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EDUCATION



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AGENDA

Wednesday, June 19, 2024
9 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

1. AB 1780 Ting Independent institutions of higher education: legacy and donor preference in admissions: prohibition.
2. AB 1793 Ta Student financial aid: Cal Grants: Middle Class Scholarship Program: eligibility: dependents of members of the armed services stationed outside of California.
3. AB 1818 Jackson Public postsecondary education: overnight student parking: pilot program.
4. AB 1858 Ward Comprehensive school safety plans: active shooters: armed assailants: drills.
5. AB 1971 Addis Student Online Personal Information Protection Act: administration of standardized tests.
- *6. AB 1984 Weber Transfer reporting for alternative schools, county community schools, and continuation schools.
7. AB 2047 Mike Fong Public postsecondary education: discrimination prevention.
- *8. AB 2048 Mike Fong Community colleges: community college sexual harassment and Title IX working group.
9. AB 2057 Berman Associate Degree for Transfer.
- *10. AB 2768 Berman Golden State Teacher Grant Program: nonpublic, nonsectarian schools.

*11.	AB 2074	Muratsuchi	Pupil instruction: English Learner Roadmap Policy: statewide implementation plan.
*12.	AB 2112	Muratsuchi	Expanded Learning Opportunities Program: stakeholder working group.
*13.	AB 2165	Reyes	Pupil instruction: financial aid application.
14.	AB 2724	Reyes	High school pupils: voter registration.
*15.	AB 2181	Gipson	Juvenile court school pupils: graduation requirements and continued education options.
16.	AB 2245	Juan Carrillo	Certificated school employees: permanent status: regional occupational centers or programs.
17.	AB 2357	Bains	University of California: school of medicine: University of California Kern County Medical Education Endowment Fund.
18.	AB 2398	Kalra	California State University: audits.
19.	AB 2640	Kalra	Pupil instruction: animal dissection.
*20.	AB 2492	Irwin	Public postsecondary education: sex discrimination complaints: advocates and coordinators.
21.	AB 2723	Irwin	The California Cradle-to-Career Data System Act.
22.	AB 2565	McCarty	School facilities: interior locks.
23.	AB 2927	McCarty	Pupil instruction: high school graduation requirements: personal finance. (Urgency)
*24.	AB 3131	McCarty	California Career Technical Education Incentive Grant Program: Strong Workforce Program: applicants receiving equity multiplier funding.
25.	AB 2595	Luz Rivas	School nutrition: guardian meal reimbursement.
26.	AB 2633	Alvarez	California State University: joint degrees: international institutions of higher education.
*27.	AB 2953	Alvarez	Public postsecondary education: University of California and California State University: first-generation students: outreach and admission.
28.	AB 2925	Friedman	Postsecondary education: Equity in Higher Education Act: prohibition on discrimination: training.

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|------|---------|-------------|---|
| 29. | AB 2968 | Connolly | School safety and fire prevention: fire hazard severity zones: comprehensive school safety plans: communication and evacuation plans. |
| *30. | AB 3010 | Bauer-Kahan | Pupil instruction: mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation. |

***Measures on consent.**

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1780	Hearing Date:	June 19, 2024
Author:	Ting		
Version:	June 11, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Independent institutions of higher education: legacy and donor preference in admissions: prohibition

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, commencing September 1, 2025, an independent institution of higher education (IHE) from providing a legacy preference or donor preference in admissions to an applicant as part of the regular or early action admissions process. It also imposes a civil penalty for violating this rule and requires the Department of Justice to post the names of the IHE on its website. Lastly, it requires that an IHE submit a report to the Legislature if it was in compliance with this bill’s provisions for all enrolled students for that academic year and requires further reporting for violating this bill’s provisions.

BACKGROUND

Existing law:

- 1) Establishes the Donahoe Higher Education Act, setting forth the mission of the University of California (UC), California State University (CSU), and California Community Colleges (CCC); and, defines "independent institutions of higher education" as nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in California and are accredited by an agency recognized by the United States Department of Education. (Education Code (EC) Section 66010, et seq.)
- 2) Requires, on or before June 30, 2020, and on or before June 30 of each year from 2021 to 2024, inclusive, the Trustees of the CSU, the Regents of the UC, and the appropriate governing bodies of each Independent California College and University (ICCU) that is a “qualifying institution,” as defined to report to the appropriate budget subcommittees and policy committees of the Legislature whether their respective institutions provide any manner of preferential treatment in admission to applicants on the basis of their relationships to donors or alumni of the institution. Current law further requires that each institution that provides preferential treatment, as specified, must include in its report, all of the following for the academic year (AY) commencing in the previous calendar year pertaining to applicants who received preferential treatment:

- a) The number of applicants who did not meet the institution's admission standards that apply to all applicants, but who were offered admission.
- b) The number of applicants reported per (a) above, who accepted admission to the institution.
- c) The number of applicants reported, pursuant to (b) above, who enrolled at the institution.
- d) The number of applicants who met the institution's admission standards that apply to all applicants and who were offered admission.
- e) The number of applicants reported, as specified in (d) above, who accepted admission to the institution.
- f) The number of applicants reported as enumerated in (e) above, who enrolled at the institution. (EC § 66018.5)

ANALYSIS

This bill:

- 1) Prohibits, commencing September 1, 2025, an ICCU from providing a legacy preference or donor preference in admissions to an applicant as part of the regular or early action admissions process.
- 2) Subjects an ICCU that violates 1) above to a civil penalty equal to the amount the institution receives from the Cal Grant Program in the year before the violation occurred and:
 - a) That the civil penalty be assessed and recovered by the Department of Justice and deposited into the Cal Grant Account established by this bill.
 - b) Requires, upon appropriation by the Legislature, that funds in the Cal Grant account be available for purposes of funding the Cal Grant Program.
- 3) Requires, by June 30, 2026 of each year thereafter, an ICCU to report to the Legislature, either of the following:
 - a) The ICCU was in compliance with this bill's provisions for all enrolled students for that academic year.
 - b) The ICCU was in violation with this bill's provisions for that same academic year and reports that it was in violation, regardless of the number of violations shall include in its report both of the following for all enrolled students admitted that academic year:

- i) The legacy status, donor status, race, geography, income brackets, and athletic status of all admitted students at the ICCU.
 - ii) The admission rate of students who are provided a legacy preference or donor preference in admissions, as compared to the admission rate of students who are not provided a legacy preference or donor preference in admissions.
 - iii) The admission rate of students who are provided a legacy preference or donor preference in admissions, as compared to the admission rate of students who are not provided a legacy preference or donor preference in admissions.
- 4) Requires that the Department of Justice post the names of the ICCU that violate this bill's provisions on its website.
- 5) Declares the Legislature's intent to stop the practice of legacy and donor admissions and protect students as they pursue their higher education.
- 6) Defines all of the following terms for purposes of the bill:
 - a) "Donor preference in admissions" means considering an applicant's relation to a donor of, or a donation to, the independent institution of higher education as a factor in the admissions process, including asking an applicant to indicate their family's donor status and including that information among the documents that the independent institution of higher education uses to consider an applicant for admission.
 - b) "Independent institution of higher education" has the same meaning as defined in current law.
 - c) "Legacy preference in admissions" means considering an applicant's relation to an alumni of the independent institution of higher education as a factor in the admissions process, including asking an applicant to indicate where their relatives attended college and including that information among the documents that the independent institution of higher education uses to consider an applicant for admission. This bill further provides that "Legacy preference in admissions" does not include collecting data on an applicant's relation to an alumni or donors for purposes other than admissions decisions.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "California is home to many of the nation's premier colleges and universities. Attendance at these universities is prized because they ostensibly only admit the most meritorious students. However, some private universities in California still give preferential treatment to students who are related to alumni or donors through a practice known as

“legacy admissions.” AB 1780 prohibits private colleges and universities from practicing legacy admissions in California.

“The state subsidizes tuition, research, and the overall development of higher education institutions to promote educational equity and provide social mobility for all Californians. Institutions that give special advantage to the family of alumni or donors are engaging in a practice that directly conflicts with those goals while continuing to receive public funding. This bill will stop the state’s subsidy of this inequitable practice by fining institutions that violate the prohibition of legacy admissions an amount equal to the Cal Grant dollars they receive. AB 1780 ensures that all Californians will be given a fair opportunity to be admitted to their dream school, regardless of who their parents are.”

- 2) **College admissions gaming.** The Department of Justice charged several dozen individuals accused of cheating and accepting bribes to gain student’s unlawful admission to top universities throughout the country, including the UC. Athletic coaches from Yale, Stanford, University of Southern California, Wake Forest, and Georgetown, among others, were implicated, as well as parents and exam administrators. Neither the community college nor CSU system played a role in the mentioned admission incident. In light of these events, legislation was enacted to shed light on college admissions practices in California.
- 3) **The United States Supreme Court (SCOTUS) decision.** As noted in the Assembly Higher Education Committee analysis, in June 2023, SCOTUS announced a decision to curtail the use of race in college and university admissions, thus ruling affirmative action in college admissions unconstitutional. While SCOTUS did not directly opine about legacy admissions, according to the March 2024 Brookings Institute report, titled, *Who Uses Legacy Admissions*, special consideration admissions (sometimes referred to as legacy preferences) have come under increased scrutiny. The report finds that critics say that the practice of legacy admissions is not meritocratic and disproportionately benefits White students from wealthy backgrounds. The U.S. Department of Education has opened a civil rights investigation into Harvard University’s legacy admissions practice. According to the report, a recent study of a dozen highly selective, private “Ivy Plus” colleges found that legacy admissions are an important mechanism driving higher admissions rate among the richest applicants.

According to the Brookings Institute report, considering family connections in admission is contrary to the mission of a public college or university. The report signals that at the very least, colleges and universities that consider legacy status should clarify their policies for potential applicants and families. Further, the report suggests that policymakers and university leadership should understand that the ending of legacy admissions practice will likely have only small effects on racial and socioeconomic diversity and would be unlikely to offset the effects of ending affirmative action at most colleges and universities. Legacy admissions are just a small piece of a college admissions system that tends to favor students from advantaged backgrounds.

- 4) **Public institutions do not have policies that grant preferential treatment based on relationships.** CCCs are open access institutions and do not participate in selective admissions procedures. At CSU, there is no systemwide policy on legacy admissions. The UC discourages such action. As stated in the, UC Regents Policy Barring Development Considerations, “Admissions motivated by concern for financial, political or other such benefit to the University do not have place in the admission process.” It appears some independent non-profit colleges and universities may grant preferential treatment when considering admissions overall. Existing law requires higher education institutions including ICCUs to annually self-report preferential admissions data to the Legislature.
- 5) **Independent California Colleges and Universities.** The institutions that would be impacted from the provisions of this bill are Western Association of Schools and Colleges accredited non-profit colleges and universities headquartered in California. These institutions, as known as ICCUs, include research universities, liberal arts colleges, religiously affiliated institutions, and specialized colleges and universities that focus on the arts, theater and music.

ICCUs are generally members of the Association of Independent California Colleges and Universities (AICCU). The AICCU reports in their 2024 impact report that their member institutions enroll over 350,000 students, comprised of 183,667 undergraduate students including 25,000 Cal Grant recipients and 166,199 graduate students. ICCU institutions award over 54 percent of all graduate degrees in California and approximately 20 percent of the baccalaureate degrees. The sector produces 41 percent of the teaching credentials, 25 percent of computer and information science degrees, 51 percent of nursing degrees, and 91 percent of clinical, counseling and applied psychology degrees in the state. California residents make up approximately 63 percent of the undergraduate population of ICCUs. AICCU is comprised of 89 nonprofit colleges and universities in California, 75 percent of which are Hispanic Serving Institutions or emerging Hispanic Serving Institutions.

- 6) **What is the extent of the issue?** Current law requires an ICCU that is a qualifying institution as defined under the Cal Grant program that provides preferential treatment in admissions to applicants with a relationship to donors or alumni to report, until 2024, that information to the Legislature. The AICCU released its most recent report on June 30, 2023. The report notes that of the 87 (at that time) member ICCUs, 10 are graduate-only institutions that are not subject to the requirements, and five are undergraduate-serving ICCUs that do not participate in the Cal Grant program and are not deemed a “qualifying institution” for purposes of the report. Two ICCUs, Stanford the University and University of Southern California (USC), submitted their own reports to the Legislature.

For the 2022–23 academic year, 7 out of 72 ICCUs provided preferential admissions treatment based on applicant relationships to donors or alumni. According to the AICCU report, 65 ICCUs reported that they did not provide any form of preferential treatment in admissions based on applicant relationships to donors or alumni in the same year. Five ICCUs reported that, for the 2022-23

academic year, they did offer admissions to at least one applicant in a manner that meets reporting requirements in existing law; the five ICCUs are as follows:

- a) Claremont McKenna College.
- b) Harvey Mudd College.
- c) Pepperdine University.
- d) Santa Clara University.
- e) Vanguard University of Southern California.

The chart below, sourced from the AICCU report, displays the qualifying ICCUs that granted applicants preferential treatment based on their relationship to donors or alumni of the institution during the academic year 2022–2023.

Institution	(1)	(2)	(3)	(4)	(5)	(6)
Claremont McKenna College	0	0	0	21	14	14
Harvey Mudd College	0	0	0	N is too small to report	N is too small to report	N is too small to report
Pepperdine University	0	0	0	86	29	28
Santa Clara University	0	0	0	1,133	320	294
Vanguard University of Southern California	N is too small to report	0	0	66	38	34

Note: Student-level data reported with N of less than 10 is not reported. Numbers (1) through (6) correspond to EC Section 66018.5 subsection (c) pertaining to applicants.

In addition to the above information, Stanford University and USC report the following information:

Stanford University – Academic excellence is our primary criterion for admission, and all students who are admitted to Stanford meet the university’s admission standards; there are no exceptions. Among undergraduates admitted for the Fall 2022 entrance, 263 were the children of Stanford graduates. For some of these students, their admission files also noted a history of family philanthropy. An additional 24 admitted students had no legacy affiliation with Stanford, but their admission files noted a history of family philanthropy that could be considered along with all other factors in the admission process. Together, those with either of these two characteristics totaled 287 students, or 13.5percent of the admitted class. As a point of comparison, first-generation college students represented 21.5percent of the admitted class.

USC –Admitted students who have a relationship with donors and/or alumni have academic credentials roughly comparable with all admitted students. No donor or alumni relationship guarantees an applicant’s admission. An unqualified applicant, even one with a relationship to donors and/or alumni, will not be

offered admission. USC has identified that for the 2022-23 Academic Year, it admitted 1,740 applicants (both first-year and transfer students) who had relationships with alumni and/or donors. Most of the students in the reporting group had relationships with alumni; only a very small percentage had relationships with non-alumni donors. It is important to put those figures into context. Those 1,740 students with relationships to alumni and/or donors comprised 14 percent of all admitted applicants. By comparison, out of all admitted students: 22 percent are first-generation college students, 22 percent are Pell eligible, 74 percent are students of color and 28 percent are from historically underrepresented minority populations.

- 7) **The Cal Grant program.** The Cal Grant Program, the state's largest financial aid program, is intended to help students with financial need to cover college costs. The program offers multiple types of Cal Grant awards. The amount of aid students receive depends on their award type and the segment of higher education they attend. In 2023, the maximum award amount is \$ 9,358 for a student enrolled at an ICCU. Award amounts for a student attending a CSU or UC cover the full cost of tuition. Approximately 25,000 Cal Grant recipients attend are enrolled in an AICCU institution.
- 8) **Civil penalty is linked with the allocation of Cal Grant funds.** The bill would add a civil penalty equal to the amount the institution receives in Cal Grant funding for violating the donor or legacy admission rule. In essence as each Cal Grant recipient gains admission, the fine increases. For some ICCU's this could result in a fine in the millions of dollars. Could this potentially raise concerns about the admission of Cal Grant recipients to ICCUs?
- 9) **Amendments.** Several state and federal laws impact ICCU's operations without necessitating the enforcement of civil penalties for non-compliance. For example, the California Ban on Scholarship Displacement Act of 2021 prohibits a higher education institution that receives or benefits from state-funded financial assistance or enrolls students who receive state-funded student financial assistance from reducing offers of institutional gift aid. Other statutes established by the following legislative proposals have similar provisions: AB 524 (Rodriguez, Chapter 268, Statutes of 2022), SB 493 (Jackson, Chapter 303, Statutes of 2020), and AB 697 (Ting, Chapter 514, Statutes of 2019). Seemingly, the goals of the bill can be achieved without having a civil penalty enforcement mechanism. **Staff recommends that the bill be amended to:**
- Align the definition of "Independent institutions of higher education," with other provisions in law that compel ICCU institutions to comply with state law. "Independent institution of higher education" means an institution as defined in subdivision (b) of Section 66010 that receives, or benefits from, state-funded student financial assistance or enrolls students who receive state-funded student financial assistance.
 - Strike the civil penalty provisions from the bill.
- 10) **Arguments in support.** According to the Campaign for College Opportunity, co-sponsors of this measure, "Legacy admissions are known to exacerbate existing

disparities in higher education. For example, at Notre Dame in 2020, 21 percent of freshmen were legacies compared to only 4 percent who were Black. Similar disparities were observed at Harvard, Stanford University, the University of North Carolina, and Cornell University. A 2020 study of Harvard's admission procedures revealed that legacy applicants were five times more likely to be admitted than non-legacy applicants."

Additionally, the Campaign for College Opportunity states that, "furthermore, an analysis conducted at Harvard University found that approximately three-quarters of White legacy admits would likely not have been accepted without their connections, underscoring the systemic advantages conferred by legacy status. These findings underscore the urgent need for legislation like AB 1780 to dismantle systems of privilege and promote fairness and equity in college admissions."

Lastly, the Campaign for College Opportunity contends that, "at a time when equal opportunity to higher education is being challenged nationwide, due to the ongoing effects of the COVID-19 pandemic, a late FAFSA rollout, and a U.S. Supreme Court decision ending the use of race-conscious admissions practices, students are questioning their place in higher education and the value of a college degree. AB 1780 sends a strong message the California believes influence and money should not dictate who gets a seat at our esteemed colleges and universities and that all students deserve a fair shot at a college education regardless of family background, income-level, or the color of their skin. We urge your support for AB 1780 to help level the playing field and ensure that higher education is accessible to all California students who wish to pursue it."

- 11) **Arguments in opposition.** AICCU in their opposition submitted to this Committee argue, in part, "We commend the author and bill sponsors for raising the important issue of increasing access to higher education among first-generation, low-income, and underrepresented students. Today, three out of four AICCU institutions are Hispanic Serving Institutions (HSI) or emerging HSI. We are proud to serve 25,000+ Cal Grant students, over half of whom identify as Latino, and 48percent are first generation college students. The demographics of our student body have changed dramatically in recent decades: between 1984 and 2022, the proportion of undergraduates who identify as White decreased from 70% to 34.1%, while the proportion of students identifying as Hispanic/Latino increased from 6.8% to 25.6%. As a set of institutions, we strongly believe that a diverse student body provides and enhances the learning experiences of our students and prepares them for success in society and the workplace.

"In response to the "Operation Varsity Blues" investigation, in 2019 the Legislature responded with Assembly Bill 697, which sought to regulate the use of admission policies pertaining to legacy applicants and donor-related applicants. The resulting statute required five years of reporting by California's public and private institutions of higher education regarding whether they provided "any manner of preferential treatment in admission to the applicants on the basis of their relationships to donors or alumni of the institution." Over the last

four years, AICCU and our institutions have complied with those reporting requirements, with a total of eight institutions self-reporting affirmatively. It is important to note that the data from those reports reveal that, with very limited exceptions, these applicants who were admitted met the institutions' admission standards that apply to all applicants.

“AB 1780 again proposes to address the use of legacy or donor-related admissions by creating a civil penalty for institutions if they provide donor preference or legacy preference in admission. The penalty would be equal to the amount of Cal Grant funds the students of the institution received the previous year and would be recovered by the California Department of Justice. We believe that a civil penalty enforcement mechanism is inappropriate and unprecedented to compel private nonprofit institutions to comply with state law, especially considering the lack of evidence that our colleges willfully defy laws passed by the Legislature.”

12) **Prior legislation.**

AB 697 (Ting, Chapter 514, Statutes of 2019), required, by June 30 of each year from 2021 to 2024, the CSU Trustees, the UC Regents, and the appropriate governing bodies of each ICCU that is a qualifying institution as defined under the Cal Grant Program that provides preferential treatment in admissions to applicants with a relationship to donors or alumni, to annually report information about those admissions to the Legislature.

AB 1383 (McCarty, Chapter 522, Statutes of 2019) established a process in statute for the UC and the CSU to use in granting admissions by exception by prohibiting a UC or CSU campus from admitting a student by admission by exception unless the student's admission has been approved by a minimum of three senior campus administrators, as specified.

SUPPORT

Asian Americans Advancing Justice-Southern California (Co-Sponsor)
 Campaign for College Opportunity (Co-Sponsor)
 College for All Coalition (Co-Sponsor)
 Diversify Our Narrative (Co-Sponsor)
 Generation Up (Co-Sponsor)
 Hispanas Organized for Political Equality (Co-Sponsor)
 uAspire (Co-Sponsor)
 Alliance for a Better Community
 Asian Americans Advancing Justice Southern California
 California Charter Schools Association
 California Competes: Higher Education for a Strong Economy
 California Federation of Teachers
 Center for Asian Americans in Action
 Class Action Network
 Consejo De Federaciones Mexicanas
 Kid City Hope Place
 Latino and Latina Roundtable of the San Gabriel and Pomona Valley

NAACP Pomona Valley Branch
San Francisco Rising
Southeast Asia Resource Action Center
Southern California College Access Network
The Education Trust - West
UC Student Association

OPPOSITION

Association of Independent California Colleges & Universities

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1793	Hearing Date:	June 19, 2024
Author:	Ta		
Version:	April 3, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Student financial aid: Cal Grants: Middle Class Scholarship Program: eligibility: dependents of members of the armed services stationed outside of California.

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

SUMMARY

This bill extends eligibility for the Cal Grant and Middle Class Scholarship (MCS) Program to dependents of a member of the United States (US) Armed Forces who maintains California as their state of legal residence even if the dependent member did not graduate from a California high school and who otherwise meets all other applicable eligibility requirements.

BACKGROUND

Existing law:

- 1) Creates the Cal Grant Program, and therein establishes the Cal Grant A Entitlement Awards, the Cal Grant B Entitlement Awards, the California Community College (CCC) Expanded Entitlement Awards, the California Community College Transfer Entitlement Awards, the Competitive Cal Grant A and B Awards, the Cal Grant C Awards, and the Cal Grant T Awards under the administration of the Student Aid Commission. (Education Code (EC) Section 69430 et al.)
- 2) Establishes the Cal Grant Reform Act, which revises and recasts the provisions establishing and governing the existing Cal Grant Program into a new Cal Grant Program. Specifies that the act becomes operative only if General Fund moneys over the multiyear forecasts beginning in the 2024–25 fiscal year are available to support ongoing augmentations and actions, and if funding is provided in the annual Budget Act to implement the act. (EC § 69504 et al.)
- 3) Establishes eligibility requirements for awards under the program for participating students attending qualifying institutions, including, among others, California residency requirements, as provided. (EC § 69411 and 69433.9.)
- 4) Establishes the MCS program under the administration of the commission. Existing law makes an undergraduate student eligible for a scholarship award

under the MCS if the student is enrolled at the University of California (UC) or the California State University (CSU), or enrolled in upper division coursework in a community college baccalaureate program, and meets certain eligibility requirements, including, among others, that the applicant meets the eligibility requirements for a Cal Grant. (EC § 70020 et al.)

ANALYSIS

- 1) This bill extends Cal Grant and Middle Class Scholarship Program eligibility to a student who is a dependent child or spouse of a member of the U.S. Armed Forces stationed outside of California on active duty, if:
 - a) The member of the US Armed Forces otherwise maintains California as their state of legal residence; and
 - b) The student meets all other eligibility requirements.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Military service members who are California residents may sometimes receive government orders requiring them to relocate outside of the state for extended periods. Their family members often accompany them for these temporary duty assignments. Unfortunately, this temporary move can occur during a portion of a dependent child's high school year, which disqualifies them from California financial aid.

"Under current law, if you are a dependent of a parent or guardian who is a military member and has temporarily moved outside of California due to official orders, you are not eligible for Cal Grants, even if your parents maintain a California residence and continue to pay income and property taxes to the state."

The author also asserts, "AB 1793 would apply to a deserving body of active service member who have been relocated outside of California but maintain their residency in California during their time in the service. With the current law as it is, if you are a dependent of a parent or guardian who is a military member and has temporarily moved outside of California due to official orders, you are not eligible for Cal Grants or the Middle-Class Scholarship Program, even if your parents maintain a California residence and continue to pay income and property taxes to the state."

- 2) **State of legal residence.** According to the Assembly Committee on Military and Veterans Affairs analysis, "State of Legal Residence" is what the military services consider to be one's true, fixed, and permanent home. From an explanation written by the Stuttgart Law Center, which provides legal support to members of the U.S. military stationed at United States Army Garrison Stuttgart:
"This is the place where, although you may leave for military duty, you intend to return. For example, a soldier with a SLR in Oregon leaves the state on military orders, but intends to go back to Oregon after leaving the military. Oregon is his permanent home, even though he is temporarily absent from it due to military

orders. The soldier might never be stationed in Oregon during a thirty-year military career, and yet Oregon would remain the soldier's SLR for the entire thirty-year period.

"Because military members may have "legal residence" in one state, but be stationed in a different state, the Servicemembers Civil Relief Act allows military members to pay taxes, register vehicles, vote, etc., in their SLR, rather than the state they are stationed in.

"Changing one's SLR is not as easy as merely declaring it, or even simply submitting a form. Doing so requires, according to the Stuttgart Law Center, that one is physically present in the new state; intends to remain in the new state permanently or to treat that location as your permanent home; and intends to abandon the old SLR. That intent can be demonstrated by doing as many as possible of the following: getting a driver's license or registering a vehicle in the new SLR; paying taxes in the new SLR and notifying the old SLR's taxation authority of one's SLR change; establishing a permanent physical address in the new SLR, etc., and then filing a DD Form 2058, State of Legal Residence Certificate."

This bill extends state student aid eligibility to service members with a SLR in California at California based institutions.

- 3) **The Cal Grant program.** The Cal Grant program is the state's largest financial aid program, is intended to help students with financial need cover college costs. The program offers multiple types of Cal Grant awards. The amount of aid students receive depends on their award type and the segment of higher education they attend. Cal Grant A covers full systemwide tuition and fees at public universities and a fixed amount of tuition at private universities. Cal Grant B provides the same amount of tuition coverage as Cal Grant A in most cases, while also providing an "access award" for nontuition expenses such as food and housing. Cal Grant C, which is only available to students enrolled in career technical education programs, provides lower award amounts for tuition and nontuition expenses. Across all award types, larger amounts of nontuition coverage are available to students with dependent children as well as current and former foster youth. The proposed benefit in this bill would have the greatest impact on the Cal Grant A or Cal Grant B high school entitlement award program, as it removes California high school completion as a requirement for eligibility, thereby making the programs accessible to a new group of students.
- 4) **MCS implementation concerns.** MCS provides undergraduate students, including students pursuing a teaching credential, with a scholarship, and was recently revamped to account for cost of attendance, to attend a UC, CSU or community college Bachelor's degree program. Currently, a community college student pursuing an associate degree or certificate is not eligible for MCS. Students with family income and assets up to \$201,000 may be eligible.

The 2021 Budget Act significantly changed the MCS program. The Legislative Analyst's Office (LAO) assessment of the MCS noted various challenges as the Commission and campus financial aid offices implemented the redesigned MCS

program for the first time last year. Some of the MCS implementation issues that the Commission and campus financial aid offices faced in 2022-23 are expected to be resolved over time. However, the Commission and higher education institutions, however, indicate that other challenges may persist under the current program structure. MCS award amounts change often. These changes account for new student grants or scholarships, to comply with federal financial aid packaging rules, or to maintain MCS expenditure within the annual appropriation. Frequent changes to MCS award amounts increase the workload on the campus financial aid offices. Further, they cause student frustration and potential hardship, especially when award amounts are reduced mid-year. Altering the MCS eligibility requirements at this time may face implementation challenges, given the difficulties mentioned in the above paragraph.

- 5) **Fiscal impact.** According to the Assembly Appropriations Committee analysis, this bill would have the following fiscal impact:
- a) Unknown, potentially significant, ongoing General Fund costs to provide additional Cal Grants or MCSP to newly eligible students. Costs would depend on the number of students newly qualifying for Cal Grants and MCSP and the amount of their grant received. For example, if 15 students received a tuition awards to attend UC at the 2023-24 academic year tuition cost of \$13,752, costs would be about \$206,000.
 - b) Minor and absorbable General Fund costs to the California Students Aid Commission (CSAC) to make changes to accommodate these changes to Cal Grant and MCSP.
 - c) According to the Legislative Analyst's Office, the General Fund faces a structural deficit in the tens of billions of dollars over the next several fiscal years.

SUPPORT

None received

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1818 **Hearing Date:** June 19, 2024
Author: Jackson
Version: May 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Public postsecondary education: overnight student parking: pilot program.

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 College (CCC) Chancellor's Office and the California State University (CSU) Chancellor's Office to each establish a pilot program at 20 CCCs and 10 CSUs to allow overnight parking on their respective campuses by eligible students, as specified.

BACKGROUND

Existing law:

Federal law

- 1) Establishes the Federal McKinney-Vento Homeless Assistance Act, which defines homeless youths as “individuals who lack a fixed, regular, and adequate nighttime residence” who:
 - a) Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b) May be living in motels, hotels, trailer parks, or shelters;
 - c) Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - d) Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
 - e) Are migratory children who qualify as homeless because they are children who are living in similar circumstances listed above. (42 U.S.C. Section 11434a(2))

State law

- 2) Requires that CSU and the UCs, and requests that the CCC, in order to ensure current and former homeless youth and current and former foster youth have stable housing, give priority for housing these students. (Education Code (EC) § 76010, 90001.5 and 92660)
- 3) Requires campuses of the CSU and UC, and requests campuses of the CCC, that maintain student housing facilities open for occupation during school breaks, or on a year-round basis, to give first priority to current and former foster and homeless youth for residence in the housing facilities that are open for uninterrupted year-round occupation. (EC § 76010, 90001.5, and 92660)
- 4) Extends priority for housing at the UC, the CSU, and the CCCs to homeless youth, and requests campuses to develop plans to ensure that homeless and foster youth have housing during breaks. (EC § 76010, 90001.5, and 92660)
- 5) Defines “homeless youth” as a student under 25 years of age, who has been verified as a homeless child or youth (as defined by Federal law). Provides that a student who is verified as a former homeless youth retains that status for a period of six years from the date of admission. (EC § 76010, 90001.5, and 92660)
- 6) Requires a community college campus that has shower facilities for student use on campus to grant access to those facilities to any homeless student who is enrolled in coursework, has paid enrollment fees, and is in good standing with the community college district without requiring the student to enroll in additional courses. (EC § 76011)
- 7) Provides that no community college district, or any officer or employee of such district or board is responsible or in any way liable for the conduct or safety of any student of the public schools at any time when such student is not on school property, unless such district has provided transportation for such student to and from the school premises, has undertaken a school-sponsored activity off the premises of such school, has otherwise specifically assumed such responsibility or liability or has failed to exercise reasonable care under the circumstances. In the event of such a specific undertaking, the district is liable or responsible for the conduct or safety of any student only while such student is or should be under the immediate and direct supervision of an employee of such district or board. (EC § 87706)
- 8) Requires the governing board of a community college district to procure insurance against liability of the district for damages for death, injury to person, or damage or loss of property, including such liability arising from officers or employees of the district acting within the scope of their employment. (EC § 72506(a))

ANALYSIS

This bill:

- 1) Requires that the CCC Chancellor establish a pilot program to allow overnight parking at selected community college campuses by an eligible student.
- 2) Requires, the CCC Chancellor, with the participation of student representatives and community college district leaders, determine a plan of action for implementing the pilot program that includes, but is not limited to, all of the following:
 - a) The monitoring of overnight parking facilities and a procedure for reporting and responding to threats to the safety of a participating student.
 - b) A mandatory overnight parking form that is to be completed by an eligible student seeking to access the overnight parking facilities. The bill requires that the form clearly and conspicuously indicate that the campus cannot ensure the safety of a participating student.
 - c) The designation of one or more specific parking areas on each pilot campus for overnight parking.
 - d) An authorization that allows a student from any campus in a community college district to use the parking area of the pilot campus, provided that the participating student applies for an overnight parking permit.
 - e) Overnight parking rules that a participating student is required to follow when using the overnight parking facilities, including a zero tolerance policy for the use of drugs or alcohol.
 - f) A procedure for identifying a participating student who has engaged in behavior that poses a substantial threat to the physical safety of other participating students and, as necessary, warning the student to correct the student's behavior or revoking the student's eligibility to participate in overnight parking on a temporary or permanent basis.
 - g) A procedure for registering and verifying the identity of an eligible student and the student's vehicle through the issuance of an overnight parking permit. This information is to be used exclusively for the purpose of implementing overnight parking and cannot be disclosed for any other purpose, except pursuant to a particularized, court-issued warrant.
- 3) Requires that the CCC Chancellor, by July 1, 2025, select 20 campuses to participate in the pilot program using criteria established by the CCC Chancellor.
- 4) Requires that the CCC Chancellor, upon establishing a plan of action, develop a document that clearly and concisely describes the rules and procedures and requires that the document be provided to participating students and be made available as specified.
- 5) Requires that an eligible student who participates in the pilot program be granted access to overnight parking until the student is provided access to a suitable alternative, including, but not limited to, any of the following:

- a) A grant that is necessary to secure, or prevent the imminent loss of, housing.
 - b) A hotel voucher through a public agency or community organization.
 - c) Rapid rehousing referral services and placement.
- 6) States that a CCC pilot campus that implements overnight parking that complies with the requirements of the plan of action and rules and procedures is not civilly liable for a campus employee's good faith act or omission that fails to prevent an injury to a participating student that occurs in, or in close proximity to, and during the hours of operation of, overnight parking. This immunity does not apply to gross negligence, intentional misconduct, or violations of other laws.
- 7) Requires, by July 1, 2027, a CCC pilot campus to report all of the following to the CCC Chancellor:
- a) The use of the overnight parking facilities by participating students.
 - b) The number of participating students served by the overnight parking facilities.
 - c) The socioeconomic and demographic backgrounds of participating students.
 - d) Other housing services offered to its students.
 - e) Challenges and best practices in the operation of the overnight parking facilities.
 - f) Whether participating students remained enrolled or graduated from a campus maintained by the community college district.
- 8) Requires, by January 31, 2028, the CCC Chancellor to develop and submit to the Governor and the Legislature a report based on the data and information reported by the pilot campuses.
- 9) Requires that the CCC Chancellor implement the pilot program and plan of action by August 1, 2025.
- 10) Sunsets the CCC pilot program on January 1, 2029.
- 11) Defines all of the following terms for purposes of the CCC pilot program:
- a) "Chancellor" means the Chancellor of the California State University.
 - b) "Eligible student" means a student who meets all of the following requirements:

- i) The student attends a CCC pilot campus.
 - ii) The student is enrolled in coursework.
 - iii) If not waived, the student has paid their enrollment fees.
 - iv) The student is in good standing with the pilot campus. “Good standing” does not include requirements related to the number of units in which the student is enrolled.
- c) “Participating student” means an eligible student who uses overnight parking facilities pursuant to the CCC pilot program.
 - d) “Pilot campus” means a campus selected to participate in the CCC pilot program.

California State University

- 12) Requires the CSU Chancellor to establish a pilot program to allow overnight parking by an eligible student.
- 13) Requires the CSU Chancellor, with the participation of student representatives, to determine a plan of action for implementing the pilot program that includes, but is not limited to, all of the following:
 - a) The monitoring of overnight parking facilities and a procedure for reporting and responding to threats to the safety of a participating student.
 - b) The requirement for an overnight parking form to be completed by an eligible student seeking to access the overnight parking facilities and that the form clearly and conspicuously indicate that the campus cannot ensure the safety of a participating student.
 - c) The designation of one or more specific parking areas on each pilot campus for overnight parking.
 - d) Overnight parking rules that a participating student shall follow when using the overnight parking facilities, including a zero tolerance policy for the use of drugs or alcohol.
 - e) A procedure for identifying a participating student who has engaged in behavior that poses a substantial threat to the physical safety of other participating students and, as necessary, warning the student to correct the student’s behavior or revoking the student’s eligibility to participate in overnight parking on a temporary or permanent basis.
 - f) A procedure for registering and verifying the identity of an eligible student and the student’s vehicle through the issuance of an overnight parking permit. This information shall be used exclusively for the purpose of

implementing overnight parking and shall not be disclosed for any other purpose, except pursuant to a particularized, court-issued warrant.

