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California State Senate

EDUCATION



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AGENDA

Wednesday, June 5, 2024
9 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | |
|------|---------|---------------|---|
| *1. | AB 801 | Joe Patterson | Student privacy: online personal information. |
| *2. | AB 2932 | Joe Patterson | Pupil instruction: sextortion prevention. |
| 3. | AB 960 | Mathis | School safety: web-based or app-based school safety programs. |
| *4. | AB 2567 | Mathis | Public postsecondary education: student housing: data collection: veterans. |
| *5. | AB 1913 | Addis | Pupil safety: child abuse prevention: training. |
| *6. | AB 2961 | Addis | Employment of minors: training on sexual harassment. |
| *7. | AB 1929 | McKinnor | Career technical education: data collection. |
| *8. | AB 1938 | Gallagher | Special education: inclusion and universal design for learning. |
| 9. | AB 2033 | Reyes | Public postsecondary education: electronic benefits transfer cards: basic needs services and resources. |
| 10. | AB 2046 | Bryan | Educational programs: single gender schools and classes. |
| *11. | AB 2073 | Quirk-Silva | Physical education courses: alternate term schedules. |
| 12. | AB 2137 | Quirk-Silva | Homeless and foster youth. |

13.	AB 2076	McCarty	California Student Housing Revolving Loan Fund Act of 2022: state fund loan.
*14.	AB 2251	Connolly	Graduation requirements: local requirements: exemptions.
*15.	AB 2275	Mike Fong	Trustees of the California State University: appointees.
*16.	AB 2707	Mike Fong	Community colleges: student housing: study.
*17.	AB 2725	Blanca Rubio	Teacher credentialing: administrative services credential: occupational and physical therapists.
*18.	AB 2370	Cervantes	Community colleges: faculty: instructor of record: qualifications.
19.	AB 2377	Luz Rivas	Pupil instruction: physical education: religious exemption: fasting.
*20.	AB 2403	Bonta	Community colleges: student equity plan.
*21.	AB 2429	Alvarez	Pupil instruction: health education courses: fentanyl.
*22.	ACR 147	Alvarez	California's First-Generation College Celebration Day.
*23.	AB 2771	Maienschein	Pupil attendance: schoolsite absence intervention teams.
24.	AB 3223	Wilson	Foster Youth Services Coordinating Program.
*25.	AB 3290	Higher Education	Public postsecondary education: tuition and fees: members of the Armed Services.

***Measures on consent.**

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 801 **Hearing Date:** June 5, 2024
Author: Joe Patterson
Version: January 12, 2024
Urgency: No **Fiscal:** No
Consultant: Kordell Hampton

Subject: Student privacy: online personal information.

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

SUMMARY

This bill, at the request of the student's parent or guardian, requires an operator of an internet website, online service, online application, or mobile application to delete a student's information if the student is no longer attending a school or school district.

BACKGROUND

Existing Law:

Existing Federal Law

- 1) Protects, pursuant to the federal Family Educational Rights and Privacy Act (FERPA), the confidentiality of educational records meaning those records, files, documents, and other materials which, (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution by prohibiting the funding of schools that permit the release of those records. FERPA applies to all schools that receive funds under an applicable program of the U.S. Department of Education (USDOE). Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. FERPA's prohibition only applies to the school itself and contains various exemptions allowing the data to be released without the written consent of the parents. (20 United States Code (U.S.C.) 1232g(b)(1))
- 2) Requires, pursuant to the federal Children's Online Privacy Protection Act (COPPA), that an operator of an internet website or online service directed to a child, as defined, or an operator of an internet website or online service that has actual knowledge that it is collecting personal information from a child, to provide notice of what information is being collected and how that information is being used, and to give the parents of the child the opportunity to refuse to permit the operator's further collection of information from the child. (15 U.S.C. 6502)

Existing State Law

Business and Professions Code (BPC)

- 1) Establishes the Student Online Personal Information Protection Act (SOPIPA), which prohibits an operator of a website, online service, online application, or mobile application from knowingly engaging in targeted advertising to students or their parents or legal guardians using covered information, as defined, amassing a profile of a K-12 student, selling a student's information, or disclosing covered information, as provided. (BPC § 22584-85)
- 2) Establishes the Early Learning Personal Information Protection Act (ELPIPA), which prohibits an operator of an internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for preschool or prekindergarten purposes and was designed and marketed for preschool or prekindergarten purposes from knowingly engaging in targeted advertising to students or their parents or legal guardians using covered information, as defined, amassing a profile of a student, selling a student's information, or disclosing covered information, as provided. (BPC § 22586-22587)
- 3) Defines an "operator" to mean the operator of an internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K–12 school purposes and was designed and marketed for K–12 school purposes. (BPC § 22584(a))
- 4) Defines "covered information" as personally identifiable information or materials, in any media or format that meets any of the following:
 - a) It is created or provided by a student, or the student's parent or legal guardian, to an operator in the course of the student's, parents', or legal guardian's use of the operator's site, service, or application for the school's purposes.
 - b) It is created or provided by an employee or agent of the preschool, prekindergarten, school district, local education agency, or county office of education (COE) to an operator.
 - c) It is gathered by an operator through the operation of a site, service, or application, and is descriptive of a student or otherwise identifies a student, including, but not limited to, information in the student's educational record or email, first and last name, home address, telephone number, email address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information. (BPC § 22584(i) and 22586(i))
- 5) Requires an operator of a commercial website or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit its website to conspicuously post its privacy policy. (BPC § 22575)

Civil Code (CIV)

- 6) Establishes the California Privacy Protection Agency (CPPA), vested with full administrative power, authority, and jurisdiction to implement and enforce the CCPA. The agency is governed by a five-member board, with the chairperson and one member appointed by the Governor, and the three remaining members are appointed by the Attorney General, the Senate Rules Committee, and the Speaker of the Assembly. (CIV § 1798.199.10)

Education Code (EC)

- 7) Authorizes an LEA, pursuant to a policy adopted by its governing board, to enter into a contract with third parties to provide services, including cloud-based services, for the digital storage, management, and retrieval of pupil records, and to provide digital educational software, provided the contract includes specific provisions about the security, use, ownership, and control of the pupil records. (EC § 49073.1)

ANALYSIS

This bill:

- 1) Requires an operator, pursuant to the SOPIPA, to delete a student's CCPA-excluded covered information if a pupil's parent, guardian, or education rights holder, or (in the case of a current or former pupil 18 years of age or older) the pupil themselves requests an operator to delete the covered information under the operator's control if the pupil is no longer enrolled in the local educational agency (LEA).
- 2) Requires an operator, pursuant to the ELPIPA, to delete a pupil's CCPA-excluded covered information if a pupil's parent, guardian, or education rights holder, or (in the case of a former pupil 18 years of age or older) the pupil themselves requests an operator to delete the covered information under the operator's control if the pupil is no longer enrolled in the preschool, prekindergarten, or district.
- 3) Defines "covered information" to mean personally identifiable information or materials, in any media or format that is created or provided by a pupil, or the pupil's parent or legal guardian, to an operator in the course of the pupil's, parent's, or legal guardian's use of the operator's site, service, or application for K–12 school purposes, is created or provided by an employee or agent of the school or LEA to an operator, is gathered by an operator through the operation of a site, service, or application and is descriptive of a pupil or otherwise identifies a pupil, including, but not limited to, information in the pupil's educational record or email, first and last name, home address, telephone number, email address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, pupil identifiers, search activity, photographs, voice recordings, or geolocation information, and does not include mandatory pupil records or any official records, files, and data directly related to a pupil and maintained by the school or LEA, including, but not limited to, records

encompassing all the material kept in the pupil's cumulative folder, including, but not limited to, general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

- 4) Defines "California Consumer Privacy Act (CCPA)-excluded covered information" or "CCPA-excluded covered information" to mean covered information that is not subject to the California Consumer Privacy Act of 2018.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "As a father with 4 young children, the protection of their privacy is of utmost importance. Most schools have multiple platforms that students need to download or use as part of their curriculum. The individual schools or districts have so many things on their plates and ultimately, this bill will alleviate some of the burden put on the school and district staff while managing student's information. This bill will give control over student's personal information to their parents and guardians where it belongs."
- 2) **New Technology "Clouds" Student Data Privacy.** The issue of privacy has become a priority for all stakeholders in the education community, as technology continues to advance. The rise of new technologies like cloud computing and software-as-a-service (SaaS) has heightened concerns about student data privacy. As technology delivers promising devices and applications to enhance learning.

For the purposes of digital storage, management, and retrieval of student records, or for digital educational software, many districts choose to have their student information system vended to ensure the security and privacy of students.

Online providers, including website operators, online service and app providers, may collect data, often tracking a student online and using it to target advertising or profit from the data. While it may seem obvious that such commercial uses of data collected about student online usage should not be allowed, providers of free online services and apps are typically for-profit businesses that must generate revenue to pay employees and add new features to their apps or services.

- 3) **Gaps In Data Privacy Still Exist Despite Student and Data Protection Laws.** Statute currently provides protections for students and Californians to ensure individuals are in control of what information is shared and used.

The Family Education Rights Protections Act

FERPA is a federal law that protects "education records," which are records directly related to a student and maintained by an educational agency or institution or a party acting for the agency or institution. FERPA gives parents the right to view their children's academic records, request changes to their child's education records, and prevent schools from sharing personal information from a student's education records with a third party unless the student's parent has given written consent. Districts must inform parents of these rights annually, and parents who believe that their FERPA rights may have been violated can file a complaint with the USDOE.

Under current law, school districts can enter into agreements with third parties to offer services and providers for digital storage, management, and retrieval of student records and digital educational software. Each contract must contain specific provisions regarding the security, use, ownership, and control of student records. These details are typically located in a vendors terms of services.

Student Online Personal Information Protection Act

In September 2014, California Governor Jerry Brown signed SB 1177 (Steinberg, Chapter 839, Statutes of 2014), which established SOPIPA. SOPIPA places the responsibility of safeguarding student data directly on the education technology service providers. It explicitly prohibits them from selling student data, using it for targeted advertising to students or their families, or creating profiles on students for non-educational purposes. Additionally, the law mandates that online service providers ensure the security of any data they collect and delete student information when requested by a school or district.

California Consumer Protection Act

In 2018, the California Legislature enacted the CCPA, which granted consumers certain rights regarding their personal information. These rights include the right to know what personal information is collected and sold about them, request specific categories and pieces of personal information, and opt-out of the sale of their personal information for minors under 16 years of age. In 2020, California voters passed Proposition 24, the California Privacy Rights Act (CPRA), which established additional privacy rights for Californians. The CCPA and CPRA have become the most comprehensive laws in the country for protecting consumers' rights to privacy. The CPPA was created to implement and enforce the CCPA and CPRA, updating existing regulations and adopting new ones.

According to the Assembly Committee on Privacy and Consumer Protection, “In general, state law in the form of SOPIPA mirrors FERPA and the control of online personal information lies within the hands of schools and/or administrators and they control how that data is used. This right to control personal information about students and their families is not extended by SOPIPA to the student, parent, or guardian. As a result, the student has limited control over their educational records stored by online service providers. In addition, information that is obtained directly from a student or teacher by the vendor is not protected, even if it is the same information that would otherwise be protected if it is obtained from school records. However, despite the gaps in FERPA, and SOPIPA, California has some of the most robust privacy protection laws in the nation under the CCPA. Unfortunately, despite the cumulative protections in SOPIPA, FERPA and the CCPA, it remains unclear whether the personal data collected by educational technology vendors is covered when it comes to a consumer’s right to protect their private information.”

The rise of online education programs and mobile applications has raised concerns about potentially misusing student information, even data FERPA protects. There is uncertainty regarding whether educational technology companies operating under contracts with school districts are subject to the CCPA, as they are contracted with a government entity not bound by the CCPA.

This bill aims to address this issue by specifying that if the CCPA does not cover the business and the data it collects, then privacy protections similar to those under the CCPA would apply under SOPIPA.

4) Related Legislation.

AB 375 (Chau, Chapter 55, Statutes of 2018) establishes the CCPA, which provides consumers the right to access their personal information that is collected by a business, the right to delete it, the right to know what personal information is collected, the right to know whether and what personal information is being sold or disclosed, the right to stop a business from selling their information, and the right to equal service and price.

SB 1177 (Steinberg, Chapter 839, Statutes of 2014) establishes the SOPIPA to restrict the use and disclosure of information about K-12 students.

AB 1584 (Buchanan, Chapter 800, Statutes of 2014) authorizes a LEA, pursuant to a policy adopted by its governing board, to enter into a contract with third parties to provide services, including cloud-based services, for the digital storage, management, and retrieval of pupil records, and to provide digital educational software, provided the contract includes specific provisions about the security, use, ownership, and control of the pupil records.

SUPPORT

California County Superintendents
PERK Advocacy

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2932 **Hearing Date:** June 5, 2024
Author: Joe Patterson
Version: April 8, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil instruction: sextortion prevention.

SUMMARY

This bill would require the Instructional Quality Commission (IQC) to consider, when the Health Framework is revised, on or after January 1, 2025, content on sextortion, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Ensures pupils in grades 7 to 12 receive instruction, once in junior high or middle school and once in high school, about adolescent relationship abuse and intimate partner violence, including the early warning signs, among other things required under the California Healthy Youth Act (CHYA). (EC § 51934)
- 2) Establishes the CHYA, which requires local educational agencies (LEAs) to provide comprehensive sexual health and HIV prevention instruction to all students in grades 7 to 12, at least once in middle school and once in high school. (EC § 51933)
- 3) Requires when the Health Framework is next revised after January 1, 2015, the IQC to consider including a distinct category on sexual abuse and sex trafficking prevention education that includes, but is not limited to, all of the following:
 - a) Information on different forms of sexual abuse and assault; discussion of prevention strategies; how to report sexual abuse or suspected sexual abuse; and local resources for victims.
 - b) Discuss healthy boundaries for relationships, how to recognize potentially harmful and abusive relationships, and refusal skills to overcome peer pressure and avoid high-risk activities.
 - c) Information on sex trafficking and risk factors; the recruiting tactics of sex traffickers and peer recruiters, including online recruitment; how to report sex trafficking or suspected sex trafficking; and local resources for victims.

- d) Discuss legal aspects of sexual abuse and sex trafficking under state and federal laws.
 - e) Discuss how culture and mass media influence and desensitize our perceptions of sexual abuse and sex trafficking, including, but not limited to, stereotypes and myths about the victims and abusers, victim blaming, and the role of language. This instruction shall emphasize compassion for people who have suffered from sexual abuse or sex trafficking and support positive reentry experiences for survivors returning to school. (EC § 33545)
- 4) Requires when the Health Framework is next revised after January 1, 2016, the IQC to include comprehensive information for grades 9 to 12, inclusive, on sexual harassment and violence that includes, but is not limited to, all of the following:
- a) Information on different forms of sexual harassment and violence, including instances among peers and in a dating relationship; a discussion of prevention strategies; how pupils report sexual harassment and violence; and potential resources victims can access.
 - b) Discuss the affirmative consent standard and pupils' skills to establish boundaries in peer and dating relationships.
 - c) Discuss legal aspects of sexual harassment and violence under state and federal law. (EC § 33544)

ANALYSIS

- 1) This bill would requires the IQC to consider, when the Health Framework is revised, on or after January 1, 2025, content on sextortion, as specified.
- 2) Defines "sextortion" as the threat to use sexual or intimate images or videos, however obtained, to compel another person to produce sexual or intimate images or videos, engage in sexual acts, or provide anything of value.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Unfortunately, sextortion is a real and invasive concept that has seeped into our children's everyday lives. As a dad of four young children, I feel it is my responsibility to represent the voices of parents in my district and throughout California. That's why I have introduced legislation to require comprehensive sexual health education to include understandable language and information about what sextortion is and how children can protect themselves. This bill is needed now, so we can shield our children before we can't anymore."
- 2) ***How Curriculum, Standards, Frameworks, and Model Curricula Are Created and Adopted.*** The Legislature has vested the IQC and State Board of Education (SBE) with the authority to develop and adopt state curriculum and instructional materials. The IQC develops curriculum frameworks in each subject by convening expert panels, developing drafts, and holding public hearings to solicit input. Changes are frequently made in response to public comment. The SBE then adopts

the frameworks in a public meeting. The SBE also adopts, in a public process, instructional materials aligned to those frameworks for grades K-8. School district governing boards and charter schools then adopt instructional materials aligned to these standards and frameworks. Local adoption of new curricula involves significant local cost and investment of resources and professional development.

These existing processes involve practitioners and experts who have an in-depth understanding of curriculum and instruction, including the full scope and sequence of the curriculum in each subject and at each grade level, constraints on instructional time and resources, and the relationship of curriculum to state assessments and other measures of student progress.

- 3) ***What is Sextortion?*** According to the Federal Bureau of Investigation (FBI), Sextortion can start on any site, app, messaging platform, or game where people meet and communicate. In some cases, the first contact from the criminal will be a threat. The person may claim to already have a revealing picture or video of a child that will be shared if the victim does not send more pictures. More often, however, this crime starts when young people believe they are communicating with someone their own age who is interested in a relationship or with someone who is offering something of value. After the criminals have one or more videos or pictures, they threaten to publish that content, or they threaten violence, to get the victim to produce more images. The shame, fear, and confusion children feel when they are caught in this cycle often prevents them from asking for help or reporting the abuse. Caregivers and young people should understand how the crime occurs and openly discuss online safety. Sextortion also includes Financial Sextortion, in which the offender receives sexually explicit material from the child and then threatens to release the compromising material unless the victim sends money and/or gift cards. The amount requested varies, and the offender often releases the victim's sexually explicit material regardless of whether or not they receive payment.

This bill defines "sexortion" as the threat to use sexual or intimate images or videos, however obtained, to compel another person to produce sexual or intimate images or videos, engage in sexual acts, or provide anything of value.

- 4) ***Health Education Framework (2019)***. On May 8, 2019, the SBE officially adopted the 2019 Health Education Curriculum Framework for California Public Schools (the Health Education Framework) after over two years of development. The Health Education Framework is aligned to the 2008 California Health Education Content Standards, which support the development of knowledge, skills, and attitudes in eight overarching standards: (1) essential health concepts; (2) analyzing health influences; (3) accessing valid health information; (4) interpersonal communication; (5) decision making; (6) goal setting; (7) practicing health-enhancing behaviors; and (8) health promotion in six content areas of health education, including sexual health.

This bill would requires the IQC to consider, when the Health Framework is revised, on or after January 1, 2025, content on sextortion, as specified.

California Healthy Youth Act

The CHYA took effect in 2003 and was initially known as the Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (Act). Originally, the Act required LEAs to provide comprehensive sexual health education in any grade, including kindergarten, so long as it consisted of age-appropriate instruction and used instructors trained in the appropriate courses. Beginning in 2016 with AB 329 (Weber, Chapter 398, Statutes of 2015), the Act was renamed the CHYA and, for the first time, required LEAs to provide comprehensive sexual health education and HIV prevention education to all students at least once in middle school and at least once in high school. From its inception in 2003 through today, the CHYA has always afforded parents the right to opt their child out of a portion, or all, of the instruction and required LEAs to notify parents and guardians of this right. Parents and guardians can exercise this right by informing the LEA in writing of their decision.

The CHYA ensures students in grades 7 to 12 receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses and requires that each student must receive instruction in, but is not limited to information on the nature of HIV and other sexually transmitted diseases, information that abstinence from sexual activity, treatment of HIV and other sexually transmitted infections, and information about adolescent relationship abuse and intimate partner violence

5) Related Legislation.

AB 2053 (Mathis, 2024) would require that instruction about adolescent relationship abuse and intimate partner violence include, within the CHYA, the resources available to students related to adolescent relationship abuse and intimate partner violence, include the National Domestic Violence Hotline and local domestic violence hotlines that provide confidential support services for students that have experienced domestic violence or stalking, and that are available by telephone 24 hours a day.

AB 1071 (Hoover, Chapter 65, Statutes of 2023) requires the CDE to post on its website resources on teen dating violence prevention, local and national hotlines and services for youth experiencing teen dating violence, and other relevant sources for parents, guardians, and other caretakers of pupils.

AB 1821 (Ramos, 2024) includes, that any instruction on the Spanish colonization of California and the Gold Rush Era, including instruction regarding the treatment of Native Americans during those periods within the History and Social Sciences (H-SS) course of study for grades 1 to 6 and 7 to 12.

AB 1805 (Ta, 2024) would require the IQC when the SBE adopts new instructional materials for H-SS on or after January 1, 2025, to consider providing for inclusion, in its evaluation criteria, content on the case of Mendez v. Westminster School District of Orange County.

SUPPORT

County Health Executives Association of California
Los Angeles County Office of Education

PERK Advocacy

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 960 **Hearing Date:** June 5, 2024
Author: Mathis
Version: May 6, 2024
Urgency: No **Fiscal:** No
Consultant: Kordell Hampton

Subject: School safety: web-based or app-based school safety programs.

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

SUMMARY

This bill encourages each public school, including charter schools, with an enrollment of 100 pupils or more, on or before July 1, 2030, to implement a web-based or app-based school safety program, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Provides that each school district and county office of education (COE) is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive in collaboration with school personnel, law enforcement, and first responders. (EC § 32281 (a))
- 2) Requires that the comprehensive school safety plans (CSSP) 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)
- 3) 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)

- 4) 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)

ANALYSIS

This bill:

- 1) Encourages each public school, including charter schools, with an enrollment of 100 pupils or more, on or before July 1, 2030, to implement a web-based or app-based school safety program that include the following:
 - a) A common alphanumeric grid mapping system for the identification of all buildings and locations upon the schoolsite that is replicable across all schoolsites in the state, with each building within the mapped system having conspicuous signage upon all corners of the structure listing the alphanumeric identification and any other pertinent information.
 - b) A multilayered digital map of the schoolsite that contains key information, including, but not limited to, detailed building floor plans, alphanumeric building identification, gate locations, shut-off valve locations, first aid equipment locations, automated external defibrillator locations, links to 360-degree interior and 360-degree aerial photography, and the location of, and field of view of, schoolsite surveillance cameras.
 - c) The ability to place time stamped event markers on the digital map that identify important information about a crisis, including, but not limited to, injuries, hazards, suspect sightings, and safety zones.
 - d) The ability to alert first responders from multiple agencies within a reasonable geographic area from the school in the event of an emergency on or around the schoolsite.
 - e) Remote access for first responders to connect to a schoolsite's surveillance system, with each camera having alphanumeric identification, displaying the direction of the camera's view, and including a brief description of what is seen within the camera's field of view.
 - f) Detailed schoolsite information, including, but not limited to, the general schoolsite location, schoolsite size, pupil populations, the schoolsite's grade levels, the number of staff on campus, the schoolsite's Wi-Fi connection information, a hierarchy representation of those with responsibility duties, including their name, title, photograph, and contact information, and the emergency procedures for that schoolsite.
 - g) The ability for school administrators to know the location and condition of pupils and staff through an information relay built into the application in order to allow for schoolsite staff to designate pupils as "absent," "present," "missing," "injured,"

and “reconnect,” based upon their accurate accounting, with the “reconnect” feature including a messaging system that notifies each pupil’s emergency contacts when that pupil has been safely secured by an authorized emergency contact.

- h) A one-directional message service that allows the program director and the schoolsite primary contact to keep schoolsite staff up to date with current, urgent details.
 - i) The ability to operate the program to conduct emergency practice drills and archive dates, times, and comments related to an emergency practice drill.
- 2) Requires each public school with 100 or more pupils enrolled that implements a web-based or app-based school safety program ensure that best practices are implemented to protect the security and data of all pupils and staff listed within the program and does not preclude the governing board or body of a local educational agency (LEA) from implementing more stringent or additional requirements regarding school safety programs.
- 3) Exempts information, related to a web-based or app-based school safety program adopted by a school with over 100 pupils enrolled, from any school safety plan disclosure and disclosure under the California Public Records Act.
- 4) Requires a school, with 100 or more pupils enrolled, to implement a web-based or app-based school safety program a in order to protect sensitive and tactical response information that is critical to the safety and well-being of public schools and their pupils, keep that information confidential and makes findings and declarations, related to the implementation of a web-based or app-based school safety program, imposing a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies in the interest

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Our children deserve to be able to attend school in peace; however, as long as there are evil people in the world intent on harming them, I want our schools to have the best and most modern security possible. In my district, the Tulare County Office of Education has developed ActVnet, a web-based program that improves emergency response and school safety. Schools can use programs similar to ActVnet to share crucial information, including live camera access and real-time communication, with First Responders so they can get an accurate picture of the situation and save lives. This low-cost program has a proven track record of success in my district. In the safety tests conducted in Tulare County, once on scene, it takes law enforcement an average of 53 seconds to subdue the threat to the schools when using ActVnet. I believe that the entire nation needs to implement a similar system for all of its schools. We must do our best to keep our children and staff at schools safe. A society and school system that takes advantage of modern resources, in the best interest of our children, is the society I want to live in and the school system I want to send my children to.”

- 2) ***Fears of School Shootings.*** 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%).

According to the National Center For Education Statistics, “from 2000 to 2021, there were 276 casualties (108 killed and 168 wounded) in active shooter incidents at elementary and secondary schools and 157 casualties (75 killed and 82 wounded) in active shooter incidents at postsecondary institutions.”

This bill would encourage schools, with 100 or more pupils to implement a web-based or app-based school safety program that would include key information (as specified in #1 above, to assist school staff and emergency services in the event of an emergency.

- 3) ***Comprehensive School Safety Plan.*** LEAs, COEs, and charter schools serving pupils in grades kindergarten through twelve are required to develop and maintain a CSSP designed to address campus risks, prepare for emergencies, and create a safe, secure learning environment for students and school personnel.

The law requires designated stakeholders to annually engage in a systematic planning process to develop strategies and policies to prevent and respond to potential incidents involving emergencies, natural and other disasters, hate crimes, violence, active assailants/intruders, bullying and cyberbullying, discrimination, and harassment, child abuse and neglect, discipline, suspension and expulsion, and other safety aspects.

The law requires that each school update and adopt its CSSP by March 1 annually. Before LEAs, COEs, or charter school adopts their CCSP, the schoolsite council or school safety planning committee must hold a public meeting at the schoolsite to allow members of the public to express an opinion about the school safety plan. The schoolsite council or school safety planning committee must also notify the local mayor and representatives of the following:

- a) The local school employee organization.

