stakeholder meetings.
- 12) Adds additional elements to an existing required report to the Legislature on the summary of the number of audits conducted of Medi-Cal LEA BOP claims, the amount of funds disallowed per LEA broken down by those related to reimbursements for interim payments made in excess of actual costs, as well as those related to audit findings of noncompliance, and efforts made to provide technical assistance and develop corrective action plans.
- 13) Requires DHCS, for purposes of LEA BOP claims, to ensure that for a beneficiary under age 21, "medical necessity" has the same meaning as that term is defined in the medical necessity provision in existing state law that refers to the "correct and ameliorate" standard in federal Medicaid law.
- 14) Makes technical changes.

#### STAFF COMMENTS

- 1) **Need for the bill.** According to the author "The current Medi-Cal LEA BOP is administratively burdensome, due to extensive documentation requirements, and punitive audit practices. LEAs have experienced difficulty receiving clear and consistent guidance from the state and/or have had to return significant funds disallowed through the auditing process. Some LEAs have ceased participating because of these problems. This has a direct impact on the ability of the LEA to provide health services to students. According to data provided by DHCS, 75% of LEA provider claims audited between 2007 and 2015 required some level of

repayment to the State. No other state requires repayment of school-based Medi-Cal claims at this rate. During that time, no LEA won a formal appeal of their repayment. Repaying claims requires the LEAs to dip into their general fund or reserves, thereby limiting funds for other critical services. Schools also report difficulties relating to the timeliness of the LEA BOP audit process. Federal guidance and state law state that claims should be finalized in three years. Most programs interpret this to mean full resolution of the claim, including completion of the audit and any appeals. It would appear that DHCS interprets the guidance to require that the audit be initiated within three years of the claim, and in many cases are auditing claims from five years or more in the past. DHCS appears to require audit of every LEA BOP claim, which is not required by federal law. AB 2034 would expand access to school-based health and mental health services by encouraging more schools to participate in the LEA BOP program and to bill for more eligible services, thereby increasing funding available to support student services.”

- 2) ***Medi-Cal Reimbursement for School-Based Health Services. LEA BOP.*** This program was established in 1993 and is administered by the DHCS, in collaboration with the CDE. The LEA BOP reimburses LEAs (school districts, county offices of education, charter schools, community colleges, and university campuses) for health-related services provided by qualified health service practitioners to Medi-Cal enrolled students. Services eligible for reimbursement under the program include, but are not limited to:
- a) Health and mental health evaluations and health education.
  - b) Nursing services.
  - c) Occupational and physical therapy.
  - d) Physician services.
  - e) Mental health and counseling services.
  - f) School health aide services.
  - g) Speech pathology and audiology services.
  - h) Targeted case management services.

Reimbursement is based upon a fee-for-service model, and school expenditures for qualified services rendered are reimbursed at 50% of cost using federal Medicaid matching funds. Under the program, LEAs bill Medi-Cal for the direct medical services they provide to Medi-Cal eligible students. LEAs pay for the services and are reimbursed for the rate relative to the cost of each individual service from federal funds.

Recent changes to Medicaid, including the “free care rule” and the opportunity for schools to be reimbursed for services provided to all Medi-Cal eligible students, rather than only those with disabilities, provide a significant opportunity to draw down additional federal funds for school-based health and mental health services.

- 3) ***SB 75 (Committee on Budget and Fiscal Review; 2019).*** As a result of increasing mental health occurrences, the legislature passed SB 75. This bill



required the California Department of Education, the Department of Health Care Services, and the Department of Developmental Services to jointly convene one or more workgroups to provide input to the following:

- a) Improving transition of three-year-old children with disabilities from regional centers to local educational agencies, to help ensure continuity of services for young children and families.
- b) Improving coordination and expansion of access to available federal funds through the LEA Medi-Cal Billing Option Program, the School-based Administrative Activities Program, and medically necessary federal Early and Periodic Screening, Diagnostic, and Treatment benefits.

The report on improving coordination and expansion of access to Medi-Cal systems summarizes the context, process, and resulting recommendations of the workgroup. The workgroup identified five overarching recommendations to improve the coordination and expansion of access to available federal reimbursement for LEAs through Medi-Cal Billing Option Program and the School-Based Medi-Cal Administrative Activities Program. Specifically, it includes program requirements (e.g., changes to interagency coordination practices) and support services (e.g., training and technical assistance) needed to improve the coordination and expansion of LEA access to Medicaid funds for student health services.

- 3) **LEA BOP: Audits and Appeals.** Existing law applicable to Medi-Cal requires amounts paid for services provided to Medi-Cal beneficiaries to be audited by the DHCS in the manner and form prescribed by DHCS. Under California's Medicaid State Plan, DHCS is required, as part of its financial oversight responsibilities, to complete the audit and cost settlement process for each LEA on an annual basis. The State Plan requires the audit plan to include a risk assessment of the LEAs using paid claim data available from the DHCS to determine the appropriate level of oversight. If the interim Medi-Cal payments exceed the actual, certified costs of a LEA's Medi-Cal services, DHCS will either offset future claims from the affected LEA until the amount of the overpayment is recovered and/or recoup any overpayments or return the federal share of the Medi-Cal payment to the federal government in accordance with federal Medicaid regulation. If the cost report's actual certified costs of a LEA's Medi-Cal services exceed interim Medi-Cal payments, DHCS will pay this difference to the LEA.

Between 2007 and 2015, DHCS conducted between 451 and 530 audits annually, with seven to 10.5 full-time equivalent auditors. Between 67.18% and 80.19% of total audits required providers to repay the state for payments above the interim payment the LEA initially received. This bill is in response to disputes over DHCS audits of LEA BOP providers which results in DHCS recovering overpayments for services rendered, including for services billed several years after the services were claimed, the existing appeals process, and access to court following that process.

**Related legislation.** *AB 1940 (Salas)* of this Session, renames the PSHCSP as the School-Based Health Center Support Program (SBHCSP) and makes various changes to the program to assist in providing and expanding health services to

students through school-based health center. *This bill is currently in Senate Education Committee.*

**AB 563 (Berman)** of this Session requires the CDE to establish an Office of School-Based Health Programs for the purpose of improving the operation of, and participation in, school-based health programs, including the SMAA and the LEA BOP. Requires that \$500,000 in federal reimbursements be made available for transfer through an interagency agreement to CDE for the support of the Office. *This bill is currently in Senate Education Committee.*

**AB 586 (O'Donnell)** of this Session establishes the School Health Demonstration Project to expand comprehensive health and mental health services to students by providing intensive assistance and support to selected local educational agencies to build the capacity for long-term sustainability through leveraging multiple funding streams and partnering with county Mental Health Plans, Managed Care Organizations, and community-based providers. Lessons learned through the pilot project would be used as a basis to scale up robust and sustainable school-based health and mental health services throughout the state. *This bill is currently in Senate Education Committee.*

**AB 1322 (Berman)** of the 2019-20 Session required CDE to establish a School-Based Health Unit (Unit) and requires that \$500,000 in federal reimbursements be made available for transfer through an interagency agreement to CDE for the support of the Unit. *This bill was vetoed by Governor Newsom.*

***"In recognition that all state agencies must work together to better support our youth, the 2019 Budget Act included \$500,000 in one-time funding to support the creation of an interagency collaborative between the Department of Education, the Department of Health Care Services, and other regional and state agencies to improve the coordination and accessibility of services and supports to our students. While this bill is well-intentioned, the creation of a school-based health unit at the CDE would be premature given this recent investment."***

**SB 118 (Liu)** of the 2015-16 Session would have modified an existing unfunded grant program administered by the CDPH to add substance use as an allowable service, changed the purpose of sustainability grants to the development of sustainable funding models, and created a new population health grant category to fund specified public health topics. *This bill was held in the Assembly Appropriations Committee.*

**AB 766 (Ridley-Thomas)** of the 2015-16 Session would have required the CDPH to give grant funding preference to schools with a high percentage of students enrolled in Medi-Cal, under the Public School Health Center Support Program. *This bill was held in the Senate Appropriations Committee.*

## SUPPORT

Coalition For Adequate Funding For Special Education

California State Association of Psychiatrists  
California School Board Association  
Los Angeles County Office of Education  
California County Superintendents Educational Services Association  
Santa Clara County office of education  
California Association of School Psychologists  
California Association of School Business Officials  
Association of California School Administrators

**OPPOSITION**

None on file.

**-- END --**





requirement, before offering that alternative to students, to notify parents, teachers, students, and the public at a regularly scheduled meeting of the all of the following:

- a) The intent to offer career technical education courses to fulfill a graduation requirement.
  - b) The impact that offering career technical education courses will have on the availability of courses that meet the eligibility requirements for admission to the California State University and the University of California, and whether the career technical education courses to be offered are approved to satisfy those eligibility requirements.
  - c) The distinction, if any, between the high school graduation requirements of the school district or county office of education, and the eligibility requirements for admission to the California State University or the University of California. (EC § 51225.3)
- 5) Defines "a course in career technical education" as a course in a district-operated career technical education program that is aligned to the career technical model curriculum standards and framework adopted by the State Board of Education, including courses through a regional occupational center or program operated by a county superintendent of schools or pursuant to a joint powers agreement. (EC § 51225.3)

## ANALYSIS

This bill extends the sunset on the option for students to fulfill a state high school graduation requirement by successfully completing a Career Technical Education (CTE) course until July 1, 2027. Specifically, this bill:

- 1) Extends for five years, until July 1, 2027, the sunset on the option for students to fulfill a high school graduation requirement by successfully completing a CTE course.
- 2) States that, notwithstanding any other law, if a student completed a CTE course between July 1, 2022, and January 1, 2023, that course shall be deemed to have fulfilled the graduation requirement.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author "Under current law, students have the option of taking a CTE course to fulfill the existing high school graduation. However, this option will sunset on July 1, 2022, leaving students unable to use completion of a CTE course to fulfill a state graduation requirement. Research shows that students who complete both an academic and a career technical education sequence of courses in high school have a higher likelihood of being enrolled in postsecondary education and being employed in professional, managerial, or skilled jobs."

