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California State Senate

EDUCATION



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AGENDA

Wednesday, July 3, 2024
9:00 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | |
|------|---------|------------------|---|
| 1. | AB 1142 | Mike Fong | Community colleges: costs for using facilities or grounds. |
| *2. | AB 2500 | Mike Fong | Student financial aid: application deadlines: postponement. |
| *3. | AB 2931 | Mike Fong | Community colleges: classified employees: merit system: part-time student-tutors. |
| *4. | AB 2080 | Arambula | University of California: schools of medicine: report. |
| *5. | AB 2096 | Petrie-Norris | Restraining orders: educational institutions. |
| 6. | AB 2104 | Soria | Community colleges: Baccalaureate Degree in Nursing Pilot Program. |
| 7. | AB 2193 | Holden | Hazing: educational institutions: prohibition and civil liability: reports and resources. |
| 8. | AB 2254 | Blanca Rubio | Charter schools: renewal criteria. |
| 9. | AB 2277 | Wallis | Community colleges: part-time faculty. |
| *10. | AB 2317 | Stephanie Nguyen | Child day care facilities: anaphylactic policy. |
| *11. | AB 2350 | Hoover | Open meetings: school boards: emergencies: notifications by email. |
| 12. | AB 2381 | Bonta | California state preschool programs: reimbursement rates. |

13.	AB 2441	Kalra	School safety: mandatory notifications.
14.	AB 2473	Education	English Language Learner Acquisition and Development Pilot Program repeal: teacher credentialing authorizations: high school coursework and graduation requirements for pupils participating in a newcomer program. (Urgency)
15.	AB 2586	Alvarez	Public postsecondary education: student employment.
16.	AB 2711	Ramos	Suspensions and expulsions: tobacco: alcohol: drug paraphernalia.
*17.	AB 2821	Grayson	Postsecondary education: students with disabilities.
18.	AB 2918	Zbur	Pupil instruction: ethnic studies.
19.	AB 2999	Schiavo	Pupil instruction: homework policy.
*20.	AB 3067	Gipson	Interscholastic athletics: California Interscholastic Federation: notice of sanctions.
**21.	AB 3167	Chen	California Private Postsecondary Education Act of 2009: highly qualified nonprofit institution.

*Consent items.

**Pending receipt.

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1142	Hearing Date:	July 3, 2024
Author:	Mike Fong		
Version:	June 10, 2024		
Urgency:	No	Fiscal:	No
Consultant:	Olgalilia Ramirez		

Subject: Community colleges: costs for using facilities or grounds.

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

SUMMARY

This bill extends by five years the authorization for a community college district (CCD) governing board to allow the use of any civic center or other district property by the community and organizations without charge or with charge not to exceed the specified direct costs or fair market rent value depending on the activity as prescribed.

BACKGROUND

Existing law:

- 1) Provides that there is a civic center at each community college within the state and the governing board of a CCD may authorize the use, by organizations, of any civic center or other properties under their control, as provided. (Education Code (EC) § 82537. (a))
- 2) Authorizes the governing board of a CCD to grant without charge, except as otherwise provided, the use of any college facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for athletic activities for youth, charitable purposes, educational purposes, or the civic well-being of the community.
- 3) Authorizes the governing board of a CCD to charge an amount not to exceed its direct costs or not to exceed the fair rental value of college facilities and grounds under its control for activities other than those described above, as specified.
- 4) Describes, until January 1, 2025, “direct costs” as including (1) the share of the costs of supplies, utilities, janitorial services, services of any other CCD employees, and salaries paid to CCD employees to operate and maintain college facilities or grounds that is proportional to the organization’s use of the college facilities and grounds, and (2) the share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the college facilities or grounds by the organization, except for certain organizations. (EC § 82542)

- 5) Provides that if the governing board of a CCD authorizes the use of any of the CCD's facilities or grounds, the CCD existing law requires that priority access be given to the use of those facilities or grounds to organizations, clubs, and associations, including athletic associations for youth, that serve people from socioeconomically disadvantaged communities. (EC § 82543)

ANALYSIS

This bill extends by five years, from January 1, 2025, to 2030, the authorization for a CCD (CCD) governing board to allow the use of any civic center or other district property by the community and organizations without charge or with charge not to exceed the specified direct costs or fair market rent value depending on the activity as prescribed.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "California Community Colleges are currently authorized to offer the use of facilities and grounds to a variety of organizations using a "fair rental value" methodology. This authorization is set to expire on January 1, 2025. Extending the sunset by five years will ensure nonprofit organizations and clubs and associations organized for athletic activities for youth, charitable purposes, or the civic well-being of the community can continue to use any college facilities and grounds at minimal to no cost."
- 2) **Net effect.** The Civic Center Act was enacted in 2014, with a five-year sunset date that was set to expire on January 1, 2020. AB 695 (Medina, Chapter 492, Statutes of 2019) extended the Civic Center Act for an additional five years that will expire January 1, 2025. This bill would extend the sunset until January 1, 2030. Without the sunset extension, the authority granted to CCD governing board to authorize the use of any civic center or other district property by the community and organizations would revert to a more limited definition of direct costs that colleges can charge for facility use. The narrower definition does not include the share of the costs for maintenance, repair, restoration, and refurbishment proportional to the use of the college facilities or grounds by the organization, except for certain organizations. The sunset extension would allow colleges to continue to include these charges as direct costs.

- 3) **Prior legislation.**

AB 1151 (McKinnor, Chapter 66, Statutes of 2023) authorizes a CCD governing board to allow the use of any civic center or other district property by the community and organizations without charge.

AB 695 (Medina, Chapter 492, Statutes of 2019), extends the Civic Center Act from January 1, 2020 to January 1, 2025.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2500	Hearing Date:	July 3, 2024
Author:	Mike Fong		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Student financial aid: application deadlines: postponement.

SUMMARY

This bill requires the California Student Aid Commission (Commission) to grant up to 30 additional days beyond an application deadline for any financial aid program administered by the Commission, if the Commission receives and approves a formal request to postpone the application deadline from a local educational agency (LEA) or institution of higher education that is eligible to receive state funds for student financial assistance. It further requires that in order to grant the requested extension the Commission certify a qualifying event has occurred such as a natural disaster. Lastly, this bill authorizes the Commission to grant a financial aid program application deadline extension without it being requested if a state of emergency is declared.

BACKGROUND

Existing law:

- 1) Establishes the Commission for the purpose of administering specified student financial aid programs. (Education Code (EC) Section 69510, et seq.)
- 2) Authorizes the Commission to grant up to an additional 30 calendar days beyond an application deadline for any financial aid program administered by the Commission at the discretion of the Commission, if both of the following conditions are met:
 - a) The Commission receives a formal request to postpone the application deadline from either the superintendent of a school district or community college district (CCD) or from the president or chancellor of a California institution of higher education that is eligible to receive state funds for student financial assistance; and,
 - b) The Commission finds that a qualifying event, as defined, has occurred that, in the judgment of the Commission, has had an adverse effect on the ability of pupils or students within the school district, CCD, or an area or region within the state, such as a city or county, to successfully complete and submit their financial aid applications by the established application deadline.

- 3) Defines “qualifying event” to mean any event or extenuating circumstance outside of the control of the pupils or students in an affected school district, CCD, or area or region that, in the judgment of the Commission, has had an adverse effect on the ability of students within the district to successfully complete and submit their financial aid applications by an established statutory deadline. The qualifying event must have occurred or been ongoing during the period for which financial aid applications were available to submit for the following academic year, and includes, but is not necessarily limited to, any of the following types of events:
 - a) A natural disaster;
 - b) A state of emergency declared by the Governor or the President of the United States; and,
 - c) A labor action.
- 4) Authorizes the Commission to establish procedures, which may include a standardized application form, through which a postponement of an application deadline may be requested, as specified. The formal application to the Commission must be submitted no later than 10 business days after the occurrence of the qualifying event in question, or, if the qualifying event is ongoing, no later than 10 business days after the conclusion of the qualifying event, and may include, at a minimum, all of the following:
 - a) The authority to grant postponements of application deadlines, to all of the following programs established in statute, as well as any other state-funded financial aid programs administered by the Commission:
 - i) The Cal Grant A Entitlement Program;
 - ii) The Cal Grant B Entitlement Program established;
 - iii) The California Community College Transfer Cal Grant Entitlement Program;
 - iv) The Competitive Cal Grant A and B Awards program; and,
 - v) The Middle Class Scholarship Program (MCS).
- 5) Requires the Commission, if the Commission approves the request for a postponement of an application deadline, to issue a written notice of the postponement of the deadline within 24 hours of granting the request. The notice must include the approved postponed deadline, and must be sent to all of the following or their respective designees:
 - a) The individual who requested the extension;
 - b) The State Superintendent of Public Instruction (SPI);

- c) The Governor;
 - d) The Director of Finance;
 - e) The President of the University of California (UC);
 - f) The Chancellor of the California State University (CSU);
 - g) The Chancellor of the California Community Colleges (CCC); and,
 - h) The chairpersons of the relevant fiscal and policy committees of the Legislature.
- 6) Requires that when the Commission approves a request for a postponement of an application deadline, the Commission must post all of the following on the Commission website:
- a) The approved postponed deadline; and,
 - b) The public school district, CCD, or area or region, such as a city or county, to which the approved postponed deadline applies. (EC § 69513.2)

ANALYSIS

This bill:

- 1) Requires the Commission to grant up to 30 additional days beyond an application deadline for any financial aid program administered by the Commission, if the Commission receives and approves a formal request to postpone the application deadline from a LEA or institution of higher education that is eligible to receive state funds for student financial assistance. In order to grant the extension the Commission is to certify a qualifying event, as defined, has occurred such as a natural disaster
- 2) Authorizes the Commission to grant an application deadline postponement for financial aid programs, as specified, if the Governor or the President of the United States declares a state of emergency.
- 3) Allows the Commission on a permanent basis to delegate the authority to grant a deadline postponement to the director of the Commission, this is in lieu of delegating this authority to the Commission's elected officers.
- 4) Provides an extra five days for a formal request to be submitted to the Commission, from 10 to 15 business days after the qualifying event has occurred or concluded.
- 5) Requires the Commission to annually report to the Joint Legislative Budget Committee, and the chairpersons of the relevant fiscal and policy committees of the Legislature:

- a) Total number of deadline postponement requests that were granted.
- b) Total number of statewide financial aid applications received after the established application deadline.
- c) The specific school districts, CCDs, or areas of regions within the state that received approval to submit a delayed financial aid application.
- d) Information regarding whether approved deadline postponements due to a natural disaster or state emergency were made equally available to financial aid applicants across the impacted area or region.
- e) Makes technical and conforming changes.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Financial aid plays a crucial role in expanding access to higher education, which continues to be the state’s strongest tool for increasing the social mobility and financial stability of millions of families. However, sometimes due to circumstances outside of their control, thousands of eligible students submit late financial aid applications, forfeiting thousands of dollars in aid.

“By allowing CSAC’s executive director to grant extensions without a meeting of commissioners, extending the period that requests for extensions can be made, and streamlining extensions in cases of declared emergencies, this bill makes it easier for education officials to request, and for CSAC to grant, the extensions necessary for students affected by unforeseen events to get aid.”

- 2) **What is the problem?** According to the Commission, between March 3rd and April 1st of 2018, of the 6,343 students who submitted late financial aid applications, 4,106 (65%) would have been eligible for extensions due to emergency conditions. Students who submit late applications lose out on tens of thousands of dollars in aid. UC and CSU students are missing out on up to \$19,276 and \$9,718, respectively, in state aid which include Cal Grants and MCS.

The Commission further notes, “During the 2021-22 and 2022-23 school years, the Commission collaborated with universities, colleges, and local education agencies to ensure that a blanket statewide extension to the financial aid deadline could be approved due to the pandemic. Prior to this announcement, a number of institutions submitted extension requests with the majority coming from Southern California’s urban and suburban counties. In 2022-23, 17 counties submitted zero extension requests, with 16 of those counties being rural, suggesting that smaller districts are less aware of and/or able to submit extension requests due to a lack of resources. In 2023-24, despite winter storms impacting the entire state and thus making all institutions eligible, only five

institutions sent requests, thus leaving over 9,500 students who submitted FASFA applications after the aid deadline ineligible for entitlement Cal Grant awards at four-year institutions. These participation gaps may be exacerbated by the barriers institutions face in sending requests.”

By empowering the executive director to approve requests directly and automatically apply extensions statewide during declared emergencies, this bill would speed up the approval process and ensure uniformity in the implementation of financial aid application extensions under extenuating circumstances.

3) **Related legislation.**

AB 1887 (Cervantes, Chapter 5, Statutes of 2024) an urgency measure, extended the April 2, 2024 application deadline for financial aid programs administered by the Commission by one month.

SUPPORT

California Student Aid Commission (Sponsor)
California Community Colleges, Chancellor's Office
Faculty Association of California Community Colleges
Institute for College Access & Success
John Burton Advocates for Youth
Lake Tahoe Community College
NextGen California
Office of the Riverside County Superintendent of Schools
Rancho Santiago Community College District
Riverside County Public K-12 School District Superintendents
Sacramento Cal-SOAP
San Bernardino Community College District
Small School Districts Association
Southern California College Attainment Network
Student Senate for California Community Colleges
The Education Trust - West
University of California

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2931 **Hearing Date:** July 3, 2024
Author: Mike Fong
Version: April 11, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Community colleges: classified employees: merit system: part-time student-tutors.

SUMMARY

This bill exempts part-time students employed as student-tutors from the classified service at a merit California Community College (CCC) district.

BACKGROUND

Existing law:

- 1) Establishes the California Community College (CCC) under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in California. The CCC shall be comprised of community college districts.
- 2) Specifies that the governing board of a community college district (CCD) shall employ persons for non-academic positions, and that the governing board shall classify those employees and positions. The statute designates these employees and positions as the classified service, except as specified.
- 3) Establishes that CCDs must prescribe written rules and regulations, governing the personnel management of the classified service, which will be printed and made available to employees in the classified service, the public, and those concerned with the administration of these provisions, whereby these employees are, except as specified, designated as permanent employees of the district after serving a prescribed period of probation which shall not exceed one year, and specifies that these provisions only apply to districts not incorporating the merit system.
- 4) Establishes the merit system, and specifies that the classified employees of any district whose full-time equivalent student is 3,000 or greater, as specified, may petition the governing board to make the merit system applicable to their employer district.
- 5) Specifies that a person in a merit system CCD who has served an initial probationary period in a class not to exceed six months or 130 days of paid service, whichever is longer, as prescribed by the rules of the commission, will be deemed to be in the permanent classified service, except that the commission

may establish a probationary period in a class not to exceed one year for classes designated by the commission as executive, administrative, or police classes.

- 6) Establishes the classified service in CCD that have adopted the merit system, and among other things, exempts the following from the classified service:
 - a) Academic positions;
 - b) Full-time students employed part time;
 - c) Part-time students employed part time in a college work-study program or in a work experience education program conducted by a community college financed by state or federal funds;
 - d) Apprenticeship positions;
 - e) Positions established for the employment of professional experts on a temporary basis for a specific project by the CCD governing board or personnel commission when designated by the commission.
- 7) Existing law also provides that a student employed in the services mentioned above shall not displace classified personnel or impair existing contracts for service.

ANALYSIS

This bill:

- 1) States it is not the intent of the Legislature for a part-time student employed as a part-time tutor to supplant existing classified staff within the CCD, but rather for the student employee to supplement existing classified staff.
- 2) Adds to the list of employees exempt from classified service and therefore, exempt from the jurisdiction of a personnel commission, to include part-time students who are employed as part-time student tutors by CCD in which they are enrolled to undertake community college courses.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Part-time students at community college districts with merit systems are deprived of employment as student tutors because of the way districts are interpreting current law. Currently, [under the Education Code], districts with merit systems must classify all positions, including most part-time student positions. The law exempts the following positions from classification: academic positions, full-time students employed part time, part-time students employed part time in a work-study or work experience program, apprentice positions, and temporary employment of experts for specific projects. The list does not include part-time students employed part time as student tutors.

By making explicit this exemption, districts will be able to employ students and enhance their education experience without the legal concerns of not classifying these students. This bill removes confusion and addresses legal concerns. As districts employ students into these positions, community college campuses will gain valuable tutors who contribute to and enrich their campuses and educations.”

- 2) ***Origin and Purpose of the Merit System.*** The merit system for CCDs was established to ensure fair and objective hiring practices based on abilities rather than political affiliation. This system originated after the assassination of President Garfield, which highlighted the flaws of the "spoils system." The Civil Service Act of 1882, also known as the Pendleton Act, marked the beginning of merit-based hiring in federal government positions. In 1935, California led the nation in expanding the merit system to public schools, including community colleges, following the firing of over 700 employees in the Los Angeles Unified School District after an election. This move was to prevent politically motivated hiring and firing practices.
- 3) ***Structure and Function of Personnel Commissions.*** Personnel commissions oversee the merit system in CCDs, ensuring independence from the political whims of elected governing boards. These commissions consist of three to five appointed citizens serving staggered terms. The commissions maintain a merit system for classified employees and ensure fair treatment of all applicants and employees. Personnel commission staff may be part of the district’s human resources or operate independently. Classified staff do not include faculty, full-time students employed part-time, part-time students in specific roles, apprentices, and certain temporary positions.
- 4) ***The Role of Supervised Tutoring.*** Supervised tutoring, a method where academically successful student tutors provide peer assistance, has been part of the CCCs since 1984. Supervised tutoring can support foundational, degree-applicable, and transfer-level courses. Tutoring must be coordinated through designated learning centers and can be conducted online or in-person. Faculty with a Master's Degree supervise the student tutors, providing academic support. This bill would allow part-time students to participate in these tutoring roles without competing with full-time staff, aligning with the original intention for student employee exemptions.

SUPPORT

Los Angeles Community College District (sponsor)
Community College League of California

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2080	Hearing Date:	July 3, 2024
Author:	Arambula		
Version:	June 24, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: University of California: schools of medicine: report.

SUMMARY

This bill requests the University of California (UC) to annually report and post on its website data on students enrolled in a UC school of medicine and requests the information reported comply with the federal Family Educational Rights and Privacy Act (FERPA) of 1974.

BACKGROUND

- 1) Existing state law establishes the UC, a public trust to be administered by the Regents of the UC and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)
- 2) Under federal law, the FERPA imposes specific requirements on postsecondary institutions concerning the handling of educational records. The statute mandates that these institutions must not disclose education records or personally identifiable information without the consent of the student, except under specified exceptions. One such exception includes instances in which the disclosure is in connection with financial aid for which the student has applied. Furthermore, the Act conditions the receipt of federal funds on adherence to these privacy protections. Institutions in violation of FERPA may face penalties, including the possible loss of federal funding. (20 United States Code Annotated § 1232g)

ANALYSIS

This bill:

- 1) Requests, by December 1, 2026 and each year thereafter, that the UC post, in a report on a publicly accessible UC website data on students enrolled in a UC school of medicine.
- 2) Requests that the data on students enrolled in a UC School of Medicine include all of the following:

- a) Enrolled students.
 - b) First-generation students.
 - c) Federal Pell Grant recipients.
 - d) Multilingual students that is disaggregated by languages other than English that students speak, and highlighted how many students speak languages that are underrepresented in California's physician workforce.
 - e) Community College transfer students.
 - f) Students with membership in a California Indian tribe or federally recognized tribe.
- 3) Requests that the information posted in the report to include all of the following information:
- a) The total number of applicants to a UC school of medicine.
 - b) Contextual data that the UC deems relevant to the report.
 - c) A breakdown of both of the following:
 - i) Postsecondary educational institutions where students received their baccalaureate degrees.
 - ii) Sexual orientation and gender identity of students.
- 4) Requests that the information posted in the report:
- a) Be disaggregated by campus.
 - b) Be for the academic year in which the report is due.
- 5) Requests that the information posted in the report is requested to be posted in compliance with FERPA and is requested to not include any personally identifiable information for any student.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "A physician's ability to speak the same language as their patient is essential to improving patient health and happiness. The inability of physicians to effectively communicate with their patients is devastating for non-English speaking patients and their families. Non-English speaking patients experience adverse health outcomes ranging from moderate harm to death at twice the rate of their English-speaking counterparts.

“In California, the most under-represented language groups in the physician workforce are Vietnamese, Thai/Lao, Tagalog, and Spanish. Of all languages, Spanish had the lowest ratio of Spanish speaking physicians relative to Spanish speaking patients. AB 2080 will provide meaningful data on each University of California school of medicine and their progress towards increasing the size and diversity of our healthcare workforce.