- 14) Requires the CSU Chancellor to, by July 1, 2025, select 10 campuses to participate in the pilot program using criteria established by the CSU Chancellor.
- 15) Requires the CSU Chancellor, upon establishing a CSU plan of action develop a document that clearly and concisely describes the established rules and procedures and that the document be provided to participating students and be available, as specified.
- 16) Requires that an eligible student who participates in the pilot program have access to overnight parking until the student is provided access to a suitable alternative, including to any of the following:
 - a) A grant that is necessary to secure, or prevent the imminent loss of, housing.
 - b) A hotel voucher through a public agency or community organization.
 - c) Rapid rehousing referral services and placement.
- 17) Specifies that a pilot campus that implements overnight parking that complies with the requirements of the plan of action and the development of rules and procedures as specified is not civilly liable for a campus employee's good faith act or omission that fails to prevent an injury to a participating student that occurs in, or in close proximity to, and during the hours of operation of, overnight parking. This immunity does not apply to gross negligence, intentional misconduct, or violations of other laws.
- 18) Requires, by July 1, 2027, a pilot campus report all of the following to the CSU, Chancellor:
 - a) The use of the overnight parking facilities by participating students.
 - b) The number of participating students served by the overnight parking facilities.
 - c) The socioeconomic and demographic backgrounds of participating students.
 - d) Other housing services offered to its students.
 - e) Challenges and best practices in the operation of the overnight parking facilities.
 - f) Whether participating students remained enrolled or graduated from a CSU campus.

- 19) Requires the CSU Chancellor, by January 31, 2028, to develop and submit to the Governor and the Legislature a report based on the data and information reported by a pilot CSU campus.
- 20) Requires that the CSU Chancellor implement the pilot program and plan of action by August 1, 2025.
- 21) Defines all of the following terms for purposes of the CSU pilot program:
 - a) “Chancellor” means the Chancellor of the California State University.
 - b) “Eligible student” means a student who meets all of the following requirements:
 - i) The student attends a CSU pilot campus.
 - ii) The student is enrolled in coursework.
 - iii) If not waived, the student has paid their enrollment fees.
 - iv) The student is in good standing with the pilot campus. “Good standing” does not include requirements related to the number of units in which the student is enrolled.
 - c) “Participating student” means an eligible student who uses overnight parking facilities pursuant to the CSU pilot program.
 - d) “Pilot campus” means a campus selected to participate in the CSU pilot program.
- 22) Sunsets the CSU pilot program on January 1, 2029.

STAFF COMMENTS

- 1) **Need for the bill.** According to information provided by the author, “California's college students are grappling with exorbitant costs of attending college, primarily attributed to housing. According to the Public Policy Institute of California (PPIC), “housing—not tuition—is the key driver of rising costs at public colleges”. A recent report by the Hope Center and the California Community Colleges highlighted that 19% of students experienced homelessness, and 60% felt housing insecurity. The report also revealed that 30% of students bear the sole responsibility for housing expenses. Additionally as noted by the University of California at Los Angeles (UCLA), within the last decade, student homelessness has increased by 48%. In fact, in a 2021 State Assembly Budget Sub #2 Committee analysis, homelessness was prevalent across its public colleges finding that: 1 in 20 students at the UC, 1 in 10 at CSU, and 1 in 5 at CCC were experiencing homelessness. Finally, in 2020, it was found 16% of UC students reported sleeping in nontraditional housing arrangements, including vehicles.”

The author further asserts that, "AB 1818 seeks to provide a backstop and an alternative for emergency shelter, by allowing California college students to stay overnight in their personal vehicles while parked on the campus of their college or university where they are a registered student. While emergency shelter in a vehicle is not ideal, it seems just a student knowing they may have a place to shelter, will go a long way to stabilizing their health and providing additional time to find a long term housing solution."

- 2) **Potential liability concerns.** This bill has also been referred to the Committee on Judiciary, which has jurisdiction over legislation relating to courts, liens, claims, privacy and consumer protection and can more appropriately address issues relative to potential liability for colleges. Staff notes that several colleges have raised concerns about potential liability and their capacity to guarantee student safety.
- 3) **Recent changes to financial aid attempt to address housing costs.** As noted in the Legislative Analyst's Office 2022-2023 budget briefing on student housing, for many decades, the state's primary strategy for promoting college affordability was to keep student tuition charges low across the public higher education segments, while also providing full tuition coverage for students with financial need through the Cal Grant program.

Over the past several years, the state has begun providing more financial aid coverage for non-tuition costs, including housing, food, and transportation costs. Specifically, for university students, the state recently revamped the Middle Class Scholarship (MCS) program to be based on total cost of attendance. As a result of the expansion, many more CSU and UC students are now receiving MCS awards to cover a portion of their living costs. For community college students, the state created the Student Success Completion Grant program in 2018-19 (building off a predecessor program). This program covers \$8,000 of living costs annually for students with financial need who are enrolled in 15 or more units per term and \$2,596 annually for students taking between 12 and 14 units per term. *Should the Legislature focus its efforts on financial aid reform so that students with the most financial need receive a greater benefit for things like housing costs?*

- 4) **Rapid rehousing grants and basic needs assistance.** In 2019-20, the state provided all three segments with ongoing General Fund augmentations to create rapid rehousing programs in partnership with community organizations. These programs provide students who are homeless or at risk of homelessness with various services, including case management, emergency housing, and emergency grants.

Beyond rapid rehousing programs, all three public segments also have received ongoing state funds in recent years to address students' basic needs, including food and housing insecurity. Basic needs assistance provided on each campus varies but can include on-campus food pantries, meal vouchers, hotel vouchers for short-term housing needs, on-campus emergency housing, security deposit assistance, rental subsidies, and a case manager to help students secure long-

term housing. Colleges have also built referral pipelines with local organizations that provide housing assistance.

In addition to these ongoing program expansions, the state provided a substantial amount of one-time funding for the Higher Education Student Housing Grant program. As part of the 2022-23 budget agreement, the state provided a total of \$1.5 billion one-time non-Proposition 98 General Fund for the first round of student housing grants.

- 5) ***Other services and resources available to help homeless students.*** In addition to the rapid rehousing grants, financial aid awards and basic needs centers. Existing law provides the following services and priorities for students who are currently or formerly homeless:
- a) Requires a campus of the CSU and requests campuses of the CCC, to give priority housing.
 - b) Requires a CSU campus and requests a CCC campus, to give first priority for residence in the housing facilities that are open for uninterrupted year-round occupation.
 - c) Requires CSU and each community college district to grant priority in that system for registration for enrollment.
 - d) Requires campuses of the CCC to grant access to shower facilities.
 - e) Requires CSU and CCC campuses to designate a Homeless and Foster Youth Liaison to assist these students in applying for and receiving federal and state financial aid and available services.
 - f) Requires CSU and CCC a position of basic needs coordinator to serve students experiencing basic needs insecurity including housing.

The Committee may wish to consider whether it is appropriate for the state to mandate that colleges establish and manage overnight parking facilities that serve as temporary housing, or whether an alternative solution, comparable to the student services or resources mentioned in this analysis, is merited.

- 6) **Is it best to leave the decision up to local leaders?** This bill mandates that a significant portion of CSU's 23 campuses, and numerous community colleges within the CCC system to designate parking areas for student use overnight thereby diminishing the discretion of a campus to determine how to best to allocate resources to address the lack of affordable housing options that cater to the unique needs of the campus community and the surrounding area. The CSU and community college districts through their respective governance structures have the power to establish overnight parking facilities to fit local circumstances if they so choose. It is worth noting that some community colleges allow overnight parking under special circumstances. Despite being a pilot program, this bill would require participation in the program as specified.

- 7) **Amendment.** Under this measure, about 40 percent of CSUs and 17 percent of colleges within the CCC system must be selected for the overnight parking facilities pilot program. **Staff recommends that the bill be amended** to scale down the CSU pilot program from 10 to five campuses to coincide with the percentage of the CCCs selected for the pilot program.

Additionally, if the intent of this measure is to provide a temporary or emergency housing option by means of allowing students to park their vehicles on campus overnight, **staff recommends that the bill be amended** for both the CCC and CSU pilot programs to prohibit a recreational vehicle from accessing overnight parking areas of the pilot programs. **Staff further recommends that the bill be amended** to include a definition of recreational vehicle that consists of “a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy.”

- 8) **Prior legislation.**

AB 806 (Bloom, Chapter 163, Statutes of 2019), removes the January 1, 2020 sunset, whereby current and former homeless youth are eligible for priority enrollment at campuses of the CCC, CSU, and the UC; aligns the definition of “homeless youth” to other provisions of existing law; specifies that current or former homeless youth are eligible for the CCC fee waiver; and, makes technical and clarifying changes to existing law.

AB 2416 (Gabriel, Chapter 285, Statutes of 2020), requires institutions of higher education to allow students to appeal their loss of student financial aid if they fail to meet "satisfactory academic progress" due to homelessness.

AB 302 (Berman, 2019), would have required a CCC campus that has parking facilities on campus to grant overnight access to those facilities, on or before July 1, 2020, to any homeless student who is enrolled in coursework, has paid any enrollment fees that have not been waived, and is in good standing with the community college for the purpose of sleeping in the student’s vehicle overnight. This bill was moved to the inactive file on the Senate Floor.

AB 2784 (Caballero, 2018) would have established a program to provide loans for housing expenses to students experiencing homelessness at three California State University campuses. AB 2784 was held in the Assembly Appropriations Committee.

AB 1228 (Gipson, Atkins, Chapter 571, Statutes of 2015), extended priority for housing at the UC, the CSU, and the CCC to homeless youth, and requests campuses to develop plans to ensure that homeless and foster youth have housing during breaks.

SUPPORT

Alliance for Children's Rights
California Coalition for Youth

California Faculty Association
California Federation of Teachers
California State University Employees Union
GLIDE
Powerca Action
Public Advocates
University of California Student Association

OPPOSITION

Allan Hancock College
Antelope Valley Community College District
Association of California Community College Administrators
Bakersfield College
Berkeley City College
Butte-Glenn Community College District
Cabrillo College
California State University, Office of the Chancellor
Cerritos College
Chabot-Las Positas Community College District
Citrus College
Clovis Community College
Coalinga College
College of Alameda
College of the Canyons
College of the Redwoods
College of the Sequoias
College of the Siskiyous
Community College League of California
Compton Community College District
Contra Costa Community College District
Copper Mountain College
Cuesta College
Foothill-De Anza Community College District
Fresno City College
Grossmont-Cuyamaca Community College District
Irvine Valley College
Kern Community College District
Laney College
Lemoore College
Madera Community College
Mendocino-Lake Community College District
Merced College
Merritt College
Miracosta College
Mt. San Antonio College
Napa Valley College
North Orange County Community College District
Palo Verde College
Peralta Community College District

Reedley College
Rio Hondo College
Riverside Community College District
Saddleback College
San Bernardino Community College District
San Diego City College
San Diego College of Continuing Education
San Diego Community College District
San Diego Mesa College
San Diego Miramar College
South Orange County Community College District
State Center Community College District
Victor Valley College
West Hills Community College District
Woodland Community College
Yuba College
Yuba Community College District

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1858	Hearing Date:	June 19, 2024
Author:	Ward		
Version:	April 15, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Comprehensive school safety plans: active shooters: armed assailants: drills.

SUMMARY

This bill prohibits a local educational agency (LEA), county office of education (COE), and charter school from conducting high-intensity active shooter drills and requires an LEA, COE, and charter school to use a trauma-informed approach to the design and execution of any drill, as specified, in addition to requiring the California Department of Education (CDE) to curate and post on its internet website best practices pertaining to school shooter or other armed assailant drills, as specified, on or before June 15, 2025.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) 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. (EC § 32281 (a))
- 2) Requires that the comprehensive school safety plans (CSSP) include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EC § 32282)
- 3) Encourages that, as school safety plans are reviewed, plans be updated to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers,

and police officers on school campuses, if the school district employs these professionals. (EC § 32282.1)

- 4) Authorizes the governing board of a school district to establish a security department under the supervision of a chief of security as designated by, and under the direction of, the superintendent of the school district, and authorizes the employment of personnel in the security department. States it is the intent of the Legislature that a school district security department is supplementary to city and county law enforcement agencies and is not vested with general police powers. (EC § 38000)
- 5) Requires school staff who is alerted to or observes any threat or perceived threat to immediately report the threat or perceived threat to law enforcement. The report shall include copies of any documentary or other evidence associated with the threat or perceived threat. (EC § 49393)
- 6) Requires the CDE, as specified, on or before, July 1, 2023, to develop model content, that, at a minimum, informs parents or guardians of California's child access prevention laws and laws relating to the safe storage of firearms. (EC § 49391)

ANALYSIS

This bill:

Restrictions and Guardrails on Active Shooter and Other Armed Assailant Drills

- 1) Requires an LEA, COE, and charter school to comply with the following preparing for active shooters or other armed assailants by conducting a drill as a part of their CSSP:
 - a) Prohibits the practice of high-intensity active shooters or other armed assailant drills and the use of real weapons, gunfire blanks, or explosions in the conducting of the drill.
 - b) Requires an LEA, COE, and charter school to ensure a trauma-informed approach to the design and execution of any drill that includes all of the following:
 - i) Age-appropriate and developmentally appropriate drill content and terminology developed with the involvement of school personnel, including school-based mental health professionals.
 - ii) Notice to all parents and guardians of pupils, teachers, administrators, and school personnel subject to the drills in advance of the drill and of the drill's expected length of time, at least seven days in advance of the drills.
 - iii) The ability for parents or guardians to opt their child or children out of the drills.
 - iv) An announcement to pupils and educators immediately before the start of the drills and an announcement to pupils, educators, and parents or guardians of pupils immediately after the drills have concluded.

- v) The provision of contact information for community-based resources, including local organizations with objectives to reduce gun violence or provide mental health counseling, to parents or guardians, pupils, and staff who are negatively impacted by the drills, and, where available, prioritizing school-based resources.

CDE: Best Practices Pertaining to School Shooter or Other Armed Assailant Drills

- 2) Requires the CDE to curate and post on its internet website, on or before June 15, 2025, best practices pertaining to school shooter or other armed assailant drills, including, but not limited to, guidance for age-appropriate and developmentally appropriate drills, including age-appropriate and developmentally appropriate language, and staff training tools pertaining to school shooter or other armed assailant drills, for use by school districts, county offices of education, and charter schools providing instructional services to pupils in kindergarten or in any of grades 1 to 12 and encourages a LEA, COE, and charter school to comply with all the best practices curated by the CDE.

General Provisions

- 3) Makes findings and declarations related to some school districts going to extreme measures to simulate school shooter or armed assailant incidents and the need to balance the impact of school shooter or other armed assailant drills on students' and teachers' mental health with school safety.
- 4) "High-intensity drill" means a drill that includes simulations that mimic an actual school shooter or other armed assailant incident, including, but not limited to, theatrical makeup or other materials to give an image of blood or gunshot wounds, acting by an individual posing to be the assailant, acting by individuals posing as victims, or simulations that instruct pupils to actively resist an assailant by throwing objects, attacking, or swarming the assailant.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 1858 seeks to standardize school shooter drills by giving clear guidance to the California Department of Education so they can update their current requirements for school districts to use when conducting these drills. This guidance will focus on age appropriate drill procedures, ban simulated shooting and violence, provide local resources for students to reach out to address trauma, require students and staff be told when a drill is beginning, and parental notification of the drill the week of and following the drill that same day."
- 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 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.

Improvements Since the 2016 State Auditor Report

In addition to including procedures to respond to active shooter situations, in 2019, the Legislature passed SB 541 (Bates, Chapter 786, Statutes of 2019). This bill required the CDE to collect data from LEAs about lockdown or multi-option response drills conducted at school sites within school districts, COEs, and charter schools serving students in kindergarten or grades 1 to 12. Additionally, the CDE is required to submit a report to the Legislature.

The 2021 report provides information on findings from a statewide survey of lockdown drills and multi-option response drills conducted at school sites including charter schools, school districts, and county offices of education providing instructional services to pupils in kindergarten or in any of grades one to twelve inclusive. CDE found that active shooter drills occur within one or two categories:

- a) Traditional lockdowns involve removing students and staff from the threat of an active shooter by locating them in locked classrooms or other secure areas. Once inside a classroom, individuals are instructed to turn off all the lights; move as far away from the doors and windows as possible; minimize physical exposure and seek protective cover; remain calm and quiet; and wait for an all clear from a credible source. Individuals in a hallway, cafeteria, or outside the school are directed to enter the nearest classroom and follow the same protocol. These traditional lockdowns are reported to be the most common practice used by schools in response to school shootings.
- b) Multi-option responses have been recommended by numerous law enforcement and education organizations in recent years. Different agencies use varying protocols and acronyms, but all include three basic components:
 - i) Fleeing the scene if possible;
 - ii) If unable to flee, barricading in a room with available objects, such as desks or chairs, to prevent the shooter from making entry; and
 - iii) As a last resort, distracting and actively resisting by throwing objects and/or swarming the gunman.

Upon surveying districts, CDE found that 93% of schools conduct one or more lockdown drills per school year (63% of these conduct 2 or more drills, 33% conduct 3-4 drills, and 5% conduct 5 or more drills per year) while 42% of schools conduct one or more multi-option drills per school year (68% of these conduct 1-2 drills, 17% conduct 3-4 drills, and 15% conduct 5 or more drills per year).

- 4) ***Have Drills Gone Too Far?*** According to a BBC News article, an increasing number of schools nationwide are choosing to conduct more intense drills involving individuals wearing masks and carrying fake guns. At the same time, students play the role of victims covered in fake blood. Many experts believe that discussing and practicing how to respond to a dangerous situation will help protect students who

may face a real threat. While such drills can help prepare students and staff to take steps to protect themselves, the drills must be tailored for the participants.

In January 2019, local law enforcement conducted an active-shooter training drill with the teachers of Meadowlawn Elementary School in Monticello, Indiana. The drill involved dividing the teachers into small groups and instructing them to face a classroom wall and kneel. Deputies with the White County Sheriff's Office fired plastic pellets into the backs of more than 20 teachers without warning, causing several teachers to be injured. Proponents of such drills argue that exposing staff and students to stressful situations better prepares them for the realities of dealing with a shooter and helps them avoid a "deer in the headlights" reaction. However, they also point out that the majority of these drills only expose students acting as volunteers to the stressful situations, not the entire school.

According to the article, Heidi Pottinger, a doctor of public health at the University of Arizona Department of Health Promotion Sciences, and the founder of Child Health and Resilience Mastery, a non-profit organization which helps children cope with stress and build resilience, is deeply saddened when she found out her two young children were taking part in lockdown drills. She believes that early exposure to stress can prime children to not be able to cope with stress later on, and in the short-term can lead to hyper-vigilance and anxiety.

This bill would end the practice of high-intensity active shooters or other armed assailants drills and the use of real weapons, gunfire blanks, or explosions in the conducting of the drill.

Best Practices For Active Shooter Drills

The National Association of School Psychologists, the National Association of School Resource Officers, and Safe and Sound Schools have partnered to provide updated guidance on *Best Practice Considerations for Armed Assailant Drills in Schools*.

The primary objectives of conducting an armed assailant drill are to provide law enforcement, school leadership, and staff with the opportunity to rehearse and refine their skills and protocols and identify and rectify deficiencies in knowledge, communication, coordination, and decision-making. These exercises' overarching goal is to prepare and safeguard all participants adequately. However, involving all staff and students in these drills elevates the potential for causing harm. Factors such as the intensity of the drill (e.g., utilization of loud gunfire and airsoft guns), advance notice of the drill, and the voluntary or mandatory nature of participation can significantly influence individual reactions to the experience. Furthermore, an individual's cognitive and developmental levels, personality, history of adverse or traumatic experiences, and psychological composition are among the myriad of factors that can impact the potential for harm. CDE currently provides information on its website related to active shooter preparedness drills.

This bill would require CDE to curate and post on its internet website, on or before June 15, 2025, best practices pertaining to school shooter or other armed assailant drills.

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

- a) Ensure schools provide an advance notice to all parents and guardians of pupils, teachers, administrators, and school personnel before a drill is conducted.
- b) Ensure pupils an announcement is made immediately before the start of the drills and after to pupils and school personnel.
- c) Ensure a notice to all parents and guardians of pupils is made after the drill has concluded.
- d) Adds a coauthor

6) ***Related Legislation.***

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.

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.

AB 2816 (Gipson, 2024), 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, 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.

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.

SUPPORT

Alameda County Office of Education
 American Academy of Pediatrics, California
 Brady California
 California Academy of Child and Adolescent Psychiatry
 California Federation of Teachers
 California School Employees Association
 Generation Up
 Los Angeles County Office of Education
 San Francisco Board of Supervisors

OPPOSITION

1 Individual

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1971	Hearing Date:	June 19, 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 1) 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; 2) a test, used for preparation for a standardized test; 3) the [registration for, or reporting of scores](#).

It should also be noted that steps to clarify the ambiguity highlighted in the Assembly Privacy and Consumer Committee analysis have been made. However, additional clarity is still needed to ensure applicability is tailored to better capture the intent of SOPIPA and what this bill attempts to accomplish. The author may wish to consider one of the two avenues to align with the intent of SOPIPA: 1) Modify the definition of

“operator” or 2) provide additional clarification with regard to general audience websites

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

ACLU California Action
Administrators Association of San Diego City Schools
California School Boards Association
Electronic Frontier Foundation
Oakland Privacy
PERK Advocacy
Secure Justice

OPPOSITION

ACT
College Board

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1984	Hearing Date:	June 19, 2024
Author:	Weber		
Version:	April 15, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Transfer reporting for alternative schools, county community schools, and continuation schools.

SUMMARY

This bill (1) requires local educational agencies (LEAs) to provide to the California Department of Education (CDE) data on student transfers to alternative schools, continuation schools, or to county community schools, disaggregated by those initiated by the student or parent, and those initiated by the LEA; (2) requires CDE to review suspension and expulsion data and data on transfers, and include reducing the use of these transfers in any guidance to LEAs related to ending the disproportionate discipline of student subgroups.

BACKGROUND

Existing law:

Expulsion

- 1) Requires the principal or the superintendent of schools to recommend the expulsion of a student for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:
 - a) Causing serious physical injury to another person, except in self-defense.
 - b) Possession of any knife or other dangerous object of no reasonable use to the student.
 - c) Unlawful possession of any controlled substance, with exception.
 - d) Robbery or extortion.
 - e) Assault or battery upon any school employee. (Education Code (EC) § 48915)
- 2) Requires the principal or superintendent of schools to immediately suspend and recommend expulsion of a student that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- a) Possessing, selling, or otherwise furnishing a firearm.
- b) Brandishing a knife at another person.
- c) Unlawfully selling a controlled substance.
- d) Committing or attempting to commit a sexual assault, or committing a sexual battery.
- e) Possession of an explosive. (EC § 48915)

Suspension

- 3) Authorizes LEAs to suspend a student for a number of acts. (EC § 48900 et seq)

Referral to program of study

- 4) Requires the governing board of a school district to refer a student who has been expelled pursuant to # 2 to a program of study that meets all of the following conditions:
 - a) Is appropriately prepared to accommodate students who exhibit discipline problems.
 - b) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
 - c) Is not housed at the schoolsite attended by the student. (EC § 48915)
- 5) Prohibits a student who has been expelled pursuant to # 1 or # 2 from being permitted to enroll in any other school or school district during the period of expulsion unless it is a county community school, or a juvenile court school, or a community day school. (EC § 48915.2)
- 6) Requires each school district to maintain the following data:
 - a) The number of students recommended for expulsion.
 - b) The grounds for each recommended expulsion.
 - c) Whether the student was subsequently expelled.
 - d) Whether the expulsion order was suspended.
 - e) The type of referral made after the expulsion.
 - f) The disposition of the student after the end of the period of expulsion. (EC § 48916.1)

County community schools

- 7) Authorizes a county board of education to enroll students in a county community school who are any of the following:
 - a) Expelled from a school district.
 - b) Referred to a county community school by a school district as a result of the recommendation by a school attendance review board.
 - c) On probation, with or without the supervision of a probation officer and consistent with an order of a juvenile court, who are considered to be wards of the court.
 - d) On probation or parole and not in attendance at any school, where enrollment is with the consent of the parent, guardian, or responsible adult, or the student, if he or she is 18 years of age or older. (EC § 1981)

Continuation schools or classes

- 8) States legislative intent that continuation education schools and classes be established and maintained to provide all of the following:
 - a) An opportunity for students to complete the required academic courses of instruction to graduate from high school.
 - b) A program of instruction which emphasizes occupational orientation or a work-study schedule and offers intensive guidance services to meet the special needs of students.
 - c) A program designed to meet the educational needs of each student, including, but not limited to, independent study, regional occupation programs, work study, career counseling, and job placement services, as a supplement to classroom instruction. (EC § 48430)
- 9) Requires the governing board of each high school or unified school district that assigns students to continuation schools to adopt rules and regulations governing procedures for the involuntary transfer of students to continuation schools. (EC § 48432.5)
- 10) Requires decision to transfer the student involuntarily to be based on a finding that the student committed a suspendable act, or has been habitually truant or irregular in attendance from instruction upon which the student is lawfully required to attend. (EC § 48432.5)

Community day schools

- 11) Authorizes the governing board of a school district to establish one or more community day schools for students who meet one or more of the conditions

described in subdivision (b) of Section 48662. (EC § 48660)

- 12) Requires the governing board of a school district that establishes a community day school to adopt policies that provide procedures for the involuntary transfer of students to a community day school.
- 13) Authorizes a student to be assigned to a community day school only if he or she meets one or more of the following conditions:
 - a) The student is expelled for any reason.
 - b) The student is probation referred.
 - c) The student is referred to a community day school by a school attendance review board or other district level referral process. (EC § 48662)

ANALYSIS

This bill:

Submission of data on transfers to certain types of schools

- 1) Requires LEAs to provide to CDE, beginning with the 2025-26 school year, data on student transfers to alternative schools, continuation schools, or to county community schools, disaggregated by those initiated by the student or parent, and those initiated by the LEA.
- 2) Specifies that this data is to include involuntary transfers.
- 3) Requires CDE to collect and publish this data on its DataQuest website.

Review of data

- 4) Requires CDE to systematically review suspension and expulsion data and the data collected pursuant # 1, and include reducing the use of these transfers in any guidance to LEAs relating to ending the disproportionate discipline of student subgroups, including the subgroups with the highest rate of suspensions or expulsions.

Definition

- 5) Defines “subgroups with the highest rate of suspensions or expulsions” as the three numerically significant student subgroups with the highest rates of suspensions or expulsions statewide based on the latest statewide DataQuest report for annual K–12 public school suspension rate and expulsion rate published by CDE.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1984 will expand transparency of all transfers to alternative schools. Parents and student advocates are sharing that these types of transfers represent a large hidden share of California exclusionary discipline – disproportionately impacting Black, Brown, and differently-abled students. A recent public records request finding, for example, in one school district that Black students represented 14% of enrollment but an astonishing 45% of transfers to alternative schools. And attending an alternative school is associated with negative outcomes, making students less likely to graduate and attend college – requiring transparency and accountability all the more critical.”
- 2) ***Task Force to Study and Develop Reparation Proposals for African Americans.*** AB 3121 (Weber, Chapter 319, Statutes of 2020) establishes the Task Force to Study and Develop Reparation Proposals for African Americans (Task Force or Reparations Task Force).

AB 3121 charges the Reparations Task Force with studying the institution of slavery and its lingering negative effects on living African Americans, including descendants of persons enslaved in the United States and in society. The Task Force published a report and recommendations in 2023. Related to Chapter 23 of the report, *Policies Addressing Separate and Unequal Education*, “the Task Force recommends the CDE collect and publish additional data on students who are transferred to alternative schools, both voluntarily and involuntarily.” *This bill proposes to establish this Task Force recommendation into state law.*

- 3) ***How are students transferred involuntarily and where are they sent?*** Students may be involuntarily transferred to an “alternative school,” such as a county community school, community day school, or continuation school, as a result of expulsion, or referral by probation or a school attendance review board. Students may voluntarily transfer to these schools when the parent and school agree that the alternative setting would best serve the student. Committee staff notes that students are sometimes “counseled out” of school, and may initiate the transfer themselves while it is actually the school that pushed them out.

Students who have been suspended or expelled may transfer to a traditional school in the same or different school district, depending on the act for which the suspension or expulsion was imposed. Other school districts may deny the enrollment of a student who has been suspended or expelled from another school district.

This bill calls for the collection and reporting of data related to the transfer of students to alternative schools, continuation schools or classes, and county community schools. However, this bill does not include data related to transfers to community day schools. As such, **staff recommends an amendment** to include data on transfers to community day schools.

- 4) ***Suspension and expulsion data.*** This bill requires CDE to systematically review suspension and expulsion data and the transfer data collected pursuant this bill, and include reducing the use of these transfers in any guidance to LEAs relating to ending the disproportionate discipline of student subgroups, including the subgroups with the highest rate of suspensions or expulsions. This bill defines “subgroups with the highest rate of suspensions or expulsions” as the three numerically significant student subgroups with the highest rates of suspensions or expulsions statewide based on the latest statewide DataQuest report for annual K–12 public school suspension rate and expulsion rate published by CDE.

According to the most recent DataQuest information, which is from the 2022-23 school year, the three student subgroups with the highest rates of suspensions or expulsions statewide are:

- Suspension rates: African American, American Indian or Alaska Native, and Pacific Islander.
- Expulsion rates: African American, American Indian or Alaska Native, and then a tie between Hispanic or Latino, Pacific Islander, two or more races, and “not reported.”

As shifts in which student subgroups have the highest rates of suspensions or expulsion, CDE’s guidance would need to be updated to apply to whichever the three subgroups are at that time. Presumably, CDE would review suspension and expulsion data and transfer data on an annual basis.

While this bill proposes to use suspension and expulsion data to inform guidance issued by CDE, staff notes that LEAs will be required to include specific actions beginning with their 2024-25 Local Control and Accountability Plans to address all instances where a school or student group receives the lowest performance level on one or more state indicators (state priority 6 is “school climate,” which includes suspension and expulsion rates).

This bill requires LEAs to provide to CDE data on student transfers to alternative schools, continuation schools, or to county community schools, disaggregated by those initiated by the student or parent, and those initiated by the LEA. *According to the CDE, LEAs report student data to CDE using a data system that does not currently have the data elements necessary to capture the information required by this bill. Do all LEAs keep data on whether transfers are initiated by the LEA or by the student/parent?*

- 5) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) One-time General Fund costs, likely in the hundreds of thousands of dollars, to CDE to (i) include certain information in guidance to LEAs and (ii) update its data systems to collect the information required to produce the report mandated by this bill. Specifically, CDE indicates LEAs report student data to CDE using a data system that does not currently have the

data elements necessary to capture the information required by this bill. Once data systems are updated, costs to produce the report would be minor and absorbable.

- b) One-time and ongoing Proposition 98 General Fund costs to LEAs, potentially in the tens of thousands of dollars to hundreds of thousands of dollars, to begin collecting and reporting new data elements. Costs to LEAs to report data would be much lower once the new data elements are added to CDE's data system.

SUPPORT

California State PTA
California Teachers Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2047 **Hearing Date:** June 19, 2024
Author: Mike Fong
Version: June 11, 2024
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Public postsecondary education: discrimination prevention.

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 State University (CSU) and the University of California (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.

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; United State Code, Title 20, § 1681 et seq)
- 2) Requires each postsecondary education institution in the state to provide a written policy on sexual harassment, including information on the complaint process, on the institutions website. Existing law requires written policies on sexual harassment to include information on the specific rules and procedures for reporting charges of sexual harassment and the available remedies and resources available to survivors both on and off campus. Existing law requires a copy of the written policies on sexual harassment to be:
 - a) Displayed in a prominent location, as defined, in the main administrative building or in another area on the campus or school site.
 - b) Provided to students during any orientation program for new students at the beginning of each quarter, semester, or summer session.
 - c) Provided to each faculty member, administrative staff, and all members of the support staff at the beginning of each school year or at the time the

employee is hired.

- d) Included in any publication of the institution that includes the comprehensive rules, regulations, procedure, and standards of conduct for the institution. (Education Code (EC) § 66281.5)
- 3) Requires the governing board or body of each postsecondary institution in the state, as a condition of receiving state funding, to comply with numerous requirements pertaining to preventing sexual harassment, and providing complaint and grievance procedures relating to claims of sexual harassment. (EC § 66281.8).

ANALYSIS

This bill 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. Specifically, this bill:

CSU and UC systemwide Title IX office

- 1) Requires each campus of the CSU and the UC to establish, on or before July 1, 2026, a Title IX office in a private space for students and employees to disclose reports and complaints of sex discrimination, including, but not limited to, sexual harassment. Authorizes the Title IX office space to be located within an existing office on campus, including, but not limited to, a civil rights office or anti-discrimination office.
- 2) Requires the Title IX office to be under the administration of a Title IX coordinator who shall be responsible for coordinating the campus' implementation of and compliance with the systemwide non-discrimination policy that is required to be adopted pursuant to # 10 below.
- 3) Requires the CSU Title IX office, and the UC Title IX coordinator and designated staff, to do all of the following:
 - a) Ensure timely and effective responses to reports and complaints of sex discrimination, including, but not limited to, sexual harassment (the UC is to oversee and ensure).
 - b) Provide supportive measures to complainants, and, as applicable, respondents (the UC is to oversee the provision of supportive measures).
 - c) Provide a process of adjudicating and resolving complaints of sex discrimination, including, but not limited to, sexual harassment, pursuant to the systemwide non-discrimination policy that is required to be adopted pursuant to # 10 below (UC is to oversee the process).
 - d) Maintain a case management system that includes all of the following information for each complaint of sex discrimination, including, but not

limited to, sexual harassment:

- i) The date of the complaint and the date, nature, and location of the alleged incident or incidents.
- ii) The name of the person who reported the complaint and the person's affiliation with the campus, or whether the complaint was reported anonymously.
- iii) The name and title of the person who received the complaint.
- iv) The name of the person alleged to have experienced sex discrimination and their affiliation with the campus.
- v) The name of the respondent and the respondent's affiliation with the campus.
- vi) Any campus community context, including, but not limited to, the athletic team, student organization, or campus department or office where the alleged incident or incidents occurred.
- vii) Whether the complaint was received by the campus, along with a copy of the notice of allegations provided to the parties. If the campus dismissed the complaint, a copy of the written notice of dismissal provided to the parties with the reason for the dismissal.
- viii) Whether the campus opened an investigation of the complaint and, if applicable, its reason for declining to investigate the complaint.
- ix) The name of the person assigned to investigate the complaint, and the name of the person assigned to implement any supportive measures.
- x) All supportive measures offered and implemented in response to the complaint.
- xi) The names of all witnesses identified by either party, interview notes or summaries, if available, and, for any witnesses who were not interviewed, an explanation of why they were not interviewed.
- xii) Once completed, the final investigative report for the complaint and any response made to the final investigative report by the complainant or respondent.
- xiii) The outcome of the complaint, including, if applicable, the rulings from a hearing on the complaint and any disciplinary measures.
- xiv) The remedies implemented by the Title IX coordinator and the campus, if applicable, to deter and prevent the recurrence of sex

discrimination incidents.

- e) Develop and implement a prevention and outreach program on sex discrimination, including, but not limited to, sexual harassment. Requires the program to be reviewed and, if necessary, updated annually to address sex discrimination incidents and prevent the recurrence of sex discrimination incidents (UC is to oversee the development and implementation). Requires the program of prevention and outreach to do all of the following:
 - i) Address a range of strategies to prevent sex discrimination, including, but not limited to, a survivor empowerment program, a public awareness campaign, primary prevention, bystander intervention, and risk reduction.
 - ii) Provide to students, faculty, and staff information regarding the protocols for reporting complaints of sex discrimination, including the name, office location, and contact information of the Title IX coordinator, by both of the following means:
 - A) Emailing the information to each student, faculty member, and staff member at the beginning of each academic semester or other academic term.
 - B) Including the information as part of an on-campus orientation program.
- f) Develop and implement a campus prevention training program for students, faculty, and staff (UC is to oversee the development and implementation). Requires the campus prevention training to do, or include, but not be limited to, all of the following:
 - i) Incorporate required bystander intervention training, policy awareness training, and primary prevention training.
 - ii) Adopt an approach of intersectionality that calls for a pursuit of culturally relevant programs and practices that name and meaningfully consider how students, faculty, and staff of various identities, including, but not limited to, race, national origin, gender identity, class, sexual orientation, and ability, interact with each other.
 - iii) Training that contains feedback loops to determine if the training is having the intended effect.
 - iv) Training that complies with the existing requirement to provide training annually to students on sexual violence and sexual harassment.

- v) In response to patterns of occurrences of sex discrimination incidents, provide additional prevention training to student organizations on campus, including, but not limited to, college-affiliated fraternities and sororities, athletic teams, and students who reside on campus.

