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AGENDA

Wednesday, June 26, 2024
9 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | |
|------|---------|------------|---|
| 1. | AB 252 | Holden | The College Athlete Protection Act. |
| 2. | AB 1825 | Muratsuchi | California Freedom to Read Act. |
| 3. | AB 2316 | Gabriel | Pupil nutrition: substances: prohibition. |
| 4. | AB 2508 | McCarty | Student financial aid: California Kids Investment and Development Savings (KIDS) Program: foster youth. |
| 5. | AB 1917 | Muratsuchi | Local educational agencies: governance training. |
| 6. | AB 2226 | Muratsuchi | Elementary education: kindergarten. |
| *7. | AB 1885 | Addis | Student Success Completion Grant program. |
| 8. | AB 1919 | Weber | Pupil discipline: suspension: restorative justice practices. |
| *9. | AB 2019 | Hoover | Early and middle college high schools and programs. |
| *10. | AB 2831 | Hoover | School facilities: Office of Small School Facilities and Construction. |
| 11. | AB 3216 | Hoover | Pupils: use of smartphones. |
| 12. | AB 2093 | Santiago | Community colleges: California College Promise: fee waiver eligibility and funding formula. |
| *13. | AJR 13 | Santiago | Tuition assistance programs. |

14.	AB 2507	Friedman	Student financial aid: Students at Risk of Homelessness Emergency Pilot Program.
*15.	AB 2534	Flora	Certificated employees: disclosures: egregious misconduct.
*16.	AB 2690	Joe Patterson	Pupil safety: parental notification: synthetic drugs.
*17.	AB 2834	Rendon	Public postsecondary education: part-time faculty.
18.	AB 2883	Low	California State University: University of California: Lunar New Year holiday.
19.	AB 3034	Low	Public postsecondary education: waiver of tuition and fees: California Conservation Corps.
*20.	AB 2936	Jackson	Higher Education Reconciliation Act.
21.	AB 3015	Ramos	Public postsecondary education: exemption from nonresident tuition and fees: federally recognized Indian tribes.
*22.	AB 3087	Mike Fong	California Community Colleges Economic and Workforce Development Program.
23.	AB 3158	Berman	Community colleges: West Valley-Mission Community College District.
24.	AB 3240	Calderon	California Ban on Scholarship Displacement Act of 2021: Cal Grant awards.

***Measures on Consent.**

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 252 **Hearing Date:** June 26, 2024
Author: Holden
Version: May 30, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: The College Athlete Protection Act.

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

SUMMARY

Establishes the College Athlete Protection (CAP) Act and program for the purpose of providing various rights, benefits, and protections to college athletes.

BACKGROUND

Existing Law:

- 1) Any coeducational Institution of Higher Education (IHE) that participates in Title IV, the federal student aid program, and has an intercollegiate athletics program, must comply with the Equity in Athletics Disclosure Act (EADA) by preparing an annual report, officially called The Report on Athletic Program Participation Rates and Financial Support Data. (34 Code of Federal Regulation (CFR) § 668.47)
- 2) A postsecondary educational institution shall not uphold any rule, requirement, standard, or other limitation that prevents a student of that institution participating in intercollegiate athletics from earning compensation due to the use of the student’s name, image, likeness, or athletic reputation. Earning a reward for using a student’s name, image, likeness, or athletic reputation shall not affect the student’s scholarship eligibility. (Education Code (EC) § 67456(a))
- 3) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall not provide a prospective student-athlete with compensation in relation to the athlete’s name, image, likeness, or athletic reputation. (EC § 67456(b))
- 4) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall not prevent a California student participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation provided by athlete agents or legal representation provided by attorneys. (EC § 67456(c))

- 5) A scholarship from the postsecondary educational institution in which a student is enrolled that provides the student with the cost of attendance at that institution is not compensation for purposes of this section, and a scholarship shall not be revoked as a result of earning compensation or obtaining legal representation pursuant to this section. (EC § 67456(d))
- 6) A student-athlete shall not enter into a contract providing compensation to the athlete for the use of the athlete's name, image, likeness, or athletic reputation if a provision of the contract is in conflict with a provision of the athlete's team contract. A student-athlete who enters into a contract providing compensation to the athlete for the use of the athlete's name, image, likeness, or athletic reputation shall disclose the contract to an official of the institution to be designated by the institution. An institution asserting a conflict shall disclose to the athlete or the athlete's legal representation the relevant contractual provisions that are in conflict. (EC § 67456 (e))
- 7) Requires an athletic program that does not renew an athletic scholarship of a student-athlete who suffers an incapacitating injury or illness resulting from his or her participation in the athletic program, and the IHE's medical staff determines that he or she is medically ineligible to participate in intercollegiate athletics, to provide an equivalent scholarship that, combined with the total duration of any previous athletic scholarship or scholarships received by the student-athlete, will be provided for a total of up to five academic years or until the student-athlete completes his or her undergraduate degree, whichever period is shorter. (EC § 67452 (a)(1))
- 8) Requires each athletic program to conduct a financial and life skills workshop for all its first-year and third-year student-athletes at the beginning of the academic year. (EC § 67452 (a)(2))
- 9) Requires an IHE to grant a student-athlete the same rights as other students concerning any and all matters related to possible adverse or disciplinary actions, including, but not necessarily limited to, actions involving athletically related financial aid. (EC § 67452 (a)(3))
- 10) Requires an athletic program to respond within seven business days with an answer to a student athlete's written request to transfer to another IHE. (EC § 67452 (a)(4))

ANALYSIS

This bill:

Establishes the CAP Program within the Office of Planning and Research

- 1) Establishes the CAP Program in the Office of Planning and Research and requires the program to be administered by the CAP Panel Program director, hired by the Office of Planning and Research as specified in 5) to implement the rules and regulations, standards, and policies adopted by the CAP panel board members.
- 2) Establishes the CAP Panel board and specifies the 13 members to be appointed to the board in the following manner:

- a) Seven members appointed by the Governor;
 - b) Three members appointed by the Speaker of the Assembly; and,
 - c) Three members appointed by the Senate Committee on Rules.
- 3) Specifies that out of the 13-members, at least two members must be former college athletes with experience in college athlete protection advocacy.
- 4) Specifies that CAP Panel board members are voluntary positions that receive per diem and paid travel accommodations, as determined by the CAP Program director and that one member, appointed by a majority vote, must serve as chairperson of the CAP Panel.
- 5) Requires the Office of Planning and Research to hire and establish compensation for a CAP Program director. Specifies the CAP Program director is a full-time position that must serve a six-year term that may be renewed with no term limits. Allows the CAP Program director will hire additional staff to assist in the implementation and enforcement of this Act. The CAP Program director, within 10 days of being hired, will initiate staff hiring activities with the goal of completing hiring activities by April 15, 2024. Additionally:
- a) The CAP Program director will provide CAP panel members with the information necessary to fulfill their duties under the Act;
 - b) The CAP Panel will consult with the CAP Program director when establishing CAP Program's regulations, standards, and policies under the Act;
 - c) The CAP Program director may engage with intercollegiate athletics stakeholders, including state and federal legislators and agencies, to provide information and encourage policies and action to support the implementation, operation, and expansion of college athlete rights and protections under this Act; and,
 - d) Requires the CAP Panel board members, at the discretion of the CAP Program director and consistent with the requirements of the Bagley-Keene Open Meeting Act, to conduct meetings, solicit information, and conduct its other duties and powers virtually, and use other methods to minimize costs of the CAP Program.
- 6) Specifies that a CAP Panel board member on the initial 13 member board to serve a four-year, five-year, or six-year term, as determined by the appointing authority. Additionally:
- a) It is the intent of the Legislature that the 13 member CAP Panel board members serve staggered terms;
 - b) All subsequent appointments made after the initial 13 member CAP Panel board is appointed will be six-year terms with no term limits; and,

- c) A CAP Panel board member and the CAP Program director may be reappointed to their position or appointed to a new position as specified.
- 7) Specifies that a CAP Panel board member and the CAP Program director must not have served, within five years of being appointed as a CAP Panel board member or hired as the CAP Program director, respectively, as an affiliated medical personnel, employee, or member of a governing body of an IHE, an out-of-state college or university that has an intercollegiate sports program, an intercollegiate sports conference, or an intercollegiate sports association, but requires two of the 13 CAP panel board members to be from a IHE, but not from the same IHE.
- 8) Requires the racial, ethnic, gender, and geographic diversity of California to be considered by the appointing authority, as specified in 2), when appointing CAP Panel board members.
- 9) Requires the appointed CAP Panel board members to have the following consistency, while maintaining that at least two of the CAP Panel board members are former college athletes with experience in college athlete protection advocacy, and allows CAP Panel board members to have overlapping areas of expertise:
- a) One member with expertise in sports medicine and traumatic brain injury;
 - b) One member with expertise in athletic training or physical therapy in sports;
 - c) One member with expertise in mental health;
 - d) One member with expertise in workplace health and safety compliance and investigations;
 - e) One member with expertise in sexual misconduct investigations;
 - f) One member with expertise in sexual misconduct investigations;
 - g) Two members who are former college athletes with experience in athlete health and safety issues;
 - h) One member with expertise in health care administration, medical claims, and the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);
 - i) One member with expertise in compliance with Title IX in athletics;
 - j) One member who is a certified public accountant with expertise in corporate financial audits and corporate compliance investigations;
 - k) One member with expertise in adjudicating complaints alleging violations of the law;
 - l) One member with expertise in arbitration; and,

- m) One member with expertise in grievance and appeals processes.
- 10) Requires the CAP Panel program director, in accordance with the regulations, standards, and policies adopted by the CAP Panel, to have all of the following enforcement duties and powers:
- a) Receive, track, and investigate complaints regarding reported violations, as specified;
 - b) If approved by the CAP Program general counsel, issue subpoenas, if necessary, to obtain information necessary to carry out its duties;
 - c) Require an IHE and out-of-state college or university that are subject to the provision of the Act to provide athletic grants, make payments for college athlete medical coverage and expenses, and provide other remedies that the CAP Panel deems necessary to ensure compliance with this Act;
 - d) Refer individuals, IHEs, and out-of-state colleges and universities that are subject to this Act and, who do not comply with a CAP Panel penalty or remedy imposed as specified, to the a district attorney for prosecution, and allows a district attorney to prosecute individuals and entities that do not comply with a CAP Panel penalty or remedy, as appropriate;
 - e) Distribute, on or before January 15, 2026, on an annual basis, a report to each IHE, intercollegiate athletic conference, athletic association, and the Legislature on the state of college athlete protections adopted under this Act;
 - f) Communicate with the Legislature about ways to improve this Act; and,
 - g) Upon appropriation by the Legislature, use funds in the CAP Fund to execute its duties and powers under this Act.
- 11) Requires the CAP Panel to have all of the following duties and powers:
- a) Adopt regulations, standards, and policies for the implementation and enforcement of this Act;
 - b) Determine, the best practice guidelines, health and safety standards, policies, or other informational materials that may benefit high school athletes, high school sports programs, and the California Interscholastic Federation, and make them available and easily accessible to the public;
 - c) At its discretion, implement collaborative and cost-reduction efforts with other states, local governments, intercollegiate sports conferences, intercollegiate sports associations, or other stakeholders to help protect the well-being of intercollegiate athletes in other states; and,
 - d) Hold quarterly meetings.

- 12) Specifies that, in addition to any other remedy or penalty authorized by law, individuals who violate this Act may be subject to remedies and penalties established pursuant to regulations adopted by the CAP Panel. These regulations include a system to appeal the CAP Panel's rulings. Penalties and remedies established by the CAP Panel may include any, or any combination, of the following:
 - a) Training to help prevent future violations;
 - b) Issuance of citations;
 - c) Requiring the IHE to notify its college athletes, prospective college athletes, and the public about citations issued due to violations committed by its employees, volunteers, or affiliated medical personnel;
 - d) Issuance of monetary fines and other remedies; and,
 - e) Bringing a violation against an individual to an administrative law judge for adjudication.
- 13) Specifies an administrative law judge who rules that an individual has committed a violation of this Act, may uphold CAP Program penalties and remedies or impose alternative penalties and remedies, including, but not limited to, requiring the institution to notify its college athletes, its prospective college athletes, and the public of the violation, including any penalties and remedies imposed due to the violation. And that an administrative law judge may suspend or permanently ban an individual from participating in intercollegiate athletics at any IHE if the administrative law judge finds any of the following:
 - a) That the individual's violation of this Act caused a life-threatening medical condition, sexual abuse, or death;
 - b) That the individual knowingly provided misleading information or knowingly omitted information that created an inaccuracy in the investigation of a life-threatening medical condition, sexual abuse, or death in violation of this Act;
 - c) That the individual threatened or retaliated against a college athlete or any individual or entity that reported a violation of this Act that caused a life-threatening medical condition, sexual abuse, or death; and,
 - d) That the individual failed to adequately respond to a complaint that would have prevented a life-threatening medical condition, sexual abuse, or death.
- 14) Requires the CAP Program, before imposing a penalty or remedy on an individual described in 13) be provided adequate notice and an opportunity for an administrative hearing conducted by an administrative law judge to defend themselves against any allegation of a violation of this Act.
- 15) Requires the CAP Panel to consider all of the following factors when imposing penalties and remedies for a violation of this Act:

- a) The number and duration of violations;
- b) Whether the violation was the result of an intentional or negligent action; and,
- c) The nature and extent of harm caused by the violation.

CAP Panel Fees For California Community Colleges, IHEs, and PEIs

- 16) Requires, on or before January 15, 2025, and annually thereafter, each IHE to pay an annual fee to the Office of Planning and Research, in an amount determined by the CAP Panel, as specified in 17) to cover the reasonable regulatory costs of the CAP Program. The annual fees collected pursuant to this section shall not exceed six million dollars (\$6,000,000) in aggregate per year. The CAP Panel may increase the annual fee limit to account for inflation. The annual fees shall be deposited in the CAP Fund as specified.
- 17) Requires that the CAP Panel to base the annual fees on each institution's total athletics revenue in the most recently published report that was submitted pursuant to the federal EADA to the United States Department of Education (USDE). The CAP Panel must establish the annual fees pursuant to all of the following requirements, and may adjust these fees, without exceeding the annual aggregate limit determined as specified:
 - a) IHEs with athletic revenue of less than \$2,499,999 shall each pay an annual fee of up to \$100;
 - b) IHEs with athletic revenue between \$2,500,000 and \$19,999,999, inclusive, will each pay an annual fee of up to 0.01 percent of their total athletics revenue from the previous year;
 - c) IHEs with athletic revenue between \$20,000,000 and \$29,999,999, inclusive, will each pay an annual fee of up to 0.1% of their total athletics revenue from the previous year;
 - d) IHEs with athletic revenue between \$30,000,000 and \$59,999,999, inclusive, will each pay an annual fee of up to 0.3% of their total athletics revenue from the previous year;
 - e) IHEs with athletic revenue of at least \$60,000,000 will each pay an annual fee of up to 1.3% of their total athletics revenue from the previous year; and,
 - f) Two-year IHEs shall each pay an annual fee of up to one \$100.
- 18) Specifies that, notwithstanding 16) and 17) above, for the first year in which an annual fee is assessed on IHEs, an IHE's annual fee shall be the maximum amount that may be assessed to the institution. Additionally, if the total amount of annual fees collected exceeds the reasonable regulatory costs of the CAP Program, up to \$6,000,000, the CAP program director shall return from the fund, upon appropriation by the Legislature, one-half of the annual fee paid by IHEs pursuant to the following priority schedule until the total amount exceeding the reasonable regulatory costs of

the CAP Program, up to seven million dollars (\$6,000,000), is returned in the following order:

- a) Institutions described in 17a) and 17f) shall receive first priority;
 - b) Institutions described in 17b) shall receive second priority;
 - c) Institutions described in 17c) shall receive third priority;
 - d) Institutions described in 17d) shall receive fourth priority; and,
 - e) Institutions described in 17e) shall receive fifth priority.
- 19) States it is intent of the Legislature that the CAP program director return annual fees pursuant to this paragraph within 60 days of being hired.

Health and Safety Standards Developed and Established By the CAP Panel

- 20) Requires an IHE to meet the health and safety standards that are developed, published, adopted, and enforced by the CAP Panel. In developing the health and safety standards, the CAP Panel must do all of the following:
- a) Consult with athletic associations, the UC, the CSU, the CCC, and the athlete health and safety advocacy community;
 - b) Consider existing health and safety guidelines of relevant entities, including, but not limited to, the National Collegiate Athletic Association, intercollegiate athletic conferences, professional sports leagues, and the National Athletic Trainers' Association; and,
 - c) Develop health and safety standards to prevent serious sports-related injuries, abuse, health conditions, and death, including, but not limited to, those related to traumatic brain injury, sexual harassment and abuse, athlete mistreatment, interpersonal violence, mental health, heat illnesses, sickle cell trait, rhabdomyolysis, asthma, cardiac health, weight management, and pain management.
- 21) Specifies that all reports of suspected health and safety violations at an IHE that occur on or after January 1, 2024, but before the CAP Panel adopts health and safety standard, will be submitted to the CAP Program director once the CAP Panel commences enforcing the health and safety standards.
- 22) Requires, within 90 days of implementation of the CAP Panel's health and safety standards developed, published, and adopted pursuant to 21) above, an IHE to comply with all of the following:
- a) Inform its athletic program employees and affiliated medical personnel of their responsibilities established pursuant to the standards;

- b) Inform college athletes of their rights and protections established pursuant to the standards, and inform college athletes of their right to report suspected violations of the standards to the athletic program personnel of their choice and, once the CAP Panel commences enforcing the standards adopted pursuant to this section, the CAP program director.
 - c) Designate at least one employee to oversee compliance with this section and to serve as a point of contact for the CAP Panel and submit to the CAP Panel the point of contact's email address, telephone number, and mailing address. If the institution of higher education fails to designate the point of contact for the CAP Panel, the institution's athletic director shall serve as the point of contact.
- 23) Allows the CAP Panel to require institutions of higher education to comply with the health and safety standards earlier than 90 days after they are adopted if the CAP Panel determines, in its discretion, that such compliance is important to prevent great harm to college athletes.
- 24) Requires the CAP Panel to have all of the following:
- a) Require transparency from IHEs on injury treatment options for college athletes;
 - b) Provide up-to-date information about sports-related health risks;
 - c) Ensure that physician, physical therapy, and athletic training records for all treatments of a college athlete by athletic program personnel in the course of the college athlete's participation in an athletic program are maintained for a period of 10 years after the college athlete leaves the athletic program. These records shall be provided to the college athlete or former college athlete in a timely manner upon request;
 - d) Ensure college athletes, athletic program personnel, and affiliated medical personnel are informed about their rights and responsibilities as specified;
 - e) Prevent deceptive or fraudulent practices that harm college athletes;
 - f) Calibrate mandates in consideration of athletic program size and resources when it deems it appropriate or necessary;
 - g) Require assistance from IHE to help survey college athletes and athletic program personnel, as necessary, under the CAP Program;
 - h) Conduct site visits and audits of athletic departments, as necessary, to verify compliance as specified;
 - i) Maintain and make publicly available on its internet website a list of individuals who are banned as specified from being involved in intercollegiate athletics at institutions of higher education; and,
 - j) Adopt regulations to implement and enforce this Act.

- 25) Requires all athletic program personnel, including employees, coaches, and affiliated medical personnel to report suspected violations of this section to the president or chancellor of the institution, the athletic director of the institution, and the CAP Program director.
- 26) Provides that, except as determined by a college athlete, affiliated medical personnel will have the autonomous, unchallengeable authority to determine medical management and return-to-play decisions for the college athlete. Coaches and athletic program personnel who are not affiliated medical personnel must not give the college athlete medical advice or attempt to influence or disregard affiliated medical personnel decisions.
- 27) Requires that affiliated medical personnel will be supervised and held accountable to comply with the health and safety standards adopted pursuant to this section by an IHE's office or department that is independent of the institution's athletic department.

Adds Specificity to Title IX Posting in Frequented Areas by Student Athletes

- 28) Requires a IHE to distribute a notice to each college athlete with all of the following information:
 - a) A college athlete's rights pursuant to Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.);
 - b) An individual notice stating: "All students have the right to report a sexual assault, without retaliation, to law enforcement, the office of the United States Department of Justice, the USDE Office for Civil Rights, (insert name of institution)'s mandated reporters, (insert name of institution)'s Title IX office, and the College Athlete Protection Program director.";
 - c) A college athlete's rights pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec. 1092(f));
 - d) A college athlete's rights, as specified; and,
 - e) Additional rights that the state affords specifically to college athletes.
- 29) Requires the notice distributed pursuant to 28) above to contain sufficient information to enable a college athlete to file a complaint for a violation of any of the rights identified in the notice. This information must include, but is not limited to, all of the following:
 - a) The telephone number used by the Office for Civil Rights for complaint reporting intake, and the telephone number of the Office for Civil Rights' regional enforcement office;
 - b) The internet website address of the Office for Civil Rights' online complaint form for Title IX complaint reporting;

- c) The internet website address used by the USDE for reporting violations of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as specified;
 - d) A list of the job classifications employed by the institution that are deemed mandated reporters, as specified, and the obligations of these mandated reporters;
 - e) The telephone number and internet website address for the CAP Program, once the program is operational pursuant to this chapter; and,
 - f) The telephone number of the United States Department of Justice.
- 30) Requires an IHE to post on campus in conspicuous locations frequented by college athletes, including, but not limited to, the institution's athletic training facilities, the notice distributed.
- 31) Requires that, upon the commencement of each academic year, the IHE will provide each college athlete a copy of the notice.

Title IX Compliance Evaluation

- 32) Requires that, on or before July 1 of each year, an IHE must comply with both of the following:
- a) Complete an evaluation of its compliance with Title IX in athletics and the Office for Civil Rights' Title IX in athletics regulations. The evaluation must include an aggregate analysis to determine all of the following:
 - i) Whether financial aid is provided on a substantially proportional basis to the number of the institution's male and female college athletes;
 - ii) Whether the institution's male and female college athletes receive equivalent nonfinancial aid athletic treatment, benefits, and opportunities;
 - iii) Whether the interests and abilities of the institution's male and female college athletes are equally effectively accommodated. Evaluation as specified will include measures of the institution's performance on each part of the three-part test described in the Office for Civil Rights' Title IX in athletics regulations published on December 11, 1979; and,
 - iv) The institution's determination about whether it is in compliance with Title IX in athletics and the specific indicators that provide evidence of its compliance or noncompliance.
 - b) Publish the evaluation on a publicly accessible internet website of the institution.
- 33) Requires that, at the beginning of the evaluation, pursuant to 32) above, the institution shall include the following statement: "To submit a Title IX complaint, you may contact" (contact information of the Office for Civil Rights and the institution's

Title IX coordinator) and state the appropriate contact information of the Office for Civil Rights and the institution's Title IX coordinator.

Medical Coverage For Post Athletic Careers

- 34) Requires an IHE that reports \$20,000,000 or more in annual revenue to the USDE to be financially responsible for the out-of-pocket sports-related medical expenses of each college athlete at the institution, and during the two-year period beginning on the date on which the college athlete officially becomes a former college athlete.
- a) 34) above does not apply to a college athlete who transfers to another IHE or out-of-state higher education institution and participates on an intercollegiate athletics team at that institution; and,
 - b) 34) above does not apply to a college athlete's medical expenses for medical conditions unrelated to the college athlete's intercollegiate sports participation that arise after the expiration of the college athlete's intercollegiate athletics eligibility.
- 35) Requires an IHE that reports \$50,000,000 or more in annual revenue to the USDE to comply with both of the following:
- a) Offer nationally portable primary medical insurance to each college athlete who is enrolled at the institution. This insurance will be paid for by the institution. The institution must not discourage a college athlete from accepting this insurance; and,
 - b) Pay the out-of-pocket sports-related medical expenses of each college athlete at the institution, and during the four-year period beginning on the date the college athlete officially becomes a former college athlete.
 - i) 35) above does not apply to a college athlete that transfers to another IHE or out-of-state college or university and participates on an intercollegiate athletics team at that institution; and,
 - ii) 35) above does not apply to a college athlete's medical expenses for medical conditions unrelated to the college athlete's intercollegiate sports participation that arise after the expiration of the college athlete's intercollegiate athletics eligibility.
- 36) Establishes that, if a college athlete at an IHE that is responsible for the college athlete's medical expenses, as specified in i) and ii) above, chooses to receive medical care that is not provided as specified or is not otherwise provided or paid for by the institution, the institution will offer to the college athlete to pay an amount that is the lesser of the following:
- a) The out-of-pocket expenses for that medical care; and,
 - b) The amount the institution would have paid if the college athlete had received the medical care provided or paid for by the institution.

- 37) Requires an IHE to pay for a college athlete to obtain an independent second opinion on an athletic program-related injury or medical condition endured by the college athlete and prohibits IHE personnel and affiliated medical personnel from withhold a college athlete's medical or athletic training records if the college athlete requests that those records be released to obtain an independent second opinion, or otherwise impede a college athlete's right to obtain an independent second opinion.
- 38) Requires that, no later than three days after the end of a college athlete's team season in the final year of the college athlete's intercollegiate athletics eligibility, or in the case of a transfer, no later than three days after the institution's receipt of a college athlete's notice of intent to transfer to another college or university, an IHE must provide the college athlete notice of, and an opportunity to undergo, a physical examination within or independent of the institution for the purpose of diagnosing an athletic program-related injury or medical condition.
- 39) Prohibits a IHE education personnel and affiliated medical personnel from discourage a college athlete or former college athlete from obtaining a physical examination; and requires that a former college athlete is provided with no less than 60 days to complete an injury.

Financial Literacy and Life Skills Workshops

- 40) Requires an IHE to administer a financial and life skills development workshop program. An IHE will require each college athlete at the institution to attend the financial and life skills development workshop program during the college athlete's first and third year of participation in an athletics program at the institution.
- 41) Specifies that a program developed pursuant to this section will include, but is not limited to, information on both of the following:
 - a) The rights of college athletes, as specified;
 - b) State and federal tax information, including NIL-related taxes, time management skills, personal budgeting, debt management, credit management, and interest rates information;
 - c) Information about the Miller-Ayala Athlete Agents Act; and,
 - d) Information about the importance of job experience in the job market, how to write a résumé, and strategies and skills regarding employment interviews.
- 42) Prohibits a service, when an IHE offers the information described in 40) above, from any marketing, advertising, referral, or solicitation by providers of commercial products or services.

Requires Sports Agents To Distribute Information Under the Miller-Ayala Act

- 43) Requires an athlete agent to provide any current or prospective college athlete that the agent seeks to represent and the college athlete's legal guardian or guardians, if

applicable, a completed copy of the athlete agent disclosure statement that the agent submitted to the Secretary of State pursuant to the Miller-Ayala Athlete Agents Act and allows any college athlete who enters into an agreement with an athlete agent who does not provide information about themselves, as specified in the disclosure statement that the agent submitted to the Secretary of State pursuant to the Miller-Ayala Athlete Agents Act, to not comply with the agreement, and have all remedies available under the law.

Prohibits an IHE from Upholding Any Rule Related to Benefits

- 44) An IHE will not uphold any rule, requirement, standard, or other limitation that prevents a college athlete at the institution from fully participating in intercollegiate athletics without penalty for any of the following:
- a) For receiving food, shelter, medical expenses, or medical or disability insurance from any source;
 - b) For receiving payment to cover expenses, direct provisions, or in-kind benefits from any source for purposes of transportation, room, board, and incidentals at college, or for purposes of meeting with legislators, providing testimony, or meeting with government agencies regarding intercollegiate athletics; and,
 - c) For a college athlete's family member or friend receiving payment, direct provisions, or in-kind benefits from any source for transportation, room, board, and incidentals to support the college athlete during any period in which the college athlete is addressing a physical or mental health concern.

Prohibits an IHE's Employees from Retaliating against Student-Athletes

- 45) Requires that an IHE and the institution's employees, coaches, and affiliated medical personnel from retaliating against a college athlete for filing a complaint or reporting a violation of a college athlete's rights as specified.
- 46) For purposes of this Act, "retaliation" includes all of the following:
- a) A reduction in or loss of playing time that is not justified by objective measures of athletic performance or compliance with team or the institution of higher education's policies that do not conflict with this chapter or any federal or state laws;
 - b) A reduction in or loss of any education benefits, including athletic grants, merit-based scholarships, or any other compensation;
 - c) A reduction in or loss of any meal benefits provided to the college athlete;
 - d) A reduction in or loss of any housing benefits provided to the college athlete, including the relocation of the college athlete's housing owned by IHE;
 - e) A reduction in or loss of athletics or team communications, academic support or records, access to training facilities, or medical treatment;

- f) Pressure to not file a complaint or to withdraw a complaint; and,
- g) Threats, ridicule, or physical punishment.