“As our state’s first Latino Physician elected to the Legislature, I’m proud to introduce AB 2080 to diversify our health care workforce and better serve communities like mine.”

2) **Data collection captures demographic information on enrolled students.**

Given the author's statement above, the intent of this measure is to collect data to assess UC's progress towards diversifying California's healthcare workforce, particularly in relation to multilingual speakers. This bill contains data collection on the number of first-generation, multilingual, and Pell Grant-eligible (low-income) students. It additionally requests that UC, in its report, provide a breakdown of the sexual orientation and gender identity of enrolled students. Although not explicitly stated in this bill, information is collectable only to the extent that students voluntarily self-identify and disclose it in compliance with federal private rules. As noted in the background section of this analysis, federal statute mandates that institutions must not disclose education records or personally identifiable information without the consent of the student. If UC decides to implement the provisions of this bill, it must comply with FERPA.

3) **UC school of medicine.** The UC has six schools of medicine, located at UC Davis (UCD), UC Irvine, UC Los Angeles (UCLA), UC Riverside (UCR), UC San Diego (UCSD), and UC San Francisco (UCSF). Each school of medicine follows the best practices of the American Association of Medical Colleges (AAMC) and uses holistic review for their admissions process. Holistic review is an admissions process that considers each applicant individually by balancing their academic metrics with life experiences and attributes. These factors are viewed in combination to consider how an individual might contribute value, not only as a medical student, but also as a future physician. Nearly all medical schools report using some elements of holistic review. This allows schools to prioritize their mission and determine their individual priorities for admissions. This has also resulted in more diverse medical school classes.

According to the 2023 U.S. News and World Report rankings for most diverse medical schools, UC School of medicine had four in the top 15 ranked diverse medical schools: UC Davis at number 3; UCR at number 5; UCSF at number 9; and, UCLA at number 13. Seemingly, the holistic review process and other efforts have contributed to diversifying the healthcare workforce.

4) **Diversification efforts.** According to UC, the UC schools of medicine have shown steady gains in the enrollment of students underrepresented in medicine (URiM) over the last 20 years. In 2024, 50% of first-year UC medical students are URiM compared to only 16% in 2000. The UC attributes this increase to several factors, including, but not limited to, UC Programs in Medical Education (PRIME),

which is the UC's systemwide initiative focused on adding to physician workforce shortages and meeting the needs of underserved populations.

The first PRIME program began in 2004, and now there are 459 PRIME students enrolled across 10 programs that train highly motivated, socially conscious graduates who will become physician leaders committed to serving medically underserved groups and communities across the state. Each program includes a specified area of focus and combines structured activities ranging from student outreach and recruitment to specialized coursework, population-focused clinical training and research experiences, health care leadership and management training, community engagement experiences, master's degree educational opportunities, faculty mentoring, and sponsored events that are open to the broader campus community. Eighty-four percent of PRIME students are from URiM groups.

According to the UC's most recent PRIME program report (for fiscal year 2023-24), communities of color will make up over 65% of California's population by 2030, yet they are severely underrepresented in the health workforce and educational pathway. Language capabilities are also not aligned, with a large and growing public unable to effectively communicate with their health providers. For the physician workforce to better reflect California's diverse population, it will be critical that California medical schools continue to prioritize efforts to increase diversity among students, residents, and faculty. It is also well documented that physicians from groups URiM are more likely to practice in shortage areas and to care for underserved and uninsured populations as compared to others.

SUPPORT

Samuel Merritt University
The Leukemia & Lymphoma Society

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2096	Hearing Date:	July 3, 2024
Author:	Petrie-Norris		
Version:	June 24, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Restraining orders: educational institutions.

SUMMARY

This bill authorizes a public postsecondary educational institution to seek a temporary restraining order or an injunction on behalf of a student, as specified.

BACKGROUND

Existing law:

- 1) Authorizes a chief administrative officer of a *private* postsecondary education institution or an officer/employee who has been designated to maintain order on the school campus or facility, to seek a temporary restraining order or an injunction on behalf of a student and, at the discretion of the court, any number of other students at the campus or facility who are similarly situated. (Code of Civil Procedure (CCP) § 527.85)
- 2) Provides that a temporary restraining order or an injunction may be sought for a *private* postsecondary education institution student who has received a credible threat of violence off-campus that could be reasonably construed to be carried out on campus, and who provides written consent for the temporary restraining order or injunction to be sought. (CCP § 527.85)
- 3) Defines the following for purposes of clarifying who can seek a temporary restraining order or injunction on behalf of a student at a *private* postsecondary education institution:
 - a) “Chief administrative officer” means the principal, president, or highest ranking official of the *private* postsecondary educational institution.
 - b) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including any of the following:
 - i) Following or stalking a student to or from school.
 - ii) Entering the school campus or facility.

- iii) Following a student during school hours.
 - iv) Making telephone calls to a student.
 - v) Sending correspondence to a student by any means.
- c) “Credible threat of violence” means a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.
- d) “Petitioner” means the chief administrative officer or their designee who petitions for a temporary restraining order or an injunction.
- e) “Postsecondary education institution” means a *private* institution of vocational, professional, or postsecondary education.
- f) “Respondent” means the person against whom the temporary restraining order and “order after hearing” are sought and, if the petition is granted, the restrained person.
- g) “Student” means an adult currently enrolled in or applying for admission to a *private* postsecondary education institution.
- h) “Temporary restraining order” and “order after hearing” means orders that include any of the following restraining orders, whether issued *ex parte*, or after notice and hearing:
- i) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the student.
 - ii) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in (i) above.
- i) “Unlawful Violence” means any assault or battery, or stalking, but shall not include lawful acts of self-defense or defense of others. (CCP § 527.85)
- 4) Specifies that these provisions do not permit a court to issue a temporary restraining order or order after hearing prohibiting speech or other activities that are constitutionally protected, or otherwise protected by existing law. (CCP § 527.85)
- 5) Authorizes, at the discretion of the court, a temporary restraining order or order after hearing to include other named family or household members of the student, or other students at the campus or facility.

- 6) Sets forth the terms and conditions by which a restraining order or injunction sought by the chief administrator of a *private* postsecondary education institution may be considered by the court including reference for how the respondent will be contacted, how the respondent may appeal the request, and the duration of the injunction once granted by the court. (CCP § 527.85(e) – (x))

ANALYSIS

This bill authorizes a *public* postsecondary educational institution to seek a temporary restraining order or an injunction on behalf of a student. Specifically, this bill:

- 1) Redefines “postsecondary educational institution” to eliminate reference to “private,” thereby expanding the definition to include all (public and private) institutions of vocational, professional, or postsecondary education.
- 2) Expands the reason to seek a restraining order or an injunction to also include when a student has suffered unlawful violence.
- 3) Strikes the condition that the threat occur off the school campus that anyone can reasonably construe to be carried out at the school campus.
- 4) Otherwise mirrors existing law relative to the authority for private postsecondary educational institutions to seek a temporary restraining order and an order after hearing on behalf of a student.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 2096 will better protect students, faculty, and staff at California’s many public postsecondary institutions by expanding the eligible use of School Violence Restraining Orders (SVROs).

“SVROs were originally established in California in 2009 out of a situation at a **private**, postsecondary institution where, although a student had made threats of violence, a general restraining order to protect everyone on campus was unavailable because restraining orders are generally limited to protecting specific, named individuals. An SVRO allows an official of the postsecondary institution to seek and receive, first, a temporary restraining order against an individual and, later, a longer-lasting order against an individual who has made threats against a student, teacher, or the campus at large. This type of restraining order may only be granted if the threat of violence is for an act that would likely take place on the school’s campus. These orders prohibit the restrained party from having firearms and ammunition while the order is in place and can include the threatened student’s family and household members as protected parties.

“Unfortunately, students and staff at public, postsecondary institutions in California cannot currently utilize this remedy. All they can do under current law is ask for their Chief Administrative Officer to notify the threatening person that they are not welcome on campus or rely on law enforcement and criminal remedies, including trespassing and disorderly conduct offenses, which are

misdemeanor offenses, and neither are firearm prohibiting.”

- 2) ***Parity with private postsecondary educational institutions.*** This bill provides parity between private and public postsecondary educational institutions by extending the ability to protect students through temporary restraining orders. As noted in the Assembly Higher Education Committee analysis, while each of the public higher education segments have a plan to address threats on campus, there is no formal procedure for how to address threats off-campus that could result in a threat on campus. This bill establishes an avenue by which a campus of a *public* postsecondary institution could seek a temporary restraining order or an injunction on behalf of a student who has received a threat of violence in order to protect the student on-campus and the greater campus community.
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee:
 - a) This bill would impose cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to hear and adjudicate additional applications for restraining orders and misdemeanor violations of those orders. Actual costs will depend on the number of orders sought and the number of violations prosecuted. It generally costs about \$1,000 to operate a courtroom for one hour. This bill allows California's approximately 150 public higher education institutions to seek school violence restraining orders. If orders sought by these institutions and related misdemeanor cases take 150 or more hours of court involvement statewide, cost pressures would exceed that committee's suspense threshold.
 - b) Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund. The Governor's 2024-25 budget proposes \$83.1 million ongoing from the General Fund to backfill declining revenue to the Trial Court Trust Fund. According to the Legislative Analyst's Office, the General Fund faces a structural deficit in the tens of billions of dollars over the next several fiscal years.

SUPPORT

American Association of University Women - California
Consumer Protection Policy Center, University of San Diego School of Law

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2104	Hearing Date:	July 3, 2024
Author:	Soria		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Community colleges: Baccalaureate Degree in Nursing Pilot Program.

SUMMARY

This bill requires the California Community College (CCC) Chancellor's Office to establish, until January 1, 2031, a Community College Baccalaureate Degree in Nursing Pilot Program for purposes of authorizing 10 community college districts (CCDs) nursing programs to offer a Bachelor of Science in Nursing Degree. The bill further requires the Legislative Analyst's Office (LAO) to conduct and submit to the Legislature an evaluation of the pilot program, as specified.

BACKGROUND

Existing law:

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

instruction, and support services which help students succeed at the postsecondary level. (Education Code (EC) § 66010.4)

- 2) Authorizes the CCC Board of Governors, in consultation with the CSU and the UC, to establish baccalaureate degree programs that do not duplicate a baccalaureate degree program offered by the CSU or UC. Allows for the approval of 30 community college baccalaureate degree programs per academic year. Current law further requires the CCC Chancellor to consult with and seek feedback from the CSU Chancellor, the UC President and the President of the Association of Independent California Colleges and Universities 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. (EC § 78040 et seq.)

ANALYSIS

This bill:

- 1) Requires the Chancellor of the CCC to develop a BSN Program that authorizes select CCDs to offer a BSN degree.
- 2) Limits the pilot program to 10 CCDs statewide and requires the chancellor to identify eligible CCDs on at least two of the following criteria:
 - a) CCDs that demonstrate equitable access to the pilot program, with a particular focus on regions showing a need for healthcare professionals. This includes regions with a projected significant growth rate above 7 percent over the years 2025 to 2030, inclusive, and regions encompassing northern, central, and southern parts of the state.
 - b) Priority be given to CCDs that are located in broadly recognized underserved nursing areas.
 - c) Priority be given to CCDs where the service area of the community college district includes communities with persistent poverty.
- 3) Specifies that the total number of participants in a pilot program at a CCD will be limited to 25 percent of the CCD's associate degree in nursing class size. For CCDs located in persistent poverty communities this limit may be increased to up to 75 percent of the community college district's associate degree in nursing class size.
- 4) Requires the LAO, by January 1, 2030, to conduct an evaluation of the pilot program to determine the effectiveness of the program and the need to continue or expand the program.
- 5) The results of the evaluation must be submitted to the Legislature, as specified.
- 6) Sunsets the bill's provision on January 1, 2031.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “California’s current healthcare workforce development apparatus is not equipped to handle the growing nursing needs of the state, especially in disadvantaged communities in more rural parts of the state. While California’s Community College system can reach these communities and does offer associates degrees in nursing, the needs of the healthcare workforce more frequently demand a bachelor’s degree. This level of degree is exclusive in California to private institutions that are prohibitively expensive or the UC and CSU systems that have limited capacity and difficulty serving areas of the state with the highest need. In order to meet our nursing workforce needs and extend these career opportunities to Californians throughout the state, we must expand the role of our community college system. AB 2104 will take the first steps in this process by allowing a limited number of campuses to expand their nursing programs to offer Bachelors of Science in nursing degree.”

- 2) **CCCs original mission.** The state has four segments of higher education: three public and one private. Each plays a vital and unique role for the state. Their mission statements are outlined in the Master Plan for Higher Education and by state statute. The CCCs are to have an open admission policy and bear the most extensive responsibility for lower-division undergraduate instruction. Its primary areas of mission include instruction leading to associate degrees and university transfer, vocational instruction, and remedial education. Despite the differentiation of mission, the Legislature has authorized the CSU and CCCs to go beyond their original mission to offer doctoral degree and baccalaureate degree programs, respectively, so long as programs do not duplicate those offered by the other segments with primary jurisdiction. *Further expansion of CCC baccalaureate degrees as proposed in this bill would signal the Legislature’s willingness to allow CCCs to deviate further from their institutional mission, duplicate programs offered by the other segments with primary jurisdiction, and bypass the existing CCC baccalaureate approval process.*

- 3) **Is this the appropriate solution?** If it is the desire of the Legislature to expand BSN degree programs, arguably more effective and efficient alternatives do not require a departure from the CCC’s mission to expand and streamline BSN pathways. In its recommendation for alternatives to the original baccalaureate degree pilot program, the LAO’s analysis notes that some CCCs have agreements with baccalaureate degree-granting institutions. Improving alignment between CCC and the universities could increase the number of CCC students who ultimately obtain a bachelor’s degree and reduce the amount of time students take to obtain their degree. For example, the Tri-County Nursing Pathway is a partnership between Riverside City College and two CSU campuses (Fullerton and San Bernardino) that allows associate degree nursing students to concurrently obtain their bachelor’s degrees. Students can enroll in CSU courses while still completing their associate degree requirements, allowing them to obtain their bachelor’s degree with only six additional months of coursework. The LAO report further asserts that such partnerships could not only be more cost-effective but also benefit more students (*including place-bound*

students), thereby having a more widespread impact. This Committee may wish to consider all of the following:

- *Could this bill undermine any incentives for similar collaborations across the public higher education segments to address regional workforce needs like nursing?*
- *Can the process for developing collaborative efforts to address workforce needs be modified to facilitate greater proliferation of these programs?*
- *Should a community college be required to demonstrate that existing avenues for partnership with other institutions are not possible or viable before seeking authorization to offer an independent baccalaureate degree?*
- *Should additional support be provided to the other segments with primary jurisdiction in granting baccalaureate degrees to increase the number of degree slots available in high-demand areas?*

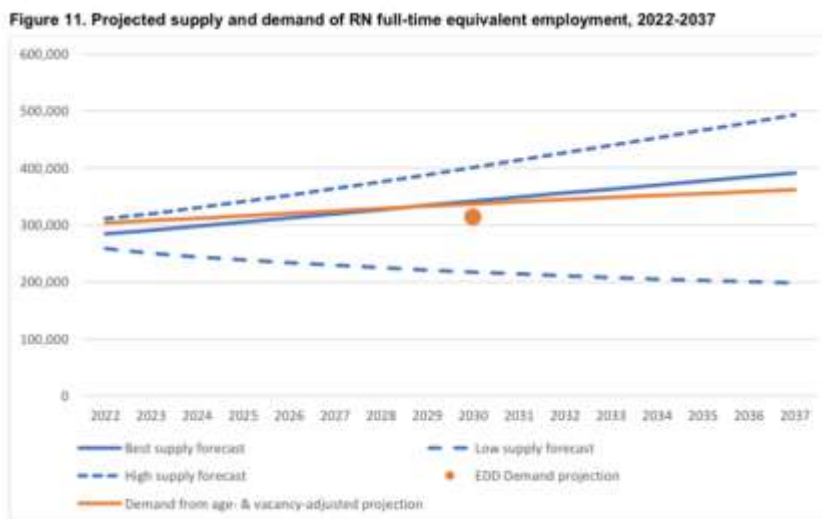
- 4) **State investment in CCC associate degree in nursing programs.** Of California's three public higher education segments, only the community colleges offer associate degrees in nursing. According to the CCC Chancellor's Office 2020-2022 legislative report on Community Colleges Nursing Educational Programs, associate degrees in nursing programs account for 55.4% of programs in the state. Numerous legislative efforts and investments have been made to expand community college associate degree in nursing enrollments and improve retention to facilitate the expansion of associate degree in nursing programs. The Budget Act of 2015 provided additional nursing program support to expand community college nursing enrollments and improve student retention in associate degree nursing programs. Since 2009-10, the Legislature has provided ongoing funding (\$13.4 million) through grants to CCC associate degree in nursing programs in recognition of the relatively high cost of educating nurses. The Department of Health Care Access and Information, which administers a state program to help, among other things, increase support for nursing education programs, awarded a total of \$17 million to 34 nursing programs in 2023, including 17 community college associate degree in nursing programs. These investments demonstrate the state's willingness to invest in associate degrees and demonstrate a recognition of their value to the state.
- 5) **Segments competing for students.** A key issue highlighted in a recent 2024 report issued by the Legislative Analyst's Office, *Trends in Higher Education Student Access*, is that as the high school graduate and college-age populations decline in this state, the segments are likely to begin competing more for students. The Legislature will continue to face key decisions about how much enrollment to fund at each of the public segments. Such decisions could have important implications for the size of each segment in the years to come. Further, with the segments competing more intensely with one another for students, the Legislature is likely to face fundamental decisions about each segment's mission, including which programs and degrees each segment offers. As with enrollment

growth decisions, these decisions could have important implications for the size and cost of each segment in the years to come.