- 2) **Arts, foreign language, or career technical education.** Successful completion of a course in visual or performing arts (VAPA) or foreign language has been a long standing high school graduation requirement. In 2011, legislation was passed to authorize the successful completion of a course in career technical education as an alternative to VAPA or foreign language, beginning with the 2012-13 school year.
- 3) **Career technical education model curriculum standards.** The career technical education model curriculum standards were initially adopted in 2005. The model curriculum standards were then updated for alignment with the common core standards and Next Generation Science Standards and were subsequently adopted by the State Board of Education in 2013. The career technical education standards are organized into California's 15 high-employing industry sectors and are designed to assist schools in developing curriculum and measuring student achievement. Existing law requires a career technical education course, for purposes of high school graduation requirements, to be aligned to the career technical education model curriculum standards.
- 4) **College and career readiness is a state priority.** Each LEA's Local Control and Accountability Plan (LCAP) must demonstrate, among other priorities, how they are ensuring that all students are being prepared to be college and career ready. The College and Career Readiness Index displayed on each LEA's dashboard includes data on the number of students completing a CTE pathway. CDE notes that over 90% of districts report that CTE is now included in their LCAPs
- 5) **Related legislation. SB 1123 (Leyva),** Chapter 53, Statutes of 2016, extended for five years, until July 1, 2022, the sunset on the option for students to fulfill a high school graduation requirement by successfully completing a CTE course.

**AB 1330 (Furutani),** Chapter 621, Statutes of 2011, established the option for students to fulfill a high school graduation requirement by successfully completing a CTE course.

**SB 672 (Torlakson)** of the 2007-2008 Session would have required high schools participating in the California Enhanced Instructional Time Program, as specified, to adopt a graduation policy requiring students to complete two CTE courses. This bill was held in the Assembly Education Committee.

## SUPPORT

Office of the Riverside County Superintendent of Schools  
 Los Angeles County Office of Education  
 California Federation of Teachers AFL-CIO

## OPPOSITION

None on file.





---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2058 **Hearing Date:** June 30, 2022  
**Author:** O'Donnell  
**Version:** June 20, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** Career technical education: California Career Technical Education Incentive Grant Program: Strong Workforce Program

### SUMMARY

This bill, beginning July 1, 2023, increases ongoing funding for the Career Technical Education (CTE) Incentive Grant program (CTEIG) to \$450 million per year, requires specified CTE staffing at the state and regional level to support local CTE programs and pathways, and subsumes the K-12 Strong Workforce Program (SWP) within the CTEIG.

### BACKGROUND

Existing law:

- 1) Authorizes the CTEIG, administered by the California Department of Education (CDE) as a state education, economic, and workforce development initiative with the goal of providing pupils in kindergarten through 12th grade with the knowledge and skills necessary to transition to employment and postsecondary education.
- 2) Appropriates funding for the CTEIG program as follows:
  - a) \$400 million for 2015-16;
  - b) \$300 million for 2016-17;
  - c) \$200 million for 2017-18;
  - d) \$150 million per year for 2018-19 to 2020-21; and
  - e) \$300 million per year beginning in the 2021-22 fiscal year and every year thereafter.
- 3) Requires that CTEIG applicants demonstrate the ability to provide local matching funds, as specified, and that their CTE programs meet specified minimum eligibility standards.
- 4) Requires CTEIG grantees to report specified program data, including the core metrics required by the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V), the quality indicators described in the California State Plan for CTE, as well as specified pupils outcomes.

- 5) Requires the California Workforce Pathways Joint Advisory Committee to review the data metrics annually and make recommendations on whether these data metrics remain the most appropriate metrics to evaluate program outcomes for new and renewal applicants, or whether other metrics should be included.
- 6) Requires CDE to consult with entities with CTE expertise, including the California Community College Chancellor's Office (CCCCO), state workforce investment organizations, and business organizations, in the development of requests for grant applications and consideration of the applications received.
- 7) Requires CDE to annually submit the list of recommended new and renewal grant recipients to the State Board of Education (SBE) for review and approval prior to making annual grant awards.
- 8) Authorizes the K-12 component of the SWP to create, support, or expand high-quality CTE programs at the K-12 level that are aligned with the workforce development efforts occurring through the SWP, and authorizes, commencing with the 2018-19 fiscal year, and subject to an annual appropriation, \$150 million to be apportioned annually by the CCCCCO to local consortia.

## ANALYSIS

This bill:

- 1) Increases ongoing funding for the K-12 CTEIG program to \$450 million per year beginning in 2023-24, by rolling in ongoing funding from the K-12 SWP.
- 2) Requires a level of professional staffing within the CDE sufficient to effectively administer the CTEIG program, as well as other CTE programs, and requires staffing at the CDE to include state-level subject matter experts in key industry sectors, who would liaise with regional CTE coordinators, and provide support to LEAs in the establishment and improvement of CTE programs.
- 3) Specifies that any funds not allocated in a fiscal year shall be carried forward to the subsequent fiscal year.
- 4) Requires that beginning with the 2022-23 fiscal year, the match requirement under the CTEIG program be 1:1 for regional occupational centers or programs (ROC/Ps) operated by a joint powers authority (JPA) or county office of education (COE); and 1:1.5 for LEAs.
- 5) Deletes the prohibition on funding an applicant for an amount higher than the amount the allocation formula determines them to be eligible to receive.
- 6) Requires the Superintendent of Public Instruction (SPI), in collaboration with the Executive Director of the SBE, to establish a stakeholder workgroup by January 31, 2023, to consider and provide recommendations on methods to simplify the allocation of CTEIG funding and to maximize CTE opportunities for pupils, including, but not limited to, all of the following:

- a) Scoring applications based upon positive considerations, as specified, while funding grantees based upon average daily attendance (ADA) or the number of pupils enrolled in CTE courses;
  - b) Setting aside a percentage of the CTEIG funding for CTE programs at alternative schools, including court schools, community day schools, and continuation schools; and
  - c) Setting aside a percentage of the CTEIG funding for CTE exploration programs at middle schools, aligned to CTE pathway programs at the relevant feeder high schools.
- 7) Requires the SPI to report the recommendations of the workgroup to the policy and fiscal committees of the Legislature and the Governor by July 1, 2023.
  - 8) Appropriates \$12 million annually to the CDE, beginning in the 2023-24 fiscal year, to contract with selected COEs with proven industry experience in CTE to ensure statewide coverage of the provision of technical assistance to LEAs operating CTEIG and other CTE programs and pathways.
  - 9) Requires that the duties of the regional CTE coordinators include the provision of technical assistance and support to LEAs in the implementation of CTE courses and pathways; as well as collaboration with postsecondary institutions, industry partners, and local workforce boards; among other duties.
  - 10) Requires the SPI to determine the distribution of funding for regional CTE coordinators based upon the ADA of the public schools within the county, and to the extent possible, ensure the equitable geographic distribution of technical assistance coordinators throughout the state.
  - 11) Deletes references to the K-12 SWP and requires that this program cease to be operative as of July 1, 2023, and requires administration of any outstanding allocations and contracts to be the responsibility of the CDE as part of the CTEIG program, other than as specified.
  - 12) Requires that the annual funding to the CCCCCO for support of the K-12 Workforce Pathway Coordinators and the K-14 Technical Assistance Providers be limited to the 2018-19 through 2022-23 fiscal years, and repeals this section as of July 1, 2023.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The bifurcation of the K-12 CTE funding into two separate programs under the jurisdiction of the CDE and the Chancellor's office creates unnecessary administrative burdens at the state level and additional complications at the local level. Schools are currently required to apply to two separate programs for funding of CTE programs, each with unique eligibility and reporting requirements, and are not receiving adequate technical assistance. A recent report by the State Auditor noted that administrative

shortcomings in the K-12 Strong Workforce Program limits its effectiveness supporting grant applicants, including inherent risks of conflicts of interest, as well as a lack of equal access to local support staff.

“AB 2058 will increase both one-time as well as ongoing funding for high quality CTE programs and reduce administrative burdens at the state and local levels by consolidating the CTEIG and K-12 SWP programs and will ensure that effective CTE technical assistance is readily available to support high quality CTE programs at the local level.”