Prohibits the Elimination of Sports Programs and Decrease in Funding

- 47) Requires an IHE with an intercollegiate sports team that participated in a NCAA Division I sport on or after January 1, 2024, that provides a college athlete with an athletic grant to provide the college athlete with an athletic grant for each subsequent year in which the college athlete is enrolled at the institution for up to six academic years of total full-time college attendance, or until the college athlete receives a baccalaureate degree from the institution, whichever occurs first. The athletic grant must be provided regardless of the college athlete's lack of participation due to injury or poor athletic performance on an intercollegiate athletics team at the institution. Further, the amount of an athletic grant provided to a college athlete each subsequent award year will be no less than the sum of the amount of the athletic grant provided to the college athlete for the previous year plus the amount of any increase in the cost of attendance at the institution from the previous year to the subsequent award year.
- 48) Specifies that a college athlete who transfers to an IHE will receive an athletic grant in an amount determined pursuant to 47) above for up to one academic year beyond the college athlete's remaining intercollegiate athletics eligibility in which the college athlete is enrolled at the institution, or until the college athlete receives a baccalaureate degree from the institution, whichever occurs first. Additionally:
- a) Unless a college athlete is granted a leave of absence in accordance with the IHE's leave of absence policies that apply to the general student body, 47) above will only apply to a college athlete who is enrolled as a full-time student for each regular academic term of an award year;
 - b) Specifies 47) above will not apply to a college athlete who provides a written notice of voluntary withdrawal from an intercollegiate athletics team at the institution, or who fails to consistently participate in mandatory team athletics activities for nonmedical reasons after having been fully informed that their participation in those activities is mandatory; and,
 - c) Specifies 47) above will not apply to a college athlete who meets any of the following:
 - i) Is found by the IHE to have committed academic fraud or other misconduct that would ordinarily result in expulsion;
 - ii) Earns a grade point average of less than the grade point average required for the college athlete to maintain intercollegiate athletics eligibility for two or more semesters;
 - iii) Fails to meet intercollegiate athletic association progress toward degree completion requirements; or,

- iv) Is found guilty of a criminal act by a court.
- 49) Specifies in 47) and 48) above will only applies to an IHE with an intercollegiate sports team that participated in an NCAA Division I sports on or after January 1, 2024.
- 50) Specifies that an individual employed by or volunteering for an athletic program at an IHE will not do either of the following:
- a) Attempt to discourage or in any way punish a college athlete from selecting a course or an academic major unless it prevents the college athlete from intercollegiate athletic association progress towards baccalaureate or postgraduate degree completion; and,
 - b) Punish, reduce intercollegiate athletics eligibility, or otherwise retaliate against a college athlete based on the college athlete's selection of any course, academic major, or baccalaureate or postgraduate degree program at the institution.
- 51) Requires an individual employed by an athletic program at an IHE to not interfere with or discourage any college athlete from securing employment or internships, participating in student groups or events, or serving as a volunteer so long as those activities do not interfere with mandatory class time, examination periods, or the athletic program's mandatory team activities.
- 52) Specifies that an IHE must not comply with any athletic association's or athletic conference's policy that does not count completed high school financial education and personal finance coursework toward athletic eligibility standards for incoming college athletes.
- 53) Prohibits an IHE, with an intercollegiate sports team that participated in an NCAA Division I sport on or after January 1, 2024, from reducing the amount of aggregate funds in an academic year below the amount of aggregate funds used in the 2022–23 academic year, for academic, medical, mental health, athletic training, nutritional, diversity, equity, and inclusion support for college athletes, eliminate roster slots on any intercollegiate athletics team, reduce aggregate athletic grant amounts, or eliminate any intercollegiate athletics sport entirely that existed during the 2022–23 academic year, but allows a IHE to reduce the amount of aggregate funds in an academic year below the amount of aggregate funds used in the 2022–23 academic year for college athlete medical, mental health, or athletic training care if this care is not medically necessary.
- 54) Allows a IHE to reduce any discretionary grand total revenue during the academic year below the discretionary grand total revenue reported for the 2022–23 academic year and reduce the amount of aggregate funds in an academic year below the amount of aggregate funds used in the 2022–23 academic year, for academic, medical, mental health, athletic training, nutritional, diversity, equity, and inclusion support for college athletes, eliminate roster slots on any intercollegiate athletics team, reduce aggregate athletic grant amounts, or eliminate any intercollegiate athletics sport entirely that existed during the 2022–23 if the IHE s unable to

generate, for an academic year, all revenue in an amount that meets or exceeds all revenue reported for the 2022–23 academic year due to war, civil unrest, or fire, flood, or other unforeseen disaster or cause beyond the institution’s control as determined by the CAP Panel.

General Provisions

- 55) Establishes the CAP Fund. The CAP Panel will administer the CAP Fund. The CAP Fund will serve as the repository of all moneys appropriated or collected pursuant to this chapter, except as specified. Moneys in the fund may be used, upon appropriation by the Legislature, by the CAP Panel or a CAP Subpanel for purposes of implementing and enforcing this chapter. Up to 5 percent of moneys in the CAP Fund, unless otherwise encumbered, may be used, upon appropriation by the Legislature, by the CAP Panel or a CAP Subpanel for administrative costs of implementing and enforcing these provisions.
- 56) Authorizes the CAP Panel to promulgate regulations for purposes of implementing and enforcing this chapter, as the CAP Panel deems appropriate or necessary.
- 57) Specifies that the Act does not limit the enforcement authority of any state or federal agency or shield violators from liability.
- 57) Declares that the provisions of the Act are severable. If any provision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
- 58) Makes findings and declarations related to increasing protections for college athletes.

Definitions

- 59) “Affiliated medical personnel” means individuals who provide medical, rehabilitation, or athletic training diagnoses, opinions, or services to college athletes, in collaboration with an IHE. “Affiliated medical personnel” include, but are not limited to, physicians, mental health professionals, physical therapists, and athletic trainers. Individuals do not have to receive compensation from an institution of higher education to be affiliated medical personnel.
- 60) “Aggregate athletic grants” means the total amount of athletic grants that an IHE annually reports pursuant to the federal EADA to the USDE for each intercollegiate athletics team at the institution. “Aggregate athletic grants” shall not include any difference in athletic grant amounts based on cost of attendance disparities between an institution’s in-state or out-of-state college athletes.
- 61) “Athletic association” means any organization that is responsible for governing intercollegiate athletic programs.
- 62) “Athletic grant” means an athletics scholarship or grant that an institution of higher education pays to a college athlete to cover a portion or all of the institution’s cost of attendance for a full-time, in-state, on-campus undergraduate student determined

pursuant to the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1087II). An athletic grant shall not exceed the institution's cost of attendance.

- 63) "Athletic program" means an intercollegiate athletic program at an IHE.
- 64) "CAP Fund" means the Fund established as specified.
- 65) "CAP Panel" means the Panel established as specified.
- 66) "CAP Program" means the Program established as specified.
- 67) "College athlete" means a student who is enrolled at an IHE and is listed as a member of an intercollegiate athletics team at the institution. A student's participation in club or intramural sports at an institution does not meet the definition of college athlete.
- 68) "Grand total revenue" means all revenue that is calculated and reported as "grand total revenue" pursuant to the federal Equity in Athletics Disclosure Act established pursuant to Section 485 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1092) by an institution of higher education to the United States Department of Education.
- 69) "IHE" or "institution" means any campus of the University of California (UC), the California State University (CSU), the California Community Colleges (CCC), an independent IHE, as defined in Section 66010, or a private postsecondary educational institution, as defined in Section 94858, that maintains an athletic program.
- 70) "Intercollegiate athlete" means a California resident who is enrolled at an out-of-state college or university and is listed as a member of an intercollegiate athletics team at the out-of-state college or university. A student's participation in club or intramural sports at an out-of-state college or university does not meet the definition of intercollegiate athlete.
- 71) "NCAA" means the National Collegiate Athletic Association.
- 72) "NIL" means the use of a college athlete's name, image, and likeness.
- 73) "Office for Civil Rights" means the Office for Civil Rights within the USDE.
- 74) "Revenue" means annual intercollegiate athletics revenue as calculated and reported pursuant to the federal EADA by an IHE to the USDE "Revenue" includes intercollegiate athletics revenue paid directly by an intercollegiate athletic conference, an athletic association, or a source designated by an IHE, an intercollegiate athletic conference, or an athletic association to cover any athletic program expense or to compensate a college athlete for participating in intercollegiate athletics at the institution.
- 75) "Title IX" means Title IX of the federal Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “There is a tremendous need for AB 252 because California’s college athletes are governed by athletic associations that do not enforce health and safety standards to prevent serious injury, abuse, and death; and impose rules that have violated antitrust laws and have caused athletes economic harm. College athletes’ athletic time demands result in unacceptably low federal graduation rates among Black college athletes that produce the most athletic revenue, there is a lack of transparency and accountability regarding important athletic program policies for college athletes and recruits, and there is a need to ensure that athletic agents provide any current or prospective college athlete that the agent seeks to represent and the college athlete’s legal guardian or guardians, if applicable, a completed copy of the athlete agent disclosure statement that the agent submitted to the Secretary of State to help prevent college athletes from bad actors.

“College athletes are often put in harm's way as the institutions they represent prioritize winning over athlete safety. Coaches are incentivized to secure victories as it can lead to job stability and salary increments, while athletic trainers are often driven by the fear of being fired if they raise concerns that could potentially impact the team's performance. This misplaced emphasis on winning over athlete well-being is a concerning trend that requires immediate attention and resolution. It is an ongoing hazard to allow universities to police the treatment of their athletes when the universities’ negligence and mistreatment are primary forces in harming the well-being of so many athletes.”

- 2) ***House v. NCAA – Athletes May Be Paid Directly By IHEs Soon.***
On May 23, 2024, the NCAA agreed to a court settlement that could have the effect of further expanding athletes' rights to monetize their NIL. The settlement in *House v. NCAA* would end the prohibition against colleges directly compensating their athletes, including for the use of their NIL. As part of the settlement, the NCAA also agreed to pay nearly \$2.8 billion to current and former athletes who lost out on opportunities to capitalize on their NIL as a result of the old rules.

As a result, the author on May 30, 2024, removed provisions of the bill related to revenue sharing. What remains of the bill are provisions related to the establishment of the CAP panel, its health and safety standards, and its fees, in addition to various protections and benefits to student athletes.

- 3) ***The Equity In Athletics Disclosure Act.*** The EADA (34 CFR § 668.4) requires IHEs to disclose information about their varsity teams and the financial resources and personnel the school dedicates to those teams. The EADA Report must be published by October 15 each year and made available upon request to students, prospective students, and the public.

Revenues: The October 15th report requires separate revenues for Football, Men’s Basketball, Women’s Basketball, All Men’s teams except Football and Basketball, All Women’s teams except Basketball, and all sports combined. Revenues for All Men’s

teams except Football and Basketball and All Women's teams except Basketball are not collected web-based data collection.

"Revenues" as defined in EADA are revenues attributable to intercollegiate athletic activities. This includes revenues from appearance guarantees and options, an athletic conference, tournament or bowl games, concessions, contributions from alumni and others, institutional support, program advertising and sales, radio and television, royalties, signage and other sponsorships, sports camps, state or other government support, student activity fees, ticket and luxury box sales, and any other revenues attributable to intercollegiate athletic activities.

"Grand Total Revenue" as defined in EADA are a combination of "Total Revenues by Team" (The Total Revenues for Men's teams, the Total Revenues for Women's teams and the Total Revenues for Coed teams) and "Not Allocated Revenues" (Amount entered into the Not Allocated by Gender/Sport field).

Total Expenses by Team

	Varsity Teams	Men's Teams	Women's Teams	Total
Basketball		\$2,359,870	\$1,843,195	\$4,203,065
Football		\$7,343,151	N/A	\$7,343,151
Total Expenses of all Sports, Except Football and Basketball, Combined		\$4,203,803	\$7,075,631	\$11,279,434
Total Expenses Men's and Women's Teams		\$13,906,824	\$8,918,826	\$22,825,650
Not Allocated by Gender/Sport		N/A	N/A	\$11,459,126
Grand Total Expenses		N/A	N/A	\$34,284,776

Total Revenues by Team

	Varsity Teams	Men's Teams	Women's Teams	Total
Basketball		\$2,359,870	\$1,843,195	\$4,203,065
Football		\$7,343,151	N/A	\$7,343,151
Total Revenues of all Sports, Except Football and Basketball, Combined		\$4,203,803	\$7,075,631	\$11,279,434
Total Revenues Men's and Women's Teams		\$13,906,824	\$8,918,826	\$22,825,650
Not Allocated by Gender/Sport		N/A	N/A	\$11,459,126
Grand Total for all Teams (includes by team and not allocated by gender/sport)		N/A	N/A	\$34,284,776

CAVEAT

Revenues do not match our Consolidated Financial Statements because of the nature of this report. Revenues normally Not Allocated by Gender/Sport were distributed to the individual sports to have Revenues match Expenditures as required by the report.

Revenues & Expenses Summary

	Revenues and Expenses Summary	Men's Teams	Women's Teams	Total
1	Total of Head Coaches' Salaries	\$1,415,932	\$1,038,740	\$2,454,672
2	Total of Assistant Coaches' Salaries	\$1,979,538	\$916,161	\$2,895,699
3	Total Salaries (Lines 1+2)	\$3,395,470	\$1,954,901	\$5,350,371
4	Athletically Related Student Aid	\$3,299,439	\$2,907,794	\$6,207,233
5	Recruiting Expenses	\$184,612	\$105,367	\$289,979
6	Operating (Game-Day) Expenses	\$3,169,922	\$1,999,393	\$5,169,315
7	Summary of Subset Expenses (Lines 3+4+5+6)	\$10,049,443	\$6,967,455	\$17,016,898
8	Total Expenses for Teams	\$13,906,824	\$8,918,826	\$22,825,650
9	Total Expenses for Teams Minus Subset Expenses (Line 8 - Line 7)	\$3,857,381	\$1,951,371	\$5,808,752
10	Not Allocated Expenses			\$11,459,126
11	Grand Total Expenses (Lines 8+10)			\$34,284,776
12	Total Revenues for Teams	\$13,906,824	\$8,918,826	\$22,825,650
13	Not Allocated Revenues			\$11,459,126
14	Grand Total Revenues (Lines 12+13)			\$34,284,776
15	Total Revenues for Teams minus Total Expenses for Teams (Line 12-Line 8)	\$0	\$0	\$0
16	Grand Total Revenues Minus Grand Total Expenses (Line 14- Line 11)			\$0

NOTE: The graphic above represents the California State University, Sacramento's revenue and expenses as provided in their 2022-23 EADA report.

Is EADA Accurate?

While the EADA provides a snapshot of an IHE's expenses and revenue, this information is not disaggregated into individual line items and, therefore difficult to

differentiate between the revenue generated from the athletic conferences, tournament or bowl games, concessions, and ticket sales, from others, such as alumni contributions, student activity fees, and state or other government support. Moreover, the report does not separately demonstrate revenue generated in other sports, such as track and field, soccer, tennis, etc. Sports other than basketball and football are located under “Total Revenue of all Sports, Except Football and Basketball, combined.”

Further, per EADA’s guidelines, “Grand Total Revenues must be equal to or greater than your Grand Total Expenses.” This means that an IHE can only be shown as being cost-neutral or revenue generate, even if the IHE did not generate revenue. This can be shown in the graphic above.

It should be noted that athletic departments finance their programs using a variety of different revenue sources. Student fees or institutional subsidies (from tuition, state appropriations, endowments, or other revenue-generating activities on campus) often support even the most extensive NCAA Division I college sports programs. A 2013 study published by the Delta Project at the American Research Institute found that only Football Bowl Subdivision (FBS) teams (i.e., Rose Bowl, Sugar Bowl, Fiesta Bowl, etc.) generate more revenue than expenses incurred. The study, *Academic Spending Versus Athletic Spending: Who Wins?*, finds that “even among the largest FBS programs, student fees and institutional subsidies typically provided between 4 percent and 14 percent of total athletic revenues.” The study concluded that in 2010, “more than 80 percent of the budget at the typical FBS colleges came from “generated” revenues, such as ticket sales, conference payouts, and donations. In contrast, more than 70 percent of athletic budgets in the smaller FCS and DI-NF programs came from revenues “allocated” by the university; this athletic subsidy includes money from student fees, institutional support, and government appropriations.”

This bill would use “grand total revenue” as defined by use an IHE’s EADA report, to determine what fees are paid to the CAP Panel and determine how long an IHE is required to cover a student athletes out of pocket medical expenses. The Committee may consider whether the data in a IHE’s EADA is sufficient to determine an IHE’s athletic department’s revenue considering that revenue includes 1) alumni contributions, student activity fees, and state or other government support; 2) does not outline revenue made by other sports other than basketball and football; and 3) cannot show if an IHE’s athletic department absorbed cost. Should “grand total revenue” be redefined to more accurately capture earned revenue or be based on other sources of funding earned by an athletic department?

4) ***Bolstering Or Making It Difficult To Comply With Title IX?***

Title IX is a Federal civil rights law. It prohibits schools that receive Federal funding from discriminating based on sex in their programs or activities. The Department’s Title IX regulations include requirements for how schools must comply with Title IX, including in their athletic programs.

Three-pronged Test.

The Title IX regulations require schools to provide equal opportunity based on sex. This requirement applies to schools’ athletic programs, including club, intramural,

and intercollegiate teams. Equal opportunity in college and university athletic programs is measured by the three-pronged test, in which a schools can demonstrate compliance by showing any one of three criteria:

- a) Test One – proportionality; provide intercollegiate or interscholastic participation opportunities for women and men at rates that are proportionate to their respective rates of enrollment; or
- b) Test Two – continued program expansion for the underrepresented sex; show that opportunities have been added for the underrepresented sex (nearly always girls and women) as their interests and abilities have developed and evolved; or
- c) Test Three – full accommodation of the underrepresented sex; fully accommodate the underrepresented sex by offering every team for which there is sufficient interest and ability for a viable team, and sufficient competition in the geographic areas where the institution normally competes.

Does The Inability to Manage Rosters Make It Difficult To Use Test One?

At the collegiate level, meeting test one means that participation opportunities are proportionate to the full-time undergraduate enrollment. If women are 52 percent of the full-time undergraduate students, then 52 percent of the intercollegiate athletics participants should be women. This bill prohibits an IHE from eliminating roster slots on any intercollegiate athletics team, in addition to reducing any aggregate funds for any college athlete's academic, medical, mental health, athletic training, or nutritional support, aggregate athletic grant amounts, or eliminating any intercollegiate athletics sport entirely that existed during the 2022–23 academic year.

This bill prohibits an IHE from eliminating roster slots that existed during the 2022-23 academic year. The Committee may wish to consider if more flexibility should be built-in to allow IHE to have the option to comply with test one.

Does The Inability to Eliminate Programs Discourage Expansion (Test Two)?

Test two applies only if students of one sex are underrepresented. An IHE can meet test two by showing that it has added opportunities for women as their interests in different sports develop. This can mean either adding a women's team or teams or adding opportunities on existing teams.

This bill prohibits an IHE from eliminating any intercollegiate athletics sport entirely that existed during the 2022–23 academic year. As new sports, emerge popularity and participation sway, it may be difficult for an IHE to establish a new sport while managing existing sports that has lost interest but must maintain as required by this bill. The Committee may wish to consider whether it is more appropriate to eliminate a sport, only if the IHE has plans to adopt a new sport.

- 5) **CAP Panel: New Body with Broad Regulatory and Fee Authority.** As established by this bill, the CAP Panel, located within the Office of Planning and Research, would include a 13-member panel (7 members appointed by the Governor and 3 members appointed by the Senate and Assembly each) to develop health and safety standards in addition to enforcing the various provision established by this bill.

Health and Safety Standards

This bill empowers the CAP Panel to develop and enforce health and safety standards it develop. Further, this bill specifies the course of action in the event a community college or IHE violates it rules.

According to the 2023-24 manuals across Division I, II, and III, all members of the NCAA must, among other items specified in each manual “Establish an administrative structure that provides independent medical care for student-athletes, affirms the autonomous authority of primary athletics health care providers and implements NCAA guidance, rules and policies based on consensus of the medical, scientific, sports medicine, and sport governing communities. The physicians and health care staff at each member institution have the ultimate decision-making authority over the health and welfare of student-athletes. Consistent with the member institutions’ primary obligation with respect to student-athlete health and safety, member institutions will make NCAA guidance, rules and policies available to student-athletes. Member institutions shall be responsible for the oversight and administration of coach, administrator and staff education on relevant student-athlete physical and mental health topics, prevailing consensus for engaging student-athletes about physical and mental health, how to most effectively support student-athlete physical and mental health, and appropriate resources on campus or in the local community. Member institutions are responsible for regulating practice schedules, taking into consideration the health of student athletes and their academic success.”

The manual (a more than 400 page document for Division I schools, 300 page document for Division II schools, and more than 200 page document for Division III schools) outlines the various rules and regulations in which member schools, athletic staff and trainers, and member schools teams’ must comply with to maintain active status or avoid penalties.

The author may wish consider ways in which the intended goal to ensure health and safety measures for student athletes can be met within the existing structure that IHEs must operate under.

Various Protections and Benefits Enforced By the CAP Panel ProgramTitle IX Posting and Evaluation

This bill requires CCC and IHE to provide a notice detailing the student athlete’s rights under Title IX, the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec. 1092(f)), and the contact information of The Office for Civil Rights, The Office for Civil Rights Title IX enforcement office, and the enforcement office of the USDE for reporting violations of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This bill also requires and IHE Complete an evaluation of its compliance with Title IX in athletics and the Office for Civil Rights’ Title IX in athletics regulations.

It should be noted that a similar notice already existing in EC 67454. Further, this year several Title IX bills have bene introduced to ensure compliance with Title IX.

Financial Literacy and Life Skills

This bill requires an IHE to administer a financial and life skills development workshop program and to include certain information regarding, but not limited to, the rights of college athletes, state and federal tax information, including NIL-related taxes, time management skills, personal budgeting, debt management, credit management, and interest rates information, information about the Miller-Ayala Athlete Agents Act, and information about the importance of job experience in the job market, how to write a résumé, and strategies and skills regarding employment interviews.

It should be noted that similar provisions already exist in EC 67452 (a)(2) for Division I and II student athletes, but this bill adds specific topics to be covered.

IHE Employee Retaliation

This bill prohibits IHE and the institution's employees, coaches, and affiliated medical personnel from retaliating and from retaliating against a college athlete for filing a complaint or reporting a violation of a college athlete's rights as specified.

It should be noted that similar provisions already exist in EC 67455(a)(2), but this bill includes additional prohibitions.

Coverage of Out-Of-Pocket Medical Expenses

This bill requires a IHE that reports \$20,000,000 or more in annual grand total revenue to the USDE to be financially responsible for the out-of-pocket sports-related medical expenses of each college athlete at the institution, and during the two-year period beginning on the date on which the college athlete officially becomes a former college athlete or be responsible for covering the out-of-pocket sports-related medical expenses of each college athlete at the institution, and during the four-year period beginning on the date on which the college athlete officially becomes a former college athlete if the IHE reports \$50,000,000 or more in annual grand total revenue.

It should be noted that beginning August 2024, all Division I school must provide former college athletes medical coverage for athletically related injuries for at least two years after graduation. This bill creates another class for medical coverage based on grand total revenue.

Distribution of Information About the Miller-Ayala Act

This bill requires an athlete agent to provide any current or prospective college athlete that the agent seeks to represent and the college athlete's legal guardian or guardians, if applicable, a completed copy of the athlete agent disclosure statement that the agent submitted to the Secretary of State pursuant to the Miller-Ayala Athlete Agents Act and allows any college athlete who enters into an agreement with an athlete agent who does not provide information about themselves, as specified in the disclosure statement that the agent submitted to the Secretary of State pursuant to the Miller-Ayala Athlete Agents Act, to not comply with the agreement, and have all remedies available under the law.

Expands Protections of Benefits to Student Athletes

This bill prohibits an IHE will not uphold any rule, requirement, standard, or other limitation that prevents a college athlete at the institution from fully participating in intercollegiate athletics without penalty related to 1) food, shelter, medical expenses, or medical or disability insurance from any source; 2) receiving payment to cover expenses, direct provisions, or in-kind benefits from any source for purposes of transportation, room, board, and incidentals at college, or for purposes of meeting with legislators, providing testimony, or meeting with government agencies regarding intercollegiate athletics; and 3) a college athlete's family member or friend receiving payment, direct provisions, or in-kind benefits from any source for transportation, room, board, and incidentals to support the college athlete during any period in which the college athlete is addressing a physical or mental health concern.

It should be noted that a similar protection exist in statute, but is limited to Name, Image, and Likeness.

6) New Benefits For Students Athletes Coming in August 2024

In April of 2023, the NCAA Board of Directors unanimously adopted new rules for all Division I schools that will require increased support for college athletes. The benefits, often referred to as the "holistic student-athlete benefits model," were supported by the Division I Council earlier this month and were originally recommended by the Transformation Committee in January. All Division I members who do not do so already will be required to do the following:

- a) Provide medical coverage for athletically related injuries for at least two years after graduation;
- b) Cover out-of-pocket medical expenses (copayments, deductibles, etc.) during a student-athlete's playing career;
- c) Attest that they provide mental health services and support consistent with the NCAA's mental health best practices;
- d) Attest that they follow concussion management protocols in line with the NCAA Concussion Safety Protocol Checklist;
- e) Offer degree completion funds for up to 10 years after a college athlete's eligibility concludes, if that college athlete was previously on full scholarship or received financial aid in a head count sport;
- f) Provide the same scholarship protections already required of autonomy conferences; and,
- g) Attest that they provide academic support services in line with NCAA rules.
- h) Attest that they provide career counseling for current and former college athletes and life skills development across a range of topics, including at a minimum:
 - i) Mental health.

- ii) Strength and conditioning.
- iii) Nutrition.
- iv) Name, image, and likeness opportunities.
- v) Financial literacy.
- vi) Career preparation.
- vii) Transfer requirements
- viii) Diversity, equity, inclusion, and belonging.
- ix) Sexual violence prevention.

The requirements take effect August 2024. Schools can begin offering these benefits at any time prior to August 2024.

- 7) **Argument in Support.** According to the National College Players Association, “Currently, it is not against NCAA rules to return an athlete with a concussion to the same game, sexually abuse an athlete, or kill an athlete in a hazardous workout. These scenarios have happened among California colleges. The mistreatment of college athletes is not rare, it is rampant.
- The National Athletic Trainers Association’s 2019 survey revealed the following:
 - Approximately 59% of responding trainers reported being pressured by a coach or non-medical administrator to make a medical decision that is not in the best interest of their college athletes.
 - Approximately 19% of coaches return athletes to play who are deemed medically ineligible.
 - An NCAA survey found that 50% of athletic trainers return players with concussions to the same game.

In addition, Black men’s basketball players, women’s basketball players, and FBS football players have unacceptably low graduation rates – 42.6%, 62.7%, and 63.9%, respectively. Chronically low graduation rates among Black athletes persist as do the 40-50 hours/week athletes report spending on their sport. AB 252 would be a powerful counterweight to structural obstacles that work against athletes’ academic success because it would protect college athletes’ athletic scholarships through the earlier of undergraduate degree completion or six years. We are in the 50th year anniversary of Title IX, but there is still a glaring difference between the college sports participation between men and women. There are 9088 fewer female college athletes compared to male college athletes in California (this gap has increased by more than 1400 athletes since 2017). This is a red flag that screams for both transparency and accountability related to California colleges’ Title IX compliance. And while there while antitrust lawsuits and progress toward college

athlete employee status are generating promising momentum toward college athletes finally receiving an equitable portion of the revenue that they generate, it has never been more important to prevent athletic programs from using this progress as an excuse to cut nonrevenue/Olympic sports. AB 252 will:

- Identify and enforce athlete health and safety protections to prevent serious injury, abuse, and death among college athletes.
- Improve athlete graduation rates.
- Protect athletic scholarships of permanently injured athletes.
- Require colleges to publicly post an annual Title IX compliance transparency report.
- Preserve all sports.

For these reasons, the NCPA urges the passage of AB 252.”

- 8) **Argument in Opposition.** According to the California State University, “The CSU is dedicated to ensuring that our student athletes are supported academically and in their athletic endeavors. While we appreciate the author’s interest in the wellbeing of our student athletes, this bill would require the redistribution of critical revenues that our campuses use to provide essential academic and athletic support services for all student athletes. Services include grants, tutoring, medical support, and mental health resources. This is a ‘one size fits all’ proposal that is not appropriate for the broad diversity of size, scope, and competitiveness of athletics programs across the CSU system. CSU athletic departments operate under tight budgets, and this reallocation of revenue would harm smaller, non-revenue generating athletic programs and the services provided to all student athletes. The revenue sharing framework may also create gender inequities among our student athletes and place CSU campuses out of compliance with federal Title IX regulations. Our analysis shows that the redistribution of revenue between male and female student athletes would be disproportional. At one campus, for example, male student athletes make up thirty-eight percent of all student athletes but would receive sixty-five percent of the funds. The majority of funds would go to football, men’s basketball, and women’s basketball players, which are only a small portion of all student athletes. The College Athlete Protection Panel established by the bill would also duplicate and conflict with existing oversight bodies such as the Pac-12 and NCAA and would create an immense bureaucracy with the power to issue subpoenas, perform investigations, and impose penalties and lifetime bans. This panel would be given authority over areas currently under the jurisdiction of the Department of Justice and the Department of Education’s Office of Civil Rights. While we appreciate any effort to help our students, AB 252 would unfortunately result in negative impacts to many of the student athletes that it seeks to empower. The CSU respectfully requests a “no” vote on AB 252.”

9) Related Legislation.

SB 1401 (Bradford, 2022) would have required postsecondary institutions to establish degree completion funds for their student-athletes that consider the revenues generated by the sport and the amount of athletic scholarship aid provided to athletes participating. *This bill was held in Senate Appropriations.*

AB 1435 (Gonzalez Fletcher, 2017) would have established an appointed panel within the California Department of Education to create and distribute to every IHE with an intercollegiate athletic program best practices to minimize injuries, develop guidelines and mandates, perform compliance inspections, exercise subpoena power, investigate complaints, and issue penalties. This bill requires every IHE with an intercollegiate athletic program to pay an annual fee for the administration and activities of this panel. *This bill was held in the Senate Education Committee.*

SB 906 (Skinner, 2024) would require any entity that provides compensation or any item of value or service to a student athlete, or to the student athlete's immediate family, to disclose information, as specified, to the student athlete's postsecondary educational institution (PEI) and requires the PEI to make that information publicly available. Requires a PEI that shares revenues with student athletes to make publicly available the total value of the revenues shared with all of the PEI's student athletes, as provided.