- 6) **Tuition fees and potential program costs.** Current law allows CCCs to raise tuition up to the same amount as a CSU baccalaureate degree program, for CCC baccalaureate degree programs that are approved under the existing process to the same amount as a CSU. For example, the West Los Angeles Community College 2-year dental hygiene baccalaureate program charges \$130 per unit plus \$7,000 for equipment and fees. Enrollment fees for CCC lower division coursework are currently \$46 per credit. Without statutory authorization, it is unclear if CCC districts can charge higher rates for a more advanced degree. Potential CCC program costs, as projected by the CSU in comparison to its programs, community colleges that choose to add upper division course curriculum placement and develop these baccalaureate degree nursing programs may see costs for faculty salaries, support staff salaries, operational expenses, facilitating community clinical placements, equipment, and supplies. By using figures derived from a typical CSU nursing program, the CSU estimates at \$5,000 per student per year for the upper division program.
- 7) **National accreditation not required.** According to the CCC Chancellor's Office, of the 77 associate degree for nursing programs, 28 are nationally accredited 27 by the Accreditation Commission for Education on Nursing (ACEN) and one by the Commission for Nursing Education Accreditation. Nine are candidates for national accreditation by ACEN. All programs have Board of Registered Nursing (BRN) approval. BRN approval ensures compliance with statutory and regulatory requirements whereas accreditation provides a baseline measure of program quality and supports transferability of credits for students seeking an advanced degree. This bill does not condition participation in the pilot program on whether a program is nationally accredited.
- 8) **Nursing programs in California.** Graduates of associate and bachelor nursing degree programs may sit for nurse licensure exams and become licensed registered nurses. The state's BRN approves all of California's pre-licensure nursing programs offered by public and private colleges and makes decisions about the number of students that new and existing nursing programs are allowed to enroll. The number of nursing programs in the state totals 152, with 101 public, 91 associate degrees in nursing, 48 bachelor of science in nursing, and 13 Entry Level Master's (ELM) programs. According to the most recent BRN annual school report (2021-2022), California graduated about 13,300 students in 2021-22 from registered nursing programs, which represents an 18 percent increase in student completions since 2012. Associate's degree completions decreased while bachelor's degrees and ELM nursing completions increased. The number of joint associate degrees in nursing and bachelor's programs has increased over the last 10 years. The time it takes a student to graduate from a program varies by degree. An associate degree in nursing prepares students for registered nursing care in a variety of settings in two-three years, whereas a bachelor's degree takes about four years to train students for registered nursing care as well as administrative and leadership positions. An ELM is a one- to two-year program for baccalaureate degree holders in other fields seeking to become registered nurses. All schools are required to provide clinical instruction with

clinical placement in a health care facility in each phase of the educational process. Students must pass a national licensure examination to earn a license. The BRN projects enrollment to increase for the 2023-2024 academic year to about 18,500. www.rn.ca.gov/forms/rnsurvey201718.shtml

- 9) **Enrollment decisions controlled by BRN.** The BRN is one of a few licensing boards that continues to actively approve educational programs and make enrollment decisions. According to a recent state audit of the BRN, two of the key factors that should be included in the BRN’s enrollment decisions are the forecasted supply of nurses that the state will need to fulfill demand and the available number of clinical placement slots. The audit found that the BRN has failed to gather and use sufficient data related to both of these factors to appropriately inform its enrollment decisions. *Should the BRN continue to approve RN educational programs? Shouldn’t institutions play a greater role in determining enrollment decisions?*
- 10) **Nursing shortage projected to close within a few years.** According to a 2022 University of California, San Francisco (UCSF) study, “Forecasts of the Registered Nurse Workforce in California,” data shows consistent employment rates for RNs since 2018, but decreasing rates for older RNs. It further warns that a greater number of RNs plan to retire or quit within two years compared to 2018. The pandemic also had an impact on retention rates. RN education programs experienced fewer enrollments and graduates during the 2018-2019 academic year. Combined, these changes have reduced the supply of RNs relative to previous forecasts. *However*, circumstances are improving. RN education enrollments are expected to surpass pre-pandemic levels starting with the 2021-22 academic year. It is projected that the supply of new RNs will match demand by 2029, thereby filling unfilled positions. According to UCSF’s updated 2024 forecast (unpublished), there is a statewide supply-demand gap of 17,000 full-time equivalent nurses, which is projected to close within four years (2028), one year earlier than the 2022 report indicated. Notably, retention of new and experienced nurses is key. Below is a graph from the UCSF 2022 forecast report. www.rn.ca.gov/pdfs/forms/forecast2022.pdf



- 11) **California could benefit from improved intersegmental coordination as duplication of programs leads to increased tension.** All of California’s public education institutions share a commitment to work together to ensure that parts of the system work for all Californians. Since the defunding of the California Postsecondary Education Commission (CPEC) in 2011, California has not had a statewide coordinating entity for higher education. Prior to its demise, the role of the CPEC included academic program review to coordinate the long-range planning of the state’s public higher education systems as a means to ensure that the segments were working together to carry out their individual missions while serving the state’s long-range workforce and economic needs. The absence of a higher education coordinating entity has hindered the state’s ability to review degree programs to align with state and workforce needs. In its place, changes to higher education’s blueprint are being made one legislative proposal at a time in a piecemeal way, which could result in an uncoordinated and fragmented system. Although this bill is limited to one community college baccalaureate degree program, it establishes a precedent for permitting duplication of degree programs and expands CCC’s ability to establish baccalaureate degrees independent from California’s other public universities. This Committee may wish to consider all of the following:
- *What relationship is there among the different missions of California’s higher education segments and their differential ways in which they offer education?*
 - *Is it appropriate to rely solely on the legislative process to implement significant programmatic changes to higher education without any coordination or long-range plan to guide the conversation? Does the legislative process allow for consideration of priority relative to other demands in higher education?*
 - *How should the Legislature leverage the strength of each segment to address regional or statewide workforce needs? What is the expectation for collaboration among the segments?*
 - *The delineation of missions serves as a guide for how and where to allocate state resources. If there is a lack of clarity about institutional missions, what will guide the future of higher education?*
- 12) **Two bills on the same subject.** According to the rules adopted by this Committee, “the Committee, to the greatest extent possible, will not approve more than one bill on the same subject.” On April 24, 2024, this Committee heard and approved SB 895 (Roth), which is almost identical to this bill. Both SB 895 and this bill add Education Code § 78045, which would require the Community College Chancellor’s Office to establish a community college Baccalaureate degree pilot program. Unlike SB 895, this bill does not include a number of the reporting elements, national accreditation requirements, or a definition of underserved nursing areas. This bill includes provisions for prioritizing CCDs in persistent poverty areas and permits larger class sizes for pilot programs in those areas. Each author has made a commitment to collaborate on an agreement in

order to prevent any potential conflicts that may arise from approving two bills on the same subject.

- 13) **Arguments in support.** According to the letter of support submitted to the Committee from the Community College League, it states in part, “AB 2104 directly responds to a national trend of hospitals requiring and preferring to hire BSN-educated nurses, which disadvantages community college nursing students. A 2021 Health Impact report found that 18% of California hospitals surveyed stated that a BSN was required for employment – double the percentage from 2017 – and 54.3% reported a preference for hiring BSN nurses. Additionally, 31.5% of nurses with an Associate Degree in Nursing (ADN) stated that the lack of a BSN degree was given as the reason for their failure to be hired. AB 2104 utilizes California’s community colleges to create an affordable and accessible pathway toward a BSN degree.

“According to the Board of Registered Nursing, the California State University (CSU) and the University of California (UC) produce around 25% of the total BSN graduates. The remaining 75% of BSN graduates come from private institutions, which have established a hold on nursing education. While private universities may be a good option for some students, it is an unnecessarily expensive option when the local community college could offer the program at a fraction of the cost. Many capable students are priced out of attending private universities or are forced to take out significant loans, creating generational debt. AB 2104 represents an opportunity to utilize California community colleges’ existing ADN infrastructure to give students an accessible and affordable option to earn their BSN degree.

“While the League strongly supports this legislation, we are disappointed at the amendments taken by the Assembly Appropriations Committee on 05/16/24 that reduced the pilot program from 15 districts to 10. We firmly believe 15 districts strikes a balanced approach, given that the original legislation authorizing community college baccalaureate degrees (SB 850, Block) established a pilot program with 15 districts. We are hopeful that the bill could be restored to the author’s original intent.”

- 14) **Arguments in opposition.** The California State University argues, in part, in their opposition letter, “The CSU is the most diverse public university in the nation and serves nursing students from all regions and backgrounds at 20 of 23 campuses. As a leader in nursing education, the CSU provides excellent Baccalaureate of Science in Nursing (BSN) programs with a strong record of students success. National Council Licensure Examination (NCLEX) passage rates for CSU nursing graduates are consistently high.

“Nursing school capacity is limited not by the number of programs but by the number of clinical placements. Nursing programs cannot enroll students if they cannot provide clinical placements for them. Ab 2104, by allowing 10 CCDs to build BSN programs, will use significant state resources to develop new programs when current programs already exist and there would be no increase in the number of nurses.

“CSU campuses have worked diligently over the years to develop programs and pathways to serve nursing students at all levels whether they come to us as a community college, first-year, or nontraditional students. Over 30 current CSU/community college partnerships have been developed to streamline curriculum, enrollment programs and subsequent clinical placement coordination. These initiatives increase capacity and reduce the time to graduation from an average of five or six years to three or four years, increasing the pace at which the CSU can produce nurses serving California and its communities. CSU also offers several fully online and flexible learning nursing programs which can serve students in any area of the state.”

15) **Related legislation.**

SB 895 (Roth, 2024) nearly identical to this bill would require the CCC Chancellor’s Office to establish, until January 1, 2031, a CCC Baccalaureate Degree in Nursing Pilot Program for purposes of authorizing 15 CCDs with nationally accredited nursing programs selected by the CCC Chancellor’s Office to offer a BSN degree. The bill further requires the LAO to conduct and submit to the Legislature an evaluation of the pilot program, as specified. The Assembly Higher Education Committee will hear SB 895 July 2, 2024.

SUPPORT

California Assisted Living Association
 California Association for Health Services At Home
 California Association of Health Facilities
 California Hospital Association
 California Legislative Women’s Caucus
 California State Association of Counties
 Citrus College
 Community College League of California
 County Health Executives Association of California
 Faculty Association of California’s Community Colleges
 Long Beach Community College District
 Los Angeles Unified School District
 Mt. San Antonio College
 North Orange County Community College District
 Rural County Representatives of California
 Sacramento County Young Democrats
 San Diego Unified School District
 San Jose-Evergreen Community College District
 Urban Counties of California

OPPOSITION

Academic Senate Executive Committee, California State University, Bakersfield
 Academic Senate of the California State University
 Association of Independent California Colleges & Universities
 Cal Poly Humboldt Nursing
 California Association of Colleges of Nursing

California Baptist University College of Nursing
California Polytechnic State University, San Luis Obispo
California State Polytechnic University, Humboldt
California State University Alumni Council
California State University Office of the Chancellor
California State University, Bakersfield
California State University, Channel Islands
California State University, Chico
California State University, Dominguez Hills
California State University, East Bay
California State University, Fresno
California State University, Fullerton
California State University, Long Beach
California State University, Los Angeles
California State University, Monterey Bay
California State University, Northridge
California State University, Pomona
California State University, Sacramento
California State University, San Bernardino
California State University, Stanislaus
CSU Dominguez Hills - School of Nursing
CSULB School of Nursing
San Diego State University
San Francisco State University
San José State University
School of Nursing, Sacramento State University
Sonoma State University
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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2193	Hearing Date:	July 3, 2024
Author:	Holden		
Version:	May 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Hazing: educational institutions: prohibition and civil liability: reports and resources.

SUMMARY

This bill (1) establishes civil liability for a public or private institution of higher education by a person harmed by hazing from an organization affiliated with the educational institution under specified circumstances, with a rebuttable presumption that the institution took reasonable steps to stop the hazing if the institution has taken specified actions to prevent hazing; (2) requires the California State University (CSU), University of California (UC), and independent institutions of higher education to submit a report to the Legislature on the number of hazing incidents; and (3) requires the California Department of Education (CDE) to post on its website a model anti-hazing policy and resources for hazing prevention.

BACKGROUND

Existing law:

Conduct – postsecondary educational institutions

- 1) Requires the California Community Colleges (CCC), CSU, and UC to adopt specific rules and regulations governing student behavior along with the applicable penalties for violations of rules and regulations. Existing law requires institutions to adopt procedures by which all students are informed of such rules and regulations with applicable penalties. (Education Code (EC) § 66300)
- 2) Requires the CCC and CSU, and requests UC, to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior within their respective segments of public postsecondary education. Existing law states legislative intent that the policies be provided online and printed materials covering rules and regulations within respective segments of public postsecondary education. (EC § 66302)
- 3) Requires each institution of higher education to include in the institution's requirements for campus recognition of each campus-recognized sorority or fraternity, annually reporting by the organizations with information about membership including the number of students, average grade point average, amount of money fundraised, and current conduct status. (EC § 66312)

- 4) Requires the CCC, the CSU, UC, the UC College of the Law, San Francisco, and any postsecondary education institution receiving public funds for student financial aid to authorize the appropriate officials on each campus to compile records of all reported occurrences of and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft, destruction of property, illegal drugs or alcohol intoxication. (EC § 67380)

Hazing – criminal penalties and civil remedies

- 5) Provides that it is unlawful to engage in hazing, and defines “hazing” as a method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by a postsecondary education institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, university, or other postsecondary education institution in the state. Existing law excludes customary athletic events or school-sanctioned events from the definition of hazing. (Penal Code § 245.6)
- 6) Sets forth misdemeanor and felony penalties for hazing. (Penal Code § 245.6)
- 7) Authorizes a person against whom hazing is directed to take civil action for injury or damages against any participants in the hazing or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing. (Penal Code § 245.6)

ANALYSIS

This bill:

Civil action against institutions of higher education

- 1) Prohibits any person from being subjected to hazing in any program or activity conducted by any educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.
- 2) Authorizes a person against whom hazing is directed to commence a civil action for injury or damages, beginning January 1, 2026, against any educational institution for the hazing practice of the organization involving one or more students (in addition to bringing an action against any participants in the hazing or the organization as allowed by existing law) if both of the following apply:
 - a) The educational institution had direct involvement in the hazing practice of the organization, or knew or should have known of the hazing practice and failed to take reasonable steps to stop the hazing practice of the organization.
 - b) At the time of the alleged hazing incident, the organization involved in the hazing is affiliated with the educational institution.

Rebuttable presumption

- 3) Establishes a rebuttable presumption that an educational institution took reasonable steps to stop the hazing practice of the organization if the educational institution has done *all* of the following:
- a) Update and maintain existing rules and regulations governing student behavior to include a prohibition on hazing, anonymous reporting of hazing incidents, and adopt applicable penalties for the violation of the hazing prohibition. Institutions are required to adopt procedures by which all students are informed of the updated rules and regulations, with applicable penalties, and any revisions to the rules and regulations.
 - b) Update and maintain existing rules and regulations governing employee behavior to include a prohibition on hazing, and adopted applicable penalties for the violation of the hazing prohibition. Institutions are required to adopt procedures by which all employees are informed of the updated rules and regulations, with applicable penalties, and any revisions to the rules and regulations.
 - c) Develop and implement a comprehensive prevention and outreach program addressing hazing, and requires the program to include a range of prevention strategies, including, but not limited to, empowerment programming for victim prevention, awareness-raising campaigns, primary prevention, bystander intervention, and risk reduction.

This bill requires an outreach program to be provided to inform students of the educational institution's policy on the prohibition of hazing, and, at a minimum, include a process for contacting and informing the student body, campus organizations, athletic programs, and student groups about the educational institution's overall prohibition on hazing policy. This bill further provides that "comprehensive prevention and outreach program" includes, but is not limited to, providing information to students about all of the following:

- Hazing awareness, prevention, and the educational institution's policy on the prohibition of hazing.
- Campus policies and resources relating to hazing, including how to report hazing to the appropriate campus personnel, which includes anonymous reporting.
- A focus on prevention and bystander intervention training as it relates to hazing.

This bill requires the comprehensive prevention and outreach program to address hazing to be part of every incoming student's orientation and to be offered annually to the following campus affiliated organizations:

- Athletic teams.
- Campus-recognized sororities and fraternities.

Damages

- 4) Authorizes a civil action brought under this bill, or existing law, to seek damages for emotional injuries as a component of actual damages, in addition to any other remedies available under law, including, but not limited to, damages for bodily injury or harm.

General provisions relative to civil action

- 5) Provides that nothing in this bill affects existing rights, obligations, and remedies under existing law, and that the duties and obligations imposed by this bill are cumulative with any other duties or obligations imposed under other law and are not be construed to relieve any party from any duties or obligations imposed under other law, and do not limit any rights or remedies under existing law.
- 6) Defines the following terms:
 - a) “Affiliated” means currently recognized or sanctioned by the educational institution, but specifically excludes an organization that had previously been recognized or sanctioned by the educational institution but has subsequently had that recognition or sanction withdrawn.
 - b) “Educational institution” means a California public or private institution of higher education, and includes the officers, employees, or governing bodies of the institution.
 - c) “Hazing” means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. This bill excludes customary athletic events or school-sanctioned events from the definition of “hazing.”

Report to the Legislature

- 7) Requires the CSU Trustees, the UC Regents, and the appropriate governing bodies of each independent institution of higher education that is a “qualifying institution,” as defined, to report by June 30, 2026, annually thereafter to the appropriate policy committees of the Legislature both of the following, disaggregated by campus:
 - a) The number of hazing incidents that constituted a violation of the institution of higher education’s policy prohibiting hazing; and,

- b) Whether the violation was affiliated with a student organization.
- 8) Requires reporting to comply with all applicable state and federal privacy laws, including, but not limited to, the federal Family Educational Rights and Privacy Act.
- 9) Defines the following terms for purposes of reporting:
- a) “Hazing” means an intentional, knowing, or reckless act committed by a student or an employee of the institution of higher education, whether individually or in concert with other persons against another student, regardless of that student’s willingness to participate, that was committed in connection with the initiation into, or the maintenance of membership in, any affiliated organization that is recognized or sanctioned by the institution of higher education, including any clubs, associations, fraternity, sorority, or athletic teams recognized or sanctioned by that institution; and, is likely to cause or causes serious bodily injury or serious mental harm, or death to a current student of an education institution. This bill excludes customary athletic events or school-sanctioned events from the definition of “hazing.”
 - b) “Student organization” means any of the following:
 - i) An intercollegiate athletic program at the institution of higher education.
 - ii) A sorority or fraternity that has officially met the formal chartering and recognition requirements at the institution of higher education where it operates.
 - iii) An organization recognized or sanctioned by the institution of higher education whose membership includes more than 100 students.

Model policy and resources for K-12 schools

- 10) Requires CDE to make available on its website both of the following by July 1, 2025:
- a) A model anti-hazing policy for local educational agencies.
 - b) Resources on hazing prevention for professional development purposes and for increasing awareness among students, school staff, and community members of the dangers of hazing.
- 11) Encourages schools to use the resources made available by CDE for professional development purposes and for increasing awareness among students, school staff, and community members of the dangers of hazing.

- 12) Defines the following terms for purposes of the model policy and resources for K-12 schools:
- a) “Hazing” means a method of initiation or pre-initiation into a student organization or student body that is likely to cause serious bodily injury to a former, current, or prospective pupil of a school. This bill excludes customary athletic events or school-sanctioned events from the definition of “hazing.”
 - b) “School” means a California public or private school maintaining kindergarten or any of grades 1 to 12, inclusive.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Hazing is a clearly detrimental practice that California has been characteristically taken seriously through legislation. Despite this, we have seen an influx of dangerous hazing practices within these organizations, and a lackluster effort on the part of many institutions to address it in a preventative manner. In its most tragic cases, hazing is often directly responsible for the death or serious injury of a young student. However, the ramifications of this practice extend far beyond for its survivors, undermining their self-esteem and impacting their psychological wellbeing.

“This bill allows for civil action to be brought against an educational institution for an instance of hazing in which one or more students were involved if that educational institution knew or should have known of the dangerous hazing practices of an affiliated organization. In doing so, we hold the educational institutions who promote participation in and benefit from these organizations responsible for the consequences they may bring to students. This responsibility will incentivize institutions to bolster their oversight and preventative measures as they pertain to hazing. It keeps California on its path of addressing hazing practices in our state, and allows us to work with educational institutions and organizations to prioritize students’ safety.”

- 2) ***Civil action.*** Existing law makes the act of hazing a misdemeanor or a felony depending upon the severity of bodily injury. Additionally, existing law authorizes a person against whom hazing is directed to take civil action for injury or damages against any participants in the hazing or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

This bill establishes a civil action against postsecondary educational intuitions if both of the following occurred:

- a) At the time of the alleged hazing incident, the organization involved in the hazing is affiliated with the educational institution; and,
- b) The educational institution had direct involvement in the hazing practice of the organization, or knew or should have known of the hazing practice and failed to take reasonable steps to stop the hazing practice of the

organization.

This bill establishes a rebuttable presumption that an educational institution took reasonable steps to stop the hazing practice of the organization if the educational institution took specified actions (updated and maintained rules and regulations, and implemented a prevention and outreach program).

As noted in the Senate Judiciary Committee analysis, this bill does not contain a safe harbor or a rebuttal presumption, but instead permits the court to consider if the postsecondary education institution has enacted enough administrative protocols to discover, prevent, and address hazing on campus to avoid civil liability. Safe harbor would mean if the postsecondary education institution took specified actions (updated and maintained rules and regulations, and implemented a prevention and outreach program), the postsecondary education institution would be determined to have acted reasonably. Rebuttal presumption presumes that the postsecondary education institution acted reasonably unless there is evidence to prove otherwise or there is enough evidence to create sufficient doubt.

Is the rebuttable presumption established by this bill sufficient to protect students from hazing and protect institutions from being liable when specified prevention actions are taken?

Staff recommends an amendment to specify that institutions may be liable only for hazing incidents that occur on or after the implementation date of the bill, thereby prohibiting retroactive liability.

- 3) ***Affiliated organizations.*** This bill authorizes a person against whom hazing is directed to commence a civil action against any educational institution for the hazing practice of the organization *if* (a) the institution had direct involvement in the hazing practice of the organization, or knew or should have known of the hazing practice and failed to take reasonable steps to stop the hazing practice of the organization, and (b) at the time of the alleged hazing incident, the organization involved in the hazing is affiliated with the educational institution.

“Affiliated organizations” include not only sororities and fraternities, but also includes service clubs, sports clubs and other special-interest and affinity groups focusing on issues such as sustainability and environmental awareness, social issues, military service, and performance arts. *This bill applies to all public and private institutions of higher education, including community colleges.*

- 4) ***How will institutions of higher education respond?*** This bill creates civil liability for a public or private institution of higher education by a person harmed by hazing from an organization affiliated with the educational institution when the institution “knew or reasonably should have known” of the hazing. *Will institutions of higher education comply with the requirements in this bill, or will they stop recognizing affiliated organizations? As noted in the Senate Judiciary Committee analysis, this bill sets out a clear path for universities with affiliated sororities and fraternities on their campuses to shield themselves from liability: the implementation of robust anti-hazing policies and programs aimed at*

prohibiting, investigating, preventing, and educating students and employees on hazing.

