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California State Senate

EDUCATION



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AGENDA

Wednesday, June 12, 2024
9 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | |
|------|---------|---------------|--|
| *1. | AB 1790 | Connolly | California State University: sexual harassment: implementing California State Auditor recommendations. |
| *2. | AB 1851 | Holden | Drinking water: schoolsites: lead testing pilot program. |
| 3. | AB 1855 | Arambula | Open meetings: teleconferences: community college student body associations and student-run organizations. |
| *4. | AB 1884 | Ward | Pupil attendance: excused absences: uniformed services deployments. |
| *5. | AB 1905 | Addis | Public postsecondary education: employment: settlements, informal resolutions, and retreat rights. |
| *6. | AB 1971 | Addis | Student Online Personal Information Protection Act: administration of standardized tests. |
| 7. | AB 2097 | Berman | Pupil instruction: high schools: computer science courses: implementation guide. |
| *8. | AB 2458 | Berman | Public postsecondary education: student parents. |
| 9. | AB 2876 | Berman | Pupil instruction: media literacy: artificial intelligence literacy: curriculum frameworks: instructional materials. |
| 10. | AB 2071 | Juan Carrillo | Pupil instruction: English Learner Roadmap: grant program: parent toolkit. |
| *11. | AB 2134 | Muratsuchi | School employees: transfer of leave of absence for illness or injury. |
| *12. | AB 2229 | Wilson | California Healthy Youth Act: menstrual health education. |
| *13. | AB 2349 | Wilson | Public postsecondary education: Cal-Bridge Program. |

*14.	AB 2326	Alvarez	Equity in Higher Education Act: discrimination: compliance, regulations, and reports.
15.	AB 2395	Quirk-Silva	California State University: extension programs, special session, and self-supporting instructional programs: revenues.
*16.	AB 2407	Hart	Public postsecondary educational institutions: sexual harassment complaints: state audits.
17.	AB 2447	Valencia	California State University: expenditures: internet website.
*18.	AB 2608	Gabriel	Postsecondary education: sexual violence and sexual harassment: training.
19.	AB 2816	Gipson	School safety: School Mapping Data Grant Program.
20.	AB 2845	Robert Rivas	Migrant education: California Mini-Corps program and currently migratory children.
*21.	AB 2865	Wendy Carrillo	Pupil instruction: excessive alcohol use.
*22.	AB 2887	Maienschein	School safety plans: medical emergency procedures.
23.	AB 2901	Aguiar-Curry	School and community college employees: paid disability and parental leave.
24.	AB 2925	Friedman	Postsecondary education: Equity in Higher Education Act: prohibition on discrimination: training.
*25.	AB 2987	Ortega	Public postsecondary education: sex discrimination complaints: status updates and notices.
26.	AB 2998	McKinnor	Opioid overdose reversal medications: pupil administration.
27.	AB 3074	Schiavo	School or athletic team names: California Racial Mascots Act.
28.	AB 3142	Jones-Sawyer	Los Angeles Community College District: California Center for Climate Change Education.

***Measures on consent.**

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1790	Hearing Date:	June 12, 2024
Author:	Connolly and Mike Fong		
Version:	April 18, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: California State University: sexual harassment: implementing California State Auditor recommendations.

SUMMARY

This bill requires the California State University (CSU) to implement the recommendations provided in a 2023 California State Auditor report related to CSU's handling of allegations of sexual harassment.

BACKGROUND

Existing law:

- 1) Provides 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) Requires each school district and county office of education, or a local public or private agency that receives funding from the state or federal government, to designate a person to serve as the Title IX compliance coordinator to enforce compliance at the local level, including coordinating any complaints of non-compliance. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)
- 3) Requires each educational institution in California (K-12 and postsecondary education) to have a written policy on sexual harassment, and requires schools to display the policy in a prominent location in the main administrative building or other area of the campus or schoolsite, be provided as part of any orientation program for new students, provided to each faculty member, administrative staff and support staff, and appear in any publication of the school that sets forth the rules, regulations, procedures, and standards of conduct. (Education Code (EC) § 231.5 and § 66281.5)
- 4) Requires the CSU, by December 1 of each year, to submit a report to the Legislature that includes all of the following information:

- a) The number of sexual harassment reports filed disaggregated by each individual campus and the Chancellor's office.
- b) The number of formal sexual harassment complaints under investigation, the length of time taken to commence an official investigation after a formal sexual harassment complaint is filed, and the length of time taken from the beginning of an investigation to the completion of a final investigative report, disaggregated by each individual campus and the Chancellor's office as follows:
 - i) The length of time taken to commence an official investigation after a formal sexual harassment complaint is filed shall be grouped in specified categories.
 - ii) The length of time taken from the beginning of an investigation to the completion of a final investigative report shall be grouped in specified categories.
- c) The number of hearings conducted for formal sexual harassment complaints and the outcomes of those hearings disaggregated by each individual campus and the chancellor's office. The outcomes of those hearings shall be grouped in specified categories.
- d) The number of appeals requested by either the complainant or respondent disaggregated by each individual campus and the Chancellor's office. (EC § 66282)

ANALYSIS

This bill:

- 1) Requires the CSU, by July 1, 2026, to implement the recommendations provided in the California State Auditor Report 2022-109, dated July 18, 2023, including, but not limited to, by doing all of the following:
 - a) Developing standardized guidelines for all formal investigations into allegations of sexual harassment by each CSU campus and the Chancellor's office, including how to perform and structure the analysis to establish whether sexual harassment has occurred.
 - b) Developing a policy for each CSU campus and the Chancellor's office that ensures they are able to maintain a process for tracking key dates related to the timeliness of all sexual harassment cases and conducting investigations in a timely manner.
 - c) Establishing systemwide requirements for each CSU campus and the Chancellor's office to address conduct that is unprofessional but does not meet the threshold of sexual harassment.

- d) Developing a policy to ensure current and former employees found to have engaged in sexual harassment, including those who have received less severe discipline than termination, such as suspension or demotion, are not given official positive references for employment.
 - e) Requiring that each CSU campus and the Chancellor's office use the same case management system and track data consistently in their files for each sexual harassment case.
 - f) Issuing comprehensive best practices, including how campuses should survey their communities and increase awareness of options for reporting sexual harassment for each CSU campus.
 - g) Requiring the Chancellor's office to conduct regular compliance reviews of each CSU campus to determine whether they are complying with the law, CSU policy, and best practices in regards to sexual harassment policy.
- 2) Requires the CSU to submit an initial report by July 1, 2025, and a final report by December 1, 2026, to the Legislature, the Assembly Committee on Higher Education, the Joint Legislative Audit Committee, and the Senate Committee on Education, on the status of implementing the California State Auditor recommendations.
 - 3) Requires the report to include, if available at the time of the report, any summarized results from the campus compliance reviews required by this bill, and identification of any systemic issues the CSU has in meeting the recommendations of the California State Auditor Report 2022-109, dated July 18, 2023.
 - 4) Authorizes the final report to be included as part of the currently required annual report on the investigations and outcomes of sexual harassment reports and formal sexual harassment complaints.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "By implementing AB 1790, we can make our California State Universities safer for students and faculty by ensuring sexual harassment and assault allegations don't slip through the cracks. The recommendations provided by the State Auditor regarding CSU policies are critical to the livelihood and wellbeing of our local students at Sonoma State University and campuses throughout the state."
- 2) ***2023 state audit and subsequent legislative hearing.*** In July 2023, the California State Auditor released a report, "California State University: It Did Not Adequately or Consistently Address Some Allegations of Sexual Harassment." The report was a result of an audit of three CSU campuses, and also examined the role of the Chancellor's Office in monitoring the compliance of campuses with CSU's sexual harassment policy. The Auditor reviewed 40 cases of alleged sexual harassment by CSU employees and determined the following:

- a) Complaints of sexual harassment are not adjudicated in a clear and analogous manner despite each campus being required to follow the same policy for how cases are to be adjudicated;
- b) Disciplinary sanctions were not always implemented despite conclusive findings of sexual harassment; and,
- c) The Chancellor's Office has not provided oversight or regulation over the implementation of CSU policies.

The Auditor provided numerous recommendations to the CSU with varying dates by which those recommendations should be implemented. The CSU provided timelines of 60-days and 6-months to address the recommendations in the State Auditor's report. The Auditor also provided a response to the CSU's implementation updates as to whether the system is implementing the recommendations with fidelity.

<https://information.auditor.ca.gov/pdfs/reports/2022-109.pdf>

On August 31, 2023, a joint hearing was held with the Joint Legislative Audit Committee (JLAC), the Assembly Committee on Higher Education, and the Senate Committee on Education, heard from the State Auditor on their findings and recommendations to improve how the CSU handles sexual harassment complaints. The hearing also included testimony from the CSU on the corrective actions the system would be taking in response to the audit, as well as from students, faculty, and staff on their reaction to the audit. *Committee staff believes that several Legislators left the hearing feeling unsatisfied with CSU's responses and unconfident that CSU would implement all off the Auditor's recommendations in a timely manner, if at all.*

At the time of the publication of this analysis, only one recommendation has been fully implemented. *This bill codifies the recommendations of the State Auditor, thereby requiring the CSU to complete all the recommendations in the Auditor's report by January 1, 2026, which is six months before the final due date as suggested by the State Auditor.*

- 3) ***Recent report on how postsecondary education institutions address sexual discrimination.*** Throughout 2023, staff from the Assembly Higher Education Committee and this committee hosted fact-finding briefings with representatives from the California Community Colleges (CCCs), CSU, University of California (UC), and various California Independent Colleges and Universities to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report that provides a synopsis of the information gleaned from the briefings and a compilation of legislative proposals for how the State can partner with higher education institutions to prevent and address discrimination in all its forms on college and university campuses throughout California.
https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf

As noted in this report, "the California State Auditor is not an enforcement

agency, but rather an oversight agency. The Auditor conducts audits to answer questions posed by the Legislature, but the Auditor does not have enforcement power to force agencies' compliance with its audit recommendations."

- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose minor and absorbable General Fund costs to CSU to submit updates on implementation of the audit recommendations to the Legislature. CSU indicates the requirements of this bill largely align with current activities related to responding to the audit.
- 5) ***Related legislation.***

AB 2407 (Hart, 2024) requires the California State Auditor to report, by September 1, 2026, and every three years thereafter, the results of an audit of the ability of the CCCs, the CSU, and the UC to address and prevent sexual harassment on campus. AB 2407 is scheduled to be heard in this committee on June 12, 2024.

SB 1166 (Dodd, 2024) (1) expands the scope of a currently-required CSU report containing a summation of the activities undertaken by each campus and by the systemwide Title IX office to also include outcomes of appeals, a list of personnel who are exempt from being a "responsible employee," and a yet-to-be-developed annual report that compiles campus-based evaluations of how sex discrimination is addressed on campuses; and, (2) requests the UC and requires each community college district to also submit this report. SB 1166 is pending in the Assembly Higher Education Committee.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is scheduled to be heard in this committee on June 19, 2024.

AB 2047 (Mike Fong, 2024) requires the CSU and the UC to establish a systemwide Title IX office, a systemwide Office of Civil Rights, a position of civil rights officer, and establishes duties for the systemwide Office of Civil Rights, the civil rights coordinator, and Title IX coordinator. AB 2047 is scheduled to be heard in this committee on June 19, 2024.

AB 2987 (Ortega, 2024) requires each campus of the CSU and the CCC, and requests each campus of the UC, provide updates on the status of complaints of sexual discrimination to complainants and respondents. AB 2987 is scheduled to be heard in this committee on June 12, 2024.

SB 1491 (Eggman, 2024) (1) requires the CSU Trustees and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at the respective campus; (2) requires the point of contact to be a confidential employee, as specified; (3) requires the CSU

Trustees and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior; and, (4) requires California Student Aid Commission, beginning with the 2026-27 school year, to provide written notice to students who receive state financial aid whether their college or university has a religious school exemption from Title IX. SB 1491 is pending in the Assembly Higher Education Committee.

AB 810 (Friedman, 2024) (1) requests the governing board or body of an independent institution of higher education that receives state financial assistance, as part of the hiring process for specified positions, to require an applicant to disclose any final administrative decision or final judicial decision issued within the last seven years determining that the applicant committed sexual harassment; (2) requires the governing board of community college districts and the Trustees of the CSU (and requests the Regents of the UC), to require an applicant for an academic, athletic, or administrative position to sign a release form that authorizes the release of information by previous employers concerning any substantiated allegations of misconduct and, (3) requires the UC, CSU, CCC, independent institutions of higher education, and private postsecondary educational institutions, during the process to authorize a volunteer in an athletic department, to contact the current or former employer to determine if the applicant violated any employment policies. AB 810 is pending in the Senate Judiciary Committee.

AB 2608 (Gabriel, 2024) expands currently required annual training for students on sexual violence and sexual harassment to also include topics related to alcohol- and drug-facilitated sexual assault and confidential support and care resources for situations that arise as a result of an act of sexual violence and/or sexual harassment. AB 2608 is scheduled to be heard in this committee on June 12, 2024.

AB 2925 (Friedman, 2024) creates a requirement for specific anti-discrimination training or diversity, equity, and inclusion training offered by postsecondary education institutions to include training on how to combat and address discrimination against the five most targeted groups in the state. AB 2925 is scheduled to be heard in this committee on June 12, 2024.

AB 1575 (Irwin, 2024) authorizes students who receive a disciplinary notification the right to have an adviser of their choosing and requires postsecondary education institutions to provide training for the aforementioned adviser. AB 1575 is pending in the Senate Judiciary Committee.

AB 2326 (Alvarez, 2024) recasts and modifies statutes that specify which individual or office within each public higher education segment is responsible for ensuring campus programs are free from discrimination, and who has the authority to oversee and monitor compliance with state and federal laws related to anti-discrimination, specifically including sexual harassment. AB 2326 is scheduled to be heard in this committee on June 12, 2024.

AB 1905 (Addis, 2024) prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint where a final determination has been made, the employee resigned, or the employee enters into a settlement with the institution. AB 1905 is scheduled to be heard in this committee on June 12, 2024.

AB 2048 (Mike Fong, 2024) requires the Chancellor of the CCCs to convene a community college sexual harassment and Title IX working group to review policies and procedures, determine if existing district policies and procedures are adequate, determine to what extent a systemwide model of compliance would best assist community colleges, and review and determine if the CCC Chancellor's Office is effective in its duty to monitor community colleges for their compliance with state and federal laws pertaining to sexual harassment. AB 2048 is scheduled to be heard in this committee on June 19, 2024.

SUPPORT

Generation Up (Sponsor)
Office of Lieutenant Governor Eleni Kounalakis
American Association of University Women - California
California Faculty Association
California State Student Association
California State University Employees Union
Ignite
SAFE Campuses Coalition
Youth Power Project

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1851 **Hearing Date:** June 12, 2024
Author: Holden
Version: June 3, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Drinking water: schoolsites: lead testing pilot program.

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

SUMMARY

This bill requires the State Superintendent of Public Instruction (SSPI) to establish a pilot program to test for and remediate lead in drinking water in the schools of 6-10 local educational agencies (LEAs).

BACKGROUND

Existing law:

- 1) Establishes as a policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code (WC) 106.3)
- 2) Requires, pursuant to the federal Safe Drinking Water Act (SDWA) and the California SDWA, drinking water to meet specified standards for contamination as set by the U.S. Environmental Protection Agency (US EPA) or the State Water Board (SWB). (42 United States Code § 300(f), et seq.; Health and Safety Code (HSC) 116270, et seq.)
- 3) Establishes the Lead-Safe Schools Protection Act and requires the State Department of Health Services to conduct a sample survey of schools in this state for the purpose of developing risk factors to predict lead contamination in public schools. (Education Code (EC) 32240-32245)
- 4) Requires, pursuant to the Lead-Safe Schools Protection Act, that the California Department of Public Health work with the California Department of Education (CDE) to develop voluntary guidelines for distribution to schools to ensure that lead hazards are minimized in the course of school repair and maintenance programs and abatement procedures. (EC 32242(g))
- 5) Prohibits, beginning January 1, 1994, the use of lead-based paint, lead plumbing, and solders, or other potential sources of lead contamination in the construction

of any new school facility or the modernization or renovation of any existing school facility. (EC 32244)

- 6) Requires a school district to provide access to free, fresh drinking water during meal times in the food service areas of the schools under its jurisdiction, including, but not necessarily limited to, areas where reimbursable meals under the National School Lunch Program or the federal School Breakfast Program are served or consumed. Authorizes a school district to comply with this requirement by, among other means, providing cups and containers of water or soliciting or receiving donated bottled water. (EC 38086)
- 7) Requires a school district to notify parents, pupils, teachers, and other school personnel of drinking water results immediately if the school district is required to provide alternative drinking water sources, and authorizes a school district to comply with that requirement by providing notification of the test results during the next regularly scheduled public school meeting. (HSC 116450)
- 8) Prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not “lead-free” in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. (HSC 116875(a))
- 9) Defines, for the purposes of the federal Lead and Copper Rule (LCR), a “school” to mean any building associated with public, private, or charter institutes that primarily provide teaching and learning for elementary or secondary students. (40 Code of Federal Regulations (CFR) 141.2)
- 10) Requires all community water systems to conduct lead monitoring at the schools and child care facilities they serve if those schools or child care facilities were constructed prior to January 1, 2014, or the date the state adopted standards that meet the definition of “lead-free” under the federal SDWA, whichever is earlier. (40 CFR 141.92)
- 11) Requires each community water system to compile a list of schools and child care facilities served by the system by October 16, 2024. (40 CFR 141.92(a)(1))
- 12) Requires community water systems to collect samples from at least 20 percent of elementary schools and 20 percent of child care facilities served by the system per year, or according to a schedule approved by the state, until all schools and child care facilities identified on the list, developed pursuant to 40 CFR 141.92(a)(1), have been sampled or declined to participate. (40 CFR 141.92(c)(1))
- 13) Requires community water systems to sample all elementary schools and child care facilities at least once in the five years following October 16, 2024. (40 CFR 141.92(c)(2))
- 14) Requires community water systems, after they have completed one cycle of sampling in all elementary schools and child care facilities, to sample at the request of an elementary school or child care facility. (40 CFR 141.92(c)(3))

- 15) Requires community water systems to sample at the request of a secondary school. (40 CFR 141.92(c)(4))
- 16) Requires a community water system to collect five samples per school and two samples per child care facility at outlets typically used for consumption; prohibits, except under specified conditions, outlets from having point-of-use devices. (40 CFR 141.92(b)(1))
- 17) Requires a community water system to collect samples from schools from specified fixture types, as follows: two drinking water fountains, one kitchen faucet used for food or drink preparation, one classroom faucet or other outlet used for drinking, and one nurse's office faucet, as available. (40 CFR 141.92(b)(1)(i))
- 18) Requires a community water system to sample all outlets used for consumption, if a facility has fewer than the required number of outlets. (40 CFR 141.92(b)(1)(iii))
- 19) Requires the governing board of a school district to adopt a local control and accountability plan (LCAP) and specifies state priorities, including the priority for school facilities to be maintained in good repair. (EC 52060(d))

ANALYSIS

This bill:

- 1) Requires the SSPI to establish a pilot program to test for and remediate lead contamination in drinking water at eligible facilities of participating LEAs and inform recommendations for addressing lead contamination in drinking water in LEAs across the state.
- 2) Requires the SSPI to select no fewer than six and no more than ten LEAs of varying enrollment sizes and notify them of their selection by July 1, 2025.
- 3) Requires the SSPI, in selecting LEAs, to give priority to: (1) LEAs with at least one school that serves pupils in transitional kindergarten, kindergarten, and grades 1 to 3, inclusive, where at least 75 percent of the pupils in the school are eligible for free and reduced-price meals; and, (2) LEAs with schools that are located in a disadvantaged community.
- 4) Requires the SSPI to provide grants to participating LEAs for testing drinking water lead levels, remediating lead in drinking water at eligible facilities, and contracting with a technical assistance provider; requires that the SSPI provide grant funding to each participating LEA based on enrollment, for the most recent year available, at the schools with the eligible facilities.
- 5) Requires the technical assistance provider to advise participating LEAs on the drinking water lead level sampling, remediation, and notification requirements under the pilot program.

- 6) Requires participating LEAs to ensure that drinking water sampling meets specified requirements, including that sampling is conducted at all of the potable water system outlets of an eligible facility.
- 7) Requires, if lead levels exceed 5 parts per billion (ppb) for any potable water system outlet, a participating LEA to perform specified actions, including the provision of a lead-free source of drinking water at each potable water system outlet that has been shut down due to elevated lead levels.
- 8) Requires, on or before July 1, 2028, the technical assistance provider to submit a report containing a completed analysis of the pilot program's results and recommendations on specified topics to the SSPI.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Lead consumption among youth and disenfranchised communities occurs at a higher rate. Assisting schools with the resources and appropriate standards to ensure the water fountains our children drink from are safe will help us protect our schools, students and communities. Children do not become more resistant to lead's toxic effects once they transition from daycare to kindergarten, so California should take the responsible step of aligning childcare and school lead testing standards."
- 2) ***Lead Testing in California's K-12 Schools.*** The passage of AB 746 (Gonzalez Fletcher, Chapter 746, Statutes of 2017) mandated that community water systems serving schools with buildings constructed before January 2010 test up to five drinking water sources for lead by July 1, 2019. According to the SWB, lead testing was conducted in 8,027 schools, revealing that approximately 1.1 percent of these schoolsites had lead levels exceeding the US EPA's recommended level of 15 ppb. LEAs were exempt from testing if they met any of the following criteria:
 - a) Schoolsites built or modernized on or after January 1, 2010;
 - b) LEAs that conducted lead testing after January 1, 2009, and posted the results online;
 - c) LEAs that requested testing from their community water system;
 - d) LEAs that are permitted as a public water system and are currently testing water for lead;

Additionally, AB 746 (Gonzalez Fletcher, 2018) requires LEAs to shut down any faucets or fountains where lead levels exceed 15 ppb.

In January 2017, the Division of Drinking Water of the SWB and Local Primacy Agencies amended the domestic water supply permits for about 1,200 community water systems. This allowed schools to request assistance from their public water systems for lead sampling and to receive technical assistance if elevated lead levels were detected. School administrators could request up to

five water samples be collected and analyzed at each K-12 schoolsite served by the water system. These provisions also permitted private schools to continue requesting sampling and assistance following the passage of AB 746.

Community water systems were responsible for the costs of collecting, analyzing, and reporting, while schools were responsible for any necessary maintenance or corrections.

Research published in 2021 in Preventing Chronic Disease, titled "Water Safety in California Public Schools Following Implementation of School Drinking Water Policies," found that 3% (6) of the 174 schools tested through the state program had at least one water sample exceeding the 15 ppb state action level for lead. Additionally, 16% (28) of schools had at least one sample exceeding the FDA's threshold for bottled water of 5 ppb. Furthermore, 16% (28) of schools were supplied by water systems with a history of noncompliance with water and sanitation regulations, which included issues like elevated levels of contaminants or failure to follow disinfectant protocols. Schools served by noncompliant water systems were more likely to have smaller enrollments, be located in urban areas, and serve predominantly racial/ethnic minority students or students eligible for free and reduced-price meals.

- 3) ***Effects of childhood lead exposure.*** According to the Centers for Disease Control and Prevention (CDC), research shows that there is no safe level of lead in drinking water and even very low levels can have negative and irreversible health effects, especially for children and pregnant persons. Because of lead's health impacts, the US EPA maintains a maximum contaminant level goal of zero. The CDC states that childhood lead exposure can seriously harm a child's health and cause well-documented adverse effects, including brain and nervous system damage, slowed growth and development, learning and behavior problems, and hearing and speech problems. These health impacts can in turn lead to decreased attention and underperformance in school among lead-exposed children.
- 4) ***Inequities in childhood lead exposure.*** According to the CDC, people with low incomes and people of color are more likely to live in neighborhoods with outdated infrastructure, and are thus more likely to be exposed to lead-based paint and pipes, faucets, and plumbing fixtures containing lead. Children from low-income families and communities of color can also be further disadvantaged through the cumulative impacts of lead and other challenges they may face, including higher rates of poverty, malnutrition, exposure to multiple pollutants, and enrollment in under-resourced schools.
- 5) ***Student's exposure to lead in the drinking water at school.*** In the 2021 report, *How States Are Handling Lead in School Drinking Water*, the National Association of State Boards of Education states, "Due in part to their frequent closures and uneven water use patterns during weekends, holidays, summer break, or extenuating circumstances like the pandemic, the topic of lead in drinking water is of special relevance to schools. Water is more likely to stagnate in school pipes and fixtures during closures, potentially making the water more corrosive and increasing the chances that lead leaches into the water." The impacts of lead in drinking water on children's health gained national attention

after news broke of the water crisis in Flint, Michigan. In 2014, a switch in Flint's water sources caused lead to leach from service lines into drinking water at dangerously high levels. In the wake of the Flint drinking water crisis, part of the national conversation has focused on strategies for improving the safety of drinking water in schools and child care facilities and the importance of lead testing.

- 6) ***California requirements for testing lead in drinking water in child care centers.*** In 2018, the State Legislature enacted AB 2370 (Holden, Chapter 676, Statutes of 2018) which requires licensed child day care centers operating in buildings constructed before January 1, 2010, to have their drinking water tested for lead by January 1, 2023, and every five years after the initial test. Similar to AB 249, AB 2370 requires the SWB to post test results for lead in licensed child day care centers on its website, and requires centers to:
- a) Cease using fountains and faucets where elevated lead levels may exist;
 - b) Obtain a potable source of water for children and staff; and,
 - c) Notify parents or guardians of the test results.

In SB 862 (Budget Committee, Chapter 449, Statutes of 2018), the Legislature appropriated \$5 million, which the SWB is using to assist child care centers with the costs of testing and fixture replacement.

7) ***Related legislation.***

AB 249 (Holden, 2023) would have required, on or before January 1, 2027, a community water system that serves a schoolsite receiving federal Title I funds to test for lead in each of the schoolsite's potable water system outlets and to report the results to the SWB and applicable schoolsite or LEA; would have required LEAs or schoolsites, if lead levels exceeded five ppb, to perform specified actions. This bill was vetoed by the Governor, with the following message:

Minimizing childhood exposure to lead in drinking water is a critical issue. While I support the author's commitment to ensure safe drinking water in schools, this bill contains several problematic provisions and cannot be implemented as drafted. The bill constitutes an entirely new enforcement role for the State Water Board, requires the creation of a costly database for tracking compliance and enforcement, and contains an infeasible implementation timeline.

Although some funding was included in the 2023 budget for testing and remediation, the bill lacks key provisions for efficiently administering the funding and is inadequate to cover the full cost of implementation. Additionally, this bill creates a reimbursable state mandate with ongoing Proposition 98 General Fund costs that could range into the hundreds of millions of dollars.

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.

SUPPORT

Children Now (Sponsor)
A Voice for Choice Advocacy
Association of Regional Center Agencies
California Dental Association
California Federation of Teachers
Educate. Advocate.
Friends Committee on Legislation of California
Western Center on Law and Poverty

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1855	Hearing Date:	June 12, 2024
Author:	Arambula		
Version:	May 21, 2024		
Urgency:	No	Fiscal:	No
Consultant:	Olgalilia Ramirez		

Subject: Open meetings: teleconferences: community college student body associations and student-run organizations.

SUMMARY

This bill allows, until January 1, 2026, community college student body associations, and any other student-run community college organization subject to the Ralph M. Brown Act (Brown Act), to teleconference their meetings without having to notice and make publicly accessible each teleconference location and extends greater flexible for when individuals participating remotely can be counted to establish quorum, as specified.

BACKGROUND

Existing law:

- 1) Provides, pursuant to Article I, Section 3 of the California Constitution, the following:
 - a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.
 - b) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
 - c) In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in b) above, each local agency is required to comply with the California Public Records Act, the Brown Act, and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of these constitutional provisions.
- 2) Provides, pursuant to the Brown Act, requirements for local agency meetings. (Government Code (GOV) § 54950 – 54963)

- 3) Authorizes the legislative body of a local agency to use teleconferencing, subject to a number of requirements that include posting agendas at all teleconference locations, identifying each teleconference location in the notice and agenda for the meeting or proceeding, making each teleconference location accessible to the public, and requiring at least a quorum of the members of the legislative body to participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, as specified. (GOV § 54953(b)(3))
- 4) Defines “teleconference” to mean a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. (GOV § 54953(j)(6))
- 5) Authorizes, until January 1, 2024, a local agency to use teleconferencing without complying with the requirements of 3), above, during a proclaimed state of emergency, as specified. (GOV § 54953(e))
- 6) Authorizes, until January 1, 2026, pursuant to provisions of law enacted via AB 2449 (Blanca Rubio, Chapter 285, Statutes of 2022) a legislative body of a local agency to use teleconferencing without complying with the requirements of 3), above, subject to multiple conditions and requirements and limited to “just cause” or for emergency circumstances, as specified. (GOV § 54953(f))
- 7) Establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. The California Community Colleges shall be comprised of community college districts. (Education Code (EC) § 70900)
- 8) Establishes that California Community College districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges within its district, as specified. (EC § 70902)
- 9) Permits a governing board of a California Community College district to authorize the creation of a student body association, whose purpose is to encourage students to participate in the governance of the college and may conduct activities including fundraising activities if approved by the college officials. (EC § 76060)
- 10) Authorizes campus officials of a California Community College with a student organization to collect a student representation fee of two dollars from students for the purpose of supporting governmental affairs representatives of local or statewide student body organizations who may state their positions and viewpoints before city, county and district governments or agencies of state governments. Authorizes one dollar of every two dollars collected as part of the student representation fee to be provided to support the operations of a statewide community college student organization recognized by the Board of Governors. (EC § 76060.5)

- 11) Requires meetings conducted by the statewide community college organization to comply with the Brown Act. (EC § 76060.5)

ANALYSIS

This bill allows, until January 1, 2026, community college student body associations and any other student-run community college organization subject to the Brown Act to teleconference their meetings without having to notice and make publicly accessible each teleconference location. Specifically, it:

- 1) Allows a California Community College student body association or student-run organization (student association), as defined, to use teleconferencing without posting agendas at each teleconference location, identifying each teleconference location in the notice and agenda, making each teleconference location accessible to the public, and requiring at least a quorum of the student association to participate from within the local agency's jurisdiction if the student association complies with all of the following:
 - a) Only use teleconferencing as described in this bill after all the following have occurred:
 - i) The board of trustees for a community college district considers whether to adopt a resolution to authorize a student association to use teleconferencing as permitted in this bill at an open and regular meeting.
 - ii) If the board of trustees for a community college district adopts a resolution described above, a student association can elect to use teleconferencing permitted in this bill if two-thirds of the student association members vote to do so. The bill requires a student association to notify the board of trustees if it elects to use teleconferencing as permitted in this bill and its justification for doing so.
 - iii) Upon receiving the notification from a student association, the board of trustees can adopt a resolution to prohibit the student association from using teleconferencing as permitted in this bill.
 - b) After completing the requirements in a) above, when holding a meeting using teleconferencing as permitted in this bill to do all of the following:
 - i) Give notice of the means by which members of the public can access the meeting and offer public comment in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted. An opportunity for all persons to attend via a call-in option or an internet-based option is to be identified and included in the agenda.
 - ii) Not take further action on items on the meeting agenda until public access is restored when certain disruptions that prevents the public

broadcasting of meetings or that prevents the public from offering public comments, as specified, occur. Actions taken on agenda items during a disruption can be challenged pursuant to the provisions of the Brown Act governing judicial remedies for violations.

- iii) Not require the submission of public comments in advance of the meeting and provide an opportunity for the public to address the student association in real time.
 - iv) Provide an individual, through the use of an internet website or other online platform not under the control of the student association, that requires registration to log in to a teleconference the option to provide public comment by registering as required by the third-party internet website or online platform to participate.
 - v) Not close the public comment period for the agenda item or the opportunity to register for public comment until that time has elapsed in instances when a student association provides a timed public comment period for each agenda item. A student association that does not provide a timed public comment period but takes public comment separately on each agenda item is to allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register, as specified, or otherwise be recognized for the purpose of providing public comment. A student association that provides a timed general public comment period that does not correspond to a specific agenda item is not to close the public comment period or the opportunity to register, as specified, until the timed general public comment period has elapsed.
 - vi) Have at least a quorum of the student association members participate from a singular physical location that is accessible to the public and is within the community college district in which the eligible legislative body is established. A person is to count toward the establishment of a quorum regardless of whether the person is participating at the in-person location of the meeting or remotely if the person meets any of the specified criteria, including being a person who has a disability that requires accommodation pursuant to the Americans with Disabilities Act or is under age 18.
- c) When holding a meeting using teleconferencing as permitted in this bill do the following, as applicable:
- i) If the meeting is during regular business hours of the offices of the community district's board of trustees of the community college district, the eligible legislative body shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the board of trustees of the community college district, unless the eligible legislative body identifies an alternative location.

- ii) If the meeting is outside regular business hours as specified, the student association is to make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting. For the purposes of this requirement, “accommodation” means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.
- 2) Requires the student association to comply with all other requirements of the Brown Act regarding open and public meetings, including other teleconferencing requirements.
- 3) Finds and declares that this bill imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

“During the COVID-19 public health emergency, audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and those public meetings have been productive, increased public participation by all members of the public regardless of their location and ability to travel to physical meeting locations, increased the pool of people who are able to serve on these bodies, and protected the health and safety of civil servants and the public. Extending the operation of teleconference as conducted during the COVID-19 public health emergency for California Community College student body associations and other student-run community college organizations will continue these benefits.”

- 4) Finds and declares that this bill furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

“During the COVID-19 public health emergency, audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and those public meetings have been productive, increased public participation by all members of the public regardless of their location and ability to travel to physical meeting locations, increased the pool of people who are able to serve on these bodies, and protected the health and safety of civil servants and the public. Extending the operation of teleconference as conducted during the COVID-19 public health emergency for California Community College

student body associations and other student-run community college organizations will continue these benefits.”

- 5) Finds and declares that local student body associations in the California Community Colleges provide important input to community college districts’ board of trustees and that, unlike other legislative bodies that have access to regular meeting locations, these volunteer, uncompensated, elected members have had trouble accessing public meeting locations, as specified.
- 6) Defines, “eligible legislative body” to mean a student body association organized authorized pursuant existing, or any other student-run community college organization that is required to comply with the meeting requirements of this chapter.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “The Brown Act has been a landmark policy that ensured open access to government participation. During the COVID-19 public health emergency, audio and video teleconferencing was successfully used to increase participation and protect the health and safety of civil servants and the public. It is time to update the Act to reflect modern times and new challenges faced by our students. Current provisions of the Brown Act require members of a legislative body to participate in meetings of the legislative body by teleconference for no more than 20% of the regular meetings. However, this may serve as a barrier to access for students who are disabled, have limited access to transportation, or are otherwise unable to participate in the meetings in person. AB 1855 protects public access and allows an eligible legislative body of a student organization to use alternate teleconferencing provisions if approved by the Board of Trustees and adopted by the eligible body. Students should be able to participate in their student body associations without threat to safety, privacy, or accessibility.”
- 2) **Changes teleconference rules for student-run community college association and organizations.** As mentioned in the background of this analysis, existing law requires meetings of the recognized statewide community college student organization to comply with the Brown Act. It further requires, under the Brown Act, a local legislative body that chooses to conduct meetings through teleconferencing to post agendas, identify in the public notice and agenda, and make publicly accessible each teleconferencing location in the prescribed manner. Current law provides some flexibility from these requirements for “just cause,” as defined, or for emergency circumstances, as defined. This bill provides greater flexibility for community college student associations by also allowing members to participate through teleconferencing and certain place bound individuals to count toward quorum regardless of having just cause or under emergency circumstances. The bill’s provisions are limited to student body associations recognized within the California Community College system and other student-run community college organizations and for a limited period, until January 1, 2026. Proponents of the measure have raised concerns about the privacy and safety of individual students whose locations are publicly disclosed and accessible to the public when choosing the teleconferencing option

- 3) **Executive Order N-29-20 suspended portions of the Brown Act.** In March of 2020, the Governor issued Executive Order N-29-20, which stated that, “Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived. All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.”