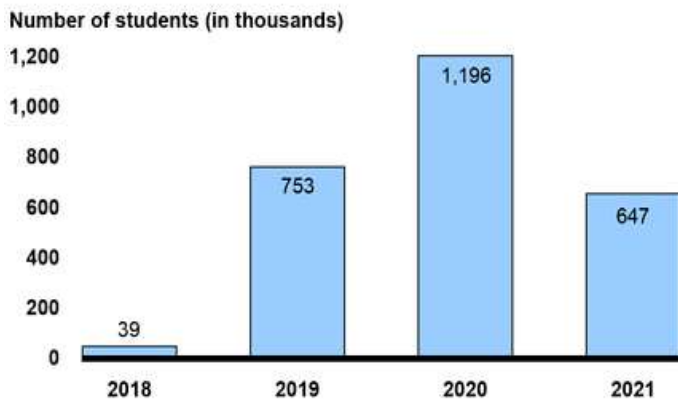
- b) The parent organization at the school site, including the parent-teacher association and parent-teacher clubs.
- c) Each teacher organization at the school site.
- d) The Student body government.
- e) All persons who have indicated they want to be notified.

Once the public meeting is held, the CSSP is adopted. LEAs and COEs must annually notify the CDE by October 15 of any schools that have not complied with requirements. Statute also requires the CDE to develop and post on its website best practices for reviewing and approving school safety plans.

4) **Does Having This Information On a Web-Based or App-Based Program Potentially Compromise School Safety?** Any organization with electronic records is vulnerable to security breaches, and education agencies are no exception.

According to the United States Government Accountability Office, “Kindergarten through grade 12 schools have reported significant educational impact due to cybersecurity incidents, such as ransomware attacks. Cyberattacks can also cause monetary losses for targeted schools due to the downtime and resources needed to recover from incidents. Officials from state and local entities reported that the loss of learning following a cyberattack ranged from 3 days to 3 weeks, and recovery time ranged from 2 to 9 months.”

Number of U.S. Students Affected by Ransomware Attacks on K-12 Schools and School Districts, 2018-2021



Source: GAO analysis of Comparitech study on K-12 school ransomware attacks. | GAO-23-105480

In addition to ransomware attacks across school districts across the nation, California school districts have also faced major breaches of sensitive student information. In 2023, Los Angeles Unified School District’s highly sensitive health records, including psychological evaluations, of about 2,000 students were leaked because of the ransomware attack that hit the Los Angeles Unified School District last year. Approximately 2,000 student assessment records have been confirmed as part of the attack, 60 of whom are currently enrolled, as well as driver’s license

numbers and Social Security numbers. In another cyber security attack, San Diego and Sweetwater—the two largest districts in the county—have suffered from cybersecurity incidents in 2023. Sweetwater Union High School District was able to confirm that the unauthorized person accessed and took sensitive files from the district's network systems from Feb. 11 to Feb. 12, 2023 received, personal information of current and former employees, dependents, students, families, and others. In another part of the State, just earlier this year, International cyber criminals have successfully targeted Merced County schools, compromising internal data and forcing some districts to pay a hefty price to get those attacks resolved.

While this bill only encourages schools with 100 or more students to adopt a web-based or app-based school safety program, the committee may wish to consider the risk of having such information being a web-based or app-based program can be vulnerable to security breaches.

5) **Committee Amendments.** *Committee staff recommends the following amendment:*

- a) Specify that the information contained a web-based or app-based school safety program should be kept confidential unless for school safety.

6) **Related Legislation.**

SB 541 (Bates, Chapter 786, Statutes of 2019) requires the CDE to collect, and LEAs to provide, data pertaining to lockdown or multi-option response drills conducted at school sites and requires the CDE to submit a report to the Legislature relative to that data.

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

SB 906 (Portantino, Chapter 144, Statutes of 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.

SUPPORT

Eric Paredes Save a Life Foundation
Peace Officers Research Association of California

OPPOSITION

None received

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2567	Hearing Date:	June 5, 2024
Author:	Mathis		
Version:	February 14, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Public postsecondary education: student housing: data collection: veterans.

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

SUMMARY

This bill expands the information related to campus-owned, campus-operated, or campus-affiliated student housing that California State University (CSU) and the California Community Colleges (CCCs) are required, and University of California (UC) is requested, to post online to also include specified information about veterans.

BACKGROUND

Existing law:

- 1) Requires the CSU Chancellor and the CCC Chancellor, and requests the UC President, to require each campus that provides campus-owned, campus-operated, or campus-affiliated student housing to post on its external and internal internet websites, at least twice each academic year, specified information including:
 - a) The number of enrolled students.
 - b) 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.
 - c) If available, the number of students who request campus-owned, campus-operated, or campus-affiliated student housing.
 - d) If available, the number of incoming freshmen, transfer students, and international students requiring campus-owned, campus-operated, or campus-affiliated student housing. (Education Code (EC) § 66014.6)
- 2) Requires the CSU Chancellor and the CCC Chancellor, and requests the UC President, to submit an annual report with specified information related to student housing to the Legislature, with the first report being due on or before October 15, 2023. Existing law requires/requests the submission of one report that

compiles all of the campus data. (EC § 66014.6)

- 3) Requires the CSU Chancellor, and requests the UC President, to conduct a needs assessment to determine the projected student housing needs, by campus, from 2022–27, create a student housing plan, with a focus on affordable student housing, and update the student housing plan every three years. (EC § 66220)
- 4) Requires the CSU Chancellor and the CCC Chancellor, and requests the UC President, to collect data on student housing insecurity at each of their respective campuses and submit a report on that data to the Department of Finance and all relevant policy committees on or before March 1, 2023. (EC § 17203.5)
- 5) Requires each CSU campus, and requests each UC campus, in order to help prospective students and their families more accurately calculate the cost of attendance, to annually post on its website information about the market cost of one- and two-bedroom apartments and of one-person bedrooms in private houses in the areas surrounding that campus where its students commonly reside. Existing law also requires/requests the posting of separate estimates of other cost-of-living categories, as specified. (EC § 66014.2)
- 6) Defines “veteran” to mean any of the following:
 - a) A citizen of the United States who served in the active military, naval, or air service of the United States on or after April 6, 1917, and prior to November 12, 1918, and who received an honorable discharge or was released from active duty under honorable conditions.
 - b) A person who did all of the following:
 - i) Served in the active military, naval, or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within that 90-day period.
 - ii) Received an honorable discharge or was released from active duty under honorable conditions.
 - iii) Performed any portion of that service during specified periods of war or military support.
 - iv) A member of the reserves or National Guard who meets specified criteria.
 - v) A person who Served in the Merchant Marine Service of the United States and Has been granted veteran status by the United States Secretary of Defense under Title IV of the GI Improvement Act of 1977.

- vi) A person who qualifies under federal laws for revenue bond or unrestricted funds, served in the active military, naval, or air service of the United States for a period of not less than 90 consecutive days, and received an honorable discharge or was released from active duty or active service under honorable conditions.
- vii) A person who qualifies for funds made available from a qualified mortgage revenue bond issued pursuant to Section 143 of Title 26 of the United States Code and is, at the time of application for Cal-Vet benefits, a member of the California National Guard or a reserve component of any branch of the Armed Forces of the United States who has enlisted or been commissioned in that service for a period of not less than six years and has completed a minimum of one year of satisfactory service, or who was a member of the California National Guard or a reserve component of any branch of the Armed Forces of the United States who has completed not less than a six-year commitment and was released under honorable conditions. (Military and Veterans Code § 980)

ANALYSIS

This bill:

- 1) Expands the information related to campus-owned, campus-operated, or campus-affiliated student housing that CSU and the CCCs are required, and UC is requested, to post online to also include the following information about veterans:
 - a) How many of the enrolled students are veterans.
 - b) How many of the students on the campus housing waiting list are veterans.
 - c) How many of the students that have removed themselves from the waiting list since the last report are veterans.
 - d) If available, how many of the students who request campus-owned, campus-operated, or campus-affiliated student housing are veterans.
 - e) If available, how many of the incoming freshmen, transfer students, and international students requiring campus-owned, campus-operated, or campus-affiliated student are veterans.
- 2) Uses an existing definition of “veteran” for the purposes of this bill.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 2567 would allow for greater insight into how students that are veterans fare in our higher education institutions. Data drives great public policy, and we as a Legislature need to

make sure that the policies we enact are not leaving veterans behind when they attempt to pursue higher education.

“Data produced by the requirements in this bill would allow both the Legislature and the public to see the numbers on the issue and realize that it is time to craft new policies to resolve it. Our veterans took an oath to fight for and defend our nation, and now we must ensure that we do everything possible to support them as they transition into civilian life and the workforce. Gaining an education is an important step in this transition, yet many veterans find it to be an incredibly daunting task. It is time we take action and gather data to support them as they build the rest of their lives. This is a common sense bipartisan expansion of an existing reporting policy that will provide crucial information to help us better care for our veterans.”

- 2) ***Currently available student housing information.*** Existing law requires the CSU Chancellor and the CCC Chancellor, and requests the UC President, to (a) require each campus that provides campus-owned, campus-operated, or campus-affiliated student housing to post; and, (b) conduct a needs assessment to determine the projected student housing needs, by campus, from the 2022–27 fiscal years, and create a student housing plan. According to the Assembly Higher Education Committee analysis, it appears that all of the information that this bill proposes to collect is currently being collected by campuses. It is possible, but not certain, that the student housing plans developed for 2022-27 will include the information specified in this bill.

- 3) ***Is this type of housing information relevant for veterans?*** The Assembly Military and Veterans Affairs Committee analysis cautions that “the additional information collected and reported under this bill may be misleading. Student veterans are significantly older than students who enroll after high school – a minimum of four years older. Campus housing is less likely to be a good fit, either practically or socially, for older students with vastly different life experience. Student veterans may also have been living in dormitories or barracks before separation. Further, GI Bill recipients are paid a substantial housing stipend, giving them a great deal more resources and, therefore, choices, about where to live. For these reasons, student veterans may *eagerly* opt-out of campus housing. It is possible, even likely, that data may show low uptake of student housing by student veterans, but for reasons that do not necessarily reflect poorly on the housing, the campuses, or the systems.”

While this bill only applies to information about campus-affiliated student housing, as noted in comment #2, the student housing plans developed for 2022-27 may include the information specified in this bill. Additionally, existing law also requires each CSU campus, and requests each UC campus, to annually post information about the market cost of one- and two-bedroom apartments and of one-person bedrooms in private houses in the areas surrounding that campus where its students commonly reside. Existing law also requires/requests the posting of separate estimates of other cost-of-living categories, as specified. These items of information could be helpful to veterans.

- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) Minor Proposition 98 General Fund costs, if any, to CCC. CCCs are currently required to provide a student's veteran status as part of their annual reporting to the CCC Chancellor's Office and specify whether that student lives in campus-owned, campus-operated, or campus-affiliated student housing.
 - b) Minor and absorbable General Fund costs to UC and CSU.
- 5) ***Related legislation.***

AB 2458 (Berman, 2024), among other things, would require the Chancellor of the CCC to develop and disseminate a policy to estimate and adjust cost of attendance information for student parents, with student parent cost of attendance policy guidance that includes specified information such as a financial aid methodology to calculate and update a student parent's cost of attendance that includes the actual expected costs of food, housing, transportation, and dependent childcare. AB 2458 is scheduled to be heard in this committee on June 12.

AB 2707 (Mike Fong, 2024) would require the Legislative Analyst's Office (LAO) to (1) conduct a study evaluating the demographics and unique issues and barriers that housing-insecure community college students 25 years of age and older and students with dependents face in securing housing; and, (2) requires the LAO to submit a report to the Legislature, on or before January 1, 2026, with the results of the study and additional information, as specified. AB 2707 is scheduled to be heard in this committee on June 5, 2024.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1913 **Hearing Date:** June 5, 2024
Author: Addis
Version: April 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Pupil safety: child abuse prevention: training.

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

SUMMARY

This bill requires a local educational agency (LEA) to include, in the existing annual mandated reporter training required for school personnel, information regarding child abuse prevention by school personnel or in a school-sponsored program.

BACKGROUND

Existing law:

- 1) Requires the California Department of Education (CDE), in consultation with the Office of Child Abuse Prevention (OCAP) in the California Department of Social Services (CDSS), to do all of the following:
 - a) Develop and disseminate information to all LEAs, and their school personnel in California, regarding the detection and reporting of child abuse.
 - b) Provide statewide guidance on the responsibilities of mandated reporters who are school personnel in accordance with the Child Abuse and Neglect Reporting Act.
 - c) Develop appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect, including, but not limited to, an online training module to be provided by the DSS.
 - d) Establish best practices for school personnel to prevent abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on the CDE's internet website links to existing training resources. (Education Code (EC) 44691)
- 2) Requires LEAs and diagnostic centers, and charter schools to do both of the following:

- a) Provide annual training, using the online training module provided by the DSS or as provided to their employees and persons working on their behalf who are mandated reporters. Requires this training to include information that failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to six months confinement in a county jail, and/or by a fine of \$1,000.
 - b) Develop a process for all persons required to receive training to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person's employment. (EC 44691)
- 3) Requires LEAs and diagnostic centers that do not use the online training module provided by the DSS to report to the CDE the training being used in its place. (EC 44691)
- 4) Encourages LEAs and diagnostic centers, and charter schools to participate in training on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and are also encouraged to provide all school employees with that training at least once every three years. (EC 44691)
- 5) Establishes Child Abuse and Neglect Reporting Act (CANRA), which specifies the following types of people are mandated reporters, among others:
 - a) A teacher;
 - b) An instructional aide;
 - c) A teacher's aide or teacher's assistant employed by a public or private school;
 - d) A classified employee of a public school;
 - e) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school;
 - f) An employee of a county office of education (COE) or the CDE whose duties bring the employee into contact with children on a regular basis;
 - g) An employee of a school district police or security department; and
 - h) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school. (Penal Code (PC) 11164, et seq.)
- 6) Requires LEAs to create comprehensive school safety plans for their schools; and, requires the school safety plan to include child abuse reporting procedures consistent with Article 2.5 of Chapter 2 of Title 1 of Part 4 of the Penal Code. (Education Code 32282)

- 7) Requires LEAs and diagnostic centers to annually train their employees and persons working on their behalf in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting. (PC 11165.7)
- 8) Requires any mandated reporter, with the exception of child visitation monitors, prior to commencing his or her employment, and as a prerequisite to that employment, to sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the mandated reporting procedures and will comply with those provisions; and, requires that the statement inform the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations and of his or her confidentiality rights. (Penal Code 11166.5)
- 9) Requires that when a person is issued a state license or certificate to engage in a profession or occupation that is a mandated reporter, the state agency issuing the license or certificate to send a statement regarding mandated reporting to the person at the same time as it transmits the document indicating licensure or certification to the person; requires the statement to indicate that failure to comply with the requirements is a misdemeanor, punishable by up to six months in a county jail, by a fine of \$1,000, or by both that imprisonment and fine; and, specifies as an alternative, a state agency may cause the required statement to be printed on all application forms for a license or certificate printed on or after January 1, 1986. (PC 11166.5)

ANALYSIS

This bill:

- 1) Adds to the requirements for the CDE, in consultation with OCAP in the CDSS, to do the following:
 - a) Develop and disseminate information to all LEAs and diagnostic centers, and their school personnel in California, to include information regarding the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on CDE's internet website links to existing training resources; and,
 - b) Develop appropriate means of instructing school personnel in the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs.
- 2) Strikes the requirement for CDE, in consultation with OCAP, to establish best practices for school personnel to prevent abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on CDE's website links to existing training resources.
- 3) Commencing July 1, 2025:

- a) Strikes the provision for LEAs and diagnostic centers operated by CDE to be encouraged to participate in training on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and to also be encouraged to provide all school employees with that training at least once every three years.
- b) Adds to the requirements for LEAs and diagnostic centers when providing annual training using the online training module provided by CDSS or training used in its place, to their employees and persons working on their behalf who are mandated reporters, to include the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on CDE's internet website links to existing training resources.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 1913, the Child Abuse Prevention Act, fills an urgent need to ensure safe learning environments for California's students. AB 1913 will protect children by providing mandated reporters with important education so that they can recognize the signs of grooming and potential abuse before it occurs. School professionals are on the front lines of ensuring children have a safe environment to learn, it's critical they possess the right knowledge to do this. AB 1913 enhances the ability of mandated reporters to prevent harm by giving them the knowledge to do so. AB 1913 will give educators and other mandated reporters in the K-12 education space more tools to identify abuse before it can occur or escalate. This ability to better identify abuse before it occurs, or utilize practices to minimize the possibility of abuse, will likely have a greater impact on the groups of students that statistically experience the most abuse. While reporting existing abuse is incredibly important, educators should be equipped to help children with both preventative and reactionary measures when it comes to child abuse."
- 2) ***Existing training for teachers.*** The CDSS, in partnership with the CDE, has created a free online mandated reporter training for teachers that is 4 hours in length. The training covers all of the following:
 - a) What the law requires of you as a mandated reporter;
 - b) How to spot indicators of possible child abuse or neglect;
 - c) How to talk to children about suspected abuse;
 - d) How to make a report;
 - e) What happens after a report is filed; and
 - f) Special issues related to child abuse reporting in the school environment.

At the conclusion of the training, school staff, and educators must take a final exam consisting of 20 questions, which will test the information learned during the training. CDE also has a list of training resources on its internet website regarding child abuse prevention.

According to the Los Angeles County Board of Supervisors, “Existing mandated reporter training fails to adequately educate reporters on child abuse and neglect and does not provide the concrete guidance needed to make sound reporting decisions, including how to distinguish poverty from neglect. The decision to report suspected maltreatment is influenced by personal biases - both implicit and explicit, based on race and socioeconomic status. Finally, the decision to report a family to the [Department of Children and Family Services Child Protection] Hotline is often due to mandated reporters having insufficient access to alternative, community-based supportive options for families who are in need, but do not require an intervention by the DCFS.”

This bill adds child abuse prevention to the existing annual training requirement for teachers, which is a form of primary prevention that focuses on raising awareness about child abuse and neglect, as well as educating about risk factors and protective factors. These efforts often involve trainings, public awareness campaigns, and outreach activities aimed at equipping individuals, in this case mandated reporters, with the knowledge and skills needed to prevent abuse.

- 3) ***Research on child abuse and child abuse prevention training.*** Research about child abuse and child abuse prevention training concludes:
- a) “Community-based organizations and schools have incorporated child sexual abuse prevention programs into their activities. Some have suggested that the declines in child sexual abuse may be, in part, attributable to sexual abuse prevention programs, norms changes, and social control efforts; therefore, expansion may be beneficial.” (Centers for Disease Prevention and Control and the National Center for Injury Prevention and Control, Essentials for Childhood)
 - b) In a study of child sexual abuse prevention training programs, researchers studied the effectiveness of these programs and whether the results were influenced by multiple factors including the duration of the training, the target population, the age of participants, and delivery by type of trainer. The study found, “prevention programs are helpful in improving the participants' knowledge. It seems that carrying out eminently participatory prevention programs with more than three sessions, in school contexts can be an effective intervention for participants to increase their knowledge about this type of abuse.” (Ferragut, 2023)
 - c) “Children with special needs are at particularly high risk for abuse. Children of color, specifically American Indian and African American children are overrepresented in allegations of child maltreatment, with more than 87 per 1000 children in these groups having a report of neglect or abuse in 2020. These rates are more than double the rates for Hispanic/Latino children, more than 2.5 times the rates for white children,

and more than 5 times the rates for Asian children.” (California Child Welfare Indicators Project, 2021)

- 4) ***Arguments in support.*** The California Academy of Child and Adolescent Psychiatry states, “AB 1913's focus on the development and dissemination of comprehensive abuse prevention training for all school personnel across California is a vital measure. By replacing the current requirement of establishing best practices with the mandate to develop and provide detailed information and training, this bill ensures a proactive approach to abuse prevention. This aligns closely with CALACAP's commitment to the mental health and well-being of children and adolescents, as early detection and prevention of abuse are critical to the long-term mental health of our youth.”

“Requirements for annual training on the prevention of abuse, including sexual abuse, reinforce the importance of consistent and updated education for all school personnel. This will not only aid in the early detection of potential abuse cases but also foster an environment where children feel safe and protected.”

SUPPORT

Alameda County Office of Education
American Academy of Pediatrics, California
Office of the Riverside County Superintendent of Schools

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2961	Hearing Date:	June 5, 2024
Author:	Addis		
Version:	April 15, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Employment of minors: training on sexual harassment.

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

SUMMARY

This bill requires minors who obtain a work permit to receive training on sexual harassment prevention, retaliation, and reporting resources using the online training course made available on the Civil Rights Department's website, by expanding the "intent to employ a minor" notification that a prospective employer must send to the school official who issued the work permit to include certification that the minor has completed the training.

BACKGROUND

Existing law:

- 1) Prohibits any person, firm or corporation from employing, suffering (tolerating), or permitting any minor under the age of 18 years to work in or in connection with any establishment or occupation without a permit to employ, issued by the proper educational officers in accordance with law. (Education Code (EC) § 49160)
- 2) Authorizes specified school district, charter school, and private school officials to issue a minor a work permit if requested by the minor's parent, guardian, foster parent, or caregiver. (EC § 49110)
- 3) Requires the permit to employ to contain:
 - a) The name, age, birth date, address, and phone number of the minor.
 - b) The place and hours of compulsory part-time school attendance for the minor, or statement of exemption therefrom, and the hours of compulsory full-time school attendance for the minor, if the permit is issued for outside of school hours.
 - c) The maximum number of hours per day and per week the student may work while school is in session.

- d) The minor's social security number.
 - e) The signature of the minor and the issuing authority.
 - f) The date on which the permit expires. (EC § 49115)
- 4) Authorizes the provision of a work permit to a minor who has completed the equivalent of the 7th grade to work outside of school hours for not more than three hours per day on days when school is in session if the minor is 14 or 15 years of age; four hours per day if the minor is 16 or 17 years of age; or for a minor who is 16 years or older, up to eight hours in any day which is immediately prior to a non-school day. (EC § 49112)
- 5) Every person, or agent or officer thereof, employing minors, either directly or indirectly through third persons, shall keep on file all permits and certificates, either to work or to employ, issued under this chapter or Part 27 (commencing with Section 48000) of the Education Code. The files shall be open at all times to the inspection of the school attendance and probation officers, the State Board of Education, and the officers of the Division of Labor Standards Enforcement. (Labor Code § 1299)
- 6) Requires the employer of any minor to send to the officer authorized to issue the permit to work a written notification of intent to employ a minor. Existing law requires the form of the intent to employ a minor to be prescribed by the Department of Education and be furnished to the employer by the officer. (EC § 49162)
- 7) Requires the notification of intent to employ a minor to contain:
- a) The name, address, phone number, and social security number of the minor.
 - b) The name, address, phone number, and supervisor at the minor's place of employment.
 - c) The kind of work the minor will perform.
 - d) The maximum number of hours per day and per week the student will be expected to work for the employer.
 - e) The signatures of the parent or guardian, of the minor, and of the employer. (EC § 49163)
- 8) Requires employers having five or more employees to provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees, and at least one hour to all non-supervisory employees in California every two years. (Government Code (GOV) § 12950.1)

- 9) Requires the Civil Rights Department to develop or obtain two online training courses on the prevention of sexual harassment in the workplace with the course for supervisory employees being two hours in length, and for non-supervisory employees, one hour. (GOV § 12950.1)

ANALYSIS

This bill requires minors who obtain a work permit to receive training on sexual harassment prevention, retaliation, and reporting. Specifically, this bill:

- 1) Expands the “intent to employ a minor” notification that a prospective employer must send to the school official who issued the work permit to include certification that the minor has completed a mandatory training on sexual harassment prevention, retaliation, and reporting resources using the online training course made available on the Civil Rights Department’s website.
- 2) Requires the minor’s parent or legal guardian to certify that the training has been completed.
- 3) Requires the training for the minor and their parent or legal guardian to be in the language understood by that person, whenever reasonably possible.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California’s teens deserve to be empowered with the knowledge to recognize, prevent, and report harassment in the workplace. I came up with AB 2961, because it’s important that we proactively ensure youth have the tools they need to be in workplaces free of harassment and abuse and to know what to do if they occur.”
- 2) ***Parity with training currently required for an entertainment work permit.*** Existing law, AB 3175 (Levine, Chapter 176, Statutes of 2020), requires applicants for *entertainment work permits*, who are between 14 -17 years of age, to complete training in sexual harassment prevention, retaliation, and reporting resources prior to obtaining an entertainment work permit. Talent agencies must request and retain a copy of a minor’s entertainment work permit prior to representing or sending the minor artist on an audition, meeting, or interview for engagement of the minor’s services. *This bill extends the requirement to complete training in sexual harassment to all student work permits.*
- 3) ***Civil Rights Department’s online training course.*** Existing law requires the Civil Rights Department to develop or obtain two online training courses on the prevention of sexual harassment in the workplace with the course for supervisory employees being two hours in length, and for non-supervisory employees, one hour. Existing law requires at least two hours of training for supervisory employees, and at least one hour to all non-supervisory employees. Training is required every two years. The Civil Rights Department’s online training is available in English, Spanish, Tagalog, Chinese, Korean, and Vietnamese.
<https://calcivilrights.ca.gov/shpt/>

The Los Angeles Unified School District (LAUSD) notes that it, and perhaps other school districts, already have a requirement in place to provide sexual harassment training to its working students. While this bill specifically requires the training to use the Civil Rights Department's online training, existing regulations (California Code of Regulations, Title 2, § 11024) provide an exemption from training for "duplicate training" for an employee who has received training in compliance with existing law within the prior two years, or who received a valid work permit from the Labor Commissioner that required the employee to receive training within the prior two years. Employees who are exempt from duplicate training must be given, and required to read and to acknowledge receipt of, the employer's anti-harassment policy within six months of assuming the employee's new position. That employee must then be put on a two year tracking schedule based on the employee's last training. The current employer has the burden of establishing that the prior training was legally compliant with this section.

It is clear that students are exempt from the Civil Rights Department's training if they already received adequate training from school district or other entity? The author is working with LAUSD to resolve this question.

- 4) **Technical amendment needed.** Recent amendments to this bill removed the requirement that a minor's parent or guardian certify that they accompanied the minor for the training. However, this bill continues to reference training for parents; therefore, **staff recommends an amendment** to strike reference to the training being in the language understood by the parent or guardian, as follows:

On page 2, lines 18-19, "Training for the minor ~~and their parent or legal guardian~~ shall be in the language understood by that person, whenever reasonably possible."