- 5) **Two definitions of hazing.** This bill includes two different definitions of hazing; one for purposes of the civil action and one for reporting. **Staff recommends an amendment** to use the definition of hazing that is currently in the bill relative to civil action, which is aligned with the existing definition in the Penal Code (see #6c above).
- 6) **Hazing at K-12 schools.** Existing law provides that students may be suspended or expelled for engaging in, or attempting to engage in, hazing. Existing law does not require schools to train educators or students on hazing prevention, nor does it require hazing to be specifically addressed in school safety plans. *This bill requires CDE to post on its website a model anti-hazing policy and resources on hazing prevention.*
- 7) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose the following costs:
 - a) Unknown, though potentially significant, General Fund costs to UC and CSU, and Proposition 98 General Fund costs to CCC, to the extent successful claims against the institutions are brought under this bill.
 - b) One-time General Fund costs, potentially in the range of \$225,000 to UC. Ongoing General Fund costs, potentially in the range of \$360,000 annually, to UC.
 - c) One-time General Fund costs, potentially in the range of \$575,000. Ongoing General Fund costs, potentially in the range of \$920,000, to CSU.
 - d) One-time Proposition 98 General Fund costs, potentially in the range of \$2.9 million, to California Community Colleges (CCC). Ongoing General Fund cost, potentially in the range of \$3.5 million annually, to CCC.
 - e) Likely minor General Fund costs to CDE to make certain information available on its website.
 - f) Minor Proposition 98 General Fund cost pressures to LEAs who choose to use the resources for professional development and increasing awareness about hazing.
- 8) **Prior legislation.**

AB 299 (Holden, 2023) was similar to this bill, but lacked the rebuttable presumption that is included in this bill. AB 299 was vetoed by the Governor, whose veto message read:

Beginning January 1, 2025, this bill authorizes a civil action against a public or private institution of higher education by a person harmed by

hazing involving an organization affiliated with the educational institution when the institution had direct involvement in, knew of, or "in the exercise of ordinary care reasonably should have known" of the hazing and unreasonably failed to prevent, discover, or stop the hazing.

Hazing has no place in public or private institutions of higher education (IHE). I agree that IHEs that knowingly support hazing or fail to take reasonable steps to prevent hazing should be accountable. However, as drafted, this bill goes much further than that, creating expansive financial exposure even for IHEs that are taking appropriate steps to protect their students from hazing. I encourage the author to more clearly define when liability arises when IHEs have taken statutorily defined reasonable steps to prevent hazing.

SUPPORT

California Federation of Teachers
Consumer Attorneys of California
Faculty Association of California Community Colleges

OPPOSITION

Association of California Community College Administrators
Community College League of California
Statewide Association of Community Colleges

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2254	Hearing Date:	July 3, 2024
Author:	Blanca Rubio		
Version:	May 1, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Charter schools: renewal criteria.

SUMMARY

This bill extends the requirement for charter school authorizers to consider alternative student performance data, known as “verified data,” during charter renewal determinations until the State Board of Education (SBE) adopts the student growth performance standards (Growth Standards).

Further, the bill requires: (1) charter school authorizers to consider performance on the Growth Standards, once adopted by the SBE, in addition to the California School Dashboard (Dashboard) results during charter renewal determinations; (2) charter school authorizers to consider alternative state data if recent Dashboard results are not available during renewal determinations; (3) the California Department of Education (CDE) to provide online resources and publish charter school performance levels within 60 days of the annual Dashboard release; (4) charter schools to permit authorizers to receive verified data directly from assessment publishers; and (5) the SBE to regularly review the assessments identified on the approved list of verified data for consideration of continued inclusion or removal from the list.

BACKGROUND

Existing law:

- 1) Establishes the Charter Schools Act of 1992, which authorizes a school district governing board or county board of education to approve or deny a petition for a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning, increased learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving, holding charter schools accountable for meeting measurable pupil outcomes, and providing the schools with a method to change from rule-based to performance-based accountability systems.
- 2) Establishes a process for the submission of a petition for the establishment of a charter school. Authorizes a petition, identifying a single charter school to operate within the geographical boundaries of the school district, to be submitted to the school district. Authorizes, if the governing board of a school district denies a petition for the establishment of a charter school, the petitioner to elect to submit the petition to the county board of education. Authorizes, if the county

board of education denies the charter, the petitioner to submit the petition to the state board of education (SBE) only if the petitioner demonstrates that the school district governing board or county board of education abused its discretion in denying the charter school. Authorizes a school that serves a countywide purpose to submit the charter petition directly to the county office of education.

- 3) Requires, upon renewal, a charter school to be identified as either low performing, middle performing or high performing based on Dashboard accountability data. Requires that low performing charter schools be denied, however the school may be renewed for a two year period if the authorizer is presented with verified data that meets specified criteria and the authorizer finds it compelling. Authorizes middle performing charter schools to be renewed for 5 years. Authorizes high performing charter schools to be renewed for 5-7 years.
- 4) Defines verified data to mean data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Requires verified data to include measures of postsecondary outcomes. Requires, by January 1, 2021, the SBE to establish criteria to define verified data and identify an approved list of valid and reliable assessments. Prohibits data sources other than those adopted by the SBE pursuant to be used as verified data. States that verified data is in effect until June 30, 2025 for low-performing schools and January 1, 2026 for middle performing schools.
- 5) Requires each chartering authority to do all of the following with respect to each charter school under its authority:
 - a) Identify at least one staff member as a contact person for the charter school;
 - b) Visit each charter school at least annually;
 - c) Ensure that each charter school under its authority complies with all reports required of charter schools by law, including the local control and accountability plan (LCAP) and annual update to the LCAP;
 - d) Monitor the fiscal condition of each charter school under its authority and provide timely notification to CDE if renewal of the charter is granted or denied, a charter is revoked, or a charter school will cease operation for any reason.

ANALYSIS

This bill:

- 1) Extends the requirement for charter school authorizers to consider verified data during charter renewal determinations until the SBE adopts the student Growth Standards.

- 2) Requires charter school authorizers to consider performance on the Growth Standards, once adopted by the SBE, in addition to the Dashboard results, during charter renewal determinations.
- 3) Requires charter school authorizers to consider data used by CDE to produce the Dashboard if the Dashboard results from the most recent academic year are not available during renewal determinations.
- 4) Requires the CDE to provide online resources and publish charter school performance levels within 60 days of the annual Dashboard release.
- 5) Requires charter schools to permit authorizers to receive verified data directly from assessment publishers.
- 6) Requires the SBE to regularly review the assessments identified on the approved list of verified data for consideration of continued inclusion or removal from the list.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 2254 will ensure that the best available data will be used to evaluate charter schools when they are up for renewal. We all know that more and better nuanced data is essential to good decision making, and that one data set alone may not always be sufficient to evaluate a complex issue. This is particularly true when it comes to assessing our schools.

“California has done a great job in creating the Dashboard as the primary tool for evaluating its schools and identifying schools and districts for intervention and assistance. But no school or district uses it as the only tool to inform their practice or assess student achievement. While the Dashboard may be great for a first step toward improving practice, it alone will not always be a sufficient tool for high stakes decisions such as charter renewal.

“When charter renewal standards were updated to align to the Dashboard the law also created a much more rigorous process and a much higher bar for schools to be renewed. It also created a specific and rigorous review process to allow charter schools to include other supplemental assessment data in their renewal evaluations. These additional assessments may only be used if they meet specific requirements of the law and are approved by the State Board of Education for this purpose.

“Before high stakes closure determinations are made based primarily on Dashboard data, these charter schools (and the students they serve) deserve the opportunity to supplement the analysis of their performance by providing additional data that conveys a deeper, fuller picture of the work they are doing to support student growth and outcomes. Otherwise, schools doing some of the best work with our high need pupils could be closed. AB 2254 provides an opportunity for a nuanced evaluation of charter schools so that authorizers can make fully informed decisions about the charter schools in their communities.”

- 2) ***Background on charter schools.*** Charter schools are public schools that provide instruction in any combination of grades kindergarten through 12. In 1992, the state enacted legislation allowing charter schools in California to offer parents an alternative to traditional public schools and encourage local leaders to experiment with new educational programs. Except where specifically noted otherwise, California law exempts charter schools from many of the statutes and regulations that apply to school districts. Generally, all charter schools must (1) provide nonsectarian instruction, (2) charge no tuition, and (3) admit all interested students up to school capacity. To both open and continue operating, a charter school must have an approved charter setting forth a comprehensive vision for the school.

There are over 1,000 charter schools in California with an enrollment of around 700,000 pupils. Most charter schools are small, compared to traditional public schools, and located in urban areas. The median charter school enrolls about 250 students, whereas the median traditional public school enrolls about 525 students. Together, nine Bay Area counties, Los Angeles County, and San Diego County account for more than 60 percent of all charter schools and charter school enrollment in the state.

Charter schools can be conversions of existing public schools or new startup schools. About 15 percent of charter schools are conversions, with the remaining 85 percent being startups. Of these, about 80 percent offer traditional, classroom-based instruction and 20 percent offer some form of independent study, such as distance learning or home study.

- 3) ***Recent changes to the charter renewal process.*** Since inception of the California Charter Schools Act of 1992, charter schools have been required by law to renew their charter term by seeking approval from the entity that originally approved the charter petition for a period not to exceed five years. As part of the state's transition to a new standards-based assessment, the SBE suspended the calculation of the Academic Performance Index (API) in March 2014, and the Legislature later repealed the requirement for the API to be calculated.

In determining whether or not to grant a charter renewal, a charter authorizer must consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor. Several factors for determining pupil academic achievement were based on the old API, rendering them inoperative for charter renewals for several years.

In 2019, AB 1505, (O'Donnell) Chapter 486, Statutes of 2019 established charter school renewal criteria based on state and local indicators under the state's K-12 accountability system—specifically the evaluation rubric as displayed by the Dashboard.

While updating the charter renewal criteria was long overdue, using the state's accountability system as the basis for determining whether a charter school will be renewed or forced to close down was a significant departure from how the school accountability system had been characterized previously. Since its

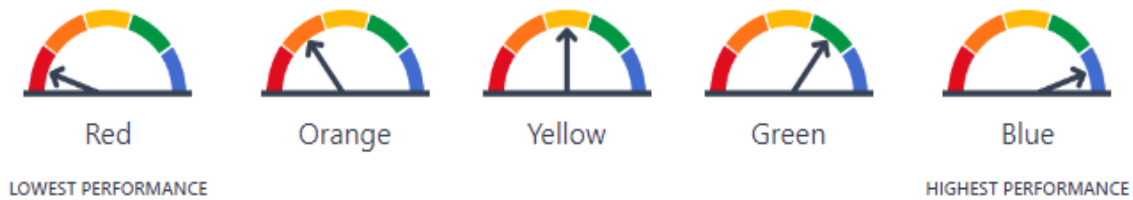
inception, the stated goal of the school accountability system had been to use a more comprehensive set of student performance measures in a way that is focused on innovation, continuous improvement, and support.

- 4) **The California School Dashboard.** California’s accountability and continuous improvement system is called the Dashboard. It provides information about how districts and schools are meeting the needs of California’s diverse student population based on multiple measures. The Dashboard shows performance of districts, schools, and student groups on a set of state and local measures that assist in identifying strengths, weaknesses, and areas in need of improvement.

Performance data for each measure on the Dashboard is based on two factors: (1) current data on the measure, and (2) improvement or lack of improvement from prior year results. The calculations are done for each measure and intersect on a five-by-five grid, with current year data levels displayed in the left column, while the difference between current year and prior year data levels are displayed in the top row. The performance level, or color, is determined by the point at which these two levels intersect.

Level	Declined Significantly	Declined	Maintained	Increased	Increased Significantly
Very High	Yellow	Green	Blue	Blue	Blue
High	Orange	Yellow	Green	Green	Blue
Medium	Orange	Orange	Yellow	Green	Green
Low	Red	Orange	Orange	Yellow	Yellow
Very Low	Red	Red	Red	Orange	Yellow

In the example above, the district’s current year data is at the “high” level and it maintained, meaning there was no significant increase or decrease in results from the prior year. “High” and “Maintained” meet for an overall performance level of green. As shown below, red is the lowest performance level, then orange, then yellow, then green, and blue is the highest.



- 5) ***Data from the Dashboard is used to place charter schools into one of three student performance categories.*** Charter schools that are up for renewal are evaluated on student outcomes over the prior two years. To evaluate their performance, overall schoolwide performance, academic achievement of student groups, and state and local indicators are used, along with other data.

Based on the data, charter schools are placed into one of three categories. The three performance categories are as follows:

- a) High Performing – Presumptive renewal if the charter school meets the established renewal criteria.
 - b) Middle Performing – These schools will be evaluated using additional data.
 - c) Low Performing – Presumptive non-renewal if the charter school meets the non-renewal criteria. However, the law allows for a second review opportunity.
- 6) ***Alternative “verified data” is used to evaluate charter school effectiveness in the absence of student Growth Standards.*** In the absence of statewide data, charter authorizers are required to consider clear and convincing evidence of measurable increases in academic achievement and strong post-secondary outcomes, demonstrated through “verified data,” when evaluating a petition for renewal. For all renewals under these criteria:
- a) Greater weight is on academic performance.
 - b) The charter renewal shall be for a five-year term, if renewed.
 - c) Use of verified data and postsecondary outcomes sunsets on January 1, 2026.

Statute defines “verified data” as data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced, including measures of postsecondary outcomes. By January 1, 2021, the SBE was required to establish criteria to define verified data and identify an approved list of valid and reliable assessments. The SBE has adopted 14 academic progress indicators and 6 postsecondary indicators—including Measures of Academic Progress by Northwest Evaluation Association, the SAT suite, iReady by Curriculum Associates, and Star Assessments by Renaissance.

Staff notes that the use of verified data was originally intended to serve as an intermediary step until sufficient statewide data became available to evaluate charter school performance measured against a student Growth Standard. The Growth Standard will be used to measure the growth of students' assessment scores year to year based on their statewide assessment scores in English language arts and mathematics. Growth is different from achievement. Achievement—such as a single assessment score—shows how much students know at the time of the assessment. Growth shows how much students' scores grew from one grade level to the next. In an accountability system, aggregate student growth can provide a picture of average growth for students within a school, LEA, or student group.

Since 2015, California has invested significant time and effort in developing a student growth model that is valid, reliable, and fair. After conducting a model selection process, the SBE approved a student-level growth model in May 2021.

- 7) ***Implications of tying the verified data usage deadline to a future action by the SBE.*** This bill introduces ambiguity regarding the timeline for when verified data would no longer be required to be considered by charter school authorizers, adding uncertainty to the renewal process for charter schools and their authorizers. Existing law mandates the use of verified data until January 1, 2026. This bill proposes to end the requirement for verified data once the SBE adopts Growth Standards, a date outside of the Legislature's control. If the SBE follows its publicly available timeline and adopts the Growth Standard in July 2025, it would precede the renewal evaluations for a significant number of charter schools in Fall 2025. Consequently, this timing gap means that charter schools up for renewal during Fall 2025 would lack both verified data and the newly adopted Student Growth data, creating a disadvantageous situation for these schools compared to existing law, which ends the use of verified data after the Fall 2025 renewal cohort determinations. Moreover, any unforeseen delay by the SBE in adopting the Growth Standard would create further ambiguity, disrupting the charter renewal system and compounding the uncertainty for charter schools and their authorizers.
- 8) ***Committee Amendment.*** Eliminate changes to the date by which charter school authorizers are no longer required to consider verified data.

SUPPORT

California Charter Schools Association (Sponsor)
 A Plus Charter Consulting
 Academia Avance
 Achieve Charter Schools
 Albert Einstein Academies Charter Schools
 Alder Grove Charter School
 Allegiance Steam Academy Thrive
 Alliance College-ready Public Schools
 Alma Fuerte Public School
 Alpha Public Schools

Alta Public Schools
Altus Schools
Ararat Charter School
Arts in Action Community Charter Schools
Association of Personalized Learning Schools & Services
Aveson Schools
Bella Mente Montessori Academy
Big Picture Educational Academy - Adult High School
Big Sur Charter School
Birmingham Community Charter High School
Bridges Preparatory Academy
Bright STAR Schools
Bullis Charter School
Caliber Public Schools
California Creative Learning Academy
California Pacific Charter Schools
California Teachers Association
Camino Nuevo Charter Academy
Center for Advanced Learning
Charter Schools Development Center
Chime Institute
Clovis Global Academy
Collegiate Charter High School of Los Angeles
Compass Charter Schools
Connect Community Charter School
Core Butte Charter School
Crete Academy
Davinci Schools
Discovery Charter Preparatory School
Ednovate
Education for Change Public Schools
Eel River Charter School
El Rio Community School
El Sol Science and Arts Academy
Empower Language Academy
Environmental Charter Schools
Epic Charter School
Equitas Academy Charter Schools
Escuela Popular
Excel Academy Charter School
Extera Public Schools
Fenton Charter Public Schools
Forest Charter School
Gateway Community Charters
Girls Athletic Leadership Schools Los Angeles
Golden Eagle Charter School
Gorman Learning Charter Network
Greater San Diego Academy Charter School
Green DOT Public Schools California
Griffin Technology Academies

Guajome Schools
Harriet Tubman Village Charter School
High Tech Los Angeles
Hometech Charter School
ICEF Public Schools
Ingenium Schools
Intellectual Virtues Academy of Long Beach
Isana Academies
Ivy Academia Entrepreneurial Charter School
Ivy Bound Academy Charter Middle School
James Jordan Middle School
JCS Family Charter Schools
Julia Lee Performing Arts Academy
Kairos Public Schools
KIPP NorCal
Larchmont Charter School
Lashon Academy
Learning Choice Academy
Los Angeles Academy of Arts and Enterprise
Los Angeles Leadership Academy
Meadows Arts and Technology Elementary School
Method Schools
Mueller and Bayfront Charter Schools
Multicultural Learning Center
Navigator Schools
New Heights Charter School
New West Charter
Ocean Charter School
Ocean Grove Charter School
Olive Grove Charter School
Orange County Academy of Sciences and Arts
Pacoima Charter School
Para Los Ninos
Pasadena Rosebud Academy Charter School
Pazlo Education Foundation
PERK Advocacy
Phoenix Charter Academy College View
Puente Charter School
Redwood Academy of Ukiah
Renaissance Arts Academy
River Oaks Academy
River Springs Charter School
San Diego Cooperative Charter Schools
San Juan Choices Charter School
Santa Rosa Academy
Scholarship Prep Charter School
Sequoia Career Academy
Sequoia Grove Charter Alliance
Shasta Charter Academy
Sherman Thomas Charter School

Sierra Foothill Charter
Soar Charter Academy
Soleil Academy
Sparrow Academy
Springs Charter Schools
Stem Prep Schools
Summit Public Schools
Sycamore Creek Community Charter School
Synergy Academies
The Classical Academies
The Foundation for Hispanic Education
The Language Academy of Sacramento
Union Street Charter
Urban Discovery Academy
Valley Charter School
Value Schools
Vaughn Next Century Learning Center
Vibrant Minds Charter School
Vista Charter Public Schools
Watts Learning Center Schools
Wish Charter Schools
YPI Charter Schools

OPPOSITION

Alameda County Office of Education
California Federation of Teachers
California Labor Federation
California School Boards Association
California School Employees Association
California Teachers Association

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2277 **Hearing Date:** July 3, 2024
Author: Wallis
Version: March 6, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Community colleges: part-time faculty.

SUMMARY

This bill increases the maximum instructional hours that part-time faculty at California Community Colleges (CCC) may teach in a single community college district (CCD).

BACKGROUND

Existing law:

- 1) Defines “faculty” as those employees of districts 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.
- 2) Establishes Legislative intent that the rights of part-time, temporary faculty shall be included as part of the usual and customary negotiations between the CCD and the exclusive representative for part-time, temporary faculty.
- 3) Establishes Legislative intent that the CCD establish minimum standards for the terms of reemployment preference for part-time, temporary faculty, through the negotiation process, which complies with specified standards.
- 4) Requires, as a condition of receiving Student Success and Support Program (SSSP) funding, a CCD and the exclusive representative of the part-time, temporary faculty to negotiate in good faith all of the following:
 - a) The terms of reemployment preference for part-time, temporary faculty assignments based on the minimum standards established, up to the range of 60 to 67% of a full-time equivalent load; and,
 - b) A regular evaluation process for part-time, temporary faculty.
- 5) Requires a CCD that has a collective bargaining agreement in effect as of July 1, 2017, that has satisfied the aforementioned requirements, and that executes a signed written agreement with the exclusive representative of the part-time,

temporary faculty acknowledging implementation shall be deemed to be in compliance with this section while the bargaining agreement is in effect.