On February 28, 2023, the state of emergency was officially lifted, bringing an end to the suspension of notice and public access provisions as well as the authorization to hold teleconference meetings. AB 2449 (Blanca Rubio, Chapter 285 of the Statutes of 2022) was subsequently proposed and enacted to extend for a limited time, until January 1, 2026, a narrow allowance for conducting and participating in teleconference meetings.

- 4) **Too soon?** AB 2449’s provisions took effect last year on January 1, 2023. The implementation of pilot authorization serves as a means to test the feasibility of a policy in a limited capacity and evaluate its potential for long-term adoption. Additionally, the trial phase allows for the identification of areas in need of improvement, which can inform future policy development. This bill creates an alternative to that policy for a specific group soon after taking effect and prior to full implementation. *The Committee may wish to consider whether it is prudent to adopt changes after a one-year of implementation or whether urgent changes are necessary to address the needs of statewide and local student organizations.*
- 5) **Heard by the Senate Local Government Committee.** This bill was heard by the Senate Local Government Committee on May 21, where it passed on a 5-2 vote.
- 6) **Related legislation.**

AB 557 (Hart, Chapter 534, Statutes of 2023) eliminated the January 1, 2024, sunset date on AB 361 and changes the requirement for a legislative body, in order to continue using the bill’s teleconferencing provisions, to make specified findings every 30 days to every 45 days.

AB 1275 (Arambula, 2023) would have expanded Brown Act teleconferencing flexibility for community college student organizations. AB 1275 was amended into a different subject matter.

AB 1379 (Papan, 2023) would have eliminated the Brown Act’s teleconferencing requirements to post agendas at all teleconferencing locations, identify each

teleconference location in the notice and agenda, make each teleconference location accessible to the public, and require a quorum of the legislative body to participate from locations within the local agency's jurisdiction, allows legislative bodies to participate remotely from any location for all but two meetings per year, and makes several changes to the provisions of AB 2449. AB 1379 was held in this Committee.

SB 411 (Portantino, Chapter 605, Statutes of 2023) allowed appointed bodies of a local agency to teleconference meetings without having to notice and make publicly accessible each teleconference location, or have at least a quorum participate from locations within the boundaries of the agency.

SB 537 (Becker, 2023) would have allowed appointed bodies of a multijurisdictional local agency to teleconference meetings without having to notice and make publicly accessible each teleconference location, or have at least a quorum participate from locations within the boundaries of the agency. SB 537 is currently on the Assembly inactive file.

AB 1944 (Lee, 2022) would have allowed, until January 1, 2030, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, under specified conditions. AB 1944 was held in the Senate Governance and Finance Committee.

AB 2449 (Blanca Rubio, Chapter 285, Statutes of 2022) allowed, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, under specified conditions.

SB 1100 (Cortese, Chapter 171, Statutes of 2022) allowed the presiding member of a local legislative body to remove an individual for disrupting a local agency's meeting, defines "disrupting" for this purpose, and outlines the procedure that must be followed before an individual may be removed.

AB 339 (Lee, 2021) would have required, until December 31, 2023, city councils and boards of supervisors in jurisdictions over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings. This bill was vetoed.

AB 703 (Rubio, 2021) would have allowed teleconferencing with only a quorum of the members of a local legislative body participating from a singular location that is clearly identified on an agenda, open to the public, and situated within the boundaries of the local agency. AB 703 was held in this Committee.

SUPPORT

Student Senate for California Community Colleges (Sponsor)

Disability Rights California
Faculty Association of California Community Colleges

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1884 **Hearing Date:** June 12, 2024
Author: Ward
Version: January 22, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil attendance: excused absences: uniformed services deployments.

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

Allows a student an 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.

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) Provides a list of reasons that constitute an excused absence, which include, among others, that the absence of a student is to be excused when the absence is due to any of the following:
 - a) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health; quarantine under the direction of a county or city health officer; have a medical, dental, optometric, or chiropractic services during school hours.
 - b) For the purpose of attending the funeral services of a member of the pupil's immediate family or spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services.
 - c) Jury duty or justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at

an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization.

- d) Attending a naturalization ceremony to become a United States citizen or participating in a cultural ceremony or event.
 - e) A middle school or high school pupil engaging in a civic or political event provided that the pupil notify the school ahead of the absence. (EC § 48205)
- 3) Provides that a valid excuse may include other reasons that are within the discretion of school administrators and based on the facts of the pupil's circumstances. (EC § 48260)
- 4) Clarifies each person between the ages of 6 and 18 years subject to compulsory full-time education and each person subject to compulsory continuation education must attend the public full-time day school or continuation school or classes and for the full-time designated as the length of the schoolday by the governing board of the school district where the parent or guardian is located. (EC § 48200)

ANALYSIS

This bill:

- 1) Removes the specification that a student is allowed an 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 a combat zone or combat support position, expanding the scope of that excused absence to encompass all deployments.
- 2) Makes technical changes.

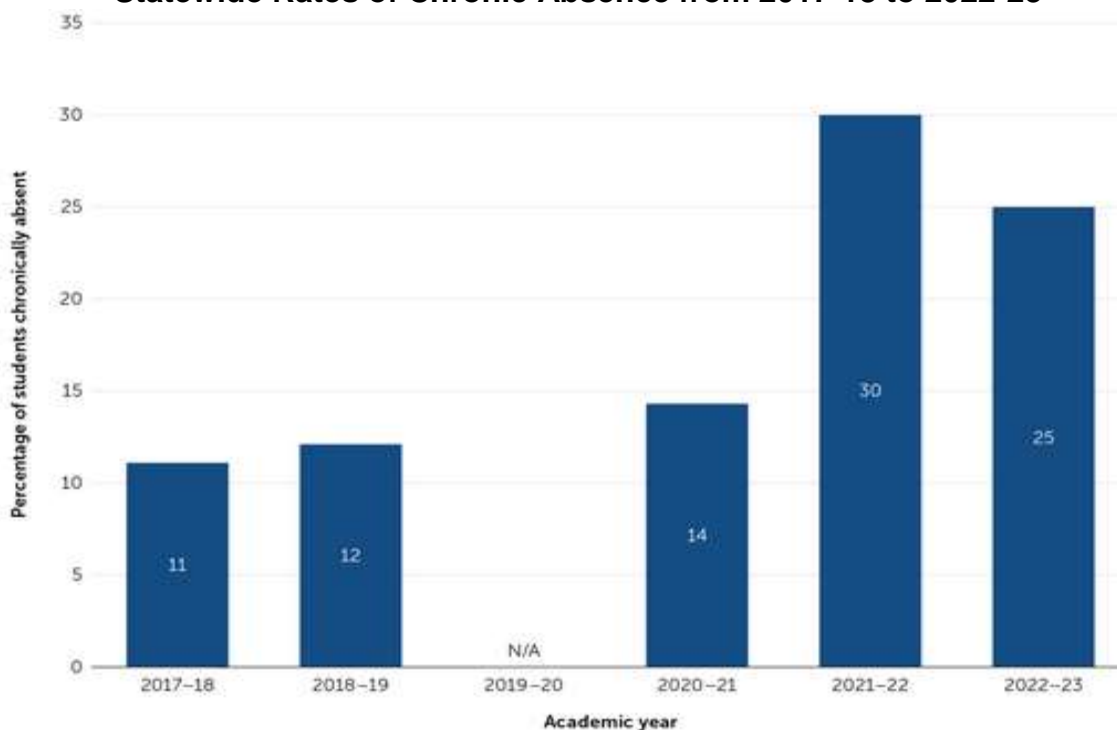
STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, " Currently some school districts, out of fear of losing ADA funding, have not been able to grant absences to students who wish to spend time with their parents before military deployment, because said deployment is not considered combat-related. However, this neglects the fact all deployments take a toll on families back at home, and many deployments can become combat related at any time. This technical change removes all ambiguity for school districts and supports our military families."
- 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 California Department of Education (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

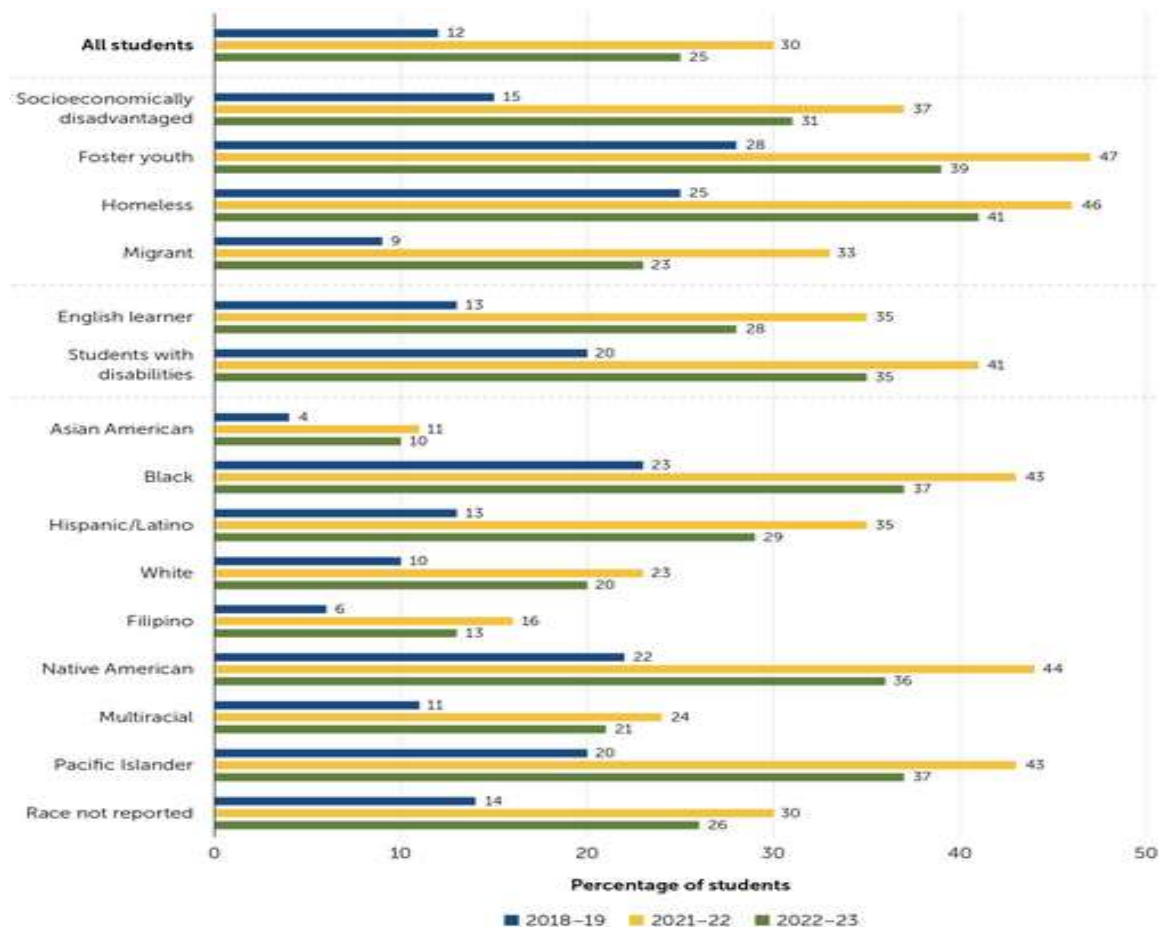


Note. The COVID-19 pandemic resulted in statewide physical school closures in February/March 2020 followed by the widespread implementation of distance learning during the 2020–21 academic year. The CDE has determined that absenteeism data are not valid and reliable for the 2019–20 academic year; therefore,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

Chronic Absenteeism Rates By Student Group and Year



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) **Related Legislation.**

SB 1138 (Newman, 2024) would add a pupil's participation in military entrance processing to the list of excused absences.

AB 2771 (Maienschein, 2024) would require the CDE to post information on its website about methods of reducing chronic absenteeism by the beginning of the 2026-27 school year.

AB 1503 (Lee, Chapter 846, Statutes of 2023) extends the excused absence provision for a student to attend a religious retreat from four hours or a half-day to one full day.

SB 350 (Ashby, Chapter 601, Statutes of 2023) adds, to the list of excused absences from school, that a pupil can be excused from school 1) the ability to miss school to receive victim services, grief support services, or attend safety planning, as specified; and 2) to attend a funeral or to grieve for no longer than five days, as specified.

SB 955 (Leyva, Chapter 921, Statutes of 2022) permits students in grades 6 – 12 to have one excused absence per year to participate in a civic or political event.

SB 14 (Portantino, Chapter 672, Statutes of 2021) includes, among other things, “for the benefit of the behavioral health of the pupil” within the “illness” category for excused absences for purposes of school attendance.

AB 516 (M. Dahle, Chapter 281, Statutes of 2021) added participation in a cultural ceremony or event to the list of reasons that a pupil must be excused from school.

AB 2289 (Weber and Gonzalez Fletcher, Chapter 942, Statutes of 2018) requires, among other things, parenting pupils to be excused from school without a doctor's note for the purpose of caring for their sick children or attending their children's medical appointments.

AB 1593 (Oberholte and Alejo, Chapter 92, Statutes of 2016) permits a pupil's attendance at his or her naturalization ceremony to become a United States citizen to be deemed an excused absence for purposes of computing ADA.

SUPPORT

Los Angeles County Office of Education
San Bernardino County District Advocates for Better Schools

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1905	Hearing Date:	June 12, 2024
Author:	Addis		
Version:	April 4, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Public postsecondary education: employment: settlements, informal resolutions, and retreat rights.

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 prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint where a final determination has been made, the employee resigned, or the employee enters into a settlement with the institution.

BACKGROUND

Existing law:

Title IX

- 1) Provides 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) Requires each school district and county office of education, or a local public or private agency that receives funding from the state or federal government, to designate a person to serve as the Title IX compliance coordinator to enforce compliance at the local level, including coordinating any complaints of non-compliance. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)
- 3) Requires each educational institution in California (K-12 and postsecondary education) to have a written policy on sexual harassment, and requires schools to display the policy in a prominent location in the main administrative building or other area of the campus or schoolsite, be provided as part of any orientation program for new students, provided to each faculty member, administrative staff and support staff, and appear in any publication of the school that sets forth the

rules, regulations, procedures, and standards of conduct.
(Education Code (EC) § 231.5 and § 66281.5)

Appointees and employees

- 4) Requires the Trustees of the California State University (CSU) to provide for, by rule, for the government of their appointees and employees, including but not limited to: appointment; classification; terms; duties; pay and overtime pay; uniform and equipment allowances; travel expenses and allowances; rates for housing and lodging; moving expenses; leave of absence; tenure; vacation; holidays; layoff; dismissal; demotion; suspension; sick leave; reinstatement; and employer's contribution to employees', annuitants', and survivors' health benefits plans. (EC § 89500)
- 5) Requires a community college district, prior to making a decision relating to the continued employment of a contract employee, to meet certain requirements, including an evaluation of the employee and the governing board's receipt of recommendations of the superintendent or president of the district or community college. (EC § 87607)

Disclosure of final administrative decision or final judicial decision

- 6) Requires the governing board of a community college district to require, as part of the hiring process for an appointment to an academic or administrative position with that district, that the applicant disclose any final administrative decision or final judicial decision issued within the last seven years from the date of submission of the application determining that the applicant committed sexual harassment. (EC § 87604.5)
- 7) Requires the Trustees of the CSU to require, as part of the hiring process for an appointment to an academic or administrative position with the CSU, that the applicant disclose any final administrative decision or final judicial decision issued within the last seven years from the date of submission of the application determining that the applicant committed sexual harassment. (EC § 89521)
- 8) Requests the Regents of the University of California (UC) to require, as part of the hiring process for an appointment to an academic or administrative position with UC, that the applicant disclose any final administrative decision or final judicial decision issued within the last seven years from the date of submission of the application determining that the applicant committed sexual harassment. (EC § 92612.1)

Definitions

- 9) Defines "postsecondary educational institution" as any campus of the UC, CSU, California Community Colleges (CCC), an independent institution of higher education, or a private postsecondary educational institution. (EC § 67456)
- 10) Defines "independent institution of higher education" as nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or

both, and that are formed as nonprofit corporations in this state and are accredited by an agency recognized by the United States Department of Education. (EC § 66010)

- 11) Defines “final administrative decision” as the written determination of whether or not sexual harassment occurred as determined by the decisionmaker following the final investigative report and the subsequent hearing. (EC § 87604.5, § 89521, and § 92612.1)
- 12) Defines “final judicial decision” as a final determination of a matter submitted to a court that is recorded in a judgment or order of that court. (EC § 87604.5, § 89521, and § 92612.1)

ANALYSIS

This bill:

Prohibits retreat rights and letters of recommendation

- 1) Prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint filed with the institution and any of the following occur:
 - a) The employee is determined in a final administrative decision to have committed sexual harassment.
 - b) Before a final administrative decision is made, the employee resigns from their current position.
 - c) The employee enters into a settlement with the public postsecondary educational institution.
- 2) Specifies that the provisions in #1 do not prohibit a public postsecondary educational institution from adopting a policy on employees’ ineligibility for retreat rights that is more expansive, provided that the provisions in #1 are incorporated into the policy.

Policy on settlements and information resolutions

- 3) Requires the appropriate governing board or body of each public postsecondary educational institution, as a condition of receiving state financial assistance, to adopt a written policy on settlements and informal resolutions of complaints of sexual harassment in cases where the respondent is an employee of the institution. This bill notwithstanding existing law that provides the Education Code applies to UC only to the extent that the UC Regent, by appropriate resolution, make that provision applicable.

- 4) Requires the written policy, at a minimum, to include all of the following provisions:
 - a) A provision that prohibits a settlement, an informal resolution, or both, from being offered or entered into if any of following apply:
 - i) A complainant of the sexual harassment complaint filed against an employee respondent is a student.
 - ii) An employee respondent is accused of committing sexual assault, sexual violence, or sexual battery.
 - iii) The settlement or informal resolution includes a nondisclosure agreement.
 - b) A provision that requires the campus chief executive officer to preliminarily approve all offers of sexual harassment settlements and informal resolutions. The campus chief executive officer shall not delegate that responsibility to a designee.
 - c) A provision that requires the governing board of a community college district, the CSU Trustees, the UC Regents, or the Board of Directors of the College of the Law, San Francisco, as applicable, to approve offers of sexual harassment settlements that have been preliminarily approved by the campus chief executive officer.
- 5) Defines the following:
 - a) “Chief executive officer” means the president of a community college campus or a CSU campus, the Chancellor of a UC campus, or the dean of the College of the Law, San Francisco.
 - b) “Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
 - c) “Final administrative decision” means the written determination of whether or not sexual harassment occurred as determined by the decisionmaker following the final investigative report and the hearing, if a hearing is required by Title IX or is required by the public postsecondary educational institution’s written policy on sexual harassment.
 - d) “Informal resolution” means an agreement between a public postsecondary educational institution and a respondent and complainant for the purpose of resolving a complaint of sexual harassment before a final administrative decision is made.
 - e) “Public postsecondary educational institution” means any campus of the CCCs, the CSU, the UC, or the College of the Law, San Francisco.

- f) “Respondent” means the person accused of engaging in prohibited conduct under Title IX or under a public postsecondary educational institution’s written policy on sexual harassment.
 - g) “Retreat rights” means the ability of an administrator who was required to relinquish tenure as a faculty member to become an administrator to return to a faculty position if their administrative role comes to an end.
 - h) “Settlement” means an agreement between a public postsecondary educational institution and a respondent for the purpose of resolving a complaint of sexual harassment after a final administrative decision is made. “Settlement” does not include a settlement reached in a civil action brought by the respondent against the public postsecondary educational institution.
- 6) States that it is the policy of the State of California that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in the postsecondary educational institutions of the state.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Under Title IX, California’s public colleges and universities are charged with providing an educational environment free from discrimination on the basis of sex. Unfortunately, these institutions have fallen short in protecting their campus communities, allowing employees who have engaged in sexual harassment to retreat to teaching positions and receive generous settlements that include letters of recommendation.
- “As an educator myself, I know just how important it is that institutions support students, faculty, and staff that come forward to report discrimination and harassment. It is an unacceptable failure that California’s public institutions of higher education are allowing known perpetrators to continue victimizing members of our campus communities.
- “AB 1905 will prevent employees of California’s public colleges and universities from being eligible for retreat rights or letters of recommendation if they have committed sexual harassment. This will ensure that California’s public institutions of higher education make a stronger effort to create a safe and inclusive environment for students, faculty, and staff.”
- 2) ***Recent report on how postsecondary education institutions address sexual discrimination.*** Throughout 2023, staff from the Assembly Higher Education Committee and this committee hosted fact-finding briefings with representatives from the CCC, CSU, UC, and various California Independent Colleges and Universities to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report that provides a synopsis of the information gleaned from the briefings and a compilation of legislative proposals for how the State can partner with higher education institutions to prevent and address discrimination in all its forms on college and university campuses throughout California.

https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf

As mentioned in this report, “During the August 31, 2023, Joint Legislative Audit Committee Hearing, members of the Legislature expressed ongoing concern with the CSU’s policies for letters of recommendation and retreat rights, despite recent edits (California State Legislature, 2023). Retreat rights are only provided to tenured faculty and are generally used to encourage faculty to take administrative positions. Retreat rights are meant to be an incentive to help encourage faculty to leave the security of tenure and undertake administrative posts throughout the CCC, CSU, and UC. Retreat rights are collectively bargained and once granted are available to the grantee unless they are dismissed for cause.”

This bill addresses two of the recommendations in this report, specifically:

- a) “Require all settlements at the CCC to be approved by the chief executive officer of the campus and the local governing board. Require all settlements at the CSU to be approved by the CSU campus president and the CSU Board of Trustees. Require all settlements at the UC to be approved by the UC campus chancellor and the UC Board of Regents.”
 - b) “Prohibit the use of retreat rights for employees who are found to have violated the public higher education institution's nondiscrimination policy and/or rules of conduct for employees. Prohibit the use of letters of recommendation for employees who are found to have violated the public higher education institution's nondiscrimination policy and/or rules of conduct for employees.”
- 3) ***Builds upon bills from 2023.*** SB 791 (McGuire, Chapter 415, Statutes of 2023). As noted above, current law requires the governing board of a community college district and the Trustees of the CSU, and requests the Regents of the UC, to require an application for appointment to an academic or administrative position to disclose any final administrative or judicial decision issued within the last seven years determining that the applicant committed sexual harassment.
- SB 808 (Dodd, Chapter 417, Statutes of 2023) requires CSU to annually submit a report to the Legislature related to sexual harassment reports, complaints, investigations, hearings, and appeals. An earlier version of SB 808, *as passed by this Committee*, would have required the CSU’s rules relating to tenure, layoff, dismissal, demotion, suspension, and reinstatement of academic and administrative employees to (a) require each campus president and, either a vice president or vice chancellor, to approve all sexual harassment settlements; (b) prohibit retreat rights for any campus president, provost, or other senior administrator who has violated any CSU or campus Title IX policy; and, (c) prohibit contract for retreat rights for any employee identified above who has been determined to have violated any CSU or campus Title IX policy.
- 4) ***Retreat rights and letters of recommendation.*** This bill prohibits an employee of a public postsecondary educational institution from being eligible for retreat

rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint filed with the institution and (a) the employee is determined in a final administrative decision to have committed sexual harassment; (b) before a final administrative decision is made, the employee resigns from their current position; or, (c) the employee enters into a settlement with the public postsecondary educational institution.

On March 24, 2024, the CSU Board of Trustees approved an updated retreat rights and letters of recommendation policy. The updated retreat right policy prohibits the authorization of retreat rights for anyone who has a finding of sexual harassment against them. The policy also permits the CSU to evaluate whether a person should receive retreat rights rather than automatically granting the option to retreat.

The CCCs do not have systemwide policy on retreat rights and letters of recommendation; these policies exist at the community college district level, and vary from district to district.

The UC does not have a policy on retreat rights because their faculty who become administrators are *required* to keep their faculty appointments while they serve as administrators. Therefore, provisions relative to retreat rights likely don't apply to the UC. The UC does not have a systemwide policy relative to letters of recommendation.

To the extent that retreat rights are detailed in employment contracts, those contracts could need to be adjusted fairly quickly in order to be effective when this bill becomes law (rather than waiting until the next time each contract is up for negotiation).

- 5) ***Settlements and informal resolution.*** As noted in the Assembly Higher Education Committee analysis, the CCCs, CSU, and UC all have the ability for informal resolutions to take place. Informal resolutions are a form of mediation in which both parties of a complaint (complainant and respondent) agree to a set of terms, thereby dismissing the complaint. Informal resolutions must be concluded before a final determination of a complaint is made and must be entered into freely. Title IX prohibits an institution from offering an informal resolution when the complainant is a student and a respondent is an employee.

Under Title IX, it is permissible for the contents of an informal resolution to be made public or shared; however, it is not required. In some cases, it is possible for both parties to agree to a nondisclosure agreement (NDA) as part of the conditions for agreeing to an informal resolution.

Unlike informal resolutions which can occur up to an administrative determination of whether the complaint occurred or not, settlements can occur after a determination is made by the institution but before disciplinary sanctions are enforced. Furthermore, as defined by the public higher education institutions, settlements only occur when a respondent is an employee.

This bill requires institutions to adopt policies that include a provision that

prohibits a settlement, an informal resolution, or both, from being offered or entered into if (a) a complainant of the sexual harassment complaint filed against an employee respondent is a student; (b) An employee respondent is accused of committing sexual assault, sexual violence, or sexual battery; or, (c) the settlement or informal resolution includes a nondisclosure agreement.

This bill requires institutions to adopt policies that include (a) a provision that requires the campus chief executive officer to preliminarily approve all offers of sexual harassment settlements and informal resolutions; and, (b) a provision that requires the governing board of a community college district, the CSU Trustees, the UC Regents, or the Board of Directors of the College of the Law, San Francisco, as applicable, to approve offers of sexual harassment settlements that have been preliminarily approved by the campus chief executive officer. *Should a campus chief executive officer have the option to deny sexual harassment settlements? Should the institution's governing board have the authority to deny settlements? How are settlements handled that involve a campus President/Chancellor or system Chancellor/President?*

- 6) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) Minor and absorbable General Fund costs to the UC's nine campuses.
 - b) Minor and absorbable General Fund costs to the CSU's 23 campuses. CSU indicates the CSU Board of Trustees recently adopted similar policies
 - c) One-time Proposition 98 General Fund costs, of about \$16,000 per CCC district, to update collective bargaining agreements regarding retreat rights and settlement agreements, to the extent collective bargaining agreements do not already address the requirements of this bill.
- 7) ***Related legislation.***

AB 810 (Friedman, 2024) (1) requests the governing board or body of an independent institution of higher education that receives state financial assistance, as part of the hiring process for specified positions, to require an applicant to disclose any final administrative decision or final judicial decision issued within the last seven years determining that the applicant committed sexual harassment; (2) requires the governing board of community college districts and the Trustees of the CSU (and requests the Regents of the UC), to require an applicant for an academic, athletic, or administrative position to sign a release form that authorizes the release of information by previous employers concerning any substantiated allegations of misconduct and, (3) requires the UC, CSU, CCC, independent institutions of higher education, and private postsecondary educational institutions, during the process to authorize a volunteer in an athletic department, to contact the current or former employer to determine if the applicant violated any employment policies. AB 810 is pending in the Senate Judiciary Committee.

AB 2407 (Hart, 2024) requires the California State Auditor to report, by September 1, 2026, and every three years thereafter, the results of an audit of the ability of the CCCs, the CSU, and the UC to address and prevent sexual harassment on campus. AB 2407 is scheduled to be heard in this committee on June 12, 2024.

SB 1166 (Dodd, 2024) (1) expands the scope of a currently-required CSU report containing a summation of the activities undertaken by each campus and by the systemwide Title IX office to also include outcomes of appeals, a list of personnel who are exempt from being a “responsible employee,” and a yet-to-be-developed annual report that compiles campus-based evaluations of how sex discrimination is addressed on campuses; and, (2) requests the UC and requires each community college district to also submit this report. SB 1166 is pending in the Assembly Higher Education Committee.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is scheduled to be heard in this committee on June 19, 2024.

AB 2047 (Mike Fong, 2024) requires the CSU and the UC to establish a systemwide Title IX office, a systemwide Office of Civil Rights, a position of civil rights officer, and establishes duties for the systemwide Office of Civil Rights, the civil rights coordinator, and Title IX coordinator. AB 2047 is scheduled to be heard in this committee on June 19, 2024.

AB 1790 (Connolly, 2024) requires the CSU to implement the recommendations provided in a 2023 California State Auditor report related to CSU’s handling of allegations of sexual harassment. AB 1790 is scheduled to be heard in this committee on June 12, 2024.

AB 2987 (Ortega, 2024) requires each campus of the CSU and the CCC, and requests each campus of the UC, provide updates on the status of complaints of sexual discrimination to complainants and respondents. AB 2987 is scheduled to be heard in this committee on June 12, 2024.

SB 1491 (Eggman, 2024) (1) requires the CSU Trustees and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at the respective campus; (2) requires the point of contact to be a confidential employee, as specified; (3) requires the CSU Trustees and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior; and, (4) requires California Student Aid Commission, beginning with the 2026-27 school year, to provide written notice to students who receive state financial aid whether their college or university has a religious school exemption from Title IX. SB 1491 is pending in the Assembly Higher Education Committee.

AB 2608 (Gabriel, 2024) expands currently required annual training for students on sexual violence and sexual harassment to also include topics related to alcohol- and drug-facilitated sexual assault and confidential support and care resources for situations that arise as a result of an act of sexual violence and/or sexual harassment. AB 2608 is scheduled to be heard in this committee on June 12, 2024.

AB 2925 (Friedman, 2024) creates a requirement for specific anti-discrimination training or diversity, equity, and inclusion training offered by postsecondary education institutions to include training on how to combat and address discrimination against the five most targeted groups in the state. AB 2925 is scheduled to be heard in this committee on June 12, 2024.

AB 1575 (Irwin, 2024) authorizes students who receive a disciplinary notification the right to have an adviser of their choosing and requires postsecondary education institutions to provide training for the aforementioned adviser. AB 1575 is pending in the Senate Judiciary Committee.

AB 2326 (Alvarez, 2024) recasts and modifies statutes that specify which individual or office within each public higher education segment is responsible for ensuring campus programs are free from discrimination, and who has the authority to oversee and monitor compliance with state and federal laws related to anti-discrimination, specifically including sexual harassment. AB 2326 is scheduled to be heard in this committee on June 12, 2024.

AB 2048 (Mike Fong, 2024) requires the Chancellor of the CCCs to convene a community college sexual harassment and Title IX working group to review policies and procedures, determine if existing district policies and procedures are adequate, determine to what extent a systemwide model of compliance would best assist community colleges, and review and determine if the CCC Chancellor's Office is effective in its duty to monitor community colleges for their compliance with state and federal laws pertaining to sexual harassment. AB 2048 is scheduled to be heard in this committee on June 19, 2024.

SUPPORT

Office of Lieutenant Governor Eleni Kounalakis
California Federation of Teachers
California State Student Association
California State University Employees Union
Generation Up
Ignite
SAFE Campuses Coalition
Youth Power Project

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1971	Hearing Date:	June 12, 2024
Author:	Addis		
Version:	May 30, 2024		
Urgency:	No	Fiscal:	No
Consultant:	Kordell Hampton		

Subject: Student Online Personal Information Protection Act: administration of standardized tests.

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 expands the definition of "primarily used for K-12 purposes" within the Student Online Personal Information Protection Act (SOPIPA), as specified, to ensure that the personal data collected by non-profit standardized test administrators is subject to all of the protections included in SOPIPA, including a prohibition against selling or sharing specific covered information.

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)

State Law

Business and Professions Code (BPC)

- 3) Establishes the 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)
- 4) Defines "K-12 school purposes" as those that customarily take place at the direction of the K-12 school, teacher, or district or aid in the administration of school activities. (BPC § 22584(b)(4))
- 5) 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))
- 6) 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, parent's, 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 educational agency (LEA), 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))
- 7) 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)

- 8) Establishes the California Privacy Protection Agency (CPPA), vested with full administrative power, authority, and jurisdiction to implement and enforce the California Consumer Protection Act (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)
- 9) Provides that the CCPA applies to any for-profit entity that collects consumers' personal information, does business in California, and meets one or more of the following criteria:
 - a) It had gross annual revenue of over \$25 million in the previous calendar year.
 - b) It buys, receives, or sells the personal information of 100,000 or more California residents, households, or devices annually.
 - c) It derives 50% or more of its annual revenue from selling California residents' personal information. (CIV § 1798.140(d))
- 10) Prohibits a business from selling or sharing the personal information of consumers if the business has actual knowledge that the consumer is less than 16 years of age, unless the consumer, in the case of those who are between 13 and 16 years of age, or the consumer's parent or guardian, in the case of consumers who are less than 13 years of age, has affirmatively authorized the sale or sharing of the information. (CIV § 1798.120)
- 11) Defines "consumer" as a natural person who is a California resident. (CIV § 1798.140(i))
- 12) Defines "personal information" as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information includes such information as:
 - a) Name, alias, postal address, unique personal identifier, online identifier, IP address, email address, account name, social security number, driver's license number, passport number, or other identifier.
 - b) Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
 - c) Biometric information.
 - d) Internet activity information, including browsing history and search history.
 - e) Geolocation data.
 - f) Professional or employment-related information. (CIV § 1798.140(v))
- 13) Defines "sensitive personal information" as personal information that reveals:

- a) A consumer's social security, driver's license, state identification card, or passport number.
- b) A consumer's account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account.
- c) A consumer's precise geolocation.
- d) A consumer's racial or ethnic origin, religious or philosophical beliefs, or union membership.
- e) The contents of a consumer's mail, email, and text messages unless the business is the intended recipient of the communication.
- f) A consumer's genetic data. (CIV § 1798.140(ae))

ANALYSIS

This bill:

- 1) Defines of "K-12 purpose" to include the administration in the state of a standardized test that a K-12 student takes for the purpose of bolstering the K-12 student's application for admission to a postsecondary educational institution a standardized test that a K-12 student takes for the purpose of bolstering the K-12 student's application for admission to a postsecondary educational institution or a postsecondary institution's program, and the registration for, or reporting of scores with respect to, a test.
- 2) Prohibits operators from disclosing covered information unless the disclosure is made to a postsecondary institution for the purpose of facilitating a K-12 student's admission to that institution and only if the K-12 student, or the K-12 student's legal guardian, has provided expressed consent to the operator's site, service, or application described in 1).
- 3) Makes various technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The Cradle to Career Data System celebrated its first round of data submissions from Data Providers last fall, and anticipates making its first analytical tools – data dashboards – available later this year. As with any maturing State Entity, there are aspects of its governing statute that benefit from refinement, and that is what this bill seeks to provide for this year. These additions include clarifying the role C2C holds in relation to the data they maintain on behalf of the data providers, and reinforce how C2C works within the Information Practices Act."
- 2) ***Reports Find College Board Collected and Shared Information about Students Without Their Knowledge.*** The College Board is a large non-profit organization that

owns and administers the SAT suite of tests, including the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT). The organization also manages other tests, such as the Advanced Placement (AP) tests, and provides various services to help students and their families decide on secondary education. The College Board has been found to use individualized K-12 student data in ways that would violate SOPIPA and the CCPA.

According to an investigative report from Consumer Reports in 2019, the College Board collected and shared personal student information with companies such as Facebook, Google, Microsoft, Snapchat, Adobe, and Yahoo. The shared personal data included usernames and unique identifiers, which could be used to track student activity across multiple websites, not just the College Board site. At the time, the College Board's privacy policy stated that they did not share any personally identifiable information (the same policy classified usernames as personal information). The investigation also found that the personal information shared with third-party entities was then used for 'behavioral targeted advertising' to those same students.

In 2018, The New York Times investigated the College Board and ACT's collection and distribution of student information obtained through online surveys designed to match students with colleges they might be interested in. The investigation found that both companies charged educational institutions approximately 45 cents per name to allow access to the information provided by over 3 million high school juniors who took the surveys. In the article, Joel Reidenberg, a professor at the Fordham University School of Law, noted, "The harm is that these children are being profiled, stereotyped, and their data profiles are being traded commercially for all sorts of uses — including attempts to manipulate them and their families."