SB 661 (Bradford, Chapter 625, Statutes of 2023) Expands the rights that student athletes who attend an IHE, as defined, and removes the requirement on IHE, to rely exclusively on revenue derived from media to defray any costs accrued from affording these benefits to student athletes.

SB 26 (Skinner, Chapter 159, Statutes of 2021) expanded the existing authority for a collegiate student-athlete to receive compensation also to include compensation earned from the use of the student's athletic reputation and moves up the implementation date of existing statutes relative to compensation earned from the use of a student athlete's NIL.

AB 1573 (Holden, Chapter 382, Statutes of 2019) added three provisions of law designed to support and protect student-athletes rights at higher learning institutions. Expressly, the bill: 1) authorizes schools to establish degree completion funds; 2) directs schools to develop, post, and disseminate specified information regarding existing student-athlete rights; and 3) prohibits schools from retaliating against student-athletes who report violations of student-athletes rights.

SB 206 (Skinner, Chapter 383, Statutes of 2019) allows, commencing on January 1, 2023, college student-athletes to earn compensation for using their NIL (athletic endorsements). This bill allows student-athletes to obtain professional legal representation about their college athletics, such as that provided by a sports agent. This bill protects student-athletes who elect to engage in the compensation and representation activities described therein.

SB 1525 (Padilla, Chapter 625, Statutes of 2012) enacted a Student Athlete Bill of Rights and placed specified requirements on collegiate athletic programs commencing with the 2013-14 academic year and ending January 1, 2021.

SUPPORT

National College Players Association (Sponsor)
California Labor Federation
Stanford Student-Athlete Advisory Committee
United Steelworkers District 12
USA Water Polo

OPPOSITION

Academic Senate of the California State University
Association of Independent California Colleges and Universities
Big Sky Conference
California State University
College Swimming & Diving Coaches Association of America
Community College League of California
Southern California Intercollegiate Athletic Conference
Stanford University
Team USA Athletes' Commission
U.S. Ski & Snowboard
United States Olympic & Paralympic Committee
University of California
University of Southern California
USA Artistic Swimming
USA Swimming
USA Swimming Athletes' Advisory Council
USA Track & Field
USA Volleyball
USA Wrestling
Women's Sports Foundation
10 Individuals

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1825 **Hearing Date:** June 26, 2024
Author: Muratsuchi
Version: June 18, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: California Freedom to Read Act.

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

SUMMARY

This bill requires the governing board or body of each public library in the state, excluding school libraries, to adopt a written and publicly available collection development policy, and prohibits the governing board or body of a public library from proscribing or prohibiting the circulation of any materials in a public library because of the topic addressed by the materials or because of the views, ideas, or opinions contained in those materials.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) “Public library” means a library, or two or more libraries, operated as a single entity by one or more public jurisdictions and which serve the general public without distinction. (EC § 18015)
- 2) Authorizes the organization of a library district, and authorizes it to establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature and exercise the powers as granted or necessarily implied. (EC § 19400)
- 3) Requires the board of library trustees to make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to the district. (EC § 19460)
- 4) Requires the board of library trustees to prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the board. (EC § 19462)

- 5) Requires every library to be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. For violation of any rule, regulation, or bylaw a person may be fined or excluded from the privileges of the library. (EC § 19479)

ANALYSIS

This bill:

Creation of Collection Development Policies

- 1) Requires each public library jurisdiction that directly receives any state funding, including, but not limited to, state funding pursuant to this part, to adopt, and maintain a written and publicly accessible collection development policy and be sent to the California State Library for review by January 1, 2026. The collection development policy, at a minimum, must do all of the following:
 - a) Establish a process for community members to share their concerns regarding library materials and to request that library materials be reconsidered for inclusion in the library's collection.
 - b) Guide the selection and deselection of printed and electronic resources.
 - c) Acknowledge that the public library's collection meets the broad and diverse interests of the community and respect both the library's autonomy and their specific community needs.
 - d) Establish that the public library serves as a center for voluntary inquiry and the dissemination of information and ideas.
 - e) Establish that library materials shall not be excluded from the library collection because of the origin, background, or views of those contributing to the creation of the materials, or because of the topic addressed by the materials or the views or opinions expressed in the materials.
 - f) Acknowledge that library materials should be provided for the interest, information, and enlightenment of all people, and should present diverse points of view in the collection as a whole.
 - g) Acknowledge the right of the public to receive access to a range of social, political, aesthetic, moral, and other ideas and experiences.
- 2) Allows the State Librarian or their designee to provide technical assistance to public libraries in developing their collection development policy in order to ensure compliance with the requirements above.

Protections for Librarians, Library Media Specialist, Other Employees, or Contractor

- 3) Specifies a librarian, library media specialist, other employee, or contractor at a public library shall not be subject to termination, demotion, discipline, or retaliation for either:
 - a) Refusing to remove a library material before it has been reviewed in accordance with the public library's process for the reconsideration of library materials established.
 - b) Making displays, acquisitions, or programming decisions that the employee or contractor believes, in good faith, as specified.

General Provisions

- 4) Requires that a governing board or body of a public library shall not proscribe or prohibit the circulation or procurement of any book, audio, film, instructional material, or other resource in a public library because of the topic addressed by the materials or because of the views, ideas, or opinions contained in those materials.
- 5) Prohibits the discretion to determine the content of materials in public libraries from being exercised in a manner that discriminates against or excludes materials based on race, nationality, gender identity, sexual orientation, religion, disability, political affiliation, or socioeconomic status, on the basis that the materials under consideration contain inclusive and diverse perspectives, or on the basis that the materials may include sexual content, unless that content qualifies as obscene under United States Supreme Court precedent.
- 6) Requires any decision to remove by a public library to remove a book to conform to the requirements of the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution.
- 7) Prohibits the governing board or body of a public library from creating policies or procedures that limit or restrict access to books and other resources offered by the public library unless the policies or procedures are adopted to preserve the safety or security of the library's materials, are time, place, and manner restrictions not based on the content of materials, or are programs that provide for the effective management of the library and its resources to preserve access for all library users.
- 8) Clarifies a person's right to use a public library and its resources cannot be denied or abridged solely because of personal characteristics, age, background, or views.
- 9) Clarifies all persons, regardless of personal characteristics, age, background, or views, possess a right to privacy and confidentiality in the materials they borrow from libraries.
- 10) Clarifies a "public library" as defined in Education Code, including any public library operated by a city, county, special district, or joint powers authority, except that it does not apply to any public library operated by the governing board of a school district, a county board of education, or the governing body of a charter school.

- 11) Defines “public library jurisdiction” to mean a county, city and county, city, or any district that is authorized by law to provide public library services and that operates a public library.
- 12) Makes findings and declarations related to the removal and banning of books from public libraries and ensuring public libraries are free of censorship is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Libraries provide access to books that offer teachable moments for readers of all ages and expand our understanding of people with different backgrounds, ideas, and beliefs. Removing and banning books from public libraries is a dangerous step to government censorship and the erosion of our country’s commitment to freedom of expression. AB 1825, the California Freedom to Read Act, protects the fundamental right of access to diverse and inclusive books and library materials.”
- 2) ***An Increase of Banned or Challenged Books.*** According to the American Library Association’s (ALA) Office for Intellectual Freedom (OIF) has released new data documenting book challenges throughout the United States, finding that challenges of unique titles surged 65% in 2023 compared to 2022 numbers, reaching the highest level ever documented.

What’s the Difference Between A Ban and Challenge?

According to the ALA, “A challenge is an attempt to remove or restrict materials, based upon the objections of a person or group. A banning is the removal of those materials. Challenges do not simply involve a person expressing a point of view; rather, they are an attempt to remove material from the curriculum or library, thereby restricting the access of others.”

OIF documented 4,240 unique book titles targeted for censorship, as well as 1,247 demands to censor library books, materials, and resources in 2023. Four key trends emerged from the data gathered from 2023 censorship reports:

- a) Pressure groups in 2023 focused on public libraries in addition to targeting school libraries. The number of titles targeted for censorship at public libraries increased by 92% over the previous year, accounting for about 46% of all book challenges in 2023; school libraries saw an 11% increase over 2022 numbers.
- b) Groups and individuals demanding the censorship of multiple titles, often dozens or hundreds at a time, drove this surge.
- c) Titles representing the voices and lived experiences of LGBTQIA+ and BIPOC individuals made up 47% of those targeted in censorship attempts.
- d) There were attempts to censor more than 100 titles in each of these 17 states: Colorado, Connecticut, Florida, Idaho, Illinois, Iowa, Kentucky, Maryland,

Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Wisconsin.

California is not immune to the ban or challenges in books. In 2023, there were 52 attempts to challenge 98 titles in California in both schools and public libraries, compared to 32 attempts to ban 87 titles in 2022. There were also challenges at public libraries in both Huntington Beach and Fresno County.

- 3) ***First Amendment – A Right To Receive Information.*** According to the Assembly Judiciary Committee analysis, “The government cannot enact laws or adopt policies that “infringe” or “burden” our ability to speak or write on any matter that we choose, so long as the speech or writing does not constitute an “unprotected” category of speech such as obscenity, incitements to violence, or fraud. However, the U.S. Supreme Court has also long held that there is an important and logically necessary corollary to freedom of speech and expression: “the right to receive information and ideas.” For example, in *Martin v. City of Struthers* (1943), the U.S. Supreme Court overturned the conviction of a Jehovah’s Witness who had violated a local ordinance that prohibited distributing literature door-to-door. Justice Hugo Black wrote that “freedom [of speech] embraces the right to distribute literature, and necessarily protects the right to receive it.” (319 U.S. 141.) Twenty-six years later, in *Stanley v. Georgia* (1969), Justice Thurgood Marshall, considering a law that made *possession* of obscene material a crime, reasoned that the state had no business telling people what books they could read and, following *City of Struthers*, held that the First Amendment includes “the right to receive information and ideas.” (494 U.S. 557.) In *Board of Education v Pico* (1982), the U.S. Supreme Court applied this principle to a local school board’s decision to remove from its library books by Richard Wright and Kurt Vonnegut, among others, because the board claimed they were “anti-American, anti-Christian, anti-Semitic, and just plain filthy.” (494 U.S. 557.)”

4) ***Related Legislation.***

SB 321 (Ashby, Chapter 598, Statutes of 2023) establishes the Local Public Library Partnership Program, under the administration of the State Librarian, in order to ensure that all pupils have access to a local public library by third grade.

SB 1183 (Grove, Chapter 992, Statutes of 2022) establishes the Statewide Imagination Library Program, under the administration of the State Librarian, to provide age-appropriate books to children age birth through age five who are registered for the program, sent to the child’s home on a monthly basis at no cost to families, through Dolly Parton’s Imagination Library.

AB 1078 (Jackson, Chapter 229, Statutes of 2023) makes various changes to the requirements on local school governing boards regarding the adoption of instructional materials for use in schools, including a provision that would prohibit a governing board from disallowing the use of an existing textbook, other instructional material, or curriculum that contains inclusive and diverse perspectives, as specified.

SB 1435 (Ochoa Bogh, 2024) would have required the governing board of an LEA to exclude from schools and school libraries serving pupils in preschool, transitional kindergarten, kindergarten and grade 1 to 8, inclusive all books containing,

publications, or paper that contain harmful matter, as defined by July 31, 2025, and allows a parent, guardian, or resident of a LEA to commence a civil action to obtain declaratory relief for violations, as specified, after the governing board of the school district refusal to remove any of the harmful matter required of it. This bill died in Senate Education Committee.

SUPPORT

American Association of University Women - California
California Faculty Association
California Federation of Teachers
California Library Association
California Women's Law Center
Equality California
Generation Up
League of Women Voters of California
Sikh Coalition

OPPOSITION

Real Impact
4 Individuals

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2316 **Hearing Date:** June 26, 2024
Author: Gabriel
Version: April 8, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil nutrition: substances: prohibition.

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

SUMMARY

This bill prohibits a local educational agency (LEA), county office of education (COE), and charter schools from offering, selling or otherwise providing any food or beverages containing food dye additives (Blue 1; Blue 2; Green 3; Red 40; Titanium dioxide; Yellow 5; and Yellow 6), beginning July 1, 2025.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Provides that, from midnight before the start of the schoolday to one-half hour after the schoolday, the only food that may be sold to students as competitive foods include individually-sold dairy or whole grain foods, and individually-sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes. (EC § 49431)
- 2) Requires the food described above, if sold outside of a USDA meal program at an elementary school, to meet all of the following standards:
 - a) Not more than 35% of its total calories shall be from fat. Exempt from this standard are individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, or legumes;
 - b) Not more than 10% of its total calories shall be from saturated fat. Exempt from these standards are eggs or cheese packaged for individual sale;
 - c) Not more than 35% of its total weight shall be composed of sugar, including naturally occurring and added sugar. Exempt from this standard are fruits or vegetables that have not been deep-fried; and,
 - d) Not more than 200 calories per individual food item. (EC § 49431)

- 3) Requires, at each middle school or high school, a competitive entrée sold by the district food service department the day, or the day after, it is served on the federal National School Lunch Program (NSLP) or federal School Breakfast Program menu to meet the following standards:
 - a) Contains not more than 400 calories per entrée item;
 - b) Not more than 35% of its total calories shall be from fat;
 - c) Contains less than 0.5 grams of trans fat per serving; and,
 - d) Is offered in the same or smaller portion sizes as in the federal NSLP or federal School Breakfast Program. (EC § 49431.2)
- 4) Provides that, from midnight before the start of the schoolday to one-half hour after the schoolday at an elementary or middle school, only the following *beverages* may be sold:
 - a) Fruit-based drinks that are composed of no less than 50% fruit juice and have no added sweetener;
 - b) Vegetable-based drinks that are composed of no less than 50% vegetable juice and have no added sweetener;
 - c) Plain water or plain carbonated water; and,
 - d) 1%-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk. (EC § 49431.5)
- 5) Provides that, from midnight before the start of the schoolday to one-half hour after the schoolday, at a high school, only the following beverages may be sold:
 - a) Fruit-based drinks that are composed of no less than 50% fruit juice and have no added sweetener;
 - b) Vegetable-based drinks that are composed of no less than 50% vegetable juice and have no added sweetener;
 - c) Plain water or plain carbonated water;
 - d) One-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk;
 - e) Flavored water or flavored carbonated water with no added sweetener that is labeled to contain less than 5 calories per 8 fluid ounces in a maximum serving size of 20 fluid ounces;

- f) Flavored water or flavored carbonated water with no added sweetener that is labeled to contain no more than 40 calories per 8 fluid ounces in a maximum serving size of 12 fluid ounces;
 - g) Electrolyte replacement beverages that are labeled to contain less than 5 calories per 8 fluid ounces in a maximum serving size of 20 fluid ounces; and,
 - h) Electrolyte replacement beverages that are labeled to contain no more than 40 calories per 8 fluid ounces in a maximum serving size of 12 fluid ounces. (EC § 49431.5)
- 6) Prohibits a school or school district from selling food containing artificial trans-fat to K-12 students, from midnight before the start of the schoolday to one-half hour after the schoolday. (EC § 49431.7)

ANALYSIS

This bill:

- 1) Prohibits a public school from offering, selling or otherwise providing any food containing any of the following substances beginning July 1, 2025:
 - a) Blue 1 (CAS 3844-45-9);
 - b) Blue 2 (CAS 860-22-0);
 - c) Green 3 (CAS 2353-45-9);
 - d) Red 40 (CAS 25956-17-6);
 - e) Titanium dioxide (CAS 13463-67-7);
 - f) Yellow 5 (CAS 1934-21-0); and,
 - g) Yellow 6 (CAS 2783-94-0);
- 2) Allows a public school to sell food containing the substances specified in 1) as part of a school fundraising event that takes place off of and away from school premises, take place on school premises at least one-half hour after the end of the schoolday.
- 3) Defines "Food" to have the same meaning as in Section 109935 of the Health and Safety Code.
- 4) Defines "Public school" to mean a school operated by a school district or COEs, a charter school, and the state special schools.

- 5) Prohibits competitive foods, competitive entrees, and beverages from being sold, from midnight before to 30 minutes after the end of the official schoolday, in elementary, middle, and high schools, from containing:
 - a) Blue 1 (CAS 3844-45-9);
 - b) Blue 2 (CAS 860-22-0);
 - c) Green 3 (CAS 2353-45-9);
 - d) Red 40 (CAS 25956-17-6);
 - e) Titanium dioxide (CAS 13463-67-7);
 - f) Yellow 5 (CAS 1934-21-0); and,
 - g) Yellow 6 (CAS 2783-94-0);
- 6) Defines “Nutritionally adequate breakfast” and “Nutritionally adequate lunch,” for purposes of meal reimbursement, as meals that do not contain any of the following substances:
 - a) Blue 1 (CAS 3844-45-9);
 - b) Blue 2 (CAS 860-22-0);
 - c) Green 3 (CAS 2353-45-9);
 - d) Red 40 (CAS 25956-17-6);
 - e) Titanium dioxide (CAS 13463-67-7);
 - f) Yellow 5 (CAS 1934-21-0); and,
 - g) Yellow 6 (CAS 2783-94-0).

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “California has a responsibility to protect our students from chemicals that harm children and that can interfere with their ability to learn. It is unacceptable that federal regulators have not stepped up to prevent the serving of school foods with additives that are linked to cancer, hyperactivity, and neurobehavioral harms. This bill will empower schools to better protect the health and wellbeing of our kids and encourage manufacturers to stop using these dangerous additives.”
- 2) **The Federal Food and Drug Administration (FDA).** The FDA regulates all color additives used in foods, drugs, and specific medical devices under the Food, Drug & Cosmetic Act (FD&C Act) to ensure they meet safety standards and are accurately

labeled. A color additive is a dye, pigment, or other substance that imparts color when added or applied to a food, drug, cosmetic, or human body.

Color additives are beneficial in many products, making them attractive, appealing, delicious, and informative. They can serve as a code to identify products, such as candy flavors, medicine dosages, and left or right contact lenses. The FDA's role includes ensuring the safe and appropriate use of color additives.

The FDA must approve all color additives and new uses for listed color additives before they may be used in foods, drugs, cosmetics, specific medical devices, or on the human body. There is no Generally Recognized As Safe (GRAS) provision within the federal statutory definition of a color additive. Any substance intentionally added to food is considered a food additive and is subject to premarket review and approval by the FDA unless it is designated as GRAS.

The FDA has reviewed and continues to examine the effects of color additives on children's behavior. According to the FDA, most children have no adverse effects when consuming foods containing color additives, but some evidence suggests that certain children may be sensitive to them.

California Environmental Protection Agency's Office of Environmental Health Hazard Assessment – Effect of Food Dyes On Children.

In a 2021 report by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) titled "Potential Neurobehavioral Effects of Synthetic Food Dyes in Children," it was found that consuming synthetic food dyes can lead to hyperactivity and other neurobehavioral issues in particular children. The report indicated that children have varying sensitivity to artificial food dyes. The key findings of the report include:

The current federal levels for safe intake of synthetic food dyes may not adequately protect children's behavioral health. The U.S. Food and Drug Administration (USFDA) set these levels decades ago and do not reflect newer research.

The percentage of American children and adolescents diagnosed with Attention Deficit/Hyperactivity Disorder (ADHD) has increased from an estimated 6.1% to 10.2% over the last 20 years.

Evidence from human studies suggests that synthetic food dyes are linked to adverse neurobehavioral outcomes in children and that children react differently to artificial food dyes. "Challenge studies" involved placing children on a diet free of dyes for several weeks and reintroducing food or drinks containing dyes. The children's behavior was then measured using standardized methods, showing that some children are more negatively affected by synthetic food dyes than others. Animal studies also indicate that artificial food dyes affect activity, memory, and learning and cause changes in the brain's neurotransmitters and microscopic changes in brain structure.

All of the U.S. FDA's Acceptable Daily Intake levels (ADIs) for synthetic food dyes are based on 35- to 70-year-old studies not designed to detect the observed behavioral effects in children. Comparisons with newer studies suggest that the

current ADIs may not adequately protect children from behavioral effects and that updated levels would be much lower for some dyes.

OEHHA collaborated with scientists at UC Berkeley and UC Davis to estimate the levels of exposure to synthetic food dyes by U.S. children of varying ages, as well as pregnant women and women of childbearing age. The research team found that children are exposed to multiple dyes daily, with the highest exposure usually from juice and soft drinks. Common exposures to Red No. 3 from a few foods may exceed the existing ADI. If revised ADIs were based on newer studies, common exposures to food dyes in foods would exceed the revised guidance.

This bill would prohibit public schools from offering foods that contain the synthetic dyes covered in this study by OEHHA.

- 3) **How Does This Bill Impact School Meals?** The majority of school foods are already free from toxic chemicals that have been linked to behavioral issues. Many students from low-income and under-resourced backgrounds rely on the free meals provided at school. Additionally, according to data from the Department of Agriculture's Child Nutrition Food Programs and analysis by the Center for Science in the Public Interest, the Environmental Working Group discovered that very few foods available in schools contain the ingredients specified in this bill. The analysis revealed that only 4.2% of all school meal products and 2.5% of a la carte foods would be affected. The foods most affected include sweet bakery products, processed fruit, and chips.

Commodity Foods?

School districts receive an allocation from the USDA to obtain free food directly from the federal government for use in school meals. These USDA foods are typically referred to as commodity foods, usually in the form of whole cheese, meat, and vegetables. Schools can utilize their commodity foods to create other food items. For instance, many school districts use commodity cheddar cheese to make bean and cheese burritos for the school meal program.

New Nutritional Standards for USDA School Meals

By law, USDA is required to develop school nutrition standards that reflect the goals of the most recent edition of the *Dietary Guidelines for Americans*, which found that most kids are consuming too much sugar, sodium, and saturated fat, and not enough fruits, vegetables, and whole grains. This is leading to a rise in diet-related diseases. Following the science and listening to extensive feedback from all school meal partners, FNS is proposing gradual updates to the school nutrition standards in a few key areas to give kids the right balance of nutrients for healthy, tasty meals.

In February 2022, USDA published a rule that served as a bridge to give schools the support they need as they work together to build back from the pandemic. The rule establishes transitional standards for school years 2022-2023 and 2023-2024 in three key areas – milk, whole grains, and sodium per the chart above. On February 7, 2023, the USDA began the public comment process to receive feedback on their proposal making various changes to school meal nutrition. The public comment process, according to the USDA's website, is expected to end August 10, 2023. In time to plan for the 2024-2025 school year, "USDA plans to issue a final rule

establishing practical, implementable, science based school meal standards that work for schools, industry, and – most importantly – the more than 30 million school children that rely on the school meal programs every day.”

4) **Committee Amendments.** Committee Staff recommends the following amendments:

- a) Delay the implementation date.
- b) Make an exception for USDA Food Program.

5) **Related Legislation.**

AB 418 (Gabriel, Chapter 328, Statutes of 2023). Prohibits a person or entity, commencing January 1, 2027, from manufacturing, selling, delivering, distributing, holding, or offering for sale in commerce a food product for human consumption that contains any of the following substances: brominated vegetable oil (BVO); potassium bromate; propylparaben; or, red dye 3.

SB 651 (Wieckowski, 2021). would have required food that contains synthetic dyes to have the following label: SAFETY WARNING: Synthetic dyes may cause or worsen behavioral problems in children. This bill was set for hearing in the Senate Health Committee, then the hearing was canceled at the request of the author, and the bill subsequently died on file.

SB 348 (Skinner, Chapter 600, Statutes of 2023) requires schools to provide students with adequate time to eat following guidelines established by the California Department of Education (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.

SUPPORT

Consumer Reports (Co-Sponsor)
 Environmental Working Group (Co-Sponsor)
 State Superintendent of Public Instruction Tony Thurmond (Co-Sponsor)
 A Voice for Choice Advocacy
 Active San Gabriel Valley
 Alliance for Community Empowerment
 Alliance of Nurses for Healthy Environments
 American Nurses Association/California
 As You Sow
 Association of Regional Center Agencies
 Braid Mission
 Breast Cancer Prevention Partners
 Brighter Beginnings
 California Association of Food Banks

California Environmental Voters
California Federation of Teachers
California Health Coalition Advocacy
California Medical Association
California Nurses for Environmental Health and Justice
California Safe Schools Coalition
California School Employees Association
California State Council of Service Employees International Union
California State PTA
California Teachers Association
Capistrano Unified School District
Center for Community Action and Environmental Justice
Center for Ecoliteracy
Center for Environmental Health
Center for Science in The Public Interest
Chef Ann Foundation
Childrens Environmental Health Network
Clean Water Action
CleanEarth4Kids.org
Clearya
Community Clinic Association of Los Angeles County
Development of Court Skills
Eat Real
Ecology Center
Educate. Advocate.
Environmental Health Trust
Facts Families Advocating for Chemical and Toxics Safety
Foodsafe
Friends Committee on Legislation of California
GMOScience
Grassroots Environmental Education
Green Science Policy Institute
Healthy Babies Bright Futures
Indivisible Marin
Ingredient Guide for Better School Purchasing
John Burton Advocates for Youth
Las Virgenes Unified School District
Learning Disabilities Association of California
Life Time Foundation
Long Beach Gray Panthers
Los Angeles County Office of Education
Lunch Assist
Mamavation
Maternal and Child Health Access
Minneapolis Public Schools
Moms Across America
Moms Advocating Sustainability
mySafetyNEST
NextGen California
Non-Toxic Neighborhoods

Non-Toxic Schools
North County Equity and Justice Coalition
Office of Los Angeles Unified School District Board Vice President Nick Melvoin
Old World Winery
Our Voice: Communities for Quality Education
Oxnard Union High School District
PERK Advocacy
Pesticide Action Network
Physicians for Social Responsibility - San Francisco Bay Area Chapter
Public Health Advocates
Real Food for Kids
Recolte Energy
Resource Renewal Institute
Russian Riverkeeper
Santa Monica Democratic Club
ScratchWorks
Social Eco Education
Sonoma Safe Agriculture Safe Schools
Strategic Actions for A Just Economy
Tahoe Truckee Unified School District
The Feingold Association of the United States
The Los Angeles Trust for Children's Health
The Office of Kat Taylor
United Nurses Associations of California/Union of Health Care Professionals
UVE
Wellness in the Schools
Western Nevada College

OPPOSITION

Agricultural Council of California
American Bakers Association
American Beverage Association
American Chemistry Council
California Agricultural Teachers' Association
California Chamber of Commerce
California League of Food Producers
California Manufacturers & Technology Association
Consumer Brands Association
Dairy Institute of California
International Association of Color Manufacturers
International Dairy Foods Association
National Automatic Merchandising Association
National Confectioners Association

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2508	Hearing Date:	June 26, 2024
Author:	McCarty		
Version:	April 1, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Student financial aid: California Kids Investment and Development Savings (KIDS) Program: foster youth.

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

SUMMARY

This bill, subject to appropriation, requires the Scholarshare Investment Board (SIB) to open a California Kids Investment and Development Savings Program (CaKIDS) account for a student in the foster care system in grades one to 12 if an account has not already been established and requires the account of a student in the foster care system to receive a one-time enhanced deposit of \$500. It further authorizes the additional enhanced deposit of \$500 for those foster youth who did not previously receive an enhanced deposit that was previously provided to low-income students.

BACKGROUND

Existing law:

- 1) Establishes the CaKIDS Program, under the administration of the SIB, for purposes of expanding access to higher education through savings;
- 2) Requires, for the 2021–22 fiscal year, that a CaKIDS Account be established for all unduplicated pupils enrolled at a school district, public charter school, state special school, or other local educational agency (LEA), if one has not already been established for them, and requires the account to receive an enhanced deposit of \$500;
- 3) Requires, for the 2021–22 fiscal year, an eligible pupil who is also a foster youth, as defined, to receive an additional enhanced deposit of \$500;
- 4) Requires, commencing with the 2022–23 fiscal year, that a CaKIDS Account to be opened for all unduplicated pupils enrolled at a school district, public charter school, state special school, or other LEA when the pupil is enrolled in first grade, if an account has not already been established for them, and requires the account to receive an enhanced deposit of \$500;

- 5) Requires, commencing with the 2022–23 fiscal year, that an eligible first grade pupil who is also a foster youth, as defined, to receive an additional enhanced deposit of \$500; and,
- 6) Authorizes the SIB to consider marketing the CalKIDS Program to California residents, as provided, and requires the SIB to annually report to the Department of Finance and the Legislature information pertaining to the program's implementation, as provided. (Education Code § 69996.5, et seq.)

ANALYSIS

This bill:

- 1) Requires, commencing with the 2025-26 fiscal year, and subject to an appropriation by the Legislature, through the CalKIDS Program that both of the following to occur:
 - a) Each student who is a foster youth and is enrolled in any of grades 1-12, inclusive, at a school district, public charter school, state special school, or other LEA, to have a CalKIDS Account opened on their behalf, unless their account has already been established, and to receive an enhanced deposit of an additional \$500.
 - b) Each foster youth, as described in a) above, who did not previously receive a deposit in their CalKIDS Account in first grade, to further receive an enhanced deposit of \$500 in addition to the deposit described in a) above.
- 2) Specifies that upon receiving an enhanced deposit pursuant to 1) above in any fiscal year, a student is not eligible for an enhanced deposit, as described in 1) above, in any subsequent fiscal year.
- 3) Requires, for students for whom a CalKIDS Account has already been established and who are also eligible for an enhanced deposit, that the enhanced deposit be deposited in the CalKIDS Account in which funding for those students is currently held.
- 4) Permits a student who has already received an enhanced deposit into their KIDS Account or a student who receives an enhanced deposit due to their status as a homeless student, to also receive enhanced deposits commencing with the 2025-26 fiscal year.
- 5) Requires the SIB, commencing with the 2025–26 fiscal year, to collaborate with the California Department of Education (CDE) to establish a process to enable a foster youth student who met the specified eligibility criteria to receive an enhanced deposit into their CalKIDS account, but who did not receive this enhanced deposit due to a failure in the identification process, to subsequently receive the enhanced deposit.