- 2) ***What is Career Technical Education?*** CTE is a program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers. CTE programs in California are organized into 15 industry sectors, covering 58 pathways that identify the knowledge and skills students need. Partnerships are usually developed between high schools, businesses, and postsecondary schools, providing pathways to employment and associate, bachelor, and advanced degrees. CTE prepares students for the world of work by introducing them to workplace competencies and making academic content accessible to students by providing it in a hands-on context. Along the way, students develop career-relevant, real-world 21st Century skills.
- 3) ***Two similar, but not identical, CTE competitive grant programs.*** There are a number of initiatives supporting K-12 CTE programs supported by state and federal funds, including two large competitive grant programs.
  - a) *The CTEIG Program*—Established in 2015 as a one-time investment of \$900 million as a bridge for LEAs to support CTE programs until the Local Control Funding Formula (LCFF) was fully funded. The purpose of the program is to encourage, maintain, and strengthen the delivery of high-quality CTE programs. The program is administered by the CDE. In 2018, ongoing funding of \$150 million for CTEIG was appropriated. In 2021, the annual funding for CTEIG was increased to \$300 million.
  - b) *The SWP*—Established in 2018 as a component of the Community Colleges’ SWP to create, support, or expand high-quality CTE programs at the secondary level that are aligned with the workforce development efforts occurring through the SWP. The purpose of the program is to support the overall development of high-quality K-12 CTE programs, courses, course sequences, programs of study, and pathways. The program is administered by the CCCCO, which allocates K-12 SWP grant funding to eight regional consortia according to a statutory formula. Each regional consortium is required to administer a competitive grant program it receives to LEAs in the region. The program is currently funded at \$150 million per year.
- 4) ***State Auditor identifies numerous weaknesses with the K-12 SWP.*** In February 2022, the State Auditor released a report on the K-12 SWP noting that “state and regional administrative shortcomings limit the program’s effectiveness in supporting grant applicants.” Key findings of the audit include the following:

- a) The Chancellor's Office has not directed applicants to provide sufficient detail to demonstrate that their CTE programs will meet regional needs;
- b) The Chancellor's Office has not given applicants sufficient information about the criteria that regional committees will use to select grant applications;
- c) LEAs do not have equal access to the support staff who help them pursue grants because each community college district receives one support position regardless of how many LEAs that district includes;
- d) \$2.6 million appropriated to fund support staff in fiscal year 2018-19 remains unused and has not been allocated to the regional consortia as required by state law; and
- e) Most regional consortia of community college districts have not ensured that selection committees adopt strong safeguards against unfair grant award decisions, including potential conflicts of interest, as well as a common criterion for identifying scores from individual reviewers that vary significantly and introduces inconsistency into the application review process.

The audit report recommended actions that the CCCCO should take to enhance the quality of information the selection committees have available when determining whether applications best meet the workforce program's goals, including providing additional detail in the RFA on how to demonstrate compliance with eligibility criteria, and how local selection committees will allocate funding if demand exceeds available funding. The audit also recommends that the CCCCO should establish a process to modify the areas that its workforce pathway coordinators are assigned to serve to improve the equality of LEAs' access to technical assistance. The report also made recommendations for individual regional consortia to improve consistency in selection processes; to avoid potential conflicts of interest; and to establish a standard approach for addressing score variations.

- 5) ***Arguments in support.*** The Coalition for Career Technical Education in California, states "AB 2058 would consolidate into one program the two major existing state funding programs for K-12 CTE programs in California. This will resolve problems that have confronted local educators across the state as they have struggled with inconsistent application processes and criteria, and uneven and excessive reporting requirements. AB 2058 would also establish a much-needed technical assistance capacity to support local educators as they work to establish and improve their local CTE programs and pathways. We are confident that consolidating and aligning that state support, combined with quality technical assistance, will strengthen the quality of college and career opportunities for students throughout California."
- 6) ***This year's Governor's Budget proposes another CTE categorical program.*** The 2022-23 Governor's Budget proposed \$1.5 billion one-time Proposition 98

General Fund over five years to support the Golden State Pathways Program to support the development and implementation of college and career educational pathways in critically needed sectors of the economy (focused on technology, health care, education, and climate-related fields). At the time of this writing, the Legislative Budget Agreement takes the following action on this proposal:

“Approve \$500 million one-time Proposition 98 General Fund and adopt placeholder trailer bill that aligns the program to CTEIG standards.”

- 7) **Committee Amendments.** Prior versions of this bill would have established the Golden State Pathways Program, transferred the SWP to the CTEIG in the 2022-23 fiscal year, and specified that the bill’s provisions take effect immediately. In deference to the budget process, the author’s most recent amendments remove references to the Golden State Pathways Program, delay the transfer of the SWP to the CTEIG until 2023-24, and remove the urgency requirement.

However, as currently drafted this bill would change the local match requirement for the CTEIG beginning in the 2022-23 fiscal year. Given the author’s stated goal of deferring to the budget process, **staff recommends** amending the bill to specify that the changes to the local match requirement shall take effect beginning in the 2023-24 fiscal year.

**SUPPORT**

- Alameda County Office of Education
- Association of California School Administrators
- California Chamber of Commerce
- California Manufacturers and Technology Association
- California Natural Gas Vehicle Coalition
- California School Boards Association
- Career Technical Education Joint Powers Authority Coalition
- Association of Career and College Readiness Organizations
- Coalition for Career Technical Education
- Contra Costa County Office of Education
- Housing Contractors of California
- Lake County Office of Education
- Mendocino County Office of Education
- Modesto City Schools District
- Napa County Office of Education
- Office of The Riverside County Superintendent of Schools
- Riverside County Public K-12 School District Superintendents
- San Bernardino County Superintendent of Schools
- Small School Districts Association
- Ventura County Office of Education

**OPPOSITION**

- Plumas Charter School



- 3) Stipulates that money appropriated for the Program in the Budget Act of 2022 be available for encumbrance or expenditure by the Commission until June 30, 2027.
- 4) Stipulates that grants awarded under the Program not exceed the amount appropriated for the program in the Budget Act of 2022.
- 5) Stipulates that grant funding be used to supplement, but not supplant, other sources of grant-based financial aid.
- 6) Requires the Commission to give priority in awarding grants as follows:
  - a) First priority for current or former foster youth and homeless youth.
  - b) Second priority for individuals who are currently employed at a California-based nonprofit.
- 7) Requires a grant recipient to agree to work in a California-based nonprofit for two years upon completion of the recipient's postgraduate program and have four years to meet that obligation. Requires that a grant recipient agree to repay the total amount of the grant awarded to the recipient if the recipient fails to do one or more of the following:
  - a) Be enrolled in, or have successfully completed, a postgraduate program from a UC, CSU, or an ICCU.
  - b) While enrolled in the postgraduate program, maintain good academic standing.
  - c) Upon completion of the postgraduate program, satisfy the requirements to become an associate clinical social worker, an associate professional clinical counselor, an associate marriage and family therapist, or a registered psychological associate.
- 8) Requires the grant recipient provide verification of their commitment to work in a California-based nonprofit for two years or obtain registration as an associate clinical social worker, an associate professional clinical counselor, an associate marriage and family therapist, or a registered psychological associate, to the Commission, including providing a letter from the employer to substantiate fulfillment of the requirements for the award.
- 9) Specifies that any exceptions to the requirement for repayment be defined by the Commission, and is required to include, but will not necessarily be limited to, both of the following:
  - a) The grant recipient has a condition covered under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601, et seq.) or similar state law.
  - b) The grant recipient was called or ordered to active duty status for more



then 30 days as a member of a reserve component of the Armed Forces of the United States.

- 10) Authorizes the Commission to use up to 5% of funding appropriated for purposes of the Program for program outreach and administration.
- 11) Authorizes the Commission to adopt regulations necessary for the implementation of the Program. Authorizes the Commission to adopt emergency regulations it deems necessary for the implementation of the Program, as specified.
- 12) Requires the Commission to conduct an evaluation of the Program to determine the effectiveness of the Program to graduate, train, and license associate clinical social workers, associate professional clinical counselors, associate marriage and family therapists, and registered psychological associates.
- 13) Requires the Commission to submit a report on the effectiveness of the Program to the Department of Finance and the appropriate fiscal and policy committees of the Legislature on or before December 31, 2026.
- 14) Defines for purposes of the Program the following:
  - a) "California-based nonprofit" means an institution based in the state to which contributions have been determined by the United States Internal Revenue Service to be tax-deductible pursuant to Section 501(c)(3) of Title 26 of the Internal Revenue Code.
  - b) "Program" means the Golden State Social Opportunities Program.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "AB 2222 addresses critical shortages within the mental health workforce by establishing a scholarship to reduce financial barriers for students as they complete their fieldwork to become LCSWs, LPCCs, or LMFTs."

The author states, "Under this Program, which is based on the Golden State Teacher Grant, CSAC (Commission) will administer scholarships of up to \$20,000 annually to students who commit to working for at least two years at a California-based nonprofit upon completion of their graduate school course of study."

Further, the author contends that "By prioritizing former foster and homeless youth for grants, AB 2222 will ensure California's mental health professionals are reflective of the communities they serve. This bill will also improve quality of care for current foster and homeless youth, who will benefit from working with providers who share their lived experiences."