Title IX coordinator

- 4) Requires the Title IX coordinator to have the authority and responsibility to implement a consistent campuswide response to complaints of sex discrimination, including, but not limited to, sexual harassment. Requires the Title IX coordinator to have the experience, training, and expertise necessary to coordinate and carry out the systemwide non-discrimination policy pursuant to # 10 below.
- 5) Requires the Title IX coordinator to operate with the authority, independence, and resources necessary to fulfill the duties established pursuant to this bill. Requires the Title IX coordinator to be a full-time position, and be responsible for preventing and addressing sex discrimination, including, but not limited to, sexual harassment, on campus (UC is responsible for overseeing campuswide efforts to prevent and address sex discrimination).
- 6) Requires the Title IX coordinator to meet, on or before September 1, 2026, and at least once every three months thereafter, with the campus president or chancellor to provide an update on the Title IX office's compliance with its duties as required by this bill. Requires the update to include how the campus is fulfilling the obligation to provide educational programs free from sex discrimination. Requires an annual summary of the updates to be posted on the campus website, beginning on September 1, 2027.
- 7) Requires the Title IX coordinator and the president or chancellor of the campus, beginning with the 2026–27 academic year, to assess whether additional staffing or resources are needed by the Title IX office to fulfill the duties of the Title IX office established by this bill. This bill requires the Title IX coordinator and the president or chancellor of the campus, if additional staff or resources are needed, to make a request for the additional staffing or resources to be included in the annual systemwide budget request, in compliance with the policies established by the system for making budgetary requests.
- 8) Requires these provisions to apply to the UC, notwithstanding existing law that makes statutes applicable only to the extent they are adopted by resolution of the UC Board of Regents.

CSU and UC systemwide Office of Civil Rights and civil rights officer

- 9) Requires the CSU and the UC each do both of the following, by July 1, 2026:
 - a) Establish a systemwide Office of Civil Rights for the purpose of ensuring campus programs and activities are free from sex discrimination. Requires the office to be led by the systemwide civil rights officer

designated pursuant to (b) below, who shall report on a periodic and regular basis to the leader of the system and the systemwide governing board about the status of the implementation of the systemwide non-discrimination policies pursuant to # 10 below. Requires the systemwide civil rights officer to be responsible for coordinating the system's implementation of and compliance with the systemwide non-discrimination policies established pursuant to # 10 below.

- b) Establish the position of, and designate a staff person as, the systemwide civil rights officer to monitor the system's compliance with the requirement to ensure that campus programs and activities are free from discrimination. Requires the systemwide civil rights officer to have the experience, training, and expertise necessary to coordinate and carry out the requirements of the systemwide Office of Civil Rights pursuant to this bill, and to, if necessary, recruit, hire, and train personnel to carry out the requirements of this bill.
- 10) Requires the systemwide Office of Civil Rights to do all the following:
- a) Establish and adopt a single, systemwide non-discrimination policy for the entire system, in consultation with confidential advocates, sexual assault and domestic violence counselors, students, faculty, and staff (UC is to identify and maintain a single, systemwide policy). The policy shall incorporate state and federal law pertaining to the prevention of sex discrimination, including, but not limited to, Title IX and related state laws.
 - b) Develop and implement a grievance procedure, in accordance with the policy adopted pursuant to (a), for prompt and equitable processing, adjudication, and resolution of all complaints of sex discrimination filed by students, faculty, or staff in which the respondent is any of the following:
 - i) A campus chancellor.
 - ii) A campus president.
 - iii) A campus Title IX coordinator.
 - iv) An employee of the systemwide office of the leader of the system.
 - v) A member of the systemwide governing board.
 - vi) The leader of the system.
 - c) Adjudicate any complaints in accordance with the systemwide non-discrimination policy adopted pursuant to (a) (UC is to oversee the adjudication).
 - d) Provide annual training for personnel in Title IX offices on a campus of the CSU or UC (UC is to oversee the training).

- e) Establish and serve as a resource for the implementation of the best practices guidance for the prevention of sex discrimination and the adjudication of complaints of sex discrimination as required by the systemwide non-discrimination policy adopted pursuant to (a).
 - f) Process appeals for sex discrimination complaints (does not apply to UC).
 - g) Conduct a compliance review, at least once every three years, of each campus of the CSU, and every five years for each campus of the UC, to determine whether they are complying with the systemwide non-discrimination policy pursuant to (a), and the best practices established pursuant to (e). Requires these compliance review to be presented during a public session of the systemwide governing board in the year the review is completed and be made public on the website of the systemwide governing board and on the campus website.
 - h) Establish a range of disciplinary sanctions for respondents who are students, faculty, or staff of the system and who are found to have violated the system's non-discrimination policy.
 - i) Annually assess whether the systemwide Office of Civil Rights requires additional staffing or resources to comply with this bill, and, if required, make a request for the additional staffing or resources to be included in the annual systemwide budget request made by the system, in compliance with the policies established by the system for making budgetary requests.
- 11) Requires these provisions to apply to the UC, notwithstanding existing law that makes statutes applicable only to the extent they are adopted by resolution of the UC Board of Regents.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California has long been heralded as a state for equity and inclusion; however, the methods in place to monitor and address sex discrimination on our collegiate campuses are archaic when compared to other states. AB 2047 seeks to build upon identified best practices by requiring the CSU and UC to each have a systemwide Civil Rights office. The measure is part of a larger bill package that seeks to provide a system of support and accountability by which each campus is enabled to fulfill their duty of providing educational programs free from sexual harassment and sex discrimination. AB 2047 will also require the CSU and the UC to establish Title IX offices on each campus to help adjudicate cases of harassment. This bill will help to rebuild the trust gap between the campus and its community."
- 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 the report, “[T]he CCC is the only system without a systemwide Title IX coordinator and a formal systemwide policy for how to prevent and address sex discrimination on campus. Committee Staff acknowledge that with local control there are limits to how uniform policies and procedures will be at the community colleges. Committee Staff also recognize the limitation of the Chancellor’s Office to conduct meaningful oversight while also honoring local control. ... Both the CSU and the UC have campus-based Title IX offices, Title IX coordinators at each campus, and a systemwide Title IX offices. The CSU and UC each have one systemwide policy on how to address complaints of sex discrimination on campus.”

This bill addresses the report’s recommendation that (a) each system have a Systemwide Office of Civil Rights that is independent from the systemwide office and reports directly to the systemwide governing board; (b) the office should have a systemwide Title IX coordinator and deputy coordinator, and be tasked with specified actions.

- 3) **Systemwide Title IX offices.** A recent report commissioned by the CSU Board of Trustees, known as the Cozen O’Connor report, revealed that the CSU Chancellor’s Office provides more of an advisory role rather than one of deliberate oversight of the CSU’s 23 campuses.

In 2014, a California State Audit raised concerns regarding the oversight role of the CSU Chancellor’s Office as it relates to sexual harassment and sexual violence prevention. The State Auditor recommended, in 2014, that the CSU Chancellor’s Office conduct annual Title IX reviews. However, due to budgetary restrictions and staffing turnovers, these annual reviews have not been conducted.

A State Audit in July 2023 revealed the CSU does not have uniform guidance for how campuses should utilize the CSU’s non-discrimination policy to prevent sexual harassment and discrimination on campuses. Each campus applies the policy in an ad hoc manner which, as indicated by the Audit, which has led to a variety of definitions of what constitutes a violation of the non-discrimination policy and varied outcomes of complaints.

The UC instituted a Title IX structure to oversee the compliance with Title IX and other non-discrimination laws. The UC Office of the President employs a systemwide Title IX coordinator, who oversees and manages the systemwide Title IX office. The systemwide Title IX office is comprised of five officers who provide direction and support for the Title IX offices on campuses, assist in implementing best practices in harassment prevention and response, and

provide investigative support for the UC campus Title IX offices. The systemwide Title IX office also develops and delivers educational and training materials to the campus practitioners, campus-based Title IX offices, and other university partners involved in the prevention of discrimination on campus. The systemwide Title IX coordinator periodically meets with the campus-based Title IX coordinators to understand trends and patterns of harassment on campus and to provide integral support to the campus-based practitioners. Data is collected by each of the campuses on sex discrimination and the data is shared with the systemwide office for assistance in compliance and prevention of sex discrimination. The systemwide office monitors each of the campuses to ensure any sex discrimination patterns are recognized and addressed at the campus level. *This bill implements the UC's model, for both the UC and CSU, by requiring a system of monitoring, compliance, and guidance from the systemwide office to the campus-based offices.*

- 4) **Systemwide Offices of Civil Rights.** The UC created a systemwide Office of Civil Rights in early 2024 to serve as an umbrella office to provide systemwide leadership, guidance and support on issues related to protecting civil rights at its campuses, medical centers, national labs, and the UC Office of the President. This new systemwide Office of Civil Rights will encompass the existing Systemwide Title IX Office, a new Systemwide Anti-Discrimination Office, and a new Systemwide Disability Rights Office. The executive director of this new office will report directly to the UC President.

The Cozen O'Connor report (see comment # 3) includes a general recommendation that indicates CSU should establish a systemwide Office of Civil Rights. While the CSU has not yet officially created this office, it has posted job announcements for positions in this office, and appears to be restructuring their Title IX office and Discrimination, Harassment, and Retaliation offices into the new Office of Civil Rights.

- 5) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose ongoing minor and absorbable General Fund costs to CSU and UC to continue the work of the newly established Office for Civil Rights Programming and Services and to continue operating Title IX offices. CSU and UC likely would have continued this work absent this bill; however, current law does not require CSU and UC have these offices. This bill creates what would likely be a significant cost pressure to CSU and UC, potentially in the millions of dollars total annually, to continue to fund the offices.

- 6) **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 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 pending in the Senate Judiciary Committee.

AB 2987 (Ortega, 2024) requires each campus of the CSU and the California Community Colleges (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 pending in the Senate Appropriations 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 pending in the Senate Appropriations Committee.

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 19, 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 scheduled to be heard by the Senate Judiciary Committee on June 18, 2024.

AB 2048 (Mike Fong, 2024) requires the CCC Chancellor to convene a community college sexual harassment and Title IX working group to, among other things, review the policies and procedures of community college and Title IX offices to determine whether they are effective in preventing, detecting, and addressing sexual harassment on community college campuses. AB 2048 is scheduled to be heard in this committee on June 19, 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 pending in the Senate Appropriations 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 scheduled to be heard by the Assembly Higher Education Committee on June 18, 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 scheduled to be heard by the Assembly Higher Education Committee on June 18, 2024.

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 scheduled to be heard by the Senate Judiciary Committee on June 18, 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 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 pending in the Senate Appropriations Committee.

SUPPORT

Office of Lieutenant Governor Eleni Kounalakis
California Federation of Teachers
California State Student Association

California State University Employees Union
California State University, Office of the Chancellor
Cleaneart4Kids.org
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 2048	Hearing Date:	June 19, 2024
Author:	Mike Fong		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Community colleges: community college sexual harassment and Title IX working group.

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 College (CCC) Chancellor to convene a community college sexual harassment and Title IX working group to, among other things, review the policies and procedures of community college and Title IX offices to determine whether they are effective in preventing, detecting, and addressing sexual harassment on community college campuses.

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; United States Code, Title 20, § 1681 et seq)
- 2) Requires each postsecondary education institution in the state to provide a written policy on sexual harassment, including information on the complaint process, on the institution's website. Existing law requires written policies on sexual harassment to include information on the specific rules and procedures for reporting charges of sexual harassment and the available remedies and resources available to survivors both on and off campus. Existing law requires a copy of the written policies on sexual harassment to be:
 - a) Displayed in a prominent location, as defined, in the main administrative building or in another area on the campus or school site.
 - b) Provided to students during any orientation program for new students at the beginning of each quarter, semester, or summer session.

- c) Provided to each faculty member, administrative staff, and all members of the support staff at the beginning of each school year or at the time the employee is hired.
 - d) Included in any publication of the institution that includes the comprehensive rules, regulations, procedures, and standards of conduct for the institution. (Education Code (EC) § 66281.5)
- 3) Requires the governing board or body of each postsecondary institution in the state, as a condition of receiving state funding, to comply with numerous requirements pertaining to preventing sexual harassment, and providing complaint and grievance procedures relating to claims of sexual harassment. (EC § 66281.8).

ANALYSIS

This bill requires the CCC Chancellor to convene a community college sexual harassment and Title IX working group to, among other things, review the policies and procedures of community college and Title IX offices to determine whether they are effective in preventing, detecting, and addressing sexual harassment on community college campuses. Specifically, this bill:

Working group members

- 1) Requires the CCC Chancellor to convene a community college sexual harassment and Title IX working group, and requires the working group to include, but not be limited to, the following members:
 - a) The Chancellor of the CCC or the Chancellor's designee.
 - b) A representative of the Community College League of California.
 - c) At least three community college presidents or chief executive officers, including, but not limited to, a representative from a rural community college and a representative from a single campus community college district.
 - d) Four community college Title IX officers, including, but not limited to, the Vice President of Human Resources for Glendale Community College.
 - e) A representative from the Faculty Association of California Community Colleges.
 - f) A representative from the Student Senate for California Community Colleges.
 - g) A representative from the Academic Senate for California Community Colleges.

- h) A representative from a personnel commission.
 - i) Four community college general counsels, including, but not limited to, a general counsel from a rural community college and a general counsel from a single campus community college district.
 - j) The Chair of the Assembly Committee on Higher Education or the chair's designee.
 - k) The Chair of the Senate Committee on Education or the chair's designee.
- 2) Requires all appointments to the working group to be completed by March 1, 2025.

Working group duties

- 3) Requires the working group to do all of the following:
- a) Review the policies and procedures of a sampling of no less than 15 community college districts and determine if existing community college *district policies* and procedures regarding faculty-student and staff-student relationships and sexual harassment are adequate to prevent, detect, and address sexual harassment, and whether they are consistent with best practices.
 - b) Review and determine if existing *regulations* in the California Code of Regulations regarding sexual harassment are adequate to prevent, detect, and address sexual harassment, and whether they are consistent with best practices.
 - c) Determine if the CCCs should have community college *district-based policies* or a *systemwide policy* to adequately prevent, detect, and address sexual harassment in a manner that is in compliance with state and federal law and existing best practices.
 - d) Determine to what extent a *systemwide model of compliance* would best assist community colleges in their duty to prevent, detect, and address sexual harassment on campus.
 - e) Determine to what extent a *regional model of compliance* would best assist community colleges in their duty to prevent, detect, and address sexual harassment on campus.
 - f) Review a sampling of no less than 18 community college district Title IX offices and determine the following:
 - i) Whether community college district Title IX offices are equipped with adequate staff to prevent, detect, and address sexual harassment on community college campuses.

- ii) Whether community college district Title IX offices are fulfilling the obligation of the community college districts to prevent, detect, and address sexual harassment on community college campuses.
 - iii) Whether community college district Title IX offices are the best model to prevent, detect, and address sexual harassment on community college campuses or if a campus-based model should be adopted.
 - iv) The appropriate number of staff for each community college district to prevent, detect, and address sexual harassment on community college campuses.
 - v) 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.
 - vi) Submit a report to the Legislature, by February 1, 2026, containing its findings and policy recommendations in connection with its activities listed above.
- 4) Sunsets the provisions of this bill on July 1, 2026.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California has long been heralded as a state for equity and inclusion; however, the systems in place for our college campuses to monitor and address sex discrimination are archaic when compared to other states. AB 2048 seeks to identify best practices for requiring the CCC to provide methods and oversight to ensure college campuses are preventing and addressing sexual harassment and sex discrimination in a manner that fosters trust and restores educational equity to the survivors. AB 2048 would establish a community college sexual harassment and Title IX working group who will examine the existing structure of the CCC for preventing and addressing sex discrimination and will provide recommendations for improvement to the Legislature by February 1, 2026."
- 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, California State University (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 the report, the CCC Chancellor's Office does not actively monitor each community college district's compliance with either state or federal law, nor do they actively monitor each community college's district policies as to whether the policies comply with federal or state law. Community colleges are governed by their locally elected governing boards of each community college district; the CCC system does not have the same centralized governance structure as the CSU and UC. *This bill recognizes the unique governance structure of the CCCs by establishing a working group to provide recommendations on how additional models of practice could be established to provide students, faculty, and staff with a uniformed response in the prevention of sex discrimination on community college campuses.*

- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose one-time General Fund costs to the CCC to create the workgroup, potentially in the mid-hundreds of thousands of dollars.
- 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.

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 pending in the Senate Appropriations 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 scheduled to be heard by the Assembly Higher Education Committee on June 18, 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 pending in the Senate Appropriations Committee.

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 scheduled to be heard by the Assembly Higher Education Committee on June 18, 2024.

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 scheduled to be heard by the Senate Judiciary Committee on June 18, 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 pending in the Senate Appropriations Committee.

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 19, 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 scheduled to be heard by the Senate Judiciary Committee on June 18, 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 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 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 pending in the Senate Appropriations Committee.

SUPPORT

Office of Lieutenant Governor Eleni Kounalakis
California Federation of Teachers
California State University Employees Union
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 2057	Hearing Date:	June 19, 2024
Author:	Berman		
Version:	June 10, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Associate Degree for Transfer.

SUMMARY

This bill extends the Associate Degree for Transfer (ADT) Intersegmental Implementation Committee by two years and requires the California Community Colleges (CCC), the California State University (CSU), and requests the University of California (UC) to adopt and monitor certain goals related to closing equity gaps in transfer outcomes. It further requires that the transfer model curricula used to develop ADTs to the CCC Chancellor's Office (CCCCO) for high-unit Science, Technology, Engineering, and Mathematics (STEM) majors by January 1, 2025. Lastly, it requires that the ADT Intersegmental Committee report to the Legislature on the progress of meeting the prescribed goals.

BACKGROUND

Existing law:

- 1) Requires the segments of higher education to develop an intersegmental common core curriculum in general education (GE) for the purpose of transfer. This common core curriculum is known as the Intersegmental General Education Transfer Curriculum (IGETC). Any student who completes the IGETC course pattern is deemed to have completed the lower division coursework required for transfer to the UC or the CSU. (Education Code (EC) § 66720)
- 2) Requests UC to identify commonalities and differences in similar majors across all UC campuses and provide CCC students with the information in at least the top 20 majors. (EC § 66721.7)
- 3) Requires the governing board of each public postsecondary education segment to be accountable for the development and implementation of formal systemwide articulation agreements and transfer agreement programs, including those for general education or a transfer core curriculum, and other appropriate procedures to support and enhance the transfer function. (EC § 66738)
- 4) Requires the Chancellor of CSU, in consultation with the Academic Senate of the CSU, to establish specified components necessary for a clear degree path for transfer students, including specification of a systemwide lower division transfer curriculum for each high-demand baccalaureate major. (EC § 66739.5)

- 5) Establishes the Student Transfer Achievement Reform (STAR) Act, which, in part, requires, commencing with the fall term of the 2011-12 academic year, a student that receives an associate degree for transfer to be deemed eligible for transfer into a CSU baccalaureate degree when the student meets specified requirements. Requires a granting of this degree when a student:
 - a) Completes 60 semester or 90 quarter units eligible for transfer to the CSU, and that includes the CSU General Education Breadth program for IGETC, and a minimum of 18 semester or 27 quarter units in a major area of emphasis as determined by the district; and,
 - b) Obtains a minimum grade point average of 2.0. (EC § 66745, et seq.)
- 6) Establishes, until July 1, 2025, the ADT Intersegmental Implementation Committee for specified purposes, including to serve as the primary entity charged with the oversight of the ADT. Requires the ADT Intersegmental Implementation Committee, on or before December 31, 2023, to provide the Legislature with recommendations on certain issues impeding the scaling of the ADT and streamlining transfer across segments for students. (EC § 66749.8)
- 7) Requires the CSU Chancellor's Office to implement articulated nursing degree transfer pathways for Associates Degree in Nursing (ADN) students at CCCs seeking a Bachelor's Degree in Nursing (BSN) at CSU prior to the 2012-13 academic year. (EC § 89267.5)

ANALYSIS

This bill:

- 1) Requires that the CCC and the CSU, and requests that the UC adopt and monitor both of the following goals, which are designed to prioritize closing equity gaps by race and ethnicity in transfer outcomes:
 - a) By 2030, close equity gaps by race and ethnicity in the outcomes of students who begin in the CCC and seek to transfer to any four-year postsecondary educational institution within six years.
 - b) By 2030, close equity gaps by race and ethnicity in the outcomes of students who begin in the CCC and seek to apply, be admitted, to enroll, and to graduate from the UC and the CSU segments.
- 2) Requires that the 60-unit lower division maximum requirement be retained for an ADT, with the exception of high-unit STEM majors as described in a) below:
 - a) For high-unit STEM major pathways, ADT pathways may be established that contain up to, but no more than, 66 units of lower division coursework and require the submission of clear evidence and rationale for the one to six additional units of lower division coursework proposed during the transfer model curriculum (TMC) approval process, including both of the following:

- i) An explanation of which proposed additional units do not fit within the 60-unit lower division maximum requirement for ADT pathways.
 - ii) An explanation of the need for one to six additional units to be added to the lower division coursework to earn an ADT that falls within the academic major preparation for the TMC.
 - b) The clear evidence and rationale must first be received by the Intersegmental Curriculum Council, and then reviewed by the CCCCCO.
 - c) The clear evidence and rationale must be posted publicly on CCCCCO website.
- 3) Requires that, on or before January 1, 2025, TMC drafts be submitted to the CCCCCO for the high-unit STEM pathways of biology, chemistry, computer science, engineering, environmental science, mathematics, and physics for the purposes of meeting admissions eligibility to both the CSU and the UC segments, and other four-year institutions that choose to participate in the ADT, such as members of the AICCU and Historically Black Colleges and Universities (HBCUs) currently engaged with the CCCCCO. The bill further requires that where a single TMC for both the UC and the CSU is not possible, clear evidence and rationale explaining why separate TMCs are needed be posted on the CCCCCO website and submitted to the CCCCCO, CSU Chancellor's Office and the UC President's Office that includes all of the following:
- a) The additional courses and units that determine a single TMC is not possible.
 - b) The programs and campuses of the CSU and the UC that determine a single TMC is not possible.
 - c) Data on transfer student enrollment, retention, progression, and success outcomes that demonstrate the need for separate TMCs.
- 4) Requires that the CCC, within 18 months of the creation of CCCCCO's templates for a new TMC, or the approval of revisions to an existing TMC, create an ADT for each TMC adopted in every major and area of emphasis offered for high-unit STEM pathways, as specified.
- 5) Requires each campus of the CSU, within 12 months of the approval of a TMC, as specified, to determine the similarity of the TMC pathway to a baccalaureate degree in a similar major to the TMC. Requests the UC and AICCU campuses to identify those TMCs that fulfill major preparation requirements for guaranteed transfer admission with an ADT.
- 6) Requires each campus of the CSU, for the purposes of determining similarity, as specified, after a TMC is created or revised for a major, to determine if there is a baccalaureate degree in a similar major to the TMC. This bill further requires that the determination of similarity ensure that students who earn the ADT, that is

- created under the parameters of that TMC, are guaranteed admission in that similar major at one of the CSU campuses offering that major and will be required to complete no more than 60 units after transfer to earn the baccalaureate degree that is deemed similar to the major of the ADT if the student stays on that ADT pathway.
- 7) Stipulates that transparency concerning the membership and composition of the faculty discipline review groups and other intersegmental curriculum groups is required.
 - 8) Requires that by April 30, 2026, the ADT Intersegmental Implementation Committee provide the Legislature with both of the following:
 - a) Actions taken and milestones achieved by the committee and any additional recommendations based on the committee's continued oversight of the ADT and issues impeding streamlining transfer across segments for students.
 - b) An update on the progress in meeting the goals prescribed in this bill.
 - 9) Defines all of the following terms for purposes of this measure:
 - a) "ADT" means associate degree for transfer.
 - b) "STEM" means science, technology, engineering, and mathematics.
 - c) "TMC" means transfer model curriculum, or transfer model curricula, as Appropriate.
 - d) Four-year postsecondary educational institution to mean a campus of the UC or CSU, or an independent institution of higher education as defined in current law.
 - 10) Makes various findings and declarations related to the bill.
 - 11) Declares the Legislature's intent to enact legislation based on recommendations from the ADT Intersegmental Implementation Committee.
 - 12) Makes clarifying and technical changes.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The 1960 Master Plan for Higher Education promised an accessible, affordable, and high-quality higher education for all California students. The transfer pathway, from community college to four-year institution, is an integral component of the Master Plan's commitment to access and affordability. Too many community college students hoping to find an affordable and achievable pathway to a four-year university instead are confronted with a maze of pathways and requirements that create confusion, lead to

unnecessary unit accumulation, and too often lead to students dropping out before earning a degree.

“To address these challenges, I authored AB 928, the Student Transfer Achievement Reform Act of 2021, which is transforming the transfer process through reimagining transfer from the student perspective. One of the student-centered provisions of AB 928 created the Associate Degree for Transfer Intersegmental Implementation Committee. This committee was charged with enhancing coordination and communication between higher education institutions, identifying transfer attainment goals, overseeing the Associate Degree for Transfer (ADT), and providing recommendations to the Legislature and the Governor to strengthen the ADT so that more students can avail themselves of the ADT pathway’s benefits.

“In December 2023, the Committee released their report of recommendations, including setting goals for increasing transfer rates and proposing a unit threshold for science, technology, engineering, and mathematics (STEM) degree pathways. AB 2057 would build upon my previous transfer legislation to enact five high-impact recommendations continuing student-centered efforts to improve transfer.”

- 2) **Streamlining pathways for CCC students.** Students at CCC have many options, they can earn a traditional Associate of Arts (AA) degree at CCC, transfer to a four-year university or upskill for the workforce. Students confront many choices with each variation of options. In 2010, the Legislature enacted a law requiring CCC to streamline transfer to CSU and AA degree completion by developing the ADT pathway. Other transfer pathways and non-transfer or terminal AA degrees continue to be offered.
- 3) **Benefits of ADT pathways for students.** In an effort to address standing issues and concerns about the need to ensure a clearer, transparent and more navigable transfer process between the CCC and the CSU, the Legislature and Governor enacted SB 1440 (Padilla, Chapter 428, Statutes of 2010), the Student Transfer Achievement Reform Act. Since its enactment, the ADT has made significant strides in streamlining the transfer process for students, and has become a successful pathway to earning a bachelor’s degree. Specifically, the Act requires CCC districts to develop and grant a transfer associate degree that deems the student eligible for transfer into the CSU, when the student meets certain course requirements. Completion of an ADT guarantees a student:
 - a) Admission with junior status to a CSU campus but not to a specific campus or major.
 - b) No additional lower-division CSU coursework.
 - c) No more than 60-semester units of upper-division CSU coursework to complete a bachelor’s degree, in addition to the 60 units completed at community college, results in a 120-unit pathway to a bachelor’s degree.
 - d) Priority admission at CSU.

Additionally, since developing the ADT, the CCC system has also entered into new transfer agreements with the UC and private nonprofit universities, some of which now also guarantee admission and junior standing to students with an ADT.

As of October 2020, over 280,000 CCC students have earned an ADT and over 40 ADT pathways exist at CCC. These ADT pathways have provided significant financial savings to both students and to the state – with ADT earners accruing an average of six fewer excess credit units and a course fee of \$46 per unit at the CCC. The ADT accounted for over \$12 million in savings for students in 2018-2019 alone. Higher percentages of students with an ADT have also been shown to graduate within two years of transfer compared to transfer students who do not have an ADT (based on CSU two-year graduation rates).

- 4) **Transfer Model Curriculum (TMC).** The Academic Senates for CCC and CSU developed a faculty-led, statewide, concerted effort to identify the course content for new associate degrees for transfer. The process of creating an ADT begins with developing a structure for the central component (i.e., major or area of emphasis) of an associate degree. This faculty-developed structure, known as a TMC, is vetted intersegmentally and adopted statewide and is then used by the CCC Chancellor's Office to create a template (Chancellor's Office Template or COT) that local colleges complete when submitting their TMC-aligned degrees to the Chancellor's Office for approval. As such the process begins with statewide faculty development of a TMC and ends with the local implementation of that TMC in the form of an ADT. This measure would require the submission of TMC drafts to the CCCCO for the high unit STEM pathways for the purposes of meeting admissions eligibility at four-year higher education institutions by January 1, 2025.
- 5) **High-unit degrees.** Some CSU degree programs require more than the standard 120 units for certain degree programs, such as in computer science and other STEM majors. Statute exempts high-unit programs from the 60-unit guarantee requirements for ADT. It also establishes and charges an oversight committee to identify a new unit threshold for STEM degree pathways that is not to exceed a change of more than 6 units.
- 6) **Oversight committee.** The Associate Degree for Transfer Intersegmental also known as the AB 928 Committee serves as the primary entity charged with the oversight of the ADT for the sole purpose of strengthening the pathway for students and ensures it becomes the primary transfer pathway in California between campuses of the CCC and the UC, the CSU, and participating independent institutions of higher education. The AB 928 committee is comprised of 16 members who are representative of a cross-section of stakeholders, including student, institutional, and faculty representatives from the CCC, CSU, and UC systems, along with representatives from the Association of Independent California Colleges and Universities, members of educational equity and social justice organizations, and members with expertise in the STEM fields and with expertise in higher education research that includes scholarship on student transfer issues in California.

In December 2023, the Committee released their report of recommendations, including setting goals for increasing transfer rates and proposing a unit threshold for STEM degree pathways. This bill seeks to enact the following five recommendations from this report to continue efforts to improve transfer and close equity gaps:

- a) Adopt and monitor two specific goals, designed to prioritize first and foremost the closing of equity gaps by race and ethnicity in transfer outcomes.
- b) Retain the 60-unit maximum requirement for ADTs while providing an option for up to an additional six units for high-unit STEM ADTs and require the submission of clear evidence and rationale for the higher units during the TMC approval process.
- c) Require that TMC drafts are in place for Engineering, Biology, Chemistry, Mathematics, Environmental Science, Physics, and Computer Science pathways that prepare students for transfer to both the CSU and UC systems and other four-year institutions that choose to participate.
- d) Establish timelines for when CCC will create ADTs for the above STEM pathways and for when CSU campuses will determine similarity of the ADT to a baccalaureate degree.
- e) Require transparency concerning membership and composition of the Faculty Discipline Review Groups and other intersegmental curriculum groups.

This bill, in addition to enacting committee recommendations, extends the committee by two years for purposes of providing continued oversight of the ADT and reporting on the progress in meeting the goals prescribed in this bill.

- 7) **Concerns.** Concerns have been raised about extending the life of the AB 928 oversight committee, as the majority of the work is done by the Intersegmental Committee of Academic Senates (ICAS). ICAS represents faculty across all three segments and has most of the key achievements in intersegmental work, all of which are part of their regular business. Is it necessary to maintain the committee? Or could the current intersegmental faculty committee structure accomplish a similar goal?

- 8) **Prior legislation.**

AB 928 (Berman, Chapter 566, Statutes of 2021) in part, requires the CSU and UC to jointly establish a singular lower division GE pathway for transfer admission into both segments; requires CCC to place students who declare a goal of transfer on an ADT pathway for their intended major; and, establishes the ADT Intersegmental Implementation Committee to serve as the primary entity charged with oversight of the ADT.

SB 440 (Padilla), Chapter 720, Statutes of 2013, requires, prior to the 2014-15 academic year, a CCC create an ADT in every major that has a TMC. Specifies that once a TMC is approved by faculty, community colleges use it to design an ADT in that particular major.

AB 2302 (Paul Fong, Chapter 427, Statutes of 2010), made changes to existing law regarding transfer admissions to support the transfer pathway proposed by SB 1440 (Padilla) (as described below.

SB 1440 (Padilla, Chapter 428, Statutes of 2010), created the STAR Act, which, in part, created the ADT; a two-year 60-unit associate degrees for transfer that are fully transferable to CSU. These degrees require completion of: (1) a minimum of 18 units in a major or area of emphasis, as determined by each community college; and, (2) an approved set of general education requirements. Students who earn such a degree are automatically eligible to transfer to the CSU system as an upper-division student in a bachelor's degree program and need only complete two additional years (an additional 60 units) of coursework to earn a bachelor's degree.

SUPPORT

California State Student Association (Co-Sponsor)
 Campaign for College Opportunity (Co-Sponsor)
 Office of Lieutenant Governor Eleni Kounalakis (Co-Sponsor)
 Student Senate for California Community Colleges (Co-Sponsor)
 University of California Student Association (Co-Sponsor)
 A2Mend
 Alliance for a Better Community
 BLU Educational Foundation
 Cal State Student Association
 Congregations Organized for Prophetic Engagement
 Consejo De Federaciones Mexicanas
 Dolores Huerta Foundation
 Hispanas Organized for Political Equality
 Innercity Struggle
 Los Angeles United Methodist Foundation
 Para Los Ninos
 Parent Institute for Quality Education
 Promesa Boyle Heights
 Public Advocates
 Southern California College Attainment Network
 Television Academy Foundation
 The Education Trust - West
 uAspire
 United Way of Los Angeles
 Young Invincibles

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2768 **Hearing Date:** June 19, 2024
Author: Berman
Version: April 29, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Golden State Teacher Grant Program: nonpublic, nonsectarian schools.

SUMMARY

This bill expands eligibility for the Golden State Teacher Grant (GSTG) program to a prospective teacher who commits to working in a nonpublic, nonsectarian school (NPS) for students with exceptional needs.

BACKGROUND

Existing law:

- 1) Establishes the GSTG program and authorizes the California Student Aid Commission (CSAC) to provide one-time grant funds of up to \$20,000 to each student enrolled, or who has applied for enrollment, on or after January 1, 2020, in a professional preparation program leading to a preliminary teaching credential or a pupil personnel services credential, at either a qualifying institution, as defined, or a professional preparation program approved by the Commission on Teacher Credentialing (CTC) that has a main campus location or administrative entity that resides in California, including professional preparation programs operated by local educational agencies (LEAs) in California, if the student commits to working at a priority school or a California preschool program for four years within the eight years following the date the student completes the professional preparation program. (Education Code (EC) 69617)
- 2) Requires a grant recipient to agree to repay the state 25 percent of the total received grant funds annually, up to full repayment of the received grant funds, for each year the recipient fails to do one or more of the following:
 - a) Be enrolled in or have successfully completed a professional preparation program approved by the CTC;
 - b) While enrolled in the professional preparation program, maintain good academic standing;
 - c) Before or upon completion of the professional preparation program, satisfy the state basic skills requirement, as specified;
 - d) Complete the required teaching service or clinical practice following completion of the recipient's professional preparation program; and,

- e) Complete their teacher preparation program and earn a preliminary credential within six years after the first distribution of grant funds. (EC 69617)
- 3) Authorizes a grant recipient, for purposes of satisfying the service requirement, to use service at a school listed on the most recent list of priority schools that is available when the grant recipient seeks employment at a priority school. States that service at that school shall continue to satisfy the four-year service requirement, even if the school is no longer included on future priority school lists. (EC 69617)
- 4) Requires the CSAC to accept applications for the GSTG program beginning on September 1 for the following academic year and to establish a process and timeline that allows institutions of higher education to provide applicants with grant eligibility determinations before the deadline for enrolling in their professional preparation program and authorizes grant recipients to receive funds in more than one academic year, provided the total amount of funds granted to any applicant does not exceed \$20,000. (EC 69617)
- 5) Requires the CSAC to conduct, in partnership with the CTC, an evaluation of the GSTG program to determine the effectiveness of the program in recruiting credential candidates and employing credential holders at priority schools and California preschool programs. Requires the CSAC to provide a report to the Department of Finance and the appropriate fiscal and policy committees of the Legislature on or before December 31, 2025, and every two years thereafter. (EC 69617)
- 6) Requires a NPS or a nonpublic agency (NPA) that seeks certification to file an application with the Superintendent of Public Instruction (SPI) on forms provided by the California Department of Education (CDE) with specified information. Requires applicant NPS/As to notify the Special Education Local Plan Area (SELPA) in which it is located.

ANALYSIS

This bill expands eligibility for the Golden State Teacher Grant (GSTG) program to a prospective teacher who commits to working in a NPS for students with exceptional needs.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California is currently experiencing a growing shortage of special education teachers. This shortage has impacted both traditional school settings as well as our state’s nonpublic, nonsectarian schools. Often deemed the best option for a student when their needs cannot be met in a public school classroom, nonpublic, nonsectarian schools serve many of the state’s most vulnerable students with exceptional needs. The Golden State Teacher Grant Program awards grants of up to \$20,000 to individuals currently enrolled in a professional preparation program and working towards earning their

credential. In order to be eligible for a grant, a recipient must commit to work at a “priority school” for four years. To help address the special education teacher shortage, AB 2768 would specify that a “priority school” could also include a nonpublic, nonsectarian school with 55 percent or more of its students being unduplicated, maintaining the focus on our most vulnerable students. This bill would provide a critical incentive to work at nonpublic, nonsectarian schools by allowing Golden State Teacher Grant Program recipients’ time working at these schools to count towards meeting the service requirement.”