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 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 CCPA was created to implement and enforce the CCPA and CPRA, updating existing regulations and adopting new ones.

Generally, the state law of SOPIPA is similar to FERPA, giving schools and administrators control over online personal information and its use. This means that students, parents, and guardians do not have the same control over personal information as schools and administrators. As a result, students have limited control over their educational records stored by online service providers. Additionally, information obtained directly from students or teachers by vendors is not protected under SOPIPA, even if it is the same information that would be protected if obtained from school records. Despite SOPIPA, California still has strong privacy protection laws under the CCPA. However, even with the combined protections of SOPIPA and the CCPA, the College Board was able to share information about students.

According to the Assembly Privacy and Consumer Rights Committee, "There is ambiguity related to the entities SOPIPA applies to, with the existing definition being 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 K–12 school purposes and was designed and marketed for K–12 school purposes." Specifically, the author argues that the definition of "primarily used for K-12 purposes" has led to some entities, primarily standardized testing organizations, to determine that the protections that SOPIPA gives to California's students does not apply when it comes to the personal information they are collecting. In addition, as noted in the EXISTING LAW section, the CCPA requires businesses that meet the following criteria to protect consumers' private information:

1. Had gross annual revenue of over \$25 million in the previous calendar year.
2. Buys, receives, or sells the personal information of 100,000 or more California residents, households, or devices annually.
3. Derives 50% or more of annual revenue from selling California residents' personal information.

While it is likely that the College Board would meet the criteria under one and two, the CCPA applies to large for-profit businesses and excludes non-profit organizations, regardless of their size."

This bill expands the SOPIPA definition of "primarily used for K-12 purposes" to include the administration in the state of a standardized test that a K–12 student takes for the purpose of bolstering the K–12 student's application for admission to a postsecondary educational institution a standardized test that a K–12 student takes for the purpose of bolstering the K–12 student's application for admission to a postsecondary educational institution or a postsecondary institution's program, and the registration for, or reporting of scores with respect to, a test, and requires an operator to receive expressed consent before using the student's data for K-12 purposes.

4) *Related Legislation.*

AB 801 (Joe Patterson, 2024) 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.

AB 2723 (Irwin, 2024) makes several changes and updates to The California Cradle-to-Career (C2C) Data System Act.

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

Electronic Frontier Foundation
Oakland Privacy
PERK Advocacy
Secure Justice

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2097 **Hearing Date:** June 12, 2024
Author: Berman
Version: June 3, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil instruction: high schools: computer science courses: implementation guide.

SUMMARY

This bill requires the governing board of a local educational agency (LEA) and a charter school maintaining any of grades 9 to 12, to adopt a plan to offer at least one course in computer science education beginning the 2026-27 school year and across all high schools by the 2028-29 school year, as specified, and requires the California Department of Education (CDE), under the direction of the California Computer Science Coordinator, as specified, to develop a computer science implementation guide, which shall include specified information regarding computer science standards-aligned courses.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the Instructional Quality Commission (IQC) to consider developing and recommending to the State Board of Education (SBE), on or before July 31, 2019, computer science content standards for kindergarten and grades 1 to 12 pursuant to recommendations developed by a group of computer science experts. (EC § 60605.4)
- 2) States that if a school district requires more than two courses in mathematics for graduation from high school, the district may award a student up to one mathematics course credit for successfully completing a “category C” approved computer science course. (EC § 51225.35)
- 3) Requires the California State University (CSU), and requests the University of California (UC), to develop guidelines for high school computer science courses that may be approved for the purposes of recognition for admission. (EC § 66205.5)

ANALYSIS

This bill:

Phasing in Computer Science Education

- 1) Requires the governing board of school districts and charter school maintaining any of grades 9 to 12 to adopt a plan at a regularly scheduled public meeting by January 1, 2026, to offer at least one course in computer science education in the following timeline:
 - a) Commencing the 2026–27 school year, at least one high school per school district, or if there is only one high school in a school district, that LEA must offer a computer science education course.
 - b) Commencing the 2027–28 school year, all charter schools maintaining any of grades 9 to 12, inclusive, must offer a computer science education course.
 - c) Commencing the 2027–28 school year, at least 50 percent of the high schools per school district must offer a computer science education course.
 - d) Commencing the 2028–29 school year, all high schools in a school district must offer a computer science education course.
- 2) Requires the governing board of an LEA, and charter school, on or before May 31, 2026, and annually thereafter until each high school in a school district, or each charter school maintaining any of grades 9 to 12, inclusive, offers a computer science education course, to review the plan adopted at a regularly scheduled public meeting and report to the public on its progress in implementing the plan.
- 3) Specifies if a traditional classroom setting for a computer science education course is not feasible, the school district or charter school must include its plan to offer a virtual or distance course option in the plan adopted by the governing board of an LEA or charter school.
- 4) Requires an LEA and charter school, to include in their adopted plan, its efforts to increase the computer science education course enrollment of female pupils, pupils with disabilities, pupils who belong to ethnic and racial groups, and pupils eligible for free or reduced-priced meals that are underrepresented in the field of computer science.

CDE: Publically Available Course Data

- 5) Requires the CDE, on or before June 30, 2027, and annually thereafter, to publically post the following course-related data for grades 9 to 12, inclusive, on its internet website, disaggregated at the state, county, school district, and school levels, for computer science courses that are submitted and certified by LEAs as part of the annual Fall 2 submission to the California Longitudinal Pupil Achievement Data System.
 - a) The names and course codes of computer science education courses that students are enrolled in each school, including course descriptions and which computer science academic content standards are covered, to the extent that information is available.

- b) The number and percentage of pupils who enrolled in each computer science education course, disaggregated by each of the following:
 - i) Gender.
 - ii) Race and ethnicity.
 - iii) Special education status.
 - iv) English learner status.
 - v) Socioeconomically disadvantaged status, including pupils who are eligible for free or reduced-price meals
 - vi) Grade level.

California Computer Science Coordinator

- 6) Require the CDE, by July 1, 2025, under the direction of the California Computer Science Coordinator and in collaboration with stakeholder with relevant expertise and experience in computer science education, to develop a computer science implementation guide, which shall include information on all of the following regarding computer science standards-aligned courses:
 - a) Varied computer science course options to best meet local capacity and context, including, but not limited to, computer science courses taught as part of a course that may satisfy an A–G requirement or that may be integrated into another content area, which may include career technical education.
 - b) Credentialing pathways.
 - c) Existing funding sources for professional learning.
 - d) Case studies and best practices from California high schools.
 - e) References to computer science standards-aligned curriculum resources, including, but not limited to, open-source options.
 - f) Open source teacher-ready resources for utilization in computer science courses.
- 7) Encourages LEAs, county office of education (COE), and charter schools are to review the computer science implemented guide developed by CDE.

General Provision

- 8) Makes findings and declarations about the importance of providing computer science education to students.
- 9) “Computer science” means the study of computers and algorithmic processes, including their principles, hardware, and software designs, implementation, and

impact on society, as described in the computer science academic content standards adopted by the state board.

- 10) “Computer science education course” means a computer science course that is aligned to the computer science academic content standards adopted by the state board and in which pupils do not merely use technology as passive consumers, but understand why and how computing technologies work, and then build upon that conceptual knowledge by creating computational artifacts.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Thirty-one states already require every high school to offer a computer science course. Arkansas, Nebraska, Nevada, North Carolina, North Dakota, Rhode Island, South Carolina, and Tennessee go even further requiring a computer science course for high school graduation. California has fallen behind these other states when it comes to prioritizing access to computer science education, exacerbating educational inequities and diversity gaps.

“According to the California Department of Education, nearly half of high schools in California do not offer any computer science courses. Schools serving low-income communities are three times less likely to offer core computer science courses than schools serving high-income communities. Rural schools are two times less likely to offer computer science courses than urban schools. While 52% of high schools serving a greater proportion of White or Asian students offered computer science courses, only 34% of high schools serving high proportions of Black, Indigenous, Latinx, and Pacific Islander students, offered computer science courses. While young women comprise 49% of the high school population, they comprise only 30% of students taking computer science.

“From Silicon Valley to Biotech Beach, California is the undisputed cradle of innovation, with over 45,000 high paying computing jobs open and unfilled here in California. Too many students grow up in the shadows of tech companies that are creating world-changing technology and offering good-paying careers, but they are not even getting the opportunity to learn the skills they need to one day work there. However, the reality is that computer science is about so much more than just Silicon Valley tech jobs. Computers and technology are an integral part of our everyday life and are relied upon in every industry, in every corner of California.

“AB 2097 would ensure computer science for all by requiring public high schools in California to adopt a plan to offer at least one computer science course by the 2028-29 school year. It is time to restore California as a leader and take the next step to ensure every high school student in California has access to computer science education, which will help close the gender and diversity gaps.”

- 2) **Computer Science Standards and Strategic Plan.** On September 30, 2014, Governor Brown signed Assembly Bill 1539 (Hagman, Chapter 876, Statutes 2014) into law, adding Section 60605.4 to the EC and directing the IQC to consider developing and recommending to the SBE computer science content standards on or before July 31, 2019, pursuant to recommendations developed by a group of computer science experts. The IQC approved and recommended the draft CA

computer science Standards to the SBE in July 2018. The SBE approved the IQC recommendations and adopted the CA Computer Science Standards in September 2018.

The CA Computer Science Standards are based on computer science core concepts and core practices from the revised international Computer Science Teachers Association standards, which align with the national K–12 Computer Science Framework. The CA Computer Science Standards are model 1 standards that define the knowledge, concepts, and skills that students should acquire in each grade band and encourage school districts to provide opportunities for computer science education for all students. Computer science core concepts and practices in the standards are vertically aligned, coherent across grades, and designed in developmentally appropriate grade spans K–2, 3–5, 6–8, and 9–12. The standards are designed to be accessible to every student in California and to inform teachers, curriculum developers, and educational leaders to ensure all students receive quality computer science instruction. Consequently, educators are encouraged to design computer science learning experiences according to their local capacity and context to meet the needs of their students.

Concurrent with creating the CA CS Standards, Computer Science Strategic Implementation Plan (CSSIP) development began in January 2018. The development of the CSSIP was a multi-step process that involved 23 Panel members comprised of teachers; administrators; faculty from institutions of higher education (IHEs); a public school student; and representatives from private industry, a parent organization, the California Commission on Teacher Credentialing (CTC), and the IQC. Members were selected based on their expertise in computer science education, experience in standards-based interdisciplinary and differentiated instruction for a diverse student population, other areas of expertise and leadership, and previous committee experience. The panel participated in small and whole-group discussions during these meetings to determine the most appropriate recommendations. Additionally, the CSSIP Panel created a mission and vision statements to guide computer science education in California.

The panel's final recommendations include the entity responsible for implementing the recommendation, a strategy for meeting the recommendation, and evidence of successful implementation. In addition, a suggested period for each strategy is provided.

- 3) ***More Than Half of High Schools Do Not Offer Computer Science.*** In a press release from the State Superintendent of Public Instruction (SPI), Fifty-five percent of high schools in California do not offer a single course in computer science.

Only 5 percent of California's 1,930,000 high school students are taking a computer science course. Schools in low-income communities are three times less likely to offer core computer science courses and over two times less likely to offer Advanced Placement courses than schools in high-income communities. Additionally, rural schools are two times less likely to offer computer science courses than urban schools.

- 4) ***Schools Face Workforce Constraints.*** The CSSIP emphasizes the need to increase the number of teachers qualified to teach computer science to expand the state's K–12 computer science education. This involves a multi-faceted approach to credentialing, new teacher recruitment, and providing professional learning for educators, administrators, and counselors. California offers three single-subject teaching credentials (in mathematics, business, and industrial and technology education (ITE)) that authorize teachers to instruct in computer science. Additionally, the CTC grants supplementary computer science authorizations to teachers with other credentials.

In 2016, the CTC updated its Computer Concepts and Applications authorization to focus more on computer science education, changing the authorization's name to "Computer Science."

To obtain supplementary authorization in computer science, teachers must complete 20-semester units of non-remedial coursework in computer science or hold a collegiate major in a related subject from a regionally accredited college or university. The required coursework covers areas such as computer programming, data structures and algorithms, digital devices and networks, software design, computing impacts, and additional courses within the relevant academic department.

Attempts To Alleviate Workforce Constraints

In 2021, the Legislature passed AB 130 (Committee on Budget, Chapter 44, Statutes of 2021), which appropriated \$15 million for CTC's Computer Science Supplementary Authorization Incentive Grant Program. This grant program provides one-time grant awards of up to \$2,500 per participant, with a required 100 percent match of grant funding, to support credentialed teachers to obtain supplementary authorization in computer science and provide instruction in computer science coursework in settings authorized by the underlying credential. Any LEA that successfully applies to the competitive grant may use these funds to support tuition, fees, books, and release time. Priority is given to eligible grant applicants for teachers that provide instruction at either of the following: (a) a school operating within a rural district and (b) a school with a higher share than other applicants are of unduplicated pupils. This funding is available for encumbrance until June 20, 2026. Annual participant data is collected by fiscal year and submitted in July. Per the legislation, annual reports are due April 1. The 2022-23 fiscal year was the first year of program implementation and the first yearly data report that included participant data.

As of February 2024, four competitive rounds of Request for Applications have been awarded, a total of 12 LEAs (Fontana, Kern County Superintendent of Schools, Los Angeles, Potter Valley, Hawthorne, Pajaro Valley, Redondo Beach, Alvord, Ventura County Office of Education, Marysville, and Montebello) with funds up to \$2,607,500 to support 1,043 participants, with roughly \$12 million remaining in the grant program.

Rounds	Date	Total Grantees	Total Funding	Remaining Funds
Round 1	June 20, 2022	4	\$955,000	\$14,050,000
Round 2	December 6, 2022	3	\$152,500	\$13,892,500
Round 3	May 12, 2023	3	\$787,500	\$13,105,000
Round 4	December 15, 2023	2	\$712,500	\$12,392,500
	Totals	12	\$2,607,500	\$12,392,500

More recently, in 2023, the Legislature passed AB 1251 (Luz Rivas, Chapter 834, Statutes of 2023), which established a working group to determine, upon appropriation, which single subject credentials should authorize computer science teaching and report recommendations to the Legislature. To date, no appropriation has been made to conduct this research.

5) Related Legislation.

AB 1054 (Berman, 2024) would have required the governing board of an LEA and a charter school maintaining any of grades 9 to 12, to adopt a plan to offer at least one course in computer science education beginning the 2025-26 and across all high schools by the 2027-28 school year, as specified. *This bill was held in the Senate Appropriations Committee.*

AB 1853 (Berman, 2022) would have established the Computer Science Preservice Teacher Grant Program, administered by the CTC, to award competitive grants to IHEs to develop or expand K–12 computer science and computational thinking coursework for individuals seeking specified teaching credentials. *This bill was held in the Assembly Appropriations Committee.*

AB 130 (Committee on Budget, Chapter 44, Statutes of 2021) established the Computer Science Supplementary Authorization Incentive Grant Program for the purpose of providing one-time grants to LEAs to support the preparation of credentialed teachers to earn a supplementary authorization in computer science and provide instruction in computer science coursework.

AB 128 (Committee on Budget, Chapter 21, Statutes of 2021) appropriated \$5 million on a one-time basis to establish the Educator Workforce Investment Grant: Computer Science and required the CDE to select an IHE or nonprofit organizations to provide professional learning for teachers and paraprofessionals statewide in strategies for providing high-quality instruction and computer science learning experiences aligned to the computer science content standards.

AB 2309 (Berman, 2020) would have required the CTC to develop and implement a program to award competitive grants to postsecondary educational institutions for the development of preservice credential programs for individuals seeking a teaching credential and the expansion of programs of study for single subject or multiple subject credentialed teachers seeking a supplementary authorization in computer science. *This bill was held in the Assembly Education Committee.*

AB 2274 (Berman, 2020) would have required the CDE to annually compile and post on its website a report on computer science courses, course enrollment, and

teachers of computer science courses for the 2019-20 school year and each subsequent school year. *This bill was held in the Assembly Education Committee.*

AB 52 (Berman, 2019) would have required the computer science strategic implementation plan to be regularly updated. *This bill was held in the Assembly Appropriations Committee.*

SUPPORT

California Teachers Association
Project Lead the Way
Santa Clara County Office of Education

OPPOSITION

Association of California School Administrators

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2458	Hearing Date:	June 12, 2024
Author:	Berman		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Public postsecondary education: student parents.

SUMMARY

This bill requires the California Community Colleges Chancellor's Office and California State University Chancellor's Office and requests the University of California President's Office, by July 31, 2025, to develop and disseminate a model policy to estimate and adjust college cost of attendance information for student parents. It further requires each campus of the California Community Colleges (CCC) and the California State University (CSU) and requests each campus of the University of California (UC) to take various steps to adjust the cost of attendance for student parents. Lastly, this bill requires certain information related to benefits for student parents to be included on college and university webpages.

BACKGROUND

Existing law:

- 1) Establishes the Donahoe Higher Education Act, setting forth the mission of the CCC, the CSU, and the UC. (Education Code (EC) § 66010, et seq.).
- 2) Requires the CCC and the CSU, and requests the UC to provide students with information on the California Special Supplemental Food Program for Women Infants and Children (WIC), as defined; to grant priority registration to student parents, as defined; and to create a website with resources for student parents. (EC § 66025.81)
- 3) Requires each campus of the CSU and the CCC, and requests each campus of the UC, to host on its website a student parent internet webpage that contains information that clearly lists all on- and off-campus student parent services and resources, as specified, including, among other student parent services and resources, information on the California Earned Income Tax Credit and the Young Child Tax Credit. (EC § 66027.81)
- 4) Establishes the Cradle-to-Career (C2C) Data System Act, which, in part, creates the C2C Data System. The C2C Data System, is for the purpose of connecting individuals and organizations to trusted information and resources. The C2C Data System, in part, shall be considered a source for actionable data and research on education, economic, and health outcomes for individuals, families, and communities, and provide for expanded access to tools and services that

support the navigation of the education-to-employment pipeline. The data system shall be used to provide access to data and information necessary to provide insights into critical milestones in the education-to-employment pipeline, including insight regarding early learning and care to grade 12, inclusive, and into higher education, skills training opportunities, and employment to better enable individuals to maximize their educational and career opportunities, and to foster evidence-based decisionmaking to help the state build a more equitable future. (EC §10850, et seq.)

ANALYSIS

This bill establishes the Greater Accessibility, Information, Notice, and Support (GAINS) for Student Parents Act for purposes of helping Californians with children better afford college by ensuring that they obtain the financial aid that they are eligible to receive. Specifically, it:

- 1) Modifies the existing requirement for information for student parents to be included on CCC, CSU, or UC webpages by additionally requiring the inclusion of all of the following resources on each webpage:
 - a) Federal and state tax credits, including, but not limited to, all of the following:
 - i) The federal Earned Income Tax Credit.
 - ii) The Child Tax Credit.
 - iii) The Foster Youth Tax Credit.
 - iv) The federal Child and Dependent Care Tax Credit.
 - v) The federal American Opportunity Tax Credit.
 - vi) The federal Lifetime Learning Credit.
 - b) Free tax filing services offered online through Volunteer Income Tax Assistance programs.
 - c) State and federal financial aid applications and programs, including, but not limited to, all of the following:
 - i) The Free Application for Federal Student Aid.
 - ii) The California Dream Act application.
 - iii) Awards for students with dependent children.
 - iv) Any other federal or state financial aid application or program available for students with dependent children.

- d) The California Work Opportunity and Responsibility to Kids program.
 - e) Cost of attendance adjustment information, including the dependent care allowance.
 - f) Resources, as determined by the institution to be most appropriate, for campus or local childcare providers.
 - g) Any other financial support or income available for student parents.
- 2) Requires, by July 31, 2025, the CSU Chancellor's Office and the CCC Chancellor's Office and requests the UC's President's Office, to develop and disseminate a policy to estimate and adjust cost of attendance information for student parents and that it include student parent cost of attendance policy guidance that includes, but is not limited to, both of the following:
- a) 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 and requires that the methodology be based on available annual cost of attendance information that includes, but is not limited to, all of the following:
 - i) Food plans developed by the United States Department of Agriculture.
 - ii) The State Department of Social Services' reimbursement ceilings for subsidized childcare, disaggregated by county, age, and types of care.
 - iii) The actual cost of on-campus housing, the cost of a student parent's off-campus housing, and if a student parent does not have safe or adequate housing, the fair market rent, as described in federal law, for an apartment in the area or county where the campus is located disaggregated by student parent family size.
 - iv) Transportation costs, disaggregated by student parent family size, that considers information based on institutional survey responses and data provided to the Student Aid Commission's Student Expenses and Resources Survey.
 - b) Model instructions for purposes of all of the following:
 - i) Identifying a student parent for purposes of adjusting the student parent's cost of attendance to include food, housing transportation, and childcare expenses, as specified.
 - ii) Updating and posting the cost of attendance and dependent care allowance information, using student-friendly language, on campus internet websites. The posted information shall include, but is not

limited to, financial aid internet websites and the student parent internet web page.

- iii) Sharing cost of attendance information in admitted student materials.
 - iv) Explaining the dependent care allowance to student parents.
 - v) Informing student parents of affordable childcare options offered by the campus or within the local community.
- c) Requires, by the 2026–27 academic year, each CCC and CSU campus and requests each UC campus to implement the policy developed and disseminated, as specified.
- d) Requires that, by the 2026–27 academic year, each CSU, and CCC campus and requests that each UC campus do all of the following:
- i) Establish a data field in the campus’s data management information system to identify student parents, have the data field use confirmation from all campus sources available to identify student parents, and for each student parent, have the data field include, but not be limited to, any of the following forms of confirmation:
 - (1) Confirmation by a financial aid officer based on information found in a student parent’s Free Application for Federal Student Aid or California Dream Act application.
 - (2) Confirmation under a government program, such as campus CalFresh or CalWORKs officers.
 - (3) Confirmation by student services staff who serve the student parent, such as a campus childcare center, family resource center, or other program.
 - (4) Confirmation by the campus registrar’s office of a student parent with priority enrollment status.
 - (5) Confirmation by any other campus staff to reduce duplication of efforts and reduce the administrative burden across all campus departments in identifying a student parent.
 - ii) Enter student parent data in the specified data field.
 - iii) Report student parent data obtained pursuant to the CCC Chancellor’s Office, the CSU Chancellor’s Office, and the UC President’s Office, respectively, for inclusion in the California Cradle-to-Career Data System established under current law.

- vi) Use the established data field for additional purposes, which can include, but not be limited to, granting priority course registration and providing information about available public benefits to student parents.
 - e) Requires, by the 2026–27 academic year, each CCC and CSU campus, and requests each UC campus to update the campus net price calculator to include a baseline student parent cost estimate, disaggregated by age and number of dependent children, using the methodologies and information described in this section and any available federal guidance on best practices.
- 3) Defines for purposes of this bill “student parent” to mean a student who has a child or children under 18 years of age who will receive more than half of their support from that student.
 - 4) Makes various legislative findings and declarations relative to the total cost of college estimates for student parents.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “California is home to approximately 300,000 undergraduate student parents, 61 percent of which are first-generation college students and 72 percent are students of color. For student parents, the cost of college is one of the biggest barriers to accessing and completing their higher education. Unlike their non-parenting peers, student parents have additional childcare expenses, which are not accounted for in the college’s estimate of a student parent’s cost of attendance. Federal regulations already allow financial aid administrators to adjust a student’s cost of attendance to include the expenses incurred for dependent care, however, this process is not well understood by student parents or consistently applied across institutions, resulting in unnecessary burdens on both students and financial aid administrators. AB 2458 would ensure that student parents obtain the financial aid they are eligible to receive by taking into account their childcare expenses to help student parents afford, enroll in, and successfully complete their higher education journey. This bill would also require institutions to uniformly collect and report data on student parents allowing California to evaluate and identify policies that support student parent success.”
- 2) **Cost of college attendance.** The cost of college attendance refers to the total direct and indirect costs of attending college each year. Each college calculates this figure to estimate the price of college for students and families, as well as to determine state and federal financial aid award amounts. Current law, for purposes of determining financial aid, defines cost of attendance as the mandatory systemwide fees, books and supplies, room and board, transportation, and miscellaneous personal expenses for an undergraduate California resident student. This bill seeks to address the accurateness of those projected expenses for students who have dependent children, which includes accounting for childcare costs.

- 3) **Student parents may not be aware of the option to modify cost of attendance estimates.** According to California Competes: Higher Education for a Strong Economy, California is home to approximately 400,000 student parents, a majority of whom are first-generation and students of color. Unlike their non-parenting peers, student parents have additional childcare expenses, which are not accounted for in the college's estimate of a student parent's cost of attendance. Federal regulations allow financial aid administrators to adjust a student's cost of attendance to include the expenses incurred for dependent care, however, institutions often do not take full advantage of this federal flexibility.

Further in its January 2020 report, "Clarifying the True Cost of College for Student Parents," California Competes estimates that student parents pay an annual additional cost of attendance of \$7,592 more per child in an academic year than non-parenting students attending college, once childcare and food costs are explicitly included. As a result, despite having higher grade point averages than non-parenting peers, they are less likely to complete a degree or certificate. This creates barriers to accessing and completing higher education.

Student parents have to individually request adjustments to their cost of attendance to account for their parenting expenses. In some cases, administrators require additional evidence of student parents' dependent care expense and can reject their requests for adjustments. Further, the U.S. Government Accountability Office found that student parents were unaware of the ability to request a dependent care allowance adjustment to better afford college, and information on campus websites was lacking. This bill attempts simply to process for requesting cost of attendance adjustments for student parents and increase their awareness about requesting an adjustment.

- 4) **Data collection.** Additionally this bill aims to promote consistency in the collection and reporting of student parent data. Proponents of this measure assert that limited data exists on student parents, as campuses are not required to identify them. This bill would require the creation of a new data element for a campus's data management information system to identify student parents and share student parent data with C2C for inclusion in the longitudinal data system.

SUPPORT

Cal State Student Association (Co-Sponsor)
 Generation Hope (Co-Sponsor)
 Michelson Center for Public Policy (Co-Sponsor)
 The Education Trust (Co-Sponsor)
 Unite-LA (Co-Sponsor)
 Asian Americans Advancing Justice-Southern California
 Associated Students Incorporated, California State University, Bakersfield
 California Competes: Higher Education for a Strong Economy
 Campaign for College Opportunity
 Center for Healthy Communities at California State University, Chico
 Child Care Resource Center

Children Now
Coalition of California Welfare Rights Organizations
De Anza College
Early Edge California
Generation Up
GRACE Institute - End Child Poverty in CA
Hispanas Organized for Political Equality
Hollywood Chamber of Commerce
John Burton Advocates for Youth
Long Beach Community College District
Mission Graduates
National Women's Law Center
NextGen California
Southern California College Attainment Network
SPARC
Student Senate for California Community Colleges
The Institute for College Access & Success
Tipping Point Community
UCSC Student Parent Organization
University of California Student Association
Western Center on Law & Poverty

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2876 **Hearing Date:** June 12, 2024
Author: Berman
Version: April 9, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil instruction: media literacy: artificial intelligence literacy: curriculum frameworks: instructional materials.

SUMMARY

This bill would require the Instructional Quality Commission (IQC) to consider artificial intelligence (AI) literacy, as defined, to be included in the mathematics, science, and history-social science curriculum frameworks and instructional materials, as specific.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires that, when the English language arts/English language development (ELA/ELD) curriculum framework is next revised, the IQC consider incorporating the Model Library Standards, and consider media literacy standards at each grade level; and requires the IQC to consider incorporating media literacy content into the mathematics, science, and history-social science curriculum frameworks when those frameworks are next revised. (EC § 33548 (b))
- 2) Requires the IQC to consider developing and recommending to the State Board of Education (SBE), on or before July 31, 2019, computer science content standards for kindergarten and grades 1 to 12 pursuant to recommendations developed by a group of computer science experts. (EC § 60605.4)
- 3) Requires the California Department of Education (CDE) to make available to local educational agencies (LEAs) on its Internet Web site a list of resources and instructional materials on media literacy, including media literacy professional development programs for teachers. (EC 51206.4(b))
- 4) "Digital citizenship" means a diverse set of skills related to current technology and social media, including the norms of appropriate, responsible, and healthy behavior. (EC 51206.4(a)(1))
- 5) "Media literacy" means the ability to access, analyze, evaluate, and use media and encompasses the foundational skills that lead to digital citizenship. (EC 51206.4(a)(2))

ANALYSIS

This bill:

- 1) Requires the IQC to consider when ELA/ELD instructional materials are next adopted by the SBE after January 1, 2025, including the Model Library Standards, including media literacy content, in its criteria for evaluating instructional materials.
- 2) Requires the IQC to consider, when mathematics, science, and history-social science instructional materials are next adopted by the SBE after January 1, 2025, including media literacy content in its criteria for evaluating instructional materials.
- 3) Requires the IQC to consider including incorporating AI literacy content into the mathematics, science, and history-social science curriculum frameworks and include, AI literacy in its criteria for evaluating instructional materials, when those frameworks are next revised after January 1, 2025.
- 4) Defines “Artificial Intelligence (AI) literacy” to mean the knowledge, skills, and attitudes associated with how AI works, including its principles, concepts, and applications, as well as how to use AI, including its limitations, implications, and ethical considerations.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AI is not new, but it continues to rapidly evolve and become increasingly capable of dramatically transforming the way we live in ways we previously could not have imagined when the term was first coined in 1957. However, society can only achieve maximum value from AI if we know how to use it, and use it responsibly. Invariably, fear and lack of understanding of AI will only hinder efforts to harness its vast potential for good while also mitigating actual harms. In the battle to understand what is a constantly, and rapidly evolving technology, education must become a prominent focus of government and role for our educational institutions. Developing AI literacy in public schools is an imperative first step to better preparing our future public and private workforces, as a well as increasing general knowledge and awareness around the responsible use of AI. Additionally, the bill would strengthen California’s existing media literacy policies to ensure media literacy is incorporated into new instructional materials.”
- 2) ***How Curriculum, Standards, Frameworks, and Model Curricula Are Created and Adopted.*** The Legislature has vested the IQC and 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.

This bill requires the IQC to consider AI literacy to be included in the mathematics, science, and history-social science curriculum frameworks and instructional materials in the IQC's recommendation to the SBE.

- 3) ***Incorporating AI Literacy Into Multiple Frameworks.*** As outlined by the CDE, integrating AI skills and computer science standards into K-12 education is essential for equipping students with the requisite knowledge and abilities to navigate and contribute to an increasingly AI-driven world. This integration nurtures computational thinking, problem-solving, and innovation, thereby cultivating the potential for students to emerge as AI developers and creators. Including AI skills in the curriculum ensures that students are adequately prepared to engage with and contribute to the rapidly evolving technologies that are reshaping various industries and society.

This bill requires that requires the IQC to consider incorporating AI literacy content into the mathematics, science, and history-social science curriculum frameworks when those frameworks are next revised after January 1, 2025. It defines AI literacy to mean “the knowledge, skills, and attitudes associated with how artificial intelligence works, including its principles, concepts, and applications, as well as how to use artificial intelligence, including its limitations, implications, and ethical considerations.”

The CDE emphasizes the significance of a framework known as "The Five Big Ideas of AI" in shaping AI education to better equip students for success in college, career, and beyond. These five fundamental concepts are:

- a) Perception: Understanding how AI systems perceive the world is fundamental. This includes image and speech recognition, natural language understanding, and sensory data processing. Integrating this idea into education enables students to comprehend how AI systems interact with the environment.
- b) Representation: AI relies on data and information representation. Teaching students how data is structured and organized empowers them to work with AI models and make informed decisions about data usage and manipulation.
- c) Reasoning: AI systems use reasoning to make decisions and solve problems. Integrating this idea helps students develop critical thinking skills, algorithmic reasoning, and the ability to assess the logic behind AI decisions.
- d) Learning: Machine learning is at the core of AI. Teaching students about machine learning algorithms, training models, and the concept of learning from data prepares them to understand the AI systems that surround them.

e) **Societal Impact:** Recognizing the societal impact of AI, including ethical considerations and bias, is essential. This idea encourages students to engage in discussions about AI's role in society and its ethical implications.

- 4) **Model School Library Standards for California Schools (2010).** The California Model School Library Standards for California Schools, adopted by the SBE in 2011, incorporate “information literacy” skills, in which students “learn to access, evaluate, use, and integrate information and ideas found in print, media, and digital resources, enabling them to function in a broadly to include words (whether printed or spoken), visual images (including photographs and artwork), and music. The standards are organized into four concepts (accessing, evaluating, using, and integrating information), which contain standards spanning all of the grades. In the area of evaluating information, students are expected to be able to determine the relevance of information; assess the comprehensiveness, currency, credibility, authority, and accuracy of resources; and consider the need for additional information.

This bill requires the IQC to consider when ELA/ELD instructional materials are next adopted by the SBE after January 1, 2025, including the Model Library Standards, including media literacy content, in its criteria for evaluating instructional materials.

- 5) **What is Media Literacy?** According to the National Association for Media Literacy Education, “media literacy is the ability to access, analyze, evaluate and create media in various forms.” The Center for Media Literacy offers another definition: “Media literacy empowers people to be both critical thinkers and creative producers of an increasingly wide range of messages using image, language, and sound. It is the skillful application of literacy skills to media and technology messages.”

Current Media Literacy and Digital Citizenship Provided By CDE. CDE has provided a list of resources to help parents, administrators, and students on its website. Below are examples of the content the webpage contains:

Digital Citizenship.

According to CDE, “in an effort to lead students in the ever-changing digital world, it is important to help students take ownership of their online and offline lives. This also includes partnering with parents to empower parents and help them make smart choices with their students.” Each year, in January and October, CDE focuses on Digital Citizenship, providing resources for parents, students, and educators information for schools to meet Children's Internet Protection Act (CIPA) requirements as well as become certified.

Technology Information Center for Administrative Leadership (TICAL)

TICAL provides professional development for district and site administrators, linking them with technology to aid in day-to-day operations.

- 6) **Related Legislation.**

AB 873 (Berman, Chapter 815, Statutes 2023) requires the IQC, to consider incorporating the Model Library Standards and media literacy content at each grade level when the ELA/ELD curriculum framework is next revised and media literacy

content into the mathematics, science, and History – Social Sciences Framework when those frameworks are next revised after January 1, 2024.

SB 830 (Dodd, Chapter 448, Statutes of 2018) required CDE to make available to school districts on its Internet Website by July 1, 2019, a list of resources and instructional materials on media literacy, including media literacy professional development programs for teachers.

SB 135 (Dodd, 2017) would have required the IQC to develop and the SBE to adopt, reject, or modify a model curriculum in media literacy. The CDE must also make available a list of resources and instructional materials on media literacy. *This bill was held in Assembly Appropriations Committee.*

SB 203 (Jackson, 2017) would have required the CDE, on or before December 1, 2018, and in consultation with the Superintendent of Public Instruction (SPI) and an advisory committee, to identify best practices and recommendations for instruction in digital citizenship, Internet safety, and media literacy, and to report to the appropriate fiscal and policy committees of the Legislature on strategies to implement the best practices and recommendations statewide. *This bill was held in Senate Appropriations Committee.*

SUPPORT

California Chamber of Commerce (Sponsor)
 California Association of Collectors
 Carlsbad Chamber of Commerce
 Chino Valley Chamber of Commerce
 Computer and Communications Industry Association
 Cupertino Chamber of Commerce
 Dana Point Chamber of Commerce
 Electronic Transactions Association
 Elk Grove Chamber of Commerce
 Garden Grove Chamber of Commerce
 Greater Bakersfield Chamber of Commerce
 Greater Conejo Valley Chamber of Commerce
 Greater High Desert Chamber of Commerce
 Greater Irvine Chamber of Commerce
 Huntington Beach Chamber of Commerce
 Insights Association
 LA Cañada Flintridge Chamber of Commerce and Community Association
 Laguna Niguel Chamber of Commerce
 Los Angeles County Office of Education
 Newport Beach Chamber of Commerce
 North San Diego Business Chamber
 Oceanside Chamber of Commerce
 Outschool, Inc.
 Pleasanton Chamber of Commerce
 Redondo Beach Chamber of Commerce
 Roseville Area Chamber of Commerce
 San Marcos Chamber of Commerce

San Pedro Chamber of Commerce
Santee Chamber of Commerce
Simi Valley Chamber of Commerce
Software & Information Industry Association
Solvang Chamber of Commerce
South Bay Association of Chambers of Commerce
Technet
Torrance Area Chamber of Commerce
Tulare Chamber of Commerce
Vista Chamber of Commerce
Yorba Linda Chamber of Commerce
Zillow

OPPOSITION

Non received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2071	Hearing Date:	June 12, 2024
Author:	Juan Carrillo		
Version:	May 30, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Pupil instruction: English Learner Roadmap: grant program: parent toolkit.