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

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

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

State financial aid programs traditionally prioritize resources for undergraduates who are pursuing their first degree and have financial needs, however, the state has used financial incentives such as the one proposed in this bill (grant to loan programs) to address other workforce needs in the areas of teaching. This bill seems to align with these efforts, by creating a grant program to address a shortage of mental health professionals in the state. Additionally, this measure prioritizes students who are more likely to have greater financial needs and require tuition assistance more than their peers. Specifically, the bill extends priority to current foster, former foster, and homeless youth.

- 3) ***Modeled after teacher grant program.*** The Golden State Teacher Program, approved in budget trailer bill SB 169 (2021), provides one-time grant funds of up to twenty thousand dollars (\$20,000) to each student enrolled on or after January 1, 2020. The student must be in a professional preparation program leading to a preliminary teaching credential at either a qualifying institution or a teacher preparation program approved by the Commission on Teaching Credentialing (CTC) that has a main campus location or administrative entity that resides in California, including teacher preparation programs operated by local educational agencies in California, if the student commits to working in a high-need field at a priority school for four years after the student receives the teaching credential. The proposed grant program is modeled after this teacher grant program for purposes of incentivizing participation in mental health professions.
- 4) ***Capacity at the Commission.*** The Commission is a relatively small agency whose primary purpose is to administer the Cal Grant program. As noted in the Assembly Higher Education Committee analysis, California is home to the largest

postsecondary system in the nation, serving millions of students a year, many of whom rely on the services of the Commission in order to receive various forms of state financial aid. Yet, as of 2021-22, the Commission only has 137.5 authorized ongoing staff positions, as well as 2.2 temporary positions. The creation of another grant program and a new verification process could overextend the Commission's capacity to administer programs under its jurisdiction. The bill authorizes up to 5% of the allocation for outreach and administration costs (more information provided below).

- 5) **Fiscal impact.** According to the Assembly Appropriations Committee analysis, the bill would have the following fiscal impact:
- Unknown one-time General Fund cost pressure, potentially in the low millions of dollars, to provide grants under the Program. Actual cost would depend on the amount the Legislature appropriates for this purpose. A grant of \$20,000 for 100 students would cost \$2 million. The bill authorizes up to 5% of the appropriated amount to be used by the Commission for outreach and administration.
  - Significant annual cost, potentially in the hundreds of thousands of dollars, for the Commission to administer the program. Even if this is a one-time program, the cost to the Commission to monitor compliance with grant conditions would extend out several years. Depending on the amount appropriated for the grants, the 5% allowance for administrative costs could cover the Commission's costs.

6) **Related legislation.**

SB 1229 (McGuire, 2022), upon appropriation by the Legislature, this bill would require the California Student Aid Commission (Commission) to administer the Mental Health Workforce Grant Program (Program), as established by this bill, to increase the number of mental health professionals serving children and youth. SB 1229 is pending hearing in the Assembly Higher Education Committee.

SB 964 (Wiener, 2022) requires the California Community Colleges (CCC) and the California State University (CSU), and requests the University of California (UC), to develop two accelerated programs of study related to degrees in social work. This bill also includes several provisions related to the behavioral health workforce including an analysis of scope of practice laws for behavioral health workers and licensure requirements, a stipend program, creation of an online jobs board, and a workforce analysis. SB 964 is now in the Assembly Appropriations Committee.

AB 2069 (Villapudua, 2022) This bill establishes the California Home Health Aide Training Scholarship Act to be administered by the Commission to incentivize enrollment in home health aide training programs by awarding \$1,500 scholarships. AB 2069 is pending in the Senate Health Committee.

Aspiranet  
Board of Behavioral Sciences  
California Alliance of Caregivers  
California Association of Nonprofits  
California Coalition for Youth  
Children Now  
Villines Group, LLC

**OPPOSITION**

None received.

**-- END --**

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2266 **Hearing Date:** June 30, 2022  
**Author:** Santiago  
**Version:** June 13, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** Community colleges: California College Promise: fee waiver eligibility

### SUMMARY

This bill expands eligibility for the California College Promise Program fee waiver to students who return to a California Community College after taking a break for two or more semesters.

### BACKGROUND

Existing law:

- 1) Establishes a \$46/unit fee for students at the California Community Colleges (CCC), and waivers of such.
- 2) Provides for a waiver of fees for certain types of students, including those who meet minimum academic and progress standards adopted by the CCC Board of Governors (BOG) and have household incomes below certain thresholds established by the BOG or have demonstrated financial need pursuant to federal law.
- 3) Provides funding through state apportionments, pursuant to provisional language in the annual budget act, to offset districts' loss of fee revenue due to the BOG fee waiver, now referred to as the CCC Promise Grant (Education Code (EC) Section 76300).
- 4) Establishes the California College Promise Program, which authorizes districts to waive fees for one academic year for first-time CCC students enrolling in 12 or more units per semester who also complete and submit either a Free Application for Federal Student Aid (FAFSA) or a California Dream Act application. Specifies that a student enrolled in fewer than 12 units may be deemed full-time at the discretion of the CCC if the student has been certified as full-time by a staff person in the Disabled Students Programs and Services (DSPS) at the CCC.
- 5) Declares legislative intent that sufficient funding be allocated to each community college to waive all student fees pursuant to (4).
- 6) Notwithstanding the fee waiver authorization per (4), the California College Promise legislation allows districts to use funds, as specified, toward meeting other specified goals: (a) increasing the number of students who enroll in college directly from high school and increasing the percentage of students placed

directly in non-remedial courses; (b) increasing the percentage of students earning associate degrees or certificates; (c) increasing the percentage of students transferring to four-year institutions; and (d) reducing achievement gaps.

- 7) Requires districts, in order to participate in, and receive funding for, the Promise Program to meet the following requirements: (a) partnering with local educational agencies on college outreach activities and to improve high school preparation for college; (b) using evidenced-based assessment and placement practices; (c) participating in the CCC Guided Pathways Grant Program to help students enter and stay on an academic path; (d) ensuring students complete the FAFSA or Dream Act application; and (e) participating in a federal student loan program (EC Section 76393, et seq.).
- 8) Establishes the Community Colleges Student Success Completion Grant, which supplements the Cal Grant B access award by up to \$1,298 annually for students enrolled in 12, 13, or 14 units per semester and up to \$4,000 annually for students taking 15 or more units per semester (EC Section 88930).

## ANALYSIS

This bill expands eligibility for the California College Promise Program fee waiver to students who return to a California Community College after taking a break for two or more semesters.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Education Code Section 76396 establishes the California College Promise, which provides two years of tuition-free community college to first-time, full-time students. The program does not provide free tuition to returning students.

"AB 2266 will remove the 'first-time' requirement from the program, allowing students who have some college experience but didn't finish a degree to return and receive two years of tuition-free community college."

- 2) **Duplicative budget activity.** This bill is duplicative of an identical proposal included in the legislative budget plan. Staff understands that should the bill move forward today, it is the author's intent to park this bill at a subsequent stage in the legislative process. The committee should consider whether the bill should proceed.
- 3) **Community college fee waiver programs.** Two statewide tuition waiver programs within the CCC system. The oldest of the two being the BOG fee waiver which has existed since the inception of CCC enrollment fees and waives the per unit enrollment fee for any CCC student who demonstrates financial need. The BOG fee waiver has been renamed the California College Promise Grant (not to be confused with the separate California College Promise program, which this bill addresses).

AB 19 (Santiago, Chapter 735, Statutes of 2017) established a new program, the California College Promise program which authorizes but does not require CCCs to waive fees for first-time full-time students without financial need for their first year of college. To be eligible for these waivers, students must have no prior postsecondary coursework, enroll in 12 or more units per semester, and submit a FAFSA or a California Dream Act application. Subsequent legislation expanded the California College Promise program to include a second academic year.

Unlike the California College Promise program, the BOG supports low-income students with financial need. The Promise program can be used for a number of purposes but when used to waive tuition it is essentially covering those that don't qualify for the BOG program: those from higher-income households. This bill further expands the Promise program to include returning CCC students rather than only first time students.

- 4) **Related report by the Legislative Analyst's Office (LAO).** According to the LAO's analysis of the Governor's January budget proposal in 2019, the LAO recommended that the Legislature reject the Governor's proposal to extend the California College Promise Program to a second academic year, based on several concerns which, include, in part:
- As the program primarily benefits students who are not considered financially needy, while lower-income students receiving BOG fee waivers still face other challenges in meeting their total college costs, the Legislature may have higher priorities for use of the funds.
  - Colleges now have other, stronger incentives to provide student support and improve student outcomes.
- 5) **Things to consider about non-need based financial aid.** This bill widens the pool of students newly eligible to receive a tuition waiver under the program. While the Legislature has crossed this bridge by establishing a non-need based financial aid program through AB 19 (Santiago, Chapter 735, 2017) and AB 2 (Santiago, Chapter 509, 2019), the following issues remain:
- Should financial aid be allocated specifically to students with high levels of financial need rather than as an entitlement to all students?
  - Does providing financial aid to non-needy students come at the expense of expanding financial aid for needy students, such as the Cal Grant program, to include aid for the total cost of attendance?

## SUPPORT

American Federation of State, County and Municipal Employees, Afl-cio  
Los Angeles Community College District  
Los Rios Community College District  
San Jose-evergreen Community College District  
Santa Monica College

**OPPOSITION**

None received.