- 2) ***Golden State Teacher Grant Program overview.*** Since the 2016-17 academic year, the state has invested \$1.4 billion in one-time funds to address teacher shortages. The 2019-20 Budget Act established the GSTG program, which provides up to \$20,000 to eligible students who commit to a four-year service agreement. Initially, this program was available to students enrolled in the 2020-21 academic year in a CTC-approved teacher preparation program aimed at earning their Education Specialist (Special Education) preliminary teaching credential.

The 2021-22 Budget Act expanded the GSTG program to include students enrolled in the 2021-22 academic year who committed to working in high-need fields. Further expansion occurred with the 2022-23 Budget Act, which included those working towards multiple subject or single subject credentials and those pursuing a pupil personnel services (PPS) credential. All GSTG recipients, including past grantees, must complete their program and obtain their credential within three years from the date of their first GSTG payment and complete their four-year service at a California priority school within eight years of finishing their program.

Starting with the 2022-23 academic year, students could receive up to the maximum \$20,000 GSTG award paid out over multiple years, provided they continue to meet eligibility requirements each year. The 2023-24 Budget Act further expanded the program, offering up to \$10,000 (also payable over multiple years) to California residents enrolled in an online credential program at an approved institution. The timeframe to complete their program and obtain their credential was extended from three to six years, and the service obligation was broadened to include fulfilling this commitment at a California preschool program in addition to eligible priority schools.

- 3) ***Special education teacher shortage in California.*** School districts throughout California are grappling with a significant shortage of qualified teachers, particularly in the fields of special education, math, and science.

The Learning Policy Institute’s (LPI’s) 2020 report on *California’s Special Education Teacher Shortage* highlights that “about 65 percent of newly hired special education teachers in the state are working with substandard credentials and permits, the highest percentage among major subject areas. Of these substandard credentials and permits, approximately half (2,355) were emergency-style permits, such as PIPs, STSPs, and waivers issued to individuals lacking teacher preparation or subject-matter expertise. Although out-of-state teachers contribute to the teacher supply, with 500 to 700 new

credentials issued annually, this number falls short of meeting the growing demand.”

An earlier LPI report also pointed out that shortages in special education disproportionately impact English Learners, who are overrepresented in special education by nearly 30 percent, and Black students, who are overrepresented by nearly 50 percent.

- 4) ***Update on Golden State Teacher Grant Program Budget Proposals and Actions.*** According to the CSAC, it is anticipated that the \$500 million fund allocated for the GSTG program will be exhausted sooner than expected. Projections indicate that the GSTG funds will be depleted sometime during the 2024-25 budget and academic year, which is well before the program's scheduled end on June 30, 2026.

In response to these projections, the Governor's May Revision proposed reducing the program by \$60 million in one-time General Fund allocations, along with other adjustments to award amounts and eligibility criteria. However, the Senate Budget Subcommittee on Education has rejected these proposals from the May Revision.

SUPPORT

California Association of Private Special Education Schools (Sponsor)
Achieve Kids
Alameda County Office of Education
Aspiranet
Beacon School
Cheerful Helpers Child and Family Study Center
Children's Health Council
Wellspring Educational Services

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2074	Hearing Date:	June 19, 2024
Author:	Muratsuchi and Alvarez		
Version:	June 6, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Pupil instruction: English Learner Roadmap Policy: statewide implementation plan.

SUMMARY

This bill requires the California Department of Education (CDE) to establish three staff positions to develop a statewide implementation plan for the English Learner (EL) Roadmap and to assist local educational agencies (LEAs) in implementing the plan. It also requires CDE to submit a report on the statewide plan as well as an annual progress report on implementation of the plan.

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:

- 1) Requires CDE develop a statewide implementation plan for the EL Roadmap Policy and in developing that plan do all of the following:
 - a) Convene an advisory committee with representation from LEAs, teachers from TK-through grade 12, parents of ELs, nonprofit organizations with experience in implementing the EL Roadmap Policy.
 - b) Establish three positions within CDE that will be funded and designated to develop the EL Roadmap Policy statewide implementation plan and support LEAs in implementing the plan.
- 2) Requires that the plan include all of the following:
 - a) A brief summary at the beginning of the plan that states why the statewide implementation plan is being created and its importance to bring awareness, a sense of urgency, and opportunity as it relates to the plan.
 - b) Clear and measurable statewide goals of implementation.

- c) Alignment and coherence across state initiatives that reflect the EL Roadmap Policy and principles.
 - d) How to incorporate the EL Roadmap Policy meaningfully within the statewide system of support.
 - e) Guidance for the LEAs agencies to incorporate and build alignment and coherence at the local level across programs and services.
 - f) A system of monitoring and accountability of the implementation of the plan.
- 3) Requires CDE to submit a report with the statewide implementation plan for the EL Roadmap Policy to the appropriate policy and fiscal committees of the Legislature by November 1, 2026.
 - 4) Requires CDE to submit an annual progress report to the appropriate policy and fiscal committees of the Legislature commencing January 1, 2027, that identifies LEAs that engaged in the implementation of the plan, including, but not limited to, LEAs that contacted CDE for assistance in implementation and those that offered professional development opportunities to assist educators in implementing the plan.

STAFF COMMENTS

- 1) **Need for the bill.** According to the sponsors of the bill Californians Together and California Association for Bilingual Education, “currently there is no state plan for building awareness, a sense of urgency, and opportunity related to implementing the EL Roadmap policy. There is no alignment and no coherence across state initiatives reflecting the EL Roadmap policy and principles – nor is there guidance for Local Educational Agencies (LEAs) to incorporate and build alignment and coherence at the local level across programs and services. There is no monitoring of the implementation of the EL Roadmap, nor is there accountability for its implementation. Importantly, no CDE positions are state funded and designated to support the implementation of this critically important state policy for English learners.” The author further asserts, “California enrolls 1.1 million English learner students and 60% of young children in the state have a home language other than English. For these students, academic gaps persist with too many never achieving English proficiency, and academic outcomes remaining unacceptably low. AB 2074 will ensure the vision to adequately serve California’s English learners truly gets to the classroom.”
- 2) **ELs in California.** According to the 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 State Board of Education (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 a 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.

In order to address recommendations related to state resources, guidance and planning this bill seeks to require that CDE create a comprehensive statewide implementation plan for the EL Roadmap Policy, mandate that CDE establish staff positions to develop and support the plan, as well as assist school districts, county offices of education, and charter schools in implementing it. The bill would further require that specific elements be incorporated into the plan, including clearly defined and quantifiable statewide implementation goals, as well as a system for monitoring and ensuring accountability for the plan.

5) **Related legislation.**

AB 2071 (Juan Carrillo, 2024) would establish the English Learner Roadmap Implementation Grant Program and make an appropriation for this purpose, and requires the SBE to develop and adopt a California English Learner Roadmap Parent Toolkit. AB 2071 was heard and approved by this committee on June 12, 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, 2019-20) 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) required 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)
ACLU California Action
Alliance for a Better Community
Asian Americans Advancing Justice Southern California
Association of Two-Way Dual Language Education
California Teachers Association
California Teachers of English to Speakers of Other Languages
Catalyst California
Children Now
Dear Asian Youth
Delta Kappa Gamma International - Chi State
EdVoice
Hispanas Organized for Political Equality
Los Angeles County Office of Education
Loyola Marymount University - Center for Equity for English Learners
Parent Institute for Quality Education
Sobrato Early Academic Language
Teach Plus - California
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 2112 **Hearing Date:** June 19, 2024
Author: Muratsuchi
Version: June 6, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Expanded Learning Opportunities Program: stakeholder working group.

SUMMARY

This bill requires the Superintendent of Public Instruction (SPI) to establish a workgroup to develop and provide recommendations to the Legislature on specified elements of the Expanded Learning Opportunities Program (ELOP).

BACKGROUND

Existing law:

- 1) Defines “expanded learning” as before school, afterschool, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. (Education Code (EC) 8482.1)
- 2) Expresses the intent of the Legislature that expanded learning programs are student-centered, results-driven, include community partners, and complement, but do not replicate, learning activities in the regular schoolday and school year. (EC 8482.1)
- 3) Establishes the ELOP and allocates funding to school districts and charter schools based upon their unduplicated pupil percentage (UPP). Requires, commencing with the 2021-22 and 2022-23 school years, as a condition of receipt of these funds, school districts and charter schools to offer to at least all unduplicated pupils in kindergarten to grade 6 and to provide to at least 50 percent of unduplicated pupils enrolled in kindergarten to grade 6, classroom-based instructional programs with ELOPs that provide access to no less than 9 hours of combined in-person instructional time and expanded learning opportunities per instructional day on schooldays, and no less than 9 hours of expanded learning opportunities per day for at least 30 non-schooldays during intersessional periods. (EC 46120)
- 4) Defines “unduplicated pupil” as a pupil enrolled in a school district or a charter school who is either classified as an English learner (EL), eligible for a free or reduced-price meal, or is a foster youth. Specifies that UPP is calculated as the percentage of unduplicated pupils by dividing the enrollment of unduplicated pupils in the school district or charter schools by the total enrollment in that school district or charter school. (EC 42238.02)

- 5) Establishes the After School Education and Safety (ASES) program, passed by voters as Proposition 49 in 2002, which provides \$550 million annually for before and afterschool programs for K-9 students. Priority for funding is granted to schools where at least 50 percent of the students are eligible for free or reduced price meals. ASES programs receive direct grants, for which attendance is projected and grants are funded up-front, in three one-year increments. (EC 8482, 8482.4, & 8482.5)
- 6) Sets the maximum total direct grant awarded annually for an ASES program as \$112,500 for each regular school year for elementary schools and \$150,000 for middle or junior high schools. Specifies additional factors that may increase the maximum grant awards, subject to funding. (EC 8482.55, 8483.7)
- 7) Continuously appropriates \$550 million from the General Fund to the California Department of Education (CDE) for the ASES program. (EC 8483.5)
- 8) Expresses the intent of the Legislature that the federal 21st Century Community Learning Centers (21st CCLC) program (Public Law 107-110) complement the ASES program to provide year-round opportunities for expanded learning. (EC 8484.7)
- 9) Establishes the 21st CCLC High School After School Safety and Enrichment for Teens (ASSETS) program to create incentives for establishing locally driven school enrichment programs that partner with schools and communities to provide academic supports and safe, constructive alternatives for high school students in the hours after the regular schoolday, and that support college and career readiness and requires that the CDE implement the ASSETS program to the extent that federal funds are available. (EC 8421, 8425)
- 10) Specifies that an ASSETS grantee receive a five-year grant of up to \$250,000 per year per site, pursuant to meeting specified conditions, and subject to the availability of federal funds for this purpose. (EC 8426)

ANALYSIS

This bill:

- 1) Requires the SPI to convene an ELOP stakeholder workgroup or leverage an existing departmental working group by February 1, 2025, to provide recommendations to the Legislature no later than November 1, 2025, including but not limited to, the following:
 - a) A method for stabilizing per-unit rates provided to LEAs that are adequate to meet the requirements of the ELOP;
 - b) Best practices for a successful ELOP;
 - c) The need to provide technical assistance and guidance to providers on blending and braiding funding from the ELOP with funding from other

- expanded learning programs to design one comprehensive expanded learning program at a schoolsite;
- d) Estimates of the costs of providing a high-quality ELOP;
 - e) Need for an annual cost of living allowance for the ELOP;
 - f) A review of whether the allocation of a minimum of \$50,000 to implement an ELOP is adequate;
 - g) The impact of the ability of providers to levy family fees on the ability to provide universal access to the ELOP;
 - h) The need for statewide data collection, evaluation, and reporting on the ELOP and other state and federally funded expanded learning programs; and
 - i) A need to further clarify the term "offer" in the ELOP to ensure equitable access to all eligible pupils.
- 2) Requires that the working group established include, but not be limited to, department staff, expanded learning providers, LEA representatives, parents, students, and community partners.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 2112 will increase access to high-quality expanded learning programs for students enrolled in TK through 6th grade by bringing together stakeholders and practitioners to identify best practices, strategies for providing stable ongoing funding, the need for effective data collection and evaluation, as well the need for technical assistance. Through this work, we can ensure that we meet the promise of universal access to exemplary expanded learning opportunities."
- 2) ***Expanded Learning Programs Benefit Students and Families.*** Increasing access to expanded learning programs can be beneficial to students and communities for a variety of reasons. Research suggests that expanded learning programs with academic enrichment opportunities can increase student engagement and attendance. These programs also provide opportunities for students to receive additional academic support and engage in other enriching activities outside of the traditional classroom setting. Expanded learning programs also can make it easier for schools to provide non-academic supports and other wraparound services, such as health services and behavioral health counseling, as is common with the community schools model. Expanded learning programs can also offer a safe and enriching place for students while parents or guardians are at work or otherwise unable to provide care.
- 3) ***Expanded Learning Opportunity Program (ELOP).*** The ELOP program, established in 2021, provides funding for afterschool and summer school enrichment programs for transitional kindergarten (TK) through 6th grade

students. The state provided \$1.8 billion Proposition 98 funding in 2021-22 to establish this program, with a goal to reach \$5 billion annually by 2025-26. The Budget Act of 2022 provided \$4 billion in ongoing funding for the ELOP.

School districts and charter schools are required to offer at least nine hours of combined in-person instructional time and expanded learning opportunities during the school day and for 30 days during the summer. The program must include educational and enrichment components with a maximum student to staff ratios of 20:1.

Beginning in the 2023-24 school year, as a condition of receipt of ELOP funding, districts and charter schools with a UPP equal to or more than 75 percent must offer the program to all TK through grade 6 students in classroom-based settings and provide access to any student whose parent or guardian requests their placement in a program. LEAs with less than 75 percent UPP must offer ELOP to all TK through grade 6 students attending classroom-based programs who are unduplicated and must provide access to at least 50 percent of those students.

- 4) ***ELOP has a two-tiered funding structure.*** Funding for the ELOP is allocated based on a formula rather than a competitive grant process. This funding depends on the district's or charter's UPP in grades TK-6.

There are two ELOP funding rates. The first rate applies to LEAs with a UPP of 75 percent or higher. This rate is set by law at \$2,750 per LEA's ADA for TK-6 enrollment. These LEAs must offer the ELOP program to all TK-6 students and provide access to any student whose parent requests enrollment in the program.

The second rate applies to LEAs with a UPP of less than 75 percent. This rate is calculated annually based on the remaining funds in the \$4 billion ELOP fund after the Rate 1 allocations and is based on the statewide ADA for TK-6 students. LEAs receiving this funding must offer the ELOP program to all UPP students and provide access to any UPP student whose parent requests enrollment. Each LEA receives a minimum of \$50,000 for the ELOP program.

LEAs are authorized and encouraged to combine funding from other expanded learning programs, such as the ASES program and the 21st CCLC program, to provide a single, cohesive program for their students.

- 5) ***CDE expanded learning workgroup.*** An existing workgroup, the California Expanded Learning Research and Evaluation Strategy Committee (RESC), has been established at the CDE and includes a diverse group of interest holders with a goal of making research and evaluation recommendations to the CDE on expanded learning programs, including the following priorities:
- a) ELOP future data collection and evaluation strategies;
 - b) ELOP, ASES, and 21st CCLC research and evaluation strategies as they function as one comprehensive program; and
 - c) Identifying high-quality local research on expanded learning programs.

This bill would authorize the CDE to utilize an existing workgroup, such as this one, to provide additional recommendations on the ELOP as specified.

- 6) ***Arguments in support.*** The San Diego Unified School District, sponsor of this measure, writes: “In 2022-23, San Diego Unified utilized ELOP funding to offer safe, inclusive, and joy-filled expanded learning opportunities to over 45,000 students through partnerships with more than 80 local nonprofits.

“Stable funding is critical for the successful planning and implementation of expanded learning programs. Unfortunately, because of the way funding is allocated through the ELOP, the per-pupil funding rate for LEAs with an unduplicated pupil percentage below 75% (“Rate 2”) is unstable and can vary significantly from year to year. Between 2022-23 and 2023-24, Rate 2 declined by more than 12%. At San Diego Unified, this resulted in a loss of \$7.2M in expanded learning funding just weeks before the start of the school year. This instability puts LEAs that receive Rate 2 in the challenging position of developing plans, making staffing decisions, and cultivating community partnerships in order to offer high-quality programs and comply with the ELOP requirements without knowing how much funding they will receive from year to year.

“AB 2112 (Muratsuchi) follows through on the promise of the ELOP by investing in the success and sustainability of high-quality programs at Rate 2 LEAs. Specifically, AB 2112 ensures that Rate 2 will not fall below the 2022-23 per-pupil funding level, giving LEAs the fiscal certainty necessary for deliberate planning and the development of lasting community partnerships that are the cornerstones of high-quality expanded learning programs.”

SUPPORT

San Diego Unified School District (Sponsor)
 After-School All-Stars, Los Angeles
 Alameda County Office of Education
 Alliance for Children's Rights
 ARC
 Association of California School Administrators
 Bay Area Community Resources
 California Afterschool Advocacy Alliance
 California Afterschool Network
 California Alliance of Boys & Girls Clubs
 California Music Educators Association
 California School-age Consortium
 California Teaching Fellows Foundation
 Clare Rose Center for Creative Youth Development
 Educare Foundation
 Edventure More
 Envisioneers
 Expanded Learning Alliance
 Heart of Los Angeles
 Innovate Public Schools

Inplay
Keep Youth Doing Something
LA Conservation Corps
LA's Best After School Enrichment Program
Office of the Riverside County Superintendent of Schools
Para Los Ninos
Partnership for Children & Youth
Rincon Valley Union School District
Riverside County Public K-12 School District Superintendents
STAR Education
The Children's Initiative
Think Together
Woodcraft Rangers
YMCA of Metropolitan Los Angeles
YMCA of San Diego County

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2165	Hearing Date:	June 19, 2024
Author:	Reyes		
Version:	April 15, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Pupil instruction: financial aid application.

SUMMARY

This bill requires that local educational agencies (LEAs) take specific actions prior to exempting a student from the requirement to complete a Free Application for Federal Student Aid (FAFSA) or a California Dream Act Application (CADAA), and requires that LEAs post specified data on exemptions on their websites.

BACKGROUND

Existing law:

- 1) Establishes the California Student Aid Commission (Commission) as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. These programs include grants, work-study, and loan programs supported by the state and the federal government. (Education Code (EC) § 66010.6.(b))
- 2) Provides for a variety of student financial aid programs, including the Cal Grant programs. Existing law requires that eligibility for a Cal Grant and the determination of financial need be accomplished using the federal financial need methodology and application prescribed by the Commission (FAFSA), and that this application be used for all programs funded by the state or a public institution of post-secondary education as well as all federal programs administered by a postsecondary educational institution. (EC § 69432.9, § 69433)
- 3) Exempts specified California nonresidents from paying nonresident tuition at the University of California (UC), California State University (CSU), and California Community Colleges (CCC), also known as the AB 540 nonresident tuition waiver, if they meet certain requirements. (EC § 68130.5.)
- 4) Establishes the California Dream Act and provides that, beginning January 1, 2013, AB 540 students are eligible to apply for, and participate in, any student financial aid program administered by the State of California. The Commission is required to establish procedures and forms (the California Dream Act Application, or CADAA) that enable AB 540 students to apply for, and participate in, all student financial aid programs, including the Cal Grant program, administered by the State of California. (EC § 69508.5)

- 5) Requires, commencing with the 2020-21 school year, the governing board of a school district and the governing body of a charter school to:
 - a) Ensure that each student receives information on how to properly complete and submit the FAFSA or the CADAA, as appropriate, at least once before the student enters grade 12; and
 - b) Handle any information shared by parents, guardians, and students under this section according to applicable federal and state privacy laws and regulations. (EC § 51225.7)
- 6) Requires that the governing board of a school district and the governing body of a charter school have discretion over how it provides this instruction. (EC § 51225.7)
- 7) Specifies that instruction may be provided through in-class instruction, existing programs, family information sessions, or group or individual sessions with school counselors. (EC § 51225.7)
- 8) Requires instruction to include the following types of information:
 - a) The types of documentation and personal information required by the FAFSA or CADAA, including, but not limited to, documents relating to income taxes, finances and income, college choices, academic status, and personal identification, such as social security or taxpayer identification numbers;
 - b) An explanation of definitions used for each application, such as “legal guardianship,” “dependent,” or “household size;”
 - c) The eligibility requirements for the FAFSA or CADAA;
 - d) Application timelines and submission deadlines; and
 - e) The importance of submitting applications early, especially when financial aid is awarded on a first-come, first-served basis. (EC § 51225.7)
- 9) Requires the governing board of a school district and the governing body of a charter school to ensure that a paper copy of the FAFSA or CADAA is provided to a student, if that student or the student’s parent or guardian requests a copy. (EC § 51225.7)
- 10) Prohibits, in federal law, funds from being made available under any applicable program to any educational agency or institution that permits the release of a student’s education records, or the personally identifiable information contained therein, other than directory information, without the written consent of their parents (20 U.S.C. 1232(b)).

- 11) Prohibits school officials and employees of an LEA from collecting information or documents regarding the citizenship or immigration status of students or their family members, except as required by state or federal law, or as required to administer a state or federally-supported educational program. (EC § 234.7)
- 12) Requires educational counseling to include academic counseling, in which students receive advice on the following:
 - a) Development and implementation, with parental involvement, of the student's immediate and long-range educational plans;
 - b) Academic planning for access and success in higher education programs, including advisement on courses needed for admission to public colleges and universities, standardized tests, and financial aid; and
 - c) Career and vocational counseling, in which students are assisted in, among other things, understanding the variety of four-year colleges and universities and community college vocational and technical preparation programs, as well as admission criteria and enrollment procedures. (EC § 49600)
- 13) Requires that information of a personal nature disclosed by a student who is 12 years of age or older, or by the parent or guardian of a student who is 12 years of age or older, to a school counselor during counseling be deemed confidential, except in specified circumstances, and prohibits such information from being included in a student's record without the written consent of the person who disclosed the information (EC § 49602).
- 14) Requires a school to include, in its School Accountability Report Card, the availability of qualified personnel to provide counseling and other student support services, including the ratio of academic counselors per student. (EC § 33126)

ANALYSIS

This bill:

- 1) Requires, a LEA, before exempting the student or their parent to comply with both of the following:
 - a) Provide the prescribed information to the student through a meeting between a school counselor and the student or, if no school counselor is employed at the school, between the student and other school staff, through written material, or by other means of communication.
 - b) Provide, to the student's parent or to a student who is a legally emancipated minor or 18 years of age or older, the prescribed information and notification of the date by which the student will be opted out by the LEA if no action is taken. This notice must be provided with sufficient time for the parent or for the student who is legally emancipated minor or is age 18 or older, to act before the LEA opts out the student.

- 2) Requires, the information to be provided include all of the following:
 - a) The purposes and benefits of the FAFSA or the CADAA which include consideration for financial aid.
 - b) The consequences of not completing and submitting a FAFSA or a CADAA.
 - c) The option to complete a FAFSA or a CADAA after an opt-out form has been submitted.
- 3) Requires, if the LEA exempts the student from having to complete the requirements of FAFSA or CADAA completion, the LEA complete and submit the opt-out form on the student's behalf and notify the student's parent of the student's exemption.
- 4) Requires, each schoolsite to annually report to their school district the total number of submitted opt-out forms, including the number of forms submitted by the school district on behalf of the student and the number of forms submitted by the student's parent.
- 5) Requires, each charter school annually report to its chartering authority the total number of submitted opt-out forms, including the number of forms submitted by the charter school on behalf of the student and the number of forms submitted by the student's parent.
- 6) Requires a LEA to publish the following data, for each schoolsite, on its internet website:
 - a) The total number of submitted opt-out forms, including the number of forms submitted by the LEA on behalf of the student and the number of forms submitted by the student's parent or legal guardian.
 - b) The completion rates for the FAFSA or the CADAA.
- 7) Makes conforming changes.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "AB 2165 represents a pivotal step towards enhancing transparency and accountability within our education system. Data shows that high school students who complete financial aid applications are more likely to attend college directly from high school. In 2021, AB 469 (Reyes) was signed by the Governor, which promoted the completion of financial aid applications by requiring schools to ensure high school students complete and submit the Free Application for Federal Student Aid (FAFSA) or California Dream Act Application (CADAA) forms before graduating. These forms are critical in determining eligibility for various financial aid programs, scholarships, and grants, which can significantly alleviate the burden of college expenses. Since the

passage of AB 469, some schools have not made much progress in the completion rates of FAFSA or CADAA forms, which means that students have been opted out of completing these forms.

“AB 2165 seeks to obtain information related to the opt-out forms, which can be submitted by a student, a parent or guardian, or a school counselor, by requiring schools to report data to their school districts on who is filling those forms and requiring that data to be published. AB 2165 also promotes communication between high school counselors, students, and parents regarding opt-out decisions from FAFSA or CADAA requirements, ensuring that vital information reaches all stakeholders. AB 2165 promotes transparency and empowers students and families with the knowledge they need to navigate the complexities of financial aid and educational opportunities effectively.”

- 2) **Financial aid accessible through FAFSA completion.** All major federal and state financial aid programs, such as Cal Grant, Pell Grant, institutional aid, work-study awards, scholarships, and federal student loans, use the FAFSA as their core document to determine eligibility. In most cases, to maximize their financial aid options, students should complete the FAFSA by March 2 (traditionally) of their senior year in high school. Missing this window may reduce the amount of aid available for that student. Because financial aid for college considers the cost of attendance and a family’s ability to pay in determining eligibility, the FAFSA asks for personal information such as income, tax information, and a social security number. It can be a cumbersome process, and most families need help completing the form.
- 3) **What is CADAA?** Not all students are eligible for federal financial aid programs or FAFSA completion. Current state law allows certain nonresident status students who live in California to pay in-state tuition. These students may include those who do not have California resident status but did attend and graduate from a California high school. In addition to qualifying for in-state tuition, these nonresident students are eligible to apply for and participate in state or institutional student aid programs, not federal aid. For these students California created the CADAA form. Some nonresidents may automatically assume they are ineligible for financial aid due to their status. Additional guidance or information from schools could support informed decision-making for families prior to opting out.
- 4) **FAFSA/CADAA completion rates?** According to the Commission, after just one year of implementing AB 469 (Reyes, Chapter 560, Statutes of 2021) in 2023, California led the nation in overall growth in financial aid completion rates. More specifically, 74 percent of high school seniors completed a FAFSA or CADAA, compared to 68 percent the previous year. More than 24,000 high school students completed financial aid applications by September 5, 2023, compared to 2022. Despite the tremendous, overall gains in financial aid completion, some school districts saw no change in FAFSA/CADAA completion, and some even had a slight decrease. It is important to note that there have been a number of extenuating factors beyond schools’ control that may have hindered students’ ability to apply for financial aid, such as disruptions caused by the COVID-19 pandemic and wildfire incidents.

- 5) **The launch of the new FAFSA will likely impact 2024 completion rates.** The FAFSA Simplification Act, passed by Congress in 2020, aimed to streamline and make the process of awarding federal student aid more accessible. The US Department of Education announced a soft launch for the new FAFSA from December 2023 through late January 2024. After the launch, multiple issues surfaced that impacted students, families, and campuses that rely on the receipt of information from the US Department of Education to create financial aid packages. California, through the 2023 Budget Act, attempted to address concerns about the delayed launch of the 2024-25 FAFSA period, potentially resulting in a shorter filing period and more students without financial aid, by extending the priority deadline for all financial aid programs from March 2, 2024, to April 2, 2024. However, issues persist and the legislature quickly moved to extend the deadline by another month to May 2. According to the National College Attainment Network's FAFSA Tracker on March 8, it was found that approximately 156,000 estimated high school seniors in California, or only 27.7 percent of the class of 2024, had completed a FAFSA by March 1, representing a significant 42.8 percent decrease from where California stood at the same point last year. Despite efforts to address delays caused by the new FAFSA application rollout, the difficulties students encountered had a direct impact on FAFSA completion rates.
- 6) **Opt-out option.** A number of factors can impact FAFSA and CADAA completion, resulting in volatile rates. This bill, however, attempts to draw attention to one contributing factor. Current law requires LEAs to confirm that a student has completed and submitted a FAFSA or CADAA application, as applicable. It further allows families to opt-out of completing either application. This bill aims to address opt-out practices by mandating additional intervention strategies and transparency measures to ensure students are making informed choices prior to opting out of FAFSA or CADAA application completion.

SUPPORT

California Student Aid Commission
NextGen California
The Education Trust - West

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2724 **Hearing Date:** June 19, 2024
Author: Reyes
Version: April 1, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: High school pupils: voter registration.

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

SUMMARY

This bill requires the governing board of a school district, a county board of education, a state special school, and the governing body of a charter school, commencing the 2026-27 school year, to ensure that each of its pupils receives, at least once before the pupil completes grade 11, information on how to properly preregister to vote, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Allows the administrator of a high school, or their designee, to appoint one or more pupils who are enrolled at that high school to be voter outreach coordinators. Permits the coordinators to coordinate voter registration activities on their high school campus, including voter registration drives, mock elections, debates, and other election-related pupil outreach activities. (EC § 49041)
- 2) Allows students in grades 6-12 to have one excused absence per year to participate in a civic or political event provided that the pupil notifies the school ahead of the absence. (EC § 48205)
- 3) Establishes the last two full weeks in April and the last two full weeks in September as "high school voter education weeks." Requires persons authorized by the county elections official, during these weeks, to be allowed to register students and school personnel on any high school campus in areas designated by the administrator of the high school, or their designee, which are reasonably accessible to all students. (EC § 49040)

Elections Code (ELEC)

- 4) Expresses the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote. Requires the

Secretary of State (SOS) to annually provide every high school, California Community College (CCC), California State University (CSU), and University of California (UC) campus with voter registration forms, as specified. (ELEC § 2146)

- 5) Establishes the Student Voter Registration Act (SVRA) of 2003, and requires the SOS to annually provide every high school, CCC, and CSU and UC campus with voter registration forms. (ELEC § 2145 and 2146)

ANALYSIS

This bill:

- 1) Requires the governing board of a school district, a county board of education, a state special school, and the governing body of a charter school, beginning the 2026-27 school year, to ensure that each of its pupils receives, at least once before the pupil completes grade 11, information on how to properly preregister to vote in a manner that is decided by each respective governing board and may include information dissemination through in-class instruction, an existing program, family information sessions, or group or individual sessions with school counselors. The information provided shall include, but not necessarily be limited to, material related to all the following:
 - a) Voting eligibility and guidance published by the Secretary of State.
 - b) Services provided and materials published by the county elections office.
 - c) The opportunity to register to vote, which is optional and may be completed at any time including by visiting the SOS's mobile-friendly online voter registration tool at <https://registertovote.ca.gov/>.
 - d) The Student Poll Worker program.
- 2) Requires the governing board of a school district, a county board of education, a state special school, and the governing body of a charter school, upon request, ensure that any information shared with parents, guardians, and pupils under this section is handled according to applicable state and federal pupil privacy laws and regulations.
- 3) Allows the governing board of a school district, a county board of education, a state special school, and the governing body of a charter school may contract with a third-party nonprofit organization, with demonstrated experience providing nonpartisan youth civic engagement.
- 4) Authorizes an administrator of a public or private high school, or their designee, to appoint one or more pupils who are enrolled at that high school to be voter outreach coordinators.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “AB 2724 would provide high school students in California the opportunity and resources needed to pre-register to vote by the end of their eleventh grade. Sixteen- and seventeen-year-olds in California have the ability to pre-register to vote and subsequently become registered to vote upon their 18th birthday. However, currently only 11% of sixteen and seventeen-year-olds in California are actually pre-registered to vote. This bill would address the low voter pre-registration rate in California by presenting high school students the opportunity and resources needed to pre-register to vote at their schools.”
- 2) **Get Out The Vote – Youth Voter Registration in California.** California's voting population lacks adequate representation from the youth demographic (ages 18-24). Young adults consistently display lower registration rates in comparison to older Californians. According to an August 2023 fact sheet issued by the Public Policy Institute of California (PPIC), individuals aged 18 to 34 account for 31% of the state's population yet constitute only 18% of likely voters, with 37% registered to vote. A September 2015 fact sheet from PPIC revealed that the primary reason cited by younger Californians for not registering to vote is lack of interest.

Data from the California Civic Engagement Project, jointly administered by the University of Southern California Sol Price School of Public Policy and the SOS, indicates that in the 2020 general election, the eligible turnout for the youth demographic (age 18-24) stood at 47.4%, marking a substantial increase from the 36.6% turnout in the previous general election. Moreover, the youth registration rate steadily increased, reaching 66.4% in the 2020 general election. Despite these advancements, individuals aged 18-24 continue to exhibit the lowest registration rate compared to other age groups. Furthermore, the 2020 general election witnessed significantly lower eligible voter turnout among Asian-American and Latino youth compared to the overall youth population, with 34.7% and 39.3%, respectively.

- 3) **Preregister to vote at 16. Vote at 18.** Online pre-registration for voting is available for eligible 16 and 17 year olds by visiting www.registertovote.ca.gov, and was established by SB 113 (Jackson, Chapter 619, Statutes of 2014). California youth who pre-register to vote will have their registration become active once they turn 18 years old. Pre-registration does not change the voting age, which is 18. Instead, it allows eligible Californians ages 16 or 17 to complete the online voter registration form providing sufficient time and opportunity to get ready to vote. The online pre-registration applies to California youth who are 16 or 17 and meet the following criteria:
 - a) A United States citizen and a resident of California;
 - b) Not currently serving a state or federal prison term for the conviction of a felony;
and,
 - c) Not currently found mentally incompetent to vote by a court.

- 4) **The Student Voter Registration Project.** In 2003, AB 593 (Ridley-Thomas, Chapter 819, Statutes of 2014) established the SVRP. This project requires the SOS to provide voter registration forms to every high school, community college, CSU, and UC campus. The forms should include information about eligibility requirements. Each student should be informed that they can return the completed form in person or by mail to the elections official of the county where they live.

The SOS has implemented various innovative programs to engage voters within their local communities, workplaces, and schools. One such program, the California Student Mock Election program, targets young voters by providing high school and middle school students with firsthand experience in the electoral process. This program allows students to review election materials and participate in a simulated vote for candidates and issues pertinent to them and their families. The SOS office supports this initiative by supplying participating schools with ballots, student voter information guides, and other necessary materials. Additionally, the SOS and the State Superintendent of Public Instruction (SSPI) promote the Student Mock Election before the general elections statewide. In 2022, 321 schools registered for the mock election program, with 35,135 students voting. The next Student Mock Election is scheduled for October 8, 2024.

Moreover, the existing legislation designates the last two full weeks of April and September as High School Voter Education Weeks. During these weeks, the SSPI and the SOS collaborate to encourage high school administrators, staff, and students to organize on-campus voter registration drives. Furthermore, eligible high school students are encouraged to actively participate in the election process by serving as poll workers and celebrating civic holidays, such as Poll Worker Recruitment Day. This comprehensive approach seeks to empower young voters and foster a culture of civic engagement within California's high schools.

2023 SOS Annual Report

The California SOS must submit an annual report to the State Legislature on student voter registration efforts as specified by the Student Voter Registration Act of 2003 under Elections Code section 2146(d). The latest report indicates that since the start of pre-registration in 2016, 1,141,476 students have pre-registered to vote. Of these, 877,917 have turned 18 and are now registered to vote. While the number of pre-registrants waiting to turn 18 has remained consistent, the number of pre-registration forms submitted each year decreased by 27% from 2018 to 2021. The California Motor Voter program, implemented in April 2018, automatically pre-registered 16- and 17-year-olds to vote when they applied for a driver's license at the Department of Motor Vehicles, resulting in a larger pool of eligible pre-registrants than in subsequent years. However, in 2023, the Secretary of State reached out to 4,256 high schools and 340 colleges and universities through the SVRP. Only 642 schools responded to this outreach, representing a 14% response rate, despite being required by the Elections Code. Of the schools that responded, 450 requested paper voter registration forms, accounting for 10% of the schools contacted.

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

AB 593 (Ridley-Thomas, Chapter 819, Statutes of 2003) makes numerous changes to the voter registration process and establishes the SVRP. Requires the SOS to

provide every high school, community college, CSU, and UC campus with voter registration forms. Requires the SOS to provide a written notice with each such registration form describing eligibility requirements and informing each student that he or she may return the completed form in person or by mail to the elections official of the county in which the student resides. States the Legislature's intent that high schools and colleges provide students with voter registration forms.

SB 113 (Jackson, Chapter 619, Statutes of 2014) expands pre-registration for voting by authorizing a 16-year-old to pre-register to vote once pre-registration is in effect, provided they meet all other eligibility requirements.