- 6) Requires the annual report that is submitted to the Department of Finance and the Legislature pertaining to implementation to also include:
 - a) The number of pupils who received augmented payments based on status as foster youth or homeless student.
 - b) A disaggregation of the number of parents or legal guardians of pupils who received augmented payments based on status as foster youth or homeless pupils who engage with CalKIDS Accounts.
 - c) Efforts to reach foster youth within the description of the SIB's marketing of the CalKIDS Program.
- 7) Requires any marketing efforts developed by the SIB to include specific strategies to reach foster youth, as specified.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "College saving accounts are one of the best, proven ways of increasing the likelihood that a student will go to college. An overwhelming majority of foster youth want to attend college, but only a small fraction of them will get to due to the high costs of higher education. CalKIDS is an incredible program that provides all California public students with a College Savings Account. AB 2508 ensures that all foster youth will be able to fully benefit from the CalKIDS program, by guaranteeing they receive an additional \$500 in their accounts."
- 2) **CalKIDS Program and Fund.** Enacted in the 2019-20 State Budget, CalKIDS was designed to expand access to higher education through savings with tools like ScholarShare 529, California's official tax-advantaged college savings plan. CalKIDS is administered by the SIB, an agency of the State of California, and was initially established to automatically provide newborns in California with college savings accounts, including seed deposits and other potential financial rewards. However, in 2021, CalKIDS was expanded significantly to include 3.7 million low-income public school students enrolled in grades one through 12 who qualify for free or reduced lunch, are homeless, or are in foster care.

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

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

3) **How foster youth access the program.** More than 60,000 children are currently in the foster care system in California. Many of these children enter foster care due to abuse, neglect, or abandonment by their parents or guardians. Approximately 46% of foster youth enter the system after the age of 6. Under the CalKIDS program, all children receive an initial deposit. First graders who are identified as low-income receive an additional \$500, while foster youth and homeless first graders receive an additional \$500 augmentation in their account, bringing their total to \$1,000. Current law provides for CDE to identify students who are eligible for the enhanced deposits in first grade on the official census day in the applicable fiscal year. The proponents of this measure argue that it does not account for students who move into the foster care system after the first grade. This bill seeks to address this issue by ensuring that students who transition into foster care in a later grade, such as a fifth grader, will have missed the chance to benefit from the augmented deposit for foster youth through the CalKIDS program. The bill additionally establishes a process for enabling foster youth who met the eligibility criteria but who did not receive the enhanced deposit due to a failure in the identification process to subsequently receive the enhanced deposit.

4) **Prior legislation.**

AB 2821 (Nazarian, Chapter 164, Statutes of 2022) delayed the submission of the CalKIDS Program implementation report by the SIB to the Department of Finance and the Legislature from June 30, 2022, and annually thereafter, to June 30, 2023, and annually thereafter.

AB 2548 (Nazarian, 2022) which was vetoed by the Governor, would have, increased the initial seed deposit for the CalKIDS Program from at least \$25 to at least \$100. AB 2548 was vetoed by the Governor whose message read, in part:

“This bill, starting in the 2024-25 fiscal year and upon appropriation by the Legislature, would increase the initial newborn recipient seed deposit for the California Kids Investment and Development Savings (CalKIDS) Program from at least \$25 to at least \$100. CalKIDS is an important tool that gives California's kids a jump start on saving for college or career training. I appreciate the author's leadership and partnership to establish this program and his advocacy to expand it. While I appreciate the intent of the bill, it creates an estimated \$33.8 million in ongoing cost pressures not contemplated in the budget. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant cost pressures, such as this measure, should be

considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill.”

SB 77 (Senate Committee on Budget and Fiscal Review, Chapter 53, Statutes of 2019) established the CalKIDS Program.

AB 15 (Nazarian of 2019), would have automatically established a ScholarShare 529 college savings account for every child born in California after January 1, 2020, subject to available funding. AB 15 was held by the Senate Committee on Rules.

AB 34 (Nazarian, 2017) would have established a 529 college savings account for every child born in California after January 1, 2018. AB 34 was held on the Suspense File in the Assembly Committee on Appropriations.

SUPPORT

John Burton Advocates for Youth (Sponsor)
Alameda County Office of Education
Alliance for Children's Rights
California Alliance of Caregivers
California Child Savings Account Coalition
California Federation of Teachers
Children Now
CleanEarth4Kids.org
Doing Good Works
Excite Credit Union
Fresno City College - Nextup Program
Los Angeles County Office of Education
National Center for Youth Law
Norco College
Northern California College Promise Coalition
Office of the Riverside County Superintendent of Schools
Optimist Youth Homes & Family Services
SchoolHouse Connection
Seneca Family of Agencies
TLC Child and Family Services Transition Age Youth Housing Programs

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1917 **Hearing Date:** June 26, 2024
Author: Muratsuchi
Version: June 17, 2024
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Local educational agencies: governance training.

SUMMARY

This bill requires school board members to be trained on K-12 public education governance laws by January 1, 2027, and at least once during their tenure serving as a local educational agency (LEA) official.

BACKGROUND

Existing law:

- 1) Requires each local agency official who, as of January 1, 2025, is a member of the governing board of a school district, a county board of education, or the governing body of a charter school, to receive ethics training before January 1, 2026, and at least once every two years thereafter. (Government Code (GOV) § 53235.1)
- 2) Requires all local agency officials who are members of the governing board of a school district, a county board of education, or the governing body of a charter school to receive training in ethics, whether or not any member receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties. (GOV § 53235)
- 3) Requires each local agency official to receive at least two hours of training in general ethics principles and ethics laws relevant to the official's public service every two years. (GOV § 53235)
- 4) Requires the Fair Political Practices Commission and the Attorney General to be consulted, if an entity develops curricula to satisfy the requirements of this bill, regarding the sufficiency and accuracy of the proposed course content. (GOV § 53235)
- 5) Defines "ethics laws" to include, but not be limited to, the following:
 - a) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.
 - b) Laws relating to claiming perquisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources

for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

- c) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.
- d) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members. (GOV § 53234)

ANALYSIS

This bill requires school board members to be trained on K-12 public education governance laws by January 1, 2027, and at least once during their tenure serving as a LEA official. Specifically, this bill:

- 1) Requires each LEA official who is in service as of January 1, 2026, except for officials whose term of office ends before January 1, 2027, to receive training in K-12 public education governance laws by January 1, 2027.
- 2) Requires each LEA official, after initially receiving the training, to also receive the training at least once during their tenure serving as the LEA official.
- 3) Requires LEA officials who begin service on or after January 1, 2026, to receive the training no later than one year from the first day of service with the LEA.
- 4) Authorizes a LEA or an association of LEAs to offer one or more training courses, arrange for its officials to receive one or more training courses from a different entity, or offer sets of self-study materials with tests. This bill allows these courses to be taken at home, in person, or online.
- 5) Requires LEAs to provide information to its officials at least annually on available training.

Training curriculum

- 6) Requires the California Department of Education (CDE) to be consulted regarding the sufficiency and accuracy of any proposed course content, if an entity develops a curriculum. Requires CDE, when reviewing any proposed course content, to allow an entity to also include local ethics policies in the curriculum.

Records

- 7) Requires a provider of a training course to provide participants with proof of participation.

- 8) Requires LEAs to keep records showing both of the following:
 - a) The dates on which each LEA official satisfied the requirements of this bill.
 - b) The entity that provided the training to the LEA official.
- 9) Requires LEAs to maintain the records for at least five years after a LEA official receives the training, and provides that these records are public records subject to disclosure under the California Public Records Act.

Definitions

- 10) Defines the following:
 - a) “K–12 public education governance laws” include, but are not necessarily limited to, all of the following:
 - i) Open meeting laws, including the Ralph M. Brown Act.
 - ii) Public education school finance laws, including, but not necessarily limited to, laws related to the creation and approval of a LEA budget.
 - iii) For school districts and county offices of education, laws related to personnel and employees.
 - iv) For charter schools, laws related to charter school personnel and employees.
 - v) For school districts and county offices of education, public school accountability laws related to pupil learning and achievement, as specified.
 - vi) For charter schools, public school accountability laws, as specified.
 - b) “Local educational agency” means a school district, county office of education, or charter school.
 - c) “Local educational agency official” means either of the following:
 - i) Any member of the governing board of a school district or of a county board of education.
 - ii) Any member of the governing body of a charter school.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1917 is a simple and long overdue measure that requires governing board and body members of school districts, county offices of education, and charter schools to receive training in

public education governance laws at least once every four years. Current law requires these school officials to receive training in ethics, but no training requirements exist for other school governance topics. Since these governing board and body members are charged with guiding the academic and socioemotional wellbeing of our students, as well as are stewards of billions of dollars in public funds, receiving training on the public education governance laws they are required to follow is imperative.”

- 2) **Training.** Existing law requires school governing board members to receive ethics training before January 1, 2026, and at least once every two years thereafter. School board members are required to receive at least two hours of training in general ethics principles and ethics laws relevant to the official’s public service. *This bill requires additional training relative to specified K-12 public education governance laws.*

Should this bill be amended to encourage training to begin before newly elected board members attend the first meeting of the board that occurs after their election?

- 3) **Trainers and curriculum.** This bill is silent as to who is to provide the training (other than mentioning that LEAs may offer or arrange for the training to be provided). However, this bill does require the CDE to be consulted regarding the sufficiency and accuracy of any proposed course content, if an entity develops a curriculum. As noted in the Assembly Education Committee analysis, *the requirement to consult with CDE mimics ethics training for local officials, which requires that the Fair Political Practices Commission and the Attorney General be consulted regarding the sufficiency and accuracy of any proposed course content and curricula developed to satisfy the training requirements. The depth of this consultation is unclear.*
- 4) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) Minor and absorbable General Fund costs to CDE.
 - b) Ongoing Proposition 98 General Fund costs, likely in the low million dollars on the onset and in the tens to hundreds of thousands of dollars annually, to LEAs to provide training to LEA governing board members once in their tenure. Costs would be higher on the onset of this bill to provide training to a larger group of governing board members. Longer-term costs would depend on the tenure of a governing board member, with longer tenures resulting in less required training and, therefore, less local costs.
 - c) The state has over 2,000 LEAs, including charter schools. Assuming between 6,000 and 7,000 governing board members receive governance training as a result of this bill and training costs between \$300 and \$500 per member, costs would be between \$1.8 million and \$3.5 million for the first training cycle. If 25 percent of the members turned over every four years, and new members required the training, costs would be between

\$120,000 and \$200,000 annually. The cost ultimately would depend on the number of board members receiving training in a given year and the type of training they receive. For example, online training likely would be less expensive to LEAs than in-person training.

5) ***Prior legislation.***

AB 2396 (O'Donnell, 2020) would have required local agency officials who serve a school district, county office of education, or charter school to receive the ethics training and training in K–12 public education governance laws. AB 2396 was never heard due to the shortened legislative timelines related to the pandemic.

SUPPORT

Association of California School Administrators
California County Superintendents
Los Angeles County Office of Education

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2226 **Hearing Date:** June 26, 2024
Author: Muratsuchi
Version: May 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Elementary education: kindergarten.

SUMMARY

This bill requires, beginning with the 2026-27 school year, a student to have completed one year of kindergarten before being admitted to the first grade of a public school. This bill, therefore, expands compulsory education to include kindergarten.

BACKGROUND

Existing law:

- 1) Requires every person between the ages of six and 18 years to attend school full-time (at least the minimum school day as required by statute and school districts). (Education Code (EC) § 48200)
- 2) Requires a student to be admitted to kindergarten if the student will have their fifth birthday on or before September 1. (EC § 48000)
- 3) Authorizes school districts to admit to kindergarten, on a case-by-case basis, a student who will have their fifth birthday during the school year, subject to the following conditions:
 - a) The governing board of the school district determines that the admittance is in the best interest of the student.
 - b) The parent is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance. (EC § 48000)
- 4) Requires a student to be admitted to the first grade if the student will have their sixth birthday on or before September 1. (EC § 48010)

ANALYSIS

This bill:

- 1) Requires, beginning with the 2026-27 school year, a student to have completed one year of kindergarten before being admitted to the first grade of a public elementary

school (including a charter school).

- 2) Clarifies that a student is to be admitted to the first grade if the student has their sixth birthday on or before September 1 *and* that the student has completed one year of kindergarten.
- 3) Clarifies that the existing authority for a kindergarten student to be placed in first grade if judged ready for first grade work applies to a student who has not completed one school year of kindergarten.
- 4) Extends to charter school governing bodies the existing authority for a school district governing board to admit a student of a proper age to a class after the first month of a school term.
- 5) States legislative intent to maintain parental choice in determining the best option for their child's education, and states that a parent or legal guardian of a student eligible for kindergarten maintains the discretion to enroll the student in either public school kindergarten or private school kindergarten, which includes home schooling, before enrolling the student in the first grade of a public elementary school.
- 6) States legislative intent to fund kindergarten as a mandatory grade, beginning with the 2026-27 school year, in order to:
 - a) Ensure that all students have access to quality early educational opportunities to narrow the achievement gap at school entry; and,
 - b) Reduce the costs of special education and other interventions required for students who enroll in first grade without having completed kindergarten and, as a result, do not have the necessary skills for academic success.
- 7) Further states legislative intent that the age of compulsory education in California remains at six years of age.
- 8) States legislative findings and declarations relative to the benefits of kindergarten.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 2226 requires that, starting with the 2026-27 school year, children would be required to complete one year of kindergarten before being admitted to first grade, thereby making kindergarten mandatory. Although kindergarten is not currently mandatory in California, it is considered an essential component of early education as it builds the foundation of early literacy and numeracy, as well as important socialization skills for young children. Students who do not attend kindergarten are likely to be at a disadvantage as they enter first grade. AB 2226 will ensure all children have the opportunity to gain the critical skills they need as they move on to first grade and beyond."
- 2) ***How many students currently attend kindergarten?*** Kindergarten is considered a grade level, is factored in the calculation of average daily attendance, and is included in the academic content standards, curricular frameworks and instructional

materials. However, attendance in kindergarten is not mandatory and compulsory education laws begin at age six. The California Department of Education (CDE) estimates that, pre-COVID, approximately 95 percent of eligible students attended kindergarten (public and private kindergarten), and approximately 80 percent of eligible students attended kindergarten at a public school.

According to data collected through the California Longitudinal Pupil Achievement Data System and released by CDE April 4, 2023, enrollment in K-12 public schools, overall and specifically in kindergarten (includes transitional kindergarten), shows a slower decline in overall enrollment and a significant increase in enrollment in kindergarten. While decreases in enrollment during the pandemic were most severe in kindergarten, the greatest increases in enrollment are now amongst kindergarteners.

The California Longitudinal Pupil Achievement Data System shows that in 2022-23, approximately 3.5 percent of 1st graders appear to be enrolled in the public school for the first time, suggesting they did not attend kindergarten in a public school.

	Kindergarten Enrollment (includes TK)	Overall K-12 Enrollment
2022-23	495,811	5,852,544
2021-22	469,928	5,892,240
2020-21	462,172	6,002,523
2019-20	523,855	6,163,001

- 3) **Transitional kindergarten.** The state has invested in expanding transitional kindergarten to all four-year olds; as prescribed by law, full expansion is expected in the 2025-26 school year. *This bill proposes to require attendance in kindergarten in the 2026-27 school year, which delays implementation of mandatory kindergarten until after full expansion of transitional kindergarten is achieved.*

- 4) **Chronic absenteeism in kindergarten.** Existing law defines chronic absenteeism as when a student is absent on 10 percent or more of the schooldays in a school year (regardless of whether the absence was excused or not). According to DataQuest, chronic absenteeism for kindergarten in 2022-23 was 36.3 percent, compared to an average of 24.9 percent for all grades. Absenteeism in kindergarten may reflect the perceived lack of importance since kindergarten attendance is not mandatory. *It is worth noting that while kindergarten attendance is not mandatory, kindergarten attendance is included in school accountability measures, such as being reported on the School Dashboard.*

- 5) **Will all five-year olds be required to attend kindergarten?** No. This bill requires attendance at kindergarten prior to enrollment in first grade in a public school, but does not preclude five-year-olds from attending transitional kindergarten or preclude six-year-olds from attending kindergarten. This bill does not preclude private schools from enrolling students in first grade who have not completed one year of kindergarten.

- 6) ***Where are five-year olds if not already in kindergarten?*** Children who are too young to be admitted to, or whose parents choose not to enroll their child in, kindergarten may currently be served by other types of early education or care programs, such as state preschool or general child care programs. Those programs differ from kindergarten in which curriculum is offered, staffing ratios, length of program, and other important elements that parents may consider when choosing early education for their children. Currently, attendance in kindergarten is not mandatory; this bill makes kindergarten attendance mandatory prior to enrollment in first grade in a public school. The enrollment of additional students into kindergarten could affect other programs that may currently be serving these children (not an issue if the children are currently enrolled in transitional kindergarten).
- 7) ***Public or private school.*** This bill does not require students to attend kindergarten at a public school; parents would retain the option to enroll their five- or six-year old in kindergarten at a private school, including homeschool. This bill does not preclude private schools from enrolling students in first grade who have not completed one year of kindergarten.

8) ***Related legislation.***

SB 1056 (Rubio, 2024) is nearly identical to this bill. SB 1056 was held in the Senate Appropriations Committee.

9) ***Prior legislation.***

SB 767 (Rubio, 2023) was nearly identical to this bill. SB 767 was held in the Senate Appropriations Committee.

SB 70 (Rubio, 2022) was nearly identical to this bill. SB 70 was vetoed by the Governor, whose veto message read:

The learning that happens during the early years of a child's life is critical to their long-term success and happiness. It's why I worked with the Legislature to provide universal access to quality pre-kindergarten education, including transitional kindergarten, the California State Preschool Program, and other state-subsidized early learning programs. Making sure all kids begin their school careers ready to learn on par with their peers is one of the most impactful things we can do to combat societal inequities.

While the author's intent is laudable, SB 70 is estimated to have Prop. 98 General Fund cost impacts of up to \$268 million ongoing, which is not currently accounted for in the state's fiscal plan. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill.

SB 1153 (Rubio, 2020) was identical to this bill, other than the implementation date. SB 1153 was not heard due to the compressed 2020 legislative session.

AB 713 (Weber, 2015) would have required, beginning with the 2017-18 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 713 was held in the Senate Appropriations Committee.

AB 1444 (Buchanan, 2014) would have required, beginning with the 2016-17 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 1444 was vetoed by Governor Brown, whose veto message read:

Most children already attend kindergarten, and those that don't may be enrolled in other educational or developmental programs that are deemed more appropriate for them by their families.

I would prefer to let parents determine what is best for their children, rather than mandate an entirely new grade level.

AB 1772 (Buchanan, 2012) would have required, beginning with the 2014-15 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 1772 was held in the Assembly Appropriations Committee.

AB 2203 (V. Manuel Perez, 2012) would have expanded compulsory education laws to include five-year olds. AB 2203 was held in the Assembly Appropriations Committee.

AB 1236 (Mullin, 2008) would have expanded compulsory education laws to include five-year olds. AB 1236 was held in the Assembly Appropriations Committee.

SUPPORT

California Teachers Association (Co-Sponsor)
 Los Angeles Unified School District (Co-Sponsor)
 A World Fit for Kids
 Alliance College-ready Public Schools
 Asian Americans Advancing Justice Southern California
 California Association for Bilingual Education
 California Charter Schools Association
 California Federation of Teachers
 California Music Educators Association
 California Retired Teachers Association
 California School Employees Association

California State PTA
Communities in Schools of Los Angeles
Delta Kappa Gamma International - Chi State
Early Edge California
EdVoice
Kipp SoCal Public Schools
Los Angeles Chamber of Commerce
Los Angeles County Business Federation
Our Voice: Communities for Quality Education
Para Los Ninos
Parent Engagement Academy
Partnership for Los Angeles Schools
San Francisco Unified School District
Study Smart Tutors
Teach Plus - California

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1885	Hearing Date:	June 26, 2024
Author:	Addis		
Version:	January 22, 2024		
Urgency:	No	Fiscal:	No
Consultant:	Olgalilia Ramirez		

Subject: Student Success Completion Grant program.

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 extends eligibility, commencing with the 2025-26 academic year, for the California Community College (CCC) Student Success Completion Grant program (Completion Grant) to students who enroll in 9 or more units per semester, or the equivalent, and are considered full-time as part of the Disabled Student Programs and Services (DSPS) Academic Accommodation Plan.

BACKGROUND

Existing law:

- 1) Establishes the mission and function of the CCC, which, in part, is to: 1) offer academic and vocational instruction at the lower division level for both younger and older students, including those persons returning to school; 2) grant the associate in arts and the associate in science degrees; 3) offer English as a Second Language instruction, adult noncredit instruction, and support services which help students succeed at the postsecondary level; and, 4) advance California's economic growth and global competitiveness through education, training, and services that contribute to continuous workforce improvement. (Education Code (EC) § 66010.4)
- 2) Establishes the Student Success Completion Grant (SSCG), under the administration of the CCC. Stipulates that SSCGP is operative only in fiscal years that funding has been provided for SSCGP in the annual Budget Act or another statute. Expresses that SSCGP awards are intended to cover non-tuition costs of college. Specifies a student attending a CCC may receive a SSCG award if the student meets all of the following requirements:
 - a) Receives a Cal Grant B or C award;
 - b) Is making satisfactory academic progress at the college under criteria required by the applicable federal standards, as specified;

- c) Is a California resident or is exempt from paying nonresident tuition, as specified; and,
- d) Students who meet the applicant criteria shall be eligible for the following grant amounts:
 - i) \$1,298 per semester, or quarterly equivalent, for eligible students who enroll in 12, 13, or 14 units per semester, or the quarterly equivalent number of units;
 - ii) \$4,000 per semester, or quarterly equivalent, for eligible students who enroll in 15 units per semester, or the quarterly equivalent number of units; and,
 - iii) Commencing with the 2023-24 academic year, students who meet the criteria (as enumerated above in (2) (a – c) inclusive, who are current or former foster youth, as defined, will be eligible for a SSCGP in the amount of \$5,250 per semester, or quarterly equivalent, if they enroll in 12 units or more per semester or the quarterly equivalent number of units. (EC § 88931)

ANALYSIS

- 1) This bill expands eligibility, commencing with the 2025-26 academic year, to the Completion Grant by requiring that a student who meets the applicant criteria for the Completion Grant at the CCC, who enrolls in 9 or more units per semester (instead of 12 units), or the equivalent, and is considered full-time as part of the DSPS Academic Accommodation Plan, be eligible for a grant amount of \$1,298 per semester, or the equivalent.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “California community college students who have received a Cal Grant and are taking at least 12 units are eligible for an additional grant called the Student Success Completion grant. This grant is designed to help alleviate the cost of tuition while attending a California Community College for Cal grant recipients so that they can focus on achieving their academic goals. The twelve-unit minimum is codified in Education Code section 88931 (c)(1)(A). Twelve units was chosen as the threshold because that is the traditional minimum amount of units required to be considered a “full-time” student for many educational programs.

“Unfortunately, this leaves many students in Disabled Students Programs and Services (DSPS) ineligible to receive this financial aid since many of them do not take 12 units. That being said, DSPS students are considered full-time when they are taking nine units as a part of their academic accommodation plan but due to the 12-unit minimum, they are not eligible for the grant. As a result, they cannot earn the SSCG and therefore receive less financial aid on average than students without disabilities. This is an issue because it is excluding one of our most

vulnerable populations by not giving them access to a grant that would help them pursue their academic endeavors.”

- 2) **The Student Success Completion Grant (SSCG).** The SSCG is a financial aid program for Cal Grant B and C recipients attending a CCC full-time (12 units or more). The purpose of the SSCG grant award is to provide the student with additional financial aid to help offset the total cost of community college attendance, and to encourage full time attendance and successful on-time completion. SSCG pays a maximum of \$1,298 annually at \$649 per semester for eligible students who enroll and attend 12 through 14.99 units per term and a maximum of \$4,000 annually at \$2,000 per semester for eligible students who enroll and attend 15 units or more per term. The Legislature, in conjunction with the Governor and the Department of Finance, created the SSCG, and, as stipulated, commencing with the 2018-19 academic year, each participating CCC must provide a SSCG award to eligible students in order to assist in offsetting students’ total cost of CCC attendance. Further, the 2023-24 Budget Act adjusted the SSCG, stipulating that beginning with the 2023-24 academic year, students who meet eligibility criteria and who are current or former foster youth, are eligible for a SSCG in the amount of \$5,250 per semester, or quarterly equivalent, if they enroll in 12 units or more per semester or the quarterly equivalent number of units.
- 3) **Disabled Student Programs and Services.** DSPS was created when Assembly Bill 77 (Lanterman) was enacted in 1976 and codified in Education Code, Section 84850, and Title 5, California Code of Regulations (5 CCR), Sections 56000-56076. It funds support services and instructional programs for students with disabilities at the California Community Colleges. DSPS assists colleges to provide services and accommodations for qualified students to support their student success and to meet the requirements of federal and state non-discrimination and civil rights laws, including Sections 504 and 508 of the federal Rehabilitation Act, the Americans with Disabilities Act (ADA); and California Government Code Sections 11135-11139.5.

The DSPS program provides support services and educational accommodations to students with disabilities so that they can have full and equitable access to the community college experience. In addition, many colleges provide specialized instruction as part of their DSPS program. An Academic Accommodation Plan is developed for each student served by DSPS. The Academic Accommodation Plan defines the student’s educational goals and outlines the support services and academic accommodations to be provided to address the student’s specific disability-related educational needs.

Examples of services that may be provided by DSPS that are over and above those regularly offered by the college would be test-proctoring, assessment for learning disabilities, specialized counseling, interpreter or captioning services for hearing-impaired or deaf students, mobility assistance, note-taker services, reader services, transcription services, specialized tutoring, access to adaptive equipment, job development and placement, registration assistance, special parking, and specialized instruction.

This bill aims to extend eligibility for the completion grant to students who are considered full-time as part of the DSPS Academic Accommodation Plan but may not meet the minimum unit requirement for full-time non-disabled students. By taking into account the full-time equivalent accommodation for students with disability-related education needs, the proposed changes appear to strike an appropriate balance between meeting the needs of students with Academic Accommodation Plans and upholding the full-time attendance objectives of the completion grant.

- 4) **Who is eligible?** According to the CCC Office of the Chancellor, in the 2022-23 academic year, there were 107,385 CCC students in DSPS. Of that number, it is not clear how many students would be eligible for this program.

SUPPORT

California Community Colleges, Chancellor's Office (Co-Sponsor)
Cabrillo Community College District
California Federation of Teachers
California Student Aid Commission
Cerritos College
Coast Community College District
College of the Redwoods
Delta Kappa Gamma International - Chi State
Faculty Association of California Community Colleges
Foothill-De Anza Community College District
Institute for College Access & Success
Long Beach Community College District
Monterey Peninsula College
Riverside Community College District
San Bernardino Community College District
San Jose-Evergreen Community College District
Santa Clarita Community College District - College of the Canyons
Solano Community College
State Council on Developmental Disabilities
Television Academy Foundation
West Hills Community College District
Yuba Community College District

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1919 **Hearing Date:** June 26, 2024
Author: Weber
Version: April 15, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil discipline: suspension: restorative justice practices.

SUMMARY

Requires a local educational agency (LEA), beginning July 1, 2026 to adopt at least one of the best practices for restorative justice practice implementation as identified by the California Department of Education (CDE).

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Specifies a pupil shall not be suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed specified acts in subdivision (a) – (r). (EC § 48900)
- 2) Authorizes the principal of a school or the district superintendent to suspend a pupil from a school for any of the reasons identified above for no more than five consecutive days, and requires that suspension be preceded by an informal conference where the pupil must be informed of the reasons for the disciplinary action, including other means of correction that were attempted before the suspension, and the evidence against them, and must be given the opportunity to present their own version and evidence in their defense. Also requires a school employee to make a reasonable effort to contact the pupil's parent or guardian in person or by telephone, and if the pupil is suspended from school, requires that the parent or guardian be notified in writing. (EC § 48911)
- 3) Specifies that other means of correction include, but are not limited to:
 - a) A conference between school personnel, the pupil's parent or guardian, and the pupil.
 - b) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
 - c) Study teams, guidance teams, resource panel teams, or other intervention-

related teams that assess the behavior and develop and implement individualized plans to address the behavior in partnership with the pupil and their parents.

- d) Referral for a comprehensive psychosocial or psychoeducational assessment, including creating an individualized education program or a 504 plan.
 - e) Enrollment in a program for teaching prosocial behavior or anger management.
 - f) Participation in a restorative justice program.
 - g) A positive behavior support approach with tiered interventions that occur during the school day on campus.
 - h) After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
 - i) Community service, as specified. (EC §48900.5)
- 4) Requires the CDE, by June 1, 2024, to develop evidence-based best practices for restorative justice practice implementation on a school campus and make these available on the department website for use by LEAs to implement restorative justice practices as part of efforts to improve campus culture and climate. Also requires the CDE to consult with school-based restorative justice practitioners, public school educators, students, community partners, and nonprofit and public entities in developing the best practices, and to the extent feasible take into account other programs and resources, as specified. (EC 49055)

ANALYSIS

This bill:

- 1) Requires an LEA, beginning July 1, 2026 to adopt at least one of the best practices for restorative justice practice implementation developed by the CDE.
- 2) Specifies participation in a restorative program, may include one of the best practices developed by CDE.
- 3) Requires, rather than allows, school districts to document the other means of correction used and place that documentation in the pupil's record.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "This bill derives from previous legislation AB2598; Restorative practices and restorative justice methods allow for greater understanding and community healing in addressing youth behavior. These practices also emphasize building strong relationships among students, staff, teachers, administrators, and parents while creating safe, productive learning environments for all. AB 1919 would ensure that our educators and schools are

equipped to effectively implement the best restorative justice practices developed by school based restorative justice practitioners, community stakeholders, educators, and others. This bill will build upon AB 2598 and would help address remaining inequities within our public education system and improve school climate, which leads to increased attendance, reduced feelings of isolation, bullying, classroom disruption, truancy, antisocial behavior, and disputes among students.”