SUMMARY

This bill establishes, until January 2029, the English Learner (EL) Roadmap Implementation Grant Pilot Program (Program) administered by the California Department of Education (CDE) and requires the State Board of Education (SBE) to develop and adopt a California English Learner Roadmap Parent Toolkit, subject to appropriations for these purposes.

BACKGROUND

Existing law:

- 1) Through initiative statute (Proposition 58, approved by voters in November, 2016), requires that public schools ensure students obtain English language proficiency. Requires school districts to solicit parent/community input in developing language acquisition programs. Requires instruction to ensure English acquisition as rapidly and effectively as possible. Authorizes school districts to establish dual language immersion programs for both native and non-native English speakers. (Education Code (EC) § 300-340)
- 2) Defines EL to mean a student who is “limited English proficient” as that term is defined in the federal No Child Left Behind Act of 2001. (20 U.S.C. Sec. 7801(25), EC § 306)
- 3) Requires school districts and county offices of education (COE) to, at a minimum, provide ELs with a structured English immersion program. (EC § 305)
- 4) Requires school districts and COEs to provide to students, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs. (EC § 305)
- 5) Defines “language acquisition programs” as educational programs designed to ensure English acquisition as rapidly and as effectively as possible, and that provide instruction to students on the state-adopted academic content standards, including the English language development (ELD) standards. (EC § 306)
- 6) States that language acquisition programs may include, but are not limited to dual-language immersion programs, transitional or developmental programs for

ELs, and structured English immersion programs for ELs in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for students who are learning English. (EC § 306)

- 7) Establishes requirements for the identification and reclassification of students as ELs. (EC § 313)
- 8) Defines Long Term EL (LTEL) and “EL at risk of becoming an LTEL.” (EC § 313.1)
- 9) Establishes the Educator Workforce Investment Grants (EWIG) program, to support one or more competitive grants for professional learning opportunities for teachers and paraprofessionals, including \$10 million for qualified entities for developing and delivering professional learning opportunities which support the implementation of effective language acquisition programs for EL students, which may include integrated language development within and across content areas, bilingual and biliterate proficiency, and building and strengthening capacity to implement the EL Roadmap Policy. (AB 185 (Committee on Budget) Chapter 571, Statutes of 2022)
- 10) Establishes the State Seal of Biliteracy (SSB), which certifies attainment of a high level of proficiency by a graduating high school student in one or more languages, in addition to English, and certifies that a graduate meets all of the specified criteria. (EC § 51461)

ANALYSIS

This bill:

Grant program and goals

- 1) Establishes, until January 2029, the English Learner Roadmap Implementation Grant Pilot Program with the goal of locally planning and implementing the EL Roadmap Policy by doing all of the following:
 - a) Developing local comprehensive EL Roadmap Policy implementation plans with clear and measurable goals that focus on the four principles of the EL Roadmap Policy.
 - b) Aligning local policies and guidance, including but not limited to, master plans and local educational agency vision and goal statements, to the EL Roadmap policy.
 - c) Building shared understanding and ownership across multiple roles, departments, and stakeholders related to applying the vision and principles of the EL Roadmap Policy to local context and need.
 - d) Creating coherent local systems to support instructional improvement for ELs that are consistent with the EL Roadmap Policy.

- e) Establishing or strengthening progress monitoring and data systems to focus continuous improvement on programs and services aligned to the vision, principles, and goals of the EL Roadmap Policy.
- f) Building capacity and instituting aligned professional learning across multiple roles for implementing evidence-based practices for English learner success aligned to the EL Roadmap Policy.
- g) Including a focus on the implementation of integrated English language ELD, designated ELD, and bilingual and dual language pathways for students in transitional kindergarten, kindergarten, and grades 1 to 12, inclusive.
- h) Aligning school resources with the EL Roadmap Policy implementation plan to enact the four principles of the EL Roadmap Policy.
- i) Engaging technical assistance and professional learning services to bring English learner and dual language expertise for a local educational agency's planning and implementation process, as well as provide facilitation support as needed.
- j) Aligning goals, actions, and services for ELs in local control and accountability plans to the EL Roadmap Policy principles.
- k) To the extent possible, implementing the specified parent toolkit developed by the state board.

Award amounts and program administration

- 2) Requires that CDE administer the EL Roadmap Implementation Grant Pilot Program for three years and, by September 1, 2025, award one-time grants to be expended before September 1, 2028, as follows:
 - a) A maximum of eight grants of up to \$1.5 million per grant to local educational agencies (LEA) that are in the top 19 LEAs in the state with the highest number of enrolled ELs, and in which 19 percent or more of its total enrolled students are ELs.
 - b) A maximum of four grants of up to \$750,000 per grant to LEAs that are not in the top 19 LEAs in the state with the highest number of enrolled English learner students but have 1,000 or more enrolled ELs, and in which 19 percent or more of this total enrolled students are ELs.
 - c) Ensure that grant recipients selected for purposes of the bill, to the maximum extent possible, are balanced with regard to geographic regions and urban and rural settings.
- 3) Requires that an applicant include both of the following in their application:
 - a) Enrollment data for the three-years before the date of the application,

disaggregated by the number of EL students as specified, the number of reclassified fluent English proficient students, and the number of students who are determined to be initially fluent English proficient, English-only speakers, and languages spoken by English learner students.

- b) How the applicant will be equipped to serve as a demonstration site model how successful EL Roadmap Policy implementation works.
- 4) Requires CDE in administering the pilot program to perform all of the following functions:
- a) Determine application procedures and selection criteria for grant awards as specified.
 - b) Review applications and award grants.
 - c) Identify data to be collected by grant recipients for reporting to CDE.
 - d) Identify how the department will collect data from grant recipients and make that data available to the public.
 - e) Meet quarterly with leaders from the grant recipients, to be known as a community of practice, for purposes of sharing lessons, models, materials, or other resources that may be developed in the course of planning and implementation phases. CDE is encouraged to seek the participation of parents as specified.
- 5) Requires that a grant recipient supplement, not supplant, funding used to support EL students and use the grant award for any of the following purposes:
- a) Hiring staff to be assigned to the administration of the pilot program.
 - b) Purchase of instructional materials.
 - c) Professional learning, including compensating teachers for their participation.
 - d) Development of LEA and site implementation plans.
 - e) Professional development.
 - f) Coaches and coaching.
 - g) Trainings to implement the parent toolkit, including child care.

Reporting requirements

- 6) Requires that CDE submit to the Legislature a progress report by January 31, 2027, and include the specified information in the report.

Parent toolkit

- 7) Requires, by March 15, 2026, the state board:
 - a) Develop and adopt a “California English Learner Roadmap: Parent Toolkit,” that will be made available to families by LEAs that are implementing the EL Roadmap policy and specifies the type of information to be included in that parent toolkit.
 - b) Convene a workgroup to assist in the development of the parent toolkit with the specified stakeholders.
- 8) Requires CDE, by March 15, 2027, to develop forms to be used by parents of EL students to request services from teachers or administrators as they relate to the parent toolkit.

Miscellaneous

- 9) Defines various terms for purposes of the bill.
- 10) States various findings and declarations relative to the EL Roadmap Policy and the need to expand upon the handful of LEAs with strong leadership that have embraced the vision and principles of the EL Roadmap Policy.
- 11) Makes provisions relative to the EL Roadmap Implementation Grant Pilot Program contingent upon a budget appropriation.
- 12) Sunsets the EL Roadmap Implementation Grant Pilot Program January 1, 2029.

STAFF COMMENTS

- 1) **Need for the bill.** The author states, “For a long time in California, native or home languages were seen as a barrier to academic and professional success. It is only recently that the state began to see bilingual students’ native languages as an asset. In 2017, the Legislature took an important step forward in advancing this framework by adopting the EL Roadmap policy.

“Since then, only five school district have successfully implemented this policy, but there remain gaps and a lack of tools for all schools to fully engage. Given the significant number of ELs in California’s schools, it is imperative that the State not only lead the nation with a strong policy but that it take proactive measures to ensure this policy is being actively implemented in schools across the state. It is also important that parents play an active role in children’s English learning journey, which is why I believe it is necessary to create a ‘parent toolkit’ for the purposes of family engagement in building generational skills.”

- 2) **ELs in California.** According to the California Department of Education (CDE), in the 2022-23 school year, there were approximately 1.1 million ELs in California public schools, representing 19.01 percent of the total enrollment. The majority of ELs (65.8 percent) are enrolled in the elementary grades K-6 with the remaining

34.2 percent enrolled in grades 7-12. The statewide average rate of annual reclassification of ELs to English proficient is approximately 15.9 percent. Of the state's EL population, 82 percent are Spanish speakers. It is CDE's goal to support LEAs to ensure that ELs acquire full proficiency in English as rapidly and effectively as possible, attain parity with native English speakers, and achieve the same rigorous grade-level academic standards that are expected of all students.

- 3) **EL Roadmap policy.** In 2017, the SBE adopted the California EL Roadmap to assist the CDE in providing guidance to LEAs in understanding the diverse population of students who are ELs attending California public schools from preschool to graduation. It is a comprehensive policy aimed at improving educational outcomes for ELs in the state. As stated, the policy aims to encourage innovative implementation of evidence-based practices for curricula materials adoption and development, instruction, professional development, and leadership that are responsive to the differentiated strengths and needs of ELs. It also seeks to strengthen appropriate assessment tools and practices. To support its vision, the policy outlines four foundational principles; 1) create assets-oriented and needs-responsive schools; 2) ensure intellectual quality of instruction and meaningful access; 3) create system conditions that support effectiveness; and 4) alignment and articulation with and across systems. This bill seeks to promote greater awareness and full implementation of this policy statewide.
- 4) **Related report.** In 2020, the state Legislature funded \$10 million in three-year Educator Workforce Investment Grants for EL Roadmap implementation, emphasizing awareness-building and capacity-building. EL RISE! (English Learner Roadmap Implementation for Systemic Excellence) partnership received one of the grants. Their report, "Moving the California English Learner Roadmap Forward: Lessons Learned from EL RISE!" identifies key findings from the group's work and provides recommendations for implementation of the EL Roadmap. It highlights the EL Roadmap Policy's potential to drive positive change in EL education when supported by robust professional development, strong leadership, and systemic commitment at the local and state level. This bill is a direct result of the report. The following is a summary of the key findings and recommendations in relation to this bill.

Key findings

- a) Compared to previous EL policies, the EL Roadmap Policy signals a mindset paradigm shift in content and requires stronger engagement, collaboration, and planning to implement.
- b) California educators' current understanding of ELs is inadequate as a foundation for translating the EL Roadmap Policy into action and delivering effective instruction, programs, and services.
- c) There is a lack of alignment and coherence across the system that makes the vision of the EL Roadmap Policy a challenge to implement.

- d) Leaders and administrators must give careful attention to each principle of the EL Roadmap Policy in order for ELs to benefit.

Recommendations to the Legislature.

The report also included recommendations to LEAs and school site leaders. The following is a summary of the recommendations to the state Legislature:

- e) Provide state resources for state-funded staff within CDE to lead the implementation of the EL Roadmap, sponsor meetings, lead the development of a state plan for enactment, and facilitate and model cross-divisional work for its successful completion at all levels of the system.
- f) Enact legislation that requires LEAs to develop EL Roadmap aligned EL master plans that are beyond a minimal compliance focus and respond to the aspirational principles-based call of the EL Roadmap, and directing the CDE to develop a state plan for implementation of the EL Roadmap.
- g) Recognize the need and provide resources for regional and local staffing with EL expertise charged with leading capacity building and implementation of the EL Roadmap. This would enable COEs and LEAs to incorporate additional staff positions, time, resources, and support to realize EL Roadmap through adequate investments in professional learning, local planning, and EL expertise staffing.

This bill aims to meet these recommendations by awarding a limited number of state-funded grants to LEAs for EL Roadmap Policy implementation and planning. LEAs can use the grants for hiring staff, purchasing instructional materials, providing professional learning, developing local implementation plans, and providing coaches and training for parent toolkit implementation.

- 5) **Why is more support necessary?** As mentioned, Educator Workforce Investment Grants provided support for EL Roadmap policy implementation. According to The California Association for Bilingual Education and Californians Together, co-sponsor of this bill, “the first five years of CA EL Roadmap policy implementation have produced some bright spots due to the effectiveness of the Educator Workforce Investment Grants, but that program alone is not enough to move the needle for systemic and broad change across the state. Recent findings from the field have documented, among major barriers to implementation of the EL Roadmap, a widespread lack of awareness, understanding and capacity among district staff and administrators related to building coherent and aligned systems and mechanisms to ensure that the promise of the EL Roadmap reaches all ELs in California.” They further assert that the bill would create the necessary incentives and supports needed to facilitate the engagement of LEAs in embracing and further implementing the EL Roadmap.
- 6) **Related and prior legislation.**

AB 2074 (Muratsuchi, 2024) would require the CDE to develop a statewide implementation plan for the EL Roadmap Policy. AB 2074 is scheduled to be heard by this Committee on June 19, 2024.

AB 185 (Committee on Budget, Chapter 571, Statutes of 2022) appropriates \$20 million, through the 2024-25 fiscal year, to support one or more competitive EWIG grants for professional learning opportunities for teachers and paraprofessionals, including \$10 million for qualified entities for developing and delivering professional learning opportunities which support the implementation of effective language acquisition programs for EL students, which may include integrated language development within and across content areas, bilingual and biliterate proficiency, and building and strengthening capacity to implement the EL Roadmap Policy.

SB 75 (Committee on Budget and Fiscal Review, Chapter 51, Statutes of 2019) appropriated \$10 million to create and deliver professional learning opportunities designed to implement the California EL Roadmap Policy.

SB 594 (Rubio, 2019) would have established the California EL Roadmap Initiative under the administration of the CDE and California Collaborative for Educational Excellence (CCEE). This bill was held in the Assembly Education Committee.

AB 714 (McCarty, Chapter 342, Statutes of 2023) required the CDE to maintain information on its website relating to the education of recently arrived immigrant students (newcomers), to annually publish enrollment and other information about newcomers on its website; requires the Instructional Quality Commission (IQC) to consider adding content to help teachers meet the unique needs of newcomers to the next revision of the English Language Arts (ELA)/ELD curriculum framework and recommended instructional materials; and revises the definition of newcomers to align with the federal definition for purposes of specified educational rights in existing law.

SB 952 (Limon, 2021-22) would have revised and recasted an existing three-year competitive dual language grant program administered by the CDE for schools. This bill was held in the Assembly Appropriations Committee.

AB 2514 (Thurmond, Chapter 763, Statutes of 2018) establishes the Pathways to Success Grant Program, for the purpose of providing grants for the establishment and expansion of dual language immersion programs, developmental bilingual programs for ELs, and early learning dual language learners (DLL) programs.

AB 130 (Committee on Budget, Chapter 44, Statutes of 2021) appropriates \$10 million for a dual language immersion grant program, to award 25 one-time grants over a period of 3 fiscal years to eligible entities to expand or establish dual language immersion programs.

AB 1363 (L. Rivas, Chapter 498, Statutes of 2021) requires the Superintendent of Public Instruction (SPI) to develop procedures for providers to identify and report data on DLLs enrolled in the California State Preschool Program (CSPP).

AB 1012 (Reyes, 2019-20) would have required, upon appropriations for this purpose, the CDE to provide grants to LEAs for, among other purposes, professional learning for child development providers so that they can support the development of DLLs. This bill was held in the Assembly Appropriations Committee.

AB 952 (Reyes, 2017-18) would have required the Commission on Teacher Credentialing (CTC) to establish a process to identify short-term, high-quality pathways to address the shortage of bilingual education teachers. This bill was vetoed by the Governor, who stated:

California recently provided funds to support teachers and paraprofessionals interested in becoming bilingual teachers. This past spring the Commission awarded one-time grants to higher education institutions that sought to create or improve four-year integrated teacher education programs, including for bilingual teachers. Before making additional investments on this matter I believe it's wise to first assess the success of our current programs.

AB 99 (Committee on Budget, Chapter 15, Statutes of 2017) established the Bilingual Teacher Professional Development Program and requires the CDE to allocate grant funding for purposes of providing professional development services to specified teachers and paraprofessionals to provide instruction to ELs.

SUPPORT

California Association for Bilingual Education (Co-Sponsor)
 Californians Together (Co-Sponsor)
 Alliance for a Better Community
 American Civil Liberties Union California Action
 Asian Americans Advancing Justice Southern California
 Association of Two-Way Dual Language Education
 California Charter Schools Association
 California Teachers of English to Speakers of Other Languages
 Catalyst California
 Children Now
 Delta Kappa Gamma International - Chi State
 Hispanas Organized for Political Equality
 Los Angeles County Office of Education
 Loyola Marymount University - the Center for Equity for English Learners
 Parent Institute for Quality Education
 Sobrato Early Academic Language
 The Children's Partnership
 The Education Trust - West
 Unidosus

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2134 **Hearing Date:** June 12, 2024
Author: Muratsuchi
Version: May 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: School employees: transfer of leave of absence for illness or injury.

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 a school district, county office of education (COE), state special school or community college district to accept the transfer of sick leave for a certificated or classified employee at any time during their employment and requires certificated employee time to be transferred in days, rather than hours.

BACKGROUND

Existing law:

- 1) Requires any certificated employee of any school district who has been an employee of that district for a period of one school year or more and who accepts a position requiring certification qualifications in another school district or community college district at any time during the second or any succeeding school year of his or her employment with the first school district, or who, within the school year succeeding the school year in which employment is terminated, signifies acceptance of his or her election or employment in a position requiring certification qualifications in another school district or community college district, to have transferred with him or her to the second district the total amount of leave of absence for illness or injury to which he or she is entitled. (Education Code (EC) 44979)
- 2) Requires the State Board of Education (SBE) to adopt rules and regulations prescribing the manner in which the first district certifies to the second district the total amount of leave of absence for illness or injury to be transferred. Prohibits a governing board from adopting any policy or rule, written or unwritten, which requires any certificated employee transferring to its district to waive any part or all of the leave of absence which he or she may be entitled to have transferred in accordance with this section. (EC 44979)
- 3) Requires any certificated employee of any school district who accepts a position requiring certification qualifications in the office of any county superintendent of schools; or, any certificated employee of any county superintendent of schools

who accepts a position requiring certification qualifications in a school district or office of another county superintendent of schools; or, any person employed by the state department in a position requiring certification qualifications or an employee of the office of the Chancellor of the California Community Colleges who accepts a position requiring certification qualifications in any school district or office of any county superintendent of schools; or, any certificated employee of the Commission on Teacher Credentialing (CTC) who accepts a position requiring certification qualifications in any school district or office of any county superintendent of schools; to have transferred with him or her to the second position his or her accumulated leave of absence for illness or injury. (EC 44980)

- 4) Authorizes any days of leave of absence for illness or injury to be used by the employee, at his or her election in cases of personal necessity. Requires the governing board of each school district and each office of county superintendent of schools to adopt rules and regulations requiring and prescribing the manner of proof of personal necessity. States that no accumulated leave in excess of seven days may be used in any school year for the purposes enumerated unless a maximum number of days in excess of seven is specified for that purpose in an agreement between the exclusive bargaining representative and the district. Prohibits the employee from being required to secure advance permission for leave taken for any of the following reasons:
 - a) Death or serious illness of a member of his or her immediate family; or
 - b) Accident, involving his or her person or property, or the person or property of a member of his or her immediate family. (EC 44981)
- 5) Requires any classified employee of any school district, county superintendent of schools, or community college district who has been employed for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with a school district or county superintendent of schools within one year of the termination of his or her former employment, to have transferred with him or her to the school district or county superintendent of schools the total amount of earned leave of absence for illness or injury to which he or she is entitled. Requires this transfer to be in the same manner as is provided for certificated employees. States that in any case where an employee was terminated as a result of action initiated by the employer for cause, the transfer may be made if agreed to by the governing board of the school district or the county superintendent of schools newly employing the employee. Prohibits a governing board of a school district from adopting any policy or rule, written or unwritten, which requires all classified employees, or any individual classification, or group of classifications of employees transferring to its district to waive any part or all benefits which they may be entitled to have transferred. (EC 45202)
- 6) Requires the accumulated sick leave transfer to be accomplished as follows:
 - a) The person who accumulated the leave, using a form furnished or prescribed by the California Department of Education (CDE), requests

their former employing agency to send his new employing agency a written statement of his accumulated sick leave.

- b) Upon receipt of the request, the former employing agency forthwith transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is charged with maintaining employee attendance records.
- c) The new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the CDE is subject to the limitations specified by Education Code section 44982. (California Code of Regulations Title 5, Section 5601)

ANALYSIS

This bill:

- 1) Requires a certificated employee of a school district, COE, or state special school who has been an employee for a period of one school year or more and who accepts a position requiring certification qualifications with another school district, COE, state special school or community college district at any time during the second or a subsequent school year of the employee's employment with the first school district, or who, within the school year immediately following the school year in which employment is terminated, signifies acceptance of the employee's election or employment in a position requiring certification qualifications in another school district, COE, state special school or community college district, to have the total number of days of leave of absence for illness or injury that the employee accumulated with the first employer transferred to the subsequent employer. Requires the subsequent employer to honor a transfer request made at any time during the certificated employee's employment with that district.
- 2) Requires a person employed by a district, COE, or state special school who accepts a position in the CDE to have transferred the accumulated total number of days of leave of absence for illness or injury.
- 3) Requires the former employing agency to provide specified information for certificated employees.
- 4) Requires a classified employee of a school district, county superintendent of schools, or community college district who has been employed for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause to have the total amount of earned leave of absence for illness or injury that the employee accumulated to the subsequent employing school district, county superintendent of schools, or community college district. Requires the subsequent employing entity to honor a transfer request made at any time during the classified employee's employment with that school district or county superintendent of schools.

- 5) Requires the former employing agency to provide specified information for classified employees.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “School employees who change jobs within the state are having issues transferring earned sick time from one to the next, even though current law technically allows it. AB 2134 strengthens and clarifies existing statute to protect earned sick leave after a job change within the education system. This bill will allow teachers to keep their sick time to be used at their new job or converted to service credit on their pension upon retirement. By honoring the sick time that our teachers and school employees have earned, this bill affirms our state’s commitment to taking care of the public servants in our education system.”
- 2) ***Transfer of days versus hours.*** When teachers and classified staff are able to transfer their leave, each employer currently determines if that leave is transferred in hours or days. This can create a problem. For example, a teacher leaves employer “A” with 650 hours and a contractual day of 7 hours, which equates to 92.86 days. When that member moves to employer “B,” who has a contractual day of 8 hours, and the transfer is made in hours and not days, the value of that sick leave is now 81.25, a loss of 11.61 sick days. Due to the fact that CalSTRS accepts unused sick leave in days, AB 2134 requires public school employers to transfer unused sick leave only in days, and not in hours. This will eliminate the potential for a teacher to forfeit days of sick leave that can be transferred to CalSTRS as service time at retirement. By transferring sick leave in days, instead of hours, the bill will eliminate the confusion, and create uniformity.
- 3) ***Timeline Issues.*** Anecdotal evidence suggests that public school employers need clarification in the law regarding whether there is a timeline for when an employee can request sick leave to be transferred from a previous employer. Some teachers have experienced an inability to transfer unused sick leave to a new employer when more than a year has passed since leaving a school district.
- 4) ***Arguments in support.*** The California Teachers Association states, “If a school employee changes jobs to a different education employer within the state, the Education Code currently allows them to transfer their accrued sick time to their new job. CTA believes that whenever an employee is required to serve on a school day, there should be no loss of sick leave, salary, or benefits. Unfortunately, many public-school employers have misinterpreted this section of the Education Code which has led many educators to lose sick time they have earned. Those who move to new school districts sometimes leave behind sick time that could be reflected in their benefits or be transferred to their pension as service credit. This is unfair and employers need to have a clear understanding of this area of law to stop the financial harm to our hardworking public servants, and to ensure we don’t unnecessarily expose our school communities to health risks. Those risks surface when an educator has exhausted their sick leave because some workers may choose to come to school when they are sick.”

SUPPORT

American Federation of State, County and Municipal Employees
California Labor Federation
California Retired Teachers Association
California Teachers Association
Delta Kappa Gamma International

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2229 **Hearing Date:** June 12, 2024
Author: Wilson
Version: April 8, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: California Healthy Youth Act: menstrual health education.

SUMMARY

This bill would include in the definition of “comprehensive sexual health education” the topic of menstrual health.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires, in the California Healthy Youth Act (CHYA), requires school districts, defined to include county boards of education, county superintendents of schools, the California School for the Deaf, the California School for the Blind, and charter schools, to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education, as specified. (EC § 51931)
- 2) On or before the start of the 2024–25 school year, a public school, including a school operated by a local education agency (LEA), county office of education (COE), or charter school, maintaining any combination of classes from grades 3 to 12, inclusive, shall stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom. (EC § 35292.6)
- 3) 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 CHYA. (EC § 51934)
- 4) Requires, commencing October 1, 2020, a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, and that issues pupil identification cards shall have printed on either side of the pupil identification cards the telephone number for the National Domestic Violence Hotline. (EC § 215.5 (a)(2))

- 5) Allows LEAs to contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health education and HIV prevention education or to provide training for school district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction.

ANALYSIS

This bill:

- 1) This bill would include in the definition of “comprehensive sexual health education” the topic of menstrual health.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 2229 would add the definition of “Menstrual Health” and would alter the current sexual health curriculum by adding information regarding the menstrual cycle and all other relevant topics related to the menstrual cycle. Menstrual education is important because it will help pupils understand the naturally occurring role it plays in a healthy body and break the stigma surrounding menstruation. The stigma surrounding menstruation causes unnecessary shame, including body shaming and prevents those menstruating from seeking medical advice when needed.”
- 2) **The Importance of Menstrual Health.** Understanding menstruation is crucial for girls to achieve their optimal health. Being aware of what to expect and how to manage periods is empowering and can help prevent health complications. Menstrual education can also help girls recognize what is expected and abnormal about their periods, such as pain levels, amount of bleeding, and frequency. This understanding can assist them and their doctors in identifying menstrual disorders sooner, potentially saving time, medical costs, and years of physical discomfort.

A 2019 Harris Interactive poll of 2,000 teens aged 13 to 19 in the United States commissioned by the nonprofit organization PERIOD and a menstrual products company found:

- Two-thirds of teens have felt stressed due to limited access to period products.
- 20% have struggled to afford period products or could not purchase them at all.
- 61% have worn a tampon or pad for more than 4 hours because they did not have enough access to period products (which puts them at risk of infection and Toxic Shock Syndrome (TSS)). While some pupils who menstruate may choose to reduce the cost of menstrual products by reducing the time between changing the product, this choice can have deadly health consequences caused by TSS. In 1980, the Center for Disease Control established a close association between incidents of TSS and tampon use. The potentially fatal disease causes fever, shock, low blood pressure, skin rashes, and liver and kidney abnormalities. In

1982 the Federal Drug Administration required that menstrual tampon packages contain a brief statement alerting consumers to the dangers of TSS, including the risk to all women using tampons during their menstrual period, especially the reported higher risks to women under 30 years of age and teenage girls. The package warnings also included the incidence of TSS of 6 to 17 per 100,000 menstruating women and girls per year and the risk of death from contracting TSS.

- 84% have either missed class time or know someone who missed it because they could not access period products.
- 25% have missed class because of insufficient access to period products.
- 83% think lack of access to period products is an issue that is not discussed enough.
- 66% do not want to be at school during their period.
- 69% feel embarrassed when they have to bring period products to the bathroom.
- The majority (51%) of students feel their school does not care about them if they do not provide free period products in their bathrooms.
- 51% have missed at least part of a class or class period due to menstruation symptoms such as cramps.

- 3) **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.

This bill would include in the definition of “comprehensive sexual health education” the topic of menstrual health.

- 4) **Health Education Framework (2019).** On May 8, 2019, the State Board of Education (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.

5) Related Legislation.

AB 2932 (Joe Patterson, 2024) 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.

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 329 (Weber, Chapter 398, Statutes of 2015) makes instruction in sexual health education mandatory, revises HIV prevention education content, expands topics covered in sexual health education, requires this instruction to be inclusive of different sexual orientations, and clarifies parental consent policy.

AB 230 (Reyes, Chapter 421, Statutes of 2023) expands the requirement that schools serving students in grades 6 through 12 stock specified restrooms with menstrual products to include schools serving students in grades 3 to 5.

AB 367 (C. Garcia, Chapter 664, Statutes of 2021) requires all public schools serving students in grades 6 to 12 to stock specified restrooms with an adequate supply of free menstrual products, commencing in the 2022-23 school year; and requires the California State University (CSU) and each community college district, and encourages the Regents of the University of California (UC), independent institutions of higher education, and private postsecondary educational institutions, to stock an adequate supply of free menstrual products at no fewer than one designated and accessible central location on each campus.

SUPPORT

ACLU California Action
 Alameda County Office of Education
 Alliance for Children's Rights
 American Academy of Pediatrics, California
 American College of Obstetricians and Gynecologists District IX
 California Academy of Family Physicians
 CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO
 Days for Girls International
 Equality California
 Ignite
 PERIOD.
 San Francisco Unified School District
 Solano Community College

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2349	Hearing Date:	June 12, 2024
Author:	Wilson		
Version:	March 6, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Public postsecondary education: Cal-Bridge Program.

SUMMARY

This bill establishes, subject to appropriation, the Cal-Bridge Program, as an intersegmental partnership program between the California Community Colleges (CCC), the California State University (CSU), and the University of California (UC) to promote diversity in science, technology, engineering, and mathematics (STEM) fields with the goal of increasing diversity in the STEM professorate and technology industry.

BACKGROUND

Existing law:

- 1) Establishes the Donahoe Higher Education Act, setting forth the mission of the CCC, the CSU, and the UC. (Education Code (EC) Section 66010, et seq.)
- 2) Stipulates that the CCC is under the administration of the CCC Board of Governors and specifies that the CCC consists of community college districts. (EC § 70900)

ANALYSIS

This bill:

- 1) Establishes, subject to appropriation, the Cal-Bridge Program as an intersegmental partnership program between the CCC, CSU, and UC and requires that the program be independent of the CCC, CSU, and UC but be housed at either a CSU or UC campus.
- 2) Requires the recruitment of CCC, CSU, and UC students majoring in STEM disciplines into the Cal-Bridge Program and requires that the program have the following goals:
 - a) Preparing students to apply to PhD programs in STEM disciplines, particularly UC STEM PhD programs.
 - b) Supporting students in becoming PhD scholars and preparing them to become competitive postsecondary faculty candidates and leaders in California's technology industry.

- c) Offering postdoctoral opportunities in the UC and CSU systems to further prepare students to become faculty in California's postsecondary education system.
 - d) Maintaining an ongoing support network of scholars and faculty to support the continuation and growth of the Cal Bridge Program and to create a community of support.
- 3) Requires that the Cal-Bridge Program consist of the Cal-Bridge undergraduate program, the Cal-Bridge Doctoral Program, and the Cal-Bridge postdoctoral program and:
- a) Requires the Cal-Bridge Undergraduate Program to provide all of the following types of support to CCC and CSU undergraduate scholars majoring in STEM disciplines with the goal of supporting them to successfully apply to STEAM PhD programs:
 - i) Mentorship by CSU and UC faculty.
 - ii) Financial support towards completing their undergraduate degrees.
 - iii) Professional development focused on guiding them through the PhD application process.
 - iv) Research opportunities in their STEM disciplines.
- 4) Requires that the Cal-Bridge Doctoral Program provide all of the following types of support to students in CSU and UC STEM PhD programs, particularly those in the UC system, to prepare them to become competitive postsecondary faculty candidates or leaders in California's technology industry:
- a) Financial support towards completing their PhD degrees.
 - b) Professional development in pedagogy and research leadership.
 - c) Mentorship by Cal-Bridge-participating faculty that supplements the doctoral mentorship that these scholars receive in their PhD programs.
- 5) Requires that the Cal-Bridge Postdoctoral Program provide additional preparation for postdoctoral scholars to become competitive faculty candidates and that the program include all of the following:
- a) Two-year postdoctoral positions.
 - b) On-campus research opportunities under the direct supervision of a STEAM-instructing faculty member of the applicable segment.
 - c) CSU postdoctoral scholars teaching opportunities at the segment as the instructors of record.

- 6) Authorizes funding appropriated for purposes of the bill to be used to offer any of the following:
 - a) Financial support to Cal-Bridge Undergraduate and Doctoral Program scholars.
 - b) Summer research opportunities to Cal-Bridge Undergraduate Program scholars.
 - c) Salaries and benefits to Cal-Bridge Postdoctoral Program scholars.
 - d) Financial support for Cal-Bridge Program meetings and workshops relating to professional development, including travel expenses, venue rentals, stipends, and hiring consultants.
 - e) Stipends to UC, CSU, and CCC faculty who take on the Cal-Bridge Program mentorship or professional development roles.
 - f) Financial support to UC, CSU, and CCC faculty who take on leadership roles in the Cal-Bridge Program, including course release funding, summer salaries, and stipends.
 - g) Cal-Bridge Program administrative salaries or stipends.
- 7) States that the provisions of this bill are applicable to the UC only to the extent that the UC Regents make them applicable.
- 8) Makes the provisions of this bill contingent upon an appropriation of funding.
- 9) Finds and declares all of the following:
 - a) The Cal-Bridge Program is an intersegmental partnership of the CSU, the UC, and the CCC.
 - b) The mission of the Cal-Bridge Program is to create a pathway that promotes the advancement of California's diverse undergraduate public postsecondary student population who major in STEM disciplines to pursue STEM PhDs and become members of California's professorate or leaders in California's technology industry.
 - c) By providing a comprehensive, end-to-end pathway for the diverse undergraduates of the state's public postsecondary system to attain a PhD and join the California STEM professorate and technology industry leadership, the Cal-Bridge Program would transform higher education in California.
 - d) By diversifying the California STEM professorate, the number of STEM majors from groups traditionally excluded from those disciplines would increase as those students see faculty who look like them.

- e) Training the next generation of technology industry leaders with PhDs in their disciplines would similarly transform the technology industry to make it more diverse and effective by using the full potential of the diverse California population.
- 10) Defines various terms for the purposes of the bill.

STAFF COMMENTS

- 1) **Need for the bill.** “The STEM public university professoriate in California does not come close to reflecting the state’s diversity. As a consequence, large numbers of students from groups underrepresented in the science and technology workforce leave STEM majors before completing their BS degree, thereby grossly underutilizing the talent of the state. California needs to enact Cal-Bridge to broaden opportunities by identifying and nurturing the diverse talent of all Californians.

“For the past ten years, the Cal-Bridge program has brought together the three segments of the California higher education system (CC, CSU, and UC) to provide a comprehensive, end-to-end pathway for California’s diverse STEM undergraduates to attain a PhD and join the state’s public university faculty.

“Cal-Bridge has already been proven successful—multiple graduates from this program have obtained tenure-track faculty jobs in the CSU and CCC systems.”