- 5) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose minor costs to the Civil Rights Department to the extent it must translate its existing online training to the language understood by the minor and their parent or guardian. The training is already translated into six languages. The Civil Right Department indicates additional translations would cost about \$20,000 per language.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1929	Hearing Date:	June 5, 2024
Author:	McKinnor		
Version:	May 24, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Career technical education: data collection.

SUMMARY

This bill requires that local educational agencies (LEAs) receiving specified Career Technical Education (CTE) state grants and the California Community College Chancellor's Office (CCCCO) to disaggregate program and performance accountability outcome data by race and gender.

BACKGROUND

Existing law:

- 1) Authorizes the Career Technical Education Incentive Grant (CTEIG) Program as a state education, economic, and workforce development initiative with the goal of providing students in kindergarten through 12th grade with the knowledge and skills necessary to transition to employment and postsecondary education. (Education Code (EC) 53070)
- 2) Appropriates funding for the CTEIG program as follows: \$400 million for 2015-16; \$300 million for 2016-17; \$200 million for 2017-18; and \$150 million per year for 2018-19 to 2020-21; and \$300 million per year beginning in the 2021-22 fiscal year and every year thereafter.
- 3) Defines grant recipients for CTEIG as one or more school districts, county offices of education (COE), charter schools, regional occupational centers or programs (ROCPs) operated by joint power authorities or COEs, or any combination of these.
- 4) Requires the California Department of Education (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. CDE and SBE, in determining proposed grant recipients, are required to give positive consideration and the greatest weight to those applicants who:
 - a) Serve unduplicated students or subgroups with higher than average dropout rates;
 - b) Are located in an area of the state with a high unemployment rate; and

- c) Offer an existing high-quality regional-based CTE program as a joint powers agency (JPA) or COE.
- 5) Requires the CDE and the SBE, in determining proposed grant recipients to also give positive consideration to those applicants who:
 - a) Successfully leverage existing CTE resources and funding, as well as contributions from industry, labor, and philanthropic sources;
 - b) Engage in regional collaborations with postsecondary education or other LEAs, including the SWP consortium operating in their areas, as well as pathway programs provided under an adopted California and Career Access Pathways partnership agreement;
 - c) Make significant investments in CTE infrastructure, equipment, and facilities; and;
 - d) Operate within rural districts.
- 6) Data reporting requirements for CTEIG grantees, 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 additional specified metrics. 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.
- 7) 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 CCCCO to local consortia. (EC 88827)
- 8) Establishes the California Golden State Pathways Program (GSPP) to provide LEAs with the resources to promote pathways in high-wage, high-skill, high-growth areas, including technology, health care, education, and climate-related fields that, among other things, allow students to advance seamlessly from high school to college and career and provide the workforce needed for economic growth. (EC 53020)
- 9) Federal law, the Strengthening Career and Technical Education for the 21st Century Act, reauthorizes the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins) and provides federal support for CTE programs and focuses on improving the academic and technical achievement of CTE students, strengthening the connections between secondary and postsecondary education and improving accountability.

ANALYSIS

This bill:

- 1) Requires LEAs, as a condition of receiving CTEIG funds, to disaggregate by race and gender data they already annually report to CDE, including, high school graduation rates, CTE course completion, and postsecondary outcome data.
- 2) Requires the CCCCO, for campuses receiving SWP funding, to disaggregate by race and gender performance accountability outcome data that quantify employer and student outcomes it already must annually report to the Governor and Legislature.
- 3) For the K-12 component of the SWP, requires LEAs, as a condition of receiving funds, to disaggregate by race and gender data it already must report, including high school graduation rates, CTE course completion, and postsecondary outcome data.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1929 will collect data, by race, for Career Technical Education (CTE) programs. Historically, African Americans have been tracked into low quality vocational programs. We cannot repeat these failures and need to see who is participating and what the outcomes are. AB 1929 will better inform our decision making to increase enrollment to make sure that African Americans are participating in high quality CTE programs and set them up to be successful in current and emerging professions.”
- 2) ***What is Career Technical Education?*** CTE prepares students for the world of work by introducing them to workplace competencies and making academic content accessible through hands-on contexts. Along the way, students develop career-relevant, real-world 21st-century skills. CTE is a program of study that involves a multiyear sequence of courses integrating core academic knowledge with technical and occupational knowledge, providing a pathway to postsecondary education and careers.

In California, CTE programs are organized into 15 industry sectors, covering 58 pathways that outline the necessary knowledge and skills. These programs often involve partnerships between high schools, businesses, and postsecondary institutions, offering pathways to employment and various degrees. CTE courses and pathways may be offered in comprehensive high schools with CTE programs and through regional CTE programs or centers operated by JPAs or COEs. Some CTE programs are integrated with academic programs in a “linked learning model,” and community colleges and technical institutes also offer CTE at the postsecondary level.

- 3) ***Assessing college and career readiness among LEAs.*** Each LEA’s Local Control and Accountability Plan (LCAP) must demonstrate how they are ensuring all students are prepared for college and careers. The College and Career Readiness Index on each LEA’s dashboard includes data on the number of

students completing a CTE pathway. State-level data for 2023 shows that 43.9% of high school graduates are considered "prepared" on the College/Career Indicator. However, when comparing subgroups, only 25.1% of African American students, 35.5% of Hispanic students, 53.2% of White students, and 75.8% of Asian students are considered prepared.

Staff notes that the disparities in college and career readiness among student subgroups highlight the need for targeted interventions and support. African American and Hispanic students are notably underrepresented among those deemed "prepared," suggesting systemic inequities. Efforts to improve CTE access and quality, alongside continuous monitoring and refinement of LEA strategies, are important for making progress toward closing these gaps.

- 4) **Key initiatives supporting K-12 CTE programs.** State and federal funds support various initiatives for K-12 CTE programs, including the following two major competitive grant programs offering ongoing funding:
 - a) **CTEIG Program:** Established in 2015 with a one-time \$900 million investment, this program aimed to support CTE programs until the Local Control Funding Formula (LCFF) was fully funded. It provides K-12 students with skills for postsecondary education and living-wage jobs. Initially funded at \$150 million annually starting in 2018, the annual funding increased to \$300 million in 2021. Grants are awarded based on applications demonstrating how LEAs meet statutory requirements, including a 2:1 match of local to state funding. For the 2022-23 fiscal year, \$266 million was allocated to 375 eligible LEAs, with an additional \$2.3 million awarded in a second round of funding.
 - b) **K-12 SWP:** Launched in 2018 as part of the Community Colleges' Strong Workforce Program, it aims to create and expand high-quality CTE programs at the secondary level aligned with workforce development. Funded at \$150 million annually, the program is administered by the CCCCO and allocated to eight regional consortia. These consortia run competitive grant programs, with selection committees determining grant recipients and amounts. In the 2022-23 fiscal year, \$143.7 million funded 224 individual pathways.
- 5) **Addressing educational disparities for African American students.** The Task Force to Study and Develop Reparation Proposals for African Americans issued its final report on June 29, 2023, highlighting ongoing educational disparities faced by African American students. The report emphasizes that African American students encounter fewer resources and larger opportunity and achievement gaps compared to their peers. They are less likely to attend schools offering advanced coursework or be placed in gifted and talented programs. The Task Force recommends that the Legislature provide the necessary funding to ensure African American students, especially descendants of enslaved persons in the U.S., receive the resources and support needed to eliminate these disparities and close the opportunity gap permanently.

- 6) ***Leveraging CTE programs to combat racial inequities.*** Historically, African American students have been tracked into low-quality vocational programs, an extension of Jim Crow-era segregation. However, high-quality CTE programs can serve as tools for preparing students for careers in emerging professions and addressing persistent discrimination. The Center for American Progress notes that effective CTE programs can help remedy historical inequities by offering African American students pathways to thriving careers. The Task Force's recommendations include collecting and disaggregating CTE enrollment data by race to identify and address equity gaps, which aligns with the proposed bill's requirements.
- 7) ***Enhancing data collection to promote equity in CTE.*** The CDE supports initiatives to collect and analyze student demographic data, including race and ethnicity. The California Workforce Pathways Joint Advisory Committee (CWPJAC) has adopted a state plan for CTE that aims to improve access and outcomes for all students. This plan includes developing a statewide framework for equity in CTE and leveraging data to inform state policies and investments. Data shows that CTE pathway completion rates vary by race, with African American students having lower completion rates compared to their peers. Addressing these disparities involves understanding representation within industry sectors and ensuring that all racial and ethnic subgroups have equitable access to high-quality CTE programs.

SUPPORT

Alameda County Office of Education
California Dental Association
California Faculty Association
Greater Sacramento Urban League
Los Angeles County Office of Education
Santa Monica Democratic Club
Silicon Valley Leadership Group
Westchester/Playa Democratic Club

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1938 **Hearing Date:** June 5, 2024
Author: Gallagher
Version: April 29, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Special education: inclusion and universal design for learning.

SUMMARY

This bill requires local educational agencies (LEAs) to consider specified variables for pupils who are deaf, hard of hearing, or deaf-blind when designing the least restrictive environment (LRE) for students with disabilities and requires the California Department of Education (CDE) to communicate this information to all LEAs and other entities serving pupils who are deaf, hard of hearing, or deaf-blind.

BACKGROUND

Existing law:

- 1) Requires LEAs to ensure the following to address the LRE for individuals with exceptional needs, such that:
 - a) To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
 - b) Special classes, separate schooling, or other removal of individuals with exceptional needs from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- 2) Requires that, in accordance with federal law, a free appropriate public education be available to individuals with exceptional needs.
- 3) Requires that every individual with exceptional needs who is eligible to receive special education instruction and related services receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her.
- 4) Establishes the Inclusive Early Education Expansion Program for the purpose of increasing access to inclusive early care and education programs. Authorizes competitive grants to increase access to subsidized inclusive early care and education programs for children up to five years of age, including those defined as "children with exceptional needs" in low-income and high-need communities.

- 5) Appropriates \$15 million one-time General Fund to the CDE for allocation to two specified county offices of education to support the Supporting Inclusive Practices project, for purposes of increasing opportunities for pupils with disabilities to meaningfully participate in the least restrictive environment, as appropriate, and improving LEA's outcomes on performance indicators as mandated by federal law and the outcomes measured by the California School Dashboard.

ANALYSIS

This bill:

- 1) Requires LEAs, when implementing inclusion and universal design for learning initiatives, to consider all of the following with respect to the full language access needs of pupils who are deaf, hard of hearing, or deaf-blind, for the determination of the LRE:
 - a) Existing legislative intent related to educational services for pupils who are deaf, hard of hearing, or deaf-blind, including determining their LRE.
 - b) Existing federal regulations, which requires each public agency to ensure that special classes, separate schooling, or other removal of pupils with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
 - c) Existing state and federal law, which requires an individualized family service plan (IFSP) and individualized education program (IEP) teams to consider the pupil's language and communication needs, opportunities for direct communications with peers and professional personnel in the pupil's language and communication mode, academic level, and full range of needs.
 - d) Existing state and federal law, which requires in the case of a pupil who is blind or visually impaired, to provide for instruction in braille and the use of braille unless the IEP team determines that instruction in braille or the use of braille is not appropriate for the pupil.
 - e) Existing federal guidance, which states that meeting the unique communication and related needs of a pupil who is deaf, hard of hearing, or deaf-blind is a fundamental part of providing a free appropriate public education to the pupil.
 - f) Existing federal guidance, which states that the placement decision for a pupil who is deaf, hard of hearing, or deaf-blind, must be made only after the pupil's IFSP or IEP has been developed that addresses the full range of the pupil's needs.

- g) Existing state law, which requires an IEP team to, if the team determines that a pupil needs a particular device or service to receive a free appropriate public education, include a statement to that effect in the pupil's IEP.
 - h) The importance of obtaining stakeholder input from deaf, hard of hearing, or deaf-blind individuals who can check to ensure that any design and implementation of inclusion and universal design for learning initiatives are in alignment with the existing laws and requirements.
 - i) The importance of actively involving and respecting the input and choices of the parents or guardians of pupils, and ensuring that their rights and preferences are a central part of the decision-making process.
- 2) Requires IFSP teams and IEP teams, when determining the LRE for a deaf, hard of hearing, or deaf-blind pupil, to consider the language needs of the pupil and to review the full continuum of placements and services available to the pupil.
 - 3) Requires the CDE, on or before July 1, 2025, to communicate these requirements to all LEAs and notify schools or agencies certified by the state, the special education local plan areas, the California School for the Deaf, and the California School for the Blind of these provisions.

STAFF COMMENTS

- 1) ***Need for the bill.*** The author states, "Supporting our most vulnerable children—those who are deaf, hard of hearing, blind, visually impaired, or deaf-blind—is not just important, it's imperative. The strides we're making in California to provide these students with full access to language and specialized services are vital. It's about giving every child the chance to succeed and ensuring no one is left behind. This is the foundation of a truly inclusive society."
- 2) ***What is least restrictive environment/inclusion?*** The terms LRE, inclusion, and mainstreaming are often used interchangeably. LRE is defined in federal law to mean "to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled," and that the use of "special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

There are multiple definitions of "inclusion," but most include the following elements:

- a) Students with disabilities are educated in general education settings with appropriate supports.
- b) Students with disabilities participate in other school programs as full members of the school community.

- c) School staff support universal access to education.
- d) School staff are provided the knowledge, resources, and support to effectively teach all pupils.

Mainstreaming generally refers to the practice of placing students with disabilities, who otherwise are educated in separate settings, in the general education setting for specified periods of time or for specific activities.

- 3) ***LRE is an existing federal indicator for special education accountability purposes.*** The federal Individuals with Disabilities Education Act (IDEA) requires the US Department of Education to monitor states' implementation of IDEA. Each state is required to develop and submit a State Performance Plan (SPP). The SPP is a six-year plan that includes 17 measures, or indicators, that are related to either IDEA compliance or student performance. Within the SPP, states must set rigorous and measurable annual targets for each of the 17 indicators. States must report their progress in relation to these targets in an annual update—the Annual Performance Report.

Indicator 5a measures least restrictive environment as the percent of children with disabilities, ages 6-22, served inside the regular classroom for at least 80 percent of the day. This is the standard used to assess the level of “inclusion” being achieved by school districts and the state overall for students with disabilities within general education.

- 4) ***Inclusion rates in California are among the lowest in the nation.*** The inclusion of students with disabilities in general education classroom settings is an important predictor of positive outcomes. Students with disabilities who spend at least 80 percent of the school day in general education classrooms have fewer absences, higher academic performance, higher rates of grade progression and on-time graduation, and higher rates of college attendance and employment. It is for these reasons that LRE is a federal special education enforcement indicator.

While each student's unique LRE is determined by their IEP team, state and federal law require that student placements maximize opportunities for students to interact with their peers without disabilities. However, in 2017–18, California had one of the lowest inclusion rates in the country—56 percent compared to a national average of 63.4 percent.

- 5) ***Barriers to inclusion.*** The 2015 report by the Statewide Special Education Task Force on Special Education, titled *One System: Reforming Education to Serve All Students*, noted that “a structural, institutional, philosophical, and habitual divide currently exists in California between general and special education, even though special education has always been defined as part of general education. This divide obstructs the state's ability to create [an] effective, coordinated, coherent system of education.”

The 2018 report, *The Segregation of Students with Disabilities*, identifies several barriers to inclusion of students with disabilities:

- a) Organizational Traditions: “Once school districts have made financial and personnel investments in creating or maintaining segregated settings and allocating teachers and other staff in small teacher-student ratios, there is an organizational tendency to maintain the status quo.”
- b) Organizational and Workforce Capacity: “When schools have a clear vision for including all students with disabilities, they work to develop schoolwide structures that support educators and empower them to succeed in instructing students with disabilities through collaboration.”
- c) Attitudes and Beliefs: “The driving force behind a student’s educational experience might be an understanding of roles and the attitudes that educators have about adult responsibilities and expectations for student outcomes.”
- d) Readiness for inclusion: “Decisions to move students to less restrictive placements are often based on the perceived readiness of the student to learn grade level material.”
- e) The LRE Continuum: “The LRE continuum places a burden of fitting in or being able to access the classroom on the student who is seen as having deficits, rather than encouraging schools to create systems designed to benefit all students in the community and make access by those with disabilities more seamless.”

Other barriers commonly identified by participants in the CDE’s Supporting Inclusive Practices project include misconceptions about staffing of inclusive classrooms, lack of appropriate instructional materials for use in inclusive classrooms, and licensing and fiscal barriers in early education settings.

- 6) ***Districts with extraordinarily high outcomes for students with disabilities have inclusion, teacher collaboration, and support in common.*** The 2015 Statewide Task Force on Special Education report highlighted research showing that school districts “beating the odds” regarding the performance of students with disabilities had several elements in common:
- a) A commitment to including students with disabilities in general education classrooms and ensuring access to the content in the core curriculum.
 - b) A focus on collaboration between general education and special education teachers.
 - c) Continuous assessment and the use of Response to Intervention strategies to address students’ needs and monitor their progress.
 - d) Targeted professional learning opportunities for their teachers and administrators.
 - e) The utilization of explicit direct instruction teaching methods.

- 7) **Similar bill vetoed last year.** SB 354 (Ochoa Bogh, 2023) would have required the Commission on Teacher Credentialing (CTC) to revise its administrative services credential standards and performance expectations with a focus on inclusive learning environments; and (2) required the CDE, in consultation with the CTC, to develop and disseminate guidance on the ways in which inclusive classrooms may be staffed. This bill was vetoed by the Governor with the following message:

Serving students with disabilities in inclusive settings is an essential strategy for improving the academic achievement of these and all students, and one that my Administration, like the author, is committed to advancing. However, this bill is substantially similar to SB 1113 of 2022, which I vetoed, and several of the same concerns remain. In particular, portions of this bill are subject to an appropriation and should be considered as part of the annual budget process.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure. For these reasons, I cannot sign this bill.

SUPPORT

Protection of the Educational Rights of Kids – Advocacy

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2033	Hearing Date:	June 5, 2024
Author:	Reyes		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Public postsecondary education: electronic benefits transfer cards: basic needs services and resources.

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

SUMMARY

This bill requires each campus of the California State University (CSU), and requests each campus of the University of California (UC), to establish the position of the Basic Needs Coordinator, establish a Basic Needs Center, undertake specific tasks in the Basic Needs Center, develop a document listing services and resources, streamline the application and intake process, develop and implement a plan to identify and provide outreach to students, and report specified information. This bill also requires each campus of the California Community Colleges (CCCs) and each campus of the CSU, and requests each campus of the UC, to identify and apply for at least one general store or a store that sells food on campus to become an authorized retail food store under the federal Supplemental Nutrition Assistance Program and, if approved, ensure the store or stores, within a reasonable time, accept the use of electronic benefits transfer cards.

BACKGROUND

Existing law:

- 1) Requires each campus of the CCCs to do all of the following:
 - a) No later than July 1, 2022, establish the position of the Basic Needs Coordinator, and designate a staff person as the Basic Needs Coordinator to serve as the single point of contact for students experiencing basic needs insecurity related to basic needs services and resources. The coordinator shall act as a broker in identifying, supporting, and linking students to on- and off-campus housing, food, mental health, and other basic needs services and resources. To ensure the effectiveness and impact of this position, the coordinator shall be a dedicated position solely focused on addressing the basic needs of students and meet qualifications such as experience providing services to high-need and diverse populations. The coordinator shall oversee and coordinate with other staff tasked with addressing students' basic needs, shall inform students of all- on- and off-campus basic needs services and resources and how to access them, and shall develop on- and off-campus

partnerships to provide basic needs services and resources to their students.

- b) No later than July 1, 2022, establish a Basic Needs Center, which means a central location on campus where basic needs services, resources, and staff are made available to students. The Basic Needs Center is intended to be a one-stop, single location and point of contact for students to more easily access and gain awareness of basic needs services and resources. The campus shall make a reasonable effort to locate all on-campus basic needs services and resources at the Basic Needs Center. If the campus cannot reasonably locate all basic needs services or resources at the Basic Needs Center, the campus shall provide students with the location and contact information, including name, telephone number, and email address, for all basic needs services and resources not located in the Basic Needs Center. The coordinator shall be housed in the Basic Needs Center. (Education Code (EC) § 66023.5)
- 2) Requires each Basic Needs Center to help ensure that students have the information they need to enroll in CalFresh, the California Earned Income Tax Credit (CalEITC), the Young Child Tax Credit (YCTC), the California Special Supplemental Food Program for Women, Infants, and Children (WIC), and other relevant government benefits programs. Each Basic Needs Center shall coordinate with their campus financial aid department or financial aid office. Existing law shall not be construed to require or encourage the Basic Needs Center to be combined or colocated with the financial aid department or financial aid office. The funding made available by the Budget Act of 2021 to implement this section, or any subsequent Budget Act or statute to implement this section, shall not be used to combine or colocate the Basic Needs Center with the financial aid department or financial aid office and shall not be used for the administration of student financial aid programs, including staffing. Each Basic Needs Center shall connect students to the financial aid department or financial aid office as appropriate to ensure that students are receiving all available financial aid. Each Basic Needs Center shall coordinate with their local homelessness response system to refer students to community resources available to address homelessness in addition to services and resources provided by the campus. Basic Needs Centers shall be authorized to provide support to students who can be reasonably expected to enroll in the upcoming term and to provide support to students during summer and winter breaks who were previously enrolled or are enrolled for the upcoming fall or spring term. (EC § 66023.5)

ANALYSIS

This bill:

- 1) Requires each campus of the CSU, and requests each campus of the UC, to do all of the following:

Basic Needs Coordinator

- a) Establish, by July 1, 2025, the position of the Basic Needs Coordinator, and designate a staff person as the Basic Needs Coordinator to serve as the single point of contact for students experiencing basic needs insecurity related to basic needs services and resources. The coordinator shall act as a broker in identifying, supporting, and linking students to on- and off-campus housing, food, mental health, and other basic needs services and resources. To ensure the effectiveness and impact of this position, the coordinator shall be a dedicated position solely focused on addressing the basic needs of students and meet qualifications such as experience providing services to high-need and diverse populations. The coordinator shall oversee and coordinate with other staff tasked with addressing students' basic needs, shall inform students of on- and off-campus basic needs services and resources and how to access them, and shall develop on- and off-campus partnerships to provide basic needs services and resources to their students. This bill provides that nothing in this bill precludes the CSU and the UC from having additional basic needs staff who assist the Basic Needs Coordinator in completing the requirements of this bill.

Basic Needs Center

- b) Establish, by July 1, 2025, a Basic Needs Center, which means a central location on campus where basic needs services, resources, and staff are made available to students. The Basic Needs Center is intended to be a one-stop, single location and point of contact for students to more easily access and gain awareness of basic needs services and resources. The campus shall make a reasonable effort to locate all on-campus basic needs services and resources at the Basic Needs Center. If the campus cannot reasonably locate all basic needs services or resources at the Basic Needs Center, the campus shall provide students with the location and contact information, including name, telephone number, and email address, for all basic needs services and resources not located in the Basic Needs Center. The coordinator shall be housed in the Basic Needs Center.
- 2) Requires each Basic Needs Center to do all of the following:
 - a) Help ensure that students have the information they need to enroll in CalFresh, CalEITC, YCTC, WIC, and other relevant government benefits programs. This clause shall not be construed to imply campus Basic Needs Centers are required to provide tax advising or preparation services.
 - b) Coordinate with their campus financial aid department or financial aid office. This clause shall not be construed to require or encourage the Basic Needs Center to be combined or colocated with the financial aid department or financial aid office.

- c) Connect students to the financial aid department or financial aid office as appropriate to ensure that students are receiving all available financial aid.
 - d) Coordinate with their local homelessness response system to refer students to community resources available to address homelessness in addition to services and resources provided by the campus.
- 3) Authorizes Basic Needs Centers to provide support to students who can be reasonably expected to enroll in the upcoming term and to provide support to students during summer and winter breaks who were previously enrolled or are enrolled for the upcoming fall or spring term.
- 4) Requires campuses to endeavor, to the extent feasible, to use a portion of any funds made available for basic needs support for providing funds directly to students to address urgent needs. To the extent that a Basic Needs Center is already in place, that center may be used to satisfy the requirements of this provision. If the existing Basic Needs Center fulfills only part of the requirements of this bill, basic needs services and resources shall be expanded as needed to satisfy all the requirements of this bill.

Document listing services and resources

- 5) Requires each campus of the CSU, and requests each campus of the UC, to do all of the following:
- a) Develop, by February 1, 2025, a document that shall be provided to students at the Basic Needs Center, and that shall be made available to students online, that clearly lists on- and off-campus basic needs services and resources that includes, but is not limited to, all of the following:
 - i) The description of the service or resource.
 - ii) The location of where the service or resource is provided.
 - iii) The point of contact for the service or resource, including a name, telephone number, and email address.
 - iv) Any eligibility restrictions on accessing the service or resource.
 - v) The United States Department of Agriculture's Food and Nutrition Service's "SNAP Retail Locator" internet website link, which contains a map with locations that are authorized retail food stores under the federal SNAP and accept the use of electronic benefits transfer cards.
 - b) Provide the document to students as a part of campus orientations in either electronic format or paper form.
 - c) Provide to faculty the online link to the electronic format of the document, the location of the Basic Needs Center, and the contact information for the

coordinator, and encourage faculty to include the online link to the electronic format of the document, the location of the Basic Needs Center, and the contact information for the coordinator in their syllabi.

- d) Requires the document to be reviewed, updated, and made available online on both the website of the campus via the student basic needs tab and the website-based student account associated with a student's attendance at the institution, no later than the first day of every fall semester or fall quarter.
- 6) Expands the contents of the existing services and resources document that each campus of the CCC is required to develop to also include, by September 1, 2025, the United States Department of Agriculture's Food and Nutrition Service's "SNAP Retail Locator" website link, which contains a map with locations that are authorized retail food stores under the federal Supplemental Nutrition Assistance Program and accept the use of electronic benefits transfer cards.

Application and intake process

- 7) Requires each campus of the CSU, and requests each campus of the UC, to streamline, by February 1, 2025, the application and intake process for on-campus basic needs services and resources to minimize duplication and eliminate barriers to access. If an application is required, develop and use a single application for students to receive on-campus basic needs services and resources.