- 2) **Restorative Justice Best Practices Developed By CDE.** AB 2598 (A. Weber, Chapter 914, Statutes of 2022) requires the CDE, by June 1, 2024, to develop evidence-based practices for restorative justice practice implementation on a school campus as part of efforts to improve campus culture and climate. The legislation encourages the CDE to take into account resources and best practices that have been identified or developed as part of the Scaling Up Multi-Tiered Systems of Support (MTSS) initiative, the California Community Schools Partnership Program, and resources developed by the CDE in support of social-emotional learning (SEL). According to the CDE, they expect to complete this work by the June 1st deadline.

This bill is a continuation of the work established by AB 2598 (A. Weber, Chapter 914, Statutes of 2022) that would require LEAs to adopt at least one of the best practices for restorative justice developed by the CDE.

- 3) **Students Of Color Are Disproportionally Suspended or Expelled.** A 2018 report by the U.S. Government Accountability Office (GAO) highlighted the disproportionate discipline rates for black students, boys, and students with disabilities in K-12 schools, based on Civil Rights Data Collection (CRDC) data. Despite a 2% decline in overall exclusionary discipline practices in U.S. public schools from 2015-16 to 2017-18, there was an increase in school-related arrests, expulsions with educational services, and referrals to law enforcement. According to the report, the disproportionate disciplinary actions result from implicit bias among teachers and staff, leading to differential judgment of student behaviors based on race and sex.

Progress in California’s Suspension and Expulsion Rates, But Disproportionality Still Remains.

Data from the CDE shows that while the number of suspensions and expulsions decreased over the 10-year period from 2012-13 to 2022-23, the number of African American students suspended or expelled remains significantly above their proportionate enrollment:

- a) Total suspensions for all offenses dropped 44%, from 609,810 to 337,507;
- b) African American students made up 6% of enrollment in 2012-13 and 5% in 2022-23, but received 19% of total suspensions in 2012-13 and 15% in 2022-23;
- c) Total expulsions dropped by 44% over the 10-year period, from 8,564 in 2012-13 to 4,750 in 2022-23; and
- d) African American students accounted for 13% of total expulsions in 2021-13 and 12% in 2022-23.

4) **When Is a Student Recommended For Expulsion?** Expulsion is the most serious disciplinary action a school administrator may recommend, and a school district may impose on a student. Expulsion can only occur through the action of the school district governing board, but administrators have an important role in recommending expulsion. Due process procedures for student expulsion are prescribed in EC § 48915, which categorizes the types of offenses that require an expulsion recommendation and those that do not require an expulsion recommendation. If an administrator does recommend expulsion for a specified offense, a student is entitled to a hearing within 30 school days after that determination unless the student or parents or guardians request in writing that the hearing be postponed. This excludes expulsion for students in kindergarten to grade twelve, inclusive, for willful defiance which is prohibited. It should be noted that the California Department of Education’s (CDE) website contains a matrix tool designed to help administrators decide, when expulsion of a student is deemed mandatory, expected, or at administrators discretion.

Must Recommend Expulsion (Mandatory)	Shall Recommend Expulsion Unless Particular Circumstances Render Inappropriate	May Recommend Expulsion (Discretionary)
<p>EC § 48915(c)</p> <p>Act must be committed at school or school activity.</p> <ol style="list-style-type: none"> 1. Firearm <ol style="list-style-type: none"> a. Possessing firearm when a district employee verified firearm possession and when student did not have prior written permission from a certificated employee which is concurred with by the principal or designee. b. Selling or otherwise furnishing a firearm. 2. Brandishing a knife at another person. 	<p>Act must be committed at school or school activity.</p> <p>EC § 48915(a) states that an administrator shall recommend expulsion for the following violations (except for subsections [c] and [e]) unless the administrator finds that expulsion is inappropriate due to a particular circumstance.</p> <ol style="list-style-type: none"> 1. Causing serious physical injury to another person, except in self-defense. EC § 48915(a)(1)(A) 2. Possession of any knife or other dangerous object of no reasonable use to the pupil. EC § 48915(a)(1)(B) 3. Possession and/or use of any substance listed in the California <i>Health and Safety Code</i> commencing with §11053, except for the first offense for possession of not more than one 	<p>Acts committed at school or school activity or on the way to and from school or school activity.</p> <ol style="list-style-type: none"> a. Inflicted physical injury b. Possessed dangerous objects c. Possessed drugs or alcohol (policy determines which offense) d. Sold look alike substance representing drugs or alcohol e. Committed robbery/extortion f. Caused damage to property‡ g. Committed theft h. Used tobacco (policy determines which offense) i. Committed obscenity/profanity/vulgarity j. Possessed or sold drug paraphernalia k. Disrupted or defied school staff l. Received stolen property m. Possessed imitation firearm n. Committed sexual harassment o. Harassed, threatened or intimidated a student witness

<p>3. Unlawfully selling a controlled substance listed in California <i>Health and Safety Code</i> Section 11053 et. seq.</p> <p>4. Committing or attempting to commit a sexual assault or committing sexual battery as defined in <i>EC</i> § 48900(n).</p> <p>5. Possession of an explosive.</p>	<p>avoirdu pois ounce of marijuana other than concentrated cannabis.</p> <p>4. Robbery or extortion. <i>EC</i> § 48915(a)(1)(D)</p> <p>5. Assault or battery, or threat of, on a school employee. <i>EC</i> § 48915(a)(1)(E)</p> <p>The recommendation for expulsion shall be based on one or both of the following:</p> <p>1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.</p> <p>Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others (see <i>EC</i> Section 48915[b][2]).</p>	<p>p. Sold prescription drug Soma</p> <p>q. Committed hazing</p> <p>r. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in <i>EC</i> § 32261(f) and (g), directed specifically toward a pupil or school personnel.</p> <p>The recommendation for expulsion shall be based on one or both of the following:</p> <p>1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct (see <i>EC</i> Section 48915[b][1]).</p> <p>2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others (see <i>EC</i> Section 48915[b][2]).</p> <p><i>EC</i> Section 48900(t) states a pupil who aids or abets in infliction of physical injury to another, as defined in California <i>Penal Code</i> Section 31, may suffer suspension, but not expulsion. However, if a student is adjudged by a court to have caused, attempted to cause, or threatened personal injury, the student may be expelled.</p> <p><i>EC</i> Section 48900(u) "school property" includes, but is not limited to, electronic files and databases.</p>
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Source: CDE

It is worth noting that *EC* 48917 empowers the local governing board to suspend the enforcement of an expulsion order and assign the student to a school, class, or program that is deemed appropriate for their rehabilitation at any time after voting to expel a pupil. The student is considered on probationary status during the suspension period for the expulsion order.

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

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

Existing Law Encourages Use Of Restorative Justice Practices.

Existing Current law requires that suspension be imposed only when other means of correction fail to bring about proper conduct. Other means of correction include, but are not limited to:

- a) A conference between school personnel, the pupil’s parent or guardian, and the pupil;
- b) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling;
- c) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and the pupil’s parents;

- d) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program (IEP) or 504 plan;
- e) Enrollment in a program for teaching prosocial behavior or anger management;
- f) Participation in a restorative justice program;
- g) A positive behavior support approach with tiered interventions that occur during the schoolday on campus; and,
- h) After school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parents and community groups.

Local Control Accountability Plan (LCAP) State Priority: Pupil Engagement.

One of the eight state priorities required to be addressed in the LCAP is pupil engagement, measured by suspension and expulsion rates. In their LCAPs, school districts, county offices of education, and charter schools have to explain their actions to achieve their goals for each state priority, including goals for reducing suspension rates. Given that LCAPs were first implemented for the 2014-15 school year, the overall reduction in suspensions and disruption/willful defiance could also be linked to the priority of pupil engagement.

6) Related Legislation.

AB 2598 (A. Weber, Chapter 914, Statutes of 2022) requires the CDE to develop and post on its website by June 1, 2024, evidence-based best practices for restorative justice practices for LEAs to implement to improve campus culture and climate.

AB 1165 (McCarty, Chapter 22, Statutes of 2023) encourages LEAs to refer both the victim and perpetrator of an incident of racist bullying, harassment, or intimidation to a restorative justice program that suits the needs of both the victim and the perpetrator.

SB 274 (Skinner, Chapter 597, Statutes of 2023) extends the prohibition against the suspension and expulsion of students in grades K-8, to K-12, for disrupting school activities or willfully defying the valid authority of school personnel to all grades indefinitely but would retain a teacher's existing authorization to suspend any student from class for willful defiance and prohibit the suspension or expulsion of a student based solely on the fact that they are truant, tardy, or otherwise absent from school activities.

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

SUPPORT

Administrators Association of San Diego City Schools

GLIDE

Los Angeles County Office of Education

San Diego Unified School District

San Francisco Unified School District

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2019 **Hearing Date:** June 26, 2024
Author: Hoover
Version: May 20, 2024
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Early and middle college high schools and programs.

SUMMARY

This bill establishes a reporting mechanism for early or middle college high school *programs*, thereby recognizing these *programs* separately from early or middle college high *schools*.

BACKGROUND

Existing law:

Middle college high school

- 1) States legislative findings and declarations that middle college high schools have proven to be a highly effective collaborative effort between local school districts and community colleges. (Education Code (EC) § 11300)
- 2) Provides that the goal of the middle college high school is to select at-promise high school students who are performing below their academic potential and place them in an alternative high school located on a community college campus in order to reduce the likelihood that they will drop out of school before graduation. (EC § 11300)
- 3) Requires each middle college high school to be structured as a broad-based, comprehensive instructional program focusing on college preparatory and school-to-work curricula, career education, work experience, community service, and support and motivational activities. (EC § 11300)
- 4) Authorizes the specific design of a middle college high school to vary depending on the circumstances of the community college or school district, but requires the basic elements of the middle college high school to include, but not be limited to, the following:
 - a) A curriculum that focuses on college and career preparation.
 - b) A reduced adult-student ratio.

- c) Flexible scheduling to allow for work internships, community service experience, and interaction with community college student role models.
- d) Opportunities for experiential internships, work apprenticeships, and community service. (EC § 11300)

Early college high school

- 5) States legislative findings and declarations that early college high schools are innovative partnerships between charter or non-charter public secondary schools and a local community college, the California State University, or the University of California that allow students to earn a high school diploma and up to two years of college credit in four years or less. (EC § 11302)
- 6) Provides that early college high schools are small, autonomous schools that blend high school and college into a coherent educational program, where students begin taking college courses as soon as they demonstrate readiness. (EC § 11302)
- 7) Authorizes the college credit earned to be applied toward completing an associate or bachelor's degree, transfer to a four-year university, or obtaining a skills certificate. (EC § 11302)

ANALYSIS

This bill establishes a reporting mechanism for early or middle college high school *programs*, thereby recognizing these programs separately from early or middle college high *schools*. Specifically, this bill:

- 1) Requires each school district, county office of education, or charter school with a middle college high school or program, or an early college high school or program, to prepare and submit a report annually to the California Department of Education (CDE), by August 1, 2026, and each August 1 thereafter.
- 2) Requires the report to include all of the following information regarding the middle college high school or program for the most recent year available, disaggregated by grade level, gender, socioeconomic status, race and ethnicity, and other disproportionately impacted groups in compliance with all applicable state and federal privacy laws:
 - a) The total number of high school students.
 - b) The total number of college-level courses offered to students, by course category and type.
 - c) The total student enrollment in college-level courses and percentage of successful course completions, by course category and type.
 - d) The total number of students who have successfully earned their high school diploma and either an associate degree or the Intersegmental

General Education Transfer Curriculum transfer certificate.

- e) The name of the partner institution of higher education, and copy of the memorandum of understanding or agreement, as applicable, establishing the partnership between the middle college high school or program or an early college high school or program.
- 3) Requires CDE, by November 15, 2026, and each November 15 thereafter, to aggregate the information reported and submit a report of the information to the Legislature and to the Department of Finance. Requires the report to also include all of the following:
- a) The total number of middle college high schools, middle college programs, early college high schools, and early college programs.
 - b) A list of the partner institutions of higher education.
 - c) A summary of the memoranda of understanding or agreements with partner institutions of higher education, as applicable, establishing the partnership between the middle college high school or program or an early college high school or program.
 - d) Data disaggregated by county, grade level, gender, socioeconomic status, race and ethnicity, and other disproportionately impacted groups in compliance with all applicable state and federal privacy laws.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Higher education provides economic and financial mobility, especially for disadvantaged students, and many schools have stepped up by partnering together to expand dual enrollment. Dual enrollment programs are tried and true ways to open more doors to California students. Students and administrators in rural areas are often faced with issues of funding, scheduling, and the sheer distance between school sites, so AB 2019 helps remedy these problems so students can take full advantage of educational opportunities.”
- 2) ***Schools vs programs.*** Early college high schools are small, autonomous schools that blend high school and college into a coherent educational program. Existing law states legislative findings and declarations that early college high schools are innovative partnerships between charter or non-charter public secondary schools and a local community college, the California State University, or the University of California that allow students to earn a high school diploma and up to two years of college credit in four years or less.

Middle college high schools are secondary schools located on a college campus. Existing law provides that the goal of the middle college high school is to select at-promise high school students who are performing below their academic potential and place them in an alternative high school located on a community college campus in order to reduce the likelihood that they will drop out of school

before graduation.

As noted in the Assembly Education Committee analysis of this bill, over the last several years, an unknown number of early college *programs* and middle college *programs* were established. These *programs*, rather than *schools*, appear to be operating as programs within an existing high school. Existing law authorizes early and middle college high *schools* to provide a reduced number of instructional minutes in order to accommodate a fraction of the student's time for their enrollment and participation in college courses, while still receiving a full apportionment for the school district or charter school. It is unclear how many *programs* (rather than *schools*) are utilizing this instructional time and average daily attendance authorization. Because early or middle college *programs* may not be standalone schools, their accountability metrics may be included in their high school's results.

This bill establishes a reporting mechanism for early or middle college high school *programs*, thereby recognizing these *programs* separately from early or middle college high *schools*. *However, this bill does not extend the instructional time and average daily attendance authorization as is currently afforded to early or middle college schools. The practical effect of this bill is that CDE will maintain information about these programs, and early or middle college programs may be eligible for funding that is currently provided to early or middle college schools.*

- 3) **Technical amendment needed.** This bill requires each local educational agency with a middle college high school or program, or an early college high school or program, to prepare and submit a report that includes specified information regarding the middle college high school. **Staff recommends an amendment** to also reference information about early college high schools or programs. On page 2, line 9:

"The report shall include all of the following information regarding the middle college high school or program or the early college high school or program for the most recent year available, disaggregated by grade level, gender, socioeconomic status, race and ethnicity, and other disproportionately impacted groups in compliance with all applicable state and federal privacy laws ..."

- 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 amount, potentially in the thousands of dollars per school or program, to high schools and programs to report annual data to CDE. (The state does not collect information about how many LEAs operate these high schools or programs.)
 - b) Ongoing General Fund costs of at least \$100,000 to CDE to prepare an annual report.

5) ***Related legislation.***

AB 2588 (Chen, 2024) requires CDE to annually conduct a study regarding participation, performance, and outcomes of college readiness programs for, at a minimum, the previous school year, including, but not limited to, international baccalaureate, advanced placement, dual and concurrent enrollment, early and middle college high schools, and career and technical education. AB 2588 was held in the Assembly Appropriations Committee.

SUPPORT

Alameda County Office of Education

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2831	Hearing Date:	June 26, 2024
Author:	Hoover		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: School facilities: Office of Small School Facilities and Construction.

SUMMARY

This bill requires the California Department of Education (CDE) to establish the Office of Small School Facilities and Construction (Office) to provide assistance and guidance to small school districts for the construction and development of school facilities.

BACKGROUND

Existing law:

- 1) 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 (CTE) facilities.
- 2) Provides that a school district's ongoing eligibility for new construction funding is determined by making calculations related to certain factors, including, but not limited to, enrollment projections by utilizing a cohort survival enrollment projection system, the number of students that may be adequately housed in the existing school building capacity of the district.
- 3) Requires the CDE to establish standards for use by school districts to ensure that the design and construction of school facilities is educationally appropriate, promotes school safety, and provides school districts with flexibility in designing instructional facilities.
- 4) Requires, the Department of General Services (DGS), under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building to ensure that plans and specifications comply with the specified rules and regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property.

- 5) Provides that a school district is eligible to receive an apportionment for the modernization of a permanent school building that is more than 25 years old or a portable classroom that is at least 20 years old. A school district is eligible to receive an additional apportionment for modernization of a permanent school building every 25 years after the date of the previous apportionment or a portable classroom every 20 years after the previous apportionment.
- 6) Establishes specified per pupil grants for new construction and modernization and requires an annual inflation adjustment based on a construction cost index.
- 7) Establishes fees for residential development projects to enable school districts to build schools to house new students in the district.

ANALYSIS

This bill:

- 1) Requires the CDE to establish the Office to provide assistance and guidance to small school districts for the construction and development of school facilities.
- 2) Requires the Office to, upon request of a small school district, inform the district of laws and regulations applicable to small school districts, provide assistance in assessing school facilities, and provide technical assistance and other services.
- 3) Requires the CDE to collaborate with the Office of Public School Construction (OPSC) to provide assistance and guidance to small school districts in the identification, application, and acquisition of state school facilities funding for the construction and development of school facilities.
- 4) Requires the Office to be established only if the voters approve, at the November 5, 2024, statewide general election, a statewide bond act that provides money for school facilities.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “With small school districts making up the vast majority of school districts (60%) in California, adequate state resources are needed to provide guidance and technical assistance to small school districts in navigating the application process for state school facilities funding to better meet the needs of their students, staff, and school boards.”
- 2) ***Complexity of the school construction process.*** School construction is a complex, lengthy process often taking several years to complete. It begins with meticulous planning where a facilities master plan is developed to identify projected enrollment and funding sources. Site selection involves community participation and compliance with health and safety standards.

Once the planning is in place, the design phase translates educational needs into detailed schematics, reviewed collaboratively to ensure cost-effectiveness and adherence to codes. Plans are then submitted for review by several agencies.

The SAB oversees the allocation of state funds, while the OPSC verifies compliance and facilitates the application process.

The Division of the State Architect (DSA) ensures that all plans meet California's building codes, focusing on safety and accessibility. Concurrently, the CDE reviews the educational adequacy of the plans, ensuring they meet student and faculty needs. The Department of Toxic Substances Control (DTSC) assesses and mitigates any site contamination issues, while the Department of Industrial Relations (DIR) ensures compliance with prevailing wage laws.

After securing funding, the project moves to the bidding and construction phase. Public bidding is conducted to hire contractors, and construction begins with continuous oversight to track progress and resolve issues. The final phase involves project close-out, where construction is certified, expenditures are audited, and all necessary reports are submitted to ensure compliance with all regulations.

Throughout this process, the collaboration of multiple agencies ensures that the construction meets all regulatory requirements and educational standards, ultimately providing a safe and effective learning environment for students.

- 3) ***History of the School Facilities Program.*** The construction and rehabilitation of public K-12 facilities are funded by a combination of state and local general obligation (GO) bonds, developer's fees and local assessments such as Mello-Roos community facilities districts.

State bond funds are allocated pursuant to the SFP and administered by the OPSC under the direction of the SAB, a ten member body comprised of the Department of Finance, the Director of the DGS, the Superintendent of Public Instruction (SPI), three Senators, three Assemblymembers, and a Governor's appointee. Under the SFP, the New Construction program requires a 50 percent match from local educational agencies (LEAs), unless the LEA qualifies for financial hardship, which pays up to 100 percent of project costs. Modernization funds are awarded at 60 percent with a 40 percent match. Since the inception of the SFP in 1998, voters have approved \$54 billion in state GO bonds for K-12 schools.

The last bond passed by voters, Proposition 51 on the November 2016 statewide ballot, provided \$9 billion for K-12 and California Community Colleges (CCC) facilities through the following allocations:

- a) \$7 billion for K-12 facilities allocated as follows:
- b) \$3 billion for new construction projects;
- c) \$3 billion for modernization projects;
- d) \$500 million for CTE facilities;
- e) \$500 million for charter school facilities; and,

- f) \$2 billion for CCC facilities.
- 4) ***Small school districts assistance.*** Small school districts, defined as those with an enrollment of less than 2,501 pupils, face additional challenges in navigating the school construction and facility funding processes. Small school districts may not have dedicated facility staff. In many districts, facilities may be handled by the district superintendent, who may also be the principal of a school. Over the last several years, the SAB has seen a number of school districts appealing denial of funds due to various errors and challenges.

AB 247 (Muratsuchi, 2024) and SB 28 (Glazer, 2024) propose to assist small school districts by providing advance funding for design and providing small school districts with an opportunity to reserve eligible funds and extra time (up to five years) to develop the project, including receiving necessary approvals from various agencies. This is similar to the extended time given to charter schools. Small school districts may request a construction management grant equal to 5 percent of the state share of the estimated (preliminary) apportionment that can be used for technical assistance provided by another local educational agency with expertise in school construction or a state agency. In addition, of the amount to be allocated to new construction and modernization, up to 10 percent would be set aside for small school districts.

- 5) ***Related legislation.***

AB 247 (Muratsuchi, 2024) would authorize a bond measure of \$14 billion for the construction and modernization of Transitional Kindergarten through community colleges public education facilities on an unspecified 2024 statewide ballot.

SB 28 (Glazer, 2024) would authorize a \$15 billion bond measure for the construction and modernization of public preschool, K-12, CCC, University of California (UC), and California State University (CSU) facilities to be placed on the ballot for the March 2024 statewide primary election.

SUPPORT

California School Boards Association (sponsor)
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 3216	Hearing Date:	June 26, 2024
Author:	Hoover		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupils: use of smartphones.

SUMMARY

Requires, rather than allows, a governing board of a local educational agency (LEA), county office of education (COE), or a charter school no later than July 1, 2026, to develop, adopt, and update every 5 years a policy, as specified, to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee of that LEA, COE, and charter school.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) The governing body of a LEA, COE, or charter school may adopt a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee or employees of that LEA, COE, or charter school. (EC § 48901.7 (a))
- 2) States a pupil shall not be prohibited from possessing or using a smartphone under any of the following circumstances:
 - a) In the case of an emergency, or in response to a perceived threat of danger.
 - b) When a teacher or administrator of the LEA, COE, or charter school grants permission to a pupil to possess or use a smartphone, subject to any reasonable limitation imposed by that teacher or administrator.
 - c) When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the pupil.
 - d) When the possession or use of a smartphone is required in a pupil's individualized education program. (EC § 48901.7 (b))
- 3) Authorizes the governing board of each school district, or its designee, to regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including but not limited to, paging and

signaling equipment, by students of the school district while the students are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees. (EC § 48901.5 (a))

- 4) Provides that no student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the student and use of which is limited to purposes related to the health of the student. (EC § 48901.5 (b))

Penal Code (PEN)

- 5) Except as provided in this section, a government entity shall not do any of the following:
 - a) Compel the production of or access to electronic communication information from a service provider.
 - b) Compel the production of or access to electronic device information from any person or entity other than the authorized possessor of the device.
 - c) Access electronic device information by means of physical interaction or electronic communication with the electronic device. This section does not prohibit the intended recipient of an electronic communication from voluntarily disclosing electronic communication information concerning that communication to a government entity. (PEN § 1546.1(a))
- 6) A government entity may compel the production of or access to electronic communication information from a service provider, or compel the production of or access to electronic device information from any person or entity other than the authorized possessor of the device only under a warrant, wiretap order, order for electronic reader records, a subpoena, or an order for a pen register or trap and trace device, or both, as specified. (PEN § 1546.1 (b))
- 7) States a government entity may access electronic device information by means of physical interaction or electronic communication with the device with, including but not limited to, a warrant, wiretap order, tracking device search warrant, consent of the authorized possessor of the device, consent of the owner of the device, only when the device has been reported as lost or stolen, believes that an emergency involving danger of death or serious physical injury to any person, believes the device to be lost, stolen, or abandoned, as specified. (PEN § 1546.1 (c))

ANALYSIS

This bill:

- 1) Requires, rather than allows, a governing board of an LEA, COE, or a charter school no later than July 1, 2026, develop and adopt, and update every 5 years a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee of that LEA, COE, and charter school.

- 2) Requires the goal of the policy is to promote evidence-based use of smartphone practices to support pupil learning and well-being with significant stakeholder participation in order to ensure that the policies are responsive to the unique needs and desires of pupils, parents, and educators in each community.
- 3) Makes findings and declarations related to the effects of unrestricted use of smartphones by pupils at elementary and secondary schools during the schoolday and data that suggest how smartphone policy at school can be beneficial.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Extended studies have demonstrated that the use of smartphones in classrooms can detract from students’ academic performances while contributing to higher rates of academic dishonesty and cyberbullying. In consideration of California’s deficiency when it comes to academic performance as compared to other states, it is imperative for the Legislature to take action to resolve this issue. AB 3216 will require local educational agencies (LEA’s) to implement a policy that prohibits the use of smartphones by their pupils while present at a schoolsite during operational hours. By doing so, LEA’s can confidently expect an increase in both the productivity and safety of their academic environments. This bill is a step in the right direction in enhancing the academic achievement and well-being of public school students in this state.”
- 2) ***Expansion of Existing Authority: Requiring, Rather Than Allowing, District or School Smartphone Policies.*** Existing law provides that no student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the student and use of which is limited to purposes related to the health of the student. In 2019, the Legislature passed AB 272 (Muratsuschi, Chapter 42, Statutes of 2019), which authorized governing bodies to adopt a policy to limit or prohibit the use of smartphones by students while at school or under employee supervision without prohibiting a student from possessing or using a smartphone under specified circumstances.

This bill expands existing law, by requiring, rather than allowing, LEAs, COEs, and charter schools, to develop, adopt, and revise every 5 years, a smart phone policy, that emphasis promoting evidence-based use of smartphone practices to support pupil learning and well-being with significant stakeholder participation.

- 3) ***A Call To Action: Research Demonstrates Impact of Smartphone Use On Teenagers.*** The U.S. Surgeon General issued an advisory in 2023 about the impact of social media use on the mental health of young people. The Surgeon General called for urgent action from policymakers, technology companies, researchers, families, and young people to better understand the full impact of social media, maximize its benefits, minimize its harms, and create safer online environments to protect children.

A 2019 Pew Research study found that most U.S. teens consider anxiety and depression to be significant issues among their peers, regardless of whether they

experience these conditions. Concern about mental health is widespread across gender, racial, and socio-economic lines.

Furthermore, a 2020 article in the Journal of Affective Disorders indicated that more time spent on social media was linked to an increased risk of self-harm and depression, as well as lower self-esteem among 13–15-year-old girls. Similar findings were observed for both weekday and weekend use.

Some researchers have suggested a correlation between increased technology and smartphone use and the rising rates of teenage anxiety and depression. Dr. Jean Twenge's book, "iGen," presents evidence of increased depression and suicide among American teenagers, potentially due to increased mobile device screen time and social media use.

Moreover, an increasing body of research focuses on the impact of technology on student outcomes in grades K-12. A 2015 Discussion Paper from the London School of Economics and Political Science, Center for Economic Performance, explored the effects of banning cell phone use in English city schools 2013. The paper found that student test scores improved following the ban, particularly among the most disadvantaged and underachieving pupils. The data suggests that low-achieving students are more likely to be distracted by mobile phones, while high achievers are less affected by the mobile phone policy.

4) **Related Legislation.**

SB 1283 (Stern, 2024) bill would expand the existing authority of a LEA, COE, or charter school to adopt a policy that would either limit or prohibit the use of social media by its students while on campus or under the supervision and control of an employee.

AB 272 (Muratsuschi, Chapter 42, Statutes of 2019) provides that a student shall not be prohibited from possessing or using a smartphone under specified circumstances, and authorizes governing bodies to adopt a policy to limit or prohibit the use of smartphones by students while at school.

SB 1253 (Figueroa, Chapter 253, Statutes of 2002) allows school district governing boards to regulate the possession and use of electronic signaling devices (cell phones, pagers, etc.) by pupils while on campus or attending school functions.

SUPPORT

Los Angeles Unified School District

OPPOSITION

California School Boards Association

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2093 **Hearing Date:** June 26, 2024
Author: Santiago
Version: April 1, 2024
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Community colleges: California College Promise: fee waiver eligibility and funding formula.

SUMMARY

This bill expands the Community College enrollment fee waiver that students are eligible for under the California College Promise by an additional two years of full-time attendance in an upper division community college baccalaureate degree program for a total of four years of eligibility.

BACKGROUND

Existing law:

- 1) Establishes a \$46 per unit fee for students at the California Community Colleges (CCC). (Education Code (EC) § 76300)
- 2) Provides for a waiver of fees for certain types of students, including those who meet minimum academic and progress standards adopted by the CCC Board of Governors (BOG) and have household incomes below certain thresholds established by the BOG or have demonstrated financial need pursuant to federal law. (EC § 76300)
- 3) Establishes the Community Colleges Student Success Completion Grant (SSCG), which supplements the Cal Grant B access award by up to \$1,298 annually for a student enrolled in 12, 13 or 14 units per semester and up to \$4,000 annually for a student taking 15 or more units per semester. (EC § 88931)
- 4) Establishes the California College Promise, under the administration of the Chancellor of the CCC, to provide funding, upon appropriation by the Legislature, to each community college meeting prescribed requirements. Additionally, existing law:
 - a) Authorizes a community college to use that funding to waive some or all of the fees for two academic years for first-time community college students and returning community college students, as defined, who are enrolled in 12 or more semester units or the equivalent, or less for students certified as "full time," as specified, and who complete and submit either a Free Application for Federal Student Aid (FAFSA) or a California Dream Act application, except as provided.