- 6) Defines any person who is employed to teach at a CCD for not more than 67% of the hours per week considered a full-time assignment to be a part-time, temporary employee.
- 7) The Board of Governors (BOG) of the CCC has had a longstanding policy (commonly referred to as “75/25”) that at least 75% of the hours of credit instruction in the community colleges, as a system, should be taught by full-time instructors. Existing law requires the BOG to adopt regulations regarding the percent of credit instruction taught by full-time faculty and authorizes districts with less than 75% full-time instructors to apply a portion of their “program improvement” funds toward reaching a 75% goal. However, the state has stopped providing program improvement funds and the BOG has since required CCDs to provide a portion of their growth funds to hiring more full-time faculty.

ANALYSIS

This bill:

- 1) Updates, as follows, existing provisions requiring districts, as a condition of receiving funding allocated for the Student Equity and Achievement Program (SEAP), to negotiate with bargaining representatives specified conditions of employment for part-time faculty:
 - a) For a CCD without a collective bargaining agreement with part-time faculty in effect as of January 1, 2025, to commence negotiations on that date;
 - b) For a CCD with a collective bargaining agreement in effect as of January 1, 2025, to commence negotiations no later than the expiration date of that agreement; and,
 - c) The terms of reemployment preference for part-time faculty assignments must be based on the minimum standards up to the range of 80% to 85% (instead of a range of 60% to 67%) of a full-time faculty member's equivalent load, and the CCD must not restrict the negotiated terms to less than the range of 80% to 85%, unless explicitly agreed upon for an individual part-time faculty member by that faculty member and the district.
- 2) Increases, from 67% to 85%, the proportion of hours per week of a full-time faculty assignment that a part-time CCC instructor may teach and still be classified as a temporary employee, unless this conflicts with any collective bargaining agreement already entered into as of January 1, 2025.
- 3) Specifies that in all cases, part-time, temporary faculty assignments must be less than 30 hours per week, consistent with the terms and guidelines of the federal Patient Protection and Affordable Care Act.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Part-time faculty in the community college system comprise roughly 70% of all faculty and teach, in many cases, 75% of all courses offered in the system. But, because they are limited to only teaching 67% of a full-time faculty member's load, many are unable to earn a living teaching at a single district and must commute to teach at other districts. Teaching on multiple campuses requires freeway flying from one campus to the next allowing little time to engage with students or the larger campus communities where they work. Though an 85% load won't make part-time faculty rich, it may enable many to cut back on the number of campuses they now teach at."

The author goes on to state that, "providing part-time faculty with an increased course load will improve student educational outcomes by fostering improved student-faculty engagement. We rely on part-time faculty to teach the majority of our community college courses and increasing the hours they can teach is a missing piece of the puzzle on improving transfer rates to four-year universities."

- 2) ***How would this bill help part-time faculty?*** Current law limits part-time faculty to 67% of the hours that constitute a full-time faculty assignment for a particular district. A full-time teaching load, which earns the employee a full salary, benefits, and tenure, is determined through collective bargaining and is 15 units on average. Part-time faculty are considered temporary employees and many teach in multiple districts at the same time to piece together a full-time schedule (earning them the nickname "freeway flyers"). As a result, part-time faculty are limited in their ability to participate in a campus community and be a resource for students.

By allowing up to 85% of a full-time load, this bill could allow part-time faculty to spend more time at a given CCD and reduce the amount of time spent driving from campus to campus. The reduced drive time would mean more time to do the proper class prep, get needed rest, or be with their families. According to the sponsors of this bill, it is not uncommon for adjuncts with small children to go days without seeing their children awake, having to leave for work early in the morning before they wake and come home at night after they have gone to bed.

- 3) ***Arguments in support.*** According to the California Federation of Teachers, "Under the 67% threshold, many faculty members teach in multiple community college districts at the same time to piece together a full-time schedule (so called "freeway flyers"), limiting their ability to participate in the campus community and be a resource to students. AB 2277 would change the percentage of the full-time equivalent load to the range of 80% to 85%, for any new agreement, or upon expiration of any negotiated agreement in effect on January 1, 2025. This is a crucial first step in improving the working conditions for part time faculty in California Community Colleges."
- 4) ***Arguments in opposition.*** According to the Association of California Community College Administrators (ACCCA), "ACCCA holds steadfast to the

principle that local control is fundamental in establishing and operating sound programs for students and creating an infrastructure that supports all community college employees. AB 2277 would infringe upon the local authority of community college districts to collectively bargain their own paid leave provisions at the district level."

5) ***Prior legislation.***

AB 375 (Medina, 2021), which was vetoed by the Governor, was virtually identical to this measure. The Governor's veto message stated:

This bill amends statute relating to part-time faculty at the California Community Colleges, including redefining a community college part-time faculty course load as not to exceed 85% of the hours of a full-time assignment, rather than not to exceed 67%.

Our system of community colleges could not operate without part-time faculty. Even though they carry an enormous amount of the teaching load across the system, these qualified instructors must often teach at multiple campuses in order to piece together higher wages, and do not receive the same salary or benefits as their full-time colleagues.

While I understand the objectives of this legislation, this bill would create significant ongoing cost pressures on the state and community college districts, potentially in the hundreds of millions of dollars. Such a high expenditure is better addressed in the State Budget process, which is why I am committed to considering options to support our community college part-time faculty in my forthcoming January budget proposal.

SUPPORT

California Federation of Teachers
Faculty Association of California Community Colleges

OPPOSITION

Association of California Community College Administrators
Citrus College
Community College League of California
North Orange County Community College District

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2317	Hearing Date:	July 3, 2024
Author:	Stephanie Nguyen		
Version:	March 20, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Child day care facilities: anaphylactic policy.

SUMMARY

Requires State Department of Social Services (DSS) and the California Department of Education (CDE) to develop anaphylactic policy guidelines, as specified for child day care providers, on or before July 1, 2027, and allows child day care providers to implement an anaphylactic policy developed by the DSS and the CDE, on or before January 1, 2028.

BACKGROUND

Existing law:

Education Code (EC)

- 1) Permits each public and private school to designate one or more volunteers to receive initial and annual refresher training, based on specified standards, regarding the storage and emergency use of an epinephrine auto-injector from the school nurse or other qualified person designated by an authorizing physician or surgeon. (EC § 49414(d))
- 2) Requires a school district or county office of education (COE) to provide emergency epinephrine auto-injectors to school nurses or trained volunteers, and allows those individuals to utilize epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. (EC § 49414(a))
- 3) Requires a school district, COE, or charter school to ensure that each employee who volunteers under this section will be provided defense and indemnification by the school district, COE, or charter school for any and all civil liability, in accordance with, but not limited to, that provided in Government Code 810, this information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EC § 49414(j) and 49414.7(i))
- 4) Authorizes students to carry and self-administer prescribed inhaled asthma or auto-injectable epinephrine medication while at school. (EC § 49423 and 49423.1)
- 5) Authorizes each public and private elementary and secondary school in the state to voluntarily determine, as specified, whether or not to make emergency epinephrine auto-injectors and trained personnel available at its school. (EC § 49414(c))

- 6) Requires the Superintendent to review, every five years, or sooner as deemed necessary by the Superintendent, standards of training for the administration of epinephrine auto-injectors by consulting with organizations and providers with expertise in administering epinephrine auto-injectors and administering medication in a school environment and set minimum standards for training. (EC § 49414(e)(1) – (3))

Health and Safety Code (HSC)

- 7) Provides that no person who, in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission other than an act or omission constituting gross negligence or willful or wanton misconduct. (HSC § 1799.102)
- 8) Establishes the “California Child Day Care Facilities Act” creating a separate licensing category for child day care centers and family day care homes within CDSS’s existing licensing structure. (HSC § 1596.70 et seq.)

Government Code (GOV)

- 9) Under the Government Tort Claims Act, specifies rules of civil liability that apply to public entities and public employees in California. (GOV § 810)

ANALYSIS

This bill:

Requires DSS and CDE to Establish Anaphylactic Policies Guidelines For Child Day Care Providers

- 1) Requires, on or before, January 1, 2027, DSS, in consultation with the CDE to establish an anaphylactic policy that sets forth guidelines and procedures recommended for child day care personnel to prevent a child from suffering from anaphylaxis and to be used during a medical emergency resulting from anaphylaxis. The policy developed, should include the following:
 - a) Pediatric physicians and other health care providers with expertise in treating children with anaphylaxis.
 - b) Parents of children with life-threatening allergies.
 - c) Child day care administrators and personnel, including LEA employees employed in childcare programs, and the labor organizations representing those employees.
 - d) Not-for-profit corporations that represent allergic individuals at risk for anaphylaxis.

- 2) Requires, in developing the policy, for DSS to consider existing requirements and current and best practices for child day care providers on allergies and anaphylaxis. And consider any voluntary guidelines issued by the United States Department of Health and Human Services for managing food allergies in child day care facilities.
- 3) Requires an anaphylactic policy for family child care to be developed in consultation and coordination with the Joint Labor Management Committee established by the state and Child Care Providers United - California (CCPU) pursuant to the agreement effective July 26, 2021, to July 1, 2023, between the state and CCPU.
- 4) Allows, on or before January 1, 2028, a child day care facility to implement a anaphylactic policy developed by the DSS and the CDE and requires the child day care provider, upon a child enrolling, to notify the parent or guardian of the anaphylactic policy, if the facility has adopted a policy with information for a parent or guardian to engage further with the child day care provider to learn more about the policy.
- 5) Requires the DSS to create informational materials, in multiple languages, as specified in federal law detailing the anaphylactic policy, and requires DSS and CDE on or before September 1, 2027, the department and the State Department of Education shall post the informational materials on each of the departments' internet websites.
- 6) Requires the DSS to update the anaphylactic policy as necessary and for anaphylactic policy to not be construed to preempt, modify, or amend a child day care provider's requirement to comply with existing federal and state disability laws, or the requirements related to a child's individualized family service plan or individualized education program.

Ensures Minimum Training Standards Related to Epinephrine Auto-Injector

- 7) Requires training on the anaphylactic policy to be provided to DSS's CCLD in consultation with CCPU pursuant to that agreement, and any extension or renewal of that agreement, for all family child care providers who wish to participate, regardless of union status.
- 8) Requires DSS's CCLD to review minimum standards of training for the administration of epinephrine auto-injectors that satisfy the requirements of the anaphylactic policy in 7) below, as necessary, and requires training related to the administration of epinephrine auto-injectors is consistent with the most recent Voluntary Guidelines for Managing Food Allergies In Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention.
- 9) Requires the anaphylactic policy to include all of the following:
 - a) A process for a child daycare facility to solicit volunteers among its employees to be trained and to administer epinephrine auto-injectors to a child having an anaphylactic reaction. A volunteer may administer an epinephrine auto-injector to

a person exhibiting potentially life-threatening symptoms of anaphylaxis at a child daycare facility during operating hours. The process to solicit volunteers shall include a statement that there shall be no retaliation against any employee who chooses not to volunteer or who rescinds their offer to volunteer, including after receiving training.

- b) A procedure and treatment plan, including emergency protocols and responsibilities, for child day care personnel responding to a child suffering from anaphylaxis and specifies that the 1) procedure and treatment plan must include the capacity for trained personnel to have access to an undesignated stock of an appropriate weight-based dosage epinephrine auto-injector in a secured place at the site and to carry and administer it to a child believed in good faith to be having an anaphylactic reaction and 2) the procedure and treatment require a parent or guardian to demonstrate an understanding of the protections provided for individuals who provide emergency medical or nonmedical care without compensation by signing a document acknowledging the Good Samaritan Law.
- c) A training course for child daycare personnel shall include all of the following:
 - i) Techniques for preventing, recognizing the symptoms of, and responding to anaphylaxis.
 - ii) Standards and procedures for the storage, restocking, and emergency use of epinephrine auto-injectors.
 - iii) Emergency follow up procedures, including calling the emergency 911 telephone number and contacting, if possible, the child's parent and health care provider.
 - iv) Written materials covering the information.

And specifies that the training course must be provided at no cost to the employee during their regular working hours, the feasibility of developing the training course in languages other than English to meet the needs of providers for the department to consider whether the training may be effectively provided through online instruction.

- d) Appropriate guidelines for each child day care facility to develop an individual emergency health care plan for children with a food or other allergy that could result in anaphylaxis.
- e) A communication plan for dissemination of information by the department regarding children with a food or other allergy that could result in anaphylaxis, including a discussion of methods, treatments, and therapies to reduce the risk of allergic reactions.
- f) Strategies for the reduction of the risk of exposure to children of anaphylactic causative agents, including food and other allergens.

- g) A communication plan for discussion with children that have developed adequate verbal communication and comprehension skills, and with the parents or guardians of all children, about foods that are safe and unsafe and strategies to avoid exposure to unsafe food.

Definitions

- 10) Defines “Anaphylaxis” to mean a potentially life-threatening hypersensitivity to a substance.
- 11) Defines “Epinephrine auto-injector” to mean a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction.
- 12) Defines “Volunteer” or “trained personnel” means an employee who has volunteered to administer epinephrine auto-injectors to a person if the person is suffering, or reasonably believed to be suffering, from anaphylaxis, has been designated by a child care center or family daycare home, and has received training.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The rate of anaphylaxis is higher in children ages 0-to-4 than in any other age group. Furthermore, California health claims data points to a tremendous rise in anaphylaxis over the past 15 years (approximately 316%) which has led to an average of one in five children with a food allergy reporting one or more allergy-related emergency room visits in the previous year.

AB 2317 is otherwise known as Elijah's Law (passed in the state of New York in 2019) in tribute to Elijah Silvera who suffered from milk allergies and unfortunately lost his life due to anaphylaxis while under the care of daycare provider who fed him a cheese sandwich. Enacting Elijah's Law in California will help to ensure daycare providers are further equipped to:

- Help prevent life-threatening allergic reactions due to food or venom allergies,
- Better recognize the signs and symptoms of anaphylaxis and,
- Treat this condition by utilizing an appropriate weight-based dosage of epinephrine.

To ensure the health and well-being of the 976,000+ California children cared for in the approximately 13,000 daycare settings throughout the state, we should enact AB 2317.”

- 2) ***California’s Child Daycare System.*** California has a multifaceted system of licensed child daycares. The Early Childhood Development Act of 2020 authorized the transfer of most childcare programs to the DSS from CDE effective July 1, 2021. CDE continues to operate the California State Preschool Program (CSPP), which is administered through LEAs, colleges, community-action agencies, and private nonprofit agencies. CSPP serves eligible children ages three and four for both part-day and full-day services and is the largest state-funded preschool program in the

nation. CDSS's CCLD has the responsibility of licensing and monitoring the state's 12,768 daycare centers, which have a capacity to serve 663,454 children. There are an additional 2,201 licensed school-age daycare facilities with a capacity to serve 139,610 children.

- 3) ***What is anaphylaxis?*** According to the National Institutes of Health, anaphylaxis is a severe, whole-body allergic reaction to a chemical that has become an allergen. After being exposed to a substance, such as bee sting venom, the person's immune system becomes sensitized to it. When the person is exposed to that allergen again, an allergic reaction may occur. Anaphylaxis happens quickly after the exposure, is severe, and involves the whole body. Tissues in different parts of the body release histamine and other substances. This causes the airways to tighten and leads to other symptoms. Some drugs (such as morphine, x-ray dye, and aspirin) may cause an anaphylactic-like reaction when people are first exposed to them. These reactions are not the same as the immune system response that occurs with true anaphylaxis. However, the symptoms, risk for complications, and treatment are the same for both types of reactions. Risks include a history of any type of allergic reaction. According to Food Allergy Research & Education (FARE), approximately 25% of first-time allergic reactions that require epinephrine happen at school.
- 4) ***Food Allergy Among U.S. Children.*** According to the FARE website, eight foods account for 90 percent of all reactions: milk, eggs, peanuts, tree nuts, soy, wheat, fish, and shellfish. Even trace amounts of a food allergen can cause a reaction. Researchers estimate that up to 15 million Americans have food allergies. This potentially deadly disease affects one in every 13 children (under 18 years of age) in the U.S., equaling roughly two in every classroom. According to a study released in 2013 by the Centers for Disease Control and Prevention, food allergies among children increased approximately 50 percent between 1997 and 2011. FARE's website state's the economic cost of children's food allergies is nearly \$25 billion per year. Teenagers and young adults with food allergies are at the highest risk of fatal food-induced anaphylaxis. The California School Board Association (CSBA) has a sample policy that addresses students' food allergies and special dietary needs, including the development of guidelines that address things such as strategies for identifying students at risk for allergic reactions, avoidance measures, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction. CSBA notes in the sample policy that it is prohibited to exclude students from school activities or otherwise discriminate against, harass, intimidate, or bully them because of their food allergies.

5) ***Related Legislation.***

AB 2042 (Villapudua, 2022) would have required the DSS to establish an anaphylactic policy that sets guidelines and procedures to be followed by child daycare personnel to prevent a child from suffering from anaphylaxis and to be used during a medical emergency by July 1, 2024.

AB 2640 (Valladares, Chapter 794, Statutes of 2022) requires the CDE to create the California Food Allergy Resource internet web page to provide voluntary guidance to LEAs to help protect pupils with food allergies.

SB 1258 (Huff, 2016) would have required requires each school district, COE, and charter school to develop a comprehensive policy to protect students with food allergies. *This bill was held in Senate Appropriations.*

SB 738 (Huff, Chapter 132, Statutes of 2015) provides qualified immunity to a physician who issues a prescription for an epinephrine auto-injector to a school district, COE, or charter school.

SB 1266 (Huff, Chapter 321, Statutes of 2014) requires school districts, COE, and charter schools to provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered and allows school nurses or trained personnel to use the epinephrine auto-injectors to provide emergency medical aid to persons.

AB 559 (Wiggins, Chapter 458, Statutes of 2001) established provisions of law that permit a school district or COE to provide emergency epinephrine auto-injectors to trained personnel, and permit trained personnel to utilize these epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction at a school or during a school activity.

SUPPORT

Elijah-Alavi Foundation (Sponsor)
Allergy & Asthma Network
AllergyStrong
Association of Regional Center Agencies
No Nut Traveler
Nut Free Wok

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2350	Hearing Date:	July 3, 2024
Author:	Hoover		
Version:	May 29, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Open meetings: school boards: emergencies: notifications by email.

SUMMARY

This bill authorizes school district governing boards that hold emergency meetings to send notifications by email, instead of telephone, to all local newspapers of general circulation, radio, and television stations that have requested notifications.

BACKGROUND

Existing law:

Regular meetings

- 1) Requires, under the Ralph M. Brown Act, all meetings of the legislative body of a local agency to be open and public, and requires that all persons be permitted to attend any meeting of the legislative body of a local agency. Existing law defines "local agency" as a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency. (Government Code (GOV) § 54953)
- 2) Requires each legislative body of a local agency, except for advisory committees or standing committees, to provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body. (GOV § 54954)
- 3) Requires, at least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, to post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. (GOV § 54954.2)

Special meetings

- 4) Authorizes a special meeting of the governing board of a school district to be called at any time by the presiding officer of the board, or by a majority of the members thereof, by delivering personally or by mail written notice to each member of the board, and to each local newspaper of general circulation, radio, or television station requesting notice in writing. The notice shall be delivered personally or by mail at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at those meetings by the governing board. (Education Code (EC) § 35144)
- 5) Authorizes a special meeting to be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. (GOV § 54956)

Emergency meetings

- 6) Authorizes a legislative body to hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement, or both of the notice and posting requirements, in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities. (GOV § 54956.5)
- 7) Requires that each local newspaper of general circulation and radio or television station that has requested notice of special meetings be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. (GOV § 54956.5)
- 8) Requires the notice to be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. Existing law requires, in the event that telephone services are not functioning, the notice requirements to be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible. (GOV § 54956.5)

- 9) Defines “emergency situation” to mean both of the following:
- a) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
 - b) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body. (GOV § 54956.5)

ANALYSIS

This bill authorizes school district governing boards that hold emergency meetings to send notifications by email, instead of telephone, to all local newspapers of general circulation, radio, and television stations that have requested notifications. Specifically, this bill:

- 1) Authorizes the presiding officer of the school board, or designee thereof, to send the required notifications for an emergency meeting by email instead of by telephone, to all local newspapers of general circulation, and radio or television stations, that have requested those notifications by email, and all email addresses provided by representatives of those newspapers or stations shall be exhausted.
- 2) Waives the notice requirement in the event that internet services and telephone services are not functioning, and the school board, or designee of the school board, is required to notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.
- 3) States legislative findings and declarations relative to the challenge of maintaining communication during an emergency, and to email being a cost-effective and efficient way to disseminate information.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “In an era of seemingly increased emergencies, including the recent pandemic and gun violence, school board staff need the flexibility to contact the media with alacrity. Additionally, in the event an overwhelmed board were to miss making such phone calls and does not properly make notice of a meeting in the middle of a crisis, it could be grounds to overturn the actions of the emergency meeting. AB 2350 will add the use of email as a method of communication for which school boards, in the event a board holds an emergency meeting, must notify members of the media who sign-up to receive those notices.”