- 2) **Cal-Bridge program is an existing program established in 2014.** The Cal-Bridge program is a partnership between UC, CSU, and CCC faculty that aims to increase the number of CSU students from groups traditionally underrepresented in astronomy and physics who complete bachelor's degrees and enter a PhD program, particularly at one of the participating UC campuses (Irvine, Los Angeles, San Diego, Riverside, and Santa Barbara). The main Cal-Bridge program is a partnership between 9 UCs, 22 CSUs, and CCC, with over 200 faculty from the three systems participating. Scholars are recruited from CSU and CCC campuses across the state, with the help of local faculty or staff liaisons at each campus. CCC students transfer to a participating CSU to join the program. In the Cal-Bridge Summer program, students are selected from the same network of all 23 CSUs and 116 CCC to spend 8-10 weeks conducting research in STEM disciplines at one of 20 major research institutions in California and across the country. To be eligible for the Cal-Bridge program, applicants must be 18 years old, enrolled in a CSU campus with a physics, astronomy, computer science, or mathematics major, or a CCC student transferring to a 4-year institution. For Cal-Bridge Summer, students enrolled in either a CSU or a CCC are eligible. This bill attempts to codify the program in an effort to create stability for the program overtime.
- 3) **Benefit to students.** Once selected, Cal-Bridge Scholars benefit from financial support, intensive joint mentoring by CSU and UC faculty, professional development workshops, and exposure to research opportunities at the

participating UC campuses. Specifically, students benefit from: 1) joint intensive mentoring by two faculty, one from their home CSU campus and the other from a nearby UC campus; 2) substantial need-based scholarships up to \$10,000 per year to allow the scholars to reduce work hours and focus on academics; 3) professional development workshops designed to prepare the scholars to successfully apply to PhD programs; and 4) providing summer research opportunities, primarily through the Cal-Bridge Summer program.

- 4) **Undergraduate and graduate degree diversity.** Information provided by the author demonstrates the lack of representation in STEM degrees, specifically doctoral degrees, from underrepresented groups. According to a recent report of the National Center for Science and Engineering Statistics, “Hispanic, Black, and American Indian or Alaska Native persons collectively account for 37 percent of the U.S. population ages 18–34 years in 2021 and 26 percent of science and engineering bachelor’s, 24 percent of science and engineering master’s, and 16 percent of science and engineering doctoral degrees earned by U.S. citizens and permanent residents in 2020. In 2020, women were underrepresented among degree recipients at all degree levels in physical and earth sciences, mathematics and computer sciences, and engineering.” In total, 90% of Cal-Bridge scholars with a bachelor’s of science degree are either in a PhD program or hope to be soon. Seemingly, this program provides a benefit to the state.
- 5) **Program funding.** The National Science Foundation funded the Cal Bridge program until 2022. The state has stepped in to support the program. The 2022 budget act provided \$5 million in General Fund dollars to the program, and the 2023 budget act provided \$4 million in General Fund dollars. The author’s office has submitted a five-year budget request for the program, totaling \$89.6 million, and 75 percent of that funding is for direct scholar support. The budget request for 2024-25 is \$12.8 million. This bill aims to serve as the implementing language for an accompanying budget request.

SUPPORT

American Association of University Women San Jose
California Faculty Association
California Life Sciences
Faculty Association of California Community Colleges

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2326	Hearing Date:	June 12, 2024
Author:	Alvarez and Mike Fong		
Version:	June 3, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Equity in Higher Education Act: discrimination: compliance, regulations, and reports.

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 recasts and modifies statutes that specify which individual or office within each public higher education segment is responsible for ensuring campus programs are free from discrimination, and who has the authority to oversee and monitor compliance with state and federal laws related to anti-discrimination, specifically including sexual harassment.

BACKGROUND

Existing law:

- 1) Provides 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) Requires each educational institution in California (K-12 and postsecondary education) to have a written policy on sexual harassment, and requires schools to display the policy in a prominent location in the main administrative building or other area of the campus or schoolsite, be provided as part of any orientation program for new students, provided to each faculty member, administrative staff and support staff, and appear in any publication of the school that sets forth the rules, regulations, procedures, and standards of conduct. (Education Code (EC) § 231.5 and § 66281.5)
- 3) Requires the governing board of a community college district to have the primary responsibility for ensuring that community college district programs and activities are free from discrimination, and requires the Chancellor's Office of the California Community Colleges (CCCs) to have responsibility for monitoring the compliance of each district with any and all regulations. (EC § 66292)

- 4) Requires the Chancellor of the California State University (CSU) and the president of each CSU campus to have the primary responsibility for ensuring that campus programs and activities are free from discrimination. (EC § 66292.1)
- 5) Requires the President of the University of California (UC) and the chancellor of each UC campus to have primary responsibility for ensuring that campus programs and activities are free from discrimination. (EC § 66292.2)

ANALYSIS

This bill recasts and modifies statutes that specify which individual or office within each public higher education segment is responsible for ensuring campus programs are free from discrimination, and who has the authority to oversee and monitor compliance with state and federal laws related to anti-discrimination, specifically including sexual harassment. Specifically, this bill:

- 1) Requires the following provisions to apply to the UC by prohibiting the application of existing law that makes statutes applicable only to the extent they are adopted by resolution of the UC Board of Regents.

Primary responsibility for ensuring programs and activities are free from discrimination

- 2) Expands the primary responsibility for ensuring CCC programs and activities are free from discrimination to give joint responsibility to the governing boards of community college districts *and* the chief executive officer of each community college district (rather than solely governing boards of community college districts).
- 3) Narrows the primary responsibility for ensuring that campus programs and activities are free from discrimination within the CSU system to solely the president of each CSU campus (rather than the CSU Chancellor *and* each campus president).
- 4) Narrows the primary responsibility for ensuring that campus programs and activities are free from discrimination within the UC system to solely the chancellor of each UC campus (rather than the UC President *and* the chancellor of each campus).

Responsibility for monitoring compliance

- 5) Requires the Office of the Chancellor of the CCCs to have responsibility for monitoring each community college district's compliance with # 2.
- 6) Requires the CSU Chancellor to have responsibility for monitoring the compliance of each CSU campus with # 3.
- 7) Requires the UC President or the President's designee to have the responsibility for monitoring the compliance of each UC campus with # 4 above.

Presentations to governing boards and the Legislature

- 8) Requires the Office of the Chancellor to annually make a presentation during a public meeting of the CCC Board of Governors on the state of the CCC system in ensuring that community college district programs and activities are free from discrimination.
- 9) Requires the CSU Chancellor's Office to annually present a report to the Board of Trustees on the state of the CSU system in ensuring that programs and activities are free from discrimination.
- 10) Requires the UC President to annually present a report to the Board of Regents on the state of the system in ensuring that programs and activities are free from discrimination.
- 11) Requires the CCC presentation and reports for CSU and UC to include an overview of the system's efforts in monitoring and ensuring the compliance of each CCC district and campus of CSU and UC with providing programs and activities that are free from discrimination, including, but not limited to, the prevention of sexual harassment.
- 12) Requires the CCC presentation and reports for CSU and UC to include an overview of how community college districts and each campus of the CSU and UC are complying with Title IX and state anti-discrimination statutes.
- 13) Requires the CCC's Office of the Chancellor, CSU Board of Trustees, and UC Board of Regents to annually review the system's regulations on non-discrimination and revise the regulations as necessary to ensure that all community college districts are offering programs and activities that are free from discrimination.
- 14) Requires the CCC Chancellor, CSU Chancellor, and UC President each to annually present during a public hearing of the Senate Budget Subcommittee on Education and of the Assembly Budget Subcommittee on Education Finance the annual CCC presentation or reports for CSU and UC described above. This bill states legislative intent that the presentation and reports include an overview of how the systems are addressing and preventing discrimination before the system receives state student financial aid.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "This bill, making history, will hold identified entities responsible to present to the legislature annually on how the state of the systems are preventing discrimination on campus. The CA Legislative Education Finance subcommittees must hear the compliance of CA higher education systems on sex discrimination for students to have a safe and welcoming campus."
- 2) ***Recent report on how postsecondary education institutions address sexual discrimination.*** Throughout 2023, staff from the Assembly Higher Education

Committee and this committee hosted fact-finding briefings with representatives from the CCC, CSU, UC, and various California Independent Colleges and Universities to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report that provides a synopsis of the information gleaned from the briefings and a compilation of legislative proposals for how the State can partner with higher education institutions to prevent and address discrimination in all its forms on college and university campuses throughout California.

https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf

As mentioned in this report, various sections of the Education Code assign responsibility for specific components of ensuring educational programs are free from discrimination and providing an equitable educational environment. Additionally, the report also states that “None of the public higher education institutions include a review of the campus leader’s action plan to address and prevent sex discrimination on campus as part of campus administrators’ evaluation.”

This bill addresses two of the recommendations in this report, specifically, to:

- a) *Require the leader of each segment of public postsecondary education (CCC Chancellor, CSU Chancellor, and UC President) make a presentation (or present a report) during a public meeting of their respective governing boards, as well as to the Legislature, on how their system is ensuring that their programs and activities are free from discrimination.*
- b) *Include each system’s governing board as a responsible party for providing educational programs free from discrimination.*

This bill establishes a compliance monitoring mechanism of sorts by requiring the leader of each segment of public postsecondary education to testify in a public forum before the Legislature regarding their efforts in monitoring and complying with statutes regarding the prevention of all forms of discrimination on their campuses.

- 3) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose the following costs:
 - a) Minor and absorbable General Fund costs to the UC and CSU systems and governing boards. UC and CSU indicate the requirements of this bill largely mirror existing efforts and requirements.
 - b) Ongoing General Fund costs to the CCC system and governing boards, of about \$200,000, for staff to produce the required report and ongoing Proposition 98 General Fund costs of an unknown amount, though potentially significant, to CCC districts to provide information required by the report. Costs could be lower to the extent CCC already collects

information required by this bill.

4) ***Related legislation.***

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is scheduled to be heard in this committee on June 19, 2024.

AB 2047 (Mike Fong, 2024) requires the CSU and the UC to establish a systemwide Title IX office, a systemwide Office of Civil Rights, a position of civil rights officer, and establishes duties for the systemwide Office of Civil Rights, the civil rights coordinator, and Title IX coordinator. AB 2047 is scheduled to be heard in this committee on June 19, 2024.

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postsecondary educational institutions, during the process to authorize a volunteer in an athletic department, to contact the current or former employer to determine if the applicant violated any employment policies. AB 810 is pending in the Senate Judiciary Committee.

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AB 1575 (Irwin, 2024) authorizes students who receive a disciplinary notification the right to have an adviser of their choosing and requires postsecondary education institutions to provide training for the aforementioned adviser. AB 1575 is pending in the Senate Judiciary Committee.

AB 1790 (Connelly, 2024) requires the CSU to implement the recommendations provided in a 2023 California State Auditor report related to CSU's handling of allegations of sexual harassment. AB 1790 is scheduled to be heard in this committee on June 12, 2024.

AB 2407 (Hart, 2024) requires the California State Auditor to report, by September 1, 2026, and every three years thereafter, the results of an audit of the ability of the CCCs, the CSU, and the UC to address and prevent sexual harassment on campus. AB 2407 is scheduled to be heard in this committee on June 12, 2024.

AB 1905 (Addis, 2024) prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint where a final determination has been made, the employee resigned, or the employee enters into a settlement with the institution. AB 1905 is scheduled to be heard in this committee on June 12, 2024.

AB 2048 (Mike Fong, 2024) requires the Chancellor of the CCCs to convene a community college sexual harassment and Title IX working group to review policies and procedures, determine if existing district policies and procedures are adequate, determine to what extent a systemwide model of compliance would best assist community colleges, and review and determine if the CCC Chancellor's Office is effective in its duty to monitor community colleges for their compliance with state and federal laws pertaining to sexual harassment. AB 2048 is scheduled to be heard in this committee on June 19, 2024.

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SUPPORT

American Association of University Women - California (Co-Sponsor)
Generation Up (Co-Sponsor)
Office of Lieutenant Governor Eleni Kounalakis
California Federation of Teachers
Cal State Student Association
California Faculty Association
California State University Employees Union
Faculty Association of California Community Colleges
Ignite
Safe Campuses Coalition
Student Senate for California Community Colleges
Youth Power Project

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2395	Hearing Date:	June 12, 2024
Author:	Quirk-Silva		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: California State University: extension programs, special session, and self-supporting instructional programs: revenues.

SUMMARY

This bill expands how revenues from California State University's (CSU) continuing education program may be spent and authorizes the CSU Board of Trustees to transmit continuing education program revenues directly to CSU campus trust funds.

BACKGROUND

Existing law:

- 1) 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. (Education Code (EC) § 66606 and 89500, et seq.)
- 2) Authorizes CSU Trustees to transmit any revenues, including fees and charges required by the Trustees, received by the Trustees from extension programs, special session, and other self-supporting instructional programs to the Treasurer and if transmitted, requires the revenues to be deposited in the State University Continuing Education Revenue Fund, a continuously appropriated fund. Existing law appropriates all revenues from that fund to the trustees for the support and development of self-supporting instructional programs of the CSU. (EC § 89704)
- 3) Requires the CSU ensure that tuition fees adequate, in the long run, to meet the cost of maintaining special sessions in the CSU must be required of, and collected from, students enrolled in each special session pursuant to rules and regulations prescribed by the CSU Trustees. Defines "special sessions" as self-supporting instructional programs conducted by the CSU. Stipulates that the special sessions must include, but not necessarily be limited to, career enrichment and retraining programs. States that the intent of the Legislature is for said programs, currently offered on a self-supporting basis by the CSU during summer sessions, may be provided throughout the year, and must be known as special sessions. Stipulates that self-supporting special sessions must not supplant, as specified, regular course offerings available on a non-self-supporting basis during the regular academic year. Defines Supplant, as reducing the number of state-supported course offerings while increasing the number of self-supporting versions of that course. Requires, each CSU campus, to the extent

possible, that any course required as a condition of undergraduate degree completion for a state-supported matriculated student must be offered as a state-supported course. Prohibits a campus from requiring a state-supported matriculated student to enroll in a special session course in order to fulfill a graduation requirement for a state-supported degree program. (EC § 89708)

- 4) Requires the chief fiscal officer of each campus of the CSU to deposit and maintain in specified trust accounts, or in the continuously appropriated CSU Trust Fund, specified moneys received in connection with certain sources or purposes, including fees for extension programs, special sessions, and other self-supporting instructional programs. (EC § 89721)

ANALYSIS

This bill expands how revenues from CSU's continuing education program may be spent and authorizes the CSU Board of Trustees to transmit continuing education program revenues directly to CSU campus trust funds. Specifically, it:

- 1) Authorizes, in addition to the State University Continuing Education Revenue fund held by the state treasurer, the transmission of revenues that the CSU Trustees receive from extension programs, special session, or self-supporting instructional programs to the chief fiscal officer of one or more CSU campuses to deposit into the campuses' local trust fund, other trust funds, or the CSU Trust Fund.
- 2) Expands the use of revenues appropriated from the existing State University Continuing Education Revenue Fund for the support and development of **any** instructional program instead of those instructional programs that are only self-supporting.
- 3) Requires that the CSU, by March 31 of each year, submit a report on the implementation of the bill's provisions to the Department of Finance and the Legislature and that the report include, but is not limited to, all of the following:
 - a) The total amount of revenue generated from extension programs, special session, or self-supporting instructional programs in the prior three fiscal years, by campus.
 - b) Of the identified amounts, the amount transmitted to the state treasurer and the amount transmitted to the chief fiscal officer of each campus.
 - c) The total amount of expenditures from revenue generated from extension programs, special session, or self-supporting instructional programs in the prior three fiscal years and the purposes for which those funds were expended

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “The California State University system is the largest and most diverse four-year public university network in the nation, with twenty-three campuses and seven off-campus centers aimed at educating our future workforce. Despite significant technological advancements and shifts in educational methods since the 1970s, dated laws restrict how CSU administrators can use continuing education funds. AB 2395 aims to enhance CSU's flexibility in utilizing these funds to foster innovative and accessible academic programs, and permits merging continuing education revenues with other campus funds, enabling a broader range of academic offerings and student services.”

- 2) **Professional and Continuing Education at CSU.** Each CSU campus has offerings in professional and continuing education, known as PaCE (sometimes referred to as extended education), which provides programs geared to adult learners and working professionals. As highlighted in the CSU Board of Trustees May 2023 agenda, the Continuing Education Reserve Fund Act in 1971 required each university within the CSU system to create extended education units to meet the emerging needs of a changing workforce, featuring academic flexibility and supplementary delivery methods. Between 2010 and 2014, PaCE awarded approximately 50,000 professional development certificates in areas such as business, information technology, health care, trade, and transportation. Today, PaCE offers 200 degree programs and more than 150 professional certificates, with an enrollment that will culminated in more than 17,000 students in 2021. Of those students, nearly 11,000 were served by only eight universities. PaCE programs offer flexible schedules with year-round, weekend, and evening course offerings. While the composition of these campus programs vary considerably, most maintain the following common instructional elements:
 - a) Special session degree (baccalaureate and masters), certificate, and credential programs.
 - b) Open University permits individuals to enroll in regular university courses on a space-available basis, pay self-support fees and earn university academic credit.
 - c) Contract and extension credit.
 - d) Non-credit certificates, courses, and programs.
 - e) Continuing education units

- 3) **Self-supported program.** PaCE is self-supported, which means that courses typically require students to pay fees that cover the entire cost of the course, without any financial support from the state. There is variation in course fees across campus PaCE programs. PaCE also collects revenue from contracts with businesses and organizations for customized trainings. In contrast, state-supported programs, which are traditional degree programs, are funded by a mix

of state funding and student tuition fees. PaCE funds meet the cost of maintaining PaCE's operations, and any additional revenue that exceeds the cost of operations are reinvested in program development and other aspects of student support. CSU internal policies (Executive Order 1102) and state statute (EC § 89704 and 89708) regulate PaCE fees. Given its self-support model, PaCE enrollment is not considered in overall the CSU FTE enrollment goals currently articulated in the Governor's Budget Compact. Under current law PaCE offerings cannot supplant existing CSU degree programs.

4) **What is the problem?** According to CSU, the Commission on PaCE led by two campus presidents and includes faculty, provosts, deans, and representatives from statewide workforce partners, reported in 2023 that, unlike the UC, existing statutory restrictions on continuing education revenues prevent the CSU from using these funds to develop innovative new programs or promote broader academic efforts to support students. "For example, current restrictions prevent these funds from being used for collaboration between academic departments and continuing education staff to develop workforce preparation strategies to expand student access. Specifically, AB 2395 would modify Education Code 89704 to allow campus continuing education revenues to be deposited in either the original continuing education fund or the campus operating fund. This would enable continuing education revenues to be leveraged with other campus funds to support broader academic offerings and student services." Examples of such offerings include:

- Partnerships with local employers – Existing campus faculty can invest time to work with local employers to establish more strategic workforce training to meet existing needs.
- Career placement programs and internships – These programs provide on-site experience to students and help prepare them for the workplace.
- Student retention programs – Campuses can scale-up current efforts to ensure students stay enrolled and complete their degree.
- Re-engage former students with unfinished degrees – CSU's Second Start Pilot Program seeks to provide former students with a pathway to return to college and earn their college degree. Long-term funding is necessary to identify students, develop tailored-degree programs, and provide student support to complete their degree.
- Regional Education Centers – Multiple CSU campuses could unite to serve as education hubs to provide 4-year degrees to students place bound to specific regions.
- Online Education – Internet and technology upgrades are periodically needed at campuses to ensure reliable services to those who rely on online education.

It is unclear whether changes to statute are necessary in order for continuing education revenues to be used for the purposes of academic support such as those listed above. However, staff understands that campuses are seeking clear statutory authority to do so.

- 5) **Fiscal impact.** According to the Assembly Appropriations Analysis, this bill would have the following fiscal impact:

Special Fund shifts, of an unknown but potentially significant amount, from the State University Continuing Education Revenue Fund for purposes of supporting and developing self-supporting CSU programs to CSU campus trust funds for the purposes of supporting and developing CSU programs. Fund shifts could total in the millions of dollars, depending on the decisions of the CSU Board of Trustees.

Current law authorizes the CSU Board of Trustees to transmit revenues received from PaCE programs to the State Treasury to be deposited into the State University Continuing Education Revenue Fund. Current law appropriates the funds in the State University Continuing Education Revenue Fund to the CSU Board of Trustees for the support and development of self-supporting instructional programs at CSU. Current law requires proposed expenditures of these funds be included in the Governor's January budget proposal to the Legislature, unless the funds are for facilities to benefit PaCE programs.

As of the 2023 fiscal year, the balance in the State University Continuing Education Revenue Fund at the State Treasury is about \$329 million. The fund balance has grown over time from \$198 million in the 2014 fiscal year.

SUPPORT

California State University, Office of the Chancellor (Sponsor)
California Competes: Higher Education for a Strong Economy
Southern California College Attainment Network

OPPOSITION

One individual

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2407	Hearing Date:	June 12, 2024
Author:	Hart and Mike Fong		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Public postsecondary educational institutions: sexual harassment complaints: state audits.

SUMMARY

This bill requires the California State Auditor to report, by September 1, 2026, and every three years thereafter, the results of an audit of the ability of the California Community Colleges (CCCs), the California State University (CSU), and the University of California (UC) to address and prevent sexual harassment on campus.

BACKGROUND

Existing law:

- 1) Provides 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) Requires each educational institution in California (K-12 and postsecondary education) to have a written policy on sexual harassment, and requires schools to display the policy in a prominent location in the main administrative building or other area of the campus or schoolsite, be provided as part of any orientation program for new students, provided to each faculty member, administrative staff and support staff, and appear in any publication of the school that sets forth the rules, regulations, procedures, and standards of conduct. (Education Code (EC) § 231.5 and § 66281.5)
- 3) Requires the State Auditor to conduct an audit every three years of a sample of no less than six institutions of postsecondary education in California that receive federal student aid and to evaluate the institutions compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. (United States Code, Title 20, § 102 (f)(1) and (5), and EC § 67382)
- 4) States legislative intent that institutions of higher education that are subject to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act should adopt a policy that allows victims or witnesses to report crimes to the

campus police department or to campus security on a voluntary, confidential, or anonymous basis. (EC § 67382)

ANALYSIS

This bill:

- 1) Requires, by September 1, 2026, and every three years thereafter, the California State Auditor to report the results of an audit of the ability of the CCCs, the CSU, and the UC to address and prevent sexual harassment on campus.
- 2) Requires the audit for each segment to do all of the following:
 - a) Evaluate the systemwide policies and practices on sexual harassment and determine whether the policies and practices are consistent with federal and state law and best practices.
 - b) Evaluate the efforts of the systemwide office to provide consistency in, and oversight of, how campuses within the respective system respond to complaints of sexual harassment and determine if the efforts of the systemwide office are adequate to prevent, detect, and address sexual harassment and are consistent with federal and state law and best practices.
 - c) Evaluate whether existing campus practices are adequate in preventing, detecting, and addressing sexual harassment and whether the policies and practices are consistent with federal and state law and best practices.
 - d) Review the investigatory process for sexual harassment complaints to determine if the process can be improved.
 - e) For sexual harassment complaints that are substantiated following an investigation, analyze selected complaints within two years of the audit's initial date to assess whether the discipline administered was proportional to the conduct, adequate to deter future harassment, and consistent.
 - f) Requires, to the extent possible, the complaints analyzed pursuant to (e) to include complaints where the respondent was a student and the complainant was a student, complaints where the respondent was an employee and the complainant was a student, and complaints where the respondent was an employee and the complainant was an employee.
 - g) Review and assess any other issues that are significant to the audit, including identifying any changes that might result in improvements in the ability of the CCCs, the CSU, and the UC to address and prevent sexual harassment on campus.
- 3) Requires the State Auditor to report the findings of each audit to the respective chairs of the Assembly Committee on Higher Education, the Senate Committee

on Education, and the Joint Legislative Audit Committee.

- 4) Sunsets the provisions of this bill on January 1, 2036.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 2407 will foster transparency, accountability, and safer learning environments within the State’s colleges and universities. In 2023, an audit of the CSU revealed that they mishandled sexual harassment allegations, including inadequate disciplinary measures, delays in investigations, and insufficient documentation of cases. Eleven of these cases were deemed unsubstantiated and closed at intake without proper documentation or rationale.

“AB 2407 will require the State Auditor to conduct triennial audits of sexual harassment policies at California’s public higher education institutions. The State Auditor will assess harassment prevention and investigation policies, potential process delays, appropriate disciplinary actions, and proper documentation of the investigations. This bill reinforces the State’s commitment to ensuring the safety and well-being of students and staff within California’s higher education system.”

- 2) ***Recent report on how postsecondary education institutions address sexual discrimination.*** Throughout 2023, staff from the Assembly Higher Education Committee and this committee hosted fact-finding briefings with representatives from the CCC, CSU, UC, and various California Independent Colleges and Universities to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report that provides a synopsis of the information gleaned from the briefings and a compilation of legislative proposals for how the State can partner with higher education institutions to prevent and address discrimination in all its forms on college and university campuses throughout California.
https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf

As noted in this report, “... the State does not have a regulatory body to provide an additional layer of transparency and protection for students, faculty, and staff who may wish to provide evidence of continual sexual harassment and discrimination.” The report further highlighted one of the tools available to the Legislature is to ask the California State Auditor to conduct an audit to determine whether a higher education institution complies with existing laws. In the last 10 years, the State Auditor has audited the CSU and UC twice to assess their handling of sex discrimination claims. Many recommendations were made in each of the audits and it was found that CSU has fully implemented most, but not all, of the recommendations made by the State Auditor in audits completed prior to 2023. The CSU continues to work on implementing recommendations from the most recent audit, which was completed in 2023. The UC has fully implemented the recommendations made by the State Auditor (in 2014 and 2018).

The California State Auditor is not an enforcement or regulator agency, but rather

an oversight agency. The Auditor conducts audits to answer questions posed by the Legislature, but the Auditor does not have enforcement power to force agencies to comply with the audit recommendations. However, as the state does not have a higher education coordinating body, the State Auditor is the only independent investigatory agency in California that could provide information as to how the segments of public postsecondary education are complying with state and federal laws regarding the prevention of sex discrimination on collegiate campuses.

- 3) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would have the following costs:
- a) General Fund cost pressures to the State Auditor of about \$800,000 annually, until January 2036, to conduct an audit for each system every three years.
 - b) According to the State Auditor, the Auditor likely would not request additional funding from the Legislature to complete the audits required by this bill. However, the audits required by this bill would take priority over other Joint Legislative Audit Committee approved audits that don't have statutorily required completion dates. In other words, the State Auditor would devote about \$800,000 worth of staff time to these audits annually that could have otherwise been spent completing other audits.
 - c) Potential ongoing General Fund cost pressures, of an unknown amount, until January 2036, to UC, CSU, and CCC systemwide offices to the extent the ongoing audits require the institutions to devote staff time to respond to requests from the State Auditor.
 - d) Potential ongoing General Fund and Proposition 98 General Fund costs, of an unknown amount, until January 2036, to UC, CSU, and CCC campuses to the extent the ongoing audits require campuses to devote staff time to respond to requests from the State Auditor or their systemwide offices.

4) **Related legislation.**

AB 1790 (Connelly, 2024) requires the CSU to implement the recommendations provided in a 2023 California State Auditor report related to CSU's handling of allegations of sexual harassment. AB 1790 is scheduled to be heard in this committee on June 12, 2024.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is scheduled to be heard in this committee on June 19, 2024.

AB 2326 (Alvarez, 2024) recasts and modifies statutes that specify which individual or office within each public higher education segment is responsible for

ensuring campus programs are free from discrimination, and who has the authority to oversee and monitor compliance with state and federal laws related to anti-discrimination, specifically including sexual harassment. AB 2326 is scheduled to be heard in this committee on June 12, 2024.

AB 2047 (Mike Fong, 2024) requires the CSU and the UC to establish a systemwide Title IX office, a systemwide Office of Civil Rights, a position of civil rights officer, and establishes duties for the systemwide Office of Civil Rights, the civil rights coordinator, and Title IX coordinator. AB 2047 is scheduled to be heard in this committee on June 19, 2024.

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Office of Lieutenant Governor Eleni Kounalakis
California Faculty Association
California Federation of Teachers
California State Student Association
California State University Employees Union
California State University, Office of the Chancellor
Faculty Association of California Community Colleges
Generation Up
Ignite

Safe Campuses Coalition
Youth Power Project

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2447 **Hearing Date:** June 12, 2024
Author: Valencia
Version: April 25, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: California State University: expenditures: internet website.

SUMMARY

This bill requires the California State University (CSU) to develop and maintain an internet website that allows the public to search and aggregate information on the expenditures and transfers of any state funds by the CSU in amounts that exceed \$10,000, as specified.

BACKGROUND

Existing law:

- 1) 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. (Education Code (EC) Sections 66606 and 89500, et seq.)
- 2) Requires the CSU Trustees to control and expend all money appropriated for the support and maintenance of the CSU, and all money received as donations, as specified. (EC Section 89750)

ANALYSIS

This bill:

- 1) Defines "CSU expenditures internet website" or "expenditures internet website" as an internet website that allows the public to search and aggregate information on expenditures of state funds, and that is accessible from the CSU internet homepage.
- 2) Defines "Expenditure of state funds" as the expenditure or transfer of any state funds by the CSU in an amount that exceeds ten thousand dollars (\$10,000) in the form of, including, but not limited to, any of the following:
 - a) Grants;
 - b) Contracts;
 - c) Subcontracts;

- d) Purchase orders;
 - e) Investments; and,
 - f) Expenditures from a reserve account for use in the event of any revenue fluctuations.
- 3) Requires the CSU, on or before July 1, 2026, to develop and maintain a CSU expenditures internet website that is accessible by the public at no cost, and that includes all of the following:
- a) For each expenditure of state funds, information on the expenditure that includes, but is not limited to, all of the following information:
 - i) The name and principal location or residence of each entity that receives funds, or other fund recipient.
 - ii) The amount of the expenditure.
 - iii) The type of transaction.
 - iv) The identity of the department, office, or other entity of the CSU making the expenditure.
 - v) The budget program source for the expenditure.
 - vi) A description of the purpose of the expenditure.
 - vii) A description of any item purchased pursuant to the expenditure.
 - viii) Any other information deemed relevant by the Department of Finance or the Governor's Office.
 - b) The ability for a user to view information on the expenditures internet website in a format that is searchable and the ability for a user to download and manage that information with appropriate software.
 - c) The ability of a user to provide input to the CSU regarding the utility of the expenditures internet website.
 - d) The ability of a user to provide recommendations to the CSU for improvements to the expenditures internet website.
- 4) Requires that, on or before July 1, 2026, the expenditures internet website must include information on the expenditure of state funds for the 2025-26 fiscal year. On and after July 1, 2026, the expenditures internet website will be updated monthly to include information on the expenditure of state funds for the most recently completed month.

- 5) Requires the CSU to fully cooperate with the Department of Finance and the Governor's Office in compiling and providing all information necessary to comply with this section.
- 6) Specifies that the provisions do not require the disclosure of confidential information or the disclosure of information that is otherwise exempt from disclosure under state or federal law.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 2447, the California State University Transparency Act of 2024, will allow the legislature to hold the CSU accountable for their expenditures of state funds. The bill will require the CSU to disclose specific data for their contracts, subcontracts, purchase orders, investments and any expenditure from a reserve account. The data will identify the recipients of expenditures, the amount awarded, the type of transaction, the CSU office or department making the expenditure, the budget program source for the expenditure, a description of the purpose of the expenditure, and a description of the item purchased. Greater transparency of the CSU's expenditures is necessary to understand how the system spends taxpayer dollars, and to ensure that they are investing in students, faculty and staff."
- 2) ***CSU Audit.*** In May of 2020 the State Auditor released audit report 2019-114 *California State University: The Mandatory Fees Its Campuses Charge Receive Little Oversight Yet They Represent an Increasing Financial Burden to Students*. The report found that the growth in mandatory fees has made the CSU campuses increasingly expensive for students. Since academic year 2011–12, the trustees have increased tuition by only \$270, or 5%, in academic year 2017–18, from \$5,472 to \$5,742. This stability in tuition costs is largely the result of the tuition freezes the Legislature negotiated with the CSU as part of the annual state budget process, during which the Legislature increased state funding to the CSU system. In contrast, from academic years 2011–12 through 2019–20, total mandatory fees on average across all 23 CSU campuses increased from \$1,047 to \$1,633, or 56%.

The report also found that CSU's approach to managing mandatory fees did not ensure adequate accountability. Although campuses must obtain approval from the CSU Office of the Chancellor to establish new mandatory fees, campus presidents did not need approval to increase the amount of existing fees. In addition, the Chancellor's Office's systemwide fee policy contained only vague requirements that allow campuses to request approval for proposed mandatory fees or increase existing fees without justifying specific fee amounts. As a result, the State Auditor found that campuses did not sufficiently justify their needs when determining and setting the amount of proposed fees or increases to existing fees. Campuses also did not sufficiently demonstrate that they had no other way to pay for those needs.

The author cited the CSU audit, and noted that "in September 2023, the CSU Board of Trustees approved a system wide tuition hike, with 6% increases in tuition for five consecutive years starting with the 2024-25 academic year, further

increasing students' financial burden. In January 2024, CSU faculty organized a system-wide strike after their attempts to increase faculty salaries through collective bargaining were unsuccessful. The CSU and faculty have since come to an agreement for salary increases. However, it would be helpful to have more details on the CSU's financial obligations and spending to understand the high cost of fees, tuition, and the reluctance for increasing faculty salaries.”

- 3) **Existing CSU Financial Transparency Portal.** As part of an existing effort to maintain financial transparency, CSU already maintains a Financial Transparency Portal that provides aggregate data on expenditures of \$50,000 or more over the past five fiscal years. This portal categorizes expenditures by program (such as instruction, institutional support, and student services) and by expense type (including salaries, benefits, and student financial aid).

Given that CSU is already using these categories in their existing reports, the implementation of the new website proposed by this bill does not appear to require significantly more work from CSU. The current categorization system is comprehensive and mostly aligns with the proposed requirements of the bill.

Staff notes that this bill might not yield much more detail beyond what is already available through the existing Financial Transparency Portal. While the proposed website would include more granular transparency measures, and lower the expenditure reporting threshold to \$10,000, the added value may be limited.

- 4) **Arguments in support.** The California Faculty Association, the sponsors of AB 2447, argue that the bill “mandates the CSU to make their expenditures of state funds publicly available on the internet by July 1, 2025, marking a significant step towards enhancing transparency and accountability within one of the nation's largest public education institutions. The CSU system, with an operating budget of \$8.1 billion for the fiscal year 2023-24, receives substantial funding from the state General Fund, tuition and mandatory fees, and California State Lottery Ticket sales, among other sources. Despite the critical role that these funds play in supporting the CSU's operating costs—including instruction, academic support, student services, and financial aid—a state audit released in May 2020 highlighted a concerning lack of oversight on the expenditures of mandatory fees, which have been a financial burden to students. These fees, not covered by financial aid grants and scholarships, contribute to the financial strain on students and their families, many of whom resort to paying these fees out of pocket or through student loans. The audit's findings, coupled with the CSU Board of Trustees' recent decision to approve a system-wide tuition hike, underscore the urgent need for greater financial transparency to ensure that the funds are being used effectively to support the CSU's core functions...this level of transparency will empower students, parents, taxpayers, and legislators to see how allocated state funds are spent and assess the outcomes of these expenditures.”
- 5) **Arguments in opposition.** The CSU writes, “The CSU shares the author’s goal of increased transparency and accountability and has demonstrated this shared priority through our Transparency & Accountability website. The public is currently able to track all expenditures over \$50,000, annual financial statements, external financial audit reports, and utilize a financial transparency portal that

allows one to customize CSU finance searches by year, university, and fund on this site.

“However, the CSU remains opposed to AB 2447 as it maintains a number of provisions that would be incredibly difficult to implement and would provide little to no public benefit. As an example, the proposed requirement to report expenditures in excess of \$10,000 would result in more than 30,000 data points, which is why the CSU currently reports expenditures over \$50,000. Additionally, AB 2447 contains a provision that would allow the Department of Finance and the Governor’s Office to request any information they choose to be included in the published expenditures. This provision lacks specificity and is subject to change, preventing the CSU from knowing what information should be captured to satisfy the provisions of this bill. Lastly, the bill treats investments as expenditures which is not appropriate or feasible. The CSU is required by law to invest in mutual funds, under which transactions are made consistently by a fund manager. Therefore, we would not be able to produce the same required content for expenditures as required under this bill for investment transactions via mutual funds.”