-- END --





among many other things, the cost of attendance for first-time, full-time undergraduate students who live on campus and for those who live off-campus. (United States Code, Title 20, § 1015a)

## ANALYSIS

This bill requires the office of the Chancellor of the CSU and the office of the Chancellor of the CCC, and request the office of the President of the UC, to require each campus that provides student housing to post on its external and internal internet websites, on the first day of every other month, specified information about the campus housing stock, the number of students requesting housing, and how many students are on waitlists. Specifically, this bill:

- 1) Requires the office of the Chancellor of the CSU and the office of the Chancellor of the CCC, and requests the office of the President of the UC, to require each campus that provides student housing to post on its external and internal internet websites, on the first day of every other month, all of the following information:
  - a) The number of enrolled local and non-local students.
  - b) Existing campus housing stock, including, but not limited to, the number of available beds on campus.
  - c) The number of students on the campus housing waiting list, and how many students have removed themselves from the waiting list since the last report.
  - d) If available, the number of students who request on-campus housing once they are no longer eligible for guaranteed housing.
  - e) The number of incoming freshmen, transfer students, and international students requiring housing.
- 2) Requires this data to be collected by the on-campus department or center that is tasked with providing on-campus and off-campus housing assistance to students.
- 3) Requires the office of the Chancellor of the CSU and the office of the Chancellor of the CCC, and requests the office of the President of the UC, to submit an annual report with the information described in # 1 above (each segment submits one report compiled of all campus-level data) to the Legislature, with the first report being due by October 15, 2023.

## STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "The State has generally regarded meeting student housing needs as the responsibility of higher education institutions. However, since campuses do not routinely provide data on campus occupancy rates and waitlists for student housing, we are unaware of whether our public institutions of higher learning are meeting those housing needs. By providing information on the number of available beds and the number of

students on housing waitlists at each campus, AB 2459 will allow the Legislature to exercise proper oversight and accurately assess student housing needs. It will also provide students, particularly under-resourced students, with more complete and accurate information to make housing decisions at their campuses."

- 2) *What do we know about student housing needs?* According to the 2021 Public Policy Institute of California (PPIC) report, "Keeping College Affordable for California Students," living expenses, housing, books, and food expenses have outpriced the cost of tuition. The report noted that housing expenses are now the largest cost associated with attending college and is a barrier preventing many students from seeking higher education. In October 2019, the PPIC reported in "Making College Affordable," on-campus housing at the UC made up 45 percent of the total cost of attendance, and at the CSU, housing costs made up 53 percent of the total cost of attendance. In 2019, the California Student Aid Commission published the results of the Student Expenses and Resources Survey (SEARS), which found 35 percent of students experienced one or more conditions of housing insecurity and established a correlation between housing insecurity and lower completion, persistence to degree, and credit attainment.
- 3) *What housing information is currently available?* Each CSU campus is required, and each UC campus is requested, to annually post on its website information about the market cost of a one-bedroom apartment in the areas surrounding that campus where its students commonly reside.

Recently enacted legislation requires the CSU, and requests the UC, to conduct a needs assessment to determine the projected student housing needs, by campus, from 2022–23 to 2026–27, and create a student housing plan with a focus on affordable student housing. Housing plans are to outline how the segment will meet the projected student housing needs, by campus, and include the specific actions to be taken each year. The students housing plans are to be reviewed and updated every three years after July 1, 2022, and include the specific actions to be taken in the next five years.

This bill applies only to campuses that provide student housing and would provide additional information specific to on-campus housing and about the pool of the student body that is seeking on-campus housing. Committee staff believes that all of the information this bill requires to be posted is currently being collected by campuses. This could provide a broader perspective of the overall housing situation for students at each campus and across postsecondary education segments. This bill requires campus-based data to be compiled into systemwide reports, thereby allowing housing information about each segment, and each campus of the segments, to be available on one site. *It is possible, but not certain, that the student housing plans to be developed for 2022-23 through 2026-27 will include the information specified in this bill.*

As noted by the author, "campuses set their own housing goals, and campus goals vary. Many campuses aim to house all interested first-year students. Some campuses aim to house first- and second-year students. In addition to single undergraduate students, university campuses typically have goals to accommodate a particular share of graduate students and students with

families.” The author cites the need to understand how California’s public postsecondary education campuses and segments are meeting students’ current and future housing needs.

Information included on the main websites of the CCC, CSU, and UC include:

[Affordable Student Housing | California Community Colleges Chancellor's Office \(cccco.edu\)](http://cccco.edu)

[Agenda-Packet 2-11 Affordable-Student-Housing-Taskforce.pdf \(cccco.edu\)](#)  
[Affordable Student Housing Taskforce \(cccco.edu\)](#)

[Housing Program | CSU \(calstate.edu\)](#)

[Student Housing Initiative | UCOP](#)  
[Campus Housing | University of California](#)  
[Typical Housing Cost Near UC Campuses 2022 \(ucop.edu\)](#)

- 4) *Technical amendment and things to consider.* **Staff recommends an amendment** to clarify that information to be posted relative to requests for housing by incoming students is specific to requests for *on-campus* housing.

This bill requires postsecondary education segments and their respective campuses to post student housing information on the first day of every other month. *Is this frequency necessary? Could the information be posted prior to the beginning of each semester or quarter?*

This bill requires posted information to include the number of enrolled local and non-local students. *The author may wish to consider* defining local and non-local, such as basing it on the distance from the campus where the student resided immediately prior to enrollment at the campus.

- 5) *Related budget activity.* Budget trailer bill language established the Higher Education Student Housing Grant Program in 2021, to increase capacity and expand the inventory of student housing at public postsecondary education institutions, particularly to help foster future enrollment growth and affordability by reducing the cost of student housing, especially for lower-income students. The program is to receive a total of \$2 billion over three years for three rounds of grants. Of the total \$2 billion, statute specifies \$400 million (20 percent) is for UC, \$600 million (30 percent) is for CSU, and \$1 billion (50 percent) is for CCC. Additionally, up to \$25 million of the total \$2 billion is available for initial planning and feasibility studies at community colleges. Most notably, statute specifies rents for the state-funded on-campus housing units cannot exceed 30 percent of 50 percent of a campus’s area median income. [The 2022-23 Budget: Student Housing \(cccco.edu\)](#)
- 6) *Fiscal impact.* According to the Assembly Appropriations Committee, minor ongoing costs to local community college districts (Proposition 98/GF) to collect and report the required information. Most community college districts do not provide student housing. If the Commission on State Mandates determines that

this bill imposes a state-mandated local program, costs would be reimbursable. However, aggregate costs are likely to be below \$150,000. Minor, absorbable costs to CSU, UC, and the CCCs to submit the annual report

- 7) *Related legislation.* AB 1764 (Medina, 2022) establishes a reporting requirement for the CCC and the CSU, and requests the University of California UC, to collect data on student housing insecurities at each of their respective campuses, and removes the requirement for residential student housing plans to be approved by the Department of General Services Division of the State Architect. AB 1764 is scheduled to be heard by this Committee on June 22.

**SUPPORT**

>

**OPPOSITION**

>

-- END --



---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2501 **Hearing Date:** June 30, 2022  
**Author:** Carrillo  
**Version:** May 23, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Kordell Hampton

**Subject:** Before and after school programs: California Universal Afterschool Program Workgroup

### SUMMARY

This bill establishes the California Universal Afterschool Program Workgroup (Workgroup), within the California Department of Education (CDE), to develop recommendations to develop a roadmap for providing universal access to afterschool programs for all school-age children.

### BACKGROUND

Existing law:

#### *Early Learning Opportunities Program (ELOP)*

- 1) Commencing with the 2022–23 school year, as a condition of receipt of funds allocated all local educational agencies shall offer to all pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to ELOP, and shall ensure that access is provided to any pupil whose parent or guardian requests their placement in a program. (Education Code 46120 § (b)(1))
- 2) Local educational agencies operating ELOPs pursuant to this section may operate a before school component of a program, an after school component of a program, or both the before and after school components of a program, on one or multiple schoolsites in compliance with the educational literacy and enrichment element; meals; and eligible schools/entities as specified in the After School Education and Safety Program. (EC 4612 § (b)(2))
- 3) Local educational agencies may serve all pupils, including elementary, middle, and secondary school pupils, in expanded learning opportunity programs. (EC 46120 § (b)(4))
- 4) This section does not limit parent choice in choosing a care provider or program for their child outside of the required instructional minutes provided during a schoolday. Pupil participation in an expanded learning opportunities program is optional. Children eligible for an expanded learning opportunities program may participate in, and generate reimbursement for, other state or federally subsidized childcare programs, pursuant to the statutes regulating those programs. (EC § 46120 (b)(7))

*The After School Education and Safety Program (ASES)*

- 5) The After School Education and Safety Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. (EC § 8482.3(a))
- 6) A program may operate a before school component of a program, an after school component, or both, on one or multiple schoolsites and requires each component to include an educational and literacy element (in which tutoring or homework assistance is provided) and an educational enrichment element (such as fine arts, career technical education (CTE), recreation, physical fitness, and prevention activities). If a program operates at multiple schoolsites, only one application shall be required for its establishment. (EC § 8482.3 (b)(c))

**ANALYSIS**

This bill establishes the Workgroup, within CDE, to develop recommendations to develop a roadmap for providing universal access to afterschool programs for all school-age children. Specifically, this bill:

*General Provisions*

- 1) Establishes the Workgroup within CDE to develop legislative and regulatory recommendations and a roadmap for providing universal access to after school programs to all schoolage children.
- 2) Requires the Workgroup, on or before March 1, 2024, to submit an initial recommendation to CDE and the Legislature, as specified, to be publically posted
- 3) Requires the Workgroup, on or before October 1, 2024, to submit to CDE and the Legislature, as specified, recommendations and proposals, and roadmap for providing universal access to after school programs to all schoolage children.
- 4) Specifies the workgroup shall examine, at a minimum, information regarding all of the following: to make informed policy recommendations and the roadmap:
  - a) The status of programs subsidized by state or federal funding, including the number of schools and local educational agencies with programs, the number and demographics of pupils enrolled in those programs, the type and amount of funding those pupils receive, the number of applications for funding received and approved for funding, and the duration of committed funding.
  - b) Existing program quality standards and accountability measures.
  - c) Challenges providers of programs that impede quality service and increased access.
  - d) The actual cost of providing programs that meet state quality standards.