AB 1817 (Gomez, Chapter 131, Statutes of 2014) established the last two full weeks in April and the last two full weeks in September as “high school voter education weeks” instead of “high school voter weeks,” and expanded the individuals, from deputy registrars of voters, to people authorized by the county elections official, who must be allowed to register students and school personnel on any high school campus in areas designated by the administrator of the high school, or their designee, which are reasonably accessible, during high school voter education weeks. Authorizes the administrator of a high school, or their designee, to appoint one or more pupils who are enrolled at that high school to be voter outreach coordinators. Authorizes the coordinators to coordinate voter registration activities on their high school campus.

SB 955 (Leyva, Chapter 921, Statutes of 2022) allows students in grades 6-12 to have one excused absence per year to participate in a civic or political event provided that the pupil notifies the school ahead of the absence.

SUPPORT

Power CA Action (Co-Sponsor)
Public Advocates
Youth Action Project

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2181	Hearing Date:	June 19, 2024
Author:	Gipson		
Version:	June 6, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Juvenile court school pupils: graduation requirements and continued education options.

SUMMARY

This bill aligns exemptions from local graduation requirements for juvenile court students with those for students who are in foster care, students who are homeless, former students of a juvenile court school, a child of a military family, or a migrant student.

BACKGROUND

Existing law:

Juvenile court school students

- 1) Requires a county office of education to issue a diploma of graduation to a student who completes the *statewide* coursework requirements for graduation while attending a juvenile court school, and prohibits the student from being required to complete coursework or other requirements that are in addition to the statewide coursework requirements. (Education Code (EC) § 48645.5)
- 2) Requires the county office of education to notify the student, the education rights holder, and the student's social worker or probation officer when the student becomes entitled to a diploma, of all of the following:
 - a) The student's right to a diploma.
 - b) How taking coursework and other requirements adopted by the governing board of the county office of education, or continuing education upon release from the juvenile detention facility, will affect the student's ability to gain admission to a postsecondary educational institution.
 - c) Information about transfer opportunities available through the California Community Colleges.
 - d) The option of the student or education rights holder, as applicable, to allow the student to defer or decline the diploma and take additional coursework. (EC § 48645.7)

- 3) Requires a county office of education, if it makes a finding that a juvenile court school student who is entitled to a diploma could benefit from the additional coursework and other requirements adopted by the county office of education, to do both of the following:
 - a) Inform the student of the option to take coursework and other requirements adopted by the county office of education.
 - b) Allow the student to take the additional coursework or other requirements adopted by county office of education, and to defer the granting of the diploma until the student is released from the juvenile detention facility, upon agreement of the student (if age 18 or older) or the education rights holder (if the student is a minor). (EC § 48645.7)
- 4) Authorizes a student/education rights holder, upon the release from a juvenile detention facility of a student who is entitled to a diploma, to elect to decline the issuance of the diploma for the purpose of enrolling the student in a school operated by a school district or charter school to take additional coursework. (EC § 48645.7)
- 5) Requires a county office of education to advise the student/education rights holder to consider, when deciding whether to elect to decline the diploma, whether the student is highly likely to do all of the following:
 - a) Enroll in a school operated by a school district or charter school.
 - b) Benefit from continued instruction.
 - c) Graduate from high school. (EC § 48645.7)
- 6) Requires a county office of education to grant a diploma, upon request of the student/education rights holder, if a juvenile court school student who is entitled to receive a diploma is not granted a diploma, or if the student/education rights holder has previously deferred or declined a diploma.

Foster youth, homeless youth, former juvenile court school student, child of military family, or migratory student

- 7) Requires a local educational agency (LEA) to exempt the following student groups under the following conditions from all additional coursework and other requirements adopted by the LEA that are in addition to the statewide coursework requirements, unless the LEA makes a finding that the student is reasonably able to complete the LEA's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school:
 - a) A student in foster care, a student who is a homeless child or youth, a former juvenile court school student, a student who is a child of a military family, or a student who is a migratory child, who:

- i) Transfers between schools any time after the completion of the pupil's second year of high school; and,
 - ii) Is in their third or fourth year of high school.
- b) A newcomer student who is in their third or fourth year of high school. (EC § 51225.1)

ANALYSIS

This bill aligns exemptions from local graduation requirements for juvenile court students with those for students who are in foster care, students who are homeless, former students of a juvenile court school, a child of a military family, or a migrant student. Specifically, this bill:

- 1) Shifts existing provisions from giving juvenile court students *the right to a diploma* if specified criteria is met, to granting *eligibility to qualify for an exemption* from local graduation requirements.
- 2) Conditions eligibility for a juvenile court school student to be exempt from local high school graduation requirements, as follows:
 - a) The student transfers into a juvenile court school after the completion of a student's second year of high school.
 - b) The student is in their third or fourth year of high school.
 - c) The county office of education does not make a finding that the student is reasonably able to complete the local graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.
- 3) Strikes reference to juvenile court school students being *entitlement* to a diploma, and *having a right* to a diploma, after meeting specified criteria, and instead provides that students are *qualified for an exemption* from local high school graduation requirements after meeting the criteria.
- 4) Expands notification provided to the student/education rights holder, social worker, and probation officer to include:
 - a) Other opportunities available to the student, including, but not limited to, staying enrolled in high school beyond the fourth year.
 - b) Possible credit recovery.
 - c) The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption from local graduation requirements.

- 5) In relation to students continuing with coursework after meeting the minimum statewide high school graduation requirements, makes the following changes:
 - a) Strikes reference to *whether a student could benefit from the additional coursework or other requirements* adopted by the county office of education, and instead whether the student is *reasonably able to complete the additional local high school graduation requirements* after the student's fourth year of high school.
 - b) Requires the county office of education to *consult with* the student/education rights holder regarding the student's option to remain in school after the fourth year to complete the local graduation requirements, rather than simply *informing* the student of the option to take the additional locally adopted coursework.
 - c) Strengthens notification to students/education rights holders from simply providing "how to" information about the effect of taking the additional local coursework on gaining admission to postsecondary education institutions, by requiring the county office of education to *consult with* the student/education rights holder.
- 6) Makes technical and conforming changes:
 - a) To align provisions for the exemption from local high school graduation requirements for juvenile court school students with those for students who are in foster care, students who are homeless, former students of a juvenile court school, a child of a military family, or a migrant student.
 - b) Relative to the changes in terminology proposed by this bill.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 2181 is a crucial step towards ensuring that current court school students have the same opportunities that former court school students, and other mobile student populations (military-connected children, foster youth, homeless youth, etc.) have to remain in high school beyond completion of the state minimum graduation requirements should they choose. This is especially important in cases in which students, despite not being academically prepared and in some cases, may prefer to continue with high school education to catch up but have no choice other than to move forward with little tools and ensure their success upon graduation. We should continue to focus on advancing opportunities for high school students to better prepare them for their future endeavors.

"This is not just about providing students an option to stay in school; it is about creating a more inclusive and equitable education system that empowers all students to reach their full potential by engaging in A-G courses, dual enrollment, and Career Technical Education opportunities. We must do our part in ensuring that students are equipped for success."

- 2) ***Alignment with exemptions for other student groups.*** This bill aligns exemptions from local graduation requirements for juvenile court students with those for students who are in foster care, students who are homeless, former students of a juvenile court school, a child of a military family, or a migrant student. Specifically, this bill:
- a) Shifts existing provisions from giving juvenile court students *the right to a diploma* if specified criteria is met, to granting *eligibility to qualify for an exemption* from local graduation requirements if specified criteria is met.
 - b) Shifts the focus of determining whether a student is eligible to qualify for an exemption from local graduation requirements (in addition to shifting from the right to a diploma), from whether the student could benefit from the additional local high school graduation requirements, to whether the student is reasonably able to complete the additional local high school graduation requirements after the student's fourth year of high school.
 - c) Conditions eligibility for a juvenile court school student to be exempt from local high school graduation requirements, as follows:
 - i) The student transfers into a juvenile court school after the completion of a student's second year of high school.
 - ii) The student is in their third or fourth year of high school.
 - iii) The county office of education does not make a finding that the student is reasonably able to complete the local graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.
- The goal of this bill is to provide academic opportunities to juvenile court students beyond meeting minimum statewide high school graduation requirements, and utilize the authority to meet additional local requirements beyond their fourth year of high school.
- 3) ***Students may continue to receive a diploma after meeting minimum statewide high school graduation requirements.*** This bill does not prohibit juvenile court school students from receiving a high school diploma after meeting the minimum statewide graduation requirements, unless the county office of education makes a finding that the pupil is reasonably able to complete the local graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, or if the student/education rights holder declines to accept the exemption.
- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) Ongoing Proposition 98 General Fund costs, of an unknown but potentially significant amount, to provide Local Control Funding Formula (LCFF) funding to county offices of education to serve additional students beyond

their fourth year of high school. Per-student funding per year is about \$21,000.

- b) If 10 additional students enrolled for another school year due to the provisions of this bill, costs would be \$210,000. Costs would ultimately depend on how many more students enroll beyond their fourth year of high school as a result of this bill.
- c) Ongoing Proposition 98 General Fund costs to county offices of education to provide various additional consultations and notices to juvenile court school students and their parents or guardians.

SUPPORT

Alameda County Office of Education (Co-Sponsor)
Los Angeles County Office of Education (Co-Sponsor)
Alliance for Children's Rights
Association of California School Administrators
California Teachers Association
Riverside County Superintendent of Schools
Small School Districts Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2245 **Hearing Date:** June 19, 2024
Author: Juan Carrillo
Version: February 8, 2024
Urgency: No **Fiscal:** No
Consultant: Ian Johnson

Subject: Certificated school employees: permanent status: regional occupational centers or programs.

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

SUMMARY

This bill allows certificated instructors at regional occupational centers or programs (ROC/Ps) to attain permanent employee status.

BACKGROUND

Existing law:

- 1) Specifies that service by a person as an instructor in classes conducted at ROC/Ps may not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district. (Education Code (EC) 44910)
- 2) Requires no later than March 15 and before an employee is given notice by the governing board that his or her services will not be required for the ensuing year for the reasons specified in EC 44955, the governing board and the employee must be given written notice that it has been recommended that the notice be given to the employee, and stating the reasons therefor. (EC 44949)
- 3) Prohibits a permanent employee from being deprived of his or her position for causes other than those specified, and prohibits a probationary employee from being deprived of his or her position for cause other than as specified. States that whenever in any school year the average daily attendance (ADA) in all of the schools of a district for the first six months in which school is in session have declined below the corresponding period of either of the previous two school years, whenever the governing board determines that attendance in a district will decline in the following year as a result of the termination of an interdistrict tuition agreement, whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, or whenever the amendment of state law requires the modification of curriculum, and when in the opinion of the governing board of the district it has become necessary by reason of any of these conditions to decrease the number of permanent employees in the district, the governing board may terminate the

services of not more than a corresponding percentage of the certificated employees of the district, permanent as well as probationary, at the close of the school year. States that the services of no permanent employee may be terminated while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render. (EC 44955)

- 4) Requires a governing board to make assignments and reassignments in such a manner that employees are retained to render any service which their seniority and qualifications entitle them to render. However, prior to assigning or reassigning any certificated employee to teach a subject which he or she has not previously taught, and for which he or she does not have a teaching credential or which is not within the employee's major area of postsecondary study or the equivalent thereof, requires the governing board to require the employee to pass a subject matter competency test in the appropriate subject. (EC 44955)
- 5) Authorizes a school district to deviate from terminating a certificated employee in order of seniority for either of the following reasons:
 - a) The district demonstrates a specific need for personnel to teach a specific course or course of study, or to provide services authorized by a services credential with a specialization in either pupil personnel services or health for a school nurse, and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess.
 - b) For purposes of maintaining or achieving compliance with constitutional requirements related to equal protection of the laws. (EC 44955)
- 6) Authorizes the governing board of any school district to employ persons possessing an appropriate credential as certificated employees in programs and projects to perform services conducted under contract with public or private agencies, or categorically funded projects which are not required by federal or state statutes. Requires the terms and conditions under which such persons are employed to be mutually agreed upon by the employee and the governing board and such agreement must be reduced to writing. States that service may not be included in computing the service required as a prerequisite to attainment of, or eligibility for, classification as a permanent employee unless such person has served for at least 75 percent of the number of days the regular schools of the district by which he is employed are maintained and such person is subsequently employed as a probationary employee in a position requiring certification qualifications. (EC 44909)

ANALYSIS

This bill deletes, as of July 1, 2025, the prohibition on counting service as an instructor at ROC/Ps toward the service required to attain permanent employee status; and, instead requires service as an instructor at ROC/Ps to be included in computing the service required to attain permanent employee status at a school district.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Career Technical Education is a significant lifeline for many students in California – one that provides pathways outside of higher academia that yield living-wage jobs. Many students who take CTE classes gain valuable skills which are often directly applicable to the industries in the areas they live in. People may take CTE classes to get their foot in the door of a specific vocation, or build upon an existing skillset. CTE is often students’ first exposure to various kinds of vocational work in their local industries.

“This is especially important for rural districts like mine – where building a local workforce is imperative to job creation and economic growth in the region. CTE is a unique kind of learning in that students have the opportunity to build skills they may otherwise never come into contact with. Given the life-changing opportunities that can be provided via CTE, retaining this workforce is especially important.

“Unfortunately, instructors who teach these vital classes are unable to rely on their employment, knowing instead that their position may be eliminated at any moment without due process. In order for California to provide students the opportunities that will launch them into success, we must simultaneously invest in the workforce that serves them by allowing CTE teachers at Regional Occupational Centers/Programs the ability to obtain permanent status.”

- 2) ***Regional Occupational Centers and Programs.*** This bill eliminates the prohibition on service as an ROC/P teacher counting toward attaining permanent employee status. With the implementation of the Local Control Funding Formula (LCFF), ROC/Ps no longer receive categorical program funding. Instead, funding for ROC/Ps has been rolled into the funding that is allocated via the LCFF. Generally, ROC/P teachers have not been given permanent employee status due to the volatile nature of ROC/P funding and industry changes regarding specific courses offered through those programs.

Those representing ROC/Ps have expressed concerns that the provisions of this bill will make it impossible for their programs to keep up with industry and market demands. This claim is based on the fact that the process for laying off teachers with permanent status is usually—but not always—driven by seniority rather than program demand. Given that ROC/Ps have a need to evolve and change along with the labor market, the ability to drop outdated courses and create new courses in industries where jobs are available is critical. As a result, the need to layoff teachers with outdated expertise and bring on new teachers is also an unfortunate reality.

Further, while existing law allows districts to deviate from laying off permanent status teachers in order of seniority if there is a specific need for personnel to teach a specific course of study, Career Technical Education (CTE) teaching credentials are assigned by industry sectors that are quite broad. This means that individuals with the same credential oftentimes have very different skills and expertise. For example, the Health Science and Medical Technology CTE

credential encompasses individuals teaching dentistry, biotechnology, sports medicine, phlebotomy, screen printing, and more. The ROC/Ps community has expressed concerns that any attempt to lay off a permanent status instructor and replace them with a less senior instructor holding the same CTE credential will be successfully challenged, even if there is a demonstrated programmatic need to do so.

- 3) **What protections does "permanent employee" status offer to these employees?** "Permanent employee" status guarantees the specific employees listed in the bill due process rights if they are dismissed. In the case of dismissal, "permanent employee" status allows employees to request a hearing before a Commission on Professional Competence to decide whether their dismissal was appropriate. Further, a "permanent employee" has the right to request a hearing before an administrative law judge during a reduction in force.
- 4) **Balancing seniority and specialized skills in CTE teacher layoffs.** According to the Legislative Analyst's Office, "State law requires that districts lay off teachers in inverse seniority order. That is, the last teachers hired in the district—those having the least seniority—are first to be laid off. The state also specifies that no junior employee can be retained if a more senior employee is 'certificated or competent' to teach in that position. Though the state requires inverse–seniority order as the primary criteria for laying off staff, it allows districts to deviate from seniority for three specified reasons:
 - a) If two or more employees started with the district on the exact same date, the district has the right to develop standard criteria solely based on the district's and student's needs.
 - b) If the district demonstrates a need for specialized services that require a specific course of study, special training or experience (such as special education or speech pathologists), it may develop a system that gives higher priorities to teachers with these credentials or types of experience.
 - c) The state also allows deviating from seniority for 'maintaining or achieving compliance with constitutional requirements related to equal protection of the laws.'

According to the California Federation of Teachers:

Legal precedent (*Bledsoe v. Biggs*, 2009) allows a district to choose to retain a more junior employee despite a more senior employee having the same "qualifications," so long as the district can demonstrate:

- a) A specific need for an employee to teach a specific course or course of study; and
- b) That the more junior employee has the "special training and experience necessary" to teach the course.

Competence is the threshold inquiry regarding bumping rights. If a permanent teacher “is certificated and competent to render” a service provided by a more junior teacher, the senior teacher is entitled to bump into that position and not be laid off (EC 44955(b)). However, the district can adopt competencies, including minimum experience standards, to determine if an employee is competent to render services, as found in *Duax v. Kern CCD* (1987).

Therefore, staff notes that this bill does not eliminate a district's ability to modify their CTE classes in response to workforce demands. Even with a CTE teacher's permanent status, staff reductions are still possible if certain services are reduced or discontinued. Additionally, seniority-based layoffs can be bypassed if a less senior employee possesses the specific qualifications or skills needed to teach a particular class. However, granting CTE teachers a route to permanent status ensures they have due process rights and that the exceptions to seniority-based layoffs are applied fairly.

- 5) ***Navigating Layoff Notification Challenges and Funding Timing.*** In the 2022-23 and 2023-24 funding cycles, the State Board of Education (SBE) approved the CTE Incentive Grant awardees in March, resulting in delayed notifications that negatively impact the morale and stability of CTE staff. Those representing ROC/Ps argue that this situation underscores the financial instability and uncertainty their programs face, relying heavily on grants like the CTE Incentive Grant and the K-12 Strong Workforce Program for their operational budgets.

Staff notes that all school districts in California navigate challenges related to the timeline for teacher layoff notifications. Districts must issue preliminary layoff notices by March 15 and final notices by May 15, even though state budget decisions aren't finalized until June. This requires districts to make staffing decisions based on uncertain financial information, which can lead to potential disruptions. Therefore, the Committee should consider whether the unique circumstances of ROC/Ps justify a different approach to their staffing policies or if their situation is sufficiently similar to school districts such that standard practices, including granting permanent status to employees, should apply.

- 6) ***Arguments in support.*** The California Federation of Teachers states, “Unfortunately, the California Education Code specifically denies the energy, time, and effort of ROC/P instructors from counting towards obtaining permanent status. This means, rather than have the safe due process rights as other teachers, ROC/P instructors work in an “at-will” environment and may be terminated at any time without cause. This has a chilling effect in many ways on retaining productive, high-quality educators. For example, feedback from instructors to their supervisors on the quality of the program, facilities, or materials, or when asking for assistance to provide the best outcomes for students can present conflict at the worksite. The dynamic of at-will employment causes employees to remain silent, rather than provide critique that could yield better outcomes for students for fear of retaliation or termination. Additionally, instructors are unable to rely on their employment, knowing that their position may be eliminated at any moment without due process. Due to this obstruction to permanent status, high-quality CTE teachers are harder to retain in our education system.”

- 7) ***Arguments in opposition.*** Coastline ROP states, “AB 2245 would force ROC/Ps to retain teachers who may not be properly trained for the courses that are needed in our programs. For example, a teacher with a CTE credential in Health Science and Medical Technology may be trained in dentistry. If there is a demand for Sports Medicine or Pharmacy Technology, which would require the same CTE credential in Health Science and Medical Technology but with a vastly different work experience, our ROP would not be able to effectively adjust if AB 2245 were in place.

“It is not hyperbole to say that if Education Code Section 44910 is amended by AB 2245, it will likely mean the end of ROC/Ps in just a matter of years because it would remove our ability to properly respond to the needs of the labor market and industry. Furthermore, our joint power authorities are consortia that provide CTE pathways and courses for our students, but we do not receive direct state funding for our programs. We rely on the competitive CTE Incentive Grant and K-12 Strong Workforce Program for much of our funding, and as a result, the flexibility in the current statute is also needed so that we may adjust the level of services and coursework we offer to conform with our funding level in any given year. The current flexibility in statute is what allows our programs, and more importantly, our students, to thrive.”

- 8) ***Prior legislation.***

AB 897 (McCarty, Chapter 548, Statutes of 2023), requires adult education teachers to earn permanent status after a two-year probationary period; and, requires employees hired using "categorical" or restricted state funding to be notified of the following at the time of hire: the expected end date of employment, the source of funding, and the nature of the categorically funded program or project.

AB 388 (Medina, 2021) would have made changes regarding which credentialed employees could attain permanent employee status, and deleted sections that differentiate employment practices for school districts with less than 250 ADA and employees who were in their probationary period prior to the 1983-84 fiscal year. This bill was held in the Senate Appropriations Committee.

SUPPORT

California Federation of Teachers (co-sponsor)
California Teachers Association (co-sponsor)

OPPOSITION

Alameda County Office of Education
Association of California School Administrators
North Orange County Regional Occupational Program
Office of the Riverside County Superintendent of Schools
Riverside County Public K-12 School District Superintendents

School Employers Association of California
Small School Districts Association

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2357	Hearing Date:	June 19, 2024
Author:	Bains		
Version:	June 6, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: University of California: school of medicine: University of California Kern County Medical Education Endowment Fund.

SUMMARY

This bill establishes the University of California (UC) Kern County Medical Education Endowment Fund for the purposes of supporting the operating costs associated with establishing a branch campus of an existing UC Medical School in Kern County.

BACKGROUND

Existing law:

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)
- 2) Creates the UC San Francisco (UCSF), San Joaquin Valley (SJV) Regional Campus Medical Education Endowment Fund. Stipulates that upon appropriation by the Legislature, moneys in the endowment fund must be allocated to the UC to support the annual operating costs for the development, operation, and maintenance of a branch campus of the UC San Francisco, School of Medicine in the San Joaquin Valley;
- 3) Requires, upon appropriation by the Legislature and a determination by the Controller of sufficient funds in the endowment fund, moneys in the fund to be used to cover the UC's estimated costs of applying for and obtaining approval and accreditation from the Liaison Committee on Medical Education, as provided; and,
- 4) Requires moneys in the endowment fund to initially be invested with the goal of achieving capital appreciation to create a balance of \$500 hundred million to generate ongoing earnings to cover the estimated annual operating costs associated with the development, operation, and maintenance of the branch campus, and, upon the determination of the Controller that the endowment fund balance is \$500 hundred million, requires moneys in the endowment fund to be

invested to generate earnings to fund annual operating costs associated with the development, operation, and maintenance of the branch campus. (Education Code Section 92162, et seq.)

ANALYSIS

This bill:

- 1) Establishes the UC Kern County Medical Education Endowment Fund in the State Treasury. Funds received by the UC or the Controller, for the purposes of supporting the operating costs of a branch campus of an existing UC School of Medicine in Kern County are to be deposited into the endowment fund.
- 2) Requires that moneys in the endowment fund be allocated to the UC, upon appropriation by the Legislature, to support the annual operating costs for the development, operation, and maintenance of a branch campus of an existing UC School of Medicine in Kern County, and to generate funding through investment earnings for the support of medical education in the San Joaquin Valley.
- 3) Requires that Moneys in the endowment fund be initially invested with the goal of achieving capital appreciation to create a balance sufficient to generate ongoing earnings to cover the estimated annual operating costs associated with a UC Medical School branch campus.
- 4) Requires, upon the determination of the Controller, in consultation with the UC, that the endowment fund balance has attained the goal established for achieving capital appreciation, that moneys in the endowment fund be invested to generate earnings to fund annual operating costs associated with a UC Medical School branch campus. The bill stipulates that moneys are to be invested in a manner that best meets the goals of the endowment fund.
- 5) Allows the endowment fund to receive donations and contributions from public and private entities, partnerships between public and private entities, fees, cash advances, and transfers from the General Fund as may be specified by law.
- 6) Requires that earnings generated by the endowment fund be retained by the endowment fund.
- 7) Stipulates that moneys deposited in the endowment fund are exempt from administrative costs, as specified.
- 8) Requires, upon the determination of the Controller, in consultation with the UC, that the endowment fund has adequate principal to annually yield sufficient investment earnings, from the determination date, to cover the annual costs of a UC Medical School branch campus, the UC to seek approval and accreditation from the Liaison Committee on Medical Education for a UC Medical School in Kern County.
- 9) Requires, the Controller, upon appropriation by the Legislature, to transfer moneys from the endowment fund to the UC, in an amount equal to the

estimated costs of applying for and obtaining approval and accreditation from the Liaison Committee on Medical Education for a UC Medical School branch in Kern County.

- 10) Requires any funds, public or private, received for or generated by the endowment fund supplement, not supplant any current or future funding. Specifies that any funds allocated from the endowment fund supplement, not supplant, the UC budget allocations for any fiscal year.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “while the University of California [UC] has done admirable work in expanding to underserved areas in the San Joaquin Valley and California as a whole, including the creation of a new campus in Merced and a UCSF [UC San Francisco] medical school program in Fresno, there is no mechanism in current law to establish and fund a medical school in Kern County.”

“The author contends that, “AB 2357 will lay the foundation for the creation of a University of California medical school in Kern County. The presence of medical schools in a geographic area also increases the opportunities for residency training, the latter of which is highly correlated to where physicians ultimately reside and practice. According to the Association of American Medical Colleges (AAMC), over 77% of physicians who complete residency in California continue to practice in-state, the highest percentage in the nation. Increasing opportunities for future physicians to complete medical school in California’s medically underserved areas is the first crucial step to addressing the physician shortages in those areas.”

“Lastly, the author states, “with California facing a significant budget deficit, relying entirely on state funding to create a new medical school could lead to undue delays. Creating an endowment will allow private funding to be leveraged to stand up the medical school as early as practical.”

- 2) **UC Medical Education in the Central Valley.** The UCSF Fresno was established in 1975 as a graduate medical education campus of the UCSF School of Medicine, with support from the State Legislature and the Veteran’s Administration, to address the severe shortage of physicians in California’s San Joaquin Valley. Today, UCSF Fresno is the largest academic physician training program between San Francisco, Sacramento, and Los Angeles. Further, as a way for UC Merced (UCM) to begin to build partnerships with existing UC medical schools and facilitate its involvement with academic medicine, UCM partnered with the UC Davis (UCD) School of Medicine to help develop a new medical education program focusing on the health needs of the region. UCD, in partnership with UCSF Fresno and UCM, launched the SJV Program in Medical Education (PRIME) in 2011 to recruit and prepare students for future careers in medicine within the SJV. SJV PRIME students complete their basic sciences/pre-clinical education at UCD, then complete most of their required third-year core clerkships at UCSF Fresno, with options for selecting the amount of time spent in

the fourth year at UCSF Fresno or UCD. In 2018-19, management and oversight of the SJV PRIME program transitioned from UCD to UCSF.

The measure establishes the UC Kern County endowment fund in the State Treasury and authorizes it to receive donations, contributions, fees, cash advances, and transfers from the General Fund. This includes donations and contributions from both public and private entities, as well as partnerships between the two.

- 3) **Planning for health education at UC Merced.** The UC Merced medical education program project is currently in development and is the university system's newest medical education program. The program's development began more than a decade ago. In 2008, UCM engaged the Washington Advisory Group (WAG) to assist in scoping the planning effort for the new medical school, on the premise that, even with the economic uncertainty brought on by the recession, the question regarding a medical school was not "if" but "when." The WAG report envisioned a three-stage process in developing a fully independent medical school:

Establish a pre-baccalaureate Biomedical Education track specifically designed to attract undergraduates of exceptional promise to pursue a BS degree emphasizing the health needs of the SJV and that prepares students for advanced study in all of the health sciences.

Establish a branch campus to an existing medical school. This model has been used successfully at other medical schools. For example, the medical school at the UC Riverside was a branch of the UC Los Angeles medical school prior to becoming independent.

Obtain licensure as a fully-independent medical school.

- 4) **Feasibility of a new medical school in Kern County.** A substantial barrier for a project such as the one proposed in this bill is assuring sufficient, ongoing resources can support the operating budget of a high-quality UC medical education program. This bill attempts to meet revenue goals by establishing an endowment. Notably, this bill makes no state appropriation. The UC Merced medical school project also underwent significant planning to assess the project's viability and potential success. As such, in order to evaluate opportunities in Kern County, **staff recommends that the bill be amended** to allow the Legislature to appropriate funds from the endowment fund to the UC for conducting a feasibility study. This would provide an opportunity to assess the region's medical education training, cost estimates, and clinical partnership opportunities that meet the training requirements for both medical students and residents.

- 5) **Related and prior legislation.**

AB 3081 (Arambula, 2024) would have appropriated \$15 million from the General Fund to the UC Regents for allocation to the UC, Merced, Medical Education Collaborative, as defined and required the UC Merced Medical Education Collaborative, as a condition of receiving the appropriation, to develop a

program, consistent with its mission, and in conjunction with the health facilities of its medical residency programs, to identify eligible medical residents and to assist those medical residents in applying for physician retention programs, as specified. AB 3081 was held in the Assembly Appropriations Committee.

SB 1199 (Roth, 2022) authorizes the UC Regents, upon appropriation by the Legislature, to secure a teaching hospital in the County of Riverside to serve as an academic medical center for the purposes of training UCR School of Medicine students. SB 1199 died in the Assembly Higher Education Committee.

AB 2202 (Gray, Chapter 756, Statutes of 2018), which, in part, established the UCSF SJV Regional Campus Medical Education Endowment Fund to support the annual operating costs of a branch campus of UCSF School of Medicine in the SJV.

AB 2232 (Gray, 2014), AB 174 (Gray, 2015), SB 841 (Cannella, 2014), and SB 131 (Cannella, 2015), all of which appropriated funds for the SJV PRIME Program, were held on the Suspense File in the Senate Committee on Appropriations.

SUPPORT

American Pistachio Growers
California Life Sciences
Kaiser Permanente
Kern County Superintendent of Schools Office

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2398	Hearing Date:	June 19, 2024
Author:	Kalra		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: California State University: audits.

SUMMARY

This bill requires an external financial audit of each campus of the California State University (CSU) to be conducted by January 1, 2028, and requires all audits of the CSU or any of its campuses to be available to the public.

BACKGROUND

Existing law:

- 1) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system. (Education Code (EC) Sections 66606 and 89030, et seq.)
- 2) Requires the CSU Trustees to establish an internal audit staff, which will include the staff positions authorized for internal auditing. The internal auditing staff will report directly to the Trustees, and will be available for consultation with any audit committee of the Trustees which may be established by the Trustees. The duties of the internal audit staff will include, but will not necessarily be limited to, auditing, reviewing, cost and systems analysis, analyzing, and recommending operating procedures for the CSU. Management audits will be made to determine the effectiveness and efficiency of the organization, operation, and procedures of each state university, each auxiliary organization, and the CSU Office of the Chancellor. Officials and employees of each state university, each auxiliary organization, and the Office of the Chancellor will furnish all books, papers, contracts, management charts, and related information necessary for management audits. Additionally, the internal audit staff will perform audits, at least once every five years, of the activities of the CSU, as specified. (EC Section 89045)

ANALYSIS

This bill requires an external financial audit of each campus of the CSU to be conducted by January 1, 2028, and requires all audits of the CSU or any of its campuses to be available to the public.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “the CSU system currently employs thousands of faculty and staff to educate the approximately 460,000 students enrolled in its various programs. However, in 2022, the highest-ranking CSU faculty earned about \$122,000 on average, while part-time lecturers only earned about \$64,000 on average. Some lecturers even earned as little as \$57,000.”

The author states, “...in December 2023, the California Faculty Association began a historic systemwide strike across all 23 CSU campuses. These strikes demonstrated that there is a significant lack of transparency regarding staff remuneration within the nation’s largest university system. AB 2398 would help to address this issue by requiring each CSU campus to undergo an external audit every three years. These audits will contextualize the financial information found in the CSU system’s annual system-wide audit and shed light on how each campus compensates its staff. This data could then be used during future collective bargaining negotiations, helping to ensure that they result in fair and feasible pay increases.”

- 2) ***Current audit process at CSU.*** The CSU currently hires Klynveld Peat Marwick Goerdeler (KPMG), one of the “big four” accounting organizations to conduct annual external financial audits of the CSU, including the 23 campuses and the Chancellor’s Office. The audit performed by KPMG reviews each of the 23 campuses’ financial statements and produces a single audit report. The results of these reviews are publicly available online on the CSU’s transparency and accountability website.

Additionally, assurance audits of the 23 campuses and Chancellor’s Office, performed by Audit and Advisory Services, are also available online.

This measure requires audits of every campus of the CSU to be conducted and made public, by January 1, 2028.

- 3) ***Recent CSU Report by the State Auditor.*** 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 percent, 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 percent.

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.

- 4) ***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).
- 5) ***Arguments in support.*** According to the sponsors of this measure, the California Faculty Association (CFA), "AB 2398 proposes crucial amendments that mandate external financial audits of each CSU campus at least once every three years, significantly increasing the current audit frequency."

According to CFA, "...it is imperative that its (CSU) operations are conducted with the utmost integrity, accountability, and openness. Regular external audits will provide an independent review of financial practices and ensure that public funds are being used effectively and appropriately. The CFA believes that the enactment of AB 2398 will lead to significant improvements in the financial oversight and accountability mechanisms within the CSU system."

SUPPORT

California Faculty Association (Sponsor)
California State University Employees Union

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2640	Hearing Date:	June 19, 2024
Author:	Kalra		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: animal dissection.

SUMMARY

This bill strengthens the process for students to opt-out of the dissection of animals in schools, requires the California Department of Education (CDE) to develop a template for students to use to opt-out, and makes compliance with opt-out requirements subject to the Uniform Complaint Procedures (UCP).

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires each teacher teaching a course that utilizes live or dead animals or animal parts to inform students of their rights to refrain from animal dissection (EC § 33225.4)
- 2) Requires that a student's objection to participating in an educational project pursuant to this section be substantiated by a note from his or her parent or guardian. (EC § 32255.1 (f))
- 3) Requires a student with a moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, to notify his or her teacher regarding this objection, upon notification by the school of his or her rights. (EC § 33225.1 (a))
- 4) States that if the student chooses to refrain from participation in an education project involving the harmful or destructive use of animals, and if the teacher believes that an adequate alternative education project is possible, the teacher may work with the student to develop and agree upon an alternate education project for the purpose of providing the student an alternate avenue for obtaining the knowledge, information, or experience required by the course of study. (EC § 32255.1 (b))
- 5) Requires that the alternative education project require a comparable time and effort investment by the student, and prohibits it from being more arduous than the original education project as a means of penalizing a student and for students choosing an alternative educational project to pass all examinations of the respective course of study in order to receive credit for that course of study. If such tests require the

harmful or destructive use of animals, permits a student to seek alternative tests. (EC 32255.1 (c) & (e))

- 6) Prohibits discrimination against a student based upon his or her decision to exercise his or her rights to object to refrain from dissection. (EC 32255.1(d))
- 7) Defines “animal” to mean any living organism of the kingdom Animalia, beings that typically differ from plants in capacity for spontaneous movement and rapid motor response to stimulation by a usually greater mobility with some degree of voluntary locomotor ability and by greater irritability commonly mediated through a more or less centralized nervous system, beings that are characterized by a requirement for complex organic nutrients including proteins or their constituents that are usually digested in an internal cavity before assimilation into the body proper, and beings that are distinguished from typical plants by lack of chlorophyll, by an inability to perform photosynthesis, by cells that lack cellulose walls, and by the frequent presence of discrete complex sense organs. (EC § 32255 (a))
- 8) Defines “alternative education project” to include the use of video recordings, models, films, books, and computers, which would provide an alternate avenue for obtaining the knowledge, information, or experience required by the course of study in question. Defines “alternative education project” to include “alternative test.” (EC § 32255 (b))
- 9) Defines “pupil” to mean a person under 18 years of age who is matriculated in a course of instruction in an educational institution. For the purpose of asserting the student’s rights and receiving any notice or response, defines “student” to include the parents of a matriculated minor. (EC § 32255 (c))

ANALYSIS

This bill:

Definitions

- 1) Redefines “Alternative education project” to “Alternative assessment,” “alternative education project,” or “alternative test” to mean and include, but is not limited to, the use of video recordings, three-dimensional models, films, books, interactive simulation software and computers, and assessments of knowledge that would provide an alternate avenue for obtaining the knowledge, information, or experience required by the course of study in question.
- 2) Defines “Dissection” to mean the viewing of the, or act of, dismembering or otherwise harmful or destructive use of an animal, in part or in whole, preserved or freshly killed, in the study of biological sciences. “Dissection” does not include fixed histological samples of any species, including, but not limited to, plain or stained microscope slides, owl pellets, human autopsy viewing, and plastinated human organs.
- 3) Includes in the existing definition of “Pupil”, with regard to a pupil’s right to participate in animal dissection, matriculated minor’s parent or guardian.