- 2) ***Why just school boards?*** As noted in the Senate Local Government Committee analysis, existing law applies the Brown Act uniformly across local agencies. *This bill allows school boards to email notifications for emergency meetings, but all other local agencies will continue to be required to make telephone calls. While this bill makes it easier for school boards to notify media outlets in cases of emergency, thereby reducing the risk their actions would be invalidated if they did not call each member of the media that asked to be contacted, does this justify creating a separate set of rules for school board versus other local agencies?*
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, local costs are not reimbursable by the state. Proposition 42, passed by voters on June 3, 2014, amended the state Constitution to require all local governments to comply with the California Public Records Act and the Ralph M. Brown Act and with any subsequent changes to those Acts. Proposition 42 also eliminated reimbursement to local agencies for costs of complying with the California Public Records Act and the Ralph M. Brown Act.
- 4) ***Related legislation.***

AB 817 (Pacheco, 2024) authorizes subsidiary bodies of a local agency to teleconference meetings without having to notice and make publicly accessible each teleconference location, or have at least a quorum participate from locations within the boundaries of the agency. AB 817 failed passage in the Senate Local Government Committee on June 5, 2024, and was granted reconsideration.

AB 1855 (Arambula, 2024) authorizes community college student body associations to teleconference meetings without having to notice and make publicly accessible each teleconference location. AB 1855 is pending on the Senate Floor.

AB 2302 (Addis, 2024) recasts existing limits on the number of times members of a legislative body can participate remotely in meetings for just cause or emergency circumstances. AB 2302 is pending on the Senate Floor.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2381 **Hearing Date:** July 3, 2024
Author: Bonta
Version: March 21, 2024
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: California state preschool programs: reimbursement rates.

SUMMARY

This bill modifies the reimbursement methodology for state preschool contractors by eliminating attendance as a factor, thereby basing reimbursement on enrollment.

BACKGROUND

- 1) Existing law requires the California Department of Education (CDE), in collaboration with the State Department of Social Services, to implement a reimbursement system plan that establishes reasonable standards and assigned reimbursement rates, which vary with the length of the program year and the hours of service. (Education Code (EC) § 8242)

Standard reimbursement rate (SRR)

- 2) Establishes the SRR at \$12,968, beginning July 1, 2021. (EC § 8242)
- 3) Increases the SRR, beginning in the 2022–23 fiscal year, by the cost-of-living adjustment annually granted by the Legislature. (EC § 8242)
- 4) Provides that state preschool contractors who, as of December 31, 2021, received the SRR, to be reimbursed at the greater of the following, beginning January 1, 2022:
 - a) The 75th percentile of the 2018 regional market rate (RMR) survey.
 - b) The contract per-child reimbursement amount as of December 31, 2021, as increased by the cost-of-living adjustment. (EC § 8242)
- 5) Authorizes CDE to issue temporary rate increases, beginning July 1, 2022 and subject to available funding, to contractors that exceed the rates specified in # 4 and specified reimbursement rate supplements. (EC § 8242)
- 6) Provides that the cost-of-living adjustment for the 2023-24 and 2024-25 fiscal years is zero. (EC § 8242)

Regional market rate (RMR)

- 7) Establishes the RMR ceilings at the greater of, beginning January 1, 2022:
 - a) The 75th percentile of the 2018 RMR survey for that region; or,
 - b) The RMR ceiling that existed in that region on December 31, 2021. (Welfare and Institutions Code (WIC) § 10374.5)

Reimbursement rate reform

- 8) Requires the Governor and the Child Care Providers Union, consistent with their June 25, 2021 agreement, to establish a Joint Labor Management Committee to develop recommendations for a single reimbursement rate structure that addresses quality standards for equity and accessibility while supporting positive learning and developmental outcomes for children. (WIC § 10280.2)
- 9) Requires the Department of Social Services, in consultation with CDE, to convene a working group separate from the Joint Labor Management Committee pursuant to # 8, to assess the methodology for establishing reimbursement rates and the existing quality standards for childcare and preschool programs, as specified. Existing law requires the workgroup to provide recommendations by August 15, 2022, including, but not limited to, recommendations on alignment of workforce competencies with rate reform. (WIC § 10280.2)

Reimbursement methodology

- 10) Requires that state preschool contractors be reimbursed for services based upon the lesser of the following:
 - a) The maximum reimbursable amount as stated in the annual preschool contract;
 - b) The net reimbursable program costs; or,
 - c) The product of the adjusted child-days of enrollment for certified children, times the contract rate per child day of enrollment, times the actual percentage of attendance plus 5 percent, but in no case to exceed 100 percent of enrollment. (California Code of Regulations, Title 5, § 17812)

ANALYSIS

This bill modifies the reimbursement methodology for state preschool contractors by eliminating attendance as a factor, thereby basing reimbursement on enrollment. Specifically, this bill:

- 1) Requires that state preschool contractors whose contract begins on and after July 1, 2025, be reimbursed based on the lesser of the following:

- a) The maximum reimbursable amount stated in the contract.
- b) Net reimbursable program costs.
- c) The product of the adjusted child days of enrollment for certified children times the contract rate.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Access to early learning opportunities is a key determinant to the future success of a child. Research shows that children from disadvantaged communities gain more substantial benefits than their affluent peers from attending free, high-quality preschool. This is why we created the California State Preschool Program (CSPP) in 2008 to provide a core class curriculum that is developmentally, culturally, and linguistically appropriate for the children served. Unfortunately, we saw a significant enrollment decline in 2020 due to the COVID-19 pandemic. Although enrollment has risen since 2020, it is still well below pre-pandemic levels. AB 2831 will strengthen the early learning and care system by allowing CSPPs to be funded based on enrollment, aligning them with Head Start and the private pay market, and helping to stabilize programs as they recover from the pandemic. This will ensure that CSPPs are able to cover their fixed costs, allowing them to focus more on the sustainability and quality of their programs, giving California children the early learning opportunities that they deserve.”
- 2) ***Reimbursement based on enrollment vs attendance.*** Existing regulations provide that state preschool contractors are to be reimbursed based on the lesser of the total contract amount, the net program costs, or the level of enrollment as adjusted by an attendance factor. *This bill removes the attendance factor, so that the third factor for consideration for reimbursement would be the level of enrollment, regardless of their actual attendance.* This change aligns the state preschool reimbursement methodology with Head Start and the private pay market, and helps to cover fixed costs as providers continue to struggle to rebuild enrollment after massive losses during the pandemic. *This bill does not increase funding for state preschool contracts. This bill allows additional avenues for state preschool contractors to “earn” its existing state contract, thereby utilizing more of the funding in their contract and returning less “unearned” funding to the state (a loss of savings to the state).*
- 3) ***Fiscal impact.*** The Assembly Appropriations Committee analysis notes that while this bill does not increase funding for state preschool contracts, the bill allows additional avenues for a state preschool contractor to earn its existing state contract, meaning less money would likely be returned to the state, likely in excess of \$150,000.
- 4) ***Related legislation.***

AB 51 (Bonta, 2024) (a) requires the Department of Social Services, in collaboration with CDE, to consider adopting regulations to support childcare providers impacted by the expansion of transitional kindergarten as

reimbursement rates are updated and modified to align to an alternative methodology; (b) requires CDE to contract with childcare resource and referral programs to expand existing services to include navigation and referral services to early learning and care programs and for transitional kindergarten; and, (c) requests the University of California (UC) to study the impact of transitional kindergarten on the early childcare and education ecosystem. AB 51 is pending on the Senate inactive file.

AB 555 (Juan Carrillo, 2023) would have increased priority for the enrollment of three-year olds in state preschool programs by giving equal priority to three-and four-year olds and extends specified adjustment factors to part-day state preschool programs. AB 555 was held in the Senate Appropriations Committee.

AB 596 (Reyes, 2023) would have (a) required the Department of Social Services, in collaboration with CDE, to develop and implement an alternative methodology for calculating subsidy payment rates for child care services and state preschool program services; and, (b) required the Department of Social Services, in consultation with CDE, to develop an equitable sliding scale for the payment of family fees and prohibit family fees from being collected until the new equitable sliding scale is implemented; and increase reimbursements to state preschool and child care providers, as specified. AB 596 was held in the Senate Appropriations Committee.

SB 246 (Leyva, 2021) would have required the Department of Social Services to establish a single reimbursement rate for early learning and care programs, including variation for regional costs and quality adjustment factors. SB 246 was held in the Assembly.

SUPPORT

State Superintendent of Public Instruction, Tony Thurmond (Co-Sponsor)
Santa Clara County Office of Education (Co-Sponsor)
Early Care and Education Consortium
EveryChild California
Los Angeles County Office of Education
Santa Clara County Office of Education
Santa Clara County School Boards Association
Thriving Families California

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2441	Hearing Date:	July 3, 2024
Author:	Kalra		
Version:	April 30, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: School safety: mandatory notifications.

SUMMARY

This bill eliminates criminal penalties for “willful disturbance” of a school or school meeting by students, removes mandatory notifications and grants a school principal discretion to report specified incidents, including the possession of narcotics or other controlled substances, to law enforcement if it does not include a firearm, as specified.

BACKGROUND

Existing law:

Education Code (EC)

- 1) Provides that any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than \$500 and require local educational agencies (LEAs) notify law enforcement. (EC § 32210)
- 2) Authorizes an employee of a LEA or county office of education (COE) to promptly report the incident to local law enforcement if an employee is attacked, assaulted, or physically threatened by any pupil. Failure to make the report shall be an infraction punishable by a fine of not more than \$1,000. A member of the governing school board, a county superintendent of schools, or an employee of a LEA or COE shall not directly or indirectly inhibit or impede the making of the report prescribed by a person under a duty to make the report or shall be subject to a fine not less than \$500 and not more than \$1,000. Current law also specifies that the governing school board, a county superintendent of schools, or an employee of a LEA or COE shall impose any sanctions against a person under a duty to make the report. (EC § 44014)
- 3) Requires the principal of a school, or their designee, to notify law enforcement of any acts of assault before a pupil is suspended or expelled. (EC § 48902)
- 4) Requires the principal of a school, or their designee, to notify law enforcement by telephone or any other appropriate method of any acts the pupil that may violate within one day of a pupil’s expulsion or suspension. (EC § 48902)

- 5) Requires the principal of a school, or their designee, shall notify law enforcement of any acts of a pupil that may involve the possession or sale of narcotics or of a controlled substance. (EC § 48902)
- 6) Requires the principal or superintendent of schools to immediately suspend and recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
 - a) Possessing, selling, or otherwise furnishing a firearm. This does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This does apply to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as specified, is not an offense for which suspension or expulsion is mandatory as specified but it is an offense for which suspension, or expulsion, may be imposed.
 - b) Brandishing a knife at another person.
 - c) Unlawfully selling a controlled substance, as specified in Health and Safety Code
 - d) Committing or attempting to commit a sexual assault or committing a sexual battery.
 - e) Possession of an explosive. (EC 48915 (c)(1)-(5))

ANALYSIS

This bill:

- 1) Clarifies existing law regarding any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than \$500, does not apply to a pupil who is enrolled in the school district at the time of the willful disturbance.
- 2) Allows, rather than requires, a school employee of a LEA or of the county superintendent of schools who is attacked, assaulted, or physically threatened by any pupil, to notify the appropriate law enforcement authorities of the county or city in which the incident occurred and removes the related provision regarding compliance with a school district governing boards reporting procedures.
- 3) Clarifies a member of the governing board of a school district, a county superintendent of schools, or an employee of any school district or the office of any county superintendent of schools cannot directly or indirectly inhibiting or impeding a school employee from making of the report and specifies such an act to inhibit or impede a school employee from making a report must be an infraction and punishable by a fine of not less than \$500 and not more than \$1000.

- 4) Clarifies the governing board or member of a school district, a county superintendent of schools cannot impose any sanctions against a person for making a report to law enforcement
- 5) Requires the principal of a school or the principal's designee to notify the appropriate law enforcement authorities of the county or city in which the school is located of an act of a pupil that requires notification pursuant to the federal Gun-Free Schools Act of 1994, an act of a pupil that violates Penal code, as specified, or acts committed by a pupil or nonpupil on a schoolsite, as specified.
- 6) Make technical changes.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "For far too long, the over-policing of children in our public schools has fueled the school-to-prison pipeline, and it is time to end this harmful practice and protect future generations of students. Research shows that there are long-term effects on youth when they come in contact with law enforcement, juvenile, or criminal legal systems. Students are less likely to graduate high school and more likely to wind up in jail or prison if they make contact with law enforcement. Our existing system has led to alarming disparities in the type of students who are most likely to suffer from these actions. Black students, Latino students, students of color, and students with disabilities are disproportionately referred to law enforcement, cited, and arrested. Referring students to law enforcement will only cause further harm to the minor than correcting their behavior or addressing the issue.

"Teachers and staff still retain the right to call law enforcement if they feel that is the right response. However, giving California educators the flexibility to support students with alternative methods and needed services for their behavioural issues will give students an opportunity to get the help and resources they need. These laws require notification regardless of the particular circumstances of the incident or the individual student's situation. Furthermore, California students can also be criminally prosecuted for "willful disturbance" of public schools or public school meetings. This provision has led to students being arrested for offenses such as knocking on classroom doors during class.

"AB 2441 is the next step to keep students in the classroom where they can safely learn and thrive. This bill will eliminate some state mandates for schools to notify law enforcement, thereby empowering schools to adopt non-punitive, supportive, trauma-informed, and health-based approaches to school-related behaviors, which will give educators the flexibility to determine when to notify law enforcement, eliminate prosecution of school staff who choose to not report incidents, and eliminate the criminal penalty against students for "willful disturbance" of public schools and public school meetings."

- 2) **Guns Free Schools Act (GFSA) of 1994.** In 1994, Congress passed the Gun-Free Schools Act, which required states receiving federal funds to enact legislation requiring LEAs to expel, for at least one year, any student who is determined to have brought a firearm or weapon to school. The GFSA further required LEAs to develop

policies requiring referral to the criminal justice or juvenile delinquency system for any student who brings a firearm or weapon to school. In a law review published the University of Illinois Chicago (UIC), they found that “detering violence and disruptive outbursts can be an important part of maintaining classroom order and safety, both of which are important goals in educational environments. However, by outlawing otherwise normal behavior and calling it disruptive, zero tolerance policies have created an environment where children are not students who are there to learn, but are treated as suspected criminals.” Since 2010, the Legislature has made tremendous strides in removing zero-tolerance policies while ensuring student and employee safety.

This bill would allow, rather than require, a school employee who is attacked, assaulted, or physically threatened by any pupil, to notify the appropriate law enforcement authorities while maintaining the requirement that a principal of a school or their designee must notify law enforcement authorities of an act by a pupil that requires notification to law enforcement pursuant to the federal Gun-Free Schools Act of 1994, which includes possession of a firearm or weapon, as specified, or the sale of narcotics or a controlled substances.

- 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) **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.

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

- a) Specify whenever battery is committed against a school employee, any employee of a school district or of the office of a county superintendent of schools it shall be the duty of the employee, and the duty of any person under whose direction or supervision the employee is employed in the public school system who has knowledge of the incident, to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred.

6) **Related Legislation.**

SB 1273 (Bradford, 2022) would have eliminated criminal penalties for “willful disturbance” of a school or school meeting and grants a school principal discretion to report an incident to law enforcement if it does not include a firearm. *This bill was held in the Assembly Education Committee.*

AB 610 (Kalra, 2021) would have eliminated criminal penalties for “willful disturbance” of a school or school meeting and aligns disciplinary notification requirements with the federal Gun-Free Schools Act. *This bill was held in the Assembly Education Committee.*

SB 906 (Portantino, Chapter 144, Statutes of 2022) requires (1) LEAs to annually provide information to parents or guardians about California’s child access prevention laws and laws relating to the safe storage of firearms; (2) requires school officials to report to law enforcement any threat or perceived threat; and (3) requires law enforcement or the school police to conduct an investigation and threat assessment, including a review of SB 906 Page 2 Department of Justice’s (DOJ’s) firearm registry and a search of the school and/or students’ property by law enforcement or school police.

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

ACLU California Action (Co-Sponsor)
Alliance for Boys and Men of Color (Co-Sponsor)
Black Organizing Project (Co-Sponsor)
Disability Rights California (Co-Sponsor)
Dolores Huerta Foundation (Co-Sponsor)
Public Counsel (Co-Sponsor)
Alliance for Children's Rights
Association of California School Administrators
Back to the Start
Bill Wilson Center
Brothers, Sons, Selves
California Black Power Network
California Federation of Teachers
California Immigrant Policy Center
California School-based Health Alliance
California Youth Empowerment Network
Californians for Justice
Cancel the Contract
Center on Juvenile and Criminal Justice
Children Now
Children's Defense Fund-California
Chispa
Communities United for Restorative Youth Justice
Courage California
East Bay Community Law Center
Equal Justice Society
Fresh Lifelines for Youth
Indivisible CA StateStrong
Initiate Justice
Mental Health America of California
National Center for Youth Law
National Health Law Program
On the Move
Pacific Juvenile Defender Center
Public Advocates
Santa Clara County Office of Education

Small School Districts Association
Social Justice Learning Institute
Southeast Asia Resource Action Center
The Children's Partnership
The Collective for Liberatory Lawyering
Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School

OPPOSITION

Administrators Association of San Diego City Schools
California Police Chiefs Association
California State Sheriffs' Association
Peace Officers Research Association of California
Sacramento County Sheriff Jim Cooper

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2473	Hearing Date:	July 3, 2024
Author:	Committee on Education		
Version:	June 24, 2024		
Urgency:	Yes	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: English Language Learner Acquisition and Development Pilot Program repeal: teacher credentialing authorizations: high school coursework and graduation requirements for pupils participating in a newcomer program.

SUMMARY

This bill, an urgency measure, (1) allows credential holders to teach additional subjects by demonstrating subject matter competence through recognized methods, without requiring additional coursework; (2) mandates that out-of-state teachers with valid credentials receive a preliminary teaching credential in California, including authorization to teach any commonly taught subjects for which they are already qualified; (3) repeals the English Language Learner Acquisition and Development Pilot Program; and (4) requires local educational agencies (LEAs) to comply with specified requirements for newcomer program students.

BACKGROUND

Existing law:

- 1) Categorizes the authorization for teaching credentials in California into four basic types:
 - a) *Single subject instruction*: allows teachers to be assigned to specific subject matter courses, typically in high schools and junior high schools. Credential holders can add additional subjects to their credential by completing specified coursework, and the Commission on Teacher Credentialing (CTC) may impose additional competency requirements for certain subjects and implement alternative requirements based on specialized needs.
 - b) *Multiple subject instruction*: involves teachers being assigned to teach multiple subjects, commonly in elementary schools and early childhood education. Credential holders can add subjects to their credential for teaching grades 9 and below by completing specified coursework, and school districts may authorize them to teach departmentalized classes in these grades with sufficient coursework in the subject.
 - c) *Specialist instruction*: requires advanced preparation or special competence for areas such as reading, mathematics, special education, or early childhood education, among others.

- d) *Designated subjects*: focus on teaching technical, trade, or career technical courses as part of trade, technical, or career technical education programs.
- 2) Outlines the requirements for obtaining a preliminary multiple subject, single subject, or education specialist teaching credential, limiting the professional preparation program to two years of full-time study. Candidates must have a baccalaureate degree from a regionally accredited institution, demonstrate basic skills proficiency, and complete an accredited professional preparation program that includes health education, field experience, advanced computer-based technology, and literacy teaching methods. They must verify subject matter competence through approved programs, exams, coursework, or degrees, and demonstrate knowledge of the U.S. Constitution and basic computer skills. To receive a clear credential, candidates must complete a beginning teacher induction program, unless their internship program meets induction standards.
 - 3) Allows verification of subject matter competence to be demonstrated through one of several methods, including completing an approved subject matter program, passing a subject matter examination, successfully completing relevant coursework at regionally accredited institutions, or earning a baccalaureate or higher degree in a relevant subject area.
 - 4) Requires the CTC to issue a five-year preliminary multiple subject, single subject, or education specialist teaching credential to an out-of-state prepared teacher who meets the following criteria:
 - a) Possessing a baccalaureate degree from a regionally accredited institution;
 - b) Completing a teacher preparation program at a regionally accredited institution or state-approved program;
 - c) Meeting subject matter knowledge requirements;
 - d) Holding a valid corresponding teaching credential from out-of-state, and passing a criminal background check; and,
 - e) Meeting California's basic skills proficiency requirement within one year to maintain the credential's validity.
 - 5) To obtain a clear credential, requires an out-of-state prepared teacher applicant to verify two or more years of teaching experience, including satisfactory performance evaluations, and demonstrate that they have met state requirements for teaching English learners. For those lacking the required experience, the CTC shall issue a clear credential after the applicant completes a beginning teacher induction program and meets English learner teaching requirements.