- 5) Specifies the Workgroup shall provide recommendations, at a minimum, on legislative and administrative action needed to do all of the following:
  - a) Enhance equitable access to programs for pupils in kindergarten and grades 1 to 12, inclusive.
  - b) Provide programs that meet state quality standards.
  - c) Recruit, train, and retain the workforce, including certificated teachers, paraprofessionals, and community-based partners.
  - d) Ensure adequate, prompt, and sustainable funding and rates.
  - e) Evaluate the impact of state and federal investment and local implementation.
  - f) Coordinate with and leverage other existing programs and funding sources such as universal prekindergarten, community schools, and schoolage childcare.
- 6) Requires the Workgroup to have, at a minimum, 25 members that represent the state's diversity, as specified.
- 7) Specifies funds appropriated from the General Fund to CDE to facilitate the Workgroup in fulfilling shall be used, but not limited to, gathering data, developing the recommendations and roadmap, and providing travel expenses for meetings and authorizes CDE to subcontract as necessary.
- 8) Specifies the Workgroup shall be maintained through December 31, 2024, and that his section shall remain in effect and repealed until January 1, 2025.

#### *Findings and Declarations*

- 9) Declares that in order to provide access to the critical opportunities and support that California's students and families need and to protect California's historic investment, it is the intent of the Legislature to commit funding to collect data and engage state agencies, practitioners, and stakeholders to compile recommendations to address implementation and to develop a roadmap towards universal access to after school and summer learning programs.

#### *Definitions*

- 10) "After school program" has the same meaning as "expanded learning" as defined in Section 8482.1. "After school program" does not mean an extension of instructional time, but rather opportunities to engage pupils in enrichment, play, nutrition, and other developmentally appropriate activities.
- 11) "Local educational agency" means a school district or charter school, excluding a charter school offering nonclassroom-based instruction, as specified.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author “Discussion and planning are needed urgently, as Local Educational Agencies (LEAs) and their community-based partners are experiencing severe workforce challenges that limit their ability to serve current students and to dramatically expand access quickly. Research shows that quality afterschool and summer programs provide safe, supportive learning environments and enrichment opportunities that increase school attendance and academic outcomes. Prior to 2020, California served more than 900,000 students each year in more than 4,500 state and federally funded afterschool and summer learning programs through the After School Education and Safety (ASES) Program and the 21st Century Community Learning Centers (21st CCLC) Program. 84% of those students are from socio-economically disadvantaged families, 90% are students of color, and 33% are English Language Learners. Furthermore, 25% of students served experience homelessness in California. This bill would set guidelines and commit funding to collect data and engage departments, practitioners, and stakeholders for the purpose of addressing expanded learning implementation challenges and to develop a roadmap for achieving universal access to afterschool and summer learning programs that meet California’s quality standards.”
  
- 2) ***The Importance of After School Programs.*** According to the Afterschool Alliance, “quality afterschool programs understand that children and youth in different age groups vary in academic, psychological, and physical activity needs. Consistent participation in afterschool programs has shown lower dropout rates and has helped close achievement gaps for low-income students. For older youth, regular participation in an afterschool program may also reduce risky behaviors and help them gain college and career-needed skills. Afterschool programming has been shown to improve social and academic outcomes for students, however, research points to certain key elements for success. To fully realize all the positives of afterschool programming, students must receive a regular dosage, adequately trained staff, and high-quality programming”. CDE’s *2017 After School Programs Report* finds that high-quality after school and other expanded learning programs (ELPs) that purposely provide academic and/or developmentally enriching services have positively impacted a wide range of student outcomes, including the following:
  - School attendance and academic motivation.
  - Academic work habits, homework completion, English language development, and academic achievement (e.g., student grades and test scores)
  - Social-emotional development, behavior, and discipline
  
- 3) ***The After School Education and Safety Program (ASES).*** ASES, established in 2002 via Proposition 49 (Prop 49), provides \$550 million annually for before and after school programs for kindergarten – 9<sup>th</sup> grade. The 2017-18 Budget Act (AB 97; Chapter 14, Statutes of 2017) increased ongoing funding to the ASES program

by \$50 million for a total of \$600 million. In 2021-22 (AB 130; Chapter 44, Statutes of 2021) ASES programs received \$650 million in state funds. In addition, one-time federal COVID relief funding is supporting temporary rate increases and additional slots. These funds will temporarily increase the ASES per student daily rate from \$8.88 to \$10.18 in 2021-22 and 2022-23. According to the California Afterschool Advocacy Alliance, ASES programs serve more than 400,000 students at 4,200 schools each day.

The purpose of ASES is to create incentives for establishing locally-driven Expanded Learning programs, including after school programs that partner with public schools and communities to provide academic and literacy support, and safe, constructive alternatives for youth. The ASES involves collaboration among parents, youth, and representatives from schools, governmental agencies, individuals from community-based organizations, and the private sector.

- 4) **Early Learning Opportunities Program (ELOP).** ELOP (AB 130; Chapter 44, Statutes of 2021) provides funding for afterschool and summer school enrichment programs for transitional kindergarten (TK) – 6<sup>th</sup> grade. In the 2021-22 fiscal year, the state provided \$1.8 billion Proposition 98 funding to establish this program, with a goal to reach \$5 billion annually by 2025-26. The program must include educational and enrichment components with maximum student to staff ratios of 20:1 and LEAs are required to offer at least nine hours of combined in-person instructional time and expanded learning opportunities during the school day and for 30 days during the summer. *Currently, the Governor's budget allocates \$4.8 billion in Proposition 98 funding for the ELOP for 2022-23.*
- 5) **Related Legislation. AB 1112 (Carrillo)** of this Session would have required the CDE to conduct a statewide cost study, utilizing an expanded learning stakeholder group, to determine adequate funding levels for expanded learning programs and make associated recommendations. *This bill was held in the Senate Appropriations Committee.*

**AB 130 (Committee on Budget)** Chapter 44, Statutes of 2021, establishes the ELOP and appropriates \$753 million for allocation to specified school districts and charter schools serving a high proportion of unduplicated pupils. Requires, upon receipt of funding for this purpose, specified schools serving pupils in kindergarten through grade 6 to provide at least 50% of unduplicated pupils with expanded learning opportunity programs for a minimum of 9 hours of combined in-person instruction and expanded learning opportunities on school days and no less than 9 hours of expanded learning opportunities per day for at least 30 non-school days during summer and intersessional periods.

**AB 2507 (McCarty)** of this Session requires that 30% of the funds appropriated for the ASES program be prioritized for middle schools; prioritizes 100% of funding for the 21st Century CCLC for high schools; and requires a cost-of-living adjustment (COLA) for expanded learning programs. *This bill is currently in Senate Education Committee.*

**SB 78 (Leyva)** of the 2017-18 Session would have appropriated to the ASES program an additional \$99,135,000 in the 2017-18 fiscal year and each fiscal year

thereafter, commencing with the increases to the minimum wage implemented during the 2018–19 fiscal year, and every fiscal year thereafter required the DOF to adjust the total ASES program funding amount of \$654,135,000 by adding an amount necessary to fund an increase in the daily pupil rate of 50% of each increase to the minimum wage. *This bill was held in the Assembly Education Committee.*

**SUPPORT**

Council for A Strong America  
Fight Crime: invest in Kids  
Public Advocates INC.

**OPPOSITION**

None on file.

-- END --

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2548 **Hearing Date:** June 30, 2022  
**Author:** Nazarian  
**Version:** June 13, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** California Kids Investment and Development Savings Program

### SUMMARY

This bill increases the initial seed deposit for the California Kids Investment and Development Savings (CalKIDS) Program from at least \$25 to at least \$100.