Plan to identify and provide outreach

- 8) Requires each campus of the CSU, and requests each campus of the UC, to do all of the following:
 - a) Develop and implement, by February 1, 2025, a plan to identify and provide outreach to students, including non-traditional students, who have basic needs insecurity related to housing, food, and mental health. Once the coordinator is designated and the Basic Needs Center is established, the outreach shall include information about the coordinator and the Basic Needs Center.
 - b) Provide, by February 1, 2025, a student basic needs tab that is clearly visible and easily accessible from a drop-down menu on the home page of the campus' website and include the information described in #5 conspicuously on both the website of the campus via the student basic needs tab and the website-based student account associated with a student's attendance at the institution. Once the coordinator is designated and the Basic Needs Center is established, information about the coordinator and Basic Needs Center shall also be included on both the website of the campus via the student basic needs tab and the website-based student account associated with a student's attendance at the institution.

Authorized retail food store

- 9) Requires each campus of the CCC and each campus of the CSU, and requests each campus of the UC, by September 1, 2025, to identify and apply for at least one general store or a store that sells food on campus to become an authorized retail food store under the federal Supplemental Nutrition Assistance Program and, if approved, ensure the store or stores, within a reasonable time, accept the use of electronic benefits transfer cards.
- 10) Exempts a campus that does not have a general store or a store that sells food on campus from the requirement to apply to become an authorized retail food store.

Report

- 11) Requires each campus of the CSU to report to the CSU Chancellor, and requests each campus of the UC to report to the UC President, information that shall include, but not be limited to, all of the following:
 - a) The description and number of basic needs services and resources, broken down by category.
 - b) The number of students served by the basic needs services and resources.
 - c) The socioeconomic and demographic backgrounds of these students.
 - d) Challenges and best practices in the implementation of the basic needs services and resources.
 - e) Whether students who used the basic needs services and resources remained enrolled or graduated from a campus maintained by the university.
 - f) The number of students who first started receiving CalFresh benefits in the previous year and the total number of students in the previous year who received CalFresh benefits.
 - g) Whether the campus has a data sharing agreement with the relevant county operating the CalFresh program for the purpose of identifying new, continuing, and returning students who are potentially eligible for CalFresh benefits, or efforts underway to enact such an agreement.
- 12) Requires the data and information reported to be disaggregated by each basic needs service and resource, where applicable.
- 13) Requires/requests the report to be developed and submitted to the Governor and the Legislature, on or before May 1 of each year from 2026 to 2030, a report based on the data and information reported by campuses, and information on the use of funds made available to implement this bill.

Definitions

- 14) Defines “Basic needs services and resources” to include, but not be limited to, housing, food, clothing, feminine hygiene, diapers, technology, childcare, and mental health services and resources.
- 15) Defines “Coordinator” as a basic needs coordinator established pursuant to this bill.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “CalFresh benefits are critical in helping address student hunger, and it is important that we make it possible for students to use these benefits on campus. AB 2033 ensures that college students can use their food benefits by requiring at least one store on each college campus to become an authorized electronic benefit transfer (EBT) vendor. If approved, these stores would be required to accept EBT. It would also require college campuses to provide students with information on EBT vendors on and off campus. AB 2033 supports low-income students across California by increasing the number of locations that accept EBT on campus. This bill will also ensure that students have easily accessible information on EBT vendors on and off campus so that they know where they can use their food benefits. Finally, while many CSU and UC campuses have basic needs centers and basic needs coordinators, this bill requires the CSU and requests the UC to establish the centers and coordinators and the provision of basic needs support as a codified requirement and not subject to the budgetary decision of a campus.”
- 2) ***Extends to CSU and UC what the CCC already does.*** This bill requires CSU campuses, and requests UC campuses, to establish the position of the Basic Needs Coordinator, establish a Basic Needs Center, undertake specific tasks in the Basic Needs Center, develop a document listing services and resources, streamline the application and intake process, develop and implement a plan to identify and provide outreach to students, and report specified information. *All of those provisions already apply to the CCCs. The only new provisions that apply to the CCCs relate to identifying and applying for at least one general store or a store that sells food on campus to become an authorized retail food store, and expanding the CCC’s documents listing services and resources to include the “SNAP Retail Locator” website link.*
- 3) ***Basic needs support and resources on CSU and UC campuses.*** With the exception of one year, the Legislature has included funding, either in one-time or ongoing form, for basic needs support for students attending CSU and UC campuses for the last six budget years. Currently, the State provides \$15.8 million in ongoing funding for UC basic needs services and \$26.3 million in ongoing funding for CSU basic needs services.

In August 2022, EdSource reported that all 23 campuses of the CSU and all 10 campuses of the UC have Basic Needs Centers. The annual Budget Act of 2022

required the CSU to provide an annual systemwide report on the provision of student mental health services and basic needs support. The most recent CSU report was submitted to the Legislature on March 11, 2024, and includes a campus-by-campus description of services rendered on the campus along with systemwide figures of services provided. In the systemwide section the following data points are relevant for purposes of this analysis:

- a) All 23 CSU campuses have on and off campus resources and partnerships to address food insecurities, housing insecurities, and mental health services; and,
- b) 10 CSU campuses currently accept CalFresh/electronic benefit transfer (EBT) at various venues on campus, including, but not limited to campus dining halls, on-campus fast food restaurants, campus-based markets convenience stores, and farmers' market events. The 10 campuses currently offering this option to students include: CSU Chico, CSU Long Beach, CSU Los Angeles, CSU Monterey Bay, CSU Northridge, Cal Poly Pomona, CSU Sacramento, CSU San Diego, CSU San Francisco, and Cal Poly San Luis Obispo.

Furthermore, according to the CSU Basic Needs Initiative Brochure, all 23 campuses have administrators or staff who manage the basic needs programs on campus and connect students with resources.

The annual Budget Act of 2022, also required the UC to provide an annual systemwide report on basic needs, mental health, and rapid rehousing services on UC campuses. The most recent report was submitted in February 2024 and contained data collected from UC campuses from July 2022 –June 2023. Within the aforementioned timeframe, the UC served over 78,000 students across all campus-based food and housing support services. To accommodate the demand for services, the UC employs 54 staff and 389 student staff members to provide basic needs and rapid rehousing services across all ten campuses of the UC. The report reaffirmed each campus has a basic needs center and staff to help assist students, and the only UC campus which does not accept EBT on campus nor plans to accept EBT on campus is UC San Francisco.

- 4) ***Fiscal impact.*** According to the Assembly Committee on Appropriations, this bill would impose the following costs:
 - a) Ongoing General Fund costs, likely of a minor amount, to each CSU campus, to establish a Basic Needs Center, employ a Basic Needs Coordinator, and perform other required activities. CSU indicates the vast majority of its campuses likely already comply with requirements to have a centralized location for students to access information related to basic needs and a position to assist students. However, current law does not require CSU have these offices or coordinators. This bill creates what would likely be a significant cost pressure to CSU to continue to fund the centers and coordinators.

- b) Unknown, though potentially significant, General Fund costs to each UC campus to establish a Basic Needs Center, employ a Basic Needs Coordinator, and perform other required activities, to the extent a UC does not already have a Basic Needs Center. In either case, however, this bill creates what would likely be a significant cost pressure to UC to continue to fund the centers and coordinators.
- c) One-time General Fund costs, of about \$6,000 per campus, to UC and CSU to identify and apply for at least one store that sells food on campus to become an authorized retail food store under federal SNAP and accept EBT cards.
- d) One-time Proposition 98 General Fund costs, of about \$6,000 per campus, to CCC to identify and apply for at least one store that sells food on campus to become an authorized retail food store under federal SNAP and accept EBT cards.

SUPPORT

Faculty Association of California Community Colleges (Co-Sponsor)
Student Senate for California Community Colleges (Co-Sponsor)
California Association of Food Banks
California State Student Association
California Student Aid Commission
uAspire

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2046	Hearing Date:	June 5, 2024
Author:	Bryan		
Version:	February 1, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Educational programs: single gender schools and classes.

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

SUMMARY

This bill extends by 10 years and six months the authority for the Los Angeles Unified School District (LAUSD) to operate single gender schools and classes.

BACKGROUND

Existing federal law:

- 1) Establishes Title IX, providing that, in part, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." Enforcement of compliance is initiated upon the filing of a complaint alleging a violation of Title IX. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)
- 2) Prohibits, with exception, an institution that receives federal financial assistance from providing or otherwise carrying out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on the basis of sex. (Code of Federal Regulations (CFR), Title 34, § 106.34)
- 3) Provide an exception to the general prohibition against separate programs or activities on the basis of sex for non-vocational classes or extracurricular activities in an elementary or secondary school if all of the following conditions are met:
 - a) Each single-sex class or extracurricular activity is based on the recipient's important objective:
 - i) To improve educational achievement of its students, through a recipient's overall established policy to provide diverse educational opportunities, provided that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective; or

- ii) To meet the particular, identified educational needs of its students, provided that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective;
- b) The recipient implements its objective in an evenhanded manner;
- c) Student enrollment in a single-sex class or extracurricular activity is completely voluntary; and
- d) The recipient provides to all other students, including students of the excluded sex, a substantially equal coeducational class or extracurricular activity in the same subject or activity. (34 CFR § 106.34)

Existing state law:

- 4) Prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, or sexual orientation in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. (Education Code (EC) § 220)
- 5) States that it is the policy of the state for elementary and secondary school classes and courses, including nonacademic and elective classes and courses, to be conducted without regard to the sex of the pupil enrolled in these classes and courses. (EC § 221.5)
- 6) Authorizes a school district with an average daily attendance of 250,000 or more students to maintain any single gender schools and classes that were enrolling students as of July 1, 2017, provided that the governing board of the school district has adopted a policy that addresses how the school district will ensure compliance with Title IX regulations. Existing law extends this provision to charter schools that are authorized by a school district with an average daily attendance of 250,000 or more students. (EC § 232.2)
- 7) Caps total student enrollment at a single gender school at 700 students, and caps total student enrollment in a single gender class maintained by a coeducational school at 1,000 students. (EC § 232.2)
- 8) Requires a school district that maintains an existing single gender school or classes or a charter school that is an existing single gender school or that continues existing single gender classes, to conduct the following evaluations at least once every two years:
 - a) An evaluation of whether the single gender aspect of the school or classes is based upon genuine justifications and does not rely on overly broad generalizations about the different talents, capacities, or preferences of either gender and that the single gender nature of the school or classes is substantially related to the achievement of the important objective for the school or classes.

- b) An evaluation that examines whether the single gender school or class has been effective as compared to coeducational schools.
 - c) An evaluation of the impact of the single gender school or class on students who identify as lesbian, gay, bisexual, transgender, questioning, or gender nonconforming. (EC § 232.4)
- 9) Requires the school district or charter school to submit the findings of the evaluations to the Senate Committee on Education, the Assembly Committee on Education, the Assembly Committee on Judiciary, the Senate Committee on Judiciary, and the California Department of Education (CDE). (EC § 232.4)
 - 10) Requires CDE, if it finds that one or more of the single gender schools or single gender classes fail to comply with the requirements of Title IX regulations to order corrective action up to and including requiring that the school or classes become coeducational. (EC § 232.4)
 - 11) Sunsets the authority to maintain single gender schools or classes on January 1, 2025. (EC § 232.6)

ANALYSIS

This bill extends by 10 years and six months, from January 1, 2025 to July 1, 2035, the authority for LAUSD to operate single gender schools and classes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “In 2017, AB 23 paved the way for single-gender classes and schools as a pilot program in Los Angeles. This innovative approach expanded educational opportunities and aligned with community goals by creating focused school programs. These programs aimed to enhance the representation of women and minorities in critical fields such as science, technology, engineering, mathematics, and leadership—for both boys and girls. Unfortunately, during the years 2020-2022, the pilot program was affected by the COVID-19 pandemic.

“AB 23 initially allowed single-gender schools to operate until January 1, 2025, with evaluations conducted at least once every two years. The evidence from these independent evaluations demonstrates great results. GALA students consistently outperform their peers on standardized assessments, BALA students achieve higher GPAs, and both GALA and GALS LA foster an inclusive environment where LGBTQ+ students feel accepted. Student surveys reveal higher levels of happiness and belonging within these schools compared to other co-ed schools in the district. AB 2046 will continue to empower students, promote diversity, and contribute to educational excellence by providing the pilot program more time to collect data.”

- 2) ***Single gender schools.*** LAUSD maintains four single gender schools:

- Young Oak Kim Academy (YOKA) is a grade 6 to 8 middle school that began in the 2009-10 school year that serves boys and girls, who are separated by gender in their core academic and PE classes. YOKA is a “STEAM middle school focused on college and career readiness.”
- Girls Academic Leadership Academy (GALA) began in 2016-17 enrolling students in grade 6 and grade 9 only, expanding by one middle and one high school grade each year to offer a “highly rigorous, college preparatory curriculum focused on STEM.” In 2022-23, GALA enrolled students in grades 6 to 12.
- Boys Academic Leadership Academy (BALA) began in 2017-18 serving 6th and 7th graders expanding up to grade 12. BALA also describes itself as “a STEAM academy with an emphasis on mentorship, leadership, and a college pathway in the related fields of STEAM learning.”
- Girls Athletic Leadership School Los Angeles (GALS LA) is an independent charter middle school for girls in grades 6 to 8, which began in the 2016-17 school year. GALS LA describes its emphasis as a “health and wellness approach in a small school environment to provide a rigorous college-prep middle school program for girls.”

3) ***Evaluations of single gender schools.*** Existing law requires LAUSD to complete a biennial evaluation of their single gender schools, and must include the following components in the evaluations:

- a) Whether the single gender aspect of the school or classes is based upon genuine justifications and does not rely on overly broad generalizations about the different talents, capacities, or preferences of either gender and that the single gender nature of the school or classes is substantially related to the achievement of the important objective for the school or classes.
- b) Whether the single gender school or class has been effective as compared to coeducational schools.
- c) The impact of the single gender school or class on students who identify as lesbian, gay, bisexual, transgender, questioning, or gender nonconforming.

Evaluations were completed in 2019, 2021, and 2023. The 2023 report provides frequencies and statistical analysis from all school years in which data is currently available. The report notes, “However, with the disruption in the consistent collection of assessment information, the outcome analysis provides an incomplete picture with respect to drawing conclusions with regard to student outcomes at each and across the schools. However, there are promising outcomes to report related to 2022 assessment data, the most recent statewide administration, with some areas of concern in two of the four schools.”

Highlights of the 2023 evaluation include:

- Relative to genuine justifications for the single gender school:
 - According to BALA's mission statement, the aim of the school is to prepare boys for college by providing them with an education focused on science, technology, engineering, arts, and mathematics (STEAM). Though not mentioned specifically in BALA's mission or vision statements, staff emphasize how the school's small and personalized design has allowed the school to address gaps in learning for its population when they arrive as middle schoolers.

BALA's enrollment has hovered at just over 80 students and has not yet met expectations for fully implementing the six grade levels originally envisioned for the school. However, a high proportion of students that qualify for special education have continued to select and remain in the school. Based on parent focus groups conducted during the most recent site visit and responses from the parent School Experience Survey related to overall Future focus, there is evidence to indicate that BALA is filling a need for the families it serves.

- As stated in its mission, GALA recognizes a gap between male and female achievement and participation in STEM education and an underrepresentation of women working in STEM fields. GALA's goal is to address this inequity in representation in STEM fields by providing an intensive STEM education, in an effort to increase girls' access to and participation in STEM activities.
- The GALS LA vision references the mind-body connection and posits it as a vital aspect of education in order to address the physical, emotional, and psychosocial needs of female adolescents to encourage them to become "leaders of their own lives."

GALS LA emphasizes movement integrated into the school day for the self-development of girls in building confidence, leadership, and voice. GALS LA emphasizes experiential learning and utilization of technology in the classroom. While the school community (during focus groups, interviews, and in classroom and observations of activities) provides evidence of an enthusiastic commitment to the vision, the direct connection between a single gender model and overall physical and mental wellbeing is less evident in the literature, especially related to connecting physical activity with the academic performance of girls.

- YOKA's more general mission statement asserts that a single-sex environment devoted to STEAM education and project-based learning will help students to explore their "passion." YOKA was established in 2009-10 as the result of parent interest in a public school option for single gender education at the middle school level. The founding principal responded to this interest by designing a small school with an academy approach to incorporate STEAM learning to support development of self-confidence to pursue rigorous classes in single gender classrooms and bolster achievement of girls and boys of color in math and science

courses when they transitioned to high school.

Since it opened, YOKA has used different configurations for its single gender approach, from the original academy concept to coeducational classes to currently implementing single gender core classes (math, science, English and history) and PE with coeducational electives and shared outdoor space for students to mix at breaks, lunch, and in after school programming.

While YOKA's initial selection of a single gender model for STEAM learning was a response to parent requests and the vision of the founding principal, the commitment to single gender education has become less clear over time with changes in leadership and other staffing. The evidence collected through the evaluation suggests that it is the intent of the single gender aspect of the school to bolster the self-esteem of boys and girls in higher level math and science classes; that by separating classes by gender, this will foster self-confidence less evident in a coeducational setting.

In summary, the evaluation found that the single gender approach of each school attracted parents and students who are committed to the vision and mission of the school without the use of overly broad generalizations regarding the talents, capacities, or preferences by gender.

- Relative to effectiveness:
 - For 2021-22, the average English language arts (ELA) scores of a sample of BALA students was compared to sample scores from matched peers at its set of comparison schools. BALA students performed slightly better than their matched peers in 6th and 7th grades. Both BALA students and their matched peers scored well below standard, with scores that only met standards about three levels below their respective grades.

For math, BALA students underperformed their matched counterparts at all grade levels and neither BALA nor their peers met standards - scoring well below the standard. One bright spot is the grade point averages for BALA students. All grades were higher than their matched counterparts in grades 6, 7, 8, and 9. School staff argue that the numbers "don't tell the whole story," and in focus groups conducted during the last four years, BALA educators insist they see significant growth in their students as leaders and scholars in other ways, such as students' project-based learning activities, supports delivered through its approach to special education inclusion, and exposure to hands-on learning in BALA's curriculum.

- The effectiveness of GALA's rigorous focus on advanced math and science classes is evidenced by its percentage of those who met or exceed ELA and math standards on the state assessments. This is further evidenced when scores are compared to those of their matched peers at mixed-gender schools, which includes socioeconomic status in

the one-to-one student match. Note that GALA enrolls students from throughout LAUSD and from other districts and its overall percentage of students qualifying for free and reduced lunch was 38% in 2022-23 compared to the district average of 81% and the slightly lower average rate of 79% among the comparison schools identified for the matched student level outcome data analysis.

The student level analysis for this evaluation also demonstrated that GALA students in 11th and 12th grades took a significantly higher number of math or science courses in 2021-22 than their matched counterparts. Furthermore, grade point averages for GALA students in grades 6 through 10 were higher than their matched counterparts.

- GALS LA students performed significantly better than their matched peers in ELA in 7th and 8th grades and met or exceeded standards. GALS LA students in 6th grade performed slightly better than their counterparts, but did not meet the standard. For math, GALS LA students in all grades performed better than their matched peers and were statistically significant; however, the scores for both groups were below the grade level standard. Grade point averages for GALS LA students in all grades were higher than their matched counterparts.

In addition to its impact on academic performance, GALS LA staff reported its single gender approach is providing increased attention for girls with learning disabilities. In focus groups conducted by the evaluator, administrators claimed that a single gender environment had increased the identification of students who needed extra support because girls in traditional coeducational schools are often under identified for special needs.

- For ELA, the average scores of comparison groups outperformed female YOKA students for both school years. For boys, again the average scores of matched peers outperformed YOKA students. The average scores of both YOKA and comparison scores were below the standard.

In math, the average scores of male YOKA students were comparable to those of their matched peers. For 2021-22, the average ELA scores of the sample of YOKA students was compared to sample scores from matched peers at the same comparison schools and analyzed separately by gender. Male 6th and 7th graders at YOKA in 2021-22 performed no better than their matched peers and both groups scored substantially below grade level in ELA. Male 8th graders at YOKA significantly outperformed their peers on average in 2021-22 though still somewhat below grade level. Male 6th and 8th graders at YOKA performed no better or worse in math in 2022 on average than their matched peers. However, YOKA 7th graders significantly underperformed compared to the matched students. Both groups scored substantially below standards on average in all grade levels.

Female 6th, 7th, and 8th graders at YOKA in 2021-22 performed no better

than their matched peers and both groups scored below grade level in ELA. Female 6th and 7th graders at YOKA performed no better or worse in mathematics in 2021-22 on average than their matched peers. However, female YOKA 8th graders significantly underperformed compared to the matched students. Both groups scored substantially below standards on average in all grade levels. Female and male YOKA students earned the same grade point average, on average, as their matched peers in grade levels 6, 7, and 8.

- Relative to the impact on students who identify as LGBTQIA+, the evaluation found that “These four schools varied somewhat in how schools are working with LGBTQIA+ students, with stronger and more deliberate policies and practices observed at GALS LA and GALA compared to those of YOKA and BALA.”
 - At GALS LA and GALA, as all-girl schools, the LGBTQIA+ student groups were more active and visible than at the other two schools. This is at least true in terms of the schools having a more deliberate approach to understanding identity development and education in this area based on site visit information and the clubs, activities, and curriculum related to gender identity embedded in school programming.
 - As a member of the International Coalition of Girls’ Schools, which has taken a strong stance on gender identity, GALS LA reported that they have begun to call themselves a school serving “Girls +.” According to GALS LA, the idea behind Girl + is to serve students who are gender fluid, transgender, students who identify as girls, nonbinary students, and “everything in between.” GALS LA states that they are committed to staying educated on topics relating to gender and will continue to modify and change policies as necessary. GALS LA is also a member of the International Coalition of Girls’ Schools and, similarly, uses approaches that emphasize inclusion and support self-identity.
 - BALA’s approach to inclusion of LGBTQIA+ students was not outrightly visible while at YOKA, students and staff identified the variations in what LGBTQIA+ students may experience in an all girls classroom versus all-boys versus co-ed. Specifically, there were concerns related experiences of bullying being more present in the all-boys classes. Information from the School Experience Survey provided above also provides a reference point related to gender identity acceptance that illustrates some of these concerns. When asked if LGBTQIA+ students were accepted at their school, BALA students consistently agreed at rates lower than comparison schools and LAUSD district wide.

In summary, the evaluation noted “the firm connection initially observed in the previous report between the original vision for the schools to connections and strong practices related to supporting the social and emotional learning of students and engagement in a school community that cares about its students and their families’ wellbeing. Structural supports embedded in each school’s day-to-day approach such as strong and very connected advisory groups, the

GALS LA series, and BALA's house system each show the school's commitment to how the student community is structured and how wellbeing is emphasized."

- 4) **Students who identify as non-binary or intersex.** Existing law requires the biennial evaluation of the single gender schools to include the impact of the single gender school or class on students who identify as lesbian, gay, bisexual, transgender, questioning, or gender nonconforming. Enrollment in a single gender school is voluntary and, according to the 2023 evaluation, the application process allows for all students to enroll based on their own gender identity.

While existing law prohibits schools from discriminating on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, or sexual orientation in any program or activity, it is worth clarifying that single gender schools are required to enroll students who are non-binary or intersex. **Staff recommends an amendment** to specify that students shall be admitted to and enrolled in a single gender school or class based on the student's gender identity.

- 5) **Author's clarifying amendments.** The author wishes to amend this bill as follows:

- a) Change "pupils of both genders" to "all pupils."
- b) Change "either gender" to "different genders."
- c) Require LAUSD or charter school to also make the evaluation findings available to the public on its website.

- 6) **Why just the existing schools in LAUSD?** Existing law authorizes a school district with an average daily attendance of 250,000 or more students to maintain any single gender schools and classes that were enrolling students as of July 1, 2017. Existing law also allows charter schools authorized by LAUSD to operate single gender schools and classes if the school or class has been operating as such prior to July 1, 2017. Therefore, LAUSD is the only school district authorized to operate single gender schools and classes (due to the district's size and their operation of single gender schools prior to July 1, 2017).

Should other school districts be allowed to maintain single gender schools and classes? Should LAUSD be allowed to maintain single gender schools in addition to the four existing single gender schools in the district?

- 7) **Is ten years too long?** This bill extends by 10 years and six months, from January 1, 2025 to July 1, 2035, the authority for LAUSD to operate single gender schools and classes. Sunset extensions are typically granted for five or even seven years. Considering when the biennial evaluations are due, **staff recommends an amendment** to shorten the sunset extension to six years.
- 8) **Fiscal impact.** According to the Assembly Appropriations Committee analysis, this bill would impose ongoing Proposition 98 General Fund cost pressures every two years, until January 1, 2035, likely in the tens of thousands of dollars, to

LAUSD to produce evaluations of the single-gender schools and classes it operates and authorizes. Because LAUSD voluntarily operates and authorizes single-gender schools and classes, the costs of producing the evaluations is not a reimbursable state mandate.

SUPPORT

Los Angeles Unified School District (sponsor)
California Charter Schools Association
Charter Schools Development Center

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2073 **Hearing Date:** June 5, 2024
Author: Quirk-Silva
Version: April 1, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Physical education courses: alternate term schedules.