- 6) **Committee amendments.** CSU has expressed several concerns regarding this bill. Firstly, the CSU does not make expenditures from reserve accounts, so including these components in an expense reporting bill is inconsistent. Secondly, to ensure privacy and protect individuals, particularly staff and students, the bill should not single out particular recipients. For instance, a faculty member receiving a grant for research could be targeted if specific details are publicly disclosed. Lastly, CSU does not budget from "budget programs" but rather allocates money from revenue, which means the current structure of the bill may not align with their financial practices.

To address these concerns, the author has proposed, and staff concurs with, the following amendments:

- a) Strike reference to “expenditure internet website” to “fiscal transparency website”—to more accurately reflect what information the bill is capturing.
- b) Strike “expenditures from reserve accounts.”
- c) Clarify that funds provided to: (1) faculty members should specify “faculty member” and the office the faculty member works in, and (2) an individual student should specify “individual student.”
- d) Replace “budget program source” with “program and expense type.”

Even with the committee amendments, CSU has remaining concerns with the bill. According to CSU, including investments is problematic because state law mandates investing in mutual funds, which involves constant transactions. Additionally, the "budget program source" requirement is unnecessary if a description of the transaction remains in the bill. Finally, allowing the Department of Finance (DOF) or the Governor’s Office (GO) to request any information

without limits could lead to demands for irrelevant or unavailable data, making compliance difficult.

Staff notes that the provision allowing DOF or the GO to request any other information deemed relevant is overly broad. The author should consider specifying what data would be of interest to DOF or the GO or strike the provision entirely to ensure clarity and feasibility in compliance.

SUPPORT

California Faculty Association (Sponsor)

OPPOSITION

California State University

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2608 **Hearing Date:** June 12, 2024
Author: Gabriel and Mike Fong
Version: April 18, 2024
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

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

SUMMARY

This bill expands currently required annual training for students on sexual violence and sexual harassment to also include topics related to alcohol- and drug-facilitated sexual assault and confidential support and care resources for situations that arise as a result of an act of sexual violence and/or sexual harassment.

BACKGROUND

Existing law:

- 1) Provides 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) Requires each educational institution in California (K-12 and postsecondary education) to have a written policy on sexual harassment, and requires schools to display the policy in a prominent location in the main administrative building or other area of the campus or schoolsite, be provided as part of any orientation program for new students, provided to each faculty member, administrative staff and support staff, and appear in any publication of the school that sets forth the rules, regulations, procedures, and standards of conduct. (Education Code (EC) § 231.5 and § 66281.5)
- 3) Requires the governing board of each community college district and the California State University (CSU) Trustees, and requests the University of California (UC) Regents, in collaboration with campus-based and community-based victim advocacy organizations, to provide educational and preventive information about sexual violence to students as part of established campus orientations, at all campuses of their respective segments. (EC § 67385.7)
- 4) Requires the California Community Colleges (CCCs), CSU, and independent institutions of higher education and private postsecondary educational institutions that receive state financial assistance, and requests UC, to annually train its students on sexual violence and sexual harassment (beginning on September 1,

2024). (EC § 67385.7)

- 5) Provides that institutions are not prevented from incorporating the training developed pursuant to # 4 from being integrated into existing trainings. (EC § 67385.7)

ANALYSIS

This bill:

- 1) Expands currently required annual training for students on sexual violence and sexual harassment, beginning on September 1, 2026, to also include the following topics:
 - a) How to recognize if a person is at risk of alcohol- and drug-facilitated sexual assault, including, but not limited to, common symptoms following alcohol and drug consumption and intoxication. This topic is to include common facts and myths regarding alcohol- and drug-facilitated sexual assault.
 - b) Effective measures that can be taken to prevent involuntary alcohol and drug consumption and ways to respond to circumstances where a person may be involuntarily intoxicated and at risk for alcohol- and drug-facilitated sexual assault.
 - c) Information related to confidential support and care resources for situations that arise as a result of an act of sexual violence or sexual harassment, or both, including, but not limited to, contact information and the availability of confidential medical and transportation services, forensic examination sites, and, to the extent available, rape crisis centers on campus or within the surrounding community of the campus.
- 2) Requires the CCCs, CSU, independent institutions of higher education and private postsecondary educational institutions that receive state financial assistance, and requests UC, to consider updating the annual training by September 1, 2026, and every two years thereafter.
- 3) Defines “drugs” to include, but not be limited to, flunitrazepam, ketamine, and gamma hydroxybutyric acid, which is also known by other names, including, but not limited to, GHB, gamma hydroxyl butyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium oxybutyrate.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Pursuing higher education can help Californians gain financial stability and build a better future for themselves. However, the prevalence of sexual violence and harassment on college campuses continues to be a significant threat to students' ability to succeed professionally and academically and to their physical and mental health. Assembly Bill 2608 will strengthen preventative measures against sexual assault

on college campuses by requiring critical updates to student trainings for institutions of higher education. This will ensure trainings provide students the resources they need to stay safe on campus and will contribute to promoting Title IX rights and awareness.”

- 2) ***Recent report on how postsecondary education institutions address sexual discrimination.*** Throughout 2023, staff from the Assembly Higher Education Committee and this committee hosted fact-finding briefings with representatives from the CCC, CSU, UC, and various California Independent Colleges and Universities to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report that provides a synopsis of the information gleaned from the briefings and a compilation of legislative proposals for how the State can partner with higher education institutions to prevent and address discrimination in all its forms on college and university campuses throughout California. https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf
- 3) ***Training on campuses.*** In compliance with Violence Against Women Act of 2022 (federal law), all postsecondary education institutions who receive state or federal funding must at the very least offer students the opportunity to receive sexual violence training. AB 2683 (Gabriel, Chapter 798, Statute of 2022) established the first statewide requirement for the CCC, CSU, independent institutions of higher education, and private postsecondary education institutions to provide annual training for students on sexual violence and sexual harassment prevention. *This bill requires/requests institutions to consider updating the annual sexual violence and sexual harassment training for students every other year and requires the training to include additional topics.*

As noted in the Assembly Higher Education Committee’s analysis:

- a) Currently, CCC campuses offer the training as part of their orientation to students. Orientation at the CCC is not mandatory and, therefore, unless a student elects to attend orientation, they may never receive sexual violence prevention training while they are enrolled at a CCC.
- b) The current systemwide policy at the CSU requires each campus to offer a prevention education program that includes bystander intervention, reporting, and support services. The training also includes discussions of confidentiality, campus administrative processes for reporting, procedures of how to report to law enforcement, civil and criminal processes, and campus/community based support resources. All new and continuing CSU students must complete an annual online training on preventing sexual violence and sexual harassment.
- c) At the UC, all students are required to take sexual violence prevention and intervention training and education annually. Incoming students are required to take the education and training program within their first six weeks of class. The curriculum for the trainings include definitions of sexual violence, attitudes and beliefs that normalize violence, bystander

intervention, how one is to respond to sexual violence using methods that acknowledge the impact of violence and trauma on survivor's lives, local resources for survivors, the rights of a survivor, and the options available to them to report the sexual violence.

- d) At independent California universities, the federal and state requirements apply if the institution receives federal or state financial assistance including Pell Grants or Cal Grants for students attending the institution. At the University of Southern California, the "Relationship and Sexual Violence Prevention Services" is an annual required training for all first and second year undergraduate students on affirmative consent and healthy relationships. Azusa Pacific University offers an online training program, "Haven – Understanding Sexual Assault," to every incoming student. At Stanford University, incoming undergraduates receive an online "Beyond Sex Ed: Consent and Sexuality at Stanford program" at orientation and continuing undergraduates receive an expanded program that builds upon the program listed above.
- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) Minor and absorbable General Fund costs to CSU and UC to consider updates and include additional topics in existing training.
- b) Minor and absorbable Proposition 98 General Fund costs to CCC to consider updates and include additional topics in existing training.
- 5) ***Related legislation.***

AB 2925 (Friedman, 2024) creates a requirement for specific anti-discrimination training or diversity, equity, and inclusion training offered by postsecondary education institutions to include training on how to combat and address discrimination against the five most targeted groups in the state. AB 2925 is scheduled to be heard in this committee on June 12, 2024.

AB 1790 (Connelly, 2024) requires the CSU to implement the recommendations provided in a 2023 California State Auditor report related to CSU's handling of allegations of sexual harassment. AB 1790 is scheduled to be heard in this committee on June 12, 2024.

AB 2407 (Hart, 2024) requires the California State Auditor to report, by September 1, 2026, and every three years thereafter, the results of an audit of the ability of the CCCs, the CSU, and the UC to address and prevent sexual harassment on campus. AB 2407 is scheduled to be heard in this committee on June 12, 2024.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is

scheduled to be heard in this committee on June 19, 2024.

AB 2326 (Alvarez, 2024) recasts and modifies statutes that specify which individual or office within each public higher education segment is responsible for ensuring campus programs are free from discrimination, and who has the authority to oversee and monitor compliance with state and federal laws related to anti-discrimination, specifically including sexual harassment. AB 2326 is scheduled to be heard in this committee on June 12, 2024.

AB 2047 (Mike Fong, 2024) requires the CSU and the UC to establish a systemwide Title IX office, a systemwide Office of Civil Rights, a position of civil rights officer, and establishes duties for the systemwide Office of Civil Rights, the civil rights coordinator, and Title IX coordinator. AB 2047 is scheduled to be heard in this committee on June 19, 2024.

SB 1491 (Eggman, 2024) (1) requires the CSU Trustees and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at the respective campus; (2) requires the point of contact to be a confidential employee, as specified; (3) requires the CSU Trustees and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior; and, (4) requires California Student Aid Commission, beginning with the 2026-27 school year, to provide written notice to students who receive state financial aid whether their college or university has a religious school exemption from Title IX. SB 1491 is pending in the Assembly Higher Education Committee.

SB 1166 (Dodd, 2024) (1) expands the scope of a currently-required CSU report containing a summation of the activities undertaken by each campus and by the systemwide Title IX office to also include outcomes of appeals, a list of personnel who are exempt from being a "responsible employee," and a yet-to-be-developed annual report that compiles campus-based evaluations of how sex discrimination is addressed on campuses; and, (2) requests the UC and requires each community college district to also submit this report. SB 1166 is pending in the Assembly Higher Education Committee.

AB 810 (Friedman, 2024) (1) requests the governing board or body of an independent institution of higher education that receives state financial assistance, as part of the hiring process for specified positions, to require an applicant to disclose any final administrative decision or final judicial decision issued within the last seven years determining that the applicant committed sexual harassment; (2) requires the governing board of community college districts and the Trustees of the CSU (and requests the Regents of the UC), to require an applicant for an academic, athletic, or administrative position to sign a release form that authorizes the release of information by previous employers concerning any substantiated allegations of misconduct and, (3) requires the UC, CSU, CCC, independent institutions of higher education, and private postsecondary educational institutions, during the process to authorize a

volunteer in an athletic department, to contact the current or former employer to determine if the applicant violated any employment policies. AB 810 is pending in the Senate Judiciary Committee.

AB 1575 (Irwin, 2024) authorizes students who receive a disciplinary notification the right to have an adviser of their choosing and requires postsecondary education institutions to provide training for the aforementioned adviser. AB 1575 is pending in the Senate Judiciary Committee.

AB 1905 (Addis, 2024) prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint where a final determination has been made, the employee resigned, or the employee enters into a settlement with the institution. AB 1905 is scheduled to be heard in this committee on June 12, 2024.

AB 2048 (Mike Fong, 2024) requires the Chancellor of the CCCs to convene a community college sexual harassment and Title IX working group to review policies and procedures, determine if existing district policies and procedures are adequate, determine to what extent a systemwide model of compliance would best assist community colleges, and review and determine if the CCC Chancellor's Office is effective in its duty to monitor community colleges for their compliance with state and federal laws pertaining to sexual harassment. AB 2048 is scheduled to be heard in this committee on June 19, 2024.

AB 2987 (Ortega, 2024) requires each campus of the CSU and the CCC, and requests each campus of the UC, provide updates on the status of complaints of sexual discrimination to complainants and respondents. AB 2987 is scheduled to be heard in this committee on June 12, 2024.

SUPPORT

Generation Up (Co-Sponsor)
Office of Lieutenant Governor Eleni Kounalakis
American Association of University Women - California
Cal State Student Association
California Faculty Association
California State University Employees Union
California State University, Office of the Chancellor
Faculty Association of California Community Colleges
Ignite
SAFE Campuses Coalition
University of California
Youth Power Project

OPPOSITION

None received

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2816 **Hearing Date:** June 12, 2024
Author: Gipson
Version: April 29, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: School safety: School Mapping Data Grant Program.

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

SUMMARY

This bill, upon appropriation by the Legislature, would establish the School Mapping Data Grant Program under the administration of the Office of Emergency Services (OES) to provide one-time grants to participating local educational agencies (LEA), county offices of education (COE), and charter schools to enter into contracts with qualified vendors providing school mapping data, as provided, for purposes of assisting public safety agencies in efficiently responding to on-campus emergencies at schools.

BACKGROUND

Existing Law:

Existing Federal Law

- 1) Federal law encourages the development and deployment of effective anti-terrorism products and services by providing liability protections through the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act). (Subtitle G of Title VIII of the Homeland Security Act of 2002, Public Law 107-296)
- 2) Federal law protects the privacy of student education records through the Family Educational Rights and Privacy Act (FERPA) of 2001. (20 United States Code (U.S.C.) Sec. 1232g)

Existing State Law

- 3) Provides that each LEA and 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. (Education Code (EC) § 32281 (a))
- 4) 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)

- 5) Encourages that, as school safety plans are reviewed, plans be updated to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district employs these professionals. (EC § 32282.1)

ANALYSIS

This bill:

- 1) Establishes the School Mapping Data Grant Program Act and the School Mapping Data Grant Program under the administration of the OES to provide one-time grants to participating LEAs, COEs, and charter schools to enter into contracts with qualified vendors providing school mapping data.
- 2) Requires the OES to determine the data requirements of a school mapping data program that is eligible to receive grant funding under the grant program.
- 3) Requires an LEA, COE, and charter school that receives grant funding under the grant program to select, in collaboration with local public safety agencies, including, but not limited to, those providing law enforcement, firefighting, or other emergency services, a school mapping data program that meets the criteria established by the OES, and that meets the needs of public safety agencies and participating schools.
- 4) Allows the OES to expend up to 5 percent of any appropriation made for purposes of this article, on its administrative costs to implement and administer the grant program.
- 5) States it is the intent that the grant funding provided pursuant to this article is used to establish a single and verified source of school mapping data, for each participating school, that is standardized, accurate, and accessible to public safety agencies for purposes of ensuring efficient responses to on-campus emergencies at the school.
- 6) Makes various definitions, including "School mapping data" or "data," which means the information provided to assist public safety agencies in efficiently responding to on-campus emergencies at participating schools.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 2816 will ensure safety on our K-12 campuses by providing our first responders with the technology and tools necessary

to navigate the campus in the event of an emergency. In situations of life and death, every second matters. We need to provide emergency school mapping technology for our state's first responders to efficiently navigate and communicate, through an unfamiliar building. It is time to keep our children safe.”

- 2) ***Fear 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%).
- 3) ***School Violence Prevention.*** An audit by the California State Auditor, released in 2017, cited FBI data showing that the number of active shooter incidents increased between 2000 and 2015. Kindergarten through grade 12 facilities and higher education institutions were identified as the second most common locations for these shootings to occur both nationally and within California. A survey of public school districts and COEs in California suggested that the number of active shooter threats and incidents in and around the state's schools had increased since the academic year 2012–13.

The report noted that state law does not require schools to include procedures for responding to active shooter events in their school safety plans. The audit also found deficiencies in oversight and guidance by district and COEs and at the state level by California Department of Education (CDE). Some schools have failed to meet the requirement to review safety plans annually.

Since the release of that report, legislation has been enacted in California, requiring schools to expand the required elements of the CSSP. LEAs, COEs, and charter schools serving kindergarten through 12th students must create and maintain a CSSP to address campus risks, prepare for emergencies, and ensure a safe and secure learning environment for students and school staff. The law mandates that designated stakeholders engage in an annual systematic planning process to develop strategies and policies to prevent and respond to potential incidents such as emergencies, natural disasters, hate crimes, violence, active assailants/intruders, bullying and cyberbullying, discrimination, harassment, child abuse and neglect, discipline, suspension, expulsion, and other safety concerns. Each school must update and adopt its CSSP by March 1 every year. Before adoption, the schoolsite

council or safety planning committee must hold a public meeting at the schoolsite to allow public members to express their opinions about the school safety plan.

In addition to creating 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, including procedures to respond to active shooter situations. Schools are now also required to conduct annual active shooter drills, and the CDE will provide additional guidance and oversight of safety plans.

- 4) ***Chances For Information to be Compromised?*** 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.”

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, between February 11 and 12, were able to confirm that the unauthorized person accessed and took sensitive files from the district’s network systems including the 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.

- 5) ***Related Legislation***

AB 960 (Mathis, 2024) 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.

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

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2845	Hearing Date:	June 12, 2024
Author:	Robert Rivas		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Migrant education: California Mini-Corps program and currently migratory children.

SUMMARY

This bill codifies an existing program, the California Mini-Corps, which provides opportunities to postsecondary students with migrant backgrounds to work as tutors to provide supplemental education to migrant students in transitional kindergarten through grade twelve classrooms. It also requires that the California Department of Education (CDE) annually post information on the enrollment of migrant students.

BACKGROUND

Existing law:

State law

- 1) Defines “currently migratory child” as a child who has moved with a parent or guardian from one school district to another, either within this state or from another state, within the 12-month period immediately preceding his or her identification as such a child. Includes a child who has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity. (Education Code (EC) § 54441)
- 2) Authorizes a child to be identified as a “migrant child,” with the concurrence of the child’s parent, for a period no longer than three years, during which the child resides in an area where programs are provided for migrant children. (EC § 54441.5)
- 3) Authorizes the Superintendent of Public Instruction (SPI) to enter into agreements or cooperate with other states or agencies of the state or the federal government in providing or coordinating services to migrant children, including the Mini-Corps Program. (EC § 54444)
- 4) Requires the State Board of Education (SBE) to adopt a state master plan for services to migrant children that includes instructional activities on a regular and extended year basis designed to provide treatment of academic deficiencies, health and welfare services, preservice and in-service education of personnel to meet the special needs of migrant children, support services such as transportation and family liaisons, other services necessary to the success of the

- programs, and child development activities for infants and prekindergarten children. Requires the active involvement of parents, teachers, and community members in the implementation of migrant education programs. (EC § 54442)
- 5) Requires migrant education programs to include content such as an individual assessment of the educational and relevant health needs of each participating pupil, a general needs assessment developed in compliance with federal requirements, a comprehensive program to meet the educational, health, and related needs of participating pupils, and acquisition of instructional materials and equipment to provide appropriate services. (EC § 54443.1)
 - 6) Extends specified educational rights, including exemptions from local graduation requirements and enrollment in a fifth year of instruction to complete graduation requirements, to specified migrant students. (EC § 51225.1)
 - 7) Authorizes up to two local educational agencies (LEAs) to receive funding for average daily attendance (ADA) to provide an extended school year to serve qualifying pupils of migrant agricultural workers and migratory pupils, commencing on January 1, 2024. (EC41601.6)

Federal law

- 8) Defines a migratory child as one whose parent made a qualifying move in the preceding 36 months as a migratory worker within the agricultural or fishing industry or moved with or to join a parent or spouse who is employed in one of the stated fields of work. (Title 34, Code of Federal Regulations (CFR), 200 et seq.)
- 9) Authorizes the Migrant Education Program, under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). (Title 34, CFR, 200 et seq.)
- 10) Authorizes the Migrant Education Program by Part C of Title 1, which is designed to support high quality and comprehensive educational programs for migrant children to help reduce the educational disruption and related issues from repeated moves. (Title 34, CFR, 200 et seq.)
- 11) Authorizes the Migrant Education Program to assist states in supporting high quality and comprehensive educational programs and services during the year, and during summer or intersession periods, that address the educational needs of migratory children. (Title 34, CFR, 200 et seq.)
- 12) Authorizes the Migrant Education Program to ensure migrant students who move among the states are not penalized by disparities among the states in curriculum, graduation requirements, and academic standards. (Title 34, CFR, 200 et seq.)
- 13) Authorizes the Migrant Education Program to help migratory children overcome educational disruption, cultural and language barriers, social isolation, health-related problems, and other factors that inhibit the ability of such children to succeed in school. (Title 34, CFR, 200 et seq.)

ANALYSIS

This bill:

- 1) Establishes in statute the California Mini-Corps program to do both of the following:
 - a) Provide a statewide supplemental instructional program to serve the academic needs of currently migratory children in transitional kindergarten, kindergarten, and grades 1 to 12, inclusive.
 - b) Support the state's educator workforce needs by providing teaching experience to bilingual and former migratory college students interested in pursuing a teaching credential.
- 2) Requires that CDE do all of the following:
 - a) Annually, select one county office of education to administer the program for the next fiscal year. This bill specifies that the participation of a county office of education in the administration of a California Mini-Corps program is voluntary.
 - b) Ensure that the California Mini-Corps program sites are located in geographical regions that serve high concentrations of currently migratory children.
 - c) Adopt criteria for the selection of program sites, including, but not limited to, all of the following:
 - i) A demonstrated capacity and commitment to support the academic success of currently migratory children by training tutors in instructional practices and cultural competencies to meet the needs of currently migratory children and supporting tutors during their participation in the program.
 - ii) A demonstrated commitment to bilingual and multilingual education and bilingual teacher development by doing both of the following:
 - (1) Establishing partnerships with teacher preparation programs, including integrated programs of preparation, if available, that provide a pathway for all interested tutors to work toward obtaining a teaching credential.
 - (2) Informing tutors of financial aid programs to support them in obtaining a teaching credential and bilingual authorization, including the Golden State Teacher Grant Program established and the Bilingual Teacher Professional Development Program established.

- iii) A demonstrated capacity to provide data and other information regarding the implementation of the program, as required by CDE.
 - d) Provide, by December of each year, an annual report to the Legislature and the Department of Finance that includes both of the following:
 - i) The number of currently migratory children served by the program statewide and disaggregated by site for the prior fiscal year.
 - ii) The number of tutors from the prior fiscal year's cohort who subsequently enrolled in an educator preparation program or subsequently earned a preliminary teaching credential.
- 3) Requires, that the selected county office of education do both of the following:
 - a) Operate not less than 20 program sites at institutions of higher education for the purposes of providing tutoring programs to currently migratory children during the school year.
 - b) Provide, by June of each year, the identity of tutors from the six prior fiscal year's cohorts to the Commission on Teacher Credentialing.
- 4) Allows, subject to the availability of funding, the selected county office of education to offer a summer outdoor education program and a summer indoor institute.
- 5) Requires the Commission on Teacher Credentialing, by July 31 of each year, to provide CDE with a confirmation of which tutors reported by a county office of education earned a preliminary teaching credential.
- 6) Requires that this bill's provisions be implemented in a manner that is consistent with applicable federal law and regulations governing the Migrant Education Program.
- 7) Requires CDE, using data collected pursuant to applicable federal law, to annually report on its website the total number of migrant children statewide and, as applicable, disaggregated by school district, county offices of education, and charter schools.
- 8) States that funds allocated for purposes of implementing the California Mini-Corps supplement and not supplant, any federal funds or resources provided for this program.
- 9) Requires CDE, using data collected pursuant to applicable federal law, to annually report on its internet website the total number of migrant children statewide and, as applicable, disaggregated by school district, county offices of education, and charter schools.
- 10) Defines "currently migratory child," for purposes of the program, to have the same meaning as in existing state law.

- 11) Declares that it is the Legislature's intent that, commencing with the 2024–25 fiscal year, the annual Budget Act provide sufficient funding to (1) support the restoration of programs that have been closed in the last five years due to a lack of funding, (2) increase the number of tutors that participate in the program, and (3) support a cost-of-living adjustment for tutor compensation.
- 12) States all of the following findings and declarations:
 - a) The California Mini-Corps program was established in 1967 and was modeled after the Peace Corps, a United States federal governmental agency, to engage and support bilingual college students with rural migrant backgrounds to serve as teacher assistants in migrant-impacted schools.
 - b) The California Mini-Corps program annually provides educational support to over 5,000 currently migratory children and introduces over 300 college tutors from across the state to careers in education.
 - c) California has long experienced a teacher shortage and is currently experiencing a severe teacher shortage, including a particularly acute shortage of teachers with bilingual authorizations.
 - d) Currently, migratory children bring many linguistic and cultural assets to schools, but often struggle academically because of high mobility and therefore require targeted instructional support to meet their needs.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Migrant students often struggle academically, due to high mobility, and require targeted and specialized instructional support to meet their needs. Since 1967, the California Mini-Corps Program has provided critical academic tutoring to migrant students. The program reinforces California's efforts to recruit and support a diverse educator workforce by creating an opportunity for tutors to become future bilingual teachers. AB 2845 enhances accountability and provides stability so that the program can continue to support aspiring bilingual teachers in regions throughout the state that serve a significant portion of migrant students."
- 2) **California Mini-Corps program.** The California Mini-Corps program established in 1967 and modeled after the Peace Corps, a United States federal governmental agency, to engage and support bilingual college students with rural migrant backgrounds to serve as teacher assistants in migrant-impacted schools. The program annually provides educational support to over 5,000 currently migratory children in grades Transitional Kindergarten - 12 and introduces over 300 college tutors from across the state to careers in education. The major goals for California Mini-Corps include developing a cadre of bilingual-bicultural teachers that are skilled in working with migrant students and providing direct instructional tutorial services to increase migrant student academic achievement. The program achieves these goals through regular year and summer tutoring services and by providing targeted outdoor education programs statewide. The

program operates within the framework of federal migrant education programs. Both federal and state laws support migrant education programs in California.

The Butte County Office of Education administers the California Mini-Corps program. It currently operates 19 program sites across 11 CSU campuses and 8 community colleges. This bill attempts to codify the current program practices.

- 3) **Migrant students in California and eligibility.** One out of every three migrant students in the United States lives in California. In the 2018–19 school year, 78,947 youth ages 3–21 were identified as migratory youth in California. To participate in migrant education programs, a child is considered "migratory" if the parent or guardian is a migratory worker in the agricultural, dairy, lumber, or fishing industries and whose family has moved during the past three years. A "qualifying" move can range from moving from one residence to another or across school district boundaries due to economic necessity. The eligibility period is three years from the date of the last move. Eligibility is established through an interview conducted by a Migrant Education recruiter who visits both home and employment locations where migrant workers are employed. Current law states that migrant education services are a priority for those students who have made a qualifying move within the previous one-year period and who are failing, or are most at risk of failing to meet state academic standards, or who have dropped out of school. Under this bill, children identified as currently migrant children, as defined, are eligible for participation in the California Mini-Corps program. Additionally, the bill attempts to clarify migrant student data reporting by requiring CDE to provide total enrollment information statewide and disaggregated by school district, county office of education, and charter schools.
- 4) **State support and stability.** The past five years, the California Mini-Corps closed four program sites and reopened one. For several decades, the annual budget bill has authorized the California Mini-Corp Program, albeit with minimal program detail or accountability. As noted in the Assembly Appropriations Analysis, the program also receives support through federal Title I migrant education funding set at about \$7 million annually without receiving regular COLAs. Over time, rising costs have resulted in the closure of three California Mini-Corps sites. For decades, California Mini-Corps has been supported by stagnant federal funds. This bill expresses the Legislature's intent to allocate adequate funds to revive programs that have faced closure in the past five years, as well as maintain a COLA for tutor stipends. This measure attempts to provide stability and accountability for the program moving forward.
- 5) **Amendments.** For purposes of better aligning the bill's provisions with the current program, **staff recommends that the bill be amended as follows:**
 - a) Clarify that the program will provide supplemental tutorial support under the guidance and direct supervision of a credentialed teacher.
 - b) Include student recruitment as a program requirement.
 - c) Expand the list of certificates and credentials that the Commission on Teacher Credentialing must report to the California Department of

Education and county office of education to include bilingual authorization, certification of clearance, or any other type of credential.

- d) Define institutions of higher education to include the California Community Colleges, the California State University, and each campus, branch, and function thereof, and each campus, branch, and function of the University of California, as defined in EC § 66010(a).
- e) Make other conforming changes.

SUPPORT

Californians Together (Sponsor)
Alliance for a Better Community
Asian Americans Advancing Justice Southern California
California Association for Bilingual Education
California Faculty Association
CFT - A Union of Educators & Classified Professionals, AFT, AFL-CIO
Los Angeles County Office of Education
Loyola Marymount University - the Center for Equity for English Learners
Sobrato Early Academic Language
The Children's Partnership
The Education Trust - West
Unidosus
Unite-LA

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2865 **Hearing Date:** June 12, 2024
Author: Wendy Carrillo
Version: April 29, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil instruction: excessive alcohol use.

SUMMARY

This bill specifies that instructions on the nature and effects of alcohol, within the existing requirements, include information about the excessive use, and the short-term and long-term health risks of, alcohol.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires, within the course of study requirements for elementary and secondary schools, instruction on the nature of alcohol, narcotics, restricted dangerous drugs as defined in Section 11032 of the Health and Safety Code, and other dangerous substances and their effects upon the human system as determined by science. (EC § 51203)
- 2) Specifies that instruction on the effects of alcohol, narcotics, restricted dangerous drugs as defined in Section 11032 of the Health and Safety Code, and other dangerous substances upon prenatal development as determined by science shall be included in the curriculum of all secondary schools. (EC § 51203)
- 3) 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:
 - a) Humanity's place in ecological systems and the necessity for the protection of our environment; and
 - b) 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 Health and Safety Code, and other dangerous substances. (EC § 60041)

Health and Safety Code (HSC)

- 4) 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)

ANALYSIS

This bill:

- 1) Specifies instructions on the effects of alcohol, narcotics, restricted dangerous drugs as defined in Section 11032 of the HSC, and other dangerous substances upon prenatal development as determined by science shall be included in the curriculum of all secondary schools.
- 2) Specifies that instructions on the nature and effects of alcohol, within the existing requirements, include information about excessive alcohol use and the short-term and long-term health risks of excessive alcohol use such as excessive drinking, the immediate effects of alcohol that increase the risks of harmful health conditions, and how excessive alcohol use can lead to the development of chronic diseases and other serious problems, including alcohol-related deaths and mental health problems, which may include depression and anxiety.
- 3) Consistent with the existing requirement, the governing board of the school district shall adopt regulations specifying the grade or grades and the course or courses in which the instruction with respect to alcohol, narcotics, restricted dangerous drugs as defined in Section 11032 of the HSC, and other dangerous substances should be included.
- 4) Requires all persons responsible for the preparation or enforcement of courses of study shall provide for instruction on the subjects of alcohol, narcotics, restricted dangerous drugs as defined in Section 11032 of the HSC, and other dangerous substances.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Schools are an important setting for interventions aimed at preventing alcohol use and abuse among adolescents. Early education is a critical step to avoid alcoholism and the associated harms that come with the disease. AB 2865 would require the instruction on the nature and effects of alcohol to include information about excessive alcohol use and the short-term and long-term health risks of excessive alcohol use."
- 2) ***How Curriculum, Standards, Frameworks, and Model Curricula Are Created and Adopted.*** The Legislature has vested the Instructional Quality Commission (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) ***The Effects of Alcohol on the Body.*** Alcohol can cause both short-term effects, such as lowered inhibitions, and long-term effects, including a weakened immune system. According to the National Institute on Alcohol Abuse and Alcoholism, excessive alcohol consumption can seriously affect one's health. Alcohol can affect the body in the following ways:
- a) Brain: Alcohol disrupts the brain's communication pathways, leading to changes in mood, behavior, and cognitive function.
 - b) Heart: Excessive drinking can lead to heart problems such as cardiomyopathy, arrhythmias, stroke, and high blood pressure.
 - c) Liver: Heavy drinking can cause liver issues, including fatty liver, alcoholic hepatitis, fibrosis, and cirrhosis.
 - d) Pancreas: Alcohol can lead to pancreatitis, causing inflammation, swelling, and impaired digestive function.
 - e) Cancer: Alcohol consumption is linked to an increased risk of certain types of cancer, including head and neck, esophageal, liver, breast, and colorectal cancer.
 - f) Immune System: Drinking too much weakens the immune system, making the body more susceptible to pneumonia and tuberculosis. Additionally, excessive alcohol consumption can impair the body's ability to fight off infections for up to 24 hours after drinking.

The Alcohol-Related Disease Impact application estimates that each year, there are more than 178,000 deaths attributable to excessive alcohol use in the United States. This includes approximately 120,000 male deaths and 59,000 female deaths. These statistics make alcohol one of the leading preventable causes of death in the United States, ranking behind tobacco, poor diet, physical inactivity, and illegal drugs.

- 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.

The current law mandates that elementary and secondary school curriculums include instruction on alcohol, narcotics, restricted dangerous drugs, and their effects on the human body based on scientific findings. For grades 9 through 12, the Content Standards for Grade Levels Nine through Twelve include the following essential concepts:

- 9–12.1.2. Explain the impact of alcohol, tobacco, and other drug use on brain chemistry, brain function, and behavior.
- 9–12.1.1. Describe the health benefits of abstaining from or discontinuing the use of alcohol, tobacco, and other drugs.

In 2019, the SBE adopted the current Health Education Curriculum Framework. Alcohol, tobacco, and other drugs are central themes in the curriculum for each grade from kindergarten through 12th grade. The framework discusses critical competencies and concepts and provides examples of lessons related to these topics.

5) **Related Legislation.**

AB 2429 (Alaverz, 2024) would require 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 include instruction in the dangers associated with fentanyl use, as specified, commencing the with the 2026-27 school year.

AB 1805 (Ta, 2024) would require the IQC, when the SBE adopts new instructional materials for history-social science 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.

AB 2932 (Joe Patterson, 2024) would require the IQC to consider, when the Health Framework is revised, on or after January 1, 2025, content on sextortion, as specified.

AB 2053 (Mathis, 2024) This bill requires that instruction about adolescent relationship abuse and intimate partner violence include, within the California Healthy Youth Act, 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 1871 (Alanis, 2024) includes personal finance within the history-social sciences area of study within the adopted course of study for grades 7 to 12.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2887	Hearing Date:	June 12, 2024
Author:	Maienschein		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: School safety plans: medical emergency procedures.

SUMMARY

This bill would require a local educational agency (LEA), county office of education (COE), and charter school to add to their comprehensive school safety plan (CSSP) on or after January 1, 2025, procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest (SCA) or a similar life-threatening medical emergency while on school grounds, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires each school district or county office of education (COE) to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. (EC § 32281)
- 2) Requires that the comprehensive school safety plans include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EC § 32282)
- 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)
- 5) Requires the CDE to post on its website guidelines, videos, and an information sheet on sudden cardiac arrest symptoms and warning signs, and other relevant materials to inform and educate pupils and parents, and to train coaches about the nature and warning signs of sudden cardiac arrest, including the risks associated with continuing to play or practice after experiencing fainting or seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue. (EC § 33479.2 (a)).

ANALYSIS

This bill:

- 1) Require a LEA, COE, and charter school to add to their CSSP on or after January 1, 2025, procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds and are encouraged to integrate evidence-based core elements, including any cardiopulmonary resuscitation training offered and the placement of any automated external defibrillator (AED) available on the schoolsite in accordance with nationally recognized evidence-based emergency cardiac care guidelines, as dictated by the school safety plan.
- 2) Makes technical changes and adds medical emergencies, including sudden cardiac arrest, to define the intent of the CSSP code section.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Educational institutions must update their safety plans to include comprehensive protocols for effectively handling sudden cardiac arrests (SCA). These incidents can happen without warning and affect individuals of any age on school grounds. By establishing clear procedures for recognizing, responding to, and managing SCA events, schools demonstrate a commitment to safeguarding the health and well-being of students, staff, and visitors. Incorporating SCA response protocols ensures that schools are equipped for timely and effective intervention, which is crucial for saving lives. This preparedness can significantly improve outcomes during such emergencies, underscoring the importance of proactive measures in school safety plans.”
- 2) **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 CSSP, 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.