### BACKGROUND

Existing law:

- 1) Establishes the CalKIDS Program, under the administration of the ScholarShare Investment Board (SIB) for the purposes of expanding access to higher education through savings.
- 2) Establishes the CalKIDS Program Fund in the State Treasury to serve as the initial repository for all moneys received from the state and private sources for the CalKIDS Program, and continuously appropriates moneys in the fund to the board for the CalKIDS Program.
- 3) Requires the SIB to provide awards from these CalKIDS Accounts, as specified, for each recipient child's qualified higher education expenses at an eligible postsecondary education institution.
- 4) Requires the SIB, on or before June 30, 2022, and annually thereafter, to report to the Department of Finance and the Legislature, information pertaining to the CalKIDS Program's implementation, as specified; and, requires subject to available funding, that the CalKIDS Program be implemented on or before July 1, 2022. If the SIB does not secure adequate funds to implement the CalKIDS Program before July 2, 2022, existing law authorizes implementation of the CalKIDS Program to be delayed while the SIB makes good faith efforts to secure necessary funding.
- 5) Establishes the SIB, which consists of the Treasurer, the Director of Finance, the Executive Director of the State Board of Education, a member of the Student Aid Commission appointed by the Governor, a member of the public appointed by the Governor, a representative from a California public institution of higher education appointed by the Senate Committee on Rules, and a representative from a California independent college or university or a state-approved college, university, or vocational/technical school appointed by the Speaker of the Assembly. The Treasurer serves as chair of the SIB.

**ANALYSIS**

This bill increases the initial seed deposit for the California Kids Investment and Development Savings (CaKIDS) Program from at least \$25 to at least \$100.

**STAFF COMMENTS**

- 1) **Need for the bill.** According to the author, "When the program was initially established, the goal was to provide an initial seed deposit of at least \$100. Since there was only \$25 million one-time funding for the program, the \$100 seed deposit would not have sustained the program for very long.

"With the Governor's expanded the program for low-income first graders across the state, and foster and homeless youth, the \$25 initial seed deposit for newborns is a very miniscule investment. Furthermore, since the Governor provided ongoing funding to sustain the newborn portion of CaKIDS, the state can now make a bigger investment in its children across the board."

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

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

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

**SUPPORT**

None received

**OPPOSITION**

None received

-- END --





---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2747 **Hearing Date:** June 30, 2022  
**Author:** Nazarian  
**Version:** February 18, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Kordell Hampton

**Subject:** Public postsecondary education: tuition and fees: Team USA student athletes

### SUMMARY

This bill authorizes the United States Olympic and Paralympic Committee (USOPC) to bestow a Team USA student athlete, who trains in the state in an elite level program approved by USOPC, to resident classification for the purpose of determining tuition and fees.

### BACKGROUND

Existing law:

- 1) It is the intent of the Legislature that the public institutions of higher education shall apply uniform rules, as set forth in this chapter and not otherwise, in determining whether a student shall be classified as a resident or a nonresident. (Education Code § 68000)
- 2) Each student enrolled or applying for admission to an institution shall provide the information and evidence of residence as deemed necessary by the governing board or district governing board, as appropriate, to determine his or her classification. An oath or affirmation may be required in connection with taking testimony necessary to ascertain a student's classification. The determination of a student's classification shall be made in accordance with this part and the residence determination date for the semester, quarter, or term for which the student proposes to attend an institution. (EC § 68041)
- 3) A "resident" is a student who has a residence in the state for more than one year immediately preceding the residence determination date. (EC § 68017)
- 4) "Resident classification" means classification as a resident, pursuant to Section 68017, at the University of California, the California State University, the California Maritime Academy, or a California community college. (EC § 68022)
- 5) "Residence determination date" is a date or day established by the governing boards or district governing boards, as appropriate, for each semester, quarter, or term to determine a student's residence. (EC § 68023)

### ANALYSIS

Authorizes the United States Olympic and Paralympic Committee (USOPC) to bestow a Team USA student athlete, who trains in the state in an elite level program approved by USOPC to resident classification for the purpose of determining tuition and fees. Specifically, this bill:

- 1) Specifies that any Team USA student athlete who trains in the state in an elite level program approved by the United States Olympic and Paralympic Committee is entitled to resident classification for tuition and fee purposes until the athlete has resided in the state the minimum time necessary to become a resident.
- 2) Stipulates that, for purposes of the bill, "Team USA student athlete" means any student athlete who meets the eligibility standards defined and approved by the USPOC and by the national governing body for the sport in which the athlete competes.
- 3) Requires student athletes to certify their participation in an Olympic or Paralympic elite-level training program through supporting documentation from the USPOC verifying eligibility.

#### STAFF COMMENTS

- 1) **Need for the bill.** According to the author "Existing California law entitles student athletes training at the United States Olympic Training Center (Olympic Center) in Chula Vista to resident classification for tuition purposes. However, that site is no longer owned or managed by the United States Olympic and Paralympic Committee. For many Team USA athletes this means they may receive little if any financial support to attend college while training for the Olympics. In 2021, the average rate of in-state tuition for California colleges was \$3,820, while the out-of-state tuition is six times that amount at \$19,751. This difference in tuition rates may prevent many Team USA athletes from attending college while training in California and could pose a challenge to their post-Olympic endeavors. Olympic athletes have dedicated the first portion of their lives to represent their nation on the world stage, but may be left with little resources to transition after their Olympic career is complete. AB 2747 supports Team USA student athletes by helping them prepare for their post athletic career through offering them in-state tuition at the University of California, the California State University, or a California Community College until they reach California residency status. If Team USA student athletes who come to California to train at an Olympic level training center were able to declare California resident status for their schooling, it would make college financially viable for many of them. This would provide them opportunities to transition into a post-Olympic career."
- 2) **United States Olympic and Paralympic Committee.** Founded in 1894 and headquartered in Colorado Springs, Colorado, the United States Olympic & Paralympic Committee serves as both the National Olympic Committee and National Paralympic Committee for the United States. The USOPC is focused on protecting, supporting, and empowering America's athletes, and is responsible for fielding U.S. teams for the Olympic, Paralympic, Youth Olympic, Pan American and Parapan American Games, and serving as the steward of the Olympic and Paralympic movements in the U.S. Additionally, the USOPC oversees the process

by which U.S. cities bid to host the Olympic/Paralympic Games, the Youth Olympic Games or the Pan/Parapan American Games, while also playing a supporting role in the bid processes for hosting a myriad of other international competitions. Further, the USOPC approves the U.S. trials sites and procedures for the Olympic, Paralympic, Youth Olympic, Pan American and Parapan American Games team selections. The USOPC is governed by a board of directors and a professional staff headed by a CEO. Three constituent councils serve as sources of opinion and advice to the board and USOPC staff, including the Athletes' Advisory Council, National Governing Bodies Council, and Multi-Sport Organizations Council.

- 3) **Los Angeles 2028 Olympics.** The International Olympic Committee (IOC) has selected Los Angeles (LA) as the Host City of the 2028 Olympic and Paralympic Games, returning the Summer Games to the United States for the first time since Atlanta in 1996. Los Angeles will be hosting the Olympics for the third time (1932, 1984, and 2028) and the Paralympics for the first time. International Paralympic Committee (IPC) President Sir Philip Craven hopes the 2028 Paralympic Games in Los Angeles will provide a platform for his Movement to experience a period of growth in the United States. For the 2028 Summer Olympics and Paralympic Games, Long Beach will have the second-largest footprint outside of the downtown Los Angeles hub, which will be home to the Olympic Village and over a dozen sporting events. The private LA 2028 bid committee has vowed to control costs by using existing venues such as the Coliseum and Staples Center, as well as the Rams' stadium currently under construction in Inglewood. *As the Summer Olympics are set to take place in Los Angeles, we anticipate more Team USA student athletes training in California.*
- 4) **Uniform Residency Law.** Establishes a variety of residency requirements for students attending the California Community Colleges (CCC) or the California State University (CSU). The determination of such residency status is required in order to assess either resident or non-resident fees or tuition. The Regents of the University of California (UC) may, by resolution, make these provisions of law applicable to the UC (and historically have done so) (EC § 68000-68134). Residency is generally achieved after living one year in the state, but may become complicated in some instances. *This bill creates a temporary exemption to help Team USA athletes meet the state residency requirement.*
- 5) **Nonresident vs resident tuition.** Persons deemed as nonresidents of California for purposes of paying tuition at a California public institution at UC, CSU, or CCC, are charged a significantly higher tuition rate than the amount charged for resident tuition. In the current year, at CCCs, California residents pay \$46 per unit while nonresidents pay \$346 per unit. At CSU, undergraduate resident students pay \$5,742 per year in mandatory systemwide tuition fees, while non-resident students pay \$15,246. Within the UC system, undergraduate resident students pay \$13,104 per year while non-resident students pay \$44,130.
- 6) **Committee amendments.** *The author has agreed to take the following amendments:*
  - Clarify that a Team USA student athlete, after achieving residency, must provide the certifying documentation, furnished by the USOPC, to a campus

of a California State University, University of California, and California Community College.

- Sunsets and repeals the provision of the bill on July 1, 2032.
- 7) **Related legislation. AB 1317 (Ducheny)**, Chapter 438, Statutes of 1997, entitled an amateur student athlete in training at the United States Olympic Training Center in the City of Chula Vista to resident classification for the purpose of determining tuition and fees.

**SUPPORT**

None on file.

**OPPOSITION**

None on file.

-- END --

---

# SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

---

**Bill No:** AB 2794 **Hearing Date:** June 30, 2022  
**Author:** Gipson  
**Version:** May 2, 2022  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Kordell Hampton

**Subject:** School safety: school climate: professional development: training materials

## SUMMARY

This bill requires the State Superintendent of Public Instruction (SPI) to allocate funding to local educational agencies (LEA), county offices of education (COE), charter schools, and state special schools for professional development and instructional materials related to de-escalation training.