SUMMARY

This bill authorizes the governing board of a school district that maintains any of grades 6 to 12 to adopt a policy, as specified, providing for an alternate term schedule for physical education (PE) courses, which shall be deemed to satisfy the requirements of a course in PE.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the California Department of Education (CDE) to exercise general supervision over the courses of PE in the elementary and secondary schools of the state; advise school officials, school boards, and teachers in the development and improvement of their PE and activity programs; and investigate the work in PE in the public schools. (EC § 33352)
- 2) Requires all elementary students to receive a minimum of 200 minutes of PE instruction every ten school days. (EC § 51223)
- 3) Requires all pupils, except pupils excused or exempted, to be required to attend courses of PE for a total period of time of not less than 400 minutes each 10 schooldays. Requires that any pupil may be excused from PE classes during one of grades 10, 11, or 12 for not to exceed 24 clock hours in order to participate in automobile driver training. States that a pupil who is excused from PE classes to enroll in driver training to attend a minimum of 7,000 minutes of PE instruction during such school year. (EC § 51222)
- 4) Requires the adopted course of study for grades 1 to 6, inclusive, to include instruction, beginning in grade 1 and continuing through grade 6, in PE, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, excluding recesses and the lunch period. (EC § 51210)

ANALYSIS

This bill:

- 1) This bill authorizes the governing board of a school district that maintains any of grades 6 to 12 to adopt a policy providing for an alternate term schedule for PE courses, which shall be deemed to satisfy the requirements of a course in physical education, if all of the following are met:
 - a) For a pupil in grade 6, the pupil receives no less than 400 minutes of instruction every 10 days for a semester of not fewer than 18 weeks during the regular school year, for a total of 3,600 instructional minutes for the school year. However, if the pupils are in grades 7 to 12, the pupil receives no less than 800 minutes of instruction every 10 days for a semester of not fewer than 18 weeks during the regular school year, for a total of 7,200 instructional minutes for the school year.
 - b) The PE program is aligned with the PE Framework adopted by the state board in that it provides a sequential, articulated, age-appropriate program.
 - c) The PE program complies with the course of study requirements of high school PE programs, as applicable.
 - d) Pupils are prepared for, and participate in, the physical performance testing.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “As a teacher for over thirty years, I have witnessed firsthand the importance of physical education in shaping the lives of students. This legislation simplifies the process for schools to adopt alternative schedules for classes, ensuring that our young learners receive the physical activity they need without unnecessary obstacles. By promoting flexibility for school’s academic schedules, we can boost student success, improve teacher morale, and strengthen our educational system.”
- 2) ***Physical Education.*** PE contributes significantly to every student’s health and well-being, and it is an instructional priority for California schools. Every student, regardless of disability, ethnicity, gender, native language, race, religion, or sexual orientation, is entitled to a high-quality PE program. PE is an integral part of the overall education program for every student and provides one of the few opportunities students have to develop the skills, knowledge, and confidence necessary to lead a physically active lifestyle. A high-quality PE program promotes an active lifestyle, improved health, motor skill development, and better cognitive performance. PE requirements and courses are different across different grade ranges.
 - a) Elementary School
Local governing boards of education select the curriculum for grades 1 through 6. PE from grades 1 through 6 should focus on physical activities promoting students' health and well-being. This instruction should be at least 200 minutes

every ten school days, excluding recess and lunch periods. For students in grades 1 through 6, PE instruction should prioritize physical activities that contribute to the health and vitality of both body and mind, totaling at least 200 minutes every ten school days, excluding recesses and the lunch period. PE instruction in an elementary school covering grades 1 to 8 should be for a total period of not less than 200 minutes every ten school days, excluding recess and the lunch period.

b) Middle School and High School:

Students in these grades must participate in physical activities conducive to the health and vigor of body and mind for a total period of not less than 400 minutes each ten school days.

c) High School:

Districts must offer a comprehensive PE course for students in grades 9 through 12. This course should cover a developmentally appropriate instruction sequence in eight specific content areas throughout the PE classes offered as part of the school's curriculum. Although the law does not mandate that each class must cover all eight areas, it does require that the overall course of study for grades 9 through 12 encompasses instruction in all eight regions.

- Effects of physical activity on dynamic health;
- Mechanics of body movement;
- Aquatics;
- Gymnastics and tumbling;
- Individual and dual sports;
- Rhythms and dance;
- Team sports;
- Combatives.

Furthermore, the PE Model Content Standards for California Public Schools, High School Courses One and Two, provide a course model covering the topics mentioned above.

3) ***How Do Block Schedules Alter PE Minutes Compliance?*** Secondary schools traditionally have six to eight 40 to 55-minute classes per day. However, in a block schedule, classes are longer, ranging from 75 to 95 minutes, and students attend fewer daily classes. In a block schedule, students can take up to eight courses per year.

Some block schedules have a 4x4 block, where students take four courses daily for the first half of the school year and then switch to four classes for the second half.

This type of schedule operates on a semester schedule, meaning students and teachers follow new schedules halfway through the year. By focusing on four classes at a time, students and teachers can provide deeper and more comprehensive instruction.

In an A/B or alternating block schedule, classes meet every other day for the academic year. This schedule still allows for some benefits of more extended class periods, such as building relationships and more interactive lessons. Still, students and teachers focus on eight classes throughout the year.

Some schools combine traditional and block schedules into a hybrid weekly schedule. Hybrid schedules provide similar benefits and challenges to alternating block schedules.

In addition, schools have many other schedule modifications, such as flex block, rotating block, and trimester schedules. Some schools add a flex block to the schedule to make time for advisory, intervention, or other student/school/district needs. A flex block typically lasts 30 minutes and can occur at the beginning, middle, or end of the day.

Waivers For PE Courses On Block Schedules Have Been Approved For At Least 40 Years. According to the CDE, the State Board of Education (SBE) adopted a waiver guidelines policy in July 1984. The policy was amended in February 1990 and June 1999 to allow local educational agencies to seek flexibility in meeting requirements to accommodate block schedules when necessary.

Policy 99-03 of the SBE established criteria for evaluating and approving requests to waive the two-year PE requirements. The policy aims to guarantee that students participate in regular physical activity as mandated by law, even if their school schedule doesn't permit it during regular instructional time.

The SBE's High School Waiver Criteria consist of specific requirements, some of which are also outlined in this bill.

- a) The district provides evidence that the PE instructional program at each school(s) requesting the waiver, complies with federal and state statutes and regulations related to PE pertaining to the minutes requirement; provides instruction based on PE content standards; and is aligned with the PE Framework (sequential, articulated, age-appropriate instruction).
- b) The district provides evidence that it has developed a PE professional development plan for teachers who deliver PE instruction at that school.
- c) The district provides evidence that students are enrolled in PE courses for a minimum of 18 weeks in 80-90-minute daily class periods during the regular school year.
- d) The district will monitor students' physical activity programs during weeks when they are not taking a PE course at school. The monitoring program will include holding students accountable for their participation in physical activity, guiding

students in using exercise principles to design and complete their physical activity programs, and providing specific information about the monitoring program's design and delivery.

- e) The district provides information demonstrating that the PE program in a senior or four-year high school complies with the California Code of Regulations, Title 5, Article 3.1, Section 10060.
- f) The district provides information demonstrating that all eligible students are prepared for and participate in the physical performance testing specified in EC Section 60800.
- g) The district has thoroughly examined the option of implementing alternate-day scheduling for PE instead of alternate-term scheduling.

The CDE provides technical assistance to schools that apply for and receive a waiver. If a school is granted a waiver of EC Section 51222 to implement a block schedule, it will be selected for monitoring as part of the district's categorical program monitoring process. Additionally, the CDE reviews California Physical Fitness Test data for schools that request a waiver, initially and upon renewal, to assess improvement or at least maintenance of students' health-related fitness levels.

4) ***Related Legislation.***

SB 78 (Torlakson and Ortiz, Chapter 459, Statutes of 2003) adds fitness programs and clubs to the PE activities which K-12 districts are encouraged to offer and provides that PE test results may be provided to pupils orally.

SB 601 (Torlakson, Chapter 720, Statutes of 2007) enhances the monitoring of local compliance with PE requirements while clarifying existing law relating to high school PE exemptions.

SUPPORT

Los Angeles Unified School District (Sponsor)
 Jefferson Union High School District
 Oxnard Union High School District
 PERK Advocacy

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2137	Hearing Date:	June 5, 2024
Author:	Quirk-Silva		
Version:	April 11, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Homeless and foster youth.

SUMMARY

This bill, among other things, (1) expands the activities that must occur before the governing board of a school district considers the adoption of a local control and accountability plan (LCAP) or an annual update to LCAP, to include consultation with the homeless liaison and foster youth liaison to develop specific actions in the LCAP or annual update to the LCAP to address and reduce disparities in opportunities and outcomes between pupil groups, and address any locally identified priorities; (2) requires the instructions for the State Board of Education (SBE)-adopted LCAP template to specify, beginning with LCAPs for the 2025–26 school year, that local educational agencies (LEAs) with a number of homeless students identified that is less than 10 percent of the number of the districts students identified as eligible for free or reduced-price meals, must include a description of how the LEA has implemented or intends to implement the existing requirement to identify all homeless youth and unaccompanied youth enrolled in the LEA; and, (3) eliminates the “school district waiver” that currently allows school districts to shift the provision of direct services to the Foster Youth Services Coordinating Program (FYSCP).

BACKGROUND

Existing federal law:

Homeless youth

- 1) Defines, in the McKinney-Vento Act, “homeless children and youths” as individuals who lack a fixed, regular, and adequate nighttime residence, and includes:
 - a) Children who are sharing the housing of others due to economic hardship, are living in motels, hotels, trailer parks, or campgrounds due to the lack of alternative accommodations, are living in emergency or transitional shelters, or are abandoned in hospitals;
 - b) Children who have a primary nighttime residence not designed or ordinarily used for sleeping;
 - c) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

- d) Migratory children who are living in the circumstances described above. (United States Code, Title 42, § 11434a)
- 2) Requires LEAs to designate an appropriate staff person as a liaison for homeless children and youth. (42 USC § 11432(g)(1)(J)(ii)).

Existing state law:

Foster youth

- 3) Establishes the FYSCP, administered by the Superintendent of Public Instruction (SPI), to provide supplemental funding to county offices of education, or a consortium of county offices of education, to coordinate and ensure that LEAs within its jurisdiction are providing services to foster youth, with the purpose of ensuring positive educational outcomes. Existing law requires a FYSCP to meet minimum standards established by the SPI. (EC § 42920.5)
- 4) Authorizes a county offices of education, or a consortium of county offices of education, to apply to the SPI for grant funding, to the extent funds are available, to operate an education-based foster youth services coordinating program to provide educational support for pupils in foster care. (EC § 42921)
- 5) Requires each FYSCP to have at least one person identified as the foster youth educational services coordinator. (EC § 42921)
- 6) Requires, as a condition of receiving funds, each FYSCP to develop and implement a foster youth services coordinating plan to establish guiding principles and protocols to provide supports for foster care students aligned with the established population priorities. (EC § 42921)
- 7) Authorizes a school district to enter into a temporary agreement with the FYSCP to directly provide tutoring, mentoring, and counseling (if those services are established as needed and identified by the appropriate school district, in collaboration with the county child welfare agency or county probation department), if the school district annually certifies in writing to the FYSCP that it is unable, using any other state, federal, local, or private funds, to provide, those services. This is known as a “school district” waiver.
- 8) Requires each LEA to designate a staff person as the educational liaison for foster youth. (EC § 48853.5)

LCAPs

- 9) Requires LEAs to adopt and annually revise an LCAP, establishing annual goals and identifying specific actions, in the eight state priority areas. (EC § 52060, § 47604.33, § 47606.5, and § 52064)
- 10) Requires the LCAP instructions developed by the SBE to specify that beginning with the 2024–25 school year, LEAs are required to include specific actions in their LCAP to address all instances where a school or student group within a

LEA, or within a school, receives the lowest performance level on one or more state indicators on the California School Dashboard.
(EC § 52064(e)(6))

Financial aid forms

- 11) Requires the governing body of a LEA to confirm that a student complies with at least one of the following:
 - a) The student completes and submits to the United States Department of Education a Free Application for Federal Student Aid (FAFSA).
 - b) The student completes and submits to the Student Aid Commission a California Dream Act Application (CADAA), if the student is exempt from paying non-resident tuition, as specified. (EC § 51225.7)

ANALYSIS

This bill:

LCAPs

- 1) Expands the activities that must occur before the governing board of a school district considers the adoption of a LCAP or an annual update to LCAP, to include both of the following:
 - a) The superintendent of the school district must consult with the LEA's homeless liaison while developing specific actions in the LCAP or annual update to the LCAP to address and reduce disparities in opportunities and outcomes between pupil groups, and address any locally identified priorities, and also specify number of homeless students identified that is less than 10 percent of the number of the district's students identified as eligible for free or reduced-price meals.
 - b) The superintendent of the school district must consult with its foster youth liaison to develop specific actions in the LCAP or annual update to the LCAP to address and reduce disparities in opportunities and outcomes between pupil groups, and address any locally identified priorities.
- 2) Replicates the provisions in #5 to be relevant to the development and adoption of LCAPs and annual updates by county boards of education.
- 3) Requires the instructions for the SBE-adopted LCAP template to specify, beginning with LCAPs for the 2025–26 school year, that LEAs with a number of homeless students identified that is less than 10 percent of the number of the district's students identified as eligible for free or reduced-price meals, must include a description of how the LEA has implemented or intends to implement the existing requirement to identify all homeless youth and unaccompanied youth enrolled in the LEA.

- 4) Requires the instructions for the SBE-adopted LCAP template to require, beginning with LCAPs for the 2025–26 school year, LEAs that had homeless youth or foster youth receive the lowest performance level on one or more state indicators on the California School Dashboard in the preceding year to develop any specific actions in the LCAP, in consultation with the homeless liaison and the foster youth liaison.

Foster Youth Services – school district waiver

- 5) Eliminates the “school district waiver” that currently allows school districts to certify that they are unable to provide direct services, whereby the FYSCP would then provide those direct services. Specifically, this bill eliminates the reference to school districts entering into a temporary agreement with FYSCPs to provide those services, and specifies that it is the FYSCP’s foster youth educational services coordinator, rather than the school district, who is to determine if the program’s coordinating activities are unable to secure tutoring, mentoring or counseling services and therefore authorize the program to directly provide those services to the student.
- 6) Specifies that a FYSCP may directly provide tutoring, mentoring or counseling services to a foster youth student if it is determined that the program is unable to *secure*, rather than unable to *provide*, those services.
- 7) Provides that tutoring, mentoring, or counseling services are established as needed and identified by the foster youth educational services coordinator, rather than by the school district, in collaboration with the county child welfare agency or county probation department.

Financial aid forms

- 8) Requires LEAs to submit a copy of any opt-out forms for foster youth (from the requirement to complete the FAFSA or CADAA) to the FYSCP no later than 14 calendar days following the date that the opt-out form is completed.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Research shows that these students who are experiencing homelessness or are foster youth face immense challenges in attaining a high school diploma and successfully matriculating to higher education. While schools are improving in identifying homeless students, many districts still report zero cases or likely underreport, denying these students the specialized assistance mandated by law. Fiscal concerns should not hinder our state’s provide services to foster youth and those experiencing homelessness. It is precisely during these times that we must think creatively to ensure that the allocated funding and resources are used optimally for the benefit of these students. AB 2137 utilizes existing resources to enhance direct student support, streamline collaboration of services, and reduce gaps in financial aid application completion to further improve outcomes for foster youth and students who experience homelessness.”

- 2) **Local Control and Accountability Plans.** Existing law requires LEAs, beginning with LCAPs for the 2024–25 school year, to include specific actions in their LCAP to address all instances where a school or student group within the LEA receives the lowest performance level on one or more state indicators on the California School Dashboard. *This bill requires LEAs to consult with the homeless liaisons for the development of the LCAP to address all instances where homeless students received the lowest performance level on one or more state indicators on the California School Dashboard. This bill also requires LCAPs for LEAs that have identified fewer homeless youth than 10 percent of their students who are eligible for free- or reduced-price meals, to include a description of how the LEA has or will implement the requirement to identify all homeless youth and unaccompanied youth.*
- 3) **Foster Youth Services Coordinating Programs.** The SPI administers the FYSCPs through county offices of education that choose to receive additional funding to provide support services to foster youth. AB 854 (Weber, Chapter 781, Statutes of 2015) restructured the existing Foster Youth Services program by *shifting the primary function from direct services to coordination* and allowing program funds to be used to support all students in foster care, irrespective of placement. This shift in focus was made under the premise that the newly-enacted Local Control Funding Formula meant that school districts were eligible to receive additional funding for “unduplicated pupils” (foster youth, English learners, and low-income) supplemental and concentration grants, and the Foster Youth Services categorical funds could be devoted to coordination efforts on behalf of foster youth, rather than for direct services.

This bill returns, in part, the authority for direct services for foster youth to be provided through the FYSCP, by eliminating the “school district waiver” and authorizing the FYSCP to provide tutoring, mentoring, and counseling to a foster youth if the foster youth educational services coordinator determines that it is in the best interest of the foster youth. The most recent FYSCP report recommends removing the annual school district waiver requirements (see comment #4).

- 4) **FYSCP report and recommendations.** Existing law requires the SPI to provide a biennial report to the Legislature and Governor with specified information about the FYSCP and recommendations regarding the effectiveness and continuation of the FYSCP.

As noted in the Assembly Education Committee analysis, the most recent report (2022) found the FYSCPs have demonstrated substantial progress in building collaborative relationships among various agencies and systems that work with foster youth, focusing support on data sharing, transportation procedures to support school stability, learning support, and college and career transitions. The interagency collaborative relationships developed by the FYSCPs have resulted in the expanded capacity of providing comprehensive services to foster youth and the improvement in their academic outcomes. *The report recommends, among other things, to amending existing law to remove the annual LEA waiver requirements to provide direct services to foster youth. This bill implements that*

recommendation.

- 5) **Financial aid forms.** Existing law requires LEAs to confirm that all high school seniors have completed a FAFSA or CADAA, but allows LEAs to submit an opt-out form on behalf of students determined to be unable to fulfill this requirement. This bill requires LEAs to submit a copy of any opt-out forms for foster youth to the FYSCP no later than 14 calendar days following the date that the opt-out form is completed.

Committee staff believes that the federal Family Educational Rights and Privacy Act (FERPA) may prohibit school districts from disclosing information that is contained in the FAFSA or CADAA to a FYSCP (which are operated by county offices of education) without consent of the parent or eligible student. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose personally identifiable information from students' education records, without consent, to specified parties or under specified conditions. (Code of Federal Regulations, Title 34, § 99.31) Examples of allowable disclosures without consent include disclosures to:

- a) Other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.
- b) Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- c) Authorized representatives of state and local educational officials.
- d) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid or amount of aid.

Committee staff encourages the author to resolve this question and clarify any privacy issues in this bill.

- 6) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) Potential, minor, ongoing Proposition 98 General Fund cost shifts within the annual funding allocations to COEs from the Foster Youth Services Coordinating Program if this bill results in more foster students receiving services.
 - b) Minor ongoing Proposition 98 General Fund costs to LEAs to provide opt-out forms from FAFSA or CDAA to Foster Youth Services Coordinating Programs.

- c) Minor, one-time General Fund costs to the California Department of Education to ensure that the instructions developed by the State Board of Education used to complete and annually update the LCAP include certain elements.
- d) Minor, ongoing Proposition 98 General Fund costs to each county superintendent of schools to consultant with homeless youth liaisons and foster youth liaisons.

7) ***Related legislation.***

AB 2165 (Reyes, 2024) would require that LEAs take specific actions prior to exempting a student from the requirement to complete the FAFSA or CDAA, and requires that LEAs post specified data on exemptions on their websites. AB 2165 is pending in this committee.

AB 3223 (Wilson, 2024) would expand eligibility for FYSCP services to youth who are subject to a juvenile court petition and who have been identified as being at imminent risk of removal and placement into foster care. AB 3223 is scheduled to be heard in this committee on June 5, 2024.

SUPPORT

John Burton Advocates for Youth (Co-Sponsor)
National Center for Youth Law (Co-Sponsor)
Alameda County Office of Education
California Alliance of Caregivers
California Competes: Higher Education for A Strong Economy
Children Now
Doing Good Works
iFoster
Los Angeles County Office of Education
Pasadena City College-Next Up Program
Safe Place for Youth
SchoolHouse Connection
Students Rising Above

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2076 **Hearing Date:** June 5, 2024
Author: McCarty
Version: May 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: California Student Housing Revolving Loan Fund Act of 2022: state fund loan.

SUMMARY

This bill requires the State Controller to loan \$200 million from the Pooled Money Investment Account (PMIA) and deposit it into the Student Housing Revolving Loan Fund (SHRLF) for 30-year loans to the California Community Colleges (CCC), California State University (CSU), and University of California (UC) to support affordable student, faculty, and staff housing.

BACKGROUND

Existing law:

- 1) Establishes the SHRLF Act of 2022 and establishes SHRLF in the State Treasury to provide zero-interest loans to qualifying CCC, CSU, and UC applicants for the purpose of constructing affordable student housing and affordable faculty and staff housing. Stipulates that all moneys in the fund are hereby continuously appropriated without regard to fiscal years.
- 2) Appropriates for the 2023–24 fiscal year (FY), the sum of \$200 million from the General Fund (GF), to be deposited in the SHRLF. States that it is the intent of the Legislature to appropriate the following in subsequent fiscal years to be deposited in the SHRLF:
 - a) \$300 million in the 2024–25 FY;
 - b) \$300 million in the 2025–26 FY;
 - c) \$300 million in the 2026–27 FY;
 - d) \$300 million in the 2027–28 FY; and,
 - e) \$300 million in the 2028–29 FY.
- 3) Authorizes the State Treasurer to pledge any or all of the moneys in SHRLF as security for payment of the principal of, and interest on, a particular issuance of bonds by a designated lending authority. The Treasurer may invest moneys in SHRLF that are not required for its current needs, including proceeds from the sale of bonds, in eligible securities, as specified, all interest or other increment

resulting from the investment or deposit of moneys from the SHRLF shall be deposited in the SHRLF.

- 4) Stipulates that moneys in the SHRLF may not be subject to transfer to any other funds, as specified, except to the Surplus Money Investment Fund. (Education Code (EC) Section 67329.1, et seq.)
- 5) Establishes the Pooled Money Investment Board (PMIB), consisting of the State Controller, State Treasurer, and the Director of Finance. The PMIB is required to meet at least once in every three months and must designate at least once a month the amount of money available for investments in securities, as specified, or in deposits in banks and savings and loan associations, or in loans to the GF and the type of investment or deposit. Authorizes the PMIB to increase the amount of surplus money normally available for time deposits with the express purpose of placing this money in banks that are members of a California job development corporation and who have made loans to such a corporation or to corporation-approved borrowers. The PMIB governs PMIA (Government Code Sections 16430 and 16480.1, et seq.).

ANALYSIS

This bill:

- 1) Requires the State Controller, upon appropriation by the Legislature, to loan \$200 million from the PMIA in the 2024-25 fiscal year, and deposit it into the SHRLF.
- 2) Stipulates that loans made to applicants that are from moneys transferred shall be repaid at a 3-percent interest rate.
- 3) Stipulates that the principal and interest for the cash loan made shall be fully repaid on June 30, 2035 or earlier without penalty.
- 4) Requires the interest rate on the cash loan made shall be equal to the PMIA average monthly effective yield rate, as determined by the Treasurer. The interest shall be repaid from the GF.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “By removing this program's funding, as proposed in the 2024-25 Governor’s Budget, there are few ongoing funding sources or financing tools to help California's public colleges and universities meet the growing need for affordable student housing. The Higher Education Student Housing Grant Program, for example, is currently oversubscribed.”

The author contends that, “loaning \$200 million to the California Student Housing Revolving Loan Fund would leverage short-term funding to create an ongoing, self-sustaining funding stream to help finance affordable student housing at our public colleges and universities. This program is used to issue zero-interest

loans to UC, CSU, and CCC campuses to construct an estimated 25,000 student housing beds below market rate, making student housing more affordable.”

- 2) ***The California Educational Facilities Authority (CEFA)***. The CEFA was established in 1973 and is housed in the Office of the State Treasurer, and was created for the purpose of issuing revenue bonds to assist private non-profit institutions of higher learning, in the expansion and construction of educational facilities. Because it is authorized to issue tax-exempt bonds, the CEFA may provide more favorable financing to such private institutions than might otherwise be obtainable.

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

- 3) ***What is SHRLF?*** According to CEFA, on September 27, 2022, the SHRLF Act of 2022 was chaptered into law with the passing of AB 190, the Higher Education Trailer Bill (Committee on Budget, Chapter 572, Statutes of 2022), authorizing CEFA and the California School Finance Authority (CSFA) to develop the SHRLF to provide zero-interest loans to qualifying colleges and universities to construct affordable student, faculty, and staff housing. It would require CSFA to develop an application and consider applications from qualifying CCC, as provided, and CEFA to consider applications from qualifying applicants of the UC or the CSU systems, as specified. It was the intent of the Legislature to appropriate \$900 million in the 2023-2024 FY and \$900 million in the 2024-2025 FY.

However, on July 10, 2023, SB 117 (Committee on Budget and Fiscal Review, Chapter 50, Statutes of 2023) was chaptered into law amending the funding levels for the SHRLF and allocating \$200 million for the 2023- 2024 FY, with the intent to appropriate \$300 million for each FY starting from FY 2024–2025 through FY 2028–2029, totaling \$1.7 billion, to be deposited in the Fund. Per SB 117, 75% of the \$200 million allocation must be available for UC and CSU applicants, and 25% must be available for CCC applicants.

The SHRLF requires the development of a new revolving loan program under CSFA and CEFA. This SHRLF requires policy development, underwriting criteria, regulation development, forms development, and a loan tracking system. In addition, staff have to review the loan applications and make recommendations to their respective boards to approve the loans. Since this is a revolving loan program, it would be replenished through the repayment of loans, thus it would be ongoing. In addition, CSFA and CEFA would be empowered to issue bonds in the future to replenish SHRLF if the demand were there.

The author states that, “students who would typically not attend a college due to the high cost of living associated with that campus will then be able to attend since funds used via this program results in affordable housing. This will greatly benefit lower-income and historically marginalized communities trying to attain higher education.”

- 4) **What is PMIA?** Through PMIA, the State Treasurer invests taxpayers' money to manage the State's cash flow and strengthen the financial security of local governmental entities. The PMIA policy sets as primary investment objectives safety, liquidity and yield.

The Investment Division of the State Treasurer's Office manages the PMIA. The PMIB governs the PMIA. The PMIA has three primary sources of funds: the State GF; special funds held by State agencies; and moneys deposited by cities, counties, and other entities into the Local Agency Investment Fund (LAIF). At the end of March 2024, the PMIA portfolio totaled approximately \$156.5 billion. The daily investment activity in March 2024 averaged \$2.754 billion.

Investment Division staff invest PMIA funds in a wide range of securities, using more than 100 brokers, dealers, banks, and direct issuers of commercial paper and corporate debt. By law, PMIA moneys can be invested in the following categories: U. S. government securities, securities of federally-sponsored and supranational agencies, domestic corporate bonds, foreign government bonds, money market mutual funds, interest-bearing time deposits in California banks, savings and loan associations and credit unions, prime-rated commercial paper, repurchase and reverse repurchase agreements, security loans, banker's acceptances, negotiable certificates of deposit and loans to various bond funds.

Through the PMIA, the Investment Division manages two programs of particular note: the LAIF and time deposits.

The LAIF allows cities, counties and special districts to place money in a major portfolio and, at no additional costs to taxpayers, use the expertise of Investment Division staff. Participating agencies can withdraw their funds from the LAIF at any time. At the end of March 2024, the LAIF had 2,346 participating agencies and a balance of \$21.0 billion.

Under the time deposit program, the PMIA provides money to community banks at competitive rates. Eligible institutions are commercial banks, savings banks, and credit unions that are federally insured and licensed to accept deposits in the State of California. Banks which receive time deposit funds can use the money to expand economic opportunity and create jobs in the communities they serve. At the end of March 2024, the PMIA had 152 time deposits totaling \$5.1 billion in 55 institutions.