- 4) Makes modifications to pupils existing rights related to animal dissection to align with the new definition proposed by this bill.

Requires Written Notification to Pupils, Parents, and Guardians

- 5) Requires each teacher teaching a course that utilizes live or dead animals or animal parts for purposes of dissection, or a public school on behalf of the teacher, shall provide written notice to each pupil and the pupil's parent or guardian of the pupil's rights that include all of the following information as part of the written notification:
 - a) A pupil's right to refrain from participating in an assessment, education project, or test involving the dissection of animals.
 - b) How non-participation will not affect a pupil's grades for exercising their rights.
 - c) Any animal sourcing information provided by the vendor or provider of the animals.
 - d) The chemicals used to preserve the animals to which the pupil will be exposed.
 - e) The complaint procedures.
- 6) Requires the CDE to develop a template that a teacher, or a public school on behalf of the teacher, may use to provide written notice to students and make the template available on its internet website.

Encourages Schools to Transition to Alternative Methods

- 7) Strongly encourages public schools, except for classes and activities, conducted as part of a program in agricultural education that provide instruction on the care, management, and evaluation of domestic animals, to explore using effective alternative methods in lieu of utilizing live or dead animals or animal parts for dissection in a course of study, by July 1, 2028.

Allows Complaints To Be Filed Under the UCP

- 8) Expands the UCP process to include complaints related to pupil's rights to refrain from participation in an assessment, education project, or test involving the dissection of animals and to choose an alternative assessment, education project, or test.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The lessons of anatomy are an important scientific teaching in a student's academic career. However, with the advancements in educational technology, alternative methods can still reach the same educational outcome without having to rely on costly animal dissection kits. California law allows students to opt-out of animal dissection and request an alternative assignment but they are not made aware of their right and feel obligated

to participate. AB 2640, the CLASS Act will require teachers to provide students with a written notice informing them of their right to opt-out and still receive a comparable assignment to get the same educational outcome. In addition to being informed about their student right to opt-out, students will also be informed about what chemicals they will be exposed to with this assignment, and vendor information for the animal dissection kit. The CLASS Act will empower students to be informed and make decisions best suited for their academic careers.”

- 2) **Next Generation Science Standards (NGSS).** In 2013, the State Board of Education (SBE) adopted the NGSS as the state's science content standards. Unlike California's previous science standards, NGSS shifts the focus of instruction from rote memorization of scientific information to the cultivation of critical thinking skills. It emphasizes core scientific ideas (disciplinary core ideas), the correlation of critical concepts across disciplines (cross-cutting concepts), and the implementation of processes used by professional scientists (science and engineering practices), such as formulating questions, constructing and utilizing models, and planning and executing investigations. The accompanying graphic visually represents this "three-dimensional" approach to science education.

The NGSS standards and the state's science curriculum framework do not specifically direct teachers on teaching science content, nor do they mention animal dissection. However, activities such as dissection align well with some of the critical instructional features of the state's new standards:

- a) Learning is intended to be hands-on, collaborative, and in an integrated environment rooted in inquiry and discovery.
- b) Instruction is grounded in student-centered learning, which enables students to think on their own, problem-solve, communicate, and collaborate, in addition to learning important scientific concepts.
- c) The goal of instruction is for students to engage with and explain real-world phenomena and to design solutions using this understanding of the disciplinary core ideas.

For example, under NGSS, the traditional goal of using dissection to teach anatomy shifts to a goal of learning concepts, connections, and practices of science. Dissection is one way that students can learn about the cross-cutting concept of Structure and Function in studying life science.

- 3) **Animal Dissection.** Many teachers and education professionals maintain that there is no substitute for the hands-on learning experience of dissection. To understand the current use of animal dissection and alternatives and attitudes toward the practices, a nationwide survey of middle and high school biology teachers (n = 1178) and students (n = 500) was conducted in Evaluation of Educator & Student Use of & Attitudes toward Dissection & Dissection Alternatives. Most teachers (84%) and students (76%) reported using dissection in their classrooms, although nearly half of educators indicated that dissection is decreasing at their school.

The benefits of learning through dissection differ significantly from those gained through a lecture or textbook lesson. By combining the topics students have learned about, dissection provides students with firsthand experience of the subject matter.

Many individuals find learning easier when they can engage in physical activities. The hands-on dissection approach enables students to see, touch, and explore various organs, leading to a better understanding of biological systems. This understanding can translate to a greater comprehension of human biology when applied to their bodies. Although there are differences between the intricacies of the human body and those of other animals, many internal systems can work similarly. The internal structure of a small animal can be compared to a simplified human body, providing insights into the human body's internal workings. Dissections of frogs, for example, can demonstrate the organ systems of complex organisms, as the frogs' organs are similar enough to those of humans to provide valuable insights.

- 4) ***Objections To Animal Dissection.*** Animal dissection in schools raises numerous concerns, including education, society, animal welfare, health, the environment, money, equity, access, local control, and the state's role. Proponents argue that instructors should be free to choose teaching strategies that best support teaching and learning. They believe using natural objects for science instruction has an intrinsic educational value that cannot be duplicated through other methods. It aligns with the NGSS core concepts of inquiry, exploration, and use of phenomena.

Students who object to dissection may feel uncomfortable on an ethical or moral level and believe that they have not been given adequate alternatives or have faced consequences from their schools. However, proponents of dissection argue that when done ethically, it can provide respect for life and an understanding of the interconnectedness and interdependence of all things. They support students' freedom to choose not to participate in dissection lessons and be given a superior substitute activity.

Animal welfare opponents point out that the procedure is linked to the agony, suffering, and demise of animals and to inhumane practices. They also express concern about using some threatened species in dissection, sourcing some animals from animal shelters or their natural habitats, and breeding some animals at facilities that serve companies that use animals in laboratories and educational experiments.

Proponents of dissection agree that students' dissection experiences shouldn't harm ecosystems and contend that less- or non-toxic alternatives can be used to preserve specimens. They argue that local educators should decide whether or not to employ dissection to teach their pupils rather than the state making this decision.

Opponents of dissection point out that certain teacher activities in the classroom are already covered by state legislation, which mandates that teachers educate students "on kindness toward pets and the humane treatment of living creatures."

Lastly, issues with access, equity, and finances arise. Dissection proponents express concern about the expense of offering alternatives to dissection and believe that access and equity issues may occur at certain schools due to inadequate hardware and connectivity. Dissection opponent's counter that although obtaining

alternatives, including software licenses, has upfront costs, these eventually pale compared to the yearly expense of obtaining animals and other supplies, and some free or inexpensive items are readily available.

Current Rights Afforded to Students With Regard to Animal Dissection

In 1988, Governor Deukmejian signed AB 2507 (Speier, Chapter 65, Statutes of 1988) which established a right of students to opt-out of animal dissection – the statutes proposed to be amended by this bill. California is one of 21 states that have passed measures giving K-12 students the right to opt for an alternative instead of participating in animal dissection.

Despite this right, many students are not aware of their right to opt out of animal dissection. In *Evaluation of Educator & Student Use of & Attitudes toward Dissection & Dissection Alternatives*, a national study of 1,178 teachers revealed that only 53% of teachers in states with opt-out laws reported that their schools had such policies. Additionally, 29% reported that their school did not have such a policy, and 18% were unsure. The study also found that 90% of teachers indicated that less than 5% of students requested alternatives to dissection, while 14% of students reported that they had refused to dissect or requested an alternative. Research suggests that although only a small number of students will object to dissection, many other students may not want to participate but are afraid to voice their opposition due to fear of a failing grade, embarrassment, or challenging the authority of their teacher.

This bill reinforces pupils existing right to opt-out of animal dissection projects by requiring, as a part of the written notification to students and parents or guardian of the pupil's, information about pupil's right to refrain from participating in an assessment, education project, or test involving the dissection of animals. The prohibition of impact on a pupil's grades as a means of penalizing the pupil for exercising their rights; Any animal sourcing information provided by the vendor or provider of the animals. the chemicals used to preserve the animals to which the pupil will be exposed and the UCP process.

- 5) **Do Alternatives to Dissection Exist?** Several alternatives to traditional dissection instruction exist, such as interactive software, tablet applications, videos, lifelike models, and virtual reality applications. Some specific examples of alternative programs include Expandable Mind Software, Froggipedia, and Biosphera. In addition, there are loan programs and databases that provide alternative materials, such as Animalearn's Science Bank, the National Anti-Vivisection Society's BioLEAP Lending Program, the Ethical Science Education Coalition's Alternatives Loan Library, the International Network for Humane Education (InterNICHE), and the Norwegian Inventory of Audiovisuals (NORINA).

Numerous studies have compared the effects of dissection versus alternative methods, and a review of studies published between 2005 and 2020 showed that students using non-animal models performed at least as well as, if not better, those using animal dissection.

- 6) **Committee Amendments.** *Committee staff recommends the following amendments:*

- a) Redefine “Dissection” means the viewing of the, or act of, cutting, rather than dismembering, into the body of an animal cadaver to study its anatomical structure.
- b) Allows a pupil to request sourcing information, be upon request of the students.
- c) Allows a pupil to request information about the chemicals used for dissection be upon request.
- d) Encourages schools to explore using effective alternative methods in lieu of utilizing live or dead animals or animal parts for dissection in a course of study, by July 1, 2028.
- e) Adds a coauthor.

7) **Related Legislation**

AB 1586 (Kalra, 2019) would have prohibited students enrolled in public or private schools from dissecting, or viewing the dissection of, animals in the study of biological sciences. *This bill was held in the Assembly Education Committee.*

HR 28 (Dababneh, 2019) encourages the Superintendent of Public Instruction (SPI) to ensure the incorporation of humane education in the core curriculum, and resolves that compliance with existing law regarding humane education should include educating students on principles of kindness and respect for animals.

AB 2507 (Speier, Chapter 65, Statutes of 1988) establishes a right of students to opt-out of animal dissection and authorizes a teacher to work with the student to develop and agree upon an alternate education project for the purpose of providing the student an alternate avenue for obtaining the knowledge, information, or experience required by the course of study.

SUPPORT

People for The Ethical Treatment of Animals (Co-Sponsor)
Physicians Committee for Responsible Medicine (Co-Sponsor)
Social Compassion in Legislation (Co-Sponsor)
A Passion for Paws - Akita Rescue
Animal Rescue Mission
Animal Solutions
Animal Wellness Action
Barks of Love Animal Rescue
Better Together Forever
Buddy's Angels
Catmosphere Laguna Foundation
Cultivate Empathy for All
Foods by Jude
Greater Los Angeles Animal Spay Neuter Collaborative
Gurrs and Purrs Rescue
Hanaeleh

Humboldt Humane
Kesar and Cardi
Kindred Spirits Care Farm
Latino Alliance for Animal Care Coalition
Los Angeles Democrats for The Protection of Animals
Love Leo Rescue
Motherlode Feral Cat Alliance
NY 4 Whales
Only Sunshine Sanctuary
Outta the Cage
People for Animal Advocacy & Welfare - Contra Costa
Poison Free Malibu
Preetirang Sanctuary
Project Minnie
Sacramento Vegan Society
Saving Imperial Rescue
Start Rescue
Take Me Home
Terra Advocate
The Animal Coalition Group
The Canine Condition
The German Shepherd Rescue of Orange County
Tippedears
UnchainedTV
Westside German Shepherd Rescue
Women United for Animal Welfare

OPPOSITION

Hands on Science Partnership
National Science Teaching Association

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2492	Hearing Date:	June 19, 2024
Author:	Irwin and Mike Fong		
Version:	April 18, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Public postsecondary education: sex discrimination complaints: advocates and coordinators.

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 each public postsecondary education institution to establish positions for a confidential student advocate, confidential staff and faculty advocate, and confidential respondent services coordinator, and designate at least one person to fulfill each position by July 1, 2026.

BACKGROUND

Existing law:

- 1) Establishes Title IX, providing that, in part, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." Enforcement of compliance is initiated upon the filing of a complaint alleging a violation of Title IX. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)
- 2) Outlines the required response, pursuant to Title IX, of a postsecondary educational 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. Regulations allow complainants and respondents to have advisors throughout the grievance process. (Federal Code of Regulations Title 34, Subtitle B, Chapter 1, Subpart D, § 106.45)
- 3) Establishes the Equity in Higher Education Act (Act) to prohibit a person from being subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the statutory definition of hate crimes, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who

receive state student financial aid. (Education Code (EC) § 66270)

- 4) Requires the governing board of a community college district, the Trustees of the California State University (CSU), the Board of Directors of San Francisco Law School, and the Regents of the University of California (UC) to adopt and implement a written procedure or protocols related to sexual assault or domestic violence, as specified. Existing law requires the procedures/protocols to be reviewed and updated annually in collaboration with sexual assault and domestic violence counselors, and student, faculty, and staff representatives. Existing law authorizes sexual assault and domestic violence counselors at public colleges and universities be independent from the Title IX office, and prohibits sexual assault and domestic violence counselors from releasing the identity of the victim without first obtaining specific permission. (EC § 67385)

Title IX coordinator (not confidential employees)

- 5) Requires UC, CSU, California Community Colleges (CCCs), private postsecondary educational institutions, and independent institutions of higher education that receive state financial assistance, in order to receive state financial assistance, to implement, and at all times comply with, specified requirements at each campus of the institution, including but not limited to:
 - a) Designate at least one employee of the institution to coordinate its efforts to comply with and carry out its responsibilities under California's Equity in Higher Education Act. Existing law requires the employee to have adequate training on what constitutes sexual harassment and on trauma-informed investigatory and hearing practices, and shall understand how the institution's grievance procedures operate.
 - b) Requires the institution, if a complainant requests confidentiality which could preclude a meaningful investigation or potential discipline, to take the request seriously while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. Existing law requires the institution to generally grant the request.
 - c) Requires the institution, if it determines that it can honor the student's request for confidentiality, to still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant.
 - d) Requires the institution, if it determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, to inform the complainant prior to making this disclosure or initiating the investigation. Existing law requires the institution, in the event the complainant requests that the institution inform the respondent that the student asked the institution not to investigate or seek discipline, to honor this request. (EC § 66281.8)

ANALYSIS

This bill:

- 1) Requires each public postsecondary education institution to establish the following positions and designate at least one person to fulfill each position as follows, by July 1, 2026:

Confidential student advocate

- a) A confidential student advocate to assist students who have filed a complaint of sex discrimination with a Title IX office or have experienced sex discrimination. This bill requires a confidential student advocate to receive training on the campus non-discrimination policy, campus policies on student misconduct, and the proper procedures for filing complaints of sex discrimination or student misconduct on campus.

Requires a confidential student advocate to do all of the following, subject to permission from the student:

- i) Provide confidential emotional support and assistance to the student.
- ii) Inform the student of their rights and options, including all of the following:
 - A) Where the student can access campus resources such as psychological counseling, medical care, emergency housing, transportation, and academic support, as necessary.
 - B) The various reporting options available to the student, including how to report an incident to law enforcement and the Title IX office, and the option of not reporting.
 - C) How complaints are processed according to the campus adjudication process for complaints of discrimination.
 - D) Campus policies prohibiting retaliation against a person who chooses to report an incident of sex discrimination.
- iii) Assist a student who chooses to file a formal report with law enforcement, the Title IX office, or both, with the reporting process, including assisting with other agencies, campus and community services, and law enforcement.

Confidential staff and faculty advocate

- b) A confidential staff and faculty advocate to assist staff and faculty who have filed a complaint of sex discrimination with a Title IX office or have experienced sex discrimination. This bill requires a confidential staff and

faculty advocate to receive training on the campus nondiscrimination policy, campus collective bargaining agreements, and the proper procedures for filing complaints of sex discrimination.

Requires a confidential staff and faculty advocate to do all of the following, subject to permission from the staff or faculty member:

- i) Provide confidential emotional support and assistance to the staff or faculty member.
- ii) Inform the staff or faculty member of all of the following:
 - A) Where the staff or faculty member can access campus resources such as psychological counseling, medical care, emergency housing, and transportation, as necessary.
 - B) Campus policies on sexual harassment and the various reporting options the staff or faculty member has for submitting a formal report alleging sex discrimination.
 - C) Campus policies prohibiting retaliation against a person who chooses to report an incident of sex discrimination.
- iii) Assist a staff or faculty member who chooses to file a formal report with law enforcement, the Title IX office, or both, with the reporting process, including assisting with other agencies, campus and community services, and law enforcement.

Confidential respondent services coordinator

- c) A confidential respondent services coordinator to assist students, staff, or faculty who have been accused of sex discrimination. This bill requires a confidential respondent services coordinator to be familiar with the campus nondiscrimination policy, any rules or policies adopted by a public postsecondary educational institution on the expectations or standards of student, faculty, or staff behavior on campus, and the proper procedures for filing complaints of sex discrimination.

Requires a confidential respondent services coordinator shall do all of the following, subject to permission from the respondent:

- i) Provide confidential emotional support and assistance to the respondent.
- ii) Inform the respondent of all of the following:
 - A) The rights afforded to the respondent under the campus nondiscrimination policy.

- B) What the investigation and adjudication process entails.
 - C) Where the respondent can access campus and community resources for psychological counseling, legal services, alternative housing, academic changes, and any other needs deemed necessary by the campus.
- iii) Act as the student advisor provided by the public postsecondary educational institution, as proposed to be established by AB 1575 (Irwin, 2024).
- 2) Requires all of the positions established above to be all of the following:
 - a) Exempt from the requirements of a responsible employee, as defined (be a confidential employee).
 - b) Independent from a Title IX office.
 - c) Subject to supervision from the chief executive officer of the respective public postsecondary educational institution.
 - 3) Authorizes a public postsecondary educational institution to do either, or both, of the following:
 - a) Allow the same person to fulfill the positions of a confidential student advocate and a confidential staff and faculty advocate.
 - b) Allow a sexual assault and domestic violence counselor to fulfill the position of confidential student advocate or the position of confidential staff and faculty advocate, or both.
 - 4) Requires a confidential student advocate, confidential staff and faculty advocate, and confidential respondent services coordinator to obtain specific permission from the student, staff member, or faculty member alleging sex discrimination or the respondent who has been accused of sex discrimination, as applicable, before disclosing that person's identity, or any information that could reasonably be expected to reveal their identity, to the public postsecondary educational institution or any other authority, including law enforcement, unless otherwise required by applicable state or federal law.
 - 5) Provides that # 4 is intended to maintain confidentiality, preserve any applicable privileges, and protect the privacy of students, staff, or faculty alleging sex discrimination, and respondents accused of sex discrimination that receive assistance from a confidential student advocate, confidential staff and faculty advocate, or confidential respondent services coordinator, as applicable.
 - 6) Prohibits this bill from limiting either party's right of cross-examination of a confidential student advocate, confidential staff and faculty advocate, or confidential respondent services coordinator in a criminal or civil proceeding if the

advocate/coordinator testifies after written consent has been given by the individual who received services from that advocate/coordinator.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California’s colleges and universities are filled with extremely bright and dedicated students who come from around the world to study, conduct research, participate in athletics, and better their lives. At times their higher education experience presents them with challenges related to sexual harassment and sex discrimination. Many students and staff are not prepared to navigate these proceedings on their own. AB 2492 would provide students, faculty, and staff involved in Title IX adjudication processes a confidential advocate or respondent coordinator. These positions provide support to those navigating a Title IX hearing on both the complainant and the respondent side. California’s institutions of higher education must be equipped with resources that appropriately support their students, faculty, and staff during Title IX proceedings.”

- 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 revealed in this report, “[c]onfidential advocates provide a continuum of care for survivors and play an integral role in restoring educational equity after a discriminatory event. Confidential advocates are the key architect in building a blueprint for a survivor’s recovery as they are responsible for connecting the survivor with on- and off-campus resources to help facilitate healing after the alleged incident. A report by the Campus Technical Assistance and Resource Project, *Addressing Gender-Based Violence on Campuses: Guide to a Comprehensive Model*, establishes confidential advocates as the first line of action when it comes to helping survivors determine the next steps. In addition to connecting survivors to comprehensive care services, confidential advocates assist survivors in navigating the difficult choices of reporting in a manner that leaves the survivor empowered to choose what is best to meet their individual needs. <https://changingourcampus.org/documents/FINAL-GBV-Comprehensive-Model-22117.pdf> A 2014 report by the White House Task Force to Protect Students from Sexual Assault, *Not Alone*, determined a key best practice in responding effectively when a student is sexually assaulted, is for every campus to have a confidential victim advocate who can provide emergency and ongoing support to the survivor.
https://obamawhitehouse.archives.gov/sites/default/files/docs/report_0.pdf

This bill addresses the recommendation in this report to require each campus of the CCC, CSU, and UC to hire at least one confidential advocate and one confidential respondent coordinator, to be housed in an independent office and be confidential by every standard under the law.

- 3) **Confidential employee.** Existing law defines “responsible employee” as an employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment to an appropriate school official who has that authority. Responsible employees are expected to report complaints of sexual harassment – information provided to a responsible employee is not confidential. Responsible employees specifically include Title IX coordinators, residential advisors, athletic directors, faculty, and other specified staff. Some staff are specifically excluded from being a responsible employee, such as a therapist including a UC Center for Advocacy, Resources, and Education (CARE) employee or CSU victim advocate. These excluded staff are considered confidential employees.

Existing law requires UC, CSU, CCCs, private postsecondary educational institutions, and independent institutions of higher education that receive state financial assistance to designate at least one employee of the institution to coordinate its efforts to comply with and carry out its responsibilities under California’s Sex Equity in Education Act; that employee is designated as a responsible employee and is therefore not a confidential employee.

California does not have a requirement for campuses to employ confidential employees and therefore, each public higher education system has the authority to employ a confidential advocate as part of the institution’s response to discriminatory events.

The CCC does not have a systemwide policy on whether community colleges must have confidential advocates; therefore, each district is left to determine whether confidential advocates are necessary to respond to sex discrimination on campus. Research conducted by the Assembly Higher Education Committee found very few community colleges employ full-time confidential advocates.

According to the 2023 “Cozen O’Connor report,” *Title IX and Discrimination Harassment and Retaliation Assessment Systemwide Report*, every CSU campus except Cal Poly San Luis Obispo has at least one confidential advocate. This report noted, at the time of its audit of campuses, very few had respondent services; however, the CSU Chancellor’s Office has confirmed campuses have begun to hire or designate individuals to assist respondents.

Each UC campus has a “Center for Advocacy, Resources, & Education” (CARE). Each center employs confidential advocates to provide emotional support to students and employees who have experienced sexual violence or harassment. The advocates employ trauma-informed practices to help provide support through access to services, mental health counseling, and advice regardless of whether the survivor wishes to report the incident or simply receive supportive services. In addition to advocates for survivors of sexual violence and sexual

harassment, each UC campus has respondent service coordinators. The role of the respondent coordinator is to help subjects of a Title IX complaint understand their rights and the adjudication process. The respondent service coordinators are trained to help the respondent access campus and community resources, understand their rights, and navigate the grievance process. Unlike the confidential advocates, the respondent service coordinators are not confidential.

- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) Minor and absorbable General Fund costs to UC.
 - b) Minor and absorbable General Fund costs to CSU. CSU indicates most of its campuses have designated the positions required by this bill.
 - c) Ongoing Proposition 98 General Fund costs to CCC campuses, of about \$200,000 per campus, to hire staff to meet the requirements of this bill. Total costs for the state's 115 CCC campuses would be about \$23 million.
- 5) ***Related legislation.***

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 scheduled to be heard by the Senate Judiciary Committee on June 18, 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 scheduled to be heard by the Assembly Higher Education Committee on June 18, 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 scheduled to be heard by the Assembly Higher Education Committee on June 18, 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 2048 (Mike Fong, 2024) requires the CCC Chancellor to convene a community college sexual harassment and Title IX working group to, among other things, review the policies and procedures of community college and Title IX offices to determine whether they are effective in preventing, detecting, and addressing sexual harassment on community college campuses. AB 2048 is scheduled to be heard in this committee on June 19, 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 pending in the Senate Appropriations Committee.

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 pending in the Senate Appropriations 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 scheduled to be heard by the Senate Judiciary Committee on June 18, 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 pending in the Senate Appropriations Committee.

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 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 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 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 pending in the Senate Appropriations Committee.

SUPPORT

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

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2723 **Hearing Date:** June 19, 2024
Author: Irwin
Version: April 30, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: The California Cradle-to-Career Data System Act.

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

Makes several changes and updates to The California Cradle-to-Career (C2C) Data System Act.

BACKGROUND

Existing Federal Law

- 1) Allow individuals to determine what records pertaining to them are collected, maintained, used, or disseminated by an agency; require agencies to procure consent before records pertaining to an individual collected for one purpose could be used for other incompatible purposes; afford individuals a right of access to records pertaining to them and to have them corrected if inaccurate; and require agencies to collect such records only for lawful and authorized purposes and safeguard them appropriately. (Public Law 93-579)

Existing State Law

Education Code (EC)

- 2) Creates the Office of C2C Data within the California Government Operations Agency (GovOps), as the managing entity. (EC 10862)
- 3) Establishes The(C2C) Data System Act in order to do all of the following:
 - a) Build a data system to enable partner entities to share information in a manner that promotes data privacy and security;
 - b) Design a data system that minimizes the need for new infrastructure, is adaptable, and is flexible to meet future needs;
 - c) Serve students and families by doing all of the following:
 - i) Identifying and tracking predictive indicators to enable parents, teachers, health and human services providers, and policymakers to provide

- appropriate interventions and supports to address disparities in opportunities and improve outcomes for all students;
- ii) Creating direct support tools for teachers, parents, advisors, and students;
 - iii) Enabling agencies to plan for and optimize educational, workforce, and health and human services programs;
 - iv) Enabling and streamlining the administration of student financial aid; and
 - v) Advancing academic and governmental research on improving policies from birth through career.
- d) Improve the quality and reliability of data reported, and ensure consistency of key data definitions; and
- e) Identify additional data points and metrics that can be developed and integrated into the data system to support the goals of The California Cradle-to-Career Data System. (EC 10850 and 10852)
- 4) Establishes The California Cradle-to-Career Data System for the purpose of connecting individuals and organizations to trusted information and resources. Requires the data system to 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. Requires the data system to 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 decision-making to help the state build a more equitable future. (EC 10861)
- 5) Requires data providers, as defined in Section 10861, to contribute to the data system, at least annually, the data points contained in the P20W data set that each data provider agrees to contribute under the terms of its participation agreement with the managing entity. (EC 10871)

Civil Code (CIV)

- 6) Provides that each individual have the right to inquire and be notified as to whether the agency maintains a record about himself or herself and that agencies must take reasonable steps to assist individuals in making their requests sufficiently specific. (CIV 1798.32)
- 7) Requires each agency to permit any individual upon request and proper identification to inspect all the personal information in any record containing personal information and maintained by reference to an identifying particular assigned to the individual within 30 days of the agency's receipt of the request for active records,

and within 60 days of the agency's receipt of the request for records that are geographically dispersed or which are inactive and in central storage. Failure to respond within these time limits shall be deemed denial. (CIV 1798.34)

- 8) Requires any agency to permit an individual to request in writing an amendment of a record and, shall within 30 days of the date of receipt of such request:
 - a) Make each correction in accordance with the individual's request of any portion of a record which the individual believes is not accurate, relevant, timely, or complete and inform the individual of the corrections made in accordance with their request; or
 - b) Inform the individual of its refusal to amend the record in accordance with such individual's request, the reason for the refusal, the procedures established by the agency for the individual to request a review by the head of the agency or an official specifically designated by the head of the agency of the refusal to amend, and the name, title, and business address of the reviewing official. (CIV 1798.35)

ANALYSIS

This bill:

Exempts C2C from the Information Practices Act of 1977

- 1) Requires all the following rights in the Information Practices Act of 1977 does not apply to records or source data from the P20W data set that are maintained under the C2C Career:
 - a) The individual right to inquire and be notified as to whether the data system maintains a record about that individual, as provided in Section 1798.32 of the Civil Code.
 - b) The individual right to inspect personal information in any record maintained in the data system, as provided in Section 1798.34 of the Civil Code.
 - c) The individual right to request to amend any record maintained in the data system, as provided in Section 1798.35 of the Civil Code.
- 2) In the event of a "security incident," as defined in the participation agreement, the managing entity shall comply with the requirements of Section 1798.29 of the Civil Code.
- 3) Clarifies that an individual's right to request to amend a record maintained by a data provider of record and for the C2C assist individuals who wish to exercise such rights, as applicable, the managing entity shall include on its internet website, a notice to contact the data provider and a link to the data provider.

Specifies Who Are Data Providers

- 4) Specifies that that The Superintendent of Public Instruction or the Superintendent's designee, the Chancellor of the California Community Colleges or the chancellor's designee, the Chancellor of the California State University or the chancellor's designee, the President of the University of California or the president's designee are data provides while the President of the Association of Independent California Colleges and Universities or the president's designee, the four public members appointed by the governor, the four public members appointed by the Assembly and the Senate, two public members appointed by the President Pro Tempore of the Senate and the Speaker of the Assembly, and the Chief Operations Officer of California School Information Services are not data provides.

General Provisions

- 5) Dissolves the C2C Data System Workgroup by January 1, 2024
- 6) Require, in fulfilling their roles, all governing board members, advisory board members, and managing entity employees to comply with the Federal Privacy Act of 1974.
- 7) Clarify that the data system maintains, rather than manages, personal information personal information.
- 8) Makes findings and declarations related to the need to impose limitations on the public's right of access to the meetings of public bodies or the writings of public officials and agencies

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) **California Cradle-to-Career Data System.** The Cradle-to-Career Data System is a statewide longitudinal data system that helps students achieve their goals and provides information on education and workforce outcomes. Before its creation in 2019, California was one of nine states without a longitudinal data system. SB 75 (Committee on Budget and Fiscal Review), Chapter 51, Statutes of 2019, mandated establishing a statewide, longitudinal data system for California. Over 200 people from 15 state agencies, educational institutions, research and policy organizations, and community groups collaborated to design a blueprint for the data system.

The planning process involved multiple subcommittees considering various aspects of data system development, such as technology and security, legal frameworks, data definitions, and community engagement. AB 132 (Committee on Budget),

Chapter 144, Statutes of 2021, provided funding for the California Cradle-to-Career Data System housed within and implemented by the GovOps.

The planning phase concluded with establishing regular governing board meetings and appointing an executive officer. The governing board adopted a five-year implementation plan based on the planning process's recommendations. The data system's creation includes a three-pronged approach: community engagement, tools to support college planning and transition, and an analytical data set on education, well-being, and job outcomes.

Once fully implemented, the data system will provide public access to a comprehensive state longitudinal data system, linking existing education, workforce, financial aid, and social service information to address disparities in opportunities and improve outcomes for all communities throughout California. The data system will be a suite of resources focused on early learning through K-12 and higher education, providing financial aid and social services to help students achieve their goals. The Cradle-to-Career Data System is a statewide longitudinal data system that allows students to achieve their goals and provides information on education and workforce outcomes. Before its creation in 2019, California was one of nine states without a longitudinal data system. SB 75 (Committee on Budget and Fiscal Review), Chapter 51, Statutes of 2019, mandated establishing a statewide, longitudinal data system for California. Over 200 people from 15 state agencies, educational institutions, research and policy organizations, and community groups collaborated to design a blueprint for the data system.

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Once fully implemented, the data system will provide public access to a comprehensive state longitudinal data system, linking existing education, workforce, financial aid, and social service information to address disparities in opportunities and improve outcomes for all communities throughout California. The data system will be a suite of resources focused on early learning through K-12 and higher education, providing financial aid and social services to help students achieve their goals.

- 3) ***Conditions and Restrictions on the Collection, Maintenance, and Disclosure of the Personal Information of Californians Held By State Agencies – The Information Practices Act (IPA)***. The IPA of 1977 (Civil Code Section 1798, et seq.), modeled after the Federal Privacy Act of 1974, is the primary privacy scheme

governing state agencies' collection, maintenance, and disclosure of personal information. Generally, the IPA places several conditions and restrictions on the collection, maintenance, and disclosure of the personal information (PI) of Californians held by state agencies, including a prohibition on the disclosure of an individual's PI without the individual's consent except under one of several specified circumstances, and a requirement that along with any form requesting PI from an individual, an agency must provide notice of information about the individual's rights concerning their PI, the *principal* purpose or purposes for which the information is to be used, and any foreseeable disclosures of that PI. The IPA also gives individuals certain rights to be informed of what PI an agency holds relating to that individual, to access and inspect that PI, and to request corrections to that PI, subject to specified exceptions. In addition, when state agencies contract with private entities for services, the contractors are typically governed by the IPA, with few additional privacy protections generally stipulated in the contracts themselves.

C2C "Maintains" Data, but Does Not Collect and Manage That Data.

The data shared with the Office of Cradle-to-Career Data (Office) is used for a secondary purpose, not a primary one. Therefore, obtaining consent, providing notice, or allowing the opportunity to review or modify personal information in the data system is not required. Additionally, the records and source data in the P20W dataset consist of information collected and managed by various data providers. As a result, because the Office "maintains" the P20W dataset, they cannot modify the data. To clarify, proposed amendments exempt the IPA provisions that mandate consent, notice for inspection, or modification of personal information in the data system from applying to records or source data in the P20W datasets.

Individuals must contact the record provider to make changes to the P20W data set. However, it is not stated clearly that individuals need to contact the record provider to request amendments. The proposed changes require a notification and a link so parents, guardians, and students know which organization to contact. Further discussions are necessary to determine the most effective way to provide the notification and instructions for amending P20W records and source data.

4) **Related Legislation.**

AB 132 (Committee on Budget, Chapter 144, Statutes of 2021) established and authorized funding for the California Cradle-to-Career Data System. This bill established the governing board and advisory boards.

SB 169 (Committee on Budget and Fiscal Review, Chapter 262 of 2021) requires any data managed under the Cradle-to-Career Data System that meets the definition of personal information not to be used or disclosed except for purposes consistent with the act and would require all data to be deidentified before being released to the public.

SB 75 (Committee on Budget and Fiscal Review, Chapter 51, Statutes of 2019) established the workgroup, composed of representatives of specified entities, to provide assessment, recommendations, and advice about statewide data infrastructure that integrates data from state entities responsible for elementary and secondary education data, entities responsible for early learning data, segments of

public higher education, private colleges and universities, state entities responsible for student financial aid, childcare providers, state labor and workforce development agencies, and state departments administering health and human services programs. This bill appropriated \$10 million to the Office of Planning and Research for these purposes.

SUPPORT

California Chamber of Commerce
California Competes: Higher Education for a Strong Economy
Campaign for College Opportunity
Unite-LA

OPPOSITION

Oakland Privacy

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2565	Hearing Date:	June 19, 2024
Author:	McCarty		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: School facilities: interior locks.

SUMMARY

This bill requires local educational agencies (LEAs) making an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building, to install interior locks on each door of any room with an occupancy of five or more persons in that school building.

BACKGROUND

Existing law:

- 1) Requires, on and after July 1, 2011, all new construction projects submitted to the Division of State Architect (DSA) to include locks that allow doors to classrooms and any room with an occupancy of five or more persons to be locked from the inside. Requires the locks to conform to the specifications and requirements set forth in Title 24 regulations. Exempts doors that are locked from the outside at all times and pupil restrooms from the requirement. (Education Code (EC) 17075.50)
- 2) Requires, if a governing board of a school district applies for state funding for a school modernization project for a school facility constructed before January 1, 2012, the governing board of the school district to include, as part of the modernization project, locks that allow doors to classrooms, and any room with an occupancy of five or more persons, to be locked from the inside of the room, except projects that only propose to renovate, repair, or modernize the exterior of a school building, the school grounds, or the playing fields of a school. (EC 17583)
- 3) Requires, under the Leroy F. Greene School Facilities Act of 1998, the State Allocation Board (SAB) to allocate to applicant school districts prescribed per-unhoused-pupil state funding for school facilities. Establishes the School Facility Program (SFP) under which the state provides general obligation bond or other funding for various school construction projects including new construction, modernization, hardship funding, supplemental funding for site development and acquisition, and programs to specifically address the construction needs of charter schools, and career technical education facilities. (EC 17070.10)

ANALYSIS

This bill:

- 1) Requires LEAs making an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building, to install interior locks on each door of any room with an occupancy of five or more persons in that school building.
- 2) Establishes exceptions to the interior lock requirement, including:
 - a) For doors that are locked from the outside at all times, doors with locks that lock from the inside, and students restrooms;
 - b) For individual school maintenance projects or tasks with a cost under \$20,000;
 - c) School modernization projects that applied for state facilities funding prior to January 1, 2025.
- 3) Includes the installation of interior locks, as specified, as an authorized physical security improvement for purposes of the Gun Violence Prevention and School Safety Fund.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “It is unacceptable that so many students and school employees feel that simply coming to school may endanger their lives, and the statistics show their fears are not unwarranted. Schools should be a safe place, meant for learning and enrichment, not violence and devastation. Installing interior locks is a proven safety measure that will help save lives. Schools installing them as they undergo other construction projects is an efficient and productive plan.”
- 2) ***Classroom door locking requirements in California schools.*** Many existing schools already have locks that can be operated from the inside, and all new schools are equipped with such locks. AB 211 (Mendoza, Chapter 430, Statutes of 2010), mandates that all new construction projects submitted to the DSA after July 1, 2011, must include locks that allow doors to be locked from the inside for any room accommodating five or more people. Under California Building Standards Codes, Title 24 regulations permit the use of locks integrated with the door's latching mechanism, ensuring that the lock disengages automatically without requiring a key or special effort, such as a thumbturn lock that unlocks with a single motion of the door lever.