This bill requires each LEA, COE, and charter school to add to their CSSP on or after January 1, 2025, procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds.

- 3) **Sudden Cardiac Arrest.** According to the Mayo Clinic, SCA is the sudden loss of all heart activity due to an irregular heart rhythm. Breathing stops. The person becomes unconscious. Without immediate treatment, SCA can lead to death.

To understand SCA, it may help to know more about the heart's signaling system. Electric signals in the heart control the rate and rhythm of the heartbeat. Faulty or extra electrical signals can make the heart beat too fast, too slowly, or in an uncoordinated way. Changes in the heartbeat are called arrhythmias. Some arrhythmias are brief and harmless. Others can lead to SCA.

The most common cause of SCA is an irregular heart rhythm called ventricular fibrillation. Rapid, erratic heart signals cause the lower heart chambers to quiver uselessly instead of pumping blood. Certain heart conditions can make you more likely to have this type of heartbeat problem. However, SCA can happen in people who have no known heart disease.

Emergency treatment for SCA includes cardiopulmonary resuscitation (CPR) and shocks to the heart with a device called an AED. Survival is possible with fast, appropriate medical care.

CPR and an AEDs Can Help Individuals Suffering from a SCA

If SCA occurs, rapid treatment with a medical device called an AED and/or CPR can be lifesaving.

AEDs are a lightweight, portable device that deliver an electric shock through the chest to the heart when it detects an abnormal rhythm and changes the rhythm back to normal. The AED uses voice prompts, lights and text to tell the rescuer the steps to take and are intended to be used by the public. In the event an AED is not available, individuals may use CPR. According to the American Heart Association, CPR has been shown to be as effective as conventional CPR for SCA at home, at work, or in public.

In addition to adding procedures to respond to incidents involving an individual experiencing a SCA to an LEA's, COE's, and charter school's CSSP, this bill encourages districts and schools to integrate evidence-based core elements, including any CPR training offered and the placement of any AED available on the schoolsite in accordance with nationally recognized evidence-based emergency cardiac care guidelines.

4) **Related Legislation.**

AB 3262 (Maienschein, 2024) would require that when an AED is placed in a public or private school serving grades 6-12, the principal notify pupils, in addition to school staff, of the location of all AED units on the campus at least annually.

AB 1719 (Rodriguez, Chapter 556, Statutes of 2016) required, commencing in the 2018-19 school year, school districts and charter schools that require a health course for graduation include instruction in compression-only CPR.

AB 2968 (Connolly, 2024) would, beginning in the 2026-27 fiscal year, and annually thereafter, each school in a high or very high fire hazard severity zone to comply with the defensible space standards in current law, and any subsequent standards. Requires schools in high or very high fire severity zones to include in their comprehensive school safety plan procedures related to severe fires, including a communication and evacuation plan.

AB 1858 (Ward, 2024) would require a school conducting active shooter drills to comply with specified actions, prohibits schools from conducting high-intensity drills; requires schools to use trauma-informed approaches in the design and execution of such drills; requires the CDE to post on its website best practices on school shooter or other armed assailant drills; and encourages LEAs, COEs, and charter schools to comply with all of the best practices developed by the CDE.

AB 1639 (Maienschein, Chapter 792, Statutes of 2016) establishes the Eric Paredes Sudden Cardiac Arrest Prevention Act; requires the CDE to make available specified guidelines and materials on SCA; requires pupils and parents to sign informational

materials before athletic participation; requires training of coaches; and sets requirements for action in the event a pupil experiences specified symptoms.

SUPPORT

American Heart Association (Sponsor)

American Red Cross California Chapter

California Chapter American College of Cardiology

California Teachers Association

CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2901 **Hearing Date:** June 12, 2024
Author: Aguiar-Curry
Version: May 16, 2024
Urgency: No **Fiscal:** No
Consultant: Ian Johnson

Subject: School and community college employees: paid disability and parental leave.

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 school and community college districts to provide up to 14 weeks of paid leave for employees experiencing pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions.

BACKGROUND

Existing law:

- 1) Under the Fair Employment and Housing Act (FEHA) and associated regulations, it is an unlawful employment practice, unless based upon a bona fide occupational qualification, for an employer to refuse to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable period of time not to exceed four months and thereafter return to work. The employee is entitled to utilize any accrued vacation leave during this period of time. Also under the FEHA, reasonable accommodation of a disability related to pregnancy can include an extended leave of absence. (Government Code (GC) 12945)
- 2) The California Family Rights Act (CFRA) provides certain employees up to 12 weeks of unpaid, job-protected leave a year for the purpose of bonding with a child, caring for a parent, spouse, or child with a serious health condition, or due to an employee's own serious health condition, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. (GC 12945.2)
- 3) Requires that school districts provide for a leave of absence from duty for a certificated employee of the school district who is required to be absent from duties because of pregnancy, miscarriage, childbirth, and recovery therefrom. Requires that the length of the leave of absence be determined by the employee and the employee's physician. (Education Code (EC) 44965)

- 4) Requires that school districts provide for a leave of absence from duty for a classified employee of the school district who is required to be absent from duties because of pregnancy, childbirth, and convalescence therefrom. Requires that the length of the leave of absence be determined by the employee and the employee's physician. (EC 45193)
- 5) Specifies that during each school year, when a person employed in a position requiring certification qualifications has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his or her duties on account of illness or accident for an additional period of five school months, the amount deducted from the salary due him or her for any of the additional five months in which the absence occurs shall not exceed the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence or, if no substitute employee was employed, the amount that would have been paid to the substitute had he or she been employed. Specifies the following:
 - a) Requires the sick leave, including accumulated sick leave, and the five-month period to run consecutively; and
 - b) Limits the benefit to one five-month period per illness or accident. However, if a school year terminates before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (EC 44977)
- 6) Requires that certificated and classified employees participate in the differential pay program receive no less than 50 percent of their regular salary during the period of such absence. (EC 44983)

ANALYSIS

This bill:

- 1) Requires a school district to provide for a leave of absence for a certificated or classified employee who is required to be absent from duty because the employee is experiencing or has experienced pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions. Requires that the length of the leave of absence, including the date on which the leave commences and the date on which the employee shall resume duties, be determined by the employee and the employee's physician. Requires the leave of absence to be with full pay, subject to a maximum of 14 weeks. Prohibits a leave of absence taken from being deducted from any other leaves of absence available to the employee pursuant to state or federal regulations or laws. Authorizes the paid leave to begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions.
- 2) States that for part-time certificated or classified employees, the amount of paid leave per week, subject to a maximum of 14 weeks, shall be calculated in accordance with the following:

- a) If the part-time employee works a fixed number of hours per week, the employee shall receive weekly pay for the total number of hours the employee is normally scheduled to work for the public school employer.
 - b) If the part-time employee does not work a fixed number of hours per week, the employee shall receive weekly pay in the amount of seven times the average number of hours the employee worked each day for the public school employer in the six months preceding the date that the employee began their paid leave. If the part-time employee has been employed for less than six months, the employee shall receive weekly pay in the amount of seven times the average number of hours the employee worked each day in the entire period preceding the date that the employee began their paid leave.
- 3) Requires a community college district to provide for a leave of absence from duty for an academic or classified employee of the community college district who is required to be absent from duty because the employee is experiencing or has experienced pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions. Requires the length of the leave of absence, including the date on which the leave commences and the date on which the employee resumes duties, to be determined by the employee and the employee's physician. Requires the leave of absence be with full pay, subject to a maximum of 14 weeks. Prohibits a leave of absence from being deducted from any other leaves of absence available to the employee pursuant to state or federal regulations or laws. Authorizes the paid leave may begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions.
- 4) States that for part-time academic or classified employees, the amount of paid leave per week, subject to a maximum of 14 weeks, shall be calculated in accordance with the following:
 - a) If the part-time employee works a fixed number of hours per week, the employee shall receive weekly pay for the total number of hours the employee is normally scheduled to work for the public school employer.
 - b) If the part-time employee does not work a fixed number of hours per week, the employee shall receive weekly pay in the amount of seven times the average number of hours the employee worked each day for the public school employer in the six months preceding the date that the employee began their paid leave. If the part-time employee has been employed for less than six months, the employee shall receive weekly pay in the amount of seven times the average number of hours the employee worked each day in the entire period preceding the date that the employee began their paid leave.
- 5) States that nothing in the measure shall diminish the obligation of a school or community college district to comply with any collective bargaining agreement entered into by a school or community college district and an exclusive

bargaining representative that provides greater disability or parental leave rights to employees than the rights established under this measure.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Today, teachers in California do not receive pregnancy leave. This forces teachers to deplete all of their sick leave and then receive reduced ‘differential’ pay where they effectively pay for their own substitute teacher. This practice makes it hard for pregnant teachers to care for their families and has long term financial consequences. 70% of teachers are women, and studies have shown that the women in the teaching ranks will receive nearly \$100,000 less than their male counterparts in their retirement because they are forced to use up all of their accrued sick leave. At a time when our educators are leaving this vital profession due to the pressures of the pandemic, and college students seek other paths for their careers, AB 2901 takes a necessary step to invest in our educators by giving them 14 weeks of paid pregnancy leave. AB 2901 will help to attract and retain educators. But, more importantly, it will grant the basic human right to care for one’s child to the people we count on most to care for our children and grandchildren.”
- 2) ***Pregnancy disability leave.*** Existing law provides that it is unlawful to refuse to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take leave not to exceed four months. The employee is entitled to use vacation leave during this time. Once the vacation time is exhausted, the employee can receive differential pay for the remaining time, for up to five months.
- 3) ***Protected leave.*** Existing law also prohibits, except under certain circumstances, the refusal to grant a request by any employee with a certain amount of service to take up to a total of 12 workweeks in a 12 month period for family care and medical leave. The employer is required to provide the employee a guarantee of employment in the same or comparable position upon the termination of the leave. The law specifies that this protected leave is separate and distinct from the pregnancy disability leave. Once an employee is cleared to return to work by a physician, the employee may take this protected leave.

The federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide certain employees up to 12 weeks of unpaid, job-protected leave a year for the purpose of bonding with a child, care for a parent, spouse, or child with a serious health condition, or due to an employee’s own serious health condition, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. But there is no pay associated with the FMLA and the CFRA, other than what the employee has earned in other accrued leaves that may apply. The FMLA and CFRA are only employment protected leaves.

- 4) ***Paid Family Leave (PFL).*** The PFL program extends disability compensation to individuals (male or female) who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a new child, or a child in

connection with adoption or foster care placement. The PFL program is a component of the State Disability Insurance (SDI) program and workers covered by the SDI program are also covered for this benefit. The maximum benefit is six times the weekly benefit amount, with no more than six weeks of PFL benefits paid within any 12-month period. Employees may only be eligible for the PFL program if they are covered by the SDI program through a negotiated agreement with the State of California. If an employee does not pay into the SDI program, he or she would not be eligible to receive disability compensation under PFL. In this scenario and assuming the employee is on leave for bonding time, the employee would need to use vacation time, sick leave, or personal necessity to receive compensation or elect to take leave without pay.

- 5) **Arguments in support.** The California Teachers Association states, “Establishing pregnancy disability leave will help retain educators during a historic educator shortage. Studies show that while educators enter the profession to help students and make a difference, many today are feeling acute levels of stress and are considering leaving the profession. This retention problem is made worse because of the lack of paid disability leave, as many are forced to leave the profession when they are pregnant and often do not return. This compounds significant challenges to educator retention and recruitment, in an environment where California schools are having widespread difficulty hiring and retaining educators, due in part to low pay, high housing costs and other rising costs of living. Under current state law, educators cannot earn any paid pregnancy leave. Only after they have used all their sick leave are educators eligible to receive differential pay for up to five months when they cannot work due to pregnancy-related disabilities. Differential pay is the educator’s regular salary minus the cost of their substitute.”
- 6) **Arguments in opposition.** The Association of California School Administrators states, “AB 2901 would require LEAs to provide up to 14 weeks of full pay for pregnancy-related leaves of absence taken by certificated, academic and classified employees serving grades K-14. This leave may be taken before or after the pregnancy-related condition, and the employee is not required to use any sick leave prior to accessing this leave. There are no limitations on how frequently the leave may be taken, nor are there any required hours/weeks of employment to be completed before the employee qualifies for leave. Regrettably, the additional costs of this paid leave would be carried by the LEA and could easily reach the mid to high tens of millions of dollars annually between employee salary, benefits, and long-term substitute teaching positions needed for credentialed employees. It also would result in greater pension liability as sick leave accrual would count towards final benefit calculations. Given the nature of school finance, AB 2901 would draw from a finite pool of resources at the same time that the state is facing a significant budget deficit. LEAs are also implementing new student services such as Universal Transitional Kindergarten, school meals programs, and Extended Learning Opportunity Programs.”
- 7) **Similar measure previously vetoed.** AB 500 (Gonzalez, 2019) would have required that school districts, charter schools, and community colleges provide at least six weeks of full pay for pregnancy-related leaves of absence taken by

certificated, academic, and classified employees. This bill was vetoed by the Governor with the following message:

Providing every California worker with paid family leave is a noble goal and a priority for my administration. However, this bill will likely result in annual costs of tens of millions of dollars that should be considered as part of the annual budget process and as part of local collective bargaining. Moreover, this proposal should be considered within the broader context of the Paid Family Leave Task Force, which is assessing increased paid family leave for all of California's workers.

SUPPORT

California State Treasurer Fiona Ma (Co-Sponsor)
California State Superintendent of Public Instruction Tony Thurmond (Co-Sponsor)
California Teachers Association (Co-Sponsor)
American Federation of State, County and Municipal Employees
Asian Law Alliance
BreastfeedLA
California Breastfeeding Coalition
California Child Care Resource and Referral Network
California Domestic Workers Coalition
California Employment Lawyers Association
California Faculty Association
California Labor Federation
California Legislative Women's Caucus
California Retired Teachers Association
California State Teachers' Retirement System
California WIC Association
California Work & Family Coalition
Caring Across Generations
Center for Community Action and Environmental Justice
Center for Workers' Rights
Child Care Law Center
Children Now
Citizens for Choice
Delta Kappa Gamma International - Chi State
Early Edge California
Electric Universe
Equal Rights Advocates
Faculty Association of California Community Colleges
Food Empowerment Project
Friends Committee on Legislation of California
Health Access California
Human Impact Partners
Jewish Center for Justice
LA Alliance for A New Economy
LA Best Babies Network
Legal Aid At Work
National Council of Jewish Women Los Angeles

National Partnership for Women & Families
National Women's Political Caucus of California
Orange County Equality Coalition
Our Family Coalition
Parent Voices California
Poder Latinx
Public Counsel
San Diego County Breastfeeding Coalition
San Francisco Unified School District
School Employers Association of California
UAW Region 6
UFCW - Western States Council
Worksafe

OPPOSITION

Association of California School Administrators
California Association of School Business Officials

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2925	Hearing Date:	June 12, 2024
Author:	Friedman and Lowenthal		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Postsecondary education: Equity in Higher Education Act: prohibition on discrimination: training.

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

SUMMARY

This bill requires the California Community Colleges (CCCs), California State University (CSU), independent institutions of higher education that receive state financial assistance, and private postsecondary educational institutions that receive state financial assistance, and requests the University of California (UC), to include training to address discrimination against the five most targeted groups in the state (as specified) as part of any anti-discrimination training or diversity, equity, and inclusion training that is offered by the institution, except any trainings targeted to solely address discrimination based on age, disability, or sexual orientation.

BACKGROUND

Existing federal law:

- 1) Provides that no person in the United States of America, due to their race, color, or national origin will be excluded from participating in, denied the benefits of, nor be subjected to discrimination, in any program or activity receiving federal financial assistance. (Title IV of the Civil Rights Act of 1964)
- 2) Provides 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)

Existing state law:

- 3) Provides that no person participating in any program or activity conducted by any postsecondary education institution, that receives state financial assistance or enrolls students who receive state financial aid, is to be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any

characteristic listed or defined in Section 11135 of the Government Code or any other characteristic that is contained in the prohibition of hate crimes defined in Section 422.6 subdivision (a) of the Penal Code, including immigration status. (Education Code (EC) § 66270)

- 4) Provides that it is the policy of the State of California to afford all persons, regardless of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other basis that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code, including immigration status, equal rights and opportunities in the postsecondary educational institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies for the commission of those prohibited acts. (EC § 66251)
- 5) Provides that no person participating in any program or activity, that is conducted, operated, or administered by the state or state agency that is funded directly by the state or receives any financial assistance from the state, will not be subjected to discrimination nor denied full or equal access to benefits, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation. Existing law specifies this provision applies to the CSU. (Government Code § 11135)
- 6) Provides that all students have the right to participate fully in the educational process, free from discrimination and harassment. Existing law requires California's postsecondary educational institutions to have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity. Existing law further states legislative intent that each postsecondary educational institution undertake educational activities to counter discriminatory incidents on school grounds and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of students to equal educational opportunity. (EC § 66252)
- 7) Requires each educational institution in California (K-12 and postsecondary education) to have a written policy on sexual harassment, and requires schools to display the policy in a prominent location in the main administrative building or other area of the campus or schoolsite, be provided as part of any orientation program for new students, provided to each faculty member, administrative staff and support staff, and appear in any publication of the school that sets forth the rules, regulations, procedures, and standards of conduct. (EC § 231.5 and § 66281.5)
- 8) Requires the governing board of each community college district and the CSU Trustees, and requests the UC Regents, in collaboration with campus-based and community-based victim advocacy organizations, to provide educational and preventive information about sexual violence to students as part of established campus orientations, at all campuses of their respective segments. (EC § 67385.7)

- 9) Requires the CCCs, CSU, and independent institutions of higher education and private postsecondary educational institutions that receive state financial assistance, and requests UC, to annually train its students on sexual violence and sexual harassment (beginning on September 1, 2024). Existing law provides that institutions are not prevented from incorporating this training from being integrated into existing trainings. (EC § 67385.7)

ANALYSIS

This bill:

- 1) Requires the CCCs, CSU, independent institutions of higher education that receive state financial assistance, and private postsecondary educational institutions that receive state financial assistance, and requests UC, to include training to address discrimination against the five most targeted groups in the state as part of any antidiscrimination training or diversity, equity, and inclusion training that is offered by the institution, except any trainings targeted to solely address discrimination based on age, disability, or sexual orientation.
- 2) Requires postsecondary educational institutions, in order to determine the five most targeted groups in the state, to refer to the “number of events,” as provided in Table 1 of the annual “Hate Crime in California” publication by the Attorney General, which reports hate crime data required to be submitted to the Attorney General by law enforcement agencies.
- 3) Prohibits this training from being incorporated into the currently-required sexual violence and sexual harassment prevention training.
- 4) States legislative intent that all anti-discrimination trainings and diversity, equity, and inclusion trainings address the complex and cumulative way in which the effects of multiple forms of discrimination combine, overlap, or intersect, especially in the experiences of marginalized individuals or groups.
- 5) Provides that it is the policy of the State of California that all persons, regardless of their race, color, or national origin, should enjoy freedom from discrimination of any kind, including harassment based on a person’s actual or perceived shared ancestry or ethnic characteristics, or citizenship or residency in a country with a dominant religion, as described in Title VI of the federal Civil Rights Act of 1964 (42 U.S.C. Sec. 2000d, et seq.), in the postsecondary educational institutions of the state.
- 6) States legislative intent that each postsecondary educational institution undertake supportive measures to help students who have encountered discriminatory incidents, regardless of the location of the discriminatory incident, if the student feels the incident impairs their access to equal educational opportunities.
- 7) Expands existing law relative to postsecondary educational institutions’ affirmative obligation to combat racism, sexism, and other forms of bias to specify that the obligation is to combat discrimination on the basis of disability,

- gender, gender identity, gender expression, nationality or national identity, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined in Section 11135 of the Government Code, or any other characteristic that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code, including immigration status.
- 8) Expands existing law relative to the urgent need to prevent and respond to acts of hate violence and bias-related incidents to specify that prevention and response is needed for acts of discrimination on the basis of disability, gender, gender identity, gender expression, nationality or national identity, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined in Section 11135 of the Government Code, or any other characteristic that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code, including immigration status.
 - 9) Restates existing law relative to prohibitions against discrimination, in the context of students having the right to participate fully in the educational process, free from discrimination and harassment.
 - 10) Modifies and updates existing law relative to harassment creating a hostile environment to strike reference to harassment occurring on school grounds, and harassment being based on the basis of personal characteristics or status.
 - 11) Expands and updates the definition of “nationality” to add “national identity” and specifically include a person’s actual or perceived shared ancestry or ethnic characteristics, citizenship, or residency in a country with a dominant religion or distinct religious identity. This bill specifies that discrimination against Jewish, Muslim, Sikh, Hindu, Christian, or Buddhist students, or students of another religious group, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes, constitutes discrimination on the basis of nationality or national identity.
 - 12) Expands the definition of “religion” to also define “discrimination on the basis of religion” to include, but not be limited to, anti-Semitism and Islamophobia.
 - 13) Updates terminology to reference postsecondary educational institutions, rather than public schools.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “It is critical that we equip our college campus communities with the proper tools and training to counter the rising acts of antisemitic harassment and violence. Antisemitic incidents from 2023 were already at record highs and have since increased significantly after the October 7th Hamas terror attack and subsequent war. We owe it to both our students and faculty to ensure an educational experience free from harassment or intimidation as guaranteed by the federal and state constitutions.”
- 2) ***Training on campuses.*** In compliance with Violence Against Women Act of 2022 (federal law), all postsecondary education institutions who receive state or

federal funding must at the very least offer students the opportunity to receive sexual violence training. AB 2683 (Gabriel, Chapter 798, Statute of 2022) established the first statewide requirement for the CCC, CSU, independent institutions of higher education, and private postsecondary education institutions to provide annually training for students on sexual violence and sexual harassment prevention. *This bill requires/requests institutions to include training to address discrimination against the five most targeted groups in the state as part of any anti-discrimination training or diversity, equity, and inclusion training that is offered by the institution. However, this bill prohibits this training from being incorporated into the currently required sexual violence and sexual harassment prevention training, or any trainings targeted to solely address discrimination based on age, disability, or sexual orientation.*

- 3) **Attorney General’s annual “Hate Crime in California” publication.** According to the 2022 publication of “Hate Crime in California,” the publication “presents statistics on hate crimes reported by California law enforcement agencies that occurred during 2022 with prior years included for context. These statistics include the reported number of hate crime events, hate crime offenses, victims of hate crimes, and suspects of hate crimes. This report also provides statistics reported by district and elected city attorneys on the number of hate crime cases referred to prosecutors, the number of cases filed in court, and the disposition of those cases. For the purposes of this report, a hate crime refers to a criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. The total number of hate crime events, offenses, victims, and suspects increased in 2022 over 2021.”

This bill requires postsecondary educational institutions, in order to determine the five most targeted groups in the state, to refer to the “number of events,” as provided in Table 1 of the annual “Hate Crime in California” publication. As shifts in which groups are the five most targeted occur, training would need to be updated to apply to whichever the five most targeted groups are at that time.

According to the 2022 publication of “Hate Crime in California,” the five most targeted groups in the state based on the “number of events” are people who are Black or African American, gay men, people who are Hispanic or Latino, people who are Jewish, and people who are Asian. <https://data-openjustice.doj.ca.gov/sites/default/files/2023-06/Hate%20Crime%20In%20CA%202022f.pdf>

- 4) **Nationality.** This bill expands and updates the definition of “nationality,” and specifically includes discrimination against Jewish, Muslim, Sikh, Hindu, Christian, or Buddhist students, or students of another religious group, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes, constitutes discrimination on the basis of nationality or national identity. *This bill essentially adds religion to the definition of “nationality” when racial, ethnic, or ancestral slurs or stereotypes are used.*
- 5) **Recent incidents on campuses, an investigation, a lawsuit, and proposed new policies.** As noted in this committee’s analysis of SB 1287 (Glazer, 2024),

there have been numerous incidents on California college and university campuses recently that have resulted in a sense of an unsafe environment and even injury. There are too many to list in this analysis, including several involving faculty; of note is a February 26, 2024, incident where a guest speaker at UC Berkeley was interrupted by hundreds of protesters who shattered the venue's glass doors and windows, gained entry, and assaulted attendees.

On March 19, 2024, the United States House of Representatives Committee on Education and the Workforce issued a letter to the President of UC, Chancellor of UC Berkeley, and Chair of the Board of Regents notifying them that the Committee is investigating UC Berkeley's "response to antisemitism and its failure to protect Jewish students." The letter continues, "We have grave concerns regarding the inadequacy of UC Berkeley's response to antisemitism on its campus. Several recent incidents have been particularly troubling." The letter further states, "An environment of pervasive antisemitism has been documented at UC Berkeley dating back to well before the October 7, 2023, terrorist attack." The letter specifically mentions the February 26, 2024 incident at UC Berkeley cited above, stating, "The university's response to the incident failed to identify the riot as an act of anti-Jewish hate." The Committee has requested that UC Berkeley provide several items, such as all reports of antisemitic acts or incidents, all documents explaining processes used to respond to allegations, and internal communications relative to any investigations into specified events by April 2, 2024. Committee staff believes that UC Berkeley may have responded with some but not all of the requested information. As of the drafting of this analysis, Committee staff does not have a copy of any response.

On April 1, 2024, the StandWithUs Center for Legal Justice filed a federal Title VI complaint with the federal Office of Civil Rights, accusing UC Davis of neglecting and ignoring their Jewish students' complaints of rising campus antisemitism. The complaint asks the Office of Civil Rights to "fully investigate all incidents of antisemitic behavior at UC Davis; require the university to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism and be guided by this definition when addressing potential incidents of antisemitic discrimination; and require UC Davis to provide training regarding Jewish identity and antisemitism, including information about the IHRA Working Definition of Antisemitism and its examples, to administrators, faculty, and staff directly involved in processing, investigating, and/or resolving complaints and other reports of antisemitic discrimination or Israeli national origin discrimination."

The UC Regents are currently considering a proposal that would prohibit department homepages from expressing the personal or collective opinions of department members and instead be used only to conduct official business of that department. The proposal would allow individual faculty members, groups of faculty, or departments to choose to express opinions on other pages of a department's website (not the homepage) provided that they include a disclaimer that the opinions do not represent the official views of the UC or the department. The proposal was scheduled for a vote on March 20, 2024, during a joint meeting of the Academic and Student Affairs and Compliance and Auditing committees, but the Regents delayed the vote until May. This item was again postponed,

possibly until July.

- 6) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) Ongoing Proposition 98 General Fund costs to the state's 115 CCCs, potentially of up to \$10,000 per college to add the training required by this bill to other trainings. According to the CCC Chancellor's Office, they would likely contract out to an outside entity that specializes in such training.
 - b) Minor one-time and ongoing General Fund costs to UC and CSU to update their trainings to add the training required by this bill.
 - c) To the extent colleges and universities would have to change training year-to-year if the five more targeted groups change, costs could be higher.

7) ***Related legislation.***

AB 2608 (Gabriel, 2024) expands currently required annual training for students on sexual violence and sexual harassment to also include topics related to alcohol- and drug-facilitated sexual assault and confidential support and care resources for situations that arise as a result of an act of sexual violence and/or sexual harassment. AB 2608 is scheduled to be heard in this committee on June 12, 2024.

AB 1790 (Connelly, 2024) requires the CSU to implement the recommendations provided in a 2023 California State Auditor report related to CSU's handling of allegations of sexual harassment. AB 1790 is scheduled to be heard in this committee on June 12, 2024.

AB 2407 (Hart, 2024) requires the California State Auditor to report, by September 1, 2026, and every three years thereafter, the results of an audit of the ability of the CCCs, the CSU, and the UC to address and prevent sexual harassment on campus. AB 2407 is scheduled to be heard in this committee on June 12, 2024.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is scheduled to be heard in this committee on June 19, 2024.

AB 2326 (Alvarez, 2024) recasts and modifies statutes that specify which individual or office within each public higher education segment is responsible for ensuring campus programs are free from discrimination, and who has the authority to oversee and monitor compliance with state and federal laws related to anti-discrimination, specifically including sexual harassment. AB 2326 is scheduled to be heard in this committee on June 12, 2024.

AB 2047 (Mike Fong, 2024) requires the CSU and the UC to establish a systemwide Title IX office, a systemwide Office of Civil Rights, a position of civil rights officer, and establishes duties for the systemwide Office of Civil Rights, the civil rights coordinator, and Title IX coordinator. AB 2047 is scheduled to be heard in this committee on June 19, 2024.

SB 1491 (Eggman, 2024) (1) requires the CSU Trustees and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at the respective campus; (2) requires the point of contact to be a confidential employee, as specified; (3) requires the CSU Trustees and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior; and, (4) requires California Student Aid Commission, beginning with the 2026-27 school year, to provide written notice to students who receive state financial aid whether their college or university has a religious school exemption from Title IX. SB 1491 is pending in the Assembly Higher Education Committee.

SB 1166 (Dodd, 2024) (1) expands the scope of a currently-required CSU report containing a summation of the activities undertaken by each campus and by the systemwide Title IX office to also include outcomes of appeals, a list of personnel who are exempt from being a "responsible employee," and a yet-to-be-developed annual report that compiles campus-based evaluations of how sex discrimination is addressed on campuses; and, (2) requests the UC and requires each community college district to also submit this report. SB 1166 is pending in the Assembly Higher Education Committee.

AB 810 (Friedman, 2024) (1) requests the governing board or body of an independent institution of higher education that receives state financial assistance, as part of the hiring process for specified positions, to require an applicant to disclose any final administrative decision or final judicial decision issued within the last seven years determining that the applicant committed sexual harassment; (2) requires the governing board of community college districts and the Trustees of the CSU (and requests the Regents of the UC), to require an applicant for an academic, athletic, or administrative position to sign a release form that authorizes the release of information by previous employers concerning any substantiated allegations of misconduct and, (3) requires the UC, CSU, CCC, independent institutions of higher education, and private postsecondary educational institutions, during the process to authorize a volunteer in an athletic department, to contact the current or former employer to determine if the applicant violated any employment policies. AB 810 is pending in the Senate Judiciary Committee.

AB 1575 (Irwin, 2024) authorizes students who receive a disciplinary notification the right to have an adviser of their choosing and requires postsecondary education institutions to provide training for the aforementioned adviser.

AB 1575 is pending in the Senate Judiciary Committee.

AB 1905 (Addis, 2024) prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint where a final determination has been made, the employee resigned, or the employee enters into a settlement with the institution. AB 1905 is scheduled to be heard in this committee on June 12, 2024.

AB 2048 (Mike Fong, 2024) requires the Chancellor of the CCCs to convene a community college sexual harassment and Title IX working group to review policies and procedures, determine if existing district policies and procedures are adequate, determine to what extent a systemwide model of compliance would best assist community colleges, and review and determine if the CCC Chancellor's Office is effective in its duty to monitor community colleges for their compliance with state and federal laws pertaining to sexual harassment. AB 2048 is scheduled to be heard in this committee on June 19, 2024.

AB 2987 (Ortega, 2024) requires each campus of the CSU and the CCC, and requests each campus of the UC, provide updates on the status of complaints of sexual discrimination to complainants and respondents. AB 2987 is scheduled to be heard in this committee on June 12, 2024.

SUPPORT

Jewish Public Affairs Committee (Sponsor)
30 Years After
AJC San Francisco
American Jewish Committee - Los Angeles
American Jewish Committee San Diego
Anti Defamation League
Anti-Defamation League
Democrats for Israel - CA
Democrats for Israel Los Angeles
ETTA
Hadassah
Hillel at UCLA
Hillel of San Diego
Hillel of Silicon Valley
Holocaust Museum LA
JCRC Bay Area
Jewish Big Brothers Big Sisters of Los Angeles
Jewish Center for Justice
Jewish Community Federation and Endowment Fund
Jewish Community Relations Council of the Bay Area
Jewish Community Relations Council Sacramento Region
Jewish Community Relations Council, Santa Barbara
Jewish Democratic Club of Marin
Jewish Democratic Club of Solano County
Jewish Democratic Coalition of the Bay Area

Jewish Democrats of San Diego County
Jewish Family & Community Services East Bay
Jewish Family and Children's Service of Long Beach and Orange County
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and
Sonoma Counties
Jewish Family Service of Los Angeles
Jewish Family Service of San Diego
Jewish Family Services of Silicon Valley
Jewish Federation of Greater Los Angeles
Jewish Federation of Greater Santa Barbara
Jewish Federation of the Greater San Gabriel and Pomona Valleys
Jewish Federation of the Sacramento Region
Jewish Free Loan Association
Jewish Long Beach
Jewish Silicon Valley
JVS Socal
National Council of Jewish Women CA
Progressive Zionists of California
Raoul Wallenberg Jewish Democratic Club

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2987	Hearing Date:	June 12, 2024
Author:	Ortega, et al.		
Version:	April 18, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Public postsecondary education: sex discrimination complaints: status updates and notices.

SUMMARY

This bill requires each campus of the California State University (CSU) and the California Community Colleges (CCC), and requests each campus of the University of California (UC) to provide (1) status updates on complaints of sex discrimination, including, but not limited to, complaints of sexual harassment, to complainants and respondents; and (2) a notification of the disciplinary action to the respondent and complainant, within three schooldays of a decision of disciplinary action being made against a respondent in response to a complaint of sex discrimination.

BACKGROUND

Existing federal law:

- 1) Provides 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) Outlines the required response pursuant to Title IX, of a postsecondary higher education institution when the institution is made aware of an alleged sexual harassment incident on campus. The regulations include a requirement for a formal complaint, a grievance procedure for an investigation into whether the incident based on a standard of evidence occurred, and a method of appealing the outcome of the grievance process. (Federal Code of Regulations Title 34, Subtitle B, Chapter 1, Subpart D, § 106.45)

Existing state law:

- 3) Requires the governing board or body of each postsecondary institution in the state, as a condition of receiving state funding, to comply with an array of conditions pertaining to preventing sexual harassment and providing students with procedural protections relating to complaints of sexual harassment. Existing law requires postsecondary institutions to adopt grievance procedures that must provide for periodic status updates on the investigation consistent with the

timelines established in the grievance procedures, provide for written notice of discipline imposed, and timelines by which the parties shall be notified of the outcome of any investigation. (Education Code (EC) § 66281.8)

- 4) Requires the CSU to annually submit a report to the Legislature related to sexual harassment reports, complaints, investigations, hearings, and appeals. (EC § 66282)

ANALYSIS

This bill:

Status updates on complaints of sex discrimination

- 1) Requires each campus of the CSU and the CCCs, and requests each campus of the UC, to provide status updates on complaints of sex discrimination, including, but not limited to, complaints of sexual harassment, to complainants and respondents.
- 2) Provides that status updates are to be provided upon request of the complainant or respondent, and to be provided every 30 days until the outcome of a complaint is determined.
- 3) Provides that status updates are to be provided only to the extent permissible under state and federal law.
- 4) Prohibits status updates from provided to a complainant or respondent who opts to not receive the updates.

Notification of disciplinary action

- 5) Requires each campus of the CSU and the CCCs, and requests each campus of the UC, to provide a notification of the disciplinary action to the respondent and complainant within three schooldays of a decision of disciplinary action being made against a respondent in response to a complaint of sex discrimination.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “It became clear during the Joint Legislative Audit Committee Oversight Hearing not only that the CSU system has failed its students and employees in following Title IX requirements, but that the problem is deeper and more widespread, affecting all institutions in the California public higher education system. Enacting AB 2987 would increase transparency and accountability that campuses must abide by in order to keep their students and employees safe from sexual abuse and keep perpetrators accountable. By requiring open communication between the investigators and the complainants and respondents about the timeline and process of their open sexual misconduct cases, campuses are held to the higher standard of transparency expected of a California higher education institution. AB 2987 is part of a larger package of bills introduced in 2024 working towards changing campus culture, and shifting

the focus to making campus life safe for and welcoming to all.”