- b) Requires the chancellor to establish a funding formula that advances the goals of the program.
 - c) Requires the funding formula to include, for funding appropriated for the program in excess of the funding needed to waive all student fees, the number of full-time equivalent students at a community college and the number of students at a community college who satisfy the requirements to receive federal Pell Grants and the requirements to receive a specified exemption from paying nonresident tuition. (EC § 76396-76396.4)
- 5) Authorizes the BOG of the CCC to establish permanent district baccalaureate degree programs, and provided that only 15 baccalaureate degree programs are approved during each application period allowing for a total of 30 baccalaureate degree programs per academic year. Additionally, existing law:
- a) Requires the Chancellor of the CCC to consult with and seek feedback from the Chancellor of the California State University (CSU), the President of the University of California (UC), and the President of the Association of Independent California Colleges and Universities (AICCU) on proposed baccalaureate degree programs, as specified, and establishes a mechanism for the assessment, consultation, and approval of programs where duplication is identified, as specified;
 - b) Requires a community college districts to continue to offer an associate degree program in the same academic subject for which a baccalaureate degree program has been approved, unless the community college district has receive approval from the chancellor to eliminate the associate degree program, as specified; and,
 - c) Specifies that the total number of baccalaureate degree programs offered by a CCD, at any time, does not exceed 25 percent of the total number of associate degree programs offered by the CCD, including associate degrees for transfer. (EC § 78040 et seq.)

ANALYSIS

This bill expands the Community College enrollment fee waiver that students are eligible for under the California College Promise by an additional two years of full-time attendance in an upper division community college baccalaureate degree program for a total of four years of eligibility. Specifically, it:

- 1) Extends eligibility for the California Promise Program to a first-time community college students or a returning community college student who is enrolled full-time and who matriculates into upper division coursework of a community college baccalaureate degree program to receive a fee waiver for any fees and for an additional two academic years.
- 2) Adds to the California College Promise funding formula, for funding appropriated to the program in excess of the funding needed to waive all student fees, the

number of students who matriculate into upper division coursework of a community college baccalaureate degree program.

- 3) States various findings and declarations.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Higher education is a catalyst for economic mobility, especially for low-income, first generation students of color. Unfortunately, the cost of a bachelor’s degree is out of reach for so many of these students. California has the opportunity to provide a pathway to debt-free college! AB 2093 puts the dream of an affordable bachelor’s degree within reach for more California students and their families.”
- 2) **California College Promise Program.** AB 19 (Santiago, Chapter 735, Statutes of 2017) established the California College Promise program, which authorizes but does not require CCCs to waive fees for first-time, full-time students without financial need for their first two years of college. Staff understands that colleges may use the funds from the California College Promise program for other purposes such as student support services. To be eligible for these waivers, students must have no prior postsecondary degree, enroll in 12 or more units per semester, and submit a FAFSA or a California Dream Act application.. This bill expands the California College Promise program to include a third and fourth academic year for a first-time CCC student who enters into a CCC baccalaureate degree program.
- 3) **CCC Baccalaureate programs.** Current law establishes a process for the review, assessment, consultation, approval, and dispute resolution of proposed community college baccalaureate degree programs. Specifically, it establishes two application cycles, allowing the approval of up to 15 baccalaureate degree programs per cycle for a total of 30 baccalaureate degree programs per academic year. The process necessitates the involvement from all three public higher education segments, as well as representatives from independent colleges and universities. For the 2022-23 academic year, 1,596 students were enrolled in a CCC baccalaureate degree program. Students are charged \$130 per unit for comparison lower divisions are set in statute and modified by the legislature the fee has remained flat at \$46 per unit since 2012.
- 4) **Other types of financial aid available to cover fees associated with CCC baccalaureate programs.** Unlike other states, California has had a tuition-free program since 1984. Under current law, the BOG Fee Waiver is available specifically for low-income students at CCCs. The BOG Fee Waiver waives the per-unit CCC enrollment fee (currently \$46). The BOG fee waiver has existed since the inception of CCC enrollment fees and waives the per-unit enrollment fee for any CCC student *who demonstrates financial need*. The BOG fee waiver has been renamed the California College Promise Grant (not to be confused with the separate California College Promise program, which this bill addresses). Eligible baccalaureate degree students may have the base portion of their fees waived by the California College Promise Grant (formerly known as the BOG waiver).

Additionally, eligible students can receive a Cal Grant award or Middle Class scholarship to cover supplemental baccalaureate program fees. The Cal Grant program, the state's largest financial aid program, is intended to help students with financial need cover college tuition and, in some cases, other college costs. The Middle Class Scholarship provides undergraduate students with a scholarship to account for cost of attendance to attend a UC, CSU, or community college baccalaureate degree program. Students with a family income and assets up to \$201,000 may be eligible.

- 5) **Things to consider about non-need based financial assistance.** As drafted, this bill would extend a new fee waiver for two additional years, for a total of four years, to qualifying students without any determination of financial need. Since low-income students already qualify for tuition coverage under the Promise Grant (formerly known as the BOG fee waiver), Cal Grant program and/or Middle Class Scholarship, the new waiver proposed in this bill is likely to provide the greatest benefit to students who are less financially needy. While the Legislature has crossed this bridge by establishing a non-need-based financial aid program through AB 19 (Santiago, Chapter 735, Statutes of 2017) and AB 74 (Ting, Chapter 23, Statutes of 2019), the question remains: *should financial aid be allocated specifically to students with high levels of financial need rather than as an entitlement to all students?*

Additionally, students incur attendance costs for books, supplies, and living expenses. These "non-tuition" costs can exceed \$18,000 annually for CCC students living independently. A student's ability to pay the full cost of attendance can be an important factor in his or her success. As a result, students who cannot afford to fully cover access costs such as textbooks, transportation, food, and housing may make choices that undermine their ability to complete their education. For example, they may need to work more hours at the expense of studying. In response to this need, the state has increased efforts to provide additional aid, specifically to CCC students, to cover living expenses. *Does providing financial aid to non-needy students come at the expense of expanding financial aid for needy students to include aid for the total cost of attendance?*

- 6) **Amendment.** As drafted, the bill would incorporate into the funding formula for the California College Promise program the number of students who enroll in a CCC baccalaureate degree program. However, the addition appears to be duplicative of the full-time equivalent student number already factored into the formula. For this reason, **staff recommends amending the bill** to remove the provisions that include baccalaureate degree headcount in the promise program formula.
- 7) **Related legislation.**

SB 895 (Roth, 2024) would require the CCC Chancellor's Office to establish a Community College Baccalaureate Degree in Nursing Pilot Program that would authorize 15 community college districts to offer a Bachelor of Science in Nursing degree. SB 895 was heard and approved by this Committee April 24, 2024.

AB 2104 (Soria, 2024) would require the Chancellor of the CCC to develop a Baccalaureate Degree in Nursing Pilot Program that authorizes select community college districts to offer a Bachelor of Science in Nursing degree. This bill is pending in this Committee.

SUPPORT

Los Angeles Community College District (Sponsor)
Antelope Valley Community College District
California Community College Baccalaureate Association
California Federation of Teachers
California School Employees Association
College of the Redwoods
College of the Siskiyous
Contra Costa Community College District
Foothill-De Anza Community College District
Long Beach Community College District
Los Angeles College Faculty Guild, Local 1521
Madera Community College
Mt. San Jacinto Community College District
Napa Valley Community College District
Palo Verde Community College District
Peralta Community College District
Rancho Santiago Community College District
Reedley College
Rio Hondo College
Riverside Community College District
San Bernardino Community College District
San Diego Community College District
San Jose-Evergreen Community College District
South Orange County Community College District
Southwestern Community College District
Unite-LA
West Kern Community College District
Westhillscollege.com

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AJR 13 **Hearing Date:** June 26, 2024
Author: Santiago
Version: March 21, 2024
Urgency: **Fiscal:** No
Consultant: Lynn Lorber

Subject: Tuition assistance programs.

SUMMARY

This resolution requests that the Congress of the United States pass the Upskilling and Retraining Assistance Act and the Upward Mobility Enhancement Act, and further requests that the President of the United States sign those acts into law.

BACKGROUND

Existing *federal law* specifies that the gross income of an employee does not include amounts paid or expenses incurred by the employer for educational assistance to the employee, and that the maximum exclusion is \$5,250. (United States Code, Title 26, § 127)

Existing *state law* specifies that gross income of an employee does not include any amounts, not exceeding an aggregate amount of \$5,250 per calendar year, that is paid or incurred by the employer for educational assistance to the employee pursuant to an educational assistance program. (Revenue & Tax Code § 17151)

ANALYSIS

This resolution:

- 1) Provides that:
 - a) Tuition assistance programs eliminate financial barriers for working students who pursue a higher education.
 - b) Unfortunately, employees must pay federal income taxes on education assistance benefits received from their employer that exceed \$5,250 a year.
 - c) The amount of \$5,250 falls below the costs of most degree programs when taking a full course load.
 - d) The \$5,250 limit is not indexed to inflation or tuition costs and has not been adjusted since 1986 when it was raised from \$5,000 to \$5,250 as part of the federal Tax Reform Act of 1986.

- e) The devaluation of the exemption limit has depressed corporate-covered education benefit programs, reducing the versatility and readiness of the American workforce.
- 2) Resolves that the Legislature requests that the Congress of the United States pass the Upskilling and Retraining Assistance Act and the Upward Mobility Enhancement Act, and further requests that the President of the United States sign those acts into law.

STAFF COMMENTS

- 1) ***Need for the resolution.*** According to the author, “As of March 2023, about 44 million U.S. borrowers collectively owed more than \$1.6 trillion in federal student loans. We must ensure that the current federal tax exemption limit for education assistance benefits is indexed to inflation and tuition increases. Continuous learning is a benefit that helps employers retain their employees and enables employees to pursue additional educational opportunities. For these reasons, it is vital that the Upskilling and Retraining Assistance Act and the Upward Mobility Enhancement Act are passed and signed into law.”
- 2) ***Tax exemption for education assistance benefits.*** Existing law includes a maximum exclusion that limits the amount of monetary benefits provided in a calendar year that can be excluded from gross income to an individual, at \$5,250. Any amount of benefit provided to an employee above this amount in a calendar year is added to gross income and considered taxable. However, there is no cap on the amount of tax deduction for an education expense provided by an employer, provided that education meets at least one of the following two tests:
 - a) The education is required by the employer or the law to keep the employees present salary, status or job.
 - b) The education maintains or improves skills needed in the employees’ present work.

As noted in the Assembly Higher Education Committee’s analysis of this bill, although employers can deduct education expenses from their income with no limit, employees may not exceed the \$5,250 annual limit without incurring a tax liability. This \$5,250 level falls below the costs of most degree programs when taking a full course load, which leaves employee-learners with a difficult choice:

- Take the number of courses desired but pay a tax penalty;
- Take fewer courses at a time, thereby extending time to completion in order to stay under the annual limit; or,
- Choose not to pursue the desired coursework.

The \$5,250 limit is not indexed to inflation or tuition costs and has not been adjusted since 1986 when it was raised from \$5,000 to \$5,250 as part of the Tax

Reform Act of 1986. Had this value been indexed to inflation in the law, the exemption limit would stand at \$14,654 in today's dollars. Had it instead been indexed to the average cost of tuition in the United States, which according to the Bureau of Labor Statistics has increased by 16.4% per year since 1986, the \$5,250 value would stand at \$37,100 today. At the level set in 1986, all but the most expensive four year public school bachelor's degree programs would have been covered under the annual cap with room to spare; now almost none would.

Currently pending in Congress is legislation, known as the Upskilling and Retraining Assistance Act and the Upward Mobility Enhancement Act, that aim to increase the current limit of \$5,250 to \$12,000 for tax years 2024 and 2025. *This resolution urges Congress to pass these bills and further requests that the President sign the bills into law.*

SUPPORT

None received

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2507	Hearing Date:	June 26, 2024
Author:	Friedman		
Version:	April 18, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Student financial aid: Students at Risk of Homelessness Emergency Pilot Program.

SUMMARY

This bill establishes the Emergency Students Facing Housing Crisis and Homelessness Revolving Fund and requires the California Student Aid Commission (Commission) to distribute moneys in the fund to a nonprofit organization to award student loans. It also establishes the Students at Risk of Homelessness Emergency Pilot Program under the administration of the Commission to award loans for students who demonstrate financial need attending either the University of California Los Angeles (UCLA), the California State University, Northridge (CSUN) and Glendale Community College.

BACKGROUND

Existing law:

- 1) Establishes the Commission for the purpose of administering specified student financial aid programs. (Education Code (EC) § 69510, et seq.)
- 2) Authorizes the Commission to receive donations, bequests, grants, and philanthropic funding, subject to conditions or restrictions that the executive director of the Commission may deem advisable, and subject to the approval, as specified. Beginning January 1, 2024, at the first regular Commission meeting of the calendar year, the Commission must publicly report both of the following:
 - a) The source, and the amount from each source, of any philanthropic funding received during the calendar year immediately preceding the reporting deadline; and,
 - b) The purpose for which that philanthropic funding was used. (EC § 69514.3)
- 3) Establishes the mission and function of the California Community Colleges (CCC) which, in part is to: 1) offer academic and vocational instruction at the lower division level for both younger and older students, including those persons returning to school; 2) authorizes the CCC to grant the associate in arts and the associate in science degrees; 3) requires the CCC to offer English as a Second Language instruction, adult noncredit instruction, and support services which help students succeed at the postsecondary level; and, 4) advance California's

economic growth and global competitiveness through education, training, and services that contribute to continuous work force improvement. (EC § 66010.4).

- 4) Establishes the California State University (CSU) system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and 89030, et seq.)
- 5) Establishes the University of California 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, § (9)(a) of the California Constitution).

ANALYSIS

This bill:

- 1) Establishes the Emergency Students Facing Housing Crisis and Homelessness Revolving Fund as the initial depository of all moneys appropriated, donated, or otherwise received for the program.
- 2) Requires, upon appropriation by the Legislature, that the Commission distribute moneys in the fund to the nonprofit organization that has entered into a contract with the Commission to award loans to students.
- 3) Establishes the Students at Risk of Homelessness Emergency Pilot Program under the administration of the Commission to award loans for housing and college attendance costs to students attending southern California institutions UCLA, CSUN, and Glendale Community College who demonstrate financial need.
- 4) Requires the Commission to enter into a contract with a nonprofit organization for the organization to award loans to eligible students. The contract may include a provision that authorizes 2.5 percent of the funds provided to the nonprofit organization that has entered into a contract with the Commission to be used by the nonprofit organization for its administrative costs under the program for each year that the program is operational.
- 5) Deems a student attending an institution eligible for loan award if the student satisfies both of the following requirements:
 - a) Demonstrates financial need by meeting any one or combination of the following:
 - i) Is eligible for a federal Pell Grant.
 - ii) Has an annual expected family contribution that is equal to, or less

than, twenty thousand dollars (\$20,000).

- iii) Is facing eviction.
 - iv) Is homeless.
 - v) Is food insecure.
- b) Is enrolled at least part-time in an undergraduate program, or a lower division community college program, at either UCLA, CSUN or Glendale Community College.
- 6) Makes the nonprofit organization that enters into a contract with the Commission responsible for all of the following:
- a) Upon the receipt of funds from the Commission for determining student eligibility for a loan.
 - b) Determining the amount of a loan not to exceed a reasonable estimate of housing and college attendance costs, as determined by the nonprofit organization, and that is based on the financial need of the student.
 - c) Awarding loans to students.
- 7) Specifies that eligible students:
- a) Receive loan awards free of interest.
 - b) Receive loan awards without incurring fees for the loan or for program participation.
- 8) Specifies that the standard repayment term for a loan awarded under the program be no more than 10 years, as determined in the contract with the Commission and that the standard commencement and rate of loan repayment be determined in the contract entered into with the Commission.
- 9) Disqualifies a student who is in default on any federal student loan, state student loan, or student loan issued by the segment or the institution is not eligible for a loan under the program.
- 10) Requires a student seeking a loan to:
- a) Confirm in writing that they satisfy all of the requirements for loan eligibility.
 - b) Authorize the nonprofit organization that has entered into a contract with the Commission to access any information pertinent to certifying that the student meets all of the requirements for loan eligibility.

- 11) Requires the nonprofit organization that has entered into a contract with the Commission to certify that the student meets all of the requirements for loan eligibility before awarding a loan to the student.
- 12) Requires that the nonprofit organization that has entered into a contract with the Commission submit an annual report to the Commission that includes, but is not limited to, both of the following disaggregated by institution, age, gender, and ethnicity of students for the previous award year:
 - a) The number of students who qualified for a loan.
 - b) The number of students awarded a loan.
- 13) Requires that the Commission submit an annual report to the Legislature that includes the information submitted by the nonprofit organization contracting with the Commission.
- 14) Defines various terms for purposes of the bill including:
 - a) “Fund” means the Emergency Students Facing Housing Crisis and Homelessness Revolving Fund established in the bill.
 - b) “Nonprofit organization” means a nonprofit organization that has existed for more than 50 years and operates an interest-free loan program virtually in the state on and before January 1, 2025.
- 15) Sunsets the bill’s provisions on January 1, 2029.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “The need for this bill is rooted in the systemic barriers that financially disadvantaged students face in pursuing higher education in California. Despite the state's commitment to providing equal educational opportunities, the burden of student debt continues to hinder access and exacerbate socio-economic disparities. This bill acknowledges the urgent need to address these inequities by introducing a pilot interest-free student loan program tailored specifically for financially needy, homeless, at-risk of homelessness, and food insecure students. By removing the barrier of interest charges on loans, the bill aims to alleviate the financial burden on this population, enabling them to pursue higher education without being deterred by the prospect of accumulating significant debt. Furthermore, this initiative recognizes the pivotal role of education in fostering social mobility and economic prosperity, underscoring the importance of ensuring equitable access to educational opportunities for all Californians.”
- 2) **Who is eligible?** To be eligible for the proposed interest free loan program a student must demonstrate financial need by meeting on of the prescribed requirements including facing eviction or qualifying for Pell Grant. A student must be enrolled at least part-time in an undergraduate program or a lower division community college at one of three southern California colleges, UCLA, CSUN, or

Glendale Community College. Students who are in default on any federal, state, or institution-issued students loan are ineligible. Students must confirm in writing that they meet all of the loan eligibility requirements and allow the nonprofit organization administrating the program to access any information pertinent to certifying the student's eligibility requirements. Loan repayment under the proposed program is limited to 10 years. The contract with the Commission would determine the standard start date and rate of loan repayment. It is unclear from the bill's provisions whether students could be required to make loan payments prior to graduation.

- 3) **Nonprofit would administer the program.** This bill is sponsored by the Jewish Free Loan Association (JFLA). The bill would require, upon appropriation by the Legislature, that the Commission distribute moneys in the fund to a nonprofit organization that has entered into a contract with the Commission to award loans to students. A qualifying nonprofit organization consists of those that have existed for more than 50 years and operate an interest-free loan program virtually in the state on and before January 1, 2025. Presumably, JFLA would be among the nonprofit organizations qualifying for the contract. JFLA is a non-sectarian interest free lending organization in Los Angeles, Ventura and Santa Barbara Counties. According to information provided by JFLA, the organization provides interest-free, no-fee loans and has existed for 120 years, and currently has an outstanding portfolio balance of over 18 million to thousands of clients. JFLA's total outstanding loan balance for education loans is \$7,468,602 in 908 loans. JFLA averages approximately 300 interest-free student loans per year. When COVID hit in 2020, demand for student loans skyrocketed. JFLA had to reduce the size of its student loans from \$10,000 to \$7,500 to stretch available lending dollars and help more students. Their goal, as explained in their budget proposal, is to increase the amount back to \$10,000 and to help more students.
- 4) **Student loans and debt.** Federal student loans under the Direct Subsidized and unsubsidized loan programs for undergraduate students, for loans disbursed between July 1, 2023, and July 1, 2024 currently have an interest rate of 6.53 percent. However, students are not always able to secure federal student loans (which have the same rates for every borrower), and rely on private student loans, which, as of April 2024, have interest rates ranging from 4.50 percent to 16.99 percent and are based primarily on the borrower's credit score and could have fixed or variable interest rates. According to The Institute for College Access and Success (TICAS) and its Project on Student Debt, 46 percent of California students who graduated from public and private nonprofit colleges in 2020 had student loan debt, with an average nationally of \$21,125 per borrower placing the state third lowest in the nation. Fourteen percent of California college graduates' student loan debt was nonfederal debt the largest component of this nonfederal debt is private students loans from banks and private lenders. In California 5 percent of college, graduates had private student debt, with an average private debt load of \$26, 693.
- 5) **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.

- 6) **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.

- 7) **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 designate a position of basic needs coordinator to serve students experiencing basic needs insecurity including housing.

The Committee may wish to consider whether investment in a loan program albeit interest free is the appropriate remedy to addressing student housing needs or whether augmenting limited resources toward student services or resources mentioned in this analysis, is merited.

SUPPORT

Jewish Free Loan Association (Sponsor)
30years After
Alan & Annette Leve Family Foundation
American Jewish Committee - Los Angeles
City of West Hollywood
Democrats for Israel - CA
Democrats for Israel Los Angeles
Esusu Financial
ETTA
Hadassah
Hillel at UCLA
Hillel of San Diego
Jewish Big Brothers Big Sisters of Los Angeles
Jewish Center for Justice
Jewish Community Federation and Endowment Fund
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 Long Beach

Jewish Public Affairs Committee
Jewish Silicon Valley
Jigsaw Analytics Group
Justice Design Group
JVS SoCal
Power CA Action
Progressive Zionists of California
Raoul Wallenberg Jewish Democratic Club
Supervisor Das Williams, First District, County of Santa Barbara

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2534	Hearing Date:	June 26, 2024
Author:	Flora		
Version:	June 6, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Certificated employees: disclosures: egregious misconduct.

SUMMARY

This bill requires teachers applying for jobs at new local educational agencies (LEAs) to disclose their previous employment history and requires the LEAs to inquire with all prior employers about any credible complaints, investigations, or disciplinary actions related to egregious misconduct that were required to be reported to the Commission on Teacher Credentialing (CTC).

BACKGROUND

Existing law:

- 1) Defines egregious misconduct as immoral conduct that is the basis for an offense related to sex offenses; child abuse and neglect offenses; and controlled substance offenses, as specified. (Education Code (EC) 44932)
- 2) Prohibits school districts, county offices of education (COEs), and charter schools from entering into an agreement that would prevent a mandatory report of egregious misconduct to the CTC or any other state or federal agency. (EC 44939.5)
- 3) Prohibits school districts, COEs, and charter schools from expunging from an employee's personnel file, or entering into an agreement that would authorize expunging from an employee's personnel file, credible complaints of, substantiated investigations into, or discipline for, egregious misconduct. States that this prohibition does not preclude removing, or entering into any agreement to remove, documents containing allegations that have been the subject of a hearing before an arbitrator, school board, personnel commission, Commission on Professional Competence, or administrative law judge, in which the employee prevailed, the allegations were determined to be false, not credible, or unsubstantiated, or a determination was made that the discipline was not warranted. (EC 44939.5)
- 4) Requires a school district, COE, or charter school that has made a report of an employee's egregious misconduct to the CTC to disclose this fact to a school district, COE, or charter school considering an application for employment from the employee, upon inquiry. (EC 44939.5)

- 5) States that any school employee who alleges that another school employee has engaged in egregious misconduct, knowing at the time of making the allegation that the allegation was false, shall be subject to certificate revocation, if applicable. (EC 44939.5)
- 6) Prohibits the dismissal of permanent employees except for one or more of the following causes:
 - a) Immoral conduct, including, but not limited to, egregious misconduct.
 - b) Unprofessional conduct;
 - c) Commissioning, aiding or advocating the commission of acts of criminal syndicalism;
 - d) Dishonesty;
 - e) Unsatisfactory performance;
 - f) Evident unfitness for service;
 - g) Physical or mental condition unfitting him or her to instruct or associate with children;
 - h) Persistent violation of or refusal to obey the school laws of the state by the State Board of Education (SBE) or by the local governing board employing him or her;
 - i) Conviction of a felony or any crime involving moral turpitude;
 - j) Advocating for or teaching communism with the intent of indoctrinating the mind of any pupil;
 - k) Knowing membership by the employee in the Communist Party; or,
 - l) Alcoholism or other drug abuse which makes the employee unfit to instruct or associate with children. (EC Section 44932)
- 7) Authorizes the governing board of any school district to immediately suspend a certificated employee, if it deems such action necessary, on charges of:
 - a) Immoral conduct;
 - b) Conviction of a felony or of any crime involving moral turpitude;
 - c) Incompetency due to mental disability;
 - d) Willful refusal to perform regular assignments without reasonable cause;
 - e) With violation of teacher or inculcating Communism; or,

- f) With knowing membership by the employee in the Communist Party. (EC 44939)
- 8) Establishes jurisdiction for the committee of credentials (COC) to have jurisdiction to commence an initial review upon receipt of any of the following, among others:
- a) A statement from an employer notifying the CTC that, as a result of an allegation of misconduct, or while an allegation of misconduct is pending, a credential holder has been dismissed, non-reelected, suspended for more than 10 days, or placed pursuant to a final adverse employment action on unpaid administrative leave for more than 10 days, or has resigned or otherwise left employment.
 - i) The employer shall provide the notice described in subparagraph (a) to the CTC not later than 30 days after the dismissal, nonreelection, suspension, placement on unpaid administrative leave, resignation, or departure from employment of the employee.
 - b) A notice from an employer that a complaint was filed with the school district alleging sexual misconduct by a credential holder. Results of an investigation by the COC shall not be considered for action by the Committee unless there is evidence presented to the COC in the form of a written or oral declaration under penalty of perjury that confirms the personal knowledge of the declarant regarding the acts alleged to constitute misconduct. (EC 44242.5)
- 9) Requires the superintendent of an employing school district to report a change in employment status to the CTC not later than 30 days after the final employment action whenever a credential holder, working in a position requiring a credential, as a result of an allegation of misconduct or while an allegation of misconduct is pending:
- a) Is dismissed or non-reelected;
 - b) Resigns;
 - c) Is suspended or placed on unpaid administrative leave as a final adverse employment action for more than 10 days;
 - d) Retires;
 - e) Is otherwise terminated by a decision not to employ or re-employ; or,
 - f) Otherwise terminated by a decision not to employ or re-employ.
- 10) States that failure to make a report required constitutes unprofessional conduct. Requires the COC to investigate any superintendent who holds a credential but fails to file the reports required. States that where the CTC has information or

belief that a report has not been made, a letter shall be sent to the responsible superintendent providing facts, detailing reporting responsibilities, and requesting a response. (California Code of Regulations, Title 5, Section 80303)

ANALYSIS

This bill:

- 1) Requires any person applying for a certificated position at a school district, COE, charter school, or state special school to provide that prospective employer with a complete list of every public school where the applicant has previously been employed.
- 2) Requires a school district, COE, charter school, or state special school considering an applicant for a certificated position to inquire with each public school employer that previously employed the applicant, as disclosed, as to whether the applicant, while previously employed by the public school employer, was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to the CTC.
- 3) Requires a previous employing public school to provide the inquiring public school with a copy of all relevant information within its possession that was required to be reported to the CTC.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "I believe this bill is good policy, plain and simple. We require transparency in so many areas of our state and local agencies and schools should be no different. This bill will provide extra safeguards and make sure that we hire the best people for our schools."
- 2) ***Egregious Misconduct.*** Existing law prohibits LEAs from expunging complaints or entering into agreements that would authorize the expunging of complaints of egregious misconduct from a personnel file. Egregious misconduct is defined as sex offenses, controlled substance offenses, and child abuse and neglect offenses, as specified.

AB 215 (Buchanan, Chapter 55, Statutes of 2014) established the definition of egregious misconduct and the prohibition on expunging these records. This legislation was enacted in response to historical practices in some school districts where collective bargaining agreements included provisions requiring the removal of all complaints from an employee's personnel file, regardless of the nature of the complaint, after a specified period. The prohibition was aimed at ensuring that records of serious offenses remain intact to safeguard students and maintain the integrity of the educational environment.

- 3) ***School districts must report teacher employment changes due to allegations of misconduct to the state.*** Under current law, the superintendent of an employing school district must report a change in employment status to the

CTC no later than 30 days after the final employment action whenever a credential holder, working in a position requiring a credential, as a result of an allegation of misconduct or while an allegation of misconduct is pending, is dismissed, resigns, is suspended or placed on administrative leave, retires, or is otherwise terminated. Among the information that must be reported for these individuals is an explanation of the allegation of misconduct, contact information for all persons who may have information relating to the alleged misconduct, and all documentation related to the case.

While the requirement for school districts to report teacher employment changes due to allegations of misconduct is intended to help protect students, not all school districts have access to this information.

- 4) ***Improving Student Safety.*** This bill seeks to bolster existing protections for students by ensuring that schools have access to comprehensive information about a teacher's professional history, particularly any instances of serious misconduct. By preventing educators with a history of egregious behavior from being hired without full disclosure, the measure aims to enhance the safety and integrity of educational environments.