## BACKGROUND

Existing law:

*Penal Code (PEN)*

- 1) Requires any school police officer first employed by a K–12 public school district to successfully complete a basic course of training before exercising the powers of a peace officer. Also requires the Commission on Peace Officer Standards and Training (POST) to prepare a specialized course of instruction for the training of school peace officers to meet the unique safety needs of a school environment and for such officers to complete the specialized training within two years of the date of first employment. (PEN § 832.3)

*Education Code (EC)*

- 2) Expresses the intent of the Legislature that the Commission on Teacher Credentialing (CTC) adopt standards that address the principles of school safety in the preparation of future classroom teachers, school administrators, school counselors, and other pupil personnel services providers, and that these standards include school management skills that emphasize crisis intervention and conflict resolution; developing and maintaining a positive school climate, including methods to prevent the possession of weapons on school campuses; developing school safety plans; and developing ways to identify and defuse situations that may lead to conflict or violence. (EC § 44276.1)
- 3) Requires each school district or 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. (EC § 32281)
- 4) 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 (SROs), and police officers on school campuses, if the school district employs these people. (EC § 32282.1)

- 5) Specifies a pupil shall not be suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed specified acts in subdivision (a) – (r). (EC § 48900)
- 6) Requires that a suspension only be imposed when other means of correction fail to bring about proper conduct. Specifies that other means of correction enumerated in subdivision (a) – (h). may include, but are not limited to, the following: (EC § 48900.5)

## ANALYSIS

This bill requires the SPI to allocate funding to LEAs, COEs, charter schools, and state special schools for professional development and instructional materials related to de-escalation training. Specifically, this bill:

- 1) Requires, subject to an appropriation of one-time funds for this purpose, the SPI to allocate funding for professional development for staff in methods to improve school safety and school climate, including, but not limited to, de-escalation training, and for the purchase of training materials in these subjects, at schools enrolling pupils in grades K-12.
- 2) Requires the SPI to allocate funds to school districts, COEs, charter schools, and the state special schools on the basis of an equal amount per unit of regular average daily attendance (ADA), as those numbers were reported at the time of the first principal apportionment for the 2019–20 fiscal year.
- 3) Requires a school district, COE, charter school, or state special school to expend funds through the 2025-26 fiscal year for either of the following purposes:
  - a) Professional development for credentialed and paraprofessional staff involved in the instruction of, or other support services for, pupils in methods to improve school safety and school climate, including, but not limited to, de-escalation training for school staff; and
  - b) Training materials associated with the professional development.
- 4) Defines "de-escalation training" as an evidence-based program of training or certification that provides instruction in restorative justice, conflict resolution, community-based public safety, or other nonviolent conflict resolution or public safety training.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "Despite the growing number of school counselors, California still lacks sufficient numbers of trained personnel in schools

to meet the mental health needs of over six million pupils. The American School Counselor Association recommends that schools maintain a ratio of 250 students per school counselor, and California has not met this benchmark. Clearly, California lacks sufficient numbers of trained personnel in our schools to meet the social and emotional needs of over six million pupils. Schools that successfully sustain a positive school climate are committed to meeting the cognitive, social, emotional, and physical needs of each student. The implementation of positive disciplinary measures that are inclusive and evidence-based begins with the development of such relationships. Good relationships result in a sense of safety, order, and connectedness among members of the school community. When rules and expectations are clearly communicated and suspensions and expulsions are reserved for the most serious offenses, students experience supportive, personalized learning conditions that promote social, emotional, and academic growth. AB 2794 provides one-time funding to schools to purchase training materials and professional development for staff in methods to improve school safety and school climate, which may include de-escalation or conflict resolution training.”

- 2) **California Department of Education (CDE): Safe School Environment.** CDE provides training, resources, and technical assistance in the establishment of a school/community environment that is physically and emotionally safe, well disciplined, and conducive to learning on its website. This training ranges from creating a positive school climate, equal opportunity and access, and bullying and hate motivated behavior prevention.

According to CDE’s website “positive school climate must be a shared mission, created and sustained by students, parents, and school staff, and supported by the community. Efforts to improve school climate must be an integral part of school improvement plans in order to have a positive and sustainable effect. Too often, fragmented solutions are implemented, are marginalized in the school, and improvements are short-lived. In order to achieve meaningful and sustainable improvements, schools must have a clear sense of their vision and goals. Schools also need to understand the barriers to learning that their students experience beyond the school and address those barriers before students can achieve and thrive.”

- 3) **Suspensions are declining.** The initial prohibition for suspending pupils in kindergarten or grades 1-3 for willful defiance took effect January 1, 2015. According to data from CDE, 96,421 pupils were suspended for willful defiance in the 2015-16 school year, the first full school year after implementation, which is a decrease of almost 30,000 suspensions for willful defiance over the previous school year. However, data from 2011-12 to 2017-18 school years reveals that suspensions for disruption or willful defiance, and suspensions overall, have been steadily declining, making it difficult to attribute this decline to the prohibition alone. For example, in the 2011-12 school year there were 709,702 total suspensions, approximately 47 percent of which were for disruption or willful defiance. For the 2012-13 school year, those numbers fell to 609,810 and 42 percent, respectively. For the 2013-14 school year, those numbers continued to decline to 503,191 and 36 percent, respectively. For the 2014-15 school year, overall suspensions decreased to 420,881, and disruption or willful defiance accounted for

approximately 30 percent of those suspensions. For the 2015-16 school year, overall suspensions declined to 396,751, and disruption or willful defiance accounted for approximately 24% of those suspensions. For the 2016-17 school year, overall suspensions were down to 381,835, and disruption or willful defiance accounted for approximately 20 percent of those suspensions. Finally, for the 2017-18 school year, overall suspensions were lowered to 363,406, and disruption or willful defiance accounted for approximately 14 percent of those suspensions.

To fully illustrate the steep decline in suspensions, and the percentage of which are attributable to willful defiance, one need only compare total suspensions overall in 2017-2018 (363,406) with those for willful defiance only in 2011-12 (335,079). Suspensions for willful defiance decreased approximately 82 percent since 2011-12.

- 4) ***Equity concerns in subjective discipline.*** Research and data confirm that Black students, other students of color, students with disabilities, and LGBTQ students are disproportionately suspended for low-level subjective offenses, such as defiance/disruption. Suspensions also cause California students to lose significant instruction time. A recent study revealed that students lost over 150,000 days of school due to defiance/disruption suspensions in 2016-17. These concerns are supported by data from CDE. For example, in 2011-12, African American pupils accounted for 6.8 percent of enrollment, but 18.5 percent of suspensions for willful defiance. Most recently, in 2017-18, African American pupils accounted for 5.6 percent of enrollment, but 15.6 percent of suspensions for willful defiance. Conversely, in 2011-12, white pupils accounted for 25.8 percent of enrollment, but just 19.6 percent of suspensions for willful defiance. Most recently, in 2017-18, white pupils accounted for 23.2 percent of enrollment, but just 20.2 percent of suspensions for willful defiance. These disproportionate figures underscore the concerns surrounding willful defiance suspensions and that neither time, the prohibition on K-3 suspensions, or Local Control Funding Formula (LCFF) priorities have fully addressed these issues.
- 5) ***Budget.*** The 2022-23 State budget proposes \$9 billion one-time Proposition 98 General Fund for personnel (such as professional development) related costs. While not specifically directed toward de-escalation training, this funding could be used for the purposed of this bill.
- 6) ***Committee Amendments.*** *The author has agreed to take the following amendments:*
  - Includes Transition Kindergarten to the list of entities eligible to receive funding for professional development and training materials related to de-escalation.
  - Requires de-escalation training to recognize and incorporate age and developmentally appropriate practices for pupils.
- 7) ***Related legislation.*** **AB 2814 (Wood)** of this Session requires the CDE to establish and administer the Emergency Planning Grant Program and award one million dollars in competitive grants to LEAs to support emergency planning



activities, upon appropriation of the Legislature. *This bill is currently in Senate Appropriations.*

**AB 2284 Gabriel)** of this Session This bill requires the SPI to allocate funding to LEAs, COEs, charter schools, and state special schools for professional development and instructional materials related to digital and media literacy. *This bill is currently in Senate Education*

**AB 1718 (Boerner-Horvath)** of this Session requires the SPI, upon appropriation of the budget, to allocate funding for the purchase of standards-aligned instructional materials in visual and performing arts and world languages in kindergarten and grades 1 to 12, inclusive, and for professional development in those subjects. *This bill is currently in Senate Appropriations.*

**AB 2465 (M. Bonta)** of this Session establishes the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program, to be administered by CDE, to support the goal of all of California's pupils reading at grade level by third grade. *This bill is currently in Senate Appropriations.*

**AB 2051 (Cunningham)** of the Session requires the SPI) to allocate funding to LEAs, COEs, charter schools, and state special schools for the purchase of standards-aligned instructional materials and professional development in financial literacy. *This bill is currently in Senate Appropriations.*

## SUPPORT

State Superintendent of Public Instruction Tony Thurmond (Sponsor)  
Los Angeles County Office of Education  
National Association of Social Workers, California Chapter

## OPPOSITION

None on file.

-- END --