- 2) **Recent report on how postsecondary education institutions address sexual discrimination.** Throughout 2023, staff from the Assembly Higher Education Committee and this committee hosted fact-finding briefings with representatives from the CCC, CSU, UC, and various California Independent Colleges and Universities to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report that provides a synopsis of the information gleaned from the briefings and a compilation of legislative proposals for how the State can partner with higher education institutions to prevent and address discrimination in all its forms on college and university campuses throughout California. https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf
- 3) **State Audit.** The California State Auditor released an audit report in July 2023, titled “California State University: It did not adequately or consistently address some allegations of sexual harassment.” This audit was conducted over three CSU campuses and also examined the role of the Chancellor’s Office in monitoring the compliance of campuses with the system’s sexual harassment policy.

Regarding status updates of investigations or notifications of disciplinary action, the State Auditor determined: “Although CSU’s sexual harassment policy requires the notifications we list above, it does not require Title IX coordinators to proactively provide additional status updates to complainants and respondents while the investigation is ongoing; instead, the parties must request them. Despite the lack of a formal requirement, San José State’s interim Title IX coordinator explained that his practice is to ask complainants and respondents at the outset of a case about their preferences for receiving status updates; he then schedules periodic update meetings with each of them, such as every two weeks, if they so desire. Further, Fresno State’s Title IX task force recommended that the campus explore creating a dashboard that would allow complainants and respondents to check the status of their specific cases at any time. The Chancellor’s Office should consider requiring campuses to implement something similar to the dashboard or regular update meetings to provide complainants and respondents information on the status of their cases.”

This bill’s provisions are similar to two of the recommendations made by the State Auditor. As detailed in the Assembly Higher Education Committee analysis:

CSU Audit	AB 2987 (Ortega)
To more effectively communicate the status of cases to the parties involved, the Chancellor's Office should amend CSU's sexual harassment policy by January 2025 to include specific requirements for campuses to provide	Requires each campus of the CCC and CSU, and requests the UC to provide status updates on outcomes of complaints of sex discrimination to both the complainants and the respondent.

<p>regular status updates to complainants and respondents unless those parties request not to receive them. These updates should also communicate the outcomes of cases, including any associated disciplinary or corrective actions, to the extent possible under law.</p>	
<p>The Chancellor's Office should provide guidance to campuses by July 2024 about best practices for initiating, carrying out, and documenting timely disciplinary or corrective actions after a finding of sexual harassment. Further, it should encourage campuses to communicate these principles to relevant decision makers. This guidance should include providing a prompt notice of pending disciplinary action to a respondent when applicable.</p>	<p>Requires the disciplinary notice to be provided to the respondent within three school days.</p>

4) ***Existing procedures for providing updates and notice of disciplinary action.*** The California Code of Regulations include operating procedures for how the CCCs are to address complaints of discrimination. The following notices are provided for complaints of sex discrimination processed by the CCC:

- Within 90 days of receiving a complaint, the community college district will complete an investigation and forward a copy and written notice of outcome to the complainant and the respondent. The respondent will also receive the determination, proposed resolution including disciplinary action, and the respondent’s right to appeal.

The CSU and UC systems have similar notification requirements, specifically:

- Notification to both parties when complaints are accepted, when investigations begin, and any extension of the investigation timeframes. The complainants and respondents are also provided a copy of the investigative report and a copy of the outcome.

CSU’s existing policy is to provide notice of disciplinary action within 10 days of the decision, and the UC’s policy is to provide notice within 15 days.

This bill requires status updates to be provided about complaints of sex discrimination, upon request, and requires updates to be provided every 30 days until the outcome of a complaint is determined. This bill also requires a notification of the disciplinary action to be provided within three schooldays of the decision.

Notifications of disciplinary action does not imply the sanction will be levied within three school days; student respondents would retain the ability to appeal the decision. Similarly, this bill does not interfere with the appeal processes afforded to employees, the “Skelly process” (due process), collective bargaining agreements, or internal policies.

- 5) **Author’s amendments.** The author wishes to amend this bill to extend the timeline by which notification of the disciplinary action is required to be provided from *three schooldays* of the decision to *five business days*.
- 6) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose the following costs:
 - a) Minor and absorbable General Fund costs to UC campuses, as it already provides periodic updates and would only need to slightly change its practices as a result of this bill.
 - b) Minor and absorbable General Fund costs to CSU campuses.
 - c) Minor Proposition 98 General Fund costs to CCC campuses.
- 7) **Related legislation.**

SB 1166 (Dodd, 2024) (1) expands the scope of a currently-required CSU report containing a summation of the activities undertaken by each campus and by the systemwide Title IX office to also include outcomes of appeals, a list of personnel who are exempt from being a “responsible employee,” and a yet-to-be-developed annual report that compiles campus-based evaluations of how sex discrimination is addressed on campuses; and, (2) requests the UC and requires each community college district to also submit this report. SB 1166 is pending in the Assembly Higher Education Committee.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is scheduled to be heard in this committee on June 19, 2024.

AB 2047 (Mike Fong, 2024) requires the CSU and the UC to establish a systemwide Title IX office, a systemwide Office of Civil Rights, a position of civil rights officer, and establishes duties for the systemwide Office of Civil Rights, the civil rights coordinator, and Title IX coordinator. AB 2047 is scheduled to be heard in this committee on June 19, 2024.

SB 1491 (Eggman, 2024) (1) requires the CSU Trustees and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at the respective campus; (2) requires the point of contact to be a confidential employee, as specified; (3) requires the CSU

Trustees and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior; and, (4) requires California Student Aid Commission, beginning with the 2026-27 school year, to provide written notice to students who receive state financial aid whether their college or university has a religious school exemption from Title IX. SB 1491 is pending in the Assembly Higher Education Committee.

AB 810 (Friedman, 2024) (1) requests the governing board or body of an independent institution of higher education that receives state financial assistance, as part of the hiring process for specified positions, to require an applicant to disclose any final administrative decision or final judicial decision issued within the last seven years determining that the applicant committed sexual harassment; (2) requires the governing board of community college districts and the Trustees of the CSU (and requests the Regents of the UC), to require an applicant for an academic, athletic, or administrative position to sign a release form that authorizes the release of information by previous employers concerning any substantiated allegations of misconduct and, (3) requires the UC, CSU, CCC, independent institutions of higher education, and private postsecondary educational institutions, during the process to authorize a volunteer in an athletic department, to contact the current or former employer to determine if the applicant violated any employment policies. AB 810 is pending in the Senate Judiciary Committee.

AB 2326 (Alvarez, 2024) recasts and modifies statutes that specify which individual or office within each public higher education segment is responsible for ensuring campus programs are free from discrimination, and who has the authority to oversee and monitor compliance with state and federal laws related to anti-discrimination, specifically including sexual harassment. AB 2326 is scheduled to be heard in this committee on June 12, 2024.

AB 2608 (Gabriel, 2024) expands currently required annual training for students on sexual violence and sexual harassment to also include topics related to alcohol- and drug-facilitated sexual assault and confidential support and care resources for situations that arise as a result of an act of sexual violence and/or sexual harassment. AB 2608 is scheduled to be heard in this committee on June 12, 2024.

AB 2925 (Friedman, 2024) creates a requirement for specific anti-discrimination training or diversity, equity, and inclusion training offered by postsecondary education institutions to include training on how to combat and address discrimination against the five most targeted groups in the state. AB 2925 is scheduled to be heard in this committee on June 12, 2024.

AB 1575 (Irwin, 2024) authorizes students who receive a disciplinary notification the right to have an adviser of their choosing and requires postsecondary education institutions to provide training for the aforementioned adviser. AB 1575 is pending in the Senate Judiciary Committee.

AB 1790 (Connelly, 2024) requires the CSU to implement the recommendations

provided in a 2023 California State Auditor report related to CSU's handling of allegations of sexual harassment. AB 1790 is scheduled to be heard in this committee on June 12, 2024.

AB 2407 (Hart, 2024) requires the California State Auditor to report, by September 1, 2026, and every three years thereafter, the results of an audit of the ability of the CCCs, the CSU, and the UC to address and prevent sexual harassment on campus. AB 2407 is scheduled to be heard in this committee on June 12, 2024.

AB 1905 (Addis, 2024) prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint where a final determination has been made, the employee resigned, or the employee enters into a settlement with the institution. AB 1905 is scheduled to be heard in this committee on June 12, 2024.

AB 2048 (Mike Fong, 2024) requires the Chancellor of the CCCs to convene a community college sexual harassment and Title IX working group to review policies and procedures, determine if existing district policies and procedures are adequate, determine to what extent a systemwide model of compliance would best assist community colleges, and review and determine if the CCC Chancellor's Office is effective in its duty to monitor community colleges for their compliance with state and federal laws pertaining to sexual harassment. AB 2048 is scheduled to be heard in this committee on June 19, 2024.

SUPPORT

California Faculty Association (Sponsor)
Office of Lieutenant Governor Eleni Kounalakis
Cal State Student Association
California State University Employees Union
Faculty Association of California Community Colleges
Generation Up
Ignite
Safe Campuses Coalition
Youth Power Project

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2998 **Hearing Date:** June 12, 2024
Author: McKinnor
Version: April 29, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Opioid overdose reversal medications: pupil administration.

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 prohibits a local educational agency (LEA), county office of education (COE), or charter school from prohibiting a pupil 12 years or older from carrying or administering an opioid overdose reversal medication.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the governing board of each community college district (CCD) and the Trustees of the California State University (CSU), and requests the Regents of the University of California (UC), to stock fentanyl test strips in the campus health center and distribute the test strips through the campus health center. (EC § 67384)
- 2) Requires 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)
- 3) Requires an LEA that serve pupils in any of grades 7 to 12, to include in their school safety plan, a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose. (EC § 32282(K))
- 4) Permits a school nurse or trained personnel who has volunteered to provide emergency naloxone or another opioid antagonist, by nasal spray or by auto-injector, to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EC § 49414.3(a))
- 5) Requires an LEA, COE, or charter school electing to utilize naloxone or another opioid antagonist for emergency aid to ensure that each employee who volunteers are provided defense and indemnification by the LEA, COE, or charter school for

any and all civil liability. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EC § 49414.3(i))

- 6) Provides a school no more than two weeks to restock their supply of naloxone or another opioid antagonist after use. (EC § 49414.3(h))

Civil Code (CIV)

- 7) Permits a licensed health care provider who is authorized by law to prescribe an opioid antagonist to issue standing orders for the distribution of an opioid antagonist to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose. (CIV § 1714.22 et. sq.)

ANALYSIS

- 1) This bill prohibits a LEA, COE, or charter school from prohibiting a pupil 12 years or older from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, either (1) a naloxone hydrochloride (narcan) nasal spray that is federally approved for over-the-counter (OTC), nonprescription use or (2) any other opioid overdose reversal medication that is federally approved for OTC, nonprescription use.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "AB 2998 addresses the urgent need to expand access to naloxone by allowing minors aged 12 and above to administer the medication during opioid overdoses. This bill empowers individuals to intervene effectively and potentially save lives in emergency situations, contributing to our efforts to combat the opioid epidemic in California."
- 2) **Addressing Fentanyl Among California Youth.** Pursuant to AB 1748 (Mayes, Chapter 557, Statutes of 2016), among other things, requires the Superintendent of Public Instruction to establish minimum training standards for school employees who volunteer to administer naloxone or another opioid antagonist. In addition to setting minimum training standards, the California Department of Education (CDE) must maintain on its website a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils.

The CDE, in conjunction with the California Department of Public Health (CDPH), 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 offers 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 also provides resources for parents, guardians, caretakers, educators, schools, and youth-serving providers.

While schools are authorized but not required to stock naloxone, some 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 (which requires school employees who elect to administer naloxone, to be trained in the administration, and to keep the naloxone stocked and stored appropriately). San Diego Unified School District created its naloxone toolkit to aid other LEAs and inform parents and guardians.

Further, the Legislature has adopted a series of legislation such as SB 10 (Cortese, Chapter 856, Statutes of 2023), which requires school safety plans of schools, including charter schools, serving students in grades 7 to 12 to include a protocol for responding to a student's opioid overdose; SB 114 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023) that, among other items, provides \$3.5 million ongoing Proposition 98 General Fund to COE to distribute opioid antagonists, with the intent that it complement efforts of the Naloxone Distribution Project; and AB 889 (Joe Patterson, Chapter 123, Statutes of 2023) which required LEAs, COE, and charter schools to annually inform parents or guardians of the dangers associated with using synthetic drugs and post this information on their respective internet websites.

- 3) ***Statewide Standing Order for Naloxone.*** Naloxone can help reduce opioid overdose deaths in California, but many organizations find it challenging to obtain the required standing order to get naloxone from healthcare providers. CDPH issued the standing order in 2017 to address this need and support equitable naloxone access. The standing order:
 - a) Allows community organizations and other non-prescribing entities (organizations that do not employ or contract with a medical provider that has a license to prescribe and can issue a standing order and provide oversight for the distribution and administration of naloxone) in California that are not currently working with a physician to distribute naloxone to a person at risk of an opioid-related overdose or to a family member, friend, or another person in a position to assist; and
 - b) Allows for the administration of naloxone by a family member, friend, or other person to a person experiencing or reasonably suspected of experiencing an opioid overdose.

Among the organizations and entities that can distribute naloxone under the order are colleges and universities. An individual at risk of experiencing an overdose or someone who can assist an individual at risk is allowed to do so. Under the statewide standing order, staff of community organizations and other entities distributing naloxone must be trained. They are also required to provide training to individuals who receive naloxone from them. Colleges, schools, and other organizations may apply to use the statewide standing order if they meet certain conditions.

Naloxone: Training Requirements Under The Standing Order.

Civil Code 1714.22 requires a person who is prescribed or possesses an opioid antagonist, pursuant to the standing order, to receive training provided by an opioid overdose prevention and treatment training program. This includes learning the causes of an opiate overdose, mouth-to-mouth resuscitation, how to contact appropriate emergency medical services, and how to administer an opioid antagonist (CIV 1714.22 (a)(2)). While CDPH makes opioid reversal medication training available online through its website, current statute does not require an individual who purchases OTC opioid reversal medication to receive training.

- 4) ***The U.S. Food and Drug Administration: Approval of OTC Naloxone.*** On March 29, 2023, the U.S. Food and Drug Administration (FDA) approved narcan, 4-milligram (mg) naloxone hydrochloride nasal spray for OTC, nonprescription, use – the first naloxone product approved for use without a prescription.

The FDA first approved naloxone nasal spray in 2015 as a prescription drug. In accordance with a process to change the status of a drug from prescription to nonprescription, the manufacturer provided data demonstrating that the drug is safe and effective for use as directed in its proposed labeling. The manufacturer also showed that consumers can understand how to use the drug safely and effectively without the supervision of a healthcare professional. The application to approve naloxone nasal spray for OTC use was granted priority review status and was the subject of an advisory committee meeting in February 2023, where committee members voted unanimously to recommend it be approved for marketing without a prescription.

On July 28, 2023, the FDA approved RiVive, a (3mg) naloxone nasal spray for OTC, nonprescription use for the emergency treatment of known or suspected opioid overdose. This is the second nonprescription naloxone product the agency has approved, helping increase consumer access to naloxone without a prescription.

- 5) ***Related Legislation.***

SB 997 (Portantino, 2024) would require middle and high schools operated by a LEA to stock and distribute fentanyl test strips, in addition to authorizing LEAs, COEs, and charter schools to develop and adopt a policy that allows pupils in middle schools and high schools to carry federally approved naloxone.

AB 461 (Ramos, Chapter 525, Statutes of 2023) requires the governing board of each CCD and the Trustees of the CSU to provide information about the use and location of fentanyl test strips as part of established campus orientations, to notify students of the presence and location of fentanyl test strips, and requires that each campus health center stock and distribute fentanyl test strips, as specified.

SB 114 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023), among other items, provides \$3.5 million ongoing Proposition 98 General Fund to COE to distribute opioid antagonists, with the intent that it complement efforts of the Naloxone Distribution Project.

SB 10 (Cortese, Chapter 856, Statutes of 2023) requires school safety plans of schools, including charter schools, serving students in grades 7 to 12 to include a

protocol for responding to a student's opioid overdose; requires the CDE to post informational materials on its website on opioid overdose prevention; and encourages COEs to establish working groups on fentanyl education in schools.

SUPPORT

Los Angeles Unified School District (Sponsor)
American Academy of Pediatrics, California
Association of California School Administrators
California Academy of Family Physicians
California Association of Alcohol and Drug Program Executives
California Medical Association
Office of The Riverside County Superintendent of Schools
Santa Clara 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 3074 **Hearing Date:** June 12, 2024
Author: Schiavo
Version: April 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: School or athletic team names: California Racial Mascots Act.

SUMMARY

This bill prohibits all public schools, except for schools operated by an Indian tribe or a tribal organization or a school that has received written consent from a local federally recognized tribe, from using any derogatory Native American term for school or athletic team names, mascots, or nicknames, by revising the California Racial Mascots Act, as specified, beginning July 1, 2026.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Establishes the California Racial Mascots Act and prohibits, beginning January 1, 2017, all public schools from using the term Redskins for school or athletic team names, mascots, or nicknames. (EC § 221.3 (a))
- 2) Permits a public school to use uniforms or other materials bearing the term Redskins as a school or athletic team name, mascot, or nickname that were purchased before January 1, 2017, if all of the following conditions are met:
 - a) The school selects a new school or athletic team name, mascot, or nickname.
 - b) the school refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any uniform that includes or bears the term Redskins, but may, before January 1, 2019, purchase or acquire a number of uniforms equal to up to 20 percent of the total number of uniforms used by a team or band at that school during the 2016–17 school year for the purposes of replacing damaged or lost uniforms.
 - c) The school refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any yearbook, newspaper, program, or other similar material that includes or bears the prohibited school or athletic team name, mascot, or nickname in its logo or cover title.
 - d) The school refrains from purchasing or constructing a marquee, sign, or other new or replacement fixture that includes or bears the prohibited school or athletic

team name, mascot, or nickname. This paragraph applies to facilities that bear the prohibited school or athletic team name, mascot, or nickname, in which case the school shall remove the prohibited name no later than the next time the associated part of the facility is replaced in the normal course of maintenance. (EC 221.3 § (b))

- 3) States it is the intent of the Legislature that implementation of a new school or athletic team name, mascot, or nickname does not result in a requirement to immediately purchase or replace materials or fixtures until they would have needed to be purchased or replaced without the enactment of the California Racial Mascots Act. (EC 221.3 § (c))

ANALYSIS

This bill:

Definitions

- 1) Defines “derogatory Native American term” to include, but is not limited to, Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Savages, Squaw, and Tribe.

Revises the California Racial Mascot Act

- 2) Prohibits all public schools, except for schools operated by an Indian tribe or a tribal organization, from using any derogatory Native American term for school or athletic team names, mascots, or nicknames, as specified beginning July 1, 2026.
- 3) Authorizes a public school to continue to use uniforms or other materials bearing a derogatory Native American term as a school or athletic team name, mascot, or nickname that were purchased before July 1, 2026, if all of the following requirements are met:
 - a) The school selects a new school or athletic team name, mascot, or nickname.
 - b) The school refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any uniform that includes or bears the derogatory Native American term, except before January 1, 2028, a school using uniforms that bear the derogatory Native American term may purchase or acquire a number of uniforms equal to up to 20% of the total number of uniforms used by a team or band at that school during the 2025–26 school year for the purposes of replacing damaged or lost uniforms.
 - c) The school refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any yearbook, newspaper, program, or other similar material that includes or bears the prohibited school or athletic team name, mascot, nickname, or related title in its logo or cover title.
 - d) The school refrains from purchasing or constructing a marquee, sign, gymnasium floor, or other new or replacement fixture that includes or bears the prohibited

school or athletic team name, mascot, or nickname. This requirement applies to facilities that bear the prohibited school or athletic team name, mascot, or nickname, in which case the school must remove the prohibited name, mascot, or nickname no later than the next time the associated part of the facility is replaced in the normal course of maintenance.

- 4) Allows a public school that has received written consent from a local federally recognized tribe to use a derogatory Native American term for the school or an athletic team name, mascot, or nickname.

Uniform Complaint Procedures

- 5) Adds the California Racial Mascots Act to the Uniform Complaint Procedures (UCP) process operated by the California Department of Education (CDE)

General Provisions

- 6) States the intent of the Legislature that the purchase or replacement of materials or fixtures due to implementation of a new school or athletic team name, mascot, or nickname under the California Racial Mascots Act occur before the 2028–29 school year.
- 7) Clarify that the California Racial Mascots Act does not apply to the California Community College, the California State University, or University of California.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “School can be a scary place for most kids. It does not help when your school has a derogatory logo or name that your classmates use in a manner insensitive to your culture. There are studies that have proven that these mascots have detrimental effects on Indigenous people from the individual to societal level. It is unfair to make any child undergo trauma due to their culture, and AB 3074 seeks to make a school a safe place for all.”
- 2) ***The California Racial Mascots Act: Background and Research.*** Between 2002 and 2005, former Assemblymember Jackie Goldberg, a representative from Los Angeles, introduced multiple bills to prohibit using Native American terms as team names and mascots. Her initial bill, AB 2115 (Goldberg, 2002), sought to ban several Native American terms, including Redskins, Indians, Braves, Chiefs, Apaches, and Comanches. Subsequent bills were more specific, focusing solely on prohibiting the term "Redskins," but were ultimately vetoed by Governor Schwarzenegger. Finally, AB 30 (Alejo, Chapter 767, Statutes of 2015) was passed to establish the prohibition on the use of the term "Redskins" by all public schools, effective from January 1, 2017.

This bill defines "derogatory Native American term" to include, but is not limited to, Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Savages, Squaw, and Tribe.

In 2001, the U.S. Commission on Civil Rights called for the end of non-Native schools using Native American images and team names. The commission stressed the insensitivity of using such imagery and nicknames and pointed out that despite some institutions claiming it stimulated interest in Native American culture, they had failed to heed the concerns of Native groups, religious leaders, and civil rights organizations that opposed these symbols.

In response to the 2001 recommendation, the National Collegiate Athletic Association (NCAA) adopted a policy in 2005 prohibiting colleges and universities participating in championship games from using hostile mascots, nicknames, or images based on race, ethnicity, or national origin. However, the NCAA does not prohibit colleges and universities from adopting Native American mascots or displaying them during regular-season games.

In 2005, the American Psychological Association urged all educational institutions, athletic teams, and organizations to discontinue using American Indian mascots, symbols, and images. The association highlighted the negative impact of such practices on the educational experiences of all individuals and the creation of a hostile learning environment for American Indian students. Dr. Lisa Thomas emphasized the detrimental effects of racism and perceived racism on the mental health of American Indian and Alaska Native (AIAN) people. The discontinuation of American Indian mascots was intended to convey a clear message that racism and disrespect would not be tolerated in our society.

- 3) **Perspective: Schools Across the National Are Changing Their Mascot.** The National Congress of American Indians (NCAI) has recently developed a national tracking database containing over two dozen Native-themed school mascots at the K-12 level.

SCHOOLS WITH NATIVE “THEMED” MASCOTS: THE CURRENT NUMBERS (Last updated: April 5, 2023)

Current overall numbers and numbers of five most common mascots featured below:

OVERALL	
Total Schools	1,901
Total School Districts	966

“R*DSK*NS”	
Total Schools	89
Total School Districts	40

“INDIANS”	
Total Schools	783
Total School Districts	331

“BRAVES”	
Total Schools	227
Total School Districts	130

“CHIEFS”	
Total Schools	181
Total School Districts	91

“WARRIORS”	
Total Schools	406
Total School Districts	236

The database is regularly updated through real-time Google alert notifications and direct engagement with many schools featured. It includes detailed information for each school, such as online news stories, school mascot logos, and contact information for school principals, superintendents, and school board members. Some schools across the nation have already enacted proposals to change their school name, logo, and mascots.

RECENT SCHOOL MASCOT CHANGES – MARCH 2022-APRIL 2023 (Last updated: April 5, 2023)

Total school mascot changes in calendar year 2021: 32 / 16 most recent school mascot changes listed below:

SCHOOL NAME (STATE)	MASCOT	DECISION	DATE
Glens Falls HS (NY)	"INDIANS"	School Board voted to adopt new mascot (link)	04/03/23
Corinth HS (NY)	"TOMAHAWKS"	School Board voted to adopt new mascot (link)	03/21/23
Green Mountain Union HS (VT)	"CHIEFTAINS"	School Board voted to retire mascot (link)	01/19/23
Touchet HS (WA)	"INDIANS"	School Board voted to adopt new mascot (link)	09/06/22
Rutland HS (VT)	"RAIDERS"	School Board voted to re-retire mascot (link)	08/30/22
Manistee MS/HS (MI)	"CHIPPEWAS"	District announced change during work session (link)	08/24/22
Odessa-Montour Jr./Sr. HS (NY)	"INDIANS"	School Board voted to adopt new mascot (link)	07/28/22
J.W. Sexton HS (MI)	"BIG REDS"	District announced change via statement (link)	07/07/22
Chamberlain HS (FL)	"CHIEFS"	School Board voted to retire mascot (link)	06/21/22
Waterloo HS (NY)	"INDIANS"	School Board voted to adopt new mascot (link)	06/13/22
Chief Moses MS (WA)	"BRAVES"	School Board voted to retire mascot (link)	06/09/22
Arrowhead MS (KS)	"APACHES"	School Board voted to adopt new mascot (link)	05/31/22
Moses Lake HS (WA)	"CHIEFS"	School Board voted to adopt new mascot (link)	05/26/22
Lamar HS (CO)	"S*V*GES"	School Board voted to adopt new mascot (link)	05/19/22
Sandusky Jr./Sr. HS (MI)	"R*DSK*NS"	School Board voted to retire mascot (link)	04/18/22
Montville HS (CT)	"INDIANS"	School Board voted to retire mascot (link)	03/15/22

What About Californian Schools?

A similar trend is occurring in California. For example, in Santa Clarita Valley, William S. Hart High School's governing board voted in July 2021 to remove the "Indians" as Hart High's mascot. They cited the need to move away from a race-based symbol that the school has been associated with since January 10, 1946. The board decided to make this change by 2025 at the earliest. In another example, in 2021, Fresno High School ended a long-standing controversial tradition by revealing its new logo. The school decided to retire the old Native American logo while retaining the "Warriors" name. The unveiling, which took place early Wednesday at Fresno High School, marked the conclusion of a nearly yearlong debate regarding the school's previous Native American-themed mascot, which was widely criticized for being a racist portrayal of Indigenous culture. In 2020, Arcadia High School in a revival of a 20-year-old controversy, efforts to remove Arcadia High School's "Apaches" name and imagery have come to a head amid nationwide movements to erase offensive emblems. However, there are a few schools that this bill would apply to such as the Lompoc Braves, the Ripon Indians, and Canyon (Anaheim) Comanches.

4) **Related Legislation.**

AB 30 (Alejo, Chapter 767, Statutes of 2015) establishes the California Racial Mascots Act and prohibits, beginning January 1, 2017, all public schools from using the term "Redskins" for school or athletic team names, mascots, or nicknames.

ACR 164 (Goldberg, 2006) adopted by the Assembly and sent to the Senate, requested the California Interscholastic Federation to adopt policies that are consistent with the National Collegiate Athletic Association policies relative to the

use of Native American mascots and any other hostile or abusive racial, ethnic, or national origin mascot.

AB 13 (Goldberg, 2005), nearly identical to AB 858 (Goldberg, 2004), would have prohibited all public schools from using the term Redskins for school or athletic team names, mascots, or nicknames and was vetoed by Governor Schwarzenegger, whose veto message read:

"I vetoed a nearly identical bill last year because it added another non-academic state administrative requirement, thereby diverting focus from increasing student academic achievement. Administrative decisions regarding athletic team names, nicknames or mascots should be retained at the local level."

AB 858 (Goldberg, 2004) would have prohibited all public schools from using the term Redskins for school or athletic team names, mascots, or nicknames. AB 858 was vetoed by Governor Schwarzenegger, whose veto message read:

"Existing statute already affords local school boards general control over all aspects of their interscholastic athletic policies, programs, and activities. Decisions regarding athletic team names, nicknames or mascots should be retained at the local level."

"At a time when we should all be working together to increase the academic achievement of all California's students, adding another non-academic state administrative requirement for schools to comply with takes more focus away from getting kids to learn at the highest levels."

AB 2115 (Goldberg, 2002) would have prohibited all public schools, community colleges, the California State University and the University of California, to the extent agreed upon by the Board of Regents, from using specified Native American names, including Redskins, Indians, Braves, Chiefs, Apaches, and Comanches, for school or athletic team names, mascots, or nicknames. *AB 2115 failed passage on the Assembly Floor.*

SUPPORT

ACLU California Action
California Teachers Association
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 3142	Hearing Date:	June 12, 2024
Author:	Jones-Sawyer		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

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

SUMMARY

This bill codifies the existing California Center for Climate Change (Center) at West Los Angeles College in the Los Angeles Community College District (LACCD) and creates the California Mobile Unit for Climate Change Education (Mobile Unit) to assist the Center in promoting hands-on learning opportunities throughout the region. This bill further requires LACCD prepare and submit a report on the Mobile Unit in addition to the one required for the Center.

BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges (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) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. (EC § 70902)
- 3) Authorizes the Regents of the University of California (UC) to establish the California-China Climate Institute in partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University and other entities and institutions in China and California. (EC § 92687)
- 4) Appropriates \$5 million to the Board of Governors of the CCC for distribution to LACCD for the purpose of developing and for the initial operations of the Center, which is to be located at West Los Angeles College. Establishes that it is the mission to promote climate change education at the CCC and to establish opportunities for students to participate in internships and other learning opportunities, and directs the Center to do a number of things similar to this bill. AB 183 (Committee on Budget, Chapter 54, Statutes of 2022)

ANALYSIS

This bill codifies the existing Center at the West Los Angeles College in LACCD and creates the Mobile Unit to assist the Center. Specifically, it:

- 1) Establishes the Center at the West Los Angeles College within LACCD.
- 2) States that it is the mission of the Center to promote climate change education at the CCC and establish opportunities for students to engage in hands-on internships and other learning opportunities.
- 3) Requires the Center to do all of the following:
 - a) Serve as a resource for CCCs on climate change education with the understanding that, at its core, climate change is a global issue of equity and social justice.
 - b) Build a clear climate change pathway that leads to appropriate certificates, degrees, and employment opportunities. The bill requires, when developing a clear climate change pathway, to consult with relevant faculty and administrative groups of the CCC, the California State University (CSU), and the UC, including, but not limited to, the Academic Senate of the CCC, the CSU, and the UC, and the Intersegmental Committee of the Academic Senates.
 - c) Enhance partnerships with nonprofit organizations that encourage the development of student internships and work-based learning opportunities.
 - d) Explore and expand internships, preapprenticeships, apprenticeships, and other work-based learning opportunities in the equity, environmental justice, and green jobs sectors.
 - e) Partner with local and regional entities to support the workforce training needed in the greening of the energy grid and other industries.
 - f) Develop and sustain an annual urban climate change and sustainability conference.
- 4) Requires that LACCD, by January 2027, prepare a summary report that includes an evaluation of the Center in accomplishing its mission, recommendations for improving programs offered by the Center, and an accounting of how the funds appropriated in the 2022 budget bill were used.
- 5) Establishes, upon an appropriation, the Mobile Unit at West Los Angeles College as part of the Center to provide learning opportunities throughout the region.
- 6) States that it is the mission of the Mobile Unit to assist the Center in fulfilling the requirement of exploring and expanding internships, preapprenticeships, apprenticeships, and other work-based learning opportunities in the equity,

environmental justice, and green jobs sectors by creating opportunities for students to engage in hands-on internships and other learning opportunities. Requires, in collaboration with the Center, that the Mobile Unit do all of the following:

- a) Provide students with the opportunity to actively participate in the development of exhibits, hands-on learning experiences, and outreach programs.
 - b) Partner with local and regional entities to support the workforce training needed in greening the energy grid and other industries.
- 7) Requires the Center in developing the mission of the Mobile Unit to consult with relevant faculty and administrative groups of the CCC, CSU, and UC, including the Academic Senates of the CCC, CSU, and UC, and the Intersegmental Committee of Academic Senates.
 - 8) Requires that LACCD, by January 1, 2028, prepare and submit to the Legislature and the CCC Chancellor's Office a summary report that includes an evaluation of the Mobile Unit's contribution to accomplishing the Center's mission, recommendations for improving programs offered by the Mobile Unit, and an accounting of how funds appropriated for purposes of the Mobile Unit were used.
 - 9) Specifies that the unique circumstances of the LACCD condition the need for a special law.
 - 10) Makes various findings and declarations pertaining to climate change.
 - 11) Makes technical and conforming changes as a result of codifying the Center into the education code.

STAFF COMMENTS

- 1) **Need for the bill.** According to LACCD in their support letter submitted to the Assembly Higher Education committee, "as the Center matures in its programs, the importance of educational outreach has accelerated as we learn more about the paucity of exposure to climate change issues in public schools—and, in particular, in schools located in under-resourced communities. Multiple studies have revealed that a lack of resources and teacher training are one of the most significant contributors to the absence of climate change education. With the passage of AB 3142, the Mobile Climate Change Education Center can provide significant support to K-12 schools including LAUSD as it implements its Climate Literacy Resolution (February 2022). Through a partnership with the LAUSD and other regional school districts, the virtual reality capabilities of the Mobile Education Center, along with hands-on experiences, demonstrations, exhibits, and internships, will provide more opportunities for students to engage with the issue of climate change. Of significant importance is the long-term impact of the programs provided by the Mobile Education Center, especially in partnership with school districts, for research has shown a correlation between

comprehensive climate change education and reduction in carbon emissions (Cordero, Centeno, Todd: February 2020).”

- 2) **Research at CCCs.** The CCCs are designated to bear the most extensive responsibility for lower-division undergraduate instruction. Its three primary areas of mission include education leading to associate degrees and university transfer, career technical education, and basic skills. As a secondary function, the community colleges may conduct institutional research concerning student learning and retention as is needed to facilitate their educational missions. The Center focuses on workforce training and building pathways to certificates and degrees, which appropriately work within the core strengths of CCCs. Additionally, the Center is charged with exploring and expanding internships, pre-apprenticeships, apprenticeships, and other work-based learning opportunities in equity, environmental justice, and green job sectors. The Mobile Unit established in the bill would extend learning and training opportunities throughout the local community.
- 3) **Why West Los Angeles College?** AB 1913 (Bryan, 2022) similar to this bill would have established the Center however its contents were eventually adopted into the 2022 higher education trailer budget bill. At that time, LACCD argued that the West Los Angeles College campus is the only community college that offers a Climate Change and Environmental Studies Associate of Arts Degree. The degree is designed as a pathway for student transfer into environmental studies programs at four-year universities, or for pursuing environmental-related careers. The LACCD’s Board of Trustees adopted the Clean Energy and Sustainability Resolution, which directs the district’s staff to develop and implement a sustainability plan for the district to achieve 100-percent carbon-free energy goals by 2040. Proponents of the measure argue that changing workforce needs within Los Angeles call for solutions in retraining and upskilling workers and that California’s clean energy transition is set to have a large impact on workers in Los Angeles County. The county is one of three counties (Kern, Contra Costa, and Los Angeles) that, combined, account for roughly 50 percent of all employment in the fossil fuel and ancillary industries in California. As such, worker-training programs are needed to ensure that a wide range of workers, including displaced fossil fuel industry workers, have access to the jobs created by clean energy investments. The 2022 higher education budget bill included an allocation of \$5 million in one-time Prop. 98 funding to support the creation of the Center on the West Los Angeles College campus. The funding may be used over five years to develop curricula related to climate change education for community colleges, establish opportunities for students to engage in hands-on internships and other learning opportunities, and hire staff to develop staff. This bill codifies those duties and attempts to expand on them through the creation of the Mobile Unit to assist the Center. The bill makes implementation of the Mobile Unit contingent upon an appropriation of funding for that purpose.
- 4) **Prior legislation.**

AB 1913 (Bryan, 2022) would have established the Center for the purpose of promoting climate change education at LACCD and to establish hands-on

learning opportunities for community college students. The contents of this bill were subsequently adopted in the 2022 budget bill.

SUPPORT

Los Angeles Community College District (Sponsor)

OPPOSITION

None received

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