- 6) Allows out-of-state applicants with both special education and general education credentials to be granted clear credentials directly if they have already earned a clear California education specialist credential and meet other state requirements.
- 7) Defines “newcomer pupil,” for purposes of specified educational rights for highly mobile students, to have the same meaning as “immigrant children and youth,” as defined in Section 7011(5) of Title 20 of the United States Code, which defines these students as those who:
 - a) Are ages 3 through 21;
 - b) Were not born in any state; and
 - c) Have not been attending one or more schools in any one or more states for more than 3 full academic years.
- 8) Establishes the English Language Learner Acquisition and Development Pilot Program as a 3-year competitive grant pilot project of 25,000 or more English language learners to be conducted during the 2007–08 to 2009–10, inclusive, school years.

ANALYSIS

This bill:

- 1) Allows credential holders to teach additional subjects by demonstrating subject matter competence through recognized methods, without requiring additional coursework.
- 2) Mandates that out-of-state teachers with valid credentials receive a preliminary teaching credential in California, including authorization to teach any commonly taught subjects for which they are already qualified.
- 3) Repeals the English Language Learner Acquisition and Development Pilot Program.
- 4) Requires LEAs to comply with specified requirements for newcomer program students.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 2473 streamlines the process for existing multiple and single subject teachers to earn a supplementary authorization in a new subject such as art, music, theater and dance, among others, by authorizing teachers to demonstrate subject matter competency through any of the existing methods available to single subject credential candidates. This will expand the pathways to earn a supplementary authorization from the completion of coursework to a combination of coursework and examinations, and transcript review. Additionally, AB 2473 will expand

options for out of state credentialed teachers to earn a supplementary authorization in California using the authorizations they earned in another state. As an example, AB 2473 would allow a multiple subject teacher with a supplementary authorization from another state in art, science, math, etc., to add those subjects to their California credential. AB 2473 will streamline the process for teachers to earn supplementary authorizations, thereby increasing the supply of teachers in critically needed subject areas.”

- 2) **Overview of the teacher shortage.** California is facing a significant teacher shortage, particularly in high-need subject areas such as special education, science, mathematics, and bilingual education. Despite recent investments to address this issue, the supply of qualified teachers remains insufficient to meet the growing demands of the education system. Programs like the National Board Certification, Classified Employee Credentialing, and Teacher Residency Grants have been implemented to recruit and retain teachers, but the impact is still limited by the high rates of retirement, attrition, and the growing student population.
- 3) **Supply of teachers in critically needed subject areas.** The shortage is most acute in specific subject areas critical to student success. For instance, there is a pressing need for special education teachers, with many districts reporting significant difficulties in filling these positions. Similarly, science, technology, engineering, and mathematics (STEM) teachers are in high demand, particularly as the state continues to emphasize STEM education to prepare students for the future workforce. Bilingual education teachers are also critically needed to support the growing number of English learners in the state.
- 4) **Programs and efforts to address shortage areas.** Several programs and initiatives have been implemented to tackle the teacher shortage in these critical areas:
 - a) *National Board Certification:* Provides financial incentives for teachers to pursue advanced certification, especially those teaching in high-priority schools. Since the program’s inception, the number of teachers in California pursuing National Board certification in high-priority schools increased from 415 in 2020–21 to 1,764 in 2022–23. Additionally, 2,123 National Board Certified Teachers (NBCTs) in California received incentive awards for the 2022-23 school year, with 62 percent of recipients identifying as Black, Indigenous, and People of Color (BIPOC) teachers.
 - b) *Classified Employee Credentialing Program:* Offers financial support to classified staff, such as instructional aides, to pursue teaching credentials, thereby expanding the pool of potential teachers. The program was initially funded with \$20 million in the 2016-17 Budget Act and \$25 million in the 2017-18 Budget Act, supporting 2,260 classified employees. An additional \$125 million over five years was provided in the 2021-22 Budget Act, projected to support approximately 5,208 classified staff.
 - c) *Teacher Residency Programs:* Partner LEAs with institutions of higher education to provide hands-on training and support for new teachers,

particularly in special education, STEM, and bilingual education. The 2021-22 Budget Act provided \$350 million through the 2025-26 fiscal year for these programs, focusing on designated shortage fields.

- d) *Golden State Teacher Grant Program*: Awards grants to aspiring teachers in high-need fields who commit to teaching in high-need public schools. Since its inception, the program has awarded more than \$146 million to over 8,467 students.
- e) *Early Math Initiative*: Focuses on developing resources and training for early math education to address shortages in math teachers from the foundational levels. The 2021-22 and 2022-23 Budget Acts provided a total of \$80 million for this initiative.
- f) *Educator Workforce Investment Grants*: Provide professional learning opportunities for teachers in areas such as English learners, special education, and computer science. The grants approved for funding include \$10 million for English Learners, \$5 million for special education, and \$5 million for computer science professional learning.

These efforts have shown promise in increasing the number of qualified teachers in shortage areas, but ongoing support and additional initiatives are necessary to fully address the teacher shortage crisis in California.

- 5) ***Governor's Budget proposal for arts education credentialing following Proposition 28.*** This bill was introduced in response to the Governor's Budget proposal, which was introduced following the passage of Proposition 28, the Arts and Music in Schools ballot initiative in 2022. Proposition 28 dedicates nearly \$1 billion annually for arts education in schools, mandating that LEAs with 500 or more students allocate at least 80 percent of these funds for salaries and benefits, with the remaining 20 percent for training and materials. In the 2023-24 fiscal year, the first allocation of Proposition 28 funds took place, prompting the need for an effective pathway to expand the pool of qualified arts educators.

To address this, the Assembly Budget Subcommittee on Education Finance took action to integrate the Governor's Budget proposal into this policy vehicle. The proposal includes authorizing individuals to teach arts, music, dance, or theater programs to students in kindergarten through sixth grade while holding an elementary CTE credential. This credential requires candidates to complete 24 units of preparation specific to the elementary school context, including courses on teaching students with special needs. Additionally, LEAs must provide mentorship and support to these credential holders during their first two years.

The Assembly Education Committee reviewed the proposal, resulting in amendments that shaped the current bill. The changes aim to ensure that while easing the pathway for arts educators, the quality of education remains uncompromised.

SUPPORT

California Dance Education Association
California Music Educators Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2586	Hearing Date:	July 3, 2024
Author:	Alvarez		
Version:	June 10, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Public postsecondary education: student employment.

SUMMARY

This bill prohibits the University of California (UC), California State University (CSU), or the California Community Colleges California (CCC), beginning January 6, 2025, from disqualifying a student for employment due to their failure to provide proof of federal employment authorization.

BACKGROUND

Existing law:

State law

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)
- 2) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees. (Education Code (EC) § 66606 and 89500, et seq.)
- 3) 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 specifies that the CCC is comprised of community college districts. (EC § 70900)
- 4) Establishes the California Student Aid Commission (Commission) for the purpose of administering specified student financial aid programs. (EC § 69510, et seq.)
- 5) Authorizes the Cal Grant Program, administered by the Commission, to provide grants to financially needy students to attend college. 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, California residency, and other eligibility criteria, as specified in Education Code § 69433.9. (EC § 69430-69433.9)

- 6) Established AB 540 (Firebaugh, Chapter 814, Statutes of 2001), exempts California nonresident students, regardless of citizenship status, from paying nonresident tuition at California public colleges and universities who meet all of the following requirements:
 - a) Satisfied requirements of either (i) or (ii):
 - i) A total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time attendance or attainment of credits at any of the following:
 - (1) California high schools;
 - (2) California high schools established by the State Board of Education;
 - (3) California adult schools established by any of the following entities:
 - (a) A county office of education;
 - (b) A unified school district or high school district; and,
 - (c) The Department of Corrections and Rehabilitation.
 - (4) Campuses of the CCC.
 - (5) A combination of those schools set forth in (1) to (4), inclusive.
 - ii) Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.
 - b) Satisfied any of the following:
 - i) Graduation from a California high school or attainment of the equivalent;
 - ii) Attainment of an associate degree from a campus of the CCC; and/or,
 - iii) Fulfillment of the minimum transfer requirements established for UC or CSU for students transferring from a campus of the CCC.

- c) Stipulates that in the case of a person without lawful immigration status, the student must file an affidavit, as specified, stating that the student has filed an application to legalize the student's immigration status, or will file an application as soon as the student is eligible to do so. (EC § 68130.5)
- 7) Provides that a student who meets the nonresident tuition exemption AB 540 requirements or who meets equivalent requirements adopted by the UC is eligible to apply for any financial aid program administered by the state to the full extent permitted by federal law. (EC § 69508.5)
- 8) Requires the Commission to establish procedures and forms that enable students who meet the nonresident tuition exemption AB 540 requirements, or who meet equivalent requirements adopted by the UC Regents, to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law. (EC § 69508.5 (b))
- 9) Provides that a student attending a CCC, CSU, or UC who is exempt from paying nonresident tuition exemption AB 540 requirements is eligible to receive a scholarship derived from non-state funds received, for the purpose of scholarships, by the segment (i.e., CCC, CSU, or UC) at which the student is enrolled. (EC § 66021.7)
- 10) Establishes the DREAM Loan Program at UC and CSU campuses that elect to participate in the program. Under the program, an AB 540 student meeting specified requirements, including demonstrating financial need, may obtain a loan of up to \$4,000 per academic year, up to a maximum of \$20,000 as an undergraduate student. No more than \$20,000 as a graduate student. The repayment term for the loan is 10 years, and repayment commences following a six-month grace period beginning when the student graduates or ceases to maintain at least half-time enrollment. Eligibility for deferment or forbearance of loan repayments is consistent with the federal direct student loan program. (EC § 70033)

Federal law

- 11) Makes it unlawful for a person or other entity to:
 - a) Hire, recruit, or refer for a fee for employment in the United States an individual without authorization to work in the United States when the person or other entity knows the individual is not authorized to work in the United States;
 - b) Hire for employment in the United States an individual without complying with specified employment authorization verification processes, or if the person or other entity is an agricultural association or employer or farm labor contractor, to hire, or recruit or refer for a fee an individual for employment without complying with specified employment authorization verification processes. (8 U.S.C. § 1324a(a).)
- 12) Establishes the Personal Responsibility and Work Opportunity Reconciliation Act

of 1996 (PRWORA) and specifies that certain immigrants shall not be eligible for any state or local public benefit, except as provided.

- a) Defines “state or local public benefit” to mean the following:
 - i) any grant, contract, loan, professional license, or commercial license provided by an agency or state or local government or by appropriated funds of a State or local government; and
 - ii) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.
- b) Provides specified state or local public benefits that are exempt from the prohibition in (1). (8 U.S.C. § 1621.)
- c) Specifies that a state may provide that undocumented immigrants who are not lawfully present in the United States are eligible for a state or local public benefit for which the individual would otherwise be ineligible under this Act only through the enactment of a state law after August 22, 1996, that affirmatively provides for that eligibility. (8 U.S.C. § 1621(d).)

ANALYSIS

This bill:

- 1) Prohibits the UC, CSU, or CCCs from disqualifying a student from being hired for an employment position due to their failure to provide proof of federal work authorization, except in either of the following cases:
 - a) Where that proof is required by federal law.
 - b) Where that proof is required as a condition of a grant that funds the particular employment position for which the student has applied.
- 2) Requires that, for purposes of this bill, the UC, the CSU, and the CCC treat the prohibition on hiring undocumented noncitizens in federal law as inapplicable because that provision does not apply to any branch of state government.
- 3) Specifies that, to the extent that any employment is considered a “benefit” for the purposes of federal law, the bill constitutes authorization by the state to provide that benefit to undocumented individuals pursuant to the exception in the PRWORA.
- 4) Requires that the UC, the CSU, and the CCC implement this bill by January 6, 2025.

- 5) States that this bill's provisions only apply to the UC, provided that it is found to be inapplicable to the university, then, consistent with state law, is only applicable to the university only to the extent that the UC Regents make it applicable.

STAFF COMMENTS

- 1) **Need for the bill.** According to the sponsors of this bill, Undocumented Student-Led Network, "Notable legal scholars [from UCLA Center for Immigration Law and Policy] have identified that the federal prohibition on hiring undocumented people (the Immigration Reform and Control Act of 1986 (IRCA)) does not apply to state governments when they act as employers, like California's higher education systems. This means that the University of California, California State University and the California Community Colleges can authorize the hiring of all their undocumented students. See 8 U.S.C. 1324a(a)(1), (a)(7). Under governing U.S. Supreme Court precedent, if Congress seeks to legislate in an area of traditional state control, it must mention the states explicitly if it wishes to bind them. The rules governing whom states can hire as their own employees are an area of traditional state control. Because nothing in 8 U.S.C. 1324a expressly binds or even mentions state governments or their branches, it does not bind them."

The sponsors assert, "AB 2586 has the potential to set a precedent across the nation as we navigate an ever-increasingly uncertain federal landscape in 2024 and beyond. This bill will allow states across the nation to follow our lead in combating racist, anti-immigrant policies that threaten the livelihood of millions of undocumented individuals across the nation each day."

- 2) **State resources for undocumented students in higher education.** According to the California Student Aid Commission's 2023 report, *Renewing the Dream*, California's undocumented student population enrolled in postsecondary education is the largest in the nation, with close to 100,000 students. The large majority enroll in the community college system. Compared to their undergraduate and graduate counterparts, undocumented students face unique challenges and have limited options to fund their education. This state has demonstrated a willingness to invest in their college success. Currently, undocumented students attending a CSU, UC, or CCC who meet the AB 540 requirements are eligible for in-state tuition and to obtain institutional or state funded grants, scholarships, fellowships, or loans, which do not have legal status requirements. This includes Cal Grant, Middle Class Scholarship, the Community College Promise Grant, and Dream Loan program, among others. Despite the various efforts made, students encounter obstacles in accessing significant sources of funding for their education. Federal financial aid programs and employment opportunities are inaccessible to students without legal status. These barriers extend to opportunities for practical training and professional development that are integral to the college experience and gained employment.
- 3) **Related court cases.** After the enactment of AB 540 (Firebaugh, Chapter 814, Statutes of 2001), in 2005, *Martinez v. Regents of the University of California et al.* was filed against the UC, CSU, and the Board of Governors of the CCC, challenging the legality of AB 540. In October 2006 a California Superior Court

ruled in favor of AB 540 stating its provisions were in accordance with federal law. In September 2008 a California Court of Appeal overturned the Superior Court's ruling in *Martinez v. Regents* and held that California state law authorizing in-state tuition to undocumented individuals is preempted by federal immigration law and void. The decision was appealed and in December 2008 the Supreme Court of California agreed to review the case. In November 2010, the California Supreme Court reversed the judgment of the Court of Appeal, finding that the provisions of AB 540 did not violate the federal immigration law and concluding that the plaintiffs' remaining challenges to the provisions of AB 540 lacked merit. In the years to follow, numerous statutes were implemented, as noted in the background section of this analysis, to expand the accessibility of state aid programs for AB 540 students pursuing higher education.

4) **Efforts to create a viable path for employment have proven to be unsuccessful.** The issue of undocumented student employment continues to be a subject of ongoing debate. Attempts at both the federal and institutional levels to create a viable path for employment for undocumented students have been unsuccessful.

- *Deferred Action for Childhood Arrivals.* In 2012, the U.S. Department of Homeland Security announced certain undocumented youth who came to the United States as children would be eligible for temporary permission to stay in the U.S. under the newly created Deferred Action for Childhood Arrivals (DACA) authorization. In addition to permission to stay in the U.S., DACA recipients also were eligible for work authorizations.

In 2017, the federal government rescinded DACA. Since the rescinding of the program, several federal courts have provided rulings that allowed current DACA recipients to continue to enroll in the program. The Commission's report notes that close to 200,000 undocumented Californians participated in DACA. However, a growing number of undocumented students entering college are ineligible for DACA and do not have work authorization. It further states that the lack of federal action over the past decade has accelerated the need for steps to step in to support undocumented students.

- *UC Board of Regents Policy.* As noted in the Assembly Higher Education Committee analysis, the UC has been considering taking action on student employment for several years. As part of these efforts the UCLA Center for Immigration Law and Policy published a memorandum in September of 2022 analyzing whether the federal IRCA applies to states. In their memorandum, it is asserted that "Nothing in 8 U.S.C. [Section] 1324a or anywhere else in IRCA comes close to meeting the U.S. Supreme Court's requirement of a clear statement that binds states. In stark contrast to IRCA, other federal statutes that do bind states mention them explicitly. These statutes include, among others, the Fair Labor Standards Act, the Family and Medical Leave Act, and the Age Discrimination in Employment Act.

“In short, when Congress passed IRCA, Congress did not curtail states’ historic power to determine the employment qualifications of state employees. As a result, IRCA’s prohibition on hiring undocumented persons does not bind state government entities. State entities can lawfully hire undocumented students irrespective of employment authorization status under federal law. And as the U.S. Supreme Court recognized long ago, California law provides definitively that the UC system is part of the State of California.”

On May 18, 2023, the UC Regents adopted Regents Policy 4407, which stated that, in order to pursue the goal that all persons, regardless of immigration status, who are enrolled as UC students should have equal access to UC employment opportunities, the Chair of the Board of Regents would convene a Regents working group to work with the President of the UC to determine next steps.

On January 25, 2024, the UC Regents passed a motion on a 10-6 vote to suspend implementation of Regents Policy 4407 for one year, delaying the internal effort to create employment opportunities for students. In their letter of concern to this Committee, the UC writes, “Last year, a working group of the Regents of the [UC] studied this issue and sought a legal path forward. However, after receiving advice from both inside and outside legal counsel, we concluded that there were considerable risks for the University and the students we aim to support. This led the Regents to postpone further action until next year while we continue to examine ways to expand undocumented students’ access to equitable educational experiences.”

This bill aims to prevent California’s public higher education segments from disqualifying a student for employment solely based on their failure to provide proof of federal work authorization. However, it does allow for exceptions where federal law or grant requirements necessitate proof of work authorization.

- 5) **Applicability to the UC.** This bill’s provisions only apply to the UC, if it is determined that it does not apply to the university, then it will only be applicable to the university to the extent that the UC Regents determine it to be applicable. It acknowledges the UC Regents’ constitutional autonomy and authority to determine the applicability of laws within the UC system. This is consistent with current state law, which specifies that no provisions of the Donohue Higher Education Act are to apply to the UC except to the extent that the UC Regents, by appropriate resolution, make that provision applicable. However, the provision in this bill includes an additional procedural step; if it is determined that the bill’s provisions do not apply to the UC, then it will only be applicable to the extent the UC Regents make it applicable. The rationale for the inclusion of this extra step is unclear.
- 6) **Legal considerations.** The bill further states that if any employment is deemed a “benefit” under federal law, the bill constitutes state authorization to extend that benefit to undocumented individuals, as allowed by the exception in the federal law (PRWORA). While this Committee appropriately considers policy that impact

educational institutions and students, federal employment law are generally not within this Committee's purview. This bill was previously heard by the Senate Judiciary Committee on June 26 where it passed by a vote of 9 to 2. The Senate Judiciary analysis examines the legal arguments surrounding the proposal for UC, CSU, and CCC to employ undocumented students. It also responds to the concerns raised by UC regarding this matter. Refer to the analysis by the Senate Judiciary Committee for a comprehensive discussion on legal considerations.