- 5) **Arguments in Support.** According to the UC, "University students are struggling to find affordable housing options throughout California. University of California campuses reported over 16,000 students signed up for waitlists for campus housing. University of California has approximately 6,500 student beds across the system that could be built if funding were available. The California Student Housing Revolving Loan Fund would allow campuses to proceed with these projects to create more available campus housing for students."

The CSU Office of the Chancellor states that, "Because of the state's current budget shortfall, the funding [SHRLF] was pulled back in the Governor's January Budget proposal. By utilizing the funding within the Pooled Money Investment

Account, AB 2076 represents a creative approach to secure the necessary funding to initiate this important revolving loan program. The zero-interest loan program is critical to providing affordable housing and address the needs facing so many of our students, staff, and faculty.”

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2251 **Hearing Date:** June 5, 2024
Author: Connolly
Version: April 1, 2024
Urgency: No **Fiscal:** No
Consultant: Kordell Hampton

Subject: Graduation requirements: local requirements: exemptions.

SUMMARY

This bill clarifies that the governing board of a school district may, at its discretion, adopt a policy to exempt pupils from any coursework requirements established by the governing board, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Authorizes the governing board of a school district to adopt coursework requirements adopted in excess of the coursework requirements of the state. (EC § 51225.3 (a)(2))
- 2) Specifies coursework requirements for graduation from high school, including three courses in English, two courses in mathematics, two courses in science, three courses in social studies, one course in visual or performing arts or world languages or career technical education (CTE), two courses in physical education, and, commencing with students graduating in the 2029-30 academic year, subject to an appropriation, a one-semester course in ethnic studies. (EC 51225.3(a)(1))
- 3) Establishes statewide high school graduation requirements, which include, among other requirements, three courses in English and three courses in social studies, and authorizes school districts to establish additional requirements for graduation. (EC § 51225.3)
- 4) Requires local educational agencies (LEAs) and charter schools to exempt students in foster care, those who are homeless, students who transfer from juvenile court schools, students from military families, migrant students, and newcomer students who transfer between schools any time after the completion of the student's second year of high school from all coursework and other requirements that are in addition to state graduation requirements, unless a school district makes a finding that a student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school. (EC § 51225.1)

- 5) Requires that LEAs, charter schools, and the State Special Schools for the Deaf and the Blind exempt an individual with exceptional needs whose individualized education program (IEP) team has deemed the student eligible to take the state alternate assessments and who is required to complete state standards aligned coursework to meet the statewide course requirements for graduation from high school, to from all courses and other requirements adopted by the governing board or governing body of the LEA that are additional to the statewide course requirements and award the student a diploma of graduation from high school. (EC § 51225.31)

ANALYSIS

This bill:

- 1) Clarifies that the governing board of a school district may, at its discretion, adopt a policy to exempt pupils from any additional coursework requirements established by the governing board in excess of the state graduation requirement.
- 2) State that it is the intent of the Legislature that they policy include a consultation with the pupil and the educational rights holder for the pupil regarding any impact of not fulfilling locally required coursework on the pupil's ability to gain admission to an institution of higher education.
- 3) States that this authorization does not affect the rights of foster youth, students experiencing homelessness, and other highly mobile student populations to be exempted from local graduation requirements, as specified under existing law.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Students struggling with their mental or physical health should not be penalized for unavoidable lapses in attendance, and these students should be afforded a manageable pathway to graduate high school with their peers. While it is important for students to reach their school district's mandated benchmarks for graduation, we should not delay their life milestones because of circumstances outside their control."
- 2) **High School Graduation Requirements.** Beginning in the 1986–87 school year, California Education Code Section 51225.3 has specified a minimum set of courses to meet state requirements to graduate from high school and receive a diploma.

Statute states that all pupils receiving a diploma of graduation from a California high school must have completed all of the following courses, while in grades nine to twelve:

- a) Three courses in English.
- b) Two courses in mathematics, including one year of Algebra I.
- c) Two courses in science, including biological and physical sciences.

- d) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics.
 - e) One course in visual or performing arts, world language, or career technical education.
 - f) Two courses in physical education, unless the pupil has been exempted.
 - g) One semester of Ethnic Studies, commencing with pupils graduating in the 2029–30 school year.
- 3) **Local High School Graduation Requirements.** School districts can establish additional graduation requirements for students to earn their high school diploma. The law does not specify whether or how students can be exempted from these requirements, except for specific provisions for highly mobile students and some students with disabilities.

This bill does not affect the rights of foster youth, students experiencing homelessness, and other highly mobile student populations to be exempted from local graduation requirements.

As a result, school districts can decide whether and how to exempt students from their local graduation requirements. Despite this, some school districts have hesitated to exempt students without explicit authorization from the law.

This bill clarifies that high schools can adopt a policy to exempt pupils from any additional coursework requirements established by the governing board in excess of the state graduation requirement and ensure that the pupil and their educational rights holder receive a consultation on the potential impacts of fulfilling locally required coursework on the pupil's ability to gain admission to an institution of higher education.

Some Districts Choose To Adopt Additional Graduation Requirements Aligned with the California State University (CSU) and University of California's (UC) A-G Requirements. The A-G course pathway is designed around the minimum course requirements students must have to enter a UC or CSU school. While UC and CSU, only require the A-G courses require similar classes for admission (see the A-G requirements below):

- Two years of history/social science (including one year of U.S. history or one-half year of United States history and one-half year of civics or American government, and one year of world history, cultures, and geography).
- Four years of approved English courses.
- Three years (recommended four years) are of college-preparatory Mathematics (Including the topics covered in elementary and advanced algebra and two- and three-dimensional geometry; a fourth year of math is strongly recommended. A

geometry course or an integrated math course with a sufficient amount of geometry content must be completed.)

- Two years (three years recommended) of college-preparatory science, in two of these three subjects: biology, chemistry, or physics. One year of approved interdisciplinary or earth and space sciences coursework can meet one year of the requirement.
- Two years (three years recommended) in the same language other than English.
- One year visual and performing art.
- One year of a college preparatory elective.

A-G requires a minimum 15-unit pattern of courses for admission as a first-time freshman to the UC and CSU systems. A grade of C or higher is required for the course to count as an admission requirement to a UC or CSU school. In a 2017 survey of school districts conducted by the Public Policy Institute of California (PPIC), 51 percent—including some of the state’s largest districts—required students to complete the A–G requirements by adopting local graduation requirements that align with the A–G sequence. Districts with large shares of “high-need” students (e.g., economically disadvantaged and English Learner students) and unified districts are more likely to require A–G completion, with most of those districts requiring a C or better in each course (72 percent).

4) **Related Legislation.**

AB 104 (Gonzalez, Chapter 41, Statutes of 2021), as an urgency measure, requires LEAs, upon receiving a request, to offer the parent a consultation regarding whether a student, excluding a student in grade 12, should be retained; created a process for parents to request that students receive a “pass” or “no pass” instead of a letter grade in the 2020-21 academic year and requires that specified institutions of higher education accept a “pass” for credit for admissions purposes; and required that students who were in their third or fourth year of high school in the 2020-21 and not on track to graduate in the 2020–21 or 2021–22 school years be exempted from local graduation requirements and be given the opportunity to complete the coursework required for graduation.

SUPPORT

None received

OPPOSITION

None received

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2275 **Hearing Date:** June 5, 2024
Author: Mike Fong
Version: February 8, 2024
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Trustees of the California State University: appointees.

SUMMARY

This bill requires members of the California State University (CSU) Board of Trustees to be selected from outstanding lay citizens who have a strong interest in CSU, and to the greatest extent possible, be inclusive and representative of the demographic diversity of California.

BACKGROUND

Existing law:

- 1) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system. (Education Code (EC) § 66600, § 66606, and § 89000 et. seq.)
- 2) Establishes the membership of the Board of Trustees to include 25 voting members as follows:
 - a) Five ex officio members:
 - i) The Governor.
 - ii) The Lieutenant Governor.
 - iii) The Superintendent of Public Instruction.
 - iv) The Speaker of the Assembly.
 - v) The Chancellor of the CSU.
 - b) A representative of the alumni associations of the CSU, selected for a two-year term by the CSU alumni council.
 - c) Sixteen appointive members appointed by the Governor and subject to confirmation by two-thirds of the membership of the Senate.
 - d) Two students from the CSU, who shall have at least sophomore year standing at the institutions they attend, and who remain in good standing

as students during their respective terms.

- e) A faculty member from the CSU, who shall be tenured at the CSU campus at which the faculty member teaches. (EC § 66602)

ANALYSIS

This bill:

- 1) Requires that members of the CSU Board of Trustees be selected from outstanding lay citizens of California who have a strong interest in the further development and improvement of the CSU.
- 2) Provides that members of the Board of Trustees, to the greatest extent possible, should be inclusive and representative of the many demographic groups found in California, and the Board of Trustees should reflect diversity of race and gender, and should include, among others, disabled persons and veterans.
- 3) Provides that, in furtherance of the mission of the CSU, a member of the Board of Trustees should embrace the basic role and responsibility to bring their own best thinking and personal views to the discussion, determining their own position on each issue rather than being bound to represent or advocate for the positions of a particular organization or constituency.

STAFF COMMENTS

- 1) ***Need for this bill.*** According to the author, “As a former trustee of the Los Angeles Community College District, I understand the role of a governing board in overseeing higher education institutions and the importance of fostering an environment where all students can succeed. AB 2275 will ensure that representation and diversity, in all forms, are considered in the appointment of members to the CSU Board of Trustees. This will not only reaffirm the importance of our state’s diversity, but also ensure that the perspectives and lived experiences of CSU students are represented at the highest level.”
- 2) ***Parity.*** Existing law already requires the California Community Colleges Board of Governors and the University of California Board of Regents to be inclusive and representative of the many demographic groups found in California. The CSU does not have a similar requirement in law; this bill provides parity.
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee analysis, this bill would not have a fiscal impact.
- 4) ***Related legislation.***

AB 2070 (Cervantes) expands the membership of the CSU Board of Trustees to include a second faculty member. AB 2070 is on the inactive file on the Assembly Floor.

AB 2516 (Santiago, 2024) expands the Board of Trustees to include a bargaining unit representative. AB 2516 is on the inactive file on the Assembly Floor.

SUPPORT

California Faculty Association (sponsor)

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2707	Hearing Date:	June 5, 2024
Author:	Mike Fong		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	No
Consultant:	Lynn Lorber		

Subject: Community colleges: student housing: study.

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

SUMMARY

This bill requires the Legislative Analyst's Office (LAO) to (1) conduct a study evaluating the demographics and unique issues and barriers that housing-insecure community college students 25 years of age and older and students with dependents face in securing housing; and, (2) requires the LAO to submit a report to the Legislature, on or before January 1, 2026, with the results of the study and additional information, as specified.

BACKGROUND

Existing law:

- 1) Requires the Chancellor of the California State University (CSU) and the Chancellor of the California Community Colleges (CCC), and requests the President of the University of California (UC), to collect data on student housing insecurity at each of their respective campuses and submit a report on that data to the Department of Finance and all relevant policy committees on or before March 1, 2023. (Education Code (EC) § 17203.5)
- 2) Requires the CSU Chancellor and the CCC Chancellor, and requests the UC President, to require each campus that provides campus-owned, campus-operated, or campus-affiliated student housing to post specified information on its external and internal internet websites, at least twice each academic year. Existing law requires/requests submission of an annual report that compiles all of the campus data with specified information related to student housing to the Legislature, with the first report being due on or before October 15, 2023. (EC § 66014.6)
- 3) Requires the CSU Chancellor, and requests the UC President, to conduct a needs assessment to determine the projected student housing needs, by campus, from the 2022–27, create a student housing plan, with a focus on affordable student housing, and update the student housing plan every three years. (EC § 66220)

- 4) Requests each campus of the CCC that maintains student housing facilities to give priority for housing to current and former homeless youth and current and former foster youth, and requests those that are open for occupation during school breaks, or on a year-round basis, to give first priority to current and former homeless youth and current and former foster youth at no extra cost during academic or campus breaks. Existing law requests CCCs to next give priority to current and former homeless youth and current and former foster youth for housing that is open for occupation during the most days in the calendar year. (EC § 76010)
- 5) Requests each campus of the CCC to develop a plan to ensure that current and former homeless youth and current and former foster youth can access housing resources as needed during and between academic terms, including during academic and campus breaks, regardless of whether the campus maintains student housing facilities. (EC § 76010)
- 6) Defines a “homeless youth” as a student under 25 years of age, who has been verified, in the case of a former homeless youth, at any time during the 24 months immediately preceding the receipt of his or her application for admission by a campus of the CCC, as a homeless child or youth, as defined by the federal McKinney-Vento Homeless Assistance Act. (EC § 76010)
- 7) Requires the governing board of a community college district with a campus that has shower facilities for student use on campus, to grant access to those facilities to any homeless student who is enrolled in coursework, has paid enrollment fees, and is in good standing with the community college district without requiring the student to enroll in additional courses. (EC § 76011)
- 8) Requires the community college board to determine a plan of action to implement #4 that includes, but is not limited to hours of operation for the shower facilities, the minimum number of units a student must be enrolled in to use the facilities, and a plan of action if hours of operation conflict with an intercollegiate athletic program. (EC § 76011)

ANALYSIS

This bill:

- 1) Requires the LAO to conduct a study evaluating the demographics and unique issues and barriers that housing-insecure community college students 25 years of age and older and students with dependents face in securing housing.
- 2) Requires the LAO to submit a report to the Legislature, on or before January 1, 2026, with the results of the study, and requires the report to include, but not be limited to, all of the following:
 - a) Policy recommendations and options that would alleviate non-financial issues and barriers that students and campuses face, such as family-style or intersegmental housing.

- b) The availability, cost, and difficulty in securing on-campus housing suitable for students, including challenges such as discrimination, income, or other financial and legal issues.
 - c) The total number and prevalence of vacancies in on-campus housing suitable for students and reasons for those vacancies.
 - d) The prevalence of homelessness, temporary living, and unstable occupancy.
 - e) The availability of on-campus childcare and the number of students who use on-campus childcare.
 - f) The number of students served in on-campus housing, housing provided pursuant to a third-party campus partnership, or housing provided pursuant to an emergency grant.
 - g) Whether the current residents of on-campus housing units are representative of the students included in the study relative to the total student body of that campus.
 - h) The availability of campus resources for emergency or rapid rehousing.
- 3) Requires, to the extent possible, the data in the report to be disaggregated by, but not limited to, all of the following:
- a) Age.
 - b) Parenting status.
 - c) First-generation college student status.
 - d) Disability status.
 - e) Current or former foster care status.
 - f) Veteran status.
 - g) Currently or formerly incarcerated.
 - h) Immigration status.
- 4) Defines “dependent” as an individual for whom the student provided over one-half of the individual’s support during the prior calendar year.
- 5) Sunsets the provisions of this bill on January 1, 2027.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “California’s Community Colleges serve the greatest number of students and offer the greatest potential to transform lives through career education, accreditation, and transfer. The CCC student population has evolved to include more adults and student parents. We must adapt to our students’ needs, especially as we become aware of the effects of housing insecurity on student success. If we do not have a clear picture of these issues and its effects on these students, we cannot develop proper policies or allocate resources to support their success - which is California’s success. It is imperative that we address housing insecurity for nontraditional and student parents in a data driven and clear-sighted manner through a targeted study.”
- 2) **Existing information, studies, and reports.** This bill calls for a study and report that is specific to the housing needs of housing-insecure community college students 25 years of age and older and students with dependents. Relative to the housing needs of community college students, existing law:
 - a) Requires the CCCs to collect data on student housing insecurity at each of their respective campuses and submit a report on that data to the Department of Finance and all relevant policy committees on or before March 1, 2023.
 - b) Requires the CCC Chancellor to require each campus that provides campus-owned, campus-operated, or campus-affiliated student housing to post specified information on its external and internal internet websites, at least twice each academic year. Existing law requires/requests submission of an annual report that compiles all of the campus data with specified information related to student housing to the Legislature, with the first report being due on or before October 15, 2023.

While existing law requires the CCCs to collect data on student housing insecurity at each of their respective campuses and submit a report on that data to the Department of Finance and all relevant policy committees on or before March 1, 2023, this report was never submitted.
- 3) **Capacity of the LAO.** This bill requires the LAO to conduct a study evaluating the demographics and unique issues and barriers that housing-insecure community college students 25 years of age and older and students with dependents face in securing housing. *The committee may wish to consider whether the LAO has the capacity to conduct new data collection/research and conduct the study as required by this bill. The Legislature has imposed several reporting requirements on LAO in the absence of a higher education coordinating body.*
- 4) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose the following costs:
 - a) Unknown, one-time Proposition 98 General Fund costs for 72 CCC districts to collect data for the study. According to the CCC Chancellor's Office, CCC districts already collect and report some data to the Chancellor's Office regarding student housing. However, the CCC

Chancellor's Office indicates this bill could lead to additional one-time costs to CCC districts to collect data for the study.

- b) Minor, one-time General Fund workload costs between \$12,000 and \$24,000 for the CCC Chancellor's Office to provide technical assistance to the LAO and CCC districts.
- c) LAO estimates it would direct one full-time employee to analyze data and prepare the study. LAO is funded within the Legislature's budget.

5) ***Related legislation.***

AB 2567 (Mathis, 2024) would expand the information related to campus-owned, campus-operated, or campus-affiliated student housing that CSU and the CCCs are required, and UC is requested, to post online to also include specified information about veterans. AB 2567 is scheduled to be heard in this committee on June 5, 2024.

AB 2458 (Berman, 2024) among other things, would require the Chancellor of the CCC to develop and disseminate a policy to estimate and adjust cost of attendance information for student parents, with student parent cost of attendance policy guidance that includes specified information such as a financial aid methodology to calculate and update a student parent's cost of attendance that includes the actual expected costs of food, housing, transportation, and dependent childcare. AB 2458 is scheduled to be heard in this committee on June 12.

SUPPORT

Faculty Association of California Community Colleges (Sponsor)
Community College League of California
Student Senate for California Community Colleges

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2725 **Hearing Date:** June 5, 2024
Author: Blanca Rubio
Version: April 15, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Teacher credentialing: administrative services credential: occupational and physical therapists.

SUMMARY

This bill provides that a license to practice occupational or physical therapy, meeting the basic skills requirement, and three years of experience as a school-based occupational therapist (OT) or physical therapist (PT) satisfies the requirements for a preliminary services credential with a specialization in administrative services.

BACKGROUND

Existing law:

- 1) Specifies that the minimum requirements for the preliminary services credential in administrative services are all of the following:
 - a) Possession of one of the following:
 - i) A valid teaching credential requiring the possession of a baccalaureate degree and a professional preparation program including student teaching;
 - ii) A valid designated subjects career technical education, adult education, or special subjects teaching credential, provided the candidate also possesses a baccalaureate degree;
 - iii) A valid services credential with a specialization in pupil personnel, health, or clinical or rehabilitative services or a valid services credential authorizing service as a teacher librarian; or
 - iv) A valid credential issued under the laws, rules, and regulations in effect on or before December 31, 1971, which authorizes the same areas as in subparagraphs (ii) and (iii).
 - b) Completion of a minimum of three years of successful, full-time classroom teaching experience in the public schools, including, but not limited to, service in state- or county-operated schools, or in private schools of equivalent status or three years of experience in the fields of pupil personnel, health, clinical or rehabilitative, or librarian services;

- c) Completion of an entry-level program of specialized and professional preparation in administrative services approved by the Commission on Teacher Credentialing (CTC) or a one-year internship in a program of supervised training in administrative services, approved by the CTC;
 - d) Current employment in an administrative position after completion of professional preparation whether full or part-time, in a public school or private school of equivalent status. The CTC encourages school districts to consider the recency of preparation or professional growth in school administration as one of the criteria for employment; and
 - e) Specifies that a preliminary administrative services credential is valid for 5 years from the date of initial employment in an administrative position and is not renewable. (Education Code (EC) 44270)
- 2) Prohibits the CTC from issuing an initial credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language, as specified. (EC 44252 (b))
- 3) Specifies that the minimum requirements for a services credential with a specialization in health are:
 - a) Five years, or its equivalent, of college or university education, or five years of professional preparation approved by the CTC;
 - b) Possession of a valid license, certificate, or registration, appropriate to the health service to be designated, issued by the California agency authorized by law to license, certificate, or register persons to practice that health service in California; and
 - c) Such additional requirements as may be prescribed by the CTC.
- 4) Authorizes the holder of a services credential with a specialization in health to perform, at all grade levels, the health service approved by the CTC as designated on the credential. Services as an audiometrist, occupational therapist, or physical therapist are not deemed health services. (EC 44267)
- 5) Specifies that the minimum requirements for a services credential in a specialization in clinical or rehabilitative services are:
 - a) A baccalaureate degree or higher degree from an institution approved by the CTC;
 - b) A fifth year, or its equivalent, of college or university education; and
 - c) Such specialized and professional preparation as the CTC may require.
- 6) Authorizes the holder of a services credential with a specialization in clinical or rehabilitative services to perform, at all grade levels, the service approved by the

CTC as designated on the credential. This includes, but is not limited to, speech, language, and hearing services. (EC 44268)

- 7) Defines “related services” as transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program (IEP) of the child, counseling services, including rehabilitation counseling, orientation, and mobility services, and medical services, except that such medical services are for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children. (EC 56363)
- 8) Specifies that occupational therapy services encompass occupational therapy assessment, treatment, education of, and consultation with, individuals who have been referred for occupational therapy services subsequent to diagnosis of disease or disorder (or who are receiving occupational therapy services as part of an IEP pursuant to the federal Individuals with Disabilities Education Act (IDEA). Occupational therapy assessment identifies performance abilities and limitations that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving, or restoring functional daily living skills, compensating for and preventing dysfunction, or minimizing disability. (Business and Professions Code (BPC) 2570.2).
- 9) Specifies that physical therapy encompasses the physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction, and consultative services. The practice of physical therapy includes the promotion and maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy interventions. (BPC 2620)

ANALYSIS

This bill provides that a valid license to practice occupational or physical therapy, verification of meeting the basic skills requirement, and three years of experience as a school-based OT or PT satisfies the requirements for a preliminary services credential with a specialization in administrative services.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Occupational Therapists (OTs) and Physical Therapists (PTs) have been providing related services to students in public schools since the 1970s and are the only Individuals with Disabilities Education Act (IDEA)-mandated professionals not included in a credential

opportunity afforded to teachers and all other related services providers. This is based on a statute that was written at a time prior to IDEA and districts' employment of OTs and PTs. Currently, OTs and PTs working in school systems are not authorized to obtain a base credential, thereby rendering them ineligible to pursue an administrative services credential or participate in many higher-level positions. Creating a pathway for OTs and PTs who desire to obtain an administrative services credential will allow qualified personnel an opportunity to move into administrative roles and share their unique expertise at a leadership level."

- 2) ***The role of OTs and PTs in schools.*** According to the California Department of Education's 2012 guidelines, OTs and PTs collaborate with educational teams to help students access the general education curriculum, meet state standards, pursue postsecondary education, and achieve independence after graduation. In schools, OTs focus on enhancing students' participation in daily activities such as education, play, and social interactions, while PTs work on improving motor skills, posture, mobility, and the use of assistive devices.

These therapies are often specified in a student's IEP as related services necessary for benefiting from special education. Schools employ OTs and PTs either as classified staff or through contracts for non-classroom based roles. The California Longitudinal Pupil Achievement Data System (CALPADS) defines OTs as professionals who help students develop and maintain daily living and working skills, and PTs as professionals who treat physical impairments through methods like exercise and heat therapy.

Occupational therapy services have been offered in California schools since the 1970s, with 3,000 of the 16,000 licensed OTs practicing in school settings. Similarly, physical therapy services have been provided in schools since the 1970s, with over 1,700 of the 22,000 licensed PTs working in educational environments.

- 3) ***The role of the CTC.*** The CTC is an independent governmental entity that is responsible for accrediting educator credential preparation programs, issuing credentials and permits for service in California public schools, and administering credential discipline when necessary.

Current pupil personnel services (PPS) credentials authorized by the CTC include:

- a) School nurses;
- b) Teacher librarians;
- c) School counselors;
- d) School social workers;
- e) School psychologists;

- f) Speech language pathologists;
 - g) Audiologists; and
 - h) Orientation and mobility specialists.
- 4) ***Expanding opportunities for OTs and PTs in schools.*** OTs and PTs do not currently have the opportunity to earn a credential in their field. This bill would authorize OTs and PTs to be eligible for a preliminary services credential in administrative services based upon their licensure to practice occupational therapy or physical therapy.

In a report to the CTC for its February 2022 meeting, staff noted that the CTC has been asked by many in the OT and PT sector to consider the development of a credential for individuals that serve as OTs and PTs. Requests for a credential are based on a desire for individuals serving as OTs or PTs to advance in their careers, enter the certificated employee salary scale, and hold Administrative Services positions.

Currently, there is no credential requirement for OTs and PTs to serve in California's public schools. There is also no avenue for such individuals to obtain an Administrative Services Credential, as the statutory requirements for the credential require possession of a teaching or services credential issued by the CTC. The lack of a pathway for OTs and PTs who provide special education related services in the public schools prevents these educators from being able to take on certificated leadership roles, as a basic credential is required for OTs and PTs to gain access to an administrative credential under current law.

- 5) ***Arguments in support.*** The Occupational Therapy Association of California and the California Physical Therapy Association write, in a joint letter, "OTs and PTs have been providing educationally-related services to students in public schools since the 1970s and are the only Individual with Disabilities Education Act mandated professionals who are not included in a credential opportunity afforded to other related service providers and teachers. Currently, OTs and PTs working in the school systems are not authorized to obtain a base credential, thereby rendering them ineligible to pursue an administrative service credential. This measure would allow OTs and PTs to pursue administrative and leadership positions. Their unique training and expertise can contribute meaningfully at a systems level to support access and inclusion of all students."

"Thus, Education Code Section 44270 needs to be modified to increase professional equity for OTs and PTs and ultimately support improved outcomes for all students. Passage of AB 2725 is a crucial step in supporting children and families by providing a pathway for OTs and PTs to advance within the educational system."

SUPPORT

California Physical Therapy Association (Co-Sponsor)
Occupational Therapy Association of California (Co-Sponsor)
Los Angeles County Office of Education
12 individuals

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2370	Hearing Date:	June 5, 2024
Author:	Cervantes		
Version:	April 17, 2024		
Urgency:	No	Fiscal:	No
Consultant:	Olgalilia Ramirez		

Subject: Community colleges: faculty: instructor of record: qualifications.