Given that the majority of California school buildings are over 25 years old, AB 3205 (O'Donnell, Chapter 401, Statutes of 2018), requires local governing boards seeking state school bond funds for modernizing facilities built before 2012 to include locks that allow classroom doors to be locked from the inside. Exceptions to this requirement include doors that are permanently locked, doors already equipped with internal locks, and pupil restrooms. According to data

from the National Center for Education Statistics for the 2019-20 school year, about 25 percent of public schools in the United States lack classroom doors that can be locked from the inside. However, California does not collect specific data on this from its schools.

- 3) **School safety concerns.** Since the tragic event on April 20, 1999, at Columbine High School in Colorado, where two students killed 12 classmates and a teacher and injured 23 others before committing suicide, school safety has become a pressing issue nationwide. Subsequent shootings, such as the December 14, 2012 massacre at Sandy Hook Elementary School in Newtown, Connecticut, which claimed the lives of 26 students and educators, and the February 14, 2018 shooting at Marjory Stoneman Douglas High School in Parkland, Florida, with 17 fatalities, have further highlighted this concern.

These incidents have sparked ongoing discussions about school safety across the country. Students from Marjory Stoneman Douglas High School have led marches in Washington, D.C., and other states, advocating for stricter gun control policies. Proposed measures to enhance school safety include hiring police officers, installing metal detectors, arming teachers, and making various infrastructure improvements.

According to the K-12 School Shooting Database, maintained by independent researcher David Riedman, and data from U.S. News & World Report, the United States saw 346 school shooting incidents in 2023. These incidents include any instance of a gun being fired on school property, bullets striking school property, guns being brandished without being fired, and situations with no victims. Of these incidents, 191 people were wounded, and 57 were killed. California and Ohio each had the highest number of incidents, with 25 each, and California experienced 18 casualty victims.

- 4) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would create ongoing Proposition 98 General Fund cost pressures for several years to school districts, county offices of education, and charter schools to install interior locks, potentially in the tens of millions to low hundreds of millions of dollars. Costs would be higher in initial years and eventually taper off once all schools install interior locks. Adding interior locks to a room door typically costs in the low thousands of dollars per door, depending on the extent of modification needed. Annual cost pressures would depend on the number of schools undertaking an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building in a given year, and the number of doors that already have interior locks.

Staff notes that the General Fund faces a structural deficit in the tens of billions of dollars over the next several fiscal years.

SUPPORT

California Federation of Teachers
PERK Advocacy

OPPOSITION

Small School Districts Association

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2927	Hearing Date:	June 19, 2024
Author:	McCarty		
Version:	June 13, 2024		
Urgency:	Yes	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: high school graduation requirements: personal finance.

SUMMARY

This bill adds personal finance as a high school graduation requirement, as specified, commencing the 2030-31 school year as a separate, stand-alone one-semester course and requires the Instructional Quality Commission (IQC) to develop, by May 31, 2026 a curriculum guide and resources for a separate, stand-alone one-semester course in personal finance for the State Board of Education (SBE) to adopt, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires that, when the History and Social Science (H-SS) Framework is revised after January 1, 2017, the IQC consider including content on financial literacy at least twice in three grade spans (Kindergarten through grade 5, grades 6-8, and grades 9-12), including instruction on:
 - a) Fundamentals of banking for personal use, including, but not limited to, savings and checking.
 - b) Principles of budgeting and personal finance.
 - c) Employment and understanding factors that affect net income.
 - d) Uses and costs of credit, including the relation of debt and interest to credit.
 - e) Uses and costs of loans, including student loans.
 - f) Types and costs of insurance.
 - g) Forms of governmental taxation.
 - h) Principles of investing and building wealth.
 - i) Identity theft and security.

- j) Planning and paying for postsecondary education.
 - k) Charitable giving. (EC § 51284.5)
- 2) Requires the IQC, during but not before the next revision of textbooks or curriculum frameworks in the social sciences, health, and mathematics curricula, the State Board of Education (SBE) ensures that these academic areas integrate components of human growth, human development, and human contribution to society, across the life course, and also financial literacy, including, but not limited to, budgeting and managing credit, student loans, consumer debt, and identity theft security. (EC § 51284)
 - 3) Requires that, as a condition of graduating from high school, of the three courses in social studies, two must be year-long courses in United States History and Geography, and in World History, culture, and geography, and that the remaining two are a one-semester courses in American government and civics, and a one-semester course in economics. (EC § 51225.3)
 - 4) Requires the Superintendent of Public Instruction (SPI), with the approval of the SBE, to plan and develop a one-semester course entitled Consumer Economics, which includes instruction on the uses and costs of credit, for use in schools maintaining any grades seventh to twelfth grades. (EC § 51833)

ANALYSIS

This bill:

Modifies Content to be Covered in the H-SS Frameworks

- 1) Modifies the list of required content that the IQC must consider when the H-SS framework is revised after January 1, 2017, with regard to financial literacy being taught at least twice in three grade spans (Kindergarten through grade 5, grades 6-8, and grades 9-12), including instruction on:
 - a) Fundamentals of banking for personal use, including, but not limited to, savings and checking and managing to minimize fees.
 - b) Principles of budgeting for independent living.
 - c) Employment and understanding factors that affect net income, including the topics covered during Workplace Readiness Week.
 - d) Uses and effects of credit, including managing credit scores and the relation of debt and interest to credit.
 - e) Uses and costs of loans, including student loans, as well as policies that provide student loan forgiveness.
 - f) Types and costs of insurance.

- g) Impacts of the tax system, including its impact on personal income, the process to file taxes, and how to read tax forms and pay stubs.
 - h) Principles of investing and building wealth, including investment alternatives to build financial security, including tax-advantaged investments such as pensions and 401(k) plans, Individual Retirement Accounts (IRA) as well as, stocks, bonds, mutual funds, and index funds.
 - i) Enhancing consumer protection skills by raising awareness of common scams and frauds and preventing identity theft.
 - j) Identifying means to finance college, workforce education, low-cost community college options, and other career technical educational (CTE) pathways or apprenticeships. Financing options covered can include scholarships, merit aid, and student loans.
 - k) Understanding how psychology can impact one's financial wellbeing.
 - l) Charitable giving.
 - m) Other topics that are directly and specifically relevant to personal finance.
- 2) Requires, on or before May 31, 2026, the SBE to adopt a curriculum guide and resources for a separate, stand-alone one-semester course in personal finance course based on the IQC recommendation that include content specified in 1).
- 3) Specifies, that in the event the SBE has not adopted a curriculum guide and resources for a separate, stand-alone one-semester course in personal finance by May 31, 2026, that local educational agencies (LEAs), including charter schools, to locally develop the curriculum and resources to offer a separate, a stand-alone one-semester course in personal finance, that meet the content requirements specified in 1), for approval by the governing board or body of the LEAs, in order to meet the requirement to offer the separate, stand-alone one-semester course in personal finance as of the 2027–28 school year.

Adds A High School Graduation Requirement

- 4) Requires a LEA, including a charter school, with pupils in grades 9 to 12, to offer a separate, stand-alone one-semester course in personal finance, that meet the requirements specified in 1), that cannot be combined with any other course beginning 2027-28 school year and with pupils graduating the 2030-31 school year.
- 5) Clarifies that any pupil graduating in the 2030-31 school year who completes a separate, stand-alone one-semester course in personal finance may elect to be exempt from the requirement to complete a one-semester course in economics currently required to graduate high school.
- 6) Allows a LEA to elect to eliminate one or more locally required courses in order to accommodate the requirement that pupils, commencing with pupils graduating in the

2030–31 school year, complete a separate, stand-alone one-semester course in personal finance.

Clarification on Teacher Credentialing

- 7) Authorizes an individual holding a single subject credential in Social Science, Business, Mathematics, or Home Economics to teach the personal finance course and clarifies that this change is not a change, but is declaratory of existing law.
- 8) Authorizes the Commission on Teacher Credentialing (CTC) to allow teachers holding single subject credentials not listed to teach the personal finance course.

Makes Appropriations of Funds

- 9) Appropriates the sum of \$300,000 from the General Fund to the IQC to develop a curriculum guide and resources for a separate, stand-alone one-semester course in personal finance.
- 10) Makes an appropriation without regard to fiscal year, from the General Fund to the SPI for establishing grants available to LEAs, including charter schools, to be used for teacher training and instructional materials necessary for those entities to comply with personal finance graduation requirement.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Many young Californians are entering college and the workforce without a baseline understanding of financial literacy. This has concerning implications for their success as individuals and our society as a whole. AB 2927 guarantees access to a personal finance course to all high school students, instilling them with the skills and support they will need throughout their lives.”
- 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 develop and recommend to the SBE a curriculum guide and resources for a separate, stand-alone one-semester course in personal finance on or before May 31, 2026 covering the content expressed above.

H-SS Framework – Personal Finance

It is important to note that students, particularly those in high school are required to take one semester of economics. Under the most current version of the H-SS Framework, topics within personal finance, such as budgeting credit scores, bank applications, etc., are included within economics. Currently, the H-SS Framework, adopted in 2016, contains the following objectives related to financial literacy:

Grade 1: Students acquire a beginning understanding of economics, including how people exchange money for goods and services, and how people make choices about how to spend money, including budgeting.

Grade 2: Students learn basic economic concepts of human wants, scarcity, and choice; the importance of specialization in work today. Students also develop an understanding of their roles as consumers in a complex economy.

Grade 9: Elective course outline in financial literacy: Students learn about credit cards and other forms of consumer debt, savings and budgeting, retirement planning, state and federal laws related to personal finance (e.g., bankruptcy), financial credit scores, credit card applications, bank account applications, simple and compound interest calculations, retirement calculations, and mortgage and interest rates. Students also learn about the importance of managing credit and debt, and identity theft security.

The Framework also emphasizes the ability of personal finance concepts to be taught through the required high school economics course, noting: “Budgeting can be taught as an example of scarcity; job applications can be taught as examples of human capital inventories; student loans can be taught as an investment in developing human capital; use of credit cards can be taught to explain the opportunity cost of interest and repayment; and interest on credit can be taught as an example of price determination through supply and demand.”

This bill would require personal finance to be a “separate, stand alone” course and allows students to take a personal finance course in lieu of taking a required economics course for graduation. Currently, schools may elect to provide a course solely dedicated to personal finance as an elective. However, schools that have not offered a personal finance course to their students would, under this bill, have to adjust their course offerings, develop and adopt curricula, purchase instructional materials, ensure districts serving high school students are adequately staffed by teachers with appropriate credentials beginning the 2027-28 school year. The Committee may wish to consider if the implementation date, in which schools serving students in grades 9 to 12 a personal finance course, provides LEAs and charter schools adequate time to prepare.

- 3) **How Does This Align With the California State University (CSU) and the University of California (UC) A-G Requirements?** The current high school graduation requirements include the following: three English courses, two math

courses, two science courses, three social studies courses, one course in visual or performing arts or world languages or CTE, and two physical education courses. Starting with students graduating in the 2029-30 academic year, a one-semester course in ethnic studies will be required, subject to funding. School districts have the authority to set their coursework requirements and state requirements.

For admission to the UC or CSU, students must complete two additional math courses (with the fourth strongly recommended), one additional course in English and science (recommended), one to three years of world languages, one year of visual and performing arts, and one elective course. These "A-G" courses must meet college preparatory standards, and for UC, 11 must be completed before a student's senior year of high school. A 2017 survey, as indicated in a 2021 California Budget and Policy Center report, "Blocked: California Students & Higher Education – Gaps Among CSU, UC & High School Requirements Lead to Inequitable Access," revealed that nearly half (49%) of school districts reported they did not require students to complete all A-G courses to graduate. Moreover, not all schools even offer the full A-G curriculum. CSU and UC offer three alternatives for students lacking full access to A-G courses: take classes online or in summer school, demonstrate subject proficiency through additional standardized subject tests, or enroll in a community college and transfer. Should personal finance become a graduation requirement, the course would fall under area G, a college preparatory elective course.

It's worth noting that over the years, the Legislature has considered various topics for a new graduation requirement, such as financial literacy, service learning, health, and ethnic studies. Furthermore, the Legislature has authorized computer science to count as a local math graduation requirement (if the course meets the A requirement for mathematics) and expanded the foreign language or visual and performing arts requirement to include a CTE course. Additionally, some bills have tried to change the number of courses required for specific subjects. The Committee should consider whether these measures, including the differences between the state minimum requirements and the CSU/UC requirements, suggest a need to reevaluate the state graduation requirements. This would involve considering the addition of new requirements in existing and new subjects.

- 4) **Who Would Be Eligible to Teach This Course?** *This bill allows individuals holding a single subject credential in Social Science, Business, Mathematics, or Home Economics to teach personal finance. Individuals with these single subject credentials must be able to demonstrate:*
- a) Knowledge about financial management (e.g., financial terms, budgeting, investment plans, banking, credit, credit cards, loans, taxes, insurance).
 - b) Analyze factors that affect financial management (e.g., career choices, goals, resources, cultural and socioeconomic factors).
 - c) Demonstrate knowledge of the various factors in determining major purchases (e.g., transportation, clothing, appliances, cell phones, entertainment systems).

- d) Demonstrate knowledge of the various factors involved in searching for and securing suitable housing (e.g., cost-of-living estimations, rental and sales contracts, insurance, interest rates) and resources available to help consumers search for and secure suitable housing.
- e) Demonstrate knowledge of career paths, transferable knowledge and skills, aptitudes, and responsibilities related to consumer services.

This bill also provides additional authorization to the CTC to authorize teachers holding single subject credentials to teach the personal finance course.

- 5) **Committee Amendment.** *Committee Staff recommends, and the author has agreed to accept, the following amendment:*

- a) Clarify that the Commission on Teacher Credentialing may establish a supplementary authorization, which authorizes holding single subject credentials.

- 6) **Related Legislation.**

AB 2546 (Ian Calderon, Chapter 616, Statutes of 2016) requires that, when the H-SS Framework is revised after January 1, 2017, the IQC consider including specified content on financial literacy.

AB 526 (Ta, 2023) would require the SPI to allocate these funds to school districts, county offices of education, charter schools, and the state special schools on the basis of an equal amount per unit of average daily attendance, as those numbers were reported at the time of the first principal apportionment for the 2021–22 fiscal year. *This bill was never heard in the Assembly Education Committee.*

AB 1161 (Hover, 2023) would require the IQC, when the H-SS Framework is revised after January 1, 2017, to also consider including age-appropriate information and content for kindergarten and grades 1 to 12, inclusive, on the importance of estate planning and the use of trusts. *This bill was never heard in the Assembly Education Committee.*

AB 858 (Dababneh, 2017) would have established the California Financial Literacy Initiative, to be administered by the SPI, for the purpose of improving the availability of instructional materials and programs to help students understand how to manage their finances and protect their financial privacy. This bill was vetoed by Governor Brown:

This bill is unnecessary. The History-Social Science Framework already contains financial literacy content for pupils in kindergarten through grade 12, as well as a financial literacy elective. In addition, the California Department of Education maintains a Web page with financial literacy resources for pupils in kindergarten through grade 12.

AB 391 (Wieckowski, 2013) would have required the H-SS Framework, when updated, to include financial literacy, and required the one-semester instructional program entitled Consumer Economics already developed by the SPI and adopted

by the SBE to be updated to include instruction in specified areas of financial literacy. *This bill was held in the Assembly Appropriations Committee.*

SB 1080 (Lieu, 2012) would have authorized instruction provided in economics to include personal finances, including, but not limited to, mathematics, budgeting, savings, credit, and identity theft. The bill would have required the CDE to develop a personal finance curriculum in the next cycle in which the mathematics and H-SS Framework were to be adopted. *This bill was held in the Assembly Judiciary Committee.*

SB 696 (Lieu, 2012) would have encouraged the instruction provided in economics to include instruction related to the understanding of personal finances, including budgeting, savings, credit, and identity theft. The bill would have also made several legislative findings and declarations. *This bill was not referred from the Senate Rules Committee.*

SB 779 (Lieu, 2011) would have authorized a school district, as part of providing economics instruction in grades 7-12, to include personal finances, including, but not limited to, budget savings, credit, and identity theft. This bill would have also required the CDE to consider developing a personal finance curriculum in the next cycle in which the H-SS Framework would have been adopted. *This bill was held in the Assembly Appropriations Committee.*

SUPPORT

America First Policy Institute - California
California Credit Union League
California Society of Certified Public Accountants
California Society of CPAs
Intuit
1 Individual

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 3131	Hearing Date:	June 19, 2024
Author:	McCarty		
Version:	April 25, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: California Career Technical Education Incentive Grant Program: Strong Workforce Program: applicants receiving equity multiplier funding.

SUMMARY

This bill requires that local educational agencies (LEAs) receiving Equity Multiplier funding through the Local Control Funding Formula (LCFF) be given positive consideration for the Career Technical Education Incentive Grant (CTEIG) program and the K-12 Strong Workforce Program (SWP).

BACKGROUND

Existing law:

- 1) Authorizes the CTEIG Program as a state education, economic, and workforce development initiative with the goal of providing students in kindergarten through 12th grade with the knowledge and skills necessary to transition to employment and postsecondary education. (Education Code (EC) 53070)
- 2) Appropriates funding for the CTEIG program as follows: \$400 million for 2015-16; \$300 million for 2016-17; \$200 million for 2017-18; and \$150 million per year for 2018-19 to 2020-21; and \$300 million per year beginning in the 2021-22 fiscal year and every year thereafter. (EC 53070)
- 3) Defines grant recipients for CTEIG as one or more school districts, county offices of education (COE), charter schools, regional occupational centers or programs (ROC/Ps) operated by joint power authorities (JPAs) or COEs, or any combination of these. (EC 53072)
- 4) Requires the California Department of Education (CDE) to annually submit the list of recommended new and renewal grant recipients to the State Board of Education (SBE) for review and approval prior to making annual grant awards. CDE and SBE, in determining proposed grant recipients, are required to give positive consideration and the greatest weight to those applicants who:
 - a) Serve unduplicated students or subgroups with higher than average dropout rates;
 - b) Are located in an area of the state with a high unemployment rate; and

- c) Offer an existing high-quality regional-based Career Technical Education (CTE) program as a joint powers authority (JPA) or COE. (EC 53075)
- 5) Requires the CDE and the SBE, in determining proposed grant recipients to also give positive consideration to those applicants who:
 - a) Successfully leverage existing CTE resources and funding, as well as contributions from industry, labor, and philanthropic sources;
 - b) Engage in regional collaborations with postsecondary education or other LEAs, including the SWP consortium operating in their areas, as well as pathway programs provided under an adopted California and Career Access Pathways (CCAP) partnership agreement;
 - c) Make significant investments in CTE infrastructure, equipment, and facilities; and,
 - d) Operate within rural districts. (EC 53075)
 - 6) Requires data reporting requirements for CTEIG grantees including the core metrics required by the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V), the quality indicators described in the California State Plan for CTE, as well as additional specified metrics. Requires the California Workforce Pathways Joint Advisory Committee to review the data metrics annually and make recommendations on whether these data metrics remain the most appropriate metrics to evaluate program outcomes for new and renewal applicants, or whether other metrics should be included. (EC 53071)
 - 7) Authorizes the K-12 component of the SWP to create, support, or expand high-quality CTE programs at the K-12 level that are aligned with the workforce development efforts occurring through the SWP, and authorizes, commencing with the 2018-19 fiscal year, and subject to an annual appropriation, \$150 million to be apportioned annually by the California Community College Chancellor's Office (CCCCO) to local consortia. (EC 88827)
 - 8) Establishes the California Golden State Pathways Program (GSPP) to provide LEAs with the resources to promote pathways in high-wage, high-skill, high-growth areas, including technology, health care, education, and climate-related fields that, among other things, allow students to advance seamlessly from high school to college and career and provide the workforce needed for economic growth. (EC 53020)
 - 9) Federal law, the Strengthening Career and Technical Education for the 21st Century Act, reauthorizes the Perkins V and provides federal support for CTE programs and focuses on improving the academic and technical achievement of CTE students, strengthening the connections between secondary and postsecondary education and improving accountability.

ANALYSIS

This bill:

- 1) Requires that the CDE and the SBE, in determining proposed grant recipients for the CTEIG program to give positive consideration to LEAs receiving LCFF Equity Multiplier funding, as identified through the stability rate data file produced by the CDE in the prior fiscal year.
- 2) Requires the K-12 Strong Workforce Program K-12 selection committees to give positive consideration to programs serving students enrolled at an LEA receiving LCFF Equity Multiplier funding as identified through the stability rate data file produced by the CDE.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “As part of the California Legislative Black Caucus (CLBC) reparations bill package, AB 3131 ensures that school districts within historically redlined communities are first in line for CTE grants. Students enrolled in high-quality CTE programs have higher graduation rates, college attendance, earnings, and soft skills. But Black students are not benefiting from these programs like their white peers. By prioritizing historically redlined communities when awarding CTE grants, we can ensure that Black students are able to benefit from high-quality vocational programs.”
- 2) ***What is the LCFF Equity Multiplier?*** The LCFF Equity Multiplier provides additional funding to LEAs for allocation to schoolsites with prior year nonstability rates greater than 25 percent and prior year socioeconomically disadvantaged pupil rates greater than 70 percent. Equity Multiplier funding is required to be used to provide evidence-based services and supports for students at these schoolsites. LEAs are also required to document the efforts to improve outcomes for students at these schoolsites.
- 3) ***What is Career Technical Education?*** CTE prepares students for the world of work by introducing them to workplace competencies and making academic content accessible through hands-on contexts. Along the way, students develop career-relevant, real-world 21st-century skills. CTE is a program of study that involves a multiyear sequence of courses integrating core academic knowledge with technical and occupational knowledge, providing a pathway to postsecondary education and careers.

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

- 4) **Assessing college and career readiness among LEAs.** Each LEA's Local Control and Accountability Plan (LCAP) must demonstrate how they are ensuring all students are prepared for college and careers. The College and Career Readiness Index on each LEA's dashboard includes data on the number of students completing a CTE pathway. State-level data for 2023 shows that 43.9 percent of high school graduates are considered "prepared" on the College/Career Indicator. However, when comparing subgroups, only 25.1 percent of African American students, 35.5 percent of Hispanic students, 53.2 percent of White students, and 75.8 percent of Asian students are considered prepared.

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

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

necessary funding to ensure African American students, especially descendants of enslaved persons in the U.S., receive the resources and support needed to eliminate these disparities and close the opportunity gap permanently.

- 7) ***Leveraging CTE programs to combat racial inequities.*** Historically, African American students have been tracked into low-quality vocational programs, an extension of Jim Crow-era segregation. However, high-quality CTE programs can serve as tools for preparing students for careers in emerging professions and addressing persistent discrimination. The Center for American Progress notes that effective CTE programs can help remedy historical inequities by offering African American students pathways to thriving careers. The Task Force's recommendations include collecting and disaggregating CTE enrollment data by race to identify and address equity gaps, which aligns with the proposed bill's requirements.

SUPPORT

Alameda County Office of Education
California Dental Association
Project Lead the Way
Santa Monica Democratic Club

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2595	Hearing Date:	June 19, 2024
Author:	Luz Rivas		
Version:	February 14, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: School nutrition: guardian meal reimbursement.

SUMMARY

This bill, upon appropriation, would require the California Department of Education (CDE) to establish a pilot process for state reimbursement federal summer meal program operators for meals served to guardians of eligible pupils receiving a meal pursuant to a summer meal program that is hosted at a public library, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Commencing with the 2022–23 school year, requires a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period, except for family daycare homes. The meals provided shall be nutritiously adequate meals that qualify for federal reimbursement. (EC § 49501.5)
- 2) Specifies that in order to provide pupils in high-poverty schools with optimal nutrition for learning and to ensure that schools receive the maximum federal meal reimbursement, on or before June 30, 2022, a school district or county superintendent of schools that has a high-poverty school in its jurisdiction shall apply to operate a federal universal meal service provision, which may include, but is not limited to, the Community Eligibility Provision (CEP) or Provision 2. (EC § 49564.3)
- 3) Authorizes a school district or county office of education (COE) to use funds made available through any federal or state program for the provision of meals to a pupil, including the federal School Breakfast Program (SBP), the federal National School Lunch Program (NSLP), the federal Summer Food Service Program (SFSP), the federal Seamless Summer Option (SSO), or the state meal program, or do so at its own expense. (EC § 49550.3)

- 4) Requires every public school to post the school district's nutrition and physical activity policies, in public view within all school cafeterias or other central eating areas. (EC § 49432)

ANALYSIS

This bill:

California Summer Caregiver Meal Pilot Act of 2024

- 1) Establishes the California Summer Caregiver Meal Pilot Act of 2024 and requires the CDE, notwithstanding any other law, and to the extent authorized by federal law, to establish a pilot process for state reimbursement, commencing no earlier than one year after an appropriation is made, and adjusted annually for inflation, for federal summer meal program operators for meals served to guardians of eligible pupils receiving a meal pursuant to a summer meal program hosted at a public library and specifies the guardian of an eligible pupil must be present at the summer meal program site hosted at a public library in order for the summer meal program operator to receive state-funded reimbursement for the meal served to a guardian pursuant to this section, unless noncongregate rules are in place.
- 2) Requires the CDE to develop guidance, and make available on its website rather than mailed, for summer meal program operators participating in the federal SSO Option or the SFSP on how to serve guardians a meal at public library summer meal program sites.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "In 2022, California became the first state to implement a statewide Universal Meals Program for schoolchildren. California's Universal Meal Program (Universal Meals) provides free breakfast and lunch for all students throughout the school year. A 2023 Sacramento Bee article chronicled a Teacher's Aide (TA) at A.M. Winn Elementary in the Sacramento Unified School District. The TA notes that the program provides some much-needed financial relief for her since she is on a strict budget. She has two daughters who utilize the universal meal programs, where she is able to save \$150 on her grocery bill per week during the school year. This provides much-needed relief in how she budgets for the family. During the summer, low-income households spend more on groceries as their children lose access to free meals at school. Parents and caregivers from food-insecure households who depend on free school meals for their children become hard-pressed to financially compensate for the lack of meals when their children are home. According to October 2023 data from the US Census Household Pulse survey, 28% of households with children in California are food-insecure, with deep disparities for Black (49%) and Latine (33%) households. The California Department of Education estimates that over 225,000 K-12 students experienced homelessness or living on the brink of homelessness in the 2022-23 academic year. If these students are experiencing homelessness or living on the brink of homelessness, these households are likely food-insecure and experiencing hunger. SFSP mandates that only children and teens aged 18 and younger are eligible to receive free meals that are USDA-reimbursable. This program does not allow for

parents and caregivers of those children utilizing SFSP to receive a meal. AB 2595 seeks to combat household hunger during the summer months by allowing public libraries that provide children with meals to also provide participating parents and caregivers with those meals.”

2) **Meals Service Options: United States Department of Agriculture (USDA) Meal Programs.** The CDE, Nutrition Services Division administers many of the USDA’s meal programs at the state level:

- a) *The National School Lunch Program.* The NSLP is a federally assisted meal program operating in public and nonprofit private schools and residential childcare institutions. It provides nutritionally balanced, low-cost or free lunches to children each school day.
- b) *The School Breakfast Program.* The SBP provides reimbursement to states to operate nonprofit breakfast programs in schools and residential childcare institutions. The Food and Nutrition Service of the USDA administers the SBP at the federal level.
- c) *The Child and Adult Care Food Program (CACFP).* The CACFP is a federal program that provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating childcare centers, daycare homes, and adult daycare centers. The CACFP also provides reimbursements for meals served to children and youth participating in afterschool programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in daycare facilities.
- d) *The Summer Food Service Program.* The SFSP is a federally-funded, state-administered program. The SFSP reimburses program operators who serve free healthy meals and snacks to children and teens in low-income areas.
- e) *The Seamless Summer Option.* Schools participating in the NSLP or SBP are eligible to apply for the SSO. This option allows public schools to combine features of the School Nutrition Programs and the SFSP along with reduced paperwork requirements, making it easier for schools to feed children during the traditional summer vacation periods and, for year-round schools, long school vacation periods.

In particular, a pupil would have to be eligible in either the SFSP or SSO program in order for a guardian to receive a meal from a summer meal program operator.

3) **School Meal Reimbursement Rates.** School meal reimbursement, by both the federal government and the state, varies each year. In order to receive reimbursement, schools must follow a certain meal pattern determined by the USDA. Depending on the age range of the students served, a full meal consists of a specified amount of fruits, vegetables, grains, meat/meat alternative, and milk. Most schools throughout the state participate in “offer versus serve,” which allows a student to pick three of the aforementioned five components in order for the school to receive full reimbursement for that student’s meal.

The federal school breakfast rates are \$2.28 for free breakfast and \$1.98 for reduced breakfast.

School Breakfast Program (SBP)

Type of Meal	Free	Reduced-Price	Paid
Basic Breakfast	\$2.28	\$1.98	\$0.38
Severe Need Breakfast	\$2.73	\$2.43	\$0.38

Note: Severe Need Breakfast is for approved sites that served 40 percent or more free and reduced-price lunches in 2021–22, or 2022–23 if no National School Lunch Program data was available in 2021–22.

Source: CDE, 2023-24

The federal school lunch reimbursement rates are \$4.33 for free lunch and \$3.93 for reduced priced lunch. Schools that serve more than 60% low income students receive \$0.02 more for both free and reduced priced lunches, as shown in the chart below.

National School Lunch Program (NSLP)

Description	Free	Free+8 cents*	Reduced-Price	Reduced-Price+8 cents*	Paid	Paid+8 cents*
Agencies that served less than 60% free/reduced-price lunches in 2022–23	\$4.25	\$4.33	\$3.85	\$3.93	\$0.40	\$0.48
Agencies that served 60% or more free/reduced-price lunches in 2022–23	\$4.27	\$4.35	\$3.87	\$3.95	\$0.42	\$0.50
Commodity Value	\$0.365	\$0.365	\$0.365	\$0.365	\$0.365	\$0.365

Note: Payments listed for free and reduced-price lunches include both Section 4 and Section 11 funds of the National School Lunch Act.

Source: CDE, 2023-24

- 4) **Non-Congregate Settings Under The SFSP and the SSO.** In January 2024, the USDA provided guidance and instructions on implementing the SFSP and the SSO non-congregate meal service for the summer of 2024.

Non-congregate meal service in the summer meal programs is limited to rural areas in which congregate meal services are not available. Sites participating in non-congregate feeding must still meet all other program requirements, including establishing area eligibility.

- 5) **Feeding Parents and Guardians Under the SSO.** SSO is a federal and state funded program that encourages school food authorities (SFA) participating in NSLP or SBP to provide meals in low-income areas during the summer. The SSO combines features of the NSLP, SBP, and SFSP. Program Operators of the SSO may operate at community or recreational centers, libraries, camps, schools, and other eligible summer meal sites. Participating in the SSO reduces paperwork, administrative burdens, and makes it easier for SFAs to feed children in low-income areas during traditional summer vacation periods and during school vacation periods of longer than ten days for year-round schools.

The federal government does not allow for reimbursement of meals provided to the parents/guardians of children served through this program. Likewise, these services to parents/guardians are not authorized for reimbursement under state nutrition funding. As a result, this bill establishes a process for state reimbursement for federal summer meal program operators for meals served to guardians of eligible pupils receiving a meal during a summer meal program at a library.

The committee may wish to consider if the state reimbursement mechanism this bill creates should also be expanded to include SSO meal operators at other eligible meal sites.

How Many Libraries Participate in the Seamless Summer Option?

According to the Assembly Education Committee analysis, “According to the CDE, during the summer of 2023, 167 libraries served as summer meal sites. Below is a table with the number of eligible breakfasts and lunches served at public library sites in summer 2023 through the SFSP and SSO.

2023 SFSP Meals Served at Libraries		2023 SSO Meals Served at Libraries	
Breakfast	805	Breakfast	1,836
Lunch	42,913	Lunch	146,469
TOTAL	43,718	TOTAL	148,295

(Source: CDE)

6) **Related Legislation.**

AB 1178 (L. Rivas, 2023) was a similar measure to this bill, that would have, upon appropriation, required the CDE to establish a state reimbursement process for federal summer meal program operators to serve a meal to guardians of eligible pupils in a federal summer meal program. *This bill was held in Senate Appropriations Committee.*

AB 95 (Hoover, Chapter 318, Statutes of 2023) clarifies that a school may sell an additional meal to a pupil after that pupil has already received a nutritiously adequate meal that qualifies for federal reimbursement.

AB 348 (Skinner, Chapter, 600, Statutes of 2023) requires schools to provide students with adequate time to eat following guidelines established by the CDE; makes various conforming changes to the school meal program to implement the free universal school breakfast and lunch program; and, requires the CDE, in partnership with the California School Nutrition Association (CSNA) to develop guidelines to reduce the sugar and sodium content in school meals if the NSLP allows more added sugar or sodium than is recommended by the most recent Dietary Guidelines for Americans at any time in the future.

AB 1871 (Bonta, Chapter 480, Statutes of 2018) requires charter schools, commencing with the 2019-20 school year, to provide each low-income pupil with one nutritionally adequate free or reduced-price meal during each schoolday.

SB 138 (McGuire, Chapter 724, Statutes of 2017) requires the CDE, in consultation with the State Department of Health Care Services, to develop and implement a process to use Medi-Cal data to directly certify children whose families meet the income criteria into the school meal program; requires school districts and COEs with high poverty schools and high poverty charter schools currently participating in the breakfast or lunch program to provide breakfast and lunch free of charge to all students at those schools; and, authorized a school district, COE, or charter school to opt-out due to fiscal hardship.

SUPPORT

California Association of Food Banks (Sponsor)
California Immigrant Policy Center
California Library Association
Center for Ecoliteracy
Central California Food Bank
Foodbank of Santa Barbara County
GLIDE
Los Angeles Regional Food Bank
Nourish California
Office of Kat Taylor
San Diego Food Bank
San Diego Hunger Coalition
Second Harvest Food Bank of Orange County
Second Harvest Food Bank of Santa Cruz County
Second Harvest of Silicon Valley
The Women's Building
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 2633	Hearing Date:	June 19, 2024
Author:	Alvarez		
Version:	June 10, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: California State University: joint degrees: international institutions of higher education.

SUMMARY

This bill authorizes the California State University (CSU) to award undergraduate, graduate, and doctoral degrees jointly with international institutions of higher education.