- 7) **Legal guidance for students?** State statute encourages the establishment of Dream Resource centers and requires that public higher education institutions designate an individual on campus who is knowledgeable in financial aid, social services, state-funded immigration legal services and other support services, to assist undocumented students. However, services on each campus vary and can range from having a designated center that is independent, sharing a space, and/or having a point of contact. Additionally, in acknowledging the complexities undocumented students face and in recognizing the importance of sound legal advice, the state since the 2018-2019 Budget Act has allocated funds to support the provision of immigration legal services for students and staff at UC, CSU, or CCC campuses. In subsequent years, the CSU (\$7 million) and CCCs (\$10 million) received ongoing general fund allocations, but it is not clear if the UC's allocation was ongoing or one-time. *It is important to recognize that each student's situation leading to undocumented status is individual, and any decision to pursue employment as an undocumented student should be made with appropriate guidance.* This Committee has approved numerous measures to guide student decision-making through degree completion. This includes ensuring that students make informed academic and financial decisions that result in them achieving their academic goals. As noted in the Senate Judiciary Analysis, unauthorized employment can affect an individual's eligibility for some immigration statuses. This bill is silent on the issue of providing legal guidance to undocumented students. *Seemingly, support services are available to students, but if this is to be a precedent setting measure is it reasonable to place sole responsibility on students to actively seek them out prior to employment?*
- 8) **Concerns from segments.** The UC does not have a position on AB 2586, but expressed concerns in a letter submitted to this Committee. It identified numerous potential issues that may arise with hiring undocumented students including:
- The exposure of UC's undocumented students and their families to the possibility of criminal prosecution or deportation;
 - The possibility of employees involved in the hiring process like faculty, human resources, and legal professionals being subject to criminal or civil prosecution if they knowingly participate in practices deemed impermissible under federal law;
 - Civil fines, criminal penalties, or debarment from federal contracting if the UC is in violation of the Immigration Reform and Control Act (IRCA); and

- The potential loss of billions of dollars in existing federal contracts and grants that are conditional on IRCA compliance.

As highlighted in the Assembly Higher Education Committee analysis, and verified by Committee staff, it is unclear to the Community College Chancellor's Office whether local community college districts can be considered state entities. They note that there are specific requirements in existing law stipulating how community college districts are formed, which are determined by local county committees on school district organization.

Committee staff contacted CSU but did not receive a response prior to the completion of this analysis.

SUPPORT

Undocumented Student-Led Network (Sponsor)
Alliance for a Better Community
Cal State Student Association
California Faculty Association
California Federation of Teachers
California State University Employees Union
California Teachers Association
California Undocumented Higher Education Coalition
Campaign for College Opportunity
Coalition for Humane Immigrant Rights
Friends Committee on Legislation of California
Hispanic Association of Colleges & Universities
Immigrants Rising
Los Angeles United Methodist Urban Foundation
Southern California College Access Network
Student Senate for California Community Colleges
uAspire
UAW Local 4123
UAW Local 4811
University of California Student Association

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 2711 **Hearing Date:** July 3, 2024
Author: Ramos
Version: April 29, 2024
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Suspensions and expulsions: tobacco: alcohol: drug paraphernalia.

SUMMARY

Requires schools, commencing, July 1, 2026, to document other means of correction, as specified, before suspending a student from school on the basis of unlawfully possessing, using, or being under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind, or having possessed or used tobacco products and remove these acts from the list of acts for which a student may be recommended for expulsion, with certain exceptions, as specified.

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) 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 unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance, as specified, an alcoholic beverage, or an intoxicant of any kind. (EC § 48900 (c))
- 3) 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 unlawfully offered, arranged, or negotiated to sell a controlled substance, as specified, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. (EC § 48900 (d))
- 4) 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 possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to,

cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of the pupil's own prescription products. (EC § 48900 (h))

- 5) Specifies a pupil shall not be suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia. (EC § 48900 (j))
- 6) 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 unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (EC § 48900 (p))
- 7) 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)

ANALYSIS

This bill:

Requires Access to Resources Prior to Being Suspended For Unlawfully Possessing, Using, or Being Under the Influence of a Controlled Substance, Alcoholic Beverage, or an Intoxicant.

- 1) Requires all of the following changes for schools, beginning July 1, 2026, related to grounds for suspension for unlawfully possessing, using, or being under the influence of a controlled substance, alcoholic beverage, or an intoxicant.
 - a) Requires a pupil that has unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance, an alcoholic beverage, or an intoxicant of any kind, to be offered access to available supportive interventions, as specified in 3), before being suspended if documented means of correction have failed to bring about proper conduct. However, if it is determined that a pupil unlawfully possessed a controlled substance presents an imminent risk of harm to other pupils or school staff, a pupil may be suspended for that act without being offered access to available supportive interventions.
 - b) Prohibits a pupil from being suspended solely for disclosing their use of a controlled substance, alcohol, or an intoxicant of any kind when seeking help through services or supports.
 - c) Prohibits a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, from being recommended for expulsion for having unlawfully possessed, used, sold, or otherwise furnished, or being under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind, unless the pupil has committed an act that provides grounds for expulsion, as specified.
 - d) Clarifies that a school retains the ability to remove a pupil from campus for the day who is under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind.
 - e) Clarifies a) does not prohibit the use or possession by a pupil of the pupil's own prescription products.
- 2) Removes possession of drug paraphernalia as grounds for suspension, but retains a schools ability to suspend a pupil for having unlawfully offered, arranged, or negotiated to sell drug paraphernalia.

Requires Access to Resources Prior to Being Suspended For Unlawfully Possessing or Using Tobacco Products

- 3) Requires all of the following changes for schools, beginning July 1, 2026, related to grounds for suspension for unlawfully possessing or using tobacco products of a pupil:
 - a) Requires a pupil that has unlawfully possessed or tobacco products used, sold, or otherwise furnished, or been under the influence of, a controlled substance, an alcoholic beverage, or an intoxicant of any kind, be offered access to available

supportive interventions, which may include, but are not limited to, other means of correction, as specified in 3), before being suspended if documented means of correction have failed to bring about proper conduct

- b) Prohibits a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, from being recommended for expulsion for possessing or using tobacco products.
- c) Prohibits a pupil from being suspended solely for disclosing their use of a tobacco product when seeking help through services or supports.

Adds Additional Means of Correction Before Suspension Related to Substance and Tobacco Use

- 4) Adds to the list of other means of correction before suspension, enrollment in a substance use or mental health prevention, treatment, or services program and a tobacco cessation program.

Encourages Professional Development

- 5) Encourages local educational agencies (LEA), county offices of education (COE), and charter schools to implement all of the following, and does not affect a parent's or legal guardian's rights relating to the care, custody, and control of their minor child:
 - a) Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral. This training shall include best practices that are socially and culturally relevant and trauma informed.
 - b) Evidence-based drug prevention activities and programs that educate on the use of alcohol, marijuana, tobacco, cannabis, smokeless tobacco products, electronic cigarettes, vaporizer devices, and other illicit drugs.
 - c) Campus wide programs and activities that provide mentoring and school counseling to all pupils, including pupils who are at risk of drug use and abuse.

General Provisions

- 6) Makes technical changes.
- 7) Makes findings and declarations related to youth substance abuse and tobacco rates and need for intervention rather than expulsion.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author. "AB 2711 is an approach that aims to address drug related infractions by ensuring students are offered a supportive approach prior to a suspension, providing a much-needed lifeline for those who may be struggling instead of relying on suspensions and expulsions. This would ensure

that we arm the students with the necessary tools to address the drug use in order to reduce the likelihood of them becoming long-term drug users. Over 59 percent of drug related suspensions are of boys, over 83 percent are of socioeconomically disadvantaged students and 83 percent are of youth of color. These numbers are alarming and in order to better protect our youth, we must look at addressing the health needs of students in these situations to reduce the likelihood of future substance abuse and addiction.”

- 2) ***Zero Tolerance Policies Disproportionate Effects.*** In 1994, Congress passed the Gun-Free Schools Act (GFSA), which required states to expel students who brought firearms to campus for at least one year. While zero tolerance policies were initially intended to ensure a safe and healthy school environment (e.g., selling drugs or engaging in gang-related fights on school grounds), policies were expanded to include minor offenses that would otherwise be seen as normal behavior. These policies inadvertently created the "School to Prison Pipeline," where youth expelled or suspended for minor offenses are funneled out of public schools and into the juvenile and criminal legal systems. The school-to-prison pipeline causes a disproportionate number of students of color to drop out of school and enter the criminal justice system, which can have life-changing adverse effects.
- 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 2021-22 and 12% in 2022-23.

The CDE data from 2022-23 school year, identifies a total of 63,270 or 19% of all suspensions and 1,043 or 22%, of all expulsions were illicit drug-related.

Ethnicity	Percentage of total statewide enrollment	Percentage of illicit drug expulsions	Percentage of illicit drug suspensions
African American	5.1%	4.2%	7.2%
Hispanic or Latino	56.1%	75.0%	67.3%
White	20.5%	13.6%	17.0%

Source: CDE DataQuest 2022-23

In recent years, other statutory provisions have been designed to limit the use of suspensions and promote alternatives, as it has been shown that zero-tolerance policies are ineffective.

- 4) **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.”

- 5) **Disciplinary Actions Other than Suspension of Expulsion From School.** While the bill prohibits a school from recommending a student for suspension and expulsion for having possessed or used tobacco or products containing tobacco or

nicotine products, this does not prohibit a school from taking disciplinary action or steps to discourage high school students from smoking and using tobacco products (EC 48901(b)). Some of these corrective behaviors 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, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973.
- 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.
- 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. (EC 48900.5)

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

- a) Removes and recast the provisions of AB 2711 to instead specify that a pupil who voluntarily discloses their use of a controlled substance, alcohol, tobacco product or intoxicant of any kind in order to seek help through services or supports shall not be suspended solely for that disclosure.

7) **Related Legislation.**

AB 599 (Ward, 2023) would have prohibited a pupil from being suspended or expelled from school for possessing or using tobacco or nicotine products beginning July 1, 2025. This bill also requires the California Department of Education (CDE) to develop and make available a model policy for a public health approach to addressing student possession and use of drugs on school property by July 1, 2025. *This bill was held in Senate Appropriations Committee.*

AB 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 retains a teacher's existing authorization to suspend any student from class for willful defiance and prohibits the suspension or expulsion of a student based solely on the fact that they are truant, tardy, or otherwise absent from school activities.

SB 419 (Skinner, Chapter 279, Statutes of 2019) commencing July 1, 2020, extends the permanent prohibition against suspending a pupil enrolled in kindergarten or any of grades 1 to 3 for disrupting school activities or otherwise willfully defied the valid authority of school staff to include grades 4 and 5 permanently; and to have grades 6 to 8, inclusive, until July 1, 2025; and applies these prohibitions to charter schools.

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

SUPPORT

California Academy of Child and Adolescent Psychiatry (Co-Sponsor)

ACLU California Action

Alliance for Children's Rights

American Cancer Society Cancer Action Network INC.

American Heart Association

American Lung Association in California

California Alliance of Child and Family Services

California Association of Alcohol and Drug Program Executives, INC.

California Consortium of Addiction Programs and Professionals

California School-based Health Alliance

California State PTA

Children's Institute

County Health Executives Association of California

Fred Finch Youth and Family Services

Helpline Youth Counseling, INC.

Los Angeles County Office of Education

Los Angeles Unified School District

Mental Health Services Oversight and Accountability Commission

Phoenix House of California

Public Health Advocates

San Diego Unified School District

Santa Clara County Office of Education

Seneca Family of Agencies

Shields for Families

Stanford Sierra Youth and Families

Steinberg Institute

Sycamores

The Children's Partnership

The Los Angeles Trust for Children's Health

Tobacco - Free Kids Action Fund

Tobacco Education and Research Oversight Committee

Trinity Youth Services
Vista Del Mar Child and Family Services
Young People in Recovery

OPPOSITION

Small School Districts Association

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2821	Hearing Date:	July 3, 2024
Author:	Grayson		
Version:	June 12, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Postsecondary education: students with disabilities.

SUMMARY

This bill requires the Chancellor of the California Community Colleges (CCC) and the Trustees of the California State University (CSU) and requests the University of California (UC) and the governing boards of independent institutions of higher education, to provide as part of existing college personnel onboarding and training, a Disability Access and Compliance Training Program (DACTP) that meets prescribed requirements.

BACKGROUND

Existing law:

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)
- 2) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees. (Education Code (EC) § 66606 and 89500, et seq.)
- 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, and specifies that the CCC is comprised of community college districts. (EC § 70900)
- 4) Specifies that independent institutions of higher education will provide undergraduate and graduate instruction and research in accordance with their respective missions. (EC § 66010.4)
- 5) Requires the CCC BOG and the Trustees CSU, and authorizes the Regents of the UC, to carry out specified actions for their respective systems regarding state-funded programs and services for students with disabilities, including

developing and implementing a system for evaluating state-funded programs and services for disabled students on each campus at least every 5 years. Requires the CCC BOG to submit a report to the Governor, the education policy committees of the Legislature, and the California Postsecondary Educational Commission (CPEC) describing its efforts to serve students with disabilities. (EC § 67312)

ANALYSIS

This bill:

- 1) Requires the CSU Trustees, and requests the UC Regents and the governing boards of independent postsecondary institutions to do all of the following:
 - a) Each establish and include a DACTP for their campuses within existing college personnel training and provided to college personnel upon onboarding.
 - b) Each develop required training components for inclusion in the DACTP for their campuses that consists of information related to all of the following:
 - i) Legal and procedural responsibility of college personnel to provide effective accommodations for disabled students.
 - ii) Guidance regarding accessibility.
 - iii) Common facts and myths regarding anti-disability and ableist stigmas and prejudices.
 - iv) Contact information for academic, campus, and local community resources for individuals experiencing anti-disability or ableist discrimination or harassment.
 - v) Training on how to increase access to campus personnel to offer additional support to students with disabilities.
- 2) Requires the CSU Trustees, and requests the UC Regents to for their respective systems, provide, as part of established college personnel onboarding and training, information regarding disability access and compliance with DACTP as provided.
- 3) Requires the CCC Chancellor to do all of the following:
 - a) Establish by January 1, 2026, a DACTP for CCC campuses.
 - b) Develop all of the following required training components for inclusion in the DACTP:

- i) Legal and procedural responsibility of college personnel to provide effective accommodations for disabled students.
 - ii) Guidance regarding accessibility.
 - iii) Common facts and myths regarding anti-disability and ableist stigmas and prejudices.
- 4) Requires each community college district to do all of the following:
 - a) Include, by the start of the 2026–27 academic year, the DACTP within existing college personnel training and provide the training to college personnel upon onboarding.
 - b) Develop all of the following required training components for inclusion in the DACTP:
 - i) Contact information for, academic, campus, and local community resources for individuals experiencing anti-disability or ableist discrimination or harassment.
 - ii) Training on how to increase access to campus personnel to offer additional support to students with disabilities.
- 5) Requires the CCC Chancellor and community college districts to collaborate to provide, as part of established college personnel onboarding and training, information regarding disability access and compliance with DACTP as provided.
- 6) Requires the systems for evaluating state-funded programs and services to also provide for the gathering of program costs and budget breakdowns.
- 7) Removes references to the CPEC and an obsolete provision, as specified.
- 8) Makes other technical and non-substantial changes.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Although students with disabilities in higher education are protected by state, federal and local laws that prohibit discrimination, they still face significant barriers to academic success. Currently, there is a lack of a statewide framework for disability compliance training in order to meet their ADA obligations for faculty and staff for higher institutions. AB 2821 seeks to ensure that students with disabilities’ needs are met and that they can access the accommodations and supportive services they need for success as college students. Specifically, this bill requires the California Community Colleges (CCC), and California State University, and requests the University of California and private universities to provide disability access and compliance training upon onboarding and subsequently in their annual training for faculty and staff.”

- 2) **Related activity by segment.** Below is a summary of CSU's systemwide policy and reports from the CCC BOG and UC Advisory Workgroup on serving students with disabilities.
- a) *CSU systemwide policy.* In 2004, the CSU Policy on Disability Support and Accommodations. Executive Order 926 documents explicitly establishes systemwide policies for disability support and accommodation. It delegated responsibility to campus presidents and designees to develop and maintain overall procedures for ensuring compliance with federal and state laws and regulations, as well as with local campus policies. The CSU policy applies only to students with disabilities. The policy states that campuses are to furnish appropriate accommodations and support services where necessary to afford a student with a disability an equal opportunity to participate in and enjoy the benefits of campus services, programs, and activities. The policy also outlines the conditions for qualifying for and availability of instruction related modifications, accommodations, and student support services.
- b) CCC. Current law requires the CCC BOG to report biennially on their efforts to serve students with disabilities. According to the 2022 Disabled Student Programs and Services (DSPS) Legislative Report, published in February 2024, each CCC campus used state funding allocated for DSPS to provide support services and educational accommodations to 118,257 students during the 2019-20 academic year and 93,877 students during the 2020-21 academic year with disabilities so they could have full and equitable access to community college classes.

In addition, most colleges include specialized instruction as part of their DSPS program. Examples of services the colleges provide to students with disabilities include test proctoring, learning disability assessment, specialized counseling, interpreter or captioning services for hearing-impaired and/or deaf students, mobility assistance, note-taking services, reader services, transcription services, specialized tutoring, access to adaptive equipment, job development and placement, registration assistance, and special parking.

The report found that students with disabilities represent just under 7 percent of the population of the CCC. The key findings from the 2019-2020 and 2020-2021 academic years are as follows:

- i) DSPS student enrollment saw a decline at a rate similar to that of the overall student population.
- ii) DSPS students lag behind students without a disability in credit class enrollment but exceed them in noncredit courses.
- iii) DSPS students perform similarly in workforce preparation courses when compared to students without disabilities.

- iv) The basic skills course pass rate for DSPS students was 66 percent in 2019-20, with a modest gain to 69 percent in 2020-21.
- c) *UC Advisory Workgroup recommendations.* The UC systemwide advisory workgroup on students with disabilities published a report in January 2024 that offered a number of recommendations. The recommendations aim to enhance the college experience for students with disabilities by creating campuses that meet their needs. The recommendations are intended to be used as a guide for the UC system and its campuses to improve disability inclusion for students. One recommendation of the report is to develop and sustain a professional learning environment for postsecondary faculty and staff to learn and apply best practices to interact with persons with disabilities. According to the report, all individuals with disabilities deserve to interact with supervisors, faculty, and leaders who understand their own compliance and confidentiality obligations, as well as how the ADA applies to students, employees, patients, and job applicants in the workplace. Requiring all supervisory personnel to receive ADA training and ongoing professional development around diversity, equity, and inclusion will not only create the type of inclusive culture for which the University strives but will also mitigate risks.

This bill attempts to implement provisions similar to this recommendation across California's higher education institutions by integrating training for faculty and staff to support students' disability-related needs that covers legal responsibilities, accessibility guidance, stigmas, and information about additional supports available to staff.

3) **Related legislation.**

AB 624 (Grayson, 2023) would have required the CSU Trustees and requested the UC Regents to cover the costs of diagnostic assessments as proof for academic accommodations for any student who receives student financial aid or who is eligible for financial assistance from the institution's health or disability center. Further, it would have required that the Department of General Services oversee reimbursement to institutions for their documented costs for diagnostic services. AB 624 was vetoed by the Governor, whose message read in part:

“While I support the author's goal of supporting students with learning disabilities, unfortunately, the bill creates at least \$5 million in ongoing General Fund costs that are not reflected in the state's current fiscal plan. Additionally, the Department of General Services may not be the appropriate entity to administer the reimbursement.”

SUPPORT

Cal State Student Association
California Disability Services Association
California Foundation for Independent Living Centers
University of California Student Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2918	Hearing Date:	July 3, 2024
Author:	Zbur		
Version:	June 24, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: ethnic studies.

SUMMARY

This bill requires the governing board of an local educational agency (LEA) and governing body of a charter to allow teachers, parents, guardians, and community members to review locally adopted ethnic studies courses, as specified, and creates conditions and parameters for ethnic studies courses.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires, among other things in order for a student to graduate from high school commencing the 2025-26 school year, and with pupils graduating the 29-30 school year, schools to offer at least a one-semester course in ethnic studies that meet one for four permitted options:
 - a) A course based on the model curriculum developed by the Instructional Quality Commission (IQC).
 - b) An existing ethnic studies course.
 - c) An ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements of the University of California (UC) and the California State University (CSU).
 - d) A locally developed ethnic studies course approved by the governing board of the school district or the governing body of the charter school. (EC § 51225.3 (a)(1)(G)(ii))
- 2) Requires the curriculum, instruction, and instructional materials for an ethnic studies or course, described in 1) above, meet all of the following:
 - a) Be appropriate for use with pupils of all races, religions, nationalities, genders, sexual orientations, and diverse ethnic and cultural backgrounds, pupils with disabilities, and English learners.

- b) Not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons on the basis of any category of a protected class.
 - c) Not teach or promote religious doctrine. (EC § 51225.3 (a)(1)(G)(vii))
- 3) Prohibits a governing board from adopting any instructional materials for use in the schools that, in its determination, contain any matter reflecting adversely upon persons based on race or ethnicity, gender, religion, disability, nationality, sexual orientation, and occupation, and any sectarian or denominational doctrine or