SUMMARY

This bill requires that the instructor of record for a community college course be taught by a *person* who meets the specified minimum qualifications to serve as a faculty member teaching noncredit or credit instruction.

BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges under the administration of the Board of Governors (BOG), as one of the segments of public postsecondary education in California. The California Community College system shall be comprised of community college districts. (Education Code (EC) § 70900)
- 2) Authorizes the California Community Colleges BOG to adopt regulations to establish and maintain the minimum qualifications for service as a faculty member teaching credit instruction, a faculty member teaching noncredit instruction, a librarian, a counselor, an educational administrator, an extended opportunity programs and services worker, a disabled students programs and services worker, an apprenticeship instructor, and a supervisor of health. (EC § 87356)
- 3) Authorizes the California Community Colleges BOG to adopt regulations to employ faculty members and educational administrators who do not meet the applicable minimum qualifications specified in the regulations adopted by the BOG pursuant to Section 87356. It further, establishes a process by which the regulations will be adopted. (EC § 87359)

ANALYSIS

- 1) This bill requires the instructor of record for a course of instruction at a community college to be a person who meets the specified minimum qualifications to serve as a faculty member teaching credit or noncredit instruction.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “The rapid development of new technology in recent years has had a massive effect not only on our society generally, but on public policy in particular. One of the most pressing issues faced by the growing use of new technology tools has been the possible effects on human workers, particularly the threat of AI, that human workers could be replaced wholesale by artificial intelligence. In the May 2023 edition of the California Community Colleges’ ‘Digital Futures’ newsletter, an article entitled ‘Transforming Education: The Rise of AI in the California Community Colleges’ described the potential pedagogical use of AI in community colleges. It stated that ‘AI could provide excellent opportunities for more individualized instruction, tutoring, and class reviews. Faculty members might use AI to create lesson plans...’ While certainly there is room for such technology tools to contribute on community college classrooms in California, human faculty are still necessary and best suited to teach human students. Assembly Bill 2370 will help provide guardrails on the integration of new technology tools into community college classrooms by ensuring that the instructor of record in community college courses, for both credit and non-credit courses, must meet the minimum qualifications set by the Board of Governors of the California Community Colleges.”
- 2) **What is the extent of the problem?** As described by the Little Hoover Commission in their 2018 report on *Artificial Intelligence: A Roadmap for California*, Artificial Intelligence refers to a quality of any computer program (algorithms, data structures, and data) that can sense reason, act, and adapt like humans. Whenever a computer program’s performance gains near-humanlike abilities, or better than human abilities, to sense, reason, or act, we then call that AI. The California Faculty Association states that, “the rapid development of AI and other technologies has significantly impacted various sectors, including education. While these technologies offer valuable tools for enhancing instructional practices, it is imperative to safeguard the roles of human instructors in community colleges.” Staff is unaware of a situation in which AI technology has been implemented on a community college campus, specifically to replace human faculty with non-human instructors who assume direct instruction. However, fear regarding the potential replacement of jobs by AI technology is a growing concern across many sectors. Current law authorizes the BOG to establish minimum qualifications for service as a faculty member or in other educator positions, including librarians. These qualifications outline degree obtainment requirements for those positions. Presumably, only a person would acquire that degree. However, this bill explicitly deems a *person* as having to meet those minimum qualifications to serve as faculty.
- 3) **The pandemic accelerated virtual instruction.** Instruction modalities (in-person, online, asynchronous, hybrid models) changed rapidly as the share of community college courses delivered through online instruction as a result of the pandemic significantly increased from 20 percent in the 2019-20 academic year to over 60 percent in the 2020-2021 academic year and approximately 50 percent in the 2022-2023 academic year. Arguably, this rapid growth stimulated the use of AI technologies to support students, especially in virtual settings.

Online instruction has remained a popular option for students who want more flexibility in accessing their education, particularly those who are place-bound and have work and family obligations. The provisions of this bill would apply to faculty teaching noncredit and credit courses, whether those are in-person, online, or hybrid.

- 4) **Maintains the role of human instructors.** Postsecondary educational institutions are called on to assure success in educational programs, and with that comes a personal element to effectively educate and foster personal growth among individuals. Human faculty members have the ability to simulate critical and creative thinking, inspire them, cultivate empathy and moral conviction, and respond to unexpected situations. The Faculty Association of California Community Colleges, the sponsor of this measure, asserts, “Teaching is a profound human endeavor that requires nuanced interpersonal skills, subject matter expertise, and the ability to engage students in ways that machines cannot replicate... AI, while useful for certain supplementary functions, lacks the cognitive and emotional intelligence to truly replace human faculty. Allowing AI to take over direct instruction could severely compromise education quality.” It is commonly argued that when establishing policies regarding the integration of AI, the Legislature should strive to strike a balance that fosters innovation while minimizing adverse consequences in other aspects of civic life. The same principle applies to education. AI can provide numerous benefits in augmenting traditional methods of learning and instruction. Examples of this capability include offering interactive simulations, virtual reality experiences, and intelligent tutoring systems, as well as improving accessibility for students with disabilities with text-to-speech and speech-to-text technology. This bill aims to strike the appropriate balance in preserving human instructors’ role in academia without prohibiting the integration of AI technology to enhance instructional practices.

- 5) **Related legislation.**

SB 1235 (Gonzalez, 2024) would have required the California State University, Long Beach (CSULB), in consultation with other public institutions of higher education, to establish the AI and Deepfake Working Group and annually report to the Legislature on its research and findings. It further authorizes CSULB to develop a scoping plan in the first year to establish the topics that may be evaluated by, and the stakeholders that may be included in, the working group. SB 1235 was held by the author in this committee.

SB 1288 (Becker, 2024) would require the State Superintendent of Public Instruction, in consultation with the State Board of Education, to convene a working group, as specified, for the purpose of evaluating AI-enabled teaching and learning practices. SB 1288 is pending referral in the Assembly.

SUPPORT

Faculty Association of California Community Colleges (Sponsor)
California Community College Independents
California Faculty Association

Student Senate for California Community Colleges
The San Fernando Valley Young Democrats

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2377 **Hearing Date:** June 5, 2024
Author: Luz Rivas
Version: April 1, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil instruction: physical education: religious exemption: fasting.

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

SUMMARY

This bill excuse a pupil, in grades 1 to 12 upon submitting a written notification to the school principle, as engaging in any physical activity components of a physical education (PE) course during a period of religious fasting, as specified.

BACKGROUND

Existing law:

Education Code (EC)

- 1) Requires that if any part of a school's instruction in health conflicts with the religious training and beliefs of a parent or guardian of a pupil, the pupil, upon written request of the parent or guardian, be excused from the part of the instruction that conflicts with the religious training and beliefs. States that "religious training and beliefs" include personal moral convictions. (EC § 51240)
- 2) Authorizes pupils, with the written consent of their parents or guardians, to be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable place or places away from school property designated by the religious group, church, or denomination, which is in addition and supplementary to the instruction in manners and morals required. States that such absences shall not be deemed absent in computing average daily attendance (ADA), if all of the following conditions are complied with:
 - a) The governing board of the district of attendance, in its discretion, first adopts a resolution permitting pupils to be absent from school for such exercises or instruction;
 - b) The governing board adopts regulations governing the attendance of pupils at such exercises or instruction and the reporting thereof;

- c) Each pupil so excused attends school at least the minimum school day for his grade for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education (SBE) for secondary schools; and
 - d) No pupil is excused from school for such purpose on more than four days per school month. (EC § 46014)
- 3) Requires the California Department of Education (CDE) to exercise general supervision over the courses of PE in the elementary and secondary schools of the state; advise school officials, school boards, and teachers in the development and improvement of their PE and activity programs; and investigate the work in PE in the public schools. (EC § 33352)
 - 4) Requires all elementary students to receive a minimum of 200 minutes of PE instruction every ten school days. (EC § 51223)
 - 5) Requires all pupils, except pupils excused or exempted, to be required to attend courses of PE for a total period of time of not less than 400 minutes each 10 schooldays. Requires that any pupil may be excused from PE classes during one of grades 10, 11, or 12 for not to exceed 24 clock hours in order to participate in automobile driver training. States that a pupil who is excused from PE classes to enroll in driver training to attend a minimum of 7,000 minutes of PE instruction during such school year. (EC § 51222)
 - 6) Requires the adopted course of study for grades 1 to 6, inclusive, to include instruction, beginning in grade 1 and continuing through grade 6, in PE, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, excluding recesses and the lunch period. (EC § 51210)

ANALYSIS

This bill:

- 1) Requires a pupil in kindergarten or any of grades 1 to 12, inclusive, to be excused from engaging in any physical activity components of a PE course during a period of religious fasting upon the submission to the school principal of written notification from the pupil's parent or guardian, if the pupil is less than 18 years of age, or from the pupil, if the pupil is 18 years of age or older, that the pupil is participating in religious fasting.
- 2) Require a pupil to be credited with instructional time for any time for which the pupil was excused due to religious fasting upon completion of alternative assignments or activities by the pupil, for the purposes of calculating compliance with PE instructional time requirements.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Students observing religious fasting often find themselves struggling to meet a physical education (PE) requirement, which is more pronounced during harsh weather conditions. Fasting can affect both the mind and body, so it is crucial that we support our students as they focus on their studies. AB 2377 will bring ease during the hardships of fasting by providing proper accommodations for PE to ensure students are performing to their best in other aspects of their education.”

- 2) ***Physical Education.*** PE contributes significantly to every student’s health and well-being, and it is an instructional priority for California schools. Every student, regardless of disability, ethnicity, gender, native language, race, religion, or sexual orientation, is entitled to a high-quality PE program. PE is an integral part of the overall education program for every student and provides one of the few opportunities students have to develop the skills, knowledge, and confidence necessary to lead a physically active lifestyle. A high-quality PE program promotes an active lifestyle, improved health, motor skill development, and better cognitive performance. PE requirements and courses are different across different grade ranges.
 - a) Elementary School
Local governing boards of education select the curriculum for grades 1 through 6. PE from grades 1 through 6 should focus on physical activities promoting students' health and well-being. This instruction should be at least 200 minutes every ten school days, excluding recess and lunch periods. For students in grades 1 through 6, PE instruction should prioritize physical activities that contribute to the health and vitality of both body and mind, totaling at least 200 minutes every ten school days, excluding recesses and the lunch period. PE instruction in an elementary school covering grades 1 to 8 should be for a total period of not less than 200 minutes every ten school days, excluding recess and the lunch period.

 - b) Middle School and High School:
Students in these grades must participate in physical activities conducive to the health and vigor of body and mind for a total period of not less than 400 minutes each ten school days.

 - c) High School:
Districts must offer a comprehensive PE course for students in grades 9 through 12. This course should cover a developmentally appropriate instruction sequence in eight specific content areas throughout the PE classes offered as part of the school’s curriculum. Although the law does not mandate that each class must cover all eight areas, it does require that the overall course of study for grades 9 through 12 encompasses instruction in all eight regions.
 - Effects of physical activity on dynamic health;

 - Mechanics of body movement;

- Aquatics;
- Gymnastics and tumbling;
- Individual and dual sports;
- Rhythms and dance;
- Team sports;
- Combatives.

Furthermore, the PE Model Content Standards for California Public Schools, High School Courses One and Two, provide a course model covering the topics mentioned above.

What Are Current PE Exemptions?

Under *EC* Section 51241, there are three distinct and separate exemptions:

- **Temporary:** The governing board of a school district or the office of the county superintendent of schools of a county may grant a temporary exemption to a pupil from courses in PE, if the pupil is one of the following:
 - Ill or injured and a modified program to meet the needs of the pupil cannot be provided; or
 - Enrolled for one-half, or less, of the work normally required of full-time pupil. (EC 51241)
- **Two-year:** The governing board of a school district or the office of the county superintendent of schools of a county, with the consent of a pupil, may grant a pupil an exemption from courses in PE for two years anytime during grades 10 to 12, inclusive, if the pupil has met satisfactorily at least five of the six standards of the PE test administered in grade 9.as specified. (EC 51241)
- **Permanent:** The governing board of a school district or the office of the county superintendent of a county may grant permanent exemption from courses in PE if the pupil complies with any one of the following:
 - Is 16 years of age or older and has been enrolled in grade 10 for one academic year or longer;
 - Is enrolled as a postgraduate pupil;
 - Is enrolled in a juvenile home, ranch, camp, or forestry camp school where pupils are scheduled for recreation and exercise as specified. (EC 51241)

While other exemptions exist, in addition to the three listed above, statute does not explicitly include an excuse due to religious fasting.

- According to EC Section 51242, high school students can be excused from PE classes if they participate in a school-sponsored athletic program after regular school hours.
 - Under EC Section 51222(a), students in grades 10, 11, or 12 can be excused from PE classes for up to 24 hours to attend automobile driver training. However, they must still complete a minimum of 7,000 minutes of PE instruction during the school year.
 - As per EC Section 52316, students in grades 10, 11, or 12 attending a regional occupational center or program may be excused from PE classes if attending them would cause hardship due to travel time. If excused, these students must have a minimum school day of 180 minutes.
 - According to EC Section 51246, students in their last semester of 12th grade who attend school for less than 240 or 180 minutes per day may be exempted from PE classes, provided that the exemption does not result in the student attending school for 240 minutes or more per day.
- 3) ***PE During Periods Of Religious Fasting.*** PE is characterized by continuity and flexibility, with lessons promoting physical activity for students' health, well-being, and academic achievement delivered throughout the year. However, some students may require modifications due to their religious and cultural observances. Schools often serve students from diverse cultural and religious backgrounds, and culturally responsive teaching is an important approach that helps create an inclusive environment for all students.

In a 2019 article titled, *Teaching Physical Education During Ramadan Observance: Practical Recommendations*, Fenneni et al. examined the impact of Ramadan observance on non-athletic boys fasting for the first time. The study looked at the effects on short-term (e.g., 20-minute and 30-minute sprints, vertical and horizontal jump tests, medicine ball throw) and long-duration sub-maximal tests (e.g., 6-minute walking distance measured during the 6-minute walk test). The results showed impaired sub-maximal aerobic capacity without changes in short-term maximal performance.

Additionally, the study analyzed the effects of Ramadan observance on young soccer players' short- and long-duration exercise performances. They reported decreases in peak and average power recorded by the 30-second Wingate test during the second and fourth weeks of Ramadan and decreases in total work during a repeated sprint exercise. Furthermore, the total distance covered during the yo-yo intermittent recovery test and estimated maximal aerobic velocity was reduced compared to before Ramadan. On the other hand, the study reported increases in the rating of perceived exertion scores and fatigue estimated by the profile of mood state during the second and fourth weeks of Ramadan compared to before Ramadan.

4) ***Related Legislation.***

SB 78 (Torlakson and Ortiz, Chapter 459, Statutes of 2003) adds fitness programs and clubs to the PE activities which K-12 districts are encouraged to offer and provides that PE test results may be provided to pupils orally.

SB 601 (Torlakson, Chapter 720, Statutes of 2007) enhances the monitoring of local compliance with PE requirements while clarifying existing law relating to high school PE exemptions.

SUPPORT

Council on American-Islamic Relations, California (Sponsor)
California Health Coalition Advocacy
Church State Council
Educate.Advocate.

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2403	Hearing Date:	June 5, 2024
Author:	Bonta		
Version:	March 20, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Community colleges: student equity plan.

SUMMARY

This bill modifies an existing requirement in current law that requires each California Community College (CCC) to maintain a student equity plan by requiring that the plan include a description of all groups' involvement in developing the equity plan.

BACKGROUND

Existing law:

- 1) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts. (Education Code (EC) § 70900)
- 2) Creates for each CCC district a board of trustees, known as the governing board, and authorizes the governing board to establish, maintain, operate, and govern each CCC within their district in accordance with state and federal law, as specified. The governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict or inconsistent with any law and that is not in conflict with the purpose of a CCC district, as specified. (EC § 70902)
- 3) Establishes the Student Success and Support Program for the purpose of encouraging the matriculation of students towards their educational goals. Specifically, funding allocated through the program to districts is to be used for the following:
 - a) Orientation services designed to provide students with information on campus procedures, academic expectations, financial assistance, and other matters the district deems appropriate.
 - b) Assessment before course registration, as specified.
 - c) Counseling and other educational planning services, including, but not limited to:
 - i) Assisting students in exploring educational and career interests, identifying educational objectives, including degree obtainment;

- ii) Developing an educational plan leading to course selection that leads to the conferral of a degree or certificate that is aligned with the student's educational goal;
- d) Referrals to special support services, including but not limited to financial aid, health services, foster youth services, and disabled student services; and,
- e) Evaluation of each student's progress and referrals for academic interventions, as defined. (EC § 78212)

ANALYSIS

- 1) This bill modifies an existing requirement in current law that requires each CCC to maintain a student equity plan as a condition of receiving Student Success and Support Program funding by requiring that the plan include a description of all groups' involvement in developing the equity plan.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Approximately \$450 million dollars are annually provided to [CCC district] through the SEA [Student Equity and Achievement] Program...the purpose of these plans is to ensure equal educational opportunities and to promote student success for all students. In order to successfully promote equity and achievement, it is critical that stakeholders, especially students, are engaged in the development of these plans. By requiring student equity plans to detail how stakeholder engagement was executed, we can ensure that funds are used effectively and appropriately to best target student needs."
- 2) **Vision for Success, Guided Pathways and equity plans.** In 2017, the CCC Board of Governors adopted the Vision for Success, a comprehensive framework to improve student outcomes by closing achievement gaps, increasing degree and certificate attainment, increasing transfers to four-year institutions, reducing excess unit accumulation by students, and providing the necessary skills for gainful employment. The Vision for Success has acted as the foundation for supporting the financial and educational decisions of the system in producing student-driven results. Incorporated within the Vision for Success was the implementation of Guided Pathways across all community college campuses. In the 2017-2018 Budget Act, \$150 million in one-time funds was allocated to establish Guided Pathways at all CCCs within five years. The principles of Guided Pathways are to provide; 1) students with clear curricular pathways to employment and further education; 2) guidance to help students choose and enter their pathways; 3) supports to ensure students stay on their chosen educational path; and 4) ensure that learning occurs with intentional outcomes such as skills mastery, credentials, or degree attainment.

In addition to funding the Guided Pathways initiative, the 2017-2018 Budget Act established the Student Equity and Achievement Program to support the community colleges in implementing Guided Pathways and advance the systemwide goal of eliminating achievement gaps for students from traditionally

underrepresented groups. This program consolidated the Basic Skills Initiative, Student Equity, and the Student Success and Support Program. Colleges are to continue to maintain an equity plan as required under the Student Success and Support Program, provide matriculation services, including counseling, adopt placement policies, and provide all students with an educational plan. Ideally, an educational plan would serve as a roadmap for a student on how to achieve their desired degree or educational outcome.

Equity plans focus on enhancing achievement by evaluating specific success indicators such as access, course completion, English as a second language and basic skills completion, degrees and certificates awarded, and transfer rates. It also includes equity planning requires each college to develop detailed goals and measures to address any identified disparities. This bill seeks to provide greater transparency around campus groups' involvement in development of these equity plans. These groups may include faculty, staff, student services, students, or community representatives.

- 3) **Demand for information on engagement strategies.** The sponsors of this measure, Public Advocates, conducted an analysis of the 113 SEA [Student Equity and Achievement Plans] submitted to the Chancellor's Office. Public Advocates claims in their support letter that information regarding student engagement is lacking and that "after analyzing the plans, specifically Section 9.3 (which describes strategies deployed to leverage student voice), Public Advocates discovered inconsistent engagement across the state. Only 14 colleges (12.38%) had multi-pronged strong engagement strategies, and 53 colleges (46.90%) didn't list specific student engagement strategies." The intent of the bill is to strengthen reporting requirements to produce detailed information around stakeholder engagement.

SUPPORT

California Teachers Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2429 **Hearing Date:** June 5, 2024
Author: Alvarez
Version: May 6, 2024
Urgency: No **Fiscal:** No
Consultant: Kordell Hampton

Subject: Pupil instruction: health education courses: fentanyl.

SUMMARY

This bill requires any governing board of a local education agency (LEA) or charter school that had elected to require its pupils to complete a course in health education for graduation from high school include instruction in the dangers associated with fentanyl use, as specified, commencing the with the 2026-27 school year.

BACKGROUND

Existing law:

Health and Safety Code (HSC)

- 1) Defines the following terms if reference is made to them unless otherwise expressly provided:
 - a) "Narcotics" means those controlled substances classified in Schedules I and II.
 - b) "Restricted dangerous drugs" means those controlled substances classified in Schedules III and IV.
 - c) "Marijuana" means cannabis. (HSC § 11032)

Education Code (EC)

- 2) Requires that instruction shall be given in elementary and secondary schools by appropriately trained instructors on drug education and the effects of the use of tobacco, alcohol, narcotics, and dangerous drugs, as defined in Section 11032 of the HSC, and other dangerous substances. (EC § 51260)
- 3) Requires instruction upon the nature of alcohol, narcotics, restricted dangerous drugs as defined in Section 11032 of the HSC, and other dangerous substances and their effects upon the human system as determined by science shall be included in the curriculum of all elementary and secondary schools. (EC § 51203)
- 4) Requires when adopting instructional materials for use in the schools, governing boards shall include only instructional materials that accurately portray both of the following, whenever appropriate, Humanity's place in ecological systems and the

necessity for the protection of our environment and the effects on the human system of the use of tobacco, alcohol, and narcotics and restricted dangerous drugs, as defined in Section 11032 of the HSC, and other dangerous substances. (EC § 60041)

- 5) Requires county offices of education (COEs), among other requirements, to be eligible for funds to purchase at least two units for each middle school, junior high school, high school, and adult school schoolsite within their jurisdiction, but are not required to participate. (EC § 49414.8)
- 6) If a school district, charter school, or private school elects to offer an athletic program, the school district, charter school, or private school shall annually give the Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention to each athlete. The athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet for Patients and return that document to the school district, charter school, or private school before the athlete initiates practice or competition. The Opioid Factsheet for Patients may be sent and returned through an electronic medium, including, but not limited to, fax or email. (EC § 49476)

ANALYSIS

This bill:

- 1) Requires any governing board of a LEA or charter school that had elected to require its pupils to complete a course in health education for graduation from high school to include, commencing the with the 2026-27 school year, instruction in the dangers associated with fentanyl use consistent with the Health Framework and information from the National Institutes of Health and the United States Department of Health and Human Services, as follows:
 - a) Information on what fentanyl is, including, but not limited to, all of the following:
 - i) An explanation of the differences between synthetic opioids, nonsynthetic opioids, and illicit drugs.
 - ii) Variations of fentanyl.
 - iii) The differences between the legal and illegal uses of fentanyl.
 - b) The risks of using fentanyl, including, but not limited to, all of the following:
 - i) The lethal dose of fentanyl, including comparing that lethal dose of fentanyl to the lethal dose of other drugs.
 - ii) How often fentanyl is put into illegal drugs without a user's knowledge.
 - iii) An explanation of what fentanyl does to a human body and the severity of fentanyl's addictive properties.

- iv) How the consumption of fentanyl can lead to hypoxia and an explanation of what hypoxia is and how it can affect the human body.
- c) An explanation of the process of adding or mixing fentanyl with other drugs, a process more commonly known as “lacing,” and why lacing with fentanyl is common.
- d) How to detect fentanyl in drugs and how to potentially save a person from a fentanyl overdose, including, but not limited to, all of the following:
 - i) How to buy and use fentanyl test strips.
 - ii) How to buy and use naloxone or other opioid antagonists in the form of a prefilled nasal product and an injection.
 - iii) How to detect if someone is overdosing on fentanyl.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Although a significant problem across the country and other parts of the world, California has been disproportionately hit hard by the fentanyl epidemic. Between 2019 and 2021, California’s opioid-related deaths spiked 121%. Moreover, since taking office, the Newsom administration spent more than a billion dollars to resolve this crisis. Increasing awareness through education is critical to deter kids from fentanyl use and be able to recognize it and assist in emergencies. Resolving this crisis will take a myriad of solutions. However, increasing education and understanding must be at the forefront of our solutions.”
- 2) ***Addressing Fentanyl Among California Youth.*** According to the California Department of Public Health (CDPH), fentanyl-related overdose deaths increased 625 percent among ages 10-19 from 2018 to 2020. In 2021, there were 224 fentanyl-related overdose deaths among teens ages 15–19 in California

In conjunction with the CDPH, the California Department of Education (CDE) provides LEAs with resources and information that they can readily share with parents and students to help keep them safe. The shareable Fentanyl Awareness and Prevention toolkit page offer information about the risks of fentanyl and how to prevent teen use and overdoses. In addition to the toolkit, the CDPH’s Substance and Addiction Prevention branch provides resources for parents, guardians, caretakers, educators, schools, and youth-serving providers.

LEAs and COEs) have also adjusted to address this growing crisis. For example, the Lake County Office of Education and Washington Unified School District in West Sacramento recently implemented a local school naloxone policy consistent with state statutes. San Diego Unified School District created its naloxone toolkit to aid other LEAs and inform parents and guardians.

- 3) ***The 2019 Health Framework Currently Provides Information On The Risk, Behavior and Prevention of Drugs, Alcohol and Tobacco.*** Health education has undergone a significant shift in the last 15 years. Data from national and state

surveys, including the California Healthy Kids Survey, revealed that while youths were aware of the harmful effects of certain behaviors, they lacked the skills to avoid them. The State Board of Education adopted a revised health education curriculum in 2019 to address this. The new Framework aims to ensure that students not only understand the risks of drugs, alcohol, and tobacco but also learn how to prevent and recognize these behaviors. The Framework is designed to achieve specific goals across different grades. In particular, students in grades 9 – 12 should be able to do all of the following:

- a) Describe the health benefits of abstaining from or discontinuing alcohol, tobacco, and other drugs; the use and abuse of prescription and nonprescription medicines and illegal substances.
- b) Explain the impact of alcohol, tobacco, and other drug use on brain chemistry, brain function, and behavior; the connection between alcohol and tobacco use and the risk of oral cancer; the impact of alcohol and other drug use on vehicle crashes, injuries, violence, and risky sexual behavior.
- c) Identify the social and legal implications of using and abusing alcohol, tobacco, and other drugs.
- d) Analyze the consequences for the mother and child of using alcohol, tobacco, and other drugs during pregnancy—including fetal alcohol spectrum disorders and other birth defects; the effects of binge drinking and its relationship to cancer; to liver, pancreatic, and cardiovascular diseases; and a variety of gastrointestinal problems, neurological disorders, and reproductive system disorders.
- e) Clarify myths regarding the scope of alcohol, tobacco, and other drug use among adolescents.