BACKGROUND

Existing law:

- 1) Differentiates the missions and functions of public and independent institutions of higher education. Under these provisions:
 - a) The primary mission of the CSU is to offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education including teacher education. The CSU is authorized to establish two-year programs only when mutually agreed upon by the Trustees and the California Community Colleges (CCC) Board of Governors (BOG). The CSU is also authorized to jointly award the doctoral degree with the University of California (UC) and with one or more independent institutions of higher education.
 - b) The UC is authorized to provide undergraduate and graduate instruction and has exclusive jurisdiction in public higher education over graduate instruction in the professions of law, medicine, dentistry and veterinary medicine. The UC is also the primary state-supported academic agency for research.
 - c) The independent institutions of higher education are required to provide undergraduate and graduate instruction and research in accordance with their respective missions.
 - d) The mission and function of the CCC is the offering of academic and vocational instruction at the lower division level, and the CCC are authorized to grant the Associate in Arts and the Associate in Science degrees. The community colleges are also required to offer learning supports to close learning gaps, English as a Second Language instruction, and adult noncredit instruction, and support services which

help students succeed at the postsecondary level. (Education Code (EC) § 66010.4)

- 2) Authorizes the CSU to award professional or applied doctoral degrees statewide, provided that only 10 baccalaureate degree programs are approved per academic year and do not duplicate doctoral degrees offered by the UC. Additionally, existing law:
 - a) Requires the Chancellor of the CSU to consult with and seek feedback from the UC President, and the President of the Association of Independent California Colleges and Universities (AICCU) on proposed doctoral programs, as specified, and establishes a mechanism for the assessment, consultation, and approval of programs where duplication is identified, as specified;
 - b) Requires that enrollment in CSU professional or applied doctoral degree programs do not diminish enrollment in CSU undergraduate programs, and fees for professional or applied doctoral degree programs established pursuant to this article that shall be comparable to, but no higher than, those fees charged for UC doctoral degree programs; and,
 - c) Specifies that the total number of baccalaureate degree programs offered by a CSU campus, 25 percent of the total number of undergraduate, graduate through the master's degree, and professional and teacher education programs offered by the CSU campus. (EC § 66046, et seq.)
- 3) In addition to the CSU doctoral degree authorization existing law:
 - a) Authorizes the CSU to independently award the Doctor of Education (Ed.D.) degree focused solely on preparing administrative leaders for California public elementary and secondary schools and community colleges and on the knowledge and skills needed by administrators to be effective leaders in California public schools and community colleges. (EC § 66040, et seq.)
 - b) Authorizes the CSU to offer the Doctor of Audiology (Au.D) degree; and, specifies that the Au.D degree programs at the CSU will focus on preparing audiologists to provide health care services and shall be consistent with the standards for accreditation set forth by the Council on Academic Accreditation in Audiology and Speech-Language Pathology. (EC § 66041, et seq.)
 - c) Authorizes the CSU to offer the Doctor of Physical Therapy (D.P.T.) degree, and specifies that the D.P.T. degree programs at the CSU will focus on preparing physical therapists to provide health care services, and be consistent with meeting the requirements of the Commission on Accreditation in Physical Therapy Education. (EC § 66042, et seq.)
 - d) Authorizes CSU to offer the Doctor of Nursing Practice (DNP) degree programs, and specifies that the DNP offered by the CSU will focus on the

preparation of nursing faculty to teach in postsecondary nursing education programs and may also train nurses for advanced nursing practice or nurse leadership. (EC § 89280, et seq.)

- c) Authorizes CSU to offer the Doctor of Occupational Therapy (OTD) degree, and specifies that OTD degree programs offered by the CSU will focus on preparing occupational therapists to provide health care services and to be consistent with the standards for accreditation set forth by the appropriate accrediting body. (EC § 66043, et seq.)
 - e) Authorizes CSU to offer the Doctor of Public Health (Dr.PH) degree, and specifies that Dr.PH degree programs offered by the CSU will focus on health and scientific knowledge translation and transformative community leadership, and will be designed to address the community public health workforce needs of California and prepare qualified professionals to be leaders and experienced practitioners who apply their advanced knowledge in service to California's diverse communities in areas such as community health administration, health education and promotion, and public health advocacy. (EC § 66044, et seq.)
- 4) Establishes CPEC as the statewide postsecondary education coordinating and planning agency, and provides for its functions and responsibilities. Existing law also provides for the composition of CPEC's membership. The annual state Budget Acts from the 2011–12 fiscal year to the 2023–24 fiscal year, inclusive, have provided no funding for CPEC.

ANALYSIS

This bill:

- 1) Authorizes the CSU to award undergraduate, graduate, and doctoral degrees jointly with international institutions of higher education. Specifically, this bill:
 - a) Establishes that, notwithstanding any other law, undergraduate and graduate degrees may be awarded jointly with international institutions of higher education.
 - b) Notwithstanding any other law authorizes the doctoral degree may be awarded jointly with international institutions of higher education.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "AB 2633 addresses the need for the California State University (CSU) system to adapt to the rising demand for joint degree programs with international universities. These programs, marked by collaborative efforts between institutions, offer students invaluable academic experiences enriched by diverse perspectives and resources. Given the increasing global prevalence of joint degrees, AB 2633 helps foster deep partnerships and facilitating academic mobility on a global scale. With California's

unique status as a state that shares a border with Mexico, there is a great opportunity to empower CSU to establish lasting international educational relationships and potentially draw in binational students with expanded opportunities for academic and scholarly exchange. AB 2633 is pivotal for enhancing the CSU system's global recognition, fostering scholarly innovation, and strengthening binational and international educational relationships.”

- 2) **Trans-national higher education (TNHE).** As noted in the Assembly Higher Education analysis, an article published in the Journal of Comparative & International Higher Education in 2021 titled “Understanding International Joint and Dual Degree Programs: Opportunities and Challenges during and after the COVID-19 Pandemic” by Professor Roy Y. Chan, Ph.D explored the policies, perspectives, and practices of building and developing cross-border and TNHE programs, with a particular emphasis on international collaborative academic degree programs between the United States and Mainland China.

The article more specifically identified that, “TNHE has been able to provide a reliable, bona fide education, with a flexible, cost-efficient tuition. TNHE programs can help students obtain international qualifications or degrees that promote transnational learning, collaborative research, and global mobility. TNHE can also play a crucial role in enhancing international strategic planning, global learning, and institutional prestige to help institutions position themselves for a world-class status to improve their academic rankings and to increase the quality of national higher education systems and academic programs worldwide.”

The article also contained several policy recommendations, which included:

- Establish clear expectations and maintain shared governance on general education requirements.
 - Improve communication between academic affairs and student affairs offices concerning international student housing.
 - Create policies that foster inter-institutional collaboration and cooperation.
 - Create a top-down approach to policy decisions (as international programs require buy-in from the most senior leaders).
 - Engage with governmental associations and governmental agencies.
- 3) **Binational partnership at the K-12 level.** The San Diego County Office of Education’s (SDCOE) Global Academy developed a bilingual/binational high school for transnational students, available via hybrid and distance learning on both sides of the border. Specifically, the school offers opportunities for students to earn the California state seal of biliteracy and a binational high school diploma based on articulated criteria recognized by the SDCOE and the Baja California Secretary of Education. The school additionally provides virtual and in-person career technical education opportunities. Seemingly, this binational high school diploma demonstrates the feasibility of binational education programs.

- 4) **Binational UC partnership.** The author asserts that the UC Center for US-Mexico Studies at the UC San Diego is a prime example of the benefit of critical size and visibility of an entity within an institution for the success of bilateral exchange. The center operates the USMEX Scholars Program Fellowship, provides opportunities for scholarly visits for frequent conferences on US-Mexico issues and student and scholarly mobility related to ongoing research initiatives with Mexican institutions like the National Autonomous University of Mexico (UNAM), the Autonomous Technological Institute of Mexico (ITAM), and the Center for Economic Research and Teaching (CIDE). Staff is unaware of comparable programs that may exist within the CSU.
- 5) **Why doctoral degrees?** As outlined in the Master Plan for Higher Education and by state statute, the primary mission of the CSU is undergraduate and graduate instruction through the master's degree. The UC is granted the sole authority to offer doctoral degrees. However, in recent years the Legislature has authorized the CSU to go beyond its original mission to offer a limited number of professional doctoral degrees so long as programs do not duplicate those offered by the UC with primary jurisdiction. The process for which CSU doctoral degrees are reviewed and approved is prescribed in statute. Additionally, fees are capped at the rate charged at the UC, no additional funding is provided by the state, and these programs are to be implemented without diminishing or reducing enrollment in undergraduate programs. Current law also authorizes the offering of joint doctoral degrees with UC or if approved by CPEC (unfunded state agency) with an independent institution of higher education. In addition to graduate (master's) and undergraduate, this bill authorizes international joint-doctoral degree partnerships. It further notwithstanding any other law for those purposes. Concerns have been raised that allowing CSU to establish new partnerships through the doctoral level, may inadvertently circumvent the existing CSU doctoral approval process. As such staff **recommends that the bill be amended** to align it with the current CSU doctoral degree approval process as follows:

(b) (1) The California State University shall offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education, including teacher education. ~~Notwithstanding any other law,~~ Undergraduate and graduate degrees may be awarded jointly with international institutions of higher education **including doctoral degrees authorized pursuant to EC Section 66046.2.** Presently established two-year programs in agriculture are authorized, but other two-year programs shall be permitted only when mutually agreed upon by the Trustees of the California State University and the Board of Governors of the California Community Colleges.

(2) The doctoral degree may be awarded jointly with the University of California, as provided in subdivision (c) and pursuant to Section 66904. The doctoral degree may also be awarded jointly with one or more independent institutions of higher education provided that the proposed doctoral program is approved by the California Postsecondary Education Commission. ~~Notwithstanding any other law, The doctoral degree may be awarded jointly with international institutions of higher education.~~

(3) Research, scholarship, and creative activity in support of its undergraduate and graduate instructional mission is authorized in the California State University and shall be supported by the state.

(4) The primary mission of the California State University is undergraduate and graduate instruction through the master's degree

6) **Prior legislation.**

AB 656 (McCarty, Chapter 663, Statutes of 2023), authorized the CSU to award professional or applied doctoral degrees statewide, provided that only 10 baccalaureate degree programs are approved per academic year and do not duplicate doctoral degrees offered by the UC, as specified.

SUPPORT

California-Mexico Studies Center (Co-Sponsor)
Latino Education and Advocacy Days (Co-Sponsor)
Hispanic Association of Colleges & Universities

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2953 **Hearing Date:** June 19, 2024
Author: Alvarez
Version: March 11, 2024
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Public postsecondary education: University of California and California State University: first-generation students: outreach and admission.

SUMMARY

This bill requires the California State University (CSU), and requests the University of California (UC) to develop and implement a four-year accountability plan for outreach and admission of first-generation students to their institutions. The bill further requires that CSU and requests that UC, submit a report to the Legislature on these plans, beginning January 1, 2026, and annually thereafter.

BACKGROUND

Existing law:

- 1) Establishes the Donahoe Higher Education Act, setting forth the mission of the UC and the CSU. (Education Code (EC) § 66010, et seq.)
- 2) Establishes the CSU system and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and 89030, et seq.)
- 3) Establishes the UC as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)

ANALYSIS

This bill:

- 1) Requires the CSU and requests the UC to develop and implement a 4-year accountability plan for outreaching and admitting first-generation students to their respective segment.

- 2) Requires the CSU and requests the UC to target outreach under the plan to geographic areas of California that are disproportionately underrepresented in admission to the segment and have low rates of completion of the A–G admission requirements.
- 3) Stipulates that the prescribed plan may build on a current initiative, plan, or program of the segment to facilitate outreach to first-generation students.
- 4) Requires the CSU, and requests the UC to, submit an annual report, commencing January 1, 2026, to the Assembly Committee on Education, the Assembly Committee on Higher Education, and the Senate Committee on Education on the implementation and ongoing administration of the bill’s provisions. It further specifies that the report may include legislative recommendations to prioritize first-generation students for outreach and admission to the segments.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “We must urge CSU and UC administrations to spearhead a 4-year accountability plan dedicated to amplifying the presence of first-generation students on our campuses. By strategically targeting underrepresented areas in California and ensuring outreach efforts are robust, we can pave the way for more equitable access to education. A commitment to reporting not only holds the segments accountable but also showcases a dedication to transparency and improvement. This initiative works to breaking down barriers and empowering individuals who have historically been marginalized. Let’s set a precedent that outreaches to first-generation students, laying the groundwork that expands higher education access for all.”
- 2) **Renewed focus on first generation college students.** First-generation college students are commonly identified as individuals whose parents did not complete a baccalaureate degree. These students face the realities of missing a valuable source of preparation and guidance that comes with having parents who have completed college. As a result, they are likely to experience significant challenges in accessing college, succeeding academically once they enroll, and completing their degree. Despite these challenges, many succeed, and degree attainment often means improved economic conditions for themselves and their children. According to the Center for First Generation Student Success’ 2020 factsheet, the median income of first-generation students’ parents was \$41,000 in both 2016 and 2020, whereas the median income of continuing-generation students’ parents increased from \$90,000 in 2016 to \$103,000 in 2020. For first-generation college graduates, UC reports that 7 years after graduation UC first generation students’ median income has surpassed that of their families. College success can be life changing for these students. The Center for First Generation Student Success indicates that, across postsecondary education, there is a renewed focus on first-generation college students due to shifting populations entering higher education, continual increases in first-generation college student enrollment, the debate surrounding rising tuition and costs, and genuine desires for a rise in graduation rates and a better-prepared workforce. This bill requires

the CSU, and requests the UC to, to create and execute a four-year accountability plan aimed at outreaching to, and admitting first-generation students to their respective institutions. Staff understands that each segment is already engaged in these efforts to varying degrees.

- 3) **First-generation college students in California.** As indicated in the Assembly Higher Education Committee analysis, the California Community College (CCC) DataMart system identified 433,792 first-generation students attending a CCC in the fall of 2023. In the fall of 2023, the CSU reported that approximately 136,300 undergraduate students had parents who did not attend college, and the UC reported that 37 percent of undergraduates identified as first-generation college students. Several programs have been established on campuses to support first-generation students and other under-resourced students succeed in college, including all of the following:
- a) The Educational Opportunity Program (EOP), established in 1969, focuses on providing support programs to help first-generation and economically disadvantaged students succeed in their undergraduate programs. While the EOP is primarily on California State University campuses, a version of EOP also exists on CCC campuses and is called Extended Opportunity Programs and Services.
 - b) The Puente Project was originally established by Chabot College and has since expanded to community colleges across that state. Puente Project primary goal is to help community college students successfully transfer to four-year universities by providing academic and mentoring support.
 - c) The Umoja program is a nationally recognized program currently offered at the CCC, CSU, and UC and is focused on assisting Black students matriculate to graduation.
 - d) Asian American, Native American, and Pacific Islander (AANHPI) Student Achievement Program at CSU and UC. It is designed to provide tailored academic assistance for underserved and first-generation AANHPI students.

In recent years, the Legislature has specifically appropriated funding through the budget process several support these projects.

- 4) **UC/CSU A-G course requirements.** High school students are required to take a total of 15 courses across seven subject areas just to be eligible to attend the UC or CSU directly from high school. Additionally, a student must receive a grade of “C” or better in each course for that course to count toward the requirement. Those requirements are as follows:
- Area A -Two years of history/social science, including one year of world history, cultures and historical geography, and one year of U.S. history, or one-half year of U.S. history and one-half year of American government or civics.

- Area B - Four years of college preparatory English that integrates reading of classic and modern literature, frequent and regular writing, and practice listening and speaking.
- Area C - Three years of college-preparatory math, including or integrating the topics covered in elementary and advanced algebra and two- and three-dimensional geometry. *Four years strongly recommended.*
- Area D - Two years of laboratory science providing fundamental knowledge in at least two of the three disciplines of biology, chemistry and physics. *Three years strongly recommended.*
- Area E - Two years of the same language other than English or equivalent to the second level of high school instruction.
- Area F - One year of visual and performing arts chosen from dance, music, theater or the visual arts.
- Area G - One year of a college-preparatory elective beyond those used to satisfy the requirements above, or courses that have been approved solely in the elective area.

This bill attempts to focus outreach efforts on specific geographic areas within California that are disproportionately underrepresented in admission to the higher education segment and have low rates of completion of A-G admission requirements.

- 5) **Amendment.** In order to maintain consistency with other statutes and measures, **staff recommends amending the bill** to replace the term “first-generation students” with “first-generation *college* students” throughout the bill.
- 6) **Related legislation.**

ACR 147 (Alvarez), which is pending a hearing in the Assembly Committee on Appropriations, designates November 8, 2024, as “California’s First-Generation College Celebration Day” and urges higher education institutions in California to recognize and celebrate the day to further support first-generation college students.

SUPPORT

Mana De San Diego (Sponsor)
California Charter Schools Association
Universidad Popular

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2925	Hearing Date:	June 19, 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 2968	Hearing Date:	June 19, 2024
Author:	Connolly		
Version:	June 10, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: School safety and fire prevention: fire hazard severity zones: comprehensive school safety plans: communication and evacuation plans.

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

SUMMARY

Requires, as part of a local educational agency (LEA), county offices of education (COEs), and charter schools school safety plan beginning the 2026-27 fiscal year, to establish a procedure to identify appropriate refuge shelter for all pupils and staff to be used in the event of an evacuation order and create defensible spaces, as specified.

BACKGROUND

Existing Law:

- 1) Requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones (VHFHSZ) based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Requires moderate, high, and VHFHSZ to be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread. (Government Code (GOV) 51178)
- 2) Requires the State Fire Marshal to periodically review zones designated and rated pursuant to this article and, as necessary, revise zones or their ratings or repeal the designation of zones. (Public Resources Code (PRC) 4204)
- 3) Requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a VHFHSZ designated by the local agency at all times do all of the following:
 - a) Maintaining defensible space of 100 feet from each side and front and rear of a structure, but not beyond the property line, except as provided. The amount of fuel modification necessary must consider the structure's flammability, building material, building standards, location, and vegetation type. Fuels must be

maintained and spaced in a condition that a wildfire burning under average weather conditions would be unlikely to ignite the structure. Does not apply to single specimens of trees or vegetation that are well-pruned and maintained to effectively manage fuels and prevent fire transmission from nearby vegetation. The intensity of fuel management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being used between 5 and 30 feet around the structure. Steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds. A greater distance may be required by state law, local ordinance, rule, or regulation.

- b) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
 - c) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.
 - d) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.
 - e) Before constructing a new dwelling or structure, or rebuilding one damaged by a fire, a building permit is required. The owner must obtain a certification from the local building official that the structure complies with state and local building standards as specified. The certification must be provided to the insurer providing construction insurance coverage. After completion, the owner must obtain a final inspection report from the local building official, demonstrating compliance with all applicable building standards. (GOV 51182 (a))
- 4) Requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, to at all times maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as provided. (PRC 4291)
 - 5) Requires the California Department of Forestry and Fire Protection (CAL FIRE) to develop and implement a training program to train individuals to support and augment the CAL FIRE in its defensible space and home hardening assessment and public education efforts. (PRC 4291.6)
 - 6) Each county is designated as an operational area, serving as a link in the state's emergency system and coordination between its emergency centers and political subdivisions. The governing bodies and subdivisions can organize and structure their operational areas for emergency activities. (GOV 8605)
 - 7) Defines an "operational area" is an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area. (GOV 8559 (b))

ANALYSIS

This bill:

- 1) Requires, as part of a LEAs, COEs, and charter schools school safety plan beginning the 2026-27 fiscal year, to establish a procedure to identify appropriate refuge shelter for all pupils and staff to be used in the event of an evacuation order by local authorities and notify the operational area having jurisdiction within the school's boundaries of this identified refuge, in order to first prioritize the safety of pupils and staff, and then the defense of that structure in the event of a fire and requires each school that is located in a high or VHFHSZ, as specified, to coordinate the procedure with the operational area having jurisdiction within the school's boundaries, in addition to clarifying that a school under the jurisdiction of a school district or county office of education, the school district or county office of education shall be the entity that coordinates with the operational area having jurisdiction within each of the school's boundaries.
- 2) Requires LEAs, COEs, and charter schools beginning the 2026–27 fiscal year, the development by each public school that is a school and that is in a high or VHFHSZ, as specified, of a communication and evacuation plan, to be used in the event of an early notice evacuation warning, that allows enough time to evacuate all pupils and staff.
- 3) Defines “Operational area” means an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area, that serves as a link in the system of communication and coordination between the state’s emergency operation centers and the operating centers of the political subdivisions that make up the operational area, as specified.
- 4) Defines “School” to mean a private school or a public school, including a charter school, serving more than 50 students or pupils, as applicable, in kindergarten or any of grades 1 to 12, inclusive.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Wildfire evacuation plans in schools are crucial for ensuring the safety and well-being of students, staff, and faculty. This bill requires clear procedures for swiftly and efficiently transporting students and staff to a designated shelter, as well as improving defensible space standards to slow the threat of wildfire to a school structure. By establishing and practicing comprehensive wildfire safety protocols, schools can minimize panic, confusion, and potential injuries during emergency situations and effectively facilitate a safe wildfire evacuation.”
- 2) ***Extreme Weather Conditions.*** California's climate will become hotter, drier, and more variable, increasing the risk of wildfires, droughts, floods, biodiversity loss, and rising sea levels. The economic cost of these losses by 2050 will exceed \$100 billion annually. Global temperatures are rising, with nine of the ten hottest years recorded in the last decade. By 2025, California's statewide average temperature is predicted to increase by 1.9°F, and by 2050, by 4.6°F. Populations in wealthier parts of the

state along the coast are at greater risk for health-related issues due to inadequate built environments for warmer temperatures. Urban areas have higher temperatures due to the urban heat island effect, increasing health risks associated with extreme heat. Strategies such as shading, green spaces, and better building and paving materials can mitigate the urban heat island effect.

- 3) **Wildfires Contribute to School Closures.** According to CalMatter, the Disaster Days series compiled data from waivers submitted to the California Department of Education (CDE) from LEAs requesting credit for funding lost due to school closures since 2022. It was found that nearly two-thirds of California's 34,000 school closure days have been due to wildfires, with more than half of these occurring after 2015, indicating a growing trend in wildfire-related closures. Reasons for closures include poor air quality, fire damage, and power outages caused by wildfires.

In the 2018-2019 school year, almost 4,900 school closure days affected 2,260 schools and over 1.2 million students, roughly 1 in 5 in California. That year, 62% of closures were related to the November 2018 Camp fire. In the fall of the 2019-2020 school year, power shutoffs were a significant cause of school closures. Between September and November 2019, schools in at least 34 counties issued temporary closures due to fires and preventive power shutoffs.

In November 2018, over 180 school districts, with a combined enrollment of more than 1 million students, reported at least one school closure day due to hazardous air quality from fires in Butte County and Ventura County. The length of school closures has also notably increased in recent years. Previously, only a few schools reported losing ten or more instructional days in a year due to wildfire-related school closures, but in the last two years, that number has risen to more than 270. CalMatters identified at least 480 California public schools that have lost ten or more instructional days due to fire-related issues since the 2017-18 term.

- 4) **Creating Defensible Spaces.** In recent years, California has seen many highly destructive wildfires. 13 of the 20 most damaging wildfires in California's recorded history (based on the number of structures lost) have occurred since 2017. These 13 fires caused massive devastation, destroying nearly 40,000 structures, claiming 148 lives, and burning millions of acres.

Defensible space is the area around a building that serves as a buffer between the structure and the surrounding grass, trees, and shrubs. It is essential for slowing or stopping the spread of wildfires and protecting buildings from catching fire. According to a 2019 analysis by the CAL FIRE, noncompliant structures are about five times more likely to be destroyed by wildfire than compliant ones.

For all structures within the state responsibility area and VHFHSZ, the required defensible space is 100 feet. CAL FIRE also mandates the removal of dead plants, grass, weeds, dry leaves, and pine needles within 30 feet of a structure. Additionally, tree branches should be at least 10 feet from a chimney, and other trees should be within the same 30 feet distance from a structure. AB 3074 (Friedman, Chapter 259, Statutes of 2020) introduced an ember-resistant zone requirement within five feet of a structure as part of revised defensible space requirements for structures in FHSZs.

However, the Board has not yet established regulations for this requirement (Zone 0).

These requirements apply to buildings or structures in, upon, or adjoining mountainous areas, forest-covered lands, shrub-covered lands, grass-covered lands, or lands with flammable material.

SB 63 (Stern, Chapter 382, Statutes of 2021) mandates CAL FIRE to adopt all three VHFHSZs in the local responsibility area (LRA), which includes incorporated cities, urban regions, agricultural lands, and portions of the desert where the local government is responsible for wildfire protection. Currently, only VHFHSZs are adopted for the LRA. Once all VHFHSZs are developed for the LRA, schools in those zones will be required to establish defensible space. However, these maps have not been adopted yet.

Where Does the School Safety Fit in To This Bill?

Existing law specifies that LEAs, COEs, and charter schools are responsible for the overall development of school safety plans. Each school must develop a safety plan that includes procedures and policies to ensure student and staff safety at a school site. The components of the plan range from child abuse reporting procedures, disaster procedures, pandemic response, earthquake emergency procedures, and procedures to allow a public agency to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

Current law related to school safety plans requires the school site council to consult with a law enforcement agency, a fire department, and other first responders each year when updating the school safety plan and notify each entity of any updates that occur during the year. Further, current law requires each school site with two or more classrooms and 50 or more students to have a fire alarm system, monthly fire drills for elementary and intermediate-level students, and twice-yearly fire drills for secondary students.

This bill adds requirements for each school in a high-risk zone to coordinate with the fire department to identify appropriate refuge shelters for all students and staff to be used in the event of a shelter-in-place order by local authorities and notify the fire department to prioritize the defense of that structure in the event of a fire. In addition, this bill requires each school in a high-risk zone to develop a communication and evacuation plan, which can be used in the event of an early notice evacuation warning, allowing enough time to evacuate all pupils, students, and staff.

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

a) Remove private schools from the definition of “school.”

6) **Related Legislation.**

SB 63 (Stern, Chapter 382, Statutes of 2021) makes multiple changes to state law to enhance fire prevention efforts by the California Department of Forestry and Fire

Prevention, including among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply.

AB 2126 (O'Donnell, 2020) would have required the CDE to develop and implement a website, app, and survey to collect temporary school closure information from school districts, including whether they have a plan to provide meals and instruction during these closures. *This bill was held in the Senate Appropriations Committee.*

AB 2127 (O'Donnell, 2020) would have required LEAs to provide the CDE information related to each school facility, schoolsite, or school property owned or leased by the LEA in order to improve coordination between LEAs and emergency response agencies during emergencies. *This bill was held in the Senate Education Committee.*

AB 1837 (Smith, 2020) would have required the Superintendent of Public Instruction to establish a State Assistance for Emergency Response Team within the CDE to provide guidance and support to LEAs experiencing emergencies. *This bill was held in the Senate Education Committee.*

AB 9 (Wood, Chapter 225, Statutes of 2022) establishes the Regional Forest and Fire Capacity Program (RFFCP) in the Department of Conservation (DOC), creates a deputy director of Community Wildfire Preparedness and Mitigation (deputy director) within the Office of the State Fire Marshal (OSFM), and transfers and delegates certain duties related to fire safety and wildfire prevention from CAL FIRE and the Director of CAL FIRE to the OSFM and the State Fire Marshal, as provided.

SUPPORT

California Federation of Teachers
California Fire Chiefs Association
California Professional Firefighters
California School Employees Association
Fire Districts Association of California
Fire Safe Marin

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 3010	Hearing Date:	June 19, 2024
Author:	Bauer-Kahan		
Version:	April 29, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation.

SUMMARY

This bill would require the Instructional Quality Commission (IQC), when the Health Education Framework for California Public Schools (Health Framework) is next revised, on or after January 1, 2025, to consider including information on evidence-based schoolwide programs to support pupils in developing skills in mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the IQC, during the next revision of the publication Health Framework, to consider developing, and recommending for adoption by the State Board of Education (SBE), a distinct category on mental health instruction to educate students about all aspects of mental health. (EC § 51900.5 (a))
- 2) Requires each local educational agency (LEA), charter school, and state special school that offers one or more courses in health education to students in middle school or high school to include in those courses instruction in mental health, which includes all of the following:
 - a) Reasonably designed instruction on the overarching themes and core principles of mental health;
 - b) Defining signs and symptoms of common mental health challenges. States that, depending on student age and developmental level, this may include defining conditions such as depression, suicidal thoughts and behaviors, schizophrenia, bipolar disorder, eating disorders, and anxiety, including post-traumatic stress disorder;
 - c) Elucidating the evidence-based services and supports that effectively help individuals manage mental health challenges;

- d) Promoting mental health wellness and protective factors, which include positive development, social and cultural connectedness and supportive relationships, resiliency, problem solving skills, coping skills, self-esteem, and a positive school and home environment in which students feel comfortable;
 - e) The ability to identify warning signs of common mental health problems in order to promote awareness and early intervention so that students know to take action before a situation turns into a crisis, including instruction on both of the following:
 - i) How to seek and find assistance from professionals and services within the school district that includes, but is not limited to, school counselors with a student personnel services credential, school psychologists, and school social workers, and in the community for themselves or others; and
 - ii) Evidence-based and culturally responsive practices that are proven to help overcome mental health challenges.
 - f) The connection and importance of mental health to overall health and academic success and to co-occurring conditions, such as chronic physical conditions, chemical dependence, and substance abuse;
 - g) Awareness and appreciation about the prevalence of mental health challenges across all populations, races, ethnicities, and socioeconomic statuses, including the impact of race, ethnicity, and culture on the experience and treatment of mental health challenges; and
 - h) Stigma surrounding mental health challenges and what can be done to overcome stigma, increase awareness, and promote acceptance, including, to the extent possible, classroom presentations of narratives by trained peers and other individuals who have experienced mental health challenges and how they coped with their situations, including how they sought help and acceptance. (EC § 51900.5 (b))
- 3) Requires the IQC, in the normal course of recommending curriculum frameworks to the SBE, to ensure that one or more experts in the mental health and educational fields provide input in the development of the mental health instruction in the Health Framework. (EC § 51900.5 (c))
- 4) Expresses the intent of the Legislature that the governing board of each school district and each county superintendent of schools maintain fundamental school health services at a level that is adequate to accomplish all of the following: preserve students' ability to learn, fulfill existing state requirements and policies regarding students' health, and contain health care costs through preventive programs and education. (EC § 49427)
- 5) Requires schools to notify students and parents at least twice during the school year on how to access student mental health services on campus or in the community,

and authorizes schools to apply to their respective county for a grant from the county's allocation of Mental Health Services Act funds to provide these services. (EC § 49428)

- 6) Requires the CDE to develop model referral protocols for addressing student mental health concerns, in consultation with specified agencies and stakeholders, and authorizes these protocols to be used on a voluntary basis by schools. (EC § 49428.1)
- 7) Requires the CDE, by January 1, 2023, to recommend best practices, and identify evidence-based and evidence-informed training programs for schools to address youth behavioral health, including staff and student training, contingent upon an appropriation for this purpose. (EC § 49428.15)

ANALYSIS

This bill:

- 1) Requires the IQC, when the Health Framework is next revised, on or after January 1, 2025, to consider including information on evidence-based schoolwide programs to support pupils in developing skills in mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The statistics on the mental health of our young people are staggering. The most recent data from the United States Center for Disease Control shows that 42% of students felt hopeless and more than 1 in 5 students have seriously considered suicide. These numbers are unacceptable and the reality behind them is heart breaking. We have a crisis on our hands and the focus thus far focus has been on intervention after a student experiences a mental health emergency. We must do more to educate students and give them concrete resources. AB 3010 will bring strong evidence-based mental health support to all students, ensuring that we are providing education and prevention resources before they reach a crisis with their mental health."
- 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.

- 3) **Addressing Mental Health Among Students.** The impact of mental health problems on students' lives is significant. These issues can diminish their quality of life, academic performance, and physical well-being. Moreover, mental health challenges can also strain their relationships with friends and family. In the long run, students may encounter negative consequences, such as diminished future job prospects, earning potential, and overall health.

A study by the Centers for Disease Control revealed that in 2021, 42% of high school students reported feeling so sad or hopeless for at least two consecutive weeks in the previous year that they stopped engaging in their usual activities, up from 26% in 2009. Furthermore, incidents of suicidal thoughts, suicide attempts, and suicides among young people have increased, with Black children being nearly two times more likely than their white peers to die by suicide, as per the U.S. Centers for Disease Control and Prevention's Youth Risk Behavior Survey.

Robust mental health is a critical factor for students' academic success. Students with a positive mental state are better learners, retain information more effectively, and reach their full potential. Their mental well-being also plays a crucial role in their overall well-being and social development. Students with good mental health can form stronger relationships, make better decisions, and work collaboratively with their peers. Furthermore, students with positive mental health are more likely to become responsible and productive members of their communities as they transition into adulthood. They possess a better self-awareness and are better equipped to navigate the challenges of becoming adults. Therefore, it is essential to prioritize mental health education and promote a positive mental state among students.

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

This bill would require the IQC to consider including information on evidence-based schoolwide programs to support pupils in developing skills in mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation.

Health Education Courses Include Instruction on Mental Health.

Current law requires each LEA, charter school, and state special school that offers one or more courses in health education to students in middle school or high school to include in those courses instruction in mental health, which includes all of the following:

- Reasonably designed instruction on the overarching themes and core principles of mental health;
 - Defining signs and symptoms of common mental health challenges;
 - Elucidating the evidence-based services and supports that effectively help individuals manage mental health challenges;
 - Promoting mental health wellness and protective factors;
 - The ability to identify warning signs of common mental health problems;
 - How to seek and find assistance from professionals and services within the school district;
 - Evidence-based and culturally responsive practices that are proven to help overcome mental health challenges;
 - The connection and importance of mental health to overall health and academic success and to co-occurring conditions;
 - Awareness and appreciation about the prevalence of mental health challenges across all populations, races, ethnicities, and socioeconomic statuses; and
 - Stigma surrounding mental health challenges and what can be done to overcome stigma, increase awareness, and promote acceptance.
- 5) **Best Practices and Training Resources for Staff.** Pursuant to SB 14 (Portantino, Chapter 672, Statutes of 2021) the CDE was required to recommend, by January 1, 2023, best practices and identify evidence-based and evidence-informed training programs for schools to address youth behavioral health, including, but not necessarily limited to, staff and pupil training.

On the CDE's website, the department has identified the Youth Mental Health First Aid (YMHFA) a research-based curriculum created upon the medical first aid model. It is designed to provide parents, family members, caregivers, teachers, school staff, neighbors, and other caring adults with skills to help a school-age child or youth who may be experiencing emotional distress, the onset of a mental illness, addiction challenge, or who may be in crisis. YMHFA participants learn to recognize signs and symptoms of children and youth in emotional distress, initiate and offer help, and connect the youth to professional care through a five-step action plan.

- 6) **Other Efforts By California To Address Youth Mental Health.** Since 2019, California has taken action to address youth mental health. California has enacted

grant programs and established initiatives to provide schools proper support to assist students and families.

California Community Schools Partnership Program (CCSPP).

A community school is a public school that serves students from pre-kindergarten through grade twelve, and it has partnerships with the local community to support improved academic outcomes, whole-child engagement, and family development.

In response to longstanding inequities exacerbated by the COVID-19 pandemic, California supported CCSPP investments in 2020, 2021, and 2022. In 2020, the California Legislature allocated \$45 million in Federal Elementary and Secondary School Emergency Relief (ESSER) to support existing community schools throughout the state. Then, in 2021, the California Legislature passed the California Community Schools Partnership Act in 2022, the Legislature expanded the program by adding funds and extending the program to 2031. Between 2021 and 2022, the Legislature allocated a historic \$4.1 billion in state dollars to support new and existing community schools, particularly those serving high concentrations of high-need students.

The partnership strategies of community schools include integrated support services, extended learning time, and collaborative leadership and practices for educators and administrators. Community schools use a community-driven shared decision-making approach to improve access to nurses, counselors, and social workers. This creates community hub campuses where students and families have easy access to the services needed to close opportunity gaps.

Multitiered Systems of Support (MTSS).

MTSS is a comprehensive framework that aligns academic, behavioral, social, and emotional learning and mental health supports in a fully integrated system of support for the benefit of all students. CA MTSS offers the potential to create needed systematic change through intentional design and redesign of services and supports to identify and match all students' needs quickly. The MTSS framework provides opportunities for LEAs to strengthen school, family, and community partnerships while developing the whole child in the most inclusive, equitable learning environment, thus closing the equity gaps for all students.

Children and Youth Behavioral Health Initiative (CYBHI).

Established as part of the Budget Act of 2021, the CYBHI is a multiyear, multi-department package of investments that seeks to reimagine the systems, regardless of payer, that support behavioral health for all California's children, youth, and their families. Efforts will focus on promoting social and emotional well-being, preventing behavioral health challenges, and providing equitable, appropriate, timely, and accessible services for emerging and existing behavioral health (mental health and substance use) needs for children and youth ages 0-25. CYBHI is grounded in focusing on equity; centering efforts around children and youth voices, strengths, needs, priorities, and experiences; driving transformative systems change; and using ongoing learning as the basis for change and improvement in outcomes for children and youth.

In January 2024, the California Department of Health Care Services (DHCS), in partnership with Kooth and Brightline, is launching two behavioral health virtual services platforms for children, youth, and families. Launching as a part of the state's CalHOPE program, with funding from the CYBHI a \$4.6 billion investment in youth behavioral health, the web- and app-based platforms will offer all California residents, regardless of insurance coverage, free one on one support with a live coach, a library of multimedia resources, wellness exercises, and peer communities moderated by trained behavioral health professionals to ensure the appropriateness of content and the safety of all users. These new CalHOPE platforms will complement existing services offered by health plans, counties, and schools by providing additional care options and resources for parents and caregivers, children, youth, and young adults in California.

7) ***Related Legislation.***

AB 2429 (Alaverz, 2024) requires any governing board of a LEA or charter school that had elected to require its pupils to complete a course in health education for graduation from high school include instruction in the dangers associated with fentanyl use, as specified, commencing the with the 2026-27 school year.

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

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

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 (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 1871 (Alanis, 2024) this bill includes personal finance within the H-SS area of study within the adopted course of study for grades 7 to 12.

SUPPORT

None received

OPPOSITION

None received

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