Staff notes the following with respect to the impacts of this bill:

- a) **Balancing Privacy and Safety:** While the bill enhances transparency, it also raises concerns about balancing the privacy rights of teachers with the need for student safety. Ensuring that inquiries and disclosures are handled in a manner that respects confidentiality and due process rights is important to maintaining fairness and protecting the rights of all parties involved.
 - b) **Implementation:** LEAs will need to establish procedures for collecting and verifying employment histories and for handling inquiries with previous employers. This may require additional administrative resources and training to ensure that the process is thorough and compliant with legal standards.
 - c) **Potential Impact on Hiring Practices:** This bill could influence hiring practices by making it more difficult for individuals with past allegations of misconduct to secure school positions. While this enhances student safety, it may also result in longer hiring processes and potential challenges in filling teaching vacancies, as schools navigate the complexities of thoroughly vetting candidates.
- 5) ***Prior legislation.***

AB 2708 (Wicks, 2022) would have prohibited, on or after January 1, 2023, an LEA from entering into, extending or renewing, a confidentiality agreement with an employee under investigation for complaints of misconduct related to harassment or assault of a pupil or who has had complaints of misconduct related to harassment or assault of a pupil substantiated against them by an investigation. Further, the measure would have prohibited a LEA from providing

a favorable recommendation for, or otherwise facilitating or promoting, the employment of an employee with another LEA who is under investigation for complaints of misconduct related to harassment or assault of a pupil, or who has had complaints of misconduct related to harassment or assault of a pupil substantiated against them by an investigation. This bill was held in the Assembly Education Committee.

SB 1456 (Morrell, 2018) would have established the Sexual Abuse-Free Education Act, which would have: (1) prohibited public and private school entities from hiring individuals who would have direct contact with children if they were previously convicted of child abuse or sexual misconduct with a child, (2) required applicants for school entity positions that would have direct contact with children to provide specified information about whether the applicant had ever been the subject of an investigation concerning child abuse or sexual misconduct with a child, and (3) required school entities to conduct reviews of the information provided by the applicants, including obtaining specified information from the current and each former employer. This bill was held in the Senate Judiciary Committee.

AB 709 (Morrell, 2020) would have established the Sexual Abuse-Free Education Act, which would have: (1) prohibited public and private school entities from hiring individuals who would have direct contact with children if they were previously convicted of child abuse or sexual misconduct with a child, (2) required applicants for school entity positions that would have direct contact with children to provide specified information about whether the applicant had ever been the subject of an investigation concerning child abuse or sexual misconduct with a child, and (3) required school entities to conduct reviews of the information provided by the applicants, including obtaining specified information from the current and each former employer. This bill was held in the Senate Education Committee.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2690 **Hearing Date:** June 26, 2024
Author: Joe Patterson
Version: February 14, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil safety: parental notification: synthetic drugs.

SUMMARY

This bill adds, to existing requirement for each local educational agency (LEA), county office of education (COE), and charter schools to post information on their website regarding the dangers of fentanyl, the risk of social media platforms being used as a way to market and sell synthetic drugs, such as fentanyl.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires a school district, COE, and charter school inform the parents or guardians of each enrolled pupil about the dangers associated with using synthetic drugs that are not prescribed by a physician, such as fentanyl. Requires parents or guardians to also be informed of the possibility that dangerous synthetic drugs can be found in counterfeit pills. (EC § 48985.5 (a))
- 2) Requires school district governing boards to notify parents and guardians of minor pupils of specified items at the beginning of the first semester or quarter of the regular school term. (EC § 48980)
- 3) Authorizes public and private elementary and secondary schools to voluntarily determine whether or not to make emergency naloxone or another opioid antagonist and trained personnel available at its school. Requires a school to evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to naloxone or another opioid antagonist and trained personnel. Prohibits a private elementary or secondary school from exercising the authority provided by this bill from receiving state funds for this purpose. (EC § 49414.3 (c))
- 4) Authorizes school districts, COEs, and charter schools to provide emergency naloxone or another opioid antagonist to school nurses or trained volunteer personnel to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EC § 49414.3 (a))

- 5) If a school district, charter school, or private school elects to offer an athletic program, the school district, charter school, or private school shall annually give the Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention to each athlete. The athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet for Patients and return that document to the school district, charter school, or private school before the athlete initiates practice or competition. The Opioid Factsheet for Patients may be sent and returned through an electronic medium, including, but not limited to, fax or email. (EC § 49476)

ANALYSIS

This bill:

- 1) Adds, to the existing requirement for each LEA, COE, and charter schools to post information on their website regarding the dangers of fentanyl, the risk of social media platforms being used as a way to market and sell synthetic drugs, such as fentanyl.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “ While notifying students and parents of the dangers of fentanyl is essential to stopping the drug epidemic in our state, it is of equal importance to educate them on the varying mediums by which fentanyl is sold, specifically concerning the malicious use of social media platforms by illicit drug dealers. With the growth of social media over the past several years, drug dealers have exploited these platforms to sell their deadly products to teens and young adults. Due to the ever-changing illicit drug market, many parents have reported that they were unaware of the fact that dangerous drugs, like fentanyl, were available online. The purpose of this bill is to build on legislation enacted last year to ensure parents have the best available information.”
- 2) ***Fentanyl Crisis Among California Youth.*** Fentanyl, a potent synthetic opioid drug, has been approved by the Food and Drug Administration (FDA) for application as both an analgesic and anesthetic. Its strength is estimated to be approximately 50 times greater than heroin and 100 times stronger than morphine. Originating in 1959 and introduced in the 1960s, fentanyl initially served as an intravenous anesthetic. In the United States, legal manufacturing and distribution of fentanyl exist in two forms: pharmaceutical fentanyl and illicitly manufactured fentanyl, both classified as synthetic opioids. Physicians prescribe pharmaceutical fentanyl for the management of severe pain, particularly post-surgery and in advanced-stage cancer cases. Recent incidences of fentanyl-related overdoses have been associated with illicitly manufactured fentanyl, which is disseminated through illicit drug markets due to its heroin-like effect. Moreover, it is frequently combined with other substances to enhance their potency, affordability, addictiveness, and peril. According to the California Department of Public Health (CDPH), fentanyl-related overdose deaths increased 625 percent among ages 10-19 from 2018 to 2020. In 2021, there were 224 fentanyl-related overdose deaths among teens ages 15–19 in California.

FBI and Partners Target Online Drug Markets

The utilization of the Internet as a platform for the trafficking of synthetic drugs through social media, Clearnet websites, and darknet marketplaces has witnessed an increase. The U.S. Department of Justice Drug Enforcement Administration (DEA) has underscored the escalating exploitation of social media by criminal drug networks for the dissemination of dangerous synthetic drugs, notably counterfeit fentanyl and methamphetamine pills. These substances are often marketed to unsuspecting adolescents, young adults, and older individuals who believe they are purchasing authentic products. In the year 2021, the DEA scrutinized upwards of 80 cases relating to drug trafficking on internet applications, establishing a direct correlation between drug sales on social media and fatal overdose incidents. The DEA has issued a Public Safety Alert warning Americans of the alarming increase in the lethality and availability of fake prescription pills containing fentanyl and methamphetamine. The Public Safety Alert coincides with the launch of DEA's One Pill Can Kill Public Awareness Campaign to educate the public about the dangers of counterfeit pills and urges all Americans to take only medications prescribed by a medical professional and dispensed by a licensed pharmacist.

- 3) ***How Schools Are Helping To Tackle This Issue.*** Pursuant to AB 1748 (Mayes, Chapter 557, Statutes of 2016), among other things, requires the Superintendent of Public Instruction to establish minimum training standards for school employees who volunteer to administer naloxone or another opioid antagonist. In addition to setting minimum training standards, the CDE must maintain on its website a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils.

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

While schools are authorized but not required to stock naloxone, some LEAs and COEs have also adjusted to address this growing crisis. For example, the Lake County Office of Education and Washington Unified School District in West Sacramento recently implemented a local school naloxone policy consistent with state statutes (which requires school employees who elect to administer naloxone, to be trained in the administration, and to keep the naloxone stocked and stored appropriately). San Diego Unified School District created its naloxone toolkit to aid other LEAs and inform parents and guardians.

Further, the Legislature has adopted a series of legislation such as SB 10 (Cortese, Chapter 856, Statutes of 2023), which requires school safety plans of schools, including charter schools, serving students in grades 7 to 12 to include a protocol for responding to a student's opioid overdose; SB 114 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023) that, among other items, provides \$3.5 million ongoing Proposition 98 General Fund to COE to distribute opioid antagonists, with the intent that it complement efforts of the Naloxone Distribution Project; and AB 889

(Joe Patterson, Chapter 123, Statutes of 2023) which required LEA, COE, and charter school to annually inform parents or guardians of the dangers associated with using synthetic drugs and post this information on their respective internet websites.

This bill adds the risk of social media platforms being used as a way to market and sell synthetic drugs, such as fentanyl to AB 889 (Joe Patterson, Chapter 123, Statutes of 2023) which was passed and signed into law last year.

4) Related Legislation.

AB 889 (Joe Patterson, Chapter 123, Statutes of 2023) requires a school district, COE, and charter school to annually inform parents or guardians of the dangers associated with using synthetic drugs and post this information on their respective websites.

AB 19 (Joe Patterson, 2023) would have required public schools to maintain at least two doses of naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to a person suffering from an opioid overdose. This bill was held in the Senate Appropriations Committee.

AB 3271 (Joe Patterson, 2024) would have required each public school operated by a school district, COE, or charter school, that has elected to make a school nurse or trained personnel available at the school to use naloxone hydrochloride or another opioid antagonist, to maintain at least 2 units of naloxone hydrochloride or another opioid antagonist for purposes of those authorizations. This bill was held in the Assembly Appropriations Committee.

SB 10 (Cortese, Chapter 856, Statutes of 2023) requires school safety plans of schools, including charter schools, serving students in grades seven to 12 to include a protocol for responding to a student's opioid overdose; requires the CDE to post informational materials on its website on opioid overdose prevention; and encourages COEs to establish working groups on fentanyl education in schools.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2834 **Hearing Date:** June 26, 2024
Author: Rendon
Version: March 11, 2024
Urgency: No **Fiscal:** No
Consultant: Ian Johnson

Subject: Public postsecondary education: part-time faculty.

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 adds to the policy preferences of the Legislature that the names of part-time faculty be listed in the schedule of classes and the bulletin of classes offered once they are assigned to a course.

BACKGROUND

Existing law:

- 1) Establishes the mission and function of the California Community Colleges (CCC), which, in part is to: (1) offer academic and vocational instruction at the lower division level for both younger and older students, including those persons returning to school; (2) authorizes the CCC to grant the associate in arts and the associate in science degrees; (3) requires the CCC to offer English as a Second Language instruction, adult noncredit instruction, and support services which help students succeed at the postsecondary level; and, (4) advance California’s economic growth and global competitiveness through education, training, and services that contribute to continuous work force improvement. (Education Code (EC) § 66010.4)
- 2) Establishes that the CCC, a postsecondary education system in this state, is under the administration of the Board of Governors (BOG); and, specifies that the CCC consist of community college districts. (EC § 70900)
- 3) Requires the CCC BOG to provide leadership and direction in the continuing development of the CCC as an integral and effective element in the structure of public higher education in the state. The work of the BOG must at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the CCC. (EC § 70901)
- 4) Establishes the California State University (CSU) system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and 89030, et seq.)

- 5) Defines any person who is employed to teach at a community college district (CCD) for not more than 67 percent of the hours per week considered a full-time assignment to be a part-time, temporary employee. (EC § 87482.5)
- 6) Stipulates that whenever possible, CCC part-time faculty:
 - a) Should be informed of assignments at least six weeks in advance;
 - b) Should be paid for the first week of an assignment when class is canceled less than two weeks before the beginning of a semester. If a class meets more than once per week, part-time faculty should be paid for all classes that were scheduled for that week;
 - c) The names of part-time faculty should be listed in the schedule of classes rather than just described as “staff;” and,
 - d) Should be considered to be an integral part of their departments and given all the rights normally afforded to full-time faculty in the areas of book selection, participation in department activities, and the use of college resources, including, but not necessarily limited to, telephones, copy machines, supplies, office space, mailboxes, clerical staff, library, and professional development. (EC §87482.8)
- 7) Defines “faculty” as those employees of CCDs who are employed in academic positions that are not designated as supervisory or management, as specified. Faculty include, but are not limited to, instructors, librarians, counselors, community college health services professionals, handicapped student programs and services professionals, and extended opportunity programs and services professionals. (EC § 87003).

ANALYSIS

This bill:

- 1) Stipulates, that whenever possible, the CCCs and CSU list the names of part-time faculty, once they are assigned to a course, instead of just describing part-time faculty as “staff” or “faculty.”
- 2) Stipulates, that whenever possible, CCC and CSU list the names of part-time faculty, once they are assigned to a course, in the bulletin of classes offered, rather than just describing them as “staff” or “faculty.”
- 3) Stipulates, that whenever possible, part-time faculty at both the CCC and the CSU should be informed of assignments at least six weeks in advance and part-time faculty should be paid for the first week of an assignment when class is canceled less than two weeks before the beginning of a semester. If a class meets more than once per week, part-time faculty should be paid for all classes that were scheduled for that week.

- 4) Stipulates that CSU part-time faculty should be considered to be an integral part of their departments and given all the rights normally afforded to full-time faculty in the areas of book selection, participation in department activities, and the use of college resources, including but not limited to, telephones, copy machines, supplies, office space, mailboxes, clerical staff, library, and professional development.
- 5) Makes clarifying and technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California’s higher education systems are built on the outstanding work of our adjunct faculty. These part-time professors teach the majority of college and university courses, but often aren’t even identified by name on the schedule of classes or other course materials.”

The author states that, “AB 2834 will ensure that the proper names of adjunct faculty will be identified in schedules of classes for the CSU and CCC, in order to help create greater transparency for students, and provide the dignity and recognition that faculty members deserve.”

- 2) ***Current process.*** With 116 campuses of the CCC, including the online Calbright college, and 23 campuses of the CSU, part-time faculty educate millions of students; and yet, due to the nature of these faculty members being part-time, it is not uncommon if a course is canceled due to low enrollment numbers or budget changes, that the course part-time faculty teach are eliminated first (often without much warning to the part-time faculty or the students).

This measure seeks to pay part-time faculty for the first week of an assignment when class is canceled less than two weeks before the beginning of a semester.

Currently, when students look at the schedule of classes or the bulletin of courses, for most campuses, students are met with “part-time faculty or instructor” and not the actual name of the individual teaching the course; which could be a challenge to students in not knowing who will teach their perspective courses.

This measure, whenever possible, asks the CCC and the CSU to specify the names of the part-time faculty or instructors who will teach courses.

- 3) ***Arguments in support.*** The California Faculty Association writes, “Our part-time faculty members are an integral part of the higher education landscape, significantly contributing to the educational mission of our institutions by bringing diverse perspectives and expertise to the classroom. Despite their crucial role, part-time faculty often face challenges that stem from variable employment terms and conditions compared to their full-time counterparts.”

“The California Faculty Association believes that strengthening the working conditions for part-time faculty is not only a matter of fairness but also a critical component of maintaining the high standards of education that our institutions

are known for. By supporting part-time faculty, we are investing in the quality and accessibility of education for all students across the state.”

SUPPORT

California Faculty Association

OPPOSITION

None received

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solstice of each year, or the third new moon following the winter solstice should an intercalary month intervene.

- 5) Encourages all public schools and educational institutions to conduct exercises on the Lunar New Year recognizing the traditions and cultural significance of the Lunar New Year, the contributions of Asian and Pacific Islander Californians to the state, and any local festivities and celebrations of the occasion. (EC § 37222.19)

CSU

- 6) Requires every campus of the CSU to observe November 11, known as Veterans Day, as a holiday, and to be closed on that day. (EC § 89005.7)

ANALYSIS

This bill:

CSU

- 1) Authorizes each campus of the CSU to observe the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, known as "Lunar New Year," as a holiday, and be closed on that day.
- 2) Authorizes the campus to replace observing another prescribed holiday with observing Lunar New Year as a holiday. This bill requires the campus to observe the preceding or following weekday as the Lunar New Year holiday if the campus observes the Lunar New Year holiday and Lunar New Year falls on another prescribed holiday that is not being replaced by the Lunar New Year holiday.
- 3) Requires employees of the campus to be entitled to a paid holiday if a campus of the CSU observes the Lunar New Year holiday.
- 4) Requires a memorandum of understanding to be controlling without further legislative action, if this bill conflicts with the provisions of a memorandum of understanding, except that if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

UC

- 5) Requests each campus of the UC to implement the provisions described in # 1- # 3 above.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "By recognizing Lunar New Year as a holiday on the CSU and UC campuses, we celebrate the diversity and contributions of Asian Americans while fostering inclusivity and cultural

awareness within our educational institutions. As the original author of AB 2596, which established Lunar New Year as a holiday in California, this bill is a continued testament to California's commitment to embracing our state's rich cultural tapestry and standing in solidarity with communities that have faced marginalization.”

- 2) ***Parity with the state, CCCs, and public K-12 schools.*** As noted in the background section of this analysis, Lunar New Year is currently a state holiday and recognized as a holiday by the CCCs and K-12 public schools. *This bill extends this paid holiday to CSU, and requests UC also recognize Lunar New Year as a holiday.*
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose unknown, though likely minor, General Fund costs to UC and CSU. Potential cost pressures to UC and CSU related to bargaining agreements and administration, should UC or CSU adopt the change authorized by this bill.

SUPPORT

Generation Up

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 3034	Hearing Date:	June 26, 2024
Author:	Low		
Version:	June 6, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Public postsecondary education: waiver of tuition and fees: California Conservation Corps.

SUMMARY

This bill requires the California State University (CSU) and requests that the University of California (UC), waive tuition and mandatory systemwide fees for two years to a full-time student who has served in the California Conservation Corps for at least one year, and meets specified eligibility requirements.

BACKGROUND

Existing law:

- 1) Exempts from mandatory systemwide tuition or fees at the UC, CSU and California Community Colleges (CCC) any surviving spouse or child, of a deceased person, who met all of the following requirements:
 - a) The person was a resident of this state;
 - b) The person was employed by a state or local public agency, or was a contractor, or an employee of a contractor, performing services for a public agency, or was a firefighter employed by the federal government whose duty assignment involved performing firefighting services in California;
 - c) The person's principal duties consisted of active law enforcement service or active fire suppression and prevention; and,
 - d) The person was killed in the performance of active law enforcement or active fire suppression and prevention duties, died as a result of an accident or an injury caused by external violence or physical force during the performing of those duties, or died as a result of an industrial injury or illness arising out of and in the course of performing those duties.
(Education Code (EC) § 68120)
- 2) Exempts from mandatory systemwide tuition and fees at the UC, CSU and CCC any of the following:

- a) The dependent of any California resident killed in the September 11, 2001 terrorist attacks;
- b) The dependent of a veteran killed or permanently disabled in the line of duty, as specified; and,
- c) Current and former foster youth, as specified.
- d) Exonerated students.
- e) Any surviving spouse or child, of a licensed physician, a licensed nurse, or first responder who died from COVID during the pandemic state of emergency. (EC § 66025.3, § 76300, § 69000, and § 68120.3)

ANALYSIS

This bill:

- 1) Requires the CSU and requests that the UC waive mandatory systemwide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees, for a student who meets all of the following requirements:
 - a) Has completed at least one year of service in the California Conservation Corps within two years of joining the California Conservation Corps.
 - b) Has completed service in the California Conservation Corps within the two years preceding the student's enrollment in an undergraduate program at a CSU or UC.
 - c) Maintains full-time enrollment in an undergraduate program at a CSU or UC.
 - d) Maintains a minimum grade point average and meets other conditions necessary for the student to be in good standing at CSU or UC.
 - e) Maintains good behavioral standing at CSU or UC.
 - f) Is a person of low or moderate income or is a member of a family of low or moderate income.
 - g) Is classified as a classified resident for purposes of paying in-state tuition.
- 2) Prohibits a waiver of mandatory systemwide tuition or fees from exceeding the equivalent of two years of attendance in an undergraduate program at the institution that the student attends.
- 3) Provides for an eligible student to receive a waiver for each academic year during which the student applies for that waiver, but not for waiving tuition or fees for a prior academic year.
- 4) Defines the following terms for purposes of the bill:

- a) "Institution" means a campus of the California State University or the University of California.
- b) "Persons and families of low or moderate income" has the same meaning as is defined in the California Health and Safety Code as specified, which includes, "Persons and families of low or moderate income" means persons and families whose income does not exceed 120 percent of area median income, adjusted for family size by the department in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Students should be motivated to participate in community service and should have the opportunity to pursue higher education without the burden of excessive debt. This bill incentivizes students who dedicate a year to public service by providing them with two years of University or a California State without any financial burden."
- 2) **Who is eligible?** Students who completed at least one year of service in the California Conservation Corps within the two years prior to enrolling in an undergraduate program at a California State University or UC (if UC chooses to participate) are eligible for the proposed tuition waiver. To qualify, these students must have completed at least one year of service in the California Conservation Corps within two years of joining, maintain full-time enrollment, maintain good academic standing, maintain good behavioral standing, be of low or moderate income, and be classified as a California resident for purposes of paying in-state tuition. Tuition waivers are not to exceed two years of undergraduate program attendance.
- 3) **California Conservation Corps members.** The California Conservation Corps is a state department within the California Natural Resources Agency. The mission of the California Conservation Corps is to protect and enhance California's natural resources and communities, while also empowering and developing young adults. California Conservation Corps members complete a year of service to the State of California and receive a monthly stipend of \$2,814 from the State of California. According to the California Conservation Corps, annual participation is typically around 3,000. For the 2023–24 fiscal year, however, there are 1,667 Corps members. In the 2021–22 fiscal year, about 400 students matriculated to postsecondary education in the 12-month period following their service.
- 4) **#CaliforniansForAll College Corps.** As noted in the Assembly Higher Education Committee analysis, this bill appears to duplicate another financial aid-for-state-service program established in 2023. College Corps is a statewide, paid service program launched during the 2022–2023 academic year that provides meaningful work to college students in exchange for serving their community. College Corps priority areas consist of K-12 education, climate action, and food

insecurity. The program helps participants graduate on time and with less debt while gaining work experience. In exchange, the students will receive up to \$10,000 for completing up to 450 hours of community service. On February 1, 2023, the Governor and the California Volunteers announced that applications were open for the first cohort of the #CaliforniansForAll College Corps, in which over 3,000 students from various colleges and universities in the state can participate during the 2023-24 academic year. The Committee may wish to consider if this bill's proposed postsecondary education benefit duplicates existing efforts.

- 5) **Expands the list of mandatory tuition waivers imposed on public colleges.** As noted in the background section of this analysis, existing law requires public postsecondary institutions to waive systemwide tuition and fees for various groups impacted by a tragic event. This bill would expand the overall number and category of individuals eligible for a tuition waiver at CSU or UC. It is likely that future legislation prohibiting the charging of tuition and fees to other groups of students will follow suit. Many individuals face barriers to covering tuition costs, particularly those with financial hardships. *While providing free college to California Conservation Corps members may be reasonable, the Committee may wish to consider the broader policy implications of mandating numerous waiver programs, as well as whether group-by-group tuition exemptions are an appropriate remedy to address college costs or if a comprehensive solution based on an individual's ability to pay is warranted.*

- 6) **Prior legislation.**

AB 1113 (Medina, Chapter 569, Statutes of 2021) expanded mandatory systemwide or campus-based tuition or fees at the CCC, CSU, and UC for any surviving spouse or child, of a licensed physician or a licensed nurse employed by a health facility regulated and licensed by the State Department of Public Health or as a first responder employed to provide emergency services who died of COVID-19.

AB 1090 (Medina, Chapter 516, Statutes of 2019) expanded existing mandatory systemwide tuition and fee waivers at the CCC, CSU, and UC for qualifying surviving spouses and dependents of active duty law enforcement or firefighters to include mandatory campus-based fees.

AB 2164 (O'Donnell, Chapter 435, Statutes of 2016) expanded existing systemwide tuition and fee waivers at the CCC, CSU, and UC for surviving spouses and dependents of active duty law enforcement or firefighters to include those who died as a result of an industrial injury or illness arising from work in law enforcement or fire suppression.

AB 1746 (Liu, Chapter 450, Statutes of 2002) established a tuition and fee waiver for qualifying surviving dependents and spouses, as defined of individuals killed in September 11, 2001 terrorist attacks on the World Trade Center, the Pentagon, or the crash of United Airlines Flight 93 in southwestern Pennsylvania.

SUPPORT

None received

OPPOSITION

California State University, Office of the Chancellor

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2936	Hearing Date:	June 26, 2024
Author:	Jackson		
Version:	June 11, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Higher Education Reconciliation Act.

SUMMARY

This bill requires the California Community Colleges (CCC) and the California State University (CSU), and requests the University of California (UC), to (a) convene stakeholder workgroups in their respective segments and submit a report that includes recommendations related to responding to cultural and political conflicts that arise, with the goal of promoting reconciliation on each of its respective campuses; and, (b) develop a reconciliation master plan for use on each of their respective campuses to address cultural and political conflicts that arise on campus.

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. (California Constitution, Article IX, § 9)
- 2) Establishes the Donahoe Higher Education Act, setting forth the mission of the UC, CSU, and CCC. (Education Code (EC) § 66010, et seq.)
- 3) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees. (EC § 66606 and § 89500, et seq.)
- 4) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state, and provides that the CCC is comprised of community college districts. (EC § 70900)
- 5) Requires the CSU Chancellor to convene a stakeholder workgroup for the purpose of making recommendations to alleviate concerns of current emergency response programs on CSU campuses. (EC § 89562)

ANALYSIS

This bill:

- 1) Establishes the Higher Education Reconciliation Act.

Stakeholder workgroups and reports

- 2) Requires the CCC Chancellor and the CSU Chancellor and requests the UC President, to convene stakeholder workgroups in their respective segments, by July 1, 2025, that include, but are not limited to, representatives from all of the following stakeholders:
 - a) Faculty.
 - b) Staff, including, but not limited to, campus health and safety personnel and campus student center personnel.
 - c) Students, representing both the associated students and student organizations from a cross-section of the campus community.
 - d) An individual who has expertise in Title VI of the Civil Rights Act of 1964, or is a representative specializing in Title VI from the Civil Rights Department.
- 3) Requires each stakeholder workgroup to submit a report to the Legislature and the board president of its respective system nine months after the first meeting of the stakeholder workgroup that includes recommendations related to responding to cultural and political conflicts that arise, with the goal of promoting reconciliation on each of its respective campuses.
- 4) Requires each stakeholder workgroup, in preparing the report to, at a minimum, evaluate and report on both of the following:
 - a) Existing systemwide and campus policies, procedures, and processes regarding cultural and political conflicts.
 - b) Systemwide and campus-level plans for responding to cultural and political conflicts that arise on campuses, and requires these plans to include options for alternative dispute resolution to respond to cultural and political conflicts on campus as they arise, with an emphasis on ensuring, in the event of a cultural and political conflict, that students have a forum to be seen, have their voices heard, and feel safe.
- 5) Sunsets the workgroups and reporting requirement on January 1, 2030.

Reconciliation master plan

- 6) Requires the CCC and CSU, and requests the UC, to develop a reconciliation master plan for use on each of their respective campuses to address cultural and political conflicts that arise on campus.
- 7) Requires the plan to ensure that students have a forum to be seen, have their voices heard, and feel safe.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Currently, there aren’t sufficient plans in place across the higher education infrastructure to handle the aftermath of conflict or tension that may arise on campuses. The intent of this bill is to provide ways to move forward while healing and mending tensions on college and university campuses. This legislation is not intended to be a preventive measure for these tense situations on college campuses, but lay the foundation for de-escalation in a trauma informed way.”
- 2) ***What is happening on campuses?*** There are numerous examples of recent incidents on campuses of California’s public postsecondary educational institutions relating to protests and responses to those protests. This bill requires the CCC and CSU, and requests UC, to establish workgroups and reconciliation master plans to respond to and address cultural and political conflicts that arise on campus.
- 3) ***Workgroup reports and segment reconciliation plans.*** This bill requires each segment of public postsecondary education to establish a workgroup, and requires each stakeholder workgroup to submit a report that includes recommendations related to responding to cultural and political conflicts that arise, with the goal of promoting reconciliation on each of its respective campuses. While this bill requires each segment to develop a reconciliation master plan for use on each of their respective campuses to address cultural and political conflicts that arise on campus, the bill does not link the workgroup recommendations to the reconciliation plan. **Staff recommends the following amendments:**
 - a) Shift the inclusion of options for alternative dispute resolution to respond to cultural and political conflicts from the workgroup report to the reconciliation plan.
 - b) Require the CCC and CSU, and request UC, to use the recommendations of the workgroup reports as a basis for the development of their reconciliation master plans.
 - c) Specifically require the reconciliation master plan to be implemented.
 - d) Require each segment to develop and implement its reconciliation master plan by July 1, 2026.
- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose one-time, General Fund costs of in the mid hundreds of thousands

of dollars each to the CCC, CSU, and UC, for limited-term staff and other costs associated with convening the workgroup and writing the required report.

5) ***Related legislation.***

AB 2925 (Friedman, 2024) 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 the 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. AB 2925 is pending in the Senate Judiciary Committee.

SB 1287 (Glazer, 2024) requires the CSU Trustees and the CCC Board of Governors, and requests the UC Regents to: (a) adopt and enforce student code of conduct policies pertaining to specified behavior on campus; (b) maintain and enforce time, place, and manner restrictions; (c) designate the sections of campuses that are considered public and non – public spaces; and, (d) develop mandatory training programs for students pertaining to protests and the exchange of ideas on campus. SB 1287 is pending in the Assembly Judiciary Committee.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 3015	Hearing Date:	June 26, 2024
Author:	Ramos		
Version:	February 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Public postsecondary education: exemption from nonresident tuition and fees: federally recognized Indian tribes.

SUMMARY

This bill requires a public institution of higher education to provide resident tuition rates to a student who (1) is a member of a federally recognized Indian tribe in California whose tribal land lies across the state border of California and Arizona, Nevada, or Oregon, and (2) resides in one of the aforementioned bordering states.