The health education standards guide the direction of health education instruction for children and youths in California's public schools. They provide LEAs with essential tools for developing health education curricula and improving student achievement in this area. The standards also ensure that all kindergarten through high school students receive high-quality health education instruction, equipping them with the knowledge, skills, and confidence to lead healthy lives.

Adoption Of Local High School Graduation Requirements. Local governing boards may establish their own graduation requirement, in addition to the graduation requirements established by the state. The requirements of this bill are narrowly tailored to apply to school district and charter school governing boards that require their students to complete a health course in order to graduate.

4) ***Related Legislation.***

AB 2865 (W. Carrillo, 2024) would add information related to excessive alcohol use to the requirements of instruction LEAs are to provide to students related to the risks of drug and alcohol use.

AB 889 (Joe Patterson, Chapter 123, Statutes of 2023) requires LEAs to annually inform the parents or guardians of each enrolled pupil of the dangers associated with synthetic drugs that are not prescribed by a physician, such as fentanyl.

AB 1748 (Mayes, Chapter 557, Statutes of 2016) authorizes LEAs to provide an emergency opioid antagonist to school nurses or trained personnel and authorizes a school nurse or trained personnel to administer an opioid antagonist to a person suffering from an opioid overdose.

SUPPORT

County of San Diego (Sponsor)
County Health Executives Association of California

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	ACR 147	Hearing Date:	June 5, 2024
Author:	Alvarez		
Version:	February 16, 2024		
Urgency:		Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: California's First-Generation College Celebration Day.

SUMMARY

This measure designates November 8, 2024, as "California's First-Generation College Celebration Day" and urges all California higher education institutions to recognize and celebrate the day in support of first-generation college students.

BACKGROUND

Existing federal law establishes the Higher Education Act, which governs the administration of federal funding for higher education programs, including federal financial aid, for the purpose of ensuring every person has access to higher education. (United States Code, Title 20, Chapter 28, Subchapter 1, Part A, Section 1001 et seq.)

ANALYSIS

This measure:

- 1) Resolves all of the following:
 - a) That the Legislature designates November 8, 2024, as "California's First-Generation College Celebration Day."
 - b) Recognize the significance of first-generation college students in developing the state's future workforce.
 - c) Celebrate the federal Higher Education Act of 1965 and programs under that act that provide access to higher education to first-generation and historically disadvantaged students.
 - d) Support first-generation college students by providing opportunities and equity in completing their desired degree programs.
 - e) That copies of this resolution be transmitted to the author for appropriate distribution.
- 2) Makes a number of findings and declarations related to the federal Higher Education Act of 1965 and various programs operating on California college campuses that support first-generation college students, including the Federal

TRIO programs, the Puente Project, Educational Opportunity Program (EOP), Umoja programs, and the Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Student Achievement Program.

STAFF COMMENTS

- 1) **Need for this measure.** According to the author, “As a first-generation college graduate and former Puente student in high school and TRIO McNair Scholar in college, I have experienced firsthand these remarkable programs that led to my college success. I’ve also worked for the TRIO Program and understand the genuine commitment that staff has for the students they serve. Without these program efforts, many of our first-generation students would not be completing their higher education dreams. We must acknowledge at the State Legislature the importance of these programs to first-generation students by celebrating an official day.”
- 2) **Why is this important?** In this measure, a first-generation college student is defined as an individual whose parents did not complete a baccalaureate degree. These students face the realities of missing a valuable source of preparation and guidance that comes with having parents who have completed college. As a result, they are likely to experience significant challenges in accessing college, succeeding academically once they enroll, and completing their degree. Despite these challenges, many succeed, and degree attainment often means improved economic conditions for themselves and their children. According to the Center for First Generation Student Success’ 2020 factsheet, the median income of first-generation students’ parents was \$41,000 in both 2016 and 2020, but the median income of continuing-generation students’ parents increased from \$90,000 in 2016 to \$103,000 in 2020. College success can be life changing for these students. The Center for First Generation Student Success indicates that, across postsecondary education, there is a renewed focus on first-generation college students due to shifting populations entering higher education, continual increases in first-generation college student enrollment, the debate surrounding rising tuition and costs, and genuine desires for a rise in graduation rates and a better-prepared workforce. The inaugural celebration launched in 2017, hundreds of higher education institutions and k-12 schools have joined in recognizing the achievements of the first-generation community on and around November 8.
- 3) **First-generation college students in California.** As indicated in the Assembly Higher Education Committee analysis, the California Community College (CCC) DataMart system identified 433,792 first-generation students attending a CCC in the fall of 2023. In the of fall 2023, the California State University (CSU) reported that approximately 136,300 undergraduate students had parents who did not attend college, and the University of California (UC) reported that 37 percent of undergraduates identified as first-generation college students. Several programs have been established on campuses to support first-generation students and other under-resourced students succeed in college, including all of the following:
 - a) The Educational Opportunity Program (EOP), established in 1969, focuses on providing support programs to help first-generation and economically disadvantaged students succeed in their undergraduate

programs. While the EOP is primarily on California State University campuses, a version of EOP also exists on CCC campuses and is called Extended Opportunity Programs and Services.

- b) The Puente Project was originally established by Chabot College and has since expanded to community colleges across that state. Puente Project primary goal is to help community college students successfully transfer to four-year universities by providing academic and mentoring support.
- c) The Umoja program is a nationally recognized program currently offered at the CCC, CSU, and UC and is focused on assisting Black students matriculate to graduation.
- d) Asian American, Native American, and Pacific Islander (AANHPI) Student Achievement Program at CSU and UC. It is designed to provide tailored academic assistance for underserved and first-generation AANHPI students.

In recent years, the Legislature has taken action to support these programs by specifically appropriating funds for them through the budget process.

- 4) **Federal programs provide support to first-generation college students and other vulnerable student populations through the Higher Education Act.** In April 2023, the Congressional Research Services (CRS) published a primer on “The Higher Education Act.” The CRS summarized the Higher Education Act of 1964 as the authorizing legislation for numerous federal aid programs that provide support to both individuals pursuing postsecondary education and higher education institutions. Contained within the Higher Education Act are the following sections:

- a) Titles II, III, and V provide institutional aid and support, including funding for historically Black colleges and Hispanic serving institutions.
- b) Title IV authorizes the federal government’s major student financial aid programs, including the Federal Pell Grant and the TRIO programs.
- c) Federal Pell Grants are the largest source of grant aid provided by the federal government for students seeking to attend postsecondary education institutions. Pell grant is a need-based program that provides qualifying students up to \$7,395 (in the 2024-2025 award year) each year. Pell grant is provided for no more than 12 terms, or roughly six years, and it can be prorated if the student enrolls in less than a full-time course load.
- d) TRIO programs are six discretionary grant programs designed to provide financial assistance to help students from disadvantaged backgrounds prepare for and complete postsecondary education. TRIO programs primarily serve students who are first-generation, low-income, students with disabilities, students at risk for academic failure, veterans, homeless youth, foster youth, or/and individuals who are underrepresented in graduate education. TRIO programs include the following:

- i) Education Opportunity Centers – offers counseling and information on college admissions to qualified adults who wish to either enter or continue their postsecondary education journey. The goal of the centers is to increase the number of adult participants who enroll in postsecondary education.
- ii) Ronald E. McNair Postbaccalaureate Achievement - assists undergraduate students in the preparation required for doctoral study. The program provides research opportunities, internships, counseling, tutoring, and stipends to help disadvantaged students pursue their doctoral degrees. Funding is provided to institutions of higher education to help prepare eligible students for doctoral studies.
- iii) Student Support Services – provides awards to postsecondary education institutions for the purpose of developing and providing programs to help assist and motivate students towards successful completion of their postsecondary education. For example, an institution may receive funding and establish academic tutoring opportunities or additional financial aid support for students.
- iv) Talent Search – the purpose of the program is to increase the number of youth from disadvantaged backgrounds who complete both high school and college. The program identifies and assists these individuals by providing academic, career, and financial counseling to help encourage completion.
- v) Training Program for Federal TRIO Program Staff – is a grant program specifically designed to support training to enhance the skills and expertise of staff who are employed in Federal TRIO programs.
- vi) Upward Bound – serves high school students from low-income families and high school students who would be considered first-generation college students. The program provides academic instruction, tutoring, counseling, and mentoring to help students who are underrepresented in higher education persist to enrollment in higher education.
- vii) Upward Bound Math-Science – similar to Upward Bound but specifically targets underrepresented, low-income, or first-generation high school students who wish to enroll in math and science majors in college.
- viii) Veterans Upward Bound – serves veterans by motivating and assisting them in developing academic skills necessary to successfully graduate from a postsecondary education institution.

It appears that both the state and federal levels acknowledge the need to close resource gaps for these students and the importance that their academic success.

SUPPORT

California Student Aid Commission
Community College League of California
Universidad Popular

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2771 **Hearing Date:** June 5, 2024
Author: Maienschein
Version: February 15, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil attendance: schoolsite absence intervention teams.

SUMMARY

Requires the California Department of Education (CDE), by the beginning of the 2026–27 school year, to post information on its internet website about the methods of reducing chronic absenteeism, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Clarifies that excused absences are deemed to be absences in computing average daily attendance (ADA) and shall not generate state apportionment payments. (EC § 48205)
- 2) Defines "truant" as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof. (EC § 48260)
- 3) Defines "habitual truant" as any pupil who has been reported as a truant three or more times per school year, where an appropriate district officer or employee had made a conscientious effort to hold at least one conference with a parent and the pupil, after the filing of either a truancy report to the attendance supervisor or district superintendent. Specifies that a habitual truant may be referred to a student attendance review board (SARB) or a truancy mediation program. (EC § 48262)
- 4) Defines "chronic truant" as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the schooldays in one school year, from the date of enrollment to the current date. (EC § 48263.6)

ANALYSIS

This bill:

- 1) Requires CDE, by the beginning of the 2026–27 school year, to post the following information on its internet website about the methods of reducing chronic absenteeism:
 - a) Identifying barriers to attendance for chronically absent pupils through screenings and interpersonal data collection.
 - b) Developing and implementing absence intervention plans that may include supportive services for pupils and families.
 - c) Home visits to chronically absent pupils.
 - d) Counseling and wellness check-ins.
 - e) Workshop trainings for families of chronically absent pupils.
 - f) Partnering with public and nonprofit agencies to provide assistance to families and pupils to reduce absences.
 - g) Forming schoolsite absence intervention teams. Members of schoolsite absence intervention teams may include, but need not be limited to, the following:
 - i) A school counselor.
 - ii) A representative from the school or school district.
 - iii) A representative from the school or school district who has a relationship with truant children.
 - iv) A representative of community-based youth service centers.
 - v) A representative of child welfare and attendance personnel.
 - vi) A representative of school or county health care personnel.
 - vii) A representative of school, county, or community mental health personnel.

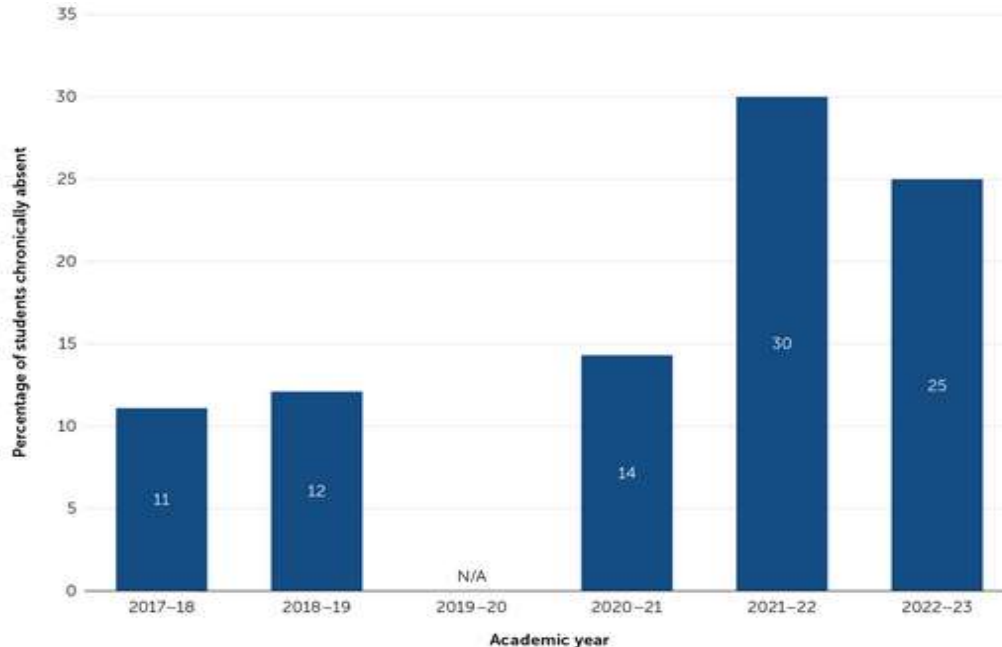
STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The surge in chronic absences in schools highlights a need for effective and sustainable solutions. There must be a collaborative approach, where everyone- from teachers to councilors to community members plays a vital role in supporting student and families. This bill aims to make resources more accessible by mandating the Department of Education to provide information on its website on reducing chronic absenteeism rates. This would include information about identifying barriers, conducting home visits, creating a student absence intervention team, and organizing workshops to empower students

and families. By fostering connections and working together we can ensure students have the opportunity to succeed in school and beyond.”

- 2) **Unexcused Absences Trigger Truancy Provisions.** While excused and unexcused absences may be treated the same for funding purposes, they are not treated the same for attendance purposes. A student absent from school without a valid excuse on any day or tardy for more than 30 minutes, or any combination thereof, for three days in a school year is considered a truant.
- 3) **Excused Absences Do Not Generate ADA.** In California, school funding is primarily calculated using ADA. Each time a student is absent, that absence negatively impacts the local educational agency’s (LEA’s) ADA, ultimately reducing their overall funding. While each absence may be insignificant relative to overall funding levels, absences affect overall funding in the aggregate. Under current law, all absences, whether excused or unexcused, reduce overall ADA.
- 4) **Chronic Absenteeism.** Chronic absenteeism is when students miss 10 percent or more of school for any reason. If not addressed, this can lead to difficulties learning to read by Grade 3, reaching grade-level standards in middle school, and graduating from high school. The COVID-19 pandemic has led to a significant increase in chronic absenteeism in California and across the country. Addressing this issue is crucial in helping students catch up academically. This analysis examines the trends in chronic absenteeism through the 2022-23 school year, using data from the CDE. Although there has been a decrease in chronic absence rates, they are still alarmingly high.

Statewide Rates of Chronic Absence from 2017-18 to 2022-23



Note. The COVID-19 pandemic resulted in statewide physical school closures in February/March 2020 followed by the widespread implementation of distance learning during the 2020–21 academic year. The CDE has determined that absenteeism data are not valid and reliable for the 2019–20 academic year; therefore, the CDE has not processed these data and they are unavailable for public release.

In a report released by PACE, *Unpacking California's Chronic Absence Crisis Through 2022–23: Seven Key Facts*, chronic absence rates increased from 12 percent (702,531 students) in 2018–19 to a high of 30 percent (1,799,734) in 2021–22. In 2022–23, there was a decrease of 5 percentage points to a chronic absenteeism rate of 25 percent (1,486,302 students). Although this modest decrease is a hopeful sign, rates are still much higher than they were prior to the pandemic.

Schools that serve socioeconomically disadvantaged (SED) students tend to have higher rates of chronic absenteeism. Only 2 percent of the most affluent schools (those serving 0–24 percent SED students) experience extreme levels of chronic absence. In comparison, 60 percent of schools serving 75 percent or more SED students have extreme levels of chronic absence. Due to the challenges posed by the pandemic, SED students are significantly behind their non-SED peers in academic performance. Chronic absence is also high among particular student populations, although all have experienced modest decreases in the last year.

Students who are involved in the foster care system, are experiencing homelessness, and have been identified as having a disability have extraordinarily high levels of chronic absenteeism. In addition, Native American, Black, and Pacific Islander students have exceptionally high rates of chronic absence. For these populations, chronic absenteeism both reflects and exacerbates inequities. These high rates can reflect challenges facing students and families in the community (e.g., lack of access to health care, unreliable transportation, housing, and food insecurity, etc.) and within the school (e.g., bullying, unwelcoming school climate, biased disciplinary or attendance practices, or lack of a meaningful and culturally relevant curriculum). Such difficulties can affect students' learning ability and cause them to fall farther behind because they miss invaluable instruction.

The reasons behind chronic absenteeism are complex; hence addressing this issue requires a multifaceted approach. This approach should involve services that meet their basic needs, create a safe and welcoming school environment, and provide engaging and challenging learning opportunities. Furthermore, partnerships with community organizations and public agencies are crucial to tackle the barriers and challenges to school attendance that may be beyond the capacity of educators.

- 5) ***Student Attendance Review Boards (SARB)***. In 1974, the California Legislature passed a statute to improve the enforcement of compulsory education laws and prevent students with persistent attendance or behavior problems from being sent to the juvenile justice system until all resources have been utilized. LEAs and county offices of education (COEs) were authorized to establish SARBs at the local and county levels to provide a safety net for students and ensure a meaningful educational experience. SARBs consist of representatives from various youth-serving agencies and assist truant or recalcitrant students and their parents or guardians in resolving school attendance and behavior problems.

County and local SARBs are subject to the Brown Act's open meeting of law requirements, with agendas posted three days before meetings and members only addressing matters included in the agendas. Closed sessions may be held when

discussing individual pupils unless a parent or guardian requests an open session in writing.

A State SARB was established for statewide policy coordination and personnel training to divert students with serious attendance and behavior problems from the juvenile justice system and reduce dropouts in the state public education system. The State Superintendent of Public Instruction (SPI) extends participation invitations to representatives of appropriate groups nationwide and makes annual recommendations regarding the needs of high-risk youth.

6) Related Legislation.

AB 1939 (Maienschein, 2024) would require each county and local SARB to consult with a diverse group of students from the schools they serve at least once a year. The goal of these consultations is to gather feedback that will help the board better understand and propose interventions for any attendance or behavioral issues that students may be facing.

AB 1884 (Ward, 2024) would authorize a student's excused absence for purposes of spending time with a member of their immediate family who is an active duty member of the military and has been called to duty for, is on leave from, or has immediately returned from deployment, without requiring that the deployment be to a combat zone or combat support position.

AB 2815 (O'Donnell, Chapter 829, Statutes of 2016) authorizes a supervisor of attendance to provide specified support services and take specified interventions.

SUPPORT

Los Angeles County Office of Education

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 3223	Hearing Date:	June 5, 2024
Author:	Wilson		
Version:	February 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Foster Youth Services Coordinating Program.

SUMMARY

This bill expands eligibility for the Foster Youth Services Coordinating Program (FYSCP) to youth who are subject to a juvenile court petition and who have been identified as being at imminent risk of removal and placement into foster care.

BACKGROUND

Existing law:

Foster youth

- 1) Establishes the FYSCP, administered by the Superintendent of Public Instruction (SPI), to provide supplemental funding to county offices of education, or a consortium of county offices of education, to coordinate and ensure that local educational agencies (LEAs) within its jurisdiction are providing services to foster youth, with the purpose of ensuring positive educational outcomes. Existing law requires a FYSCP to meet minimum standards established by the SPI. (Education Code (EC) § 42920.5)
- 2) Authorizes a county offices of education, or a consortium of county offices of education, to apply to the SPI for grant funding, to the extent funds are available, to operate an education-based foster youth services coordinating program to provide educational support for pupils in foster care. (EC § 42921)
- 3) Requires each FYSCP to have at least one person identified as the foster youth educational services coordinator. (EC § 42921)
- 4) Defines a student in foster care, for purposes of the FYSCP, the same as the definition of foster youth used for purposes of the Local Control Funding Formula, or a foster child who is detained in a county-operated juvenile detention facility. (EC § 42921)
- 5) Requires, as a condition of receiving funds, each FYSCP to develop and implement a foster youth services coordinating plan to establish guiding principles and protocols to provide supports for foster care students aligned with the established population priorities. (EC § 42921)

- 6) Requires the foster youth services coordinating plan to include, to the extent possible, but not be limited to, specified information. Existing law requires the plan to include a description of how the program will establish ongoing collaboration with LEAs, county child welfare agencies, and county probation departments, to determine the proper educational placement of the foster youth, including specified activities. (EC § 42921)

ANALYSIS

This bill:

- 1) Expands eligibility for the FYSCP to youth who are subject to a juvenile court petition and who have been identified as being at imminent risk of removal and placement into foster care.
- 2) Clarifies that each FYSCP is to include *all* of the specified information and activities in the development and implementation a foster youth services coordinating plan.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Currently, the Education Code establishing FYSCPs includes foster youth in the child welfare system that are in placement as well as youth who remain in the home and are receiving family maintenance services. Also included as eligible youth for this program are youth with a WIC 602 petition who have been made wards of the court and ordered into foster care

“However, youth that probation works with that are subject to a WIC 602 petition at risk of placement as identified as Title IV-E candidates, which is similar in nature to child welfare youth in family maintenance, are not expressly included. The services provided via the FYSCP would be beneficial to these youth in their educational development, but it is not expressly reflected in Educational Code Section 42921. By expressly clarifying that these youth are eligible for FYSCP services, it supports parity for this population of youth and allows for them to receive educational supports, mentoring, tutoring and other services through the county offices of education with the goal of supporting their educational needs in an effort to help provide stability in the home and mitigate risk of placement.”

- 2) ***Which youth would now be eligible?*** This bill expands eligibility for the FYSCP to youth who are subject to a juvenile court petition and who have been identified as being at imminent risk of removal and placement into foster care. According to the California Department of Social Services, the Federal definition of a Title IV-E candidate for foster care is a child at “imminent” or “serious” risk of removal, when placement in foster care is the planned arrangement.

Probation-involved youth who are not detained in a juvenile detention facility but who are subject to a petition for “at risk of placement” (not detained but under the supervision of probation and at risk of being placed in foster care) are not specifically eligible for FYSCP services. This bill specifies that these youth are to

be eligible for FYSCP services.

- 3) **Data sharing issues.** Senate Education Committee staff believes that the data sharing infrastructure does not exist to ensure county offices of education (which operate FYSCPs) receive information from probation to know which students are subject to a juvenile court petition and who have been identified as being at imminent risk of removal and placement into foster care. Data sharing currently existing between probation and the California Department of Education with regard to students who are wards of the court and in foster care, but not probation youth who remain in their homes (not detained and not in foster care). Committee staff believes there is no statewide database of information on these students. *Committee staff encourages the author to work with probation and county offices of education to resolve this issue.*
- 4) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose the following costs:
 - a) Potential, minor Proposition 98 General Fund cost shifts within the annual funding allocations to COEs from the Foster Youth Services Coordinating Program to provide services to an additional category of students.
 - b) According to the 2022 California School Dashboard, there are 31,060 foster youth enrolled in California public schools. It is unclear how many more students would qualify for the FYSCP pursuant to this bill.
- 5) **Related legislation.**

AB 2137 (Quirk-Silva, 2024) among other things, would (1) expand the activities that must occur before the governing board of a school district considers the adoption of a local control and accountability plan (LCAP) or an annual update to LCAP, to include consultation with the homeless liaison and foster youth liaison to develop specific actions in the LCAP or annual update to the LCAP to address and reduce disparities in opportunities and outcomes between pupil groups, and address any locally identified priorities; (2) require the instructions for the State Board of Education-adopted LCAP template to specify, beginning with LCAPs for the 2025–26 school year, that LEAs with a number of homeless students identified that is less than 10 percent of the number of the districts students identified as eligible for free or reduced-price meals, must include a description of how the LEA has implemented or intends to implement the existing requirement to identify all homeless youth and unaccompanied youth enrolled in the LEA; and, (3) eliminate the “school district waiver” that currently allows school districts to shift the provision of direct services to the FYSCP AB 2137 is scheduled to be heard in this committee on June 5, 2024.

SUPPORT

Chief Probation Officers' of California (Sponsor)
Alameda County Office of Education

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 3290	Hearing Date:	June 5, 2024
Author:	Committee on Higher Education		
Version:	March 20, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Public postsecondary education: tuition and fees: members of the Armed Services.

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

SUMMARY

This bill, the Higher Education Omnibus Bill, extends resident classification for purposes of determining tuition fees at California's public colleges and universities to a student who is a member of the Armed Forces of the United States, stationed in the state for educational purposes.

BACKGROUND

Existing law:

- 1) Establishes the University of California (UC) as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)
- 2) Establishes the Donahoe Higher Education Act, setting forth the mission of the UC, California State University (CSU), and California Community Colleges (CCC). (Education Code (EC) § 66010, et seq.)
- 3) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees. (EC § 66606 and 89500, et seq.)
- 4) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. It provides that CCC system be comprised of community college districts. (EC § 70900)

- 5) Establishes uniform residency requirements for purposes of ascertaining the amount of tuition and fees to be paid by students of public postsecondary education institutions. (EC § 68000, et seq.)
- 6) Deems a student to have resident classification only for the purpose of determining tuition and fees if the student is a member of the Armed Forces of the United States stationed in the state, except a member of the Armed Forces that is assigned for educational purposes to a state-supported institution of higher education. (EC § 68075)

ANALYSIS

- 1) This bill, the higher education omnibus bill, extends resident classification for purposes of determining tuition fees at California's public colleges and universities to a student who is a member of the Armed Forces of the United States, stationed in the state for educational purposes.

STAFF COMMENTS

- 1) **Omnibus bill.** This is the annual higher education omnibus clean-up bill and proposes, non-controversial amendments to existing law. By tradition, if any affected agency stakeholder group, the Department of Finance, or any of the four legislative caucuses objects to a provision in this bill or that is being considered, that particular provision cannot be included.
- 2) **Rationale for inclusion in the omnibus bill.** Current law does not exempt a servicemember stationed in this state who is assigned for educational purposes to a state-supported higher education institution from paying nonresident tuition. However, any other servicemember stationed in this state can benefit from the nonresident tuition exemption. This bill seeks to create parity on the fees paid by servicemembers in California by extending resident classification for purposes of paying tuition to any student who is a member of the Armed Forces of the United States stationed in the state, regardless of whether the student is assigned for educational purposes to a state-supported institution of higher education. The population of students that the provision will extend to is very small, and it is difficult to actually identify servicemembers that fall into this narrow category.

SUPPORT

None received

OPPOSITION

None received

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