BACKGROUND

- 1) Generally known as the Uniform Residency Law, establishes a variety of residency requirements for students attending the California Community Colleges (CCC) or the California State University (CSU). The determination of such residency status is required in order to assess either resident or non-resident fees and tuition. The Regents of the University of California (UC) may, by resolution, make these provisions of law applicable to the UC (and historically have done so). (Education Code (EC) § 68000-68134)
- 2) Defines a “nonresident” as a student who does not have residence in the state for more than one year immediately preceding the residence determination date (EC § 68018).
- 3) Establishes uniform residency requirements for purposes of ascertaining the amount of fees to be paid by students at CSU and CCC and establishes various exceptions to these residency requirements, including many for current and former members of the Armed Forces. (EC § 68074 and 68075)
- 4) Authorizes the CSU Trustees to enter into agreements with public colleges and universities in other states whereby qualified students from the CSU may attend the other college or university without payment of any tuition fee charged by that institution to persons who are nonresidents of the state in which it is situated, and students from that institution may attend the CSU without payment of the nonresident tuition established, as specified. No nonresident tuition shall be charged to students attending a campus of the CSU pursuant to an agreement entered into under this section. During any year, however, the number of students attending the CSU from a particular public college or university in another state, pursuant to the agreement, shall not exceed the number of the CSU students attending the institution under that agreement. (EC § 68124)

- 5) Authorizes the CCC Board of Governors (BOG) to enter into an interstate attendance agreement with any statewide public agency of another state that is responsible for public institutions of postsecondary education providing the first two years of college instruction, and that is an agency of a state that is a member of Western Interstate Commission for Higher Education (WICHE). (EC § 66801)
- 6) Authorizes a CCD to admit nonresident students and requires that these students be charged a tuition fee that is twice the amount of the fee established for in-state resident students, with certain specified exemptions. State statute prescribes a formula for the calculation of the non-resident fee. State law requires the non-resident tuition fee be increased to a level that is three times the amount of the fee established for in-state resident students. (EC § 76140)
- 7) Prohibits nonresident students from being reported as full-time equivalent students (FTES) for state apportionment purposes, except where: (1) the CCD has fewer than 1,500 FTES and is within 10 miles of another state and has a reciprocity agreement with that state or participates in WICHE; or, (2) if a CCD has between 1,501 and 3,000 FTES and is within 10 miles of another state and has a reciprocity agreement with that state or participates in WICHE, they can claim up to 100 FTES for state apportionment purposes. (EC § 76140(h)(i))
- 8) Exempts no more than 200 students in any academic year from paying non-resident tuition fees if they attend the Lake Tahoe Community College (LTCC) and reside in specified communities in the State of Nevada, and; (2) permits the LTCC District to count these persons as resident FTES for purposes of determining California apportionment funding. (EC § 76140 (a)(6))
- 9) Exempts, until January 1, 2029, from the nonresident tuition fee, a nonresident, low-income student who is a resident of México, registers for lower division courses at specified CCCs near the California-México border, as defined, and has residence within 45 miles of the California-México border. (EC § 76140 (a)(8))
- 10) Provides that specified nonresident students exempted from paying nonresident tuition may be reported as resident FTES for purposes of state apportionment. These students are required to pay one and one-half the amount of resident fees. (EC § 76140(j)).

ANALYSIS

This bill:

- 1) Deems that a student who meets both of the following requirements be entitled to resident classification only for the purpose of determining tuition and fees:
 - a) The student is a member of a federally recognized Indian tribe in California whose tribal land lies across the state border of California and Arizona, Nevada, or Oregon.

- b) The student has a residence in the bordering state of Arizona, Nevada, or Oregon.
- 2) Defines “federally recognized Indian tribe” means an Indian tribe acknowledged by the federal government on the annual list published pursuant to Section 5131 of Title 25 of the United States Code.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Native Americans are among the most underrepresented groups within higher education. The benefit being proposed by AB 3015 seeks to ensure that qualified students from California’s federally recognized tribes are not disadvantaged by tribal land boundaries, expand diversity within California’s public systems of higher education, and make access to education more affordable and accessible to students of all backgrounds. I am proud to author this bill that would make the necessary changes to help bridge the gap for Native American students.”
- 2) **Nonresident vs resident tuition.** Persons deemed nonresidents of California for purposes of paying tuition at a California public institution at UC, CSU, or CCC are charged a significantly higher tuition rate than the amount charged for resident tuition. In the current year, at CCCs, California residents pay \$46 per unit, while nonresidents pay on average \$346 per unit. At CSU, undergraduate resident students pay \$5,742 per academic year in mandatory systemwide tuition fees, while nonresident students pay \$9,504. Within the UC system, undergraduate resident students in the 2024-25 cohort pay \$13,146 per year, while nonresident students pay \$34,200 in supplemental tuition. In-state tuition classification represents a significant postsecondary education benefit. The UC, CSU and CCC are publicly subsidized institutions. The fees charged to non-California residents are intended to cover the cost of the subsidy that is generated by California taxpayers.
- 3) **Bordering tribes.** According to information provided by the author, there are 6 federally recognized Native American tribes that have been identified who are affected by this issue: Chemehuevi Indian Tribe (California and Arizona), Colorado River Indian Tribe (California and Arizona), Fort Mojave Indian Tribe (California, Arizona and Nevada), Quechuan Tribe of the Fort Yuma Indian Reservation (California and Arizona), Timbisha Shoshone Tribe (California and Nevada), and Washoe Tribe (California and Nevada). According to UC the sponsors of the bill, potential eligible number of new students who would benefit from this bill would be approximately 5 and 10 additional students per year.
- 4) **State reciprocity?** Reciprocity agreements enable the exchange of educational benefits between residents of both states. The state has implemented measures to reduce tuition and fees for nonresident students who reside in a bordering state but in close proximity to this state attending a California public postsecondary institution. These reductions are applicable only in specific and limited situations, as outlined in the existing law section of this analysis. These measures involve establishing reciprocity agreements with neighboring states.

This bill is silent on the establishment of such an agreement. Without a reciprocity agreement, tribal members residing in California would not be able to enjoy the same postsecondary education benefit in neighboring states. Should the benefit of this bill be limited to residents of other states, which offer a similar benefit to California residents? **Staff recommends amending the bill** to strongly encourage the establishment of a reciprocity agreement with a public postsecondary institution in a bordering state, as specified in the bill, to support the flow of educational benefits to residents of both states as follows:

- *The respective governing boards of the University of California, the California State University and the California Community Colleges are strongly encouraged to enter into an attendance and fee agreement on behalf of a campus that enrolls students who are entitled to resident classification pursuant to the bill with a regionally accredited public postsecondary institution located in the bordering state identified in the bill. To the extent agreements may be entered into pursuant to this subdivision, any agreement shall provide reciprocal rights for students who have a residence in California who are members of the specified federally recognized Indian tribe attending a regionally accredited public postsecondary institution located in the bordering state identified in the bill that reasonably conforms to the benefits conferred upon residents of the bordering state identified in the bill.*

SUPPORT

University of California (Sponsor)
California State University, Office of the Chancellor
California Student Aid Commission
CleanEarth4Kids.org
Community College League of California
Faculty Association of California Community Colleges

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 3087 **Hearing Date:** June 26, 2024
Author: Mike Fong
Version: March 21, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: California Community Colleges Economic and Workforce Development Program.

SUMMARY

This bill extends the California Community Colleges (CCC) Economic and Workforce Development (EWD) Program by 5 years to January 1, 2030.

BACKGROUND

Existing law:

- 1) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (CCD).
- 2) Creates for each CCD a board of trustees, known as the governing board, and authorizes the governing board to establish, maintain, operate, and govern each CCC within their district in accordance with state and federal law, as specified. The governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict or inconsistent with any law and that is not in conflict with the purpose of a CCC district, as specified.
- 3) Establishes the CCC EWD Program to, among other things, advance California's economic growth and global competitiveness through education, training, and services that contribute to continuous workforce improvement.
- 4) Authorizes the Board of Governors of the CCC to award grants and project funds for the program, as specified.
- 5) Requires the program to be implemented only during those fiscal years for which funds are appropriated for its purposes.
- 6) Repeals the program on January 1, 2025.

ANALYSIS

This bill extends the CCC EWD Program by 5 years to January 1, 2030.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The EWD program is the only economic development program of the CCC and its end goal to increase job opportunity for students is of critical importance to all Californians. I am proud to carry legislation extending this vital resource for five more years, and I know that CCC campuses throughout the state will continue to serve as beacons of workforce training in their communities.”
- 2) ***EWD Program Overview.*** Codified in 1991, the EWD program formalized earlier efforts to coordinate statewide economic development through colleges connected all over the state to their local communities and employers, as well as to provide technical training and programs for local small businesses. The program has been amended at least three times since 1991 to clarify program goals and to better align the program with California and federal needs.

The EWD program advances California’s economic growth and global competitiveness through education and services. This effort contributes to continuous workforce improvement, technology deployment and business development, consistent with the current needs of the state’s regional economies. Local colleges and business stakeholders form consortia to identify regional workforce needs and priorities while they aid small businesses in the region through collaboration with local workforce development boards to train workers according to regional employer needs. These partnerships enable colleges to develop curricula to address the training needs of local industry. In 2018-19, the EWD program awarded 82 grants totaling \$18,985,000 to five categories of industry sector experts and professionals in technical support areas. In 2019-20, the program awarded 83 grants, totaling \$18,558,000.

- 3) ***Economic and Workforce Development Advisory Committee.*** The Economic and Workforce Development Advisory Committee (EWDAC), composed of college presidents as well as major industry employers in California and faculty representatives, advises the Chancellor’s Office on EWD development, recommends resource deployment and develops inventive or novel strategies to achieve program goals and objectives.

The EWD program also provides grants to a network of colleges with economic and workforce development programs throughout the state, utilizing a regional approach coupled with sector strategies to achieve its goals. College grantees serve in a variety of roles including centers of excellence, regional consortia (RCs), statewide directors of employer engagement (previously referred to as sector navigators), regional directors of employer engagement (previously referred to as deputy sector navigators) and technical assistance providers (TAPs).

- 4) ***Arguments in support.*** The CCC Chancellor’s Office writes, “...by allowing the EWD Program to continue to operate, AB 3087 (Mike Fong) will ensure that California can maintain its competitive workforce advantage. The EWD Program connects students and employers by generating career opportunities in industries with the greatest need. This vital effort serves the unique economic and workforce needs of regions throughout California by continually responding to

dynamic economic and workforce trends and needs. By leveraging state investments, the EWD Program supports community colleges to develop and implement training and curriculum in 10 key strategic industry sectors, create jobs and career pathways for students, train incumbent workers, and engage employers to understand their training needs. Taken together, these efforts reduce the gap between labor-market demand and existing or future worker availability, thereby generating economic mobility and prosperity.”

“AB 3087 would allow the EWD Program, for another five years, to continue to advance California’s economic growth and global competitiveness through education and services.”

SUPPORT

California Community Colleges Chancellor’s Office (sponsor)

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 3158 **Hearing Date:** June 26, 2024
Author: Berman
Version: February 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Community colleges: West Valley-Mission Community College District

SUMMARY

This bill authorizes, until July 1, 2030, West Valley-Mission Community College District to use their unrestricted general funds to waive fees and to provide financial assistance for the total cost of attendance.

BACKGROUND

Existing law:

- 1) Defines for full-time and part-time students, the cost of attendance to include tuition and fees, cost of books, supplies, transportation, and miscellaneous personal expenses and the cost of room and board. (20 U.S. Code Section 1087II)

State law

- 2) Defines "cost of attendance" as the monetary costs of attending college or university for the purpose of determining financial aid eligibility. Includes the cost of mandatory systemwide tuition and fees, books and supplies, room and board, transportation, and miscellaneous personal expenses. (Education Code (EC) § 66028.1 (b))
- 3) Establishes the CCC under the administration of the Board of Governors (BOG) of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (CCD). (EC § 70900)
- 4) Establishes that CCD are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. (EC § 70902).
- 5) Authorizes the governing board of each CCD to charge each student \$46 per unit per semester. Exempts the following from paying the prescribed fee:
 - a) Students enrolled in specified non-credit courses;

- b) A student who meets a minimum academic and progress standards, as defined, and is either:
 - i) Students enrolled in or receiving benefits from Temporary Assistance for Needy Families program (TANF), the Supplemental Social Security Income/State Supplementary Payment Program (SSI), or a general assistance program;
 - ii) Students who demonstrate eligibility according to income standards established by regulations of the CCC Board of Governors; or,
 - iii) Students who demonstrates financial need according to the methodology set forth in federal law or by regulations for determining the exempted family contribution of students seeking financial aid;
 - c) Homeless or formerly homeless youth, as defined;
 - d) Students who were the dependent or surviving spouse of any member of the California National Guard who died, or was permanently disabled, while in the line of duty or while in active service of the state;
 - e) Students who were the dependent or surviving spouse of a California firefighter or law enforcement officer killed in the performance of their duties or who died as a result of performing duties related to law enforcement or fire suppression;
 - f) Students who were the dependent of a California resident who killed, or who died as a result of injuries sustained in the September 11th, 2001 terrorist attacks;
 - g) Any child of any veteran of the United States military who has a service-connected disability, was killed in service, or has died of a service-connected disability; and,
 - h) The child of a recipient or the recipient of a Congressional Medal of Honor the dependent or spouse of a person who was a nurse, physician, or first responder who died of COVID -19 during the state emergency. (EC § 76300, 68120, 68120.3 and 66025.3)
- 6) Establishes the California College Promise AB 19 (Santiago, Chapter 735, Statutes of 2017) to be administered by the Chancellor of the CCCs for the purpose of authorizing community colleges to waive all or some of the tuition fees for first-time students who enroll in a 12 units or more at a community college and complete the Free Application for Federal Student Aid or the California Dream Act Application. Provides an exemption to the 12-unit rule for those who have been certified as full-time by a staff person in the disabled student services program, as defined. (EC § 76396 and 76396.3).

- 7) Authorizes San Mateo Community College District to use their unrestricted general funds to establish a tuition fee waiver and to provide financial assistance for the total cost of attendance for qualifying students, as defined. (EC § 76302)

ANALYSIS

This bill:

- 1) Authorizes the governing board of the West Valley-Mission CCD to adopt a policy that uses local unrestricted general funds to provide fee waivers to students with the greatest financial need, as determined by the community college district, when other fee waivers are not provided to those students.
- 2) Requires the board policy include a requirement to prepare a fiscal impact statement, including a three-year projection of the fiscal impact of the fee waiver on the community college district. This bill requires that the fiscal impact statement be presented at a public meeting of the governing board of the community college district and made available to the public.
- 3) Authorizes West Valley-Mission CCD to use local unrestricted general funds to provide assistance to students for the total cost of attendance.
- 4) Authorizes the West Valley-Mission CCD to use local unrestricted general funds for the specified purposes only for students who reside within the boundary of the community college district.
- 5) Requires, by March 1, 2028, the governing board of the West Valley-Mission CCD to submit a report to the office of the Chancellor of the CCC, the Department of Finance, and the appropriate committees of the Legislature on the implementation of the bill's provisions and requires that it include all of the following:
 - a) How the district has determined to use local unrestricted general funds to support implementation of the California College Promise.
 - b) How the district has determined to use local unrestricted general funds to assist students with the total cost of attendance.
 - c) How the district has determined to use California College Promise funds to assist students with the total cost of attendance.
 - d) A copy of the policy adopted by the governing board of the West Valley-Mission CCD.
 - e) A copy of the fiscal impact statement.
 - f) The number and percentage of students receiving a fee waiver pursuant to this section, disaggregated by age, race and ethnicity, unit load, and income level.

- g) The number and percentage of students receiving a California Promise Grant, disaggregated by age, race and ethnicity, unit load, and income level.
 - h) The number and percentage of students receiving other forms of institutional aid, including scholarships and grants, disaggregated by age, race and ethnicity, unit load, and income level.
 - i) The services and programs that were limited or eliminated due to the implementation of this section.
- 6) Defines, for purposes of the bill, total cost of attendance to include the student's tuition and fees, books and supplies, living expenses, transportation expenses, and any other student expenses used to calculate a student's financial need for purposes of federal Title IV student aid programs.
 - 7) Sunsets this bill's provisions on July 1, 2030.
 - 8) Makes legislative findings and declarations relative to the unique circumstances of the West Valley-Mission CCD to condition a special law based on the high-cost of living of the region.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "the soaring costs of living, particularly in the Bay Area, is challenging for students. Students are struggling to meet their basic needs, such as food and housing. Tuition has become cost prohibitive as students are deciding between paying tuition for classes, buying groceries, or paying for rent. Students are being priced out of an education, which is unacceptable. AB 3158 would build upon the successes of the San Mateo County Community College District's free college program and similarly give West Valley-Mission CCCD the authority to put significant financial resources back into students' pockets, ensuring they do not have to choose between taking the extra class they need or affording groceries or rent. This bill would allow, until July 1, 2030, West Valley-Mission CCCD to provide free college to their students by waiving tuition fees, which the District is ready and able to do with their existing local funding. It is important to note that West Valley-Mission CCCD has consistently maintained compliance with the Fifty Percent Law throughout its history, and this bill would not change that."
- 2) **CCC enrollment fees.** CCC enrollment fees are set in statute and modified by the Legislature. The fee has remained flat at \$46 per unit since 2012. Current law requires districts to charge that fee but outlines conditions under which those fees are to be waived, including for students from low-income households or first time students. This bill would provide the West Valley-Mission CCD the authority to waive at their discretion the enrollment fee established in statute to students who reside within the boundary of the district and based on criteria determined by the district. The West Valley-Mission Community district governing board would

be required to establish a fee waiver policy and prepare a fiscal impact state for public presentation.

- 3) **West Valley-Mission CCD and Promise Grant.** Enrollment fees at CCCs are the lowest in the nation, and are waived for almost half of students under the Promise grant (BOG) fee waiver policy. The BOG fee waiver, renamed the California College Promise Grant (not to be confused with the separate California College Promise program (AB 19), waives fees for any CCC student who demonstrates financial need. A full-time or part-time CCC student who meets income requirements may qualify and may receive the waiver for as long as they are eligible to take courses; there is no minimum unit requirement, and the fee waiver is applied to any course for which a student must pay the enrollment fee. As noted in a Chancellor's Office memo in May 2020, colleges can increase the number of students receiving a Promise Grant by utilizing updated cost of attendance data that helps account for the high-cost of living in a region including housing and transportation, among other things. According to the Student Centered Funding Formula (SCFF) dashboard, of the 20,422 students enrolled in the district for 2021-22, 4,581 students, or 22 percent, received a Promise Grant. Across the CCC system, 38.2 percent of students enrolled in 2021-22 received a Promise Grant. It is unclear whether the district has used the updated cost of attendance data to account for actual living costs in the Bay Area region as a means of increasing Promise Grant participation.
- 4) **Other fee waiver programs.** Additionally, AB 19 (Santiago, Chapter 735, Statutes of 2017) established the California College Promise program, which authorizes but does not require CCCs to waive fees for first-time, full-time or returning students regardless of financial need for their first two years of college. The Student Success Completion Grant is available to Cal Grant-eligible students to help offset the total cost of community college. Despite the availability of these resources and the Promise Grant, the West Valley-Mission CCCD asserts, in their letter of support submitted to this Committee that the skyrocketing costs of education continue to sideline a considerable segment of their student population.
- 5) **Basic aid districts.** A small number (about 6) of CCDs referred to as basic aid districts including West Valley-Mission CCD are "self-supporting" and do not receive state apportionment because local property tax revenues and student fees provide sufficient funding to cover their general apportionment funding without additional state dollars. In exchange, basic aid districts keep their excess local revenue and use it for educational programs and services at their discretion. Existing law similar to this bill authorizes, until July 1, 2028, San Mateo County CCD to use their unrestricted general funds to waive enrollment fees and to provide financial assistance for the total cost of attendance for qualifying students. This bill seeks to provide a second basic aid district with a greater degree of discretion for use of its local funds to waive fees to a student who resides within the boundary of the CCD.
- 6) **Too soon?** Determining whether to expand fiscal flexibility necessitates a deeper understanding of the outcomes and practices, as well as any unintended consequences, if any, of a bifurcated system in which basic aid districts can

waive fees but other districts cannot. As mentioned, the establishment of SB 893 (Becker, Chapter 937, Statutes of 2022) initiated a pilot program for San Mateo County CCD, that allows the district to provide fee waivers to students with the greatest financial need, utilizing local unrestricted general funds when other fee waivers are not available, and to provide students with assistance for the total cost of attendance until July 1, 2028. It further required the San Mateo CCD to report on the pilot program's implementation by March 1, 2026. This bill would essentially expand a similar authority prior to the completion of the pilot program's evaluation. *Is it prudent to extend a similar level of fiscal flexibility prior to receiving statutorily mandated report?*

7) **Related and prior legislation.**

SB 893 (Becker, Chapter 937, Statutes of 2022), authorizes San Mateo County CCD to use their unrestricted general funds to establish a tuition fee waiver and to provide financial assistance for the total cost of attendance for qualifying students, as defined until July 1, 2028.

- 8) SB 629 (Cortese, 2023) would have extended the use of unrestricted general funds for the tuition fee waivers and financial assistance for the total cost of attendance for qualifying students, to all basic aid districts. This measure was held under submission in the Senate Appropriations Committee.

SUPPORT

West Valley-Mission Community College District (Sponsor)
Associated Students of Mission College
Successful Aging Solutions & Community Consulting

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 3240	Hearing Date:	June 26, 2024
Author:	Calderon		
Version:	February 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: California Ban on Scholarship Displacement Act of 2021: Cal Grant awards.

SUMMARY

This bill extends the California Ban on Scholarship Displacement Act of 2021 protections to students who are eligible for a Cal Grant award, commencing July 1, 2025.

BACKGROUND

Existing law:

Federal law

- 1) The federal Pell Grant provides aid to students who demonstrate financial need. The Pell Grant award can be used for tuition and fees, books, supplies, transportation, and living expenses for the equivalent of up to six years of full-time enrollment. The maximum Pell Grant award is \$7,395 for the award year 2023-24 (which covers the span of July 1, 2023, through June 30, 2024) (20 U.S.C. Section 1070). It is anticipated that the maximum award will not change for the 2024-25 award year (which covers the span of July 1, 2024, through June 30, 2025).

State law

- 2) Establishes the California Ban on Scholarship Displacement Act of 2021, which, in part, prohibits, commencing with the 2022-23 academic year, an institution of higher education from reducing a student's institutional financial aid offer or award for an academic year as a result of private scholarship awards received by that student unless all of the following conditions are satisfied:
 - a) The student is ineligible to receive a federal Pell Grant award;
 - b) The student is ineligible to receive financial assistance under the California Dream Act;
 - c) The student's gift aid exceeds the student's financial need;

- d) The institution reduces its institutional financial aid by no more than the amount of the student's gift aid that is in excess of the student's financial need; and,
 - e) The institution does not consider a student's receipt or anticipated receipt of a private scholarship when considering a student's qualification for institutional financial aid. (Education Code (EC) § 70045 et seq.)
- 3) Establishes the California Student Aid Commission (CSAC) for the purpose of administering specified student financial aid programs. (EC § 69510, et seq.)
 - 4) Establishes the Cal Grant program, administered by the CSAC, to provide grants to financially needy students to attend a college or university. The Cal Grant programs include both the entitlement and the competitive Cal Grant awards. The program consists of the Cal Grant A, Cal Grant B, and Cal Grant C programs, and eligibility is based upon financial need, grade point average (GPA), California residency, and other criteria. Maximum award amounts for the California State University (CSU) and the University of California (UC) are established in the annual Budget Act and have traditionally covered all systemwide tuition and fees. Supplemental Cal Grant awards programs are available to students with dependents and former and current foster youth attending CSU, UC, or a California Community College (CCC) to assist with non-tuition costs, such as living expenses. (EC § 69430 – 69433 and § 69465 - 69470)
 - 5) Establishes, the Cal Grant Reform Act commencing in the 2024-2025 fiscal year, if General Fund moneys over the multiyear forecasts are available to support ongoing augmentations and actions, and if funding is provided in the annual Budget Act. Under the Act, the Cal Grant 2 and Cal Grant 4 programs are created. The Cal Grant 2 is for CCC students, and provides non-tuition support that grows annually with inflation. The Cal Grant 4 program is for students at the UC, CSU, and other institutions. The Act also states legislative intent that UC and CSU use institutional aid to cover non-tuition costs for their students. (EC § 69424, 69425, and 69428)
 - 6) Establishes the Middle Class Scholarship (MCS) Program to offset a portion of tuition costs for students attending the UC and the CSU. Students with family income and assets up to \$201,000 may be eligible. Starting in the 2022-23 academic year, MCS awards may be used to cover the total cost of attendance at UC and CSU. (EC § 70020, et seq.)
 - 7) Extends the Cal Grant priority deadline for financial aid programs administered by CSAC, if the FAFSA application form is not available on or before October 1, 2023, to May 2, 2024, for the 2024-25 award year only. (Section 22 of Chapter 50 of the Statutes of 2023)

ANALYSIS

This bill extends the California Ban on Scholarship Displacement Act of 2021 protections to students who are eligible for a Cal Grant award, commencing July 1, 2025. Specifically, it:

- 1) Prohibits an institution of higher education from reducing the institutional gift aid offer a student who is eligible to receive a federal Pell Grant award, a *Cal Grant award* or financial assistance under the California Dream Act for an academic year as a result of private scholarship awards designated for the student unless the student's fit aid exceeds the student's annual cost of attendance.
- 2) Allows the institutions to reduce the institutional gift aid offer of a student who is eligible to receive a federal Pell Grant award, a *Cal Grant award*, or financial assistance under the California Dream Act by no more than the amount of the student's gift aid that is in excess of the student's annual cost of attendance.
- 3) Prohibits the institution from considering the receipt or anticipated receipt of private scholarships when considering a student who is eligible to receive a federal Pell Grant award, a *Cal Grant award*, or financial assistance under the California Dream Act for qualification for institutional gift aid.
- 4) Encourages, to ensure financial aid is maximized, an institution to implement efforts to avoid scholarship displacement through consultation with scholarship providers and students to avoid situations where institutional gift aid and private scholarships can only be used for specific purposes.
- 5) Stipulates that the article be not interpreted or implemented in a manner inconsistent with state or federal law and provides that the provisions of the bill are severable.
- 6) Recasts the California Ban on Scholarship Displacement Act of 2021 provisions.
- 7) Makes the bill's provisions operative on July 1, 2025.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Students who have financial need and receive private scholarships are often unable to make full use of the awards given to them by private scholarship providers when institutions of higher education reduce students' financial aid. When scholarship displacement occurs, financial aid is reduced by an amount equivalent to any private scholarships awarded, leaving students with a zero net-benefit.

"In 2021, 62% of students reported a shrink in their institutional grants, rather than to their loans or work-study hours when they reported a private scholarship to their school. As a result, some students who see their financial aid reduced end up taking out additional student loans.

“Furthermore, unfulfilled non-tuition costs (including books, room and board, and transportation) are estimated to annually average \$8,900 at a community college and \$18,600 at the University of California (UC). Many low-income students can cover tuition and non-tuition costs through a combination of state, local, and/or federal aid. However, even if all grant aid is considered, students with the most need are, on average, still paying more than \$5,000 per year to attend a community college and more than \$9,000 to attend a UC.

“During the 2022-23 academic year, 159,474 students received Cal Grant awards, 44% of which were of Latino descent. Some students who receive Cal Grants are protected under the California Ban on Scholarship Displacement Act. However, without further legislation, those students who are not protected by the California Ban on Scholarship Displacement Act face the possibility of taking out additional loans to pay for their education.”

- 2) **Forms of student aid.** To help cover college costs, students can access financial aid from federal, state, and university, and private sources. Financial aid programs can consist of loan and gift aid programs. Grants, scholarships, and tuition waivers are considered gift aid, which simply means awards do not have to be repaid (as opposed to loan programs that students pay back). The term institutional gift aid as used California Ban on Scholarship Displacement Act refers to gift aid offered by a college, excluding loans or workstudy. Decisions about allocating institutional aid funds reflect a number of different factors, including the types of resources colleges have at their disposal as well as their commitment to providing educational opportunities to low-and middle-income students. Additionally, institutional aid programs play a unique role in supporting individual colleges' enrollment and completion goals in that colleges have the flexibility to distribute their own grant funds; however, these funds are often tied with differential reliance on tuition revenues which can make the amount available volatile from one year to the next.
- 3) **Packaging multiple offers of student aid.** If a student qualifies for more than one financial aid program, their campus financial aid office will "package" together aid to help meet the student's financial needs and cover their cost of attendance. A student's total financial aid package will not exceed the student's cost of attendance. When packaging aid, institutions first prioritize awarding gift aid such as scholarships or grants before awarding loans or work-study. If a student's aid package exceeds the student's cost of attendance, then adjustments are made to eliminate the over award. Proponents of this measure argue that when a student receives a private scholarship colleges will determine that a student's need changes and may reduce the amount of institutional aid to account for the funding received from the private scholarship.

Current law prohibits colleges from reducing the institutional gift aid offer if a student who is eligible to receive a federal Pell Grant or California Dream Act financial assistance receives a private scholarship. This bill seeks to incorporate Cal Grant-eligible students into the aforementioned prohibition. It's worth noting that if a private scholarship and institutional gift aid are designated for the same purpose, it could result in institutional gift aid paying for costs that might be otherwise be covered by a private source.

- 4) **The Cal Grant program.** The Cal Grant program is the state's largest financial aid program, it is intended to help students who are low-income and have 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 portion 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.
- 5) **How many?** According to information provided by the author, during the 2022-23 academic year, 597,505 students received a Cal Grant. It is estimated that of those students, 487,891 students were Pell Grant eligible. Lastly, in the same academic year, 17,680 students received the California Dream Act Award.

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Eden Area Regional Occupational Program
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OPPOSITION

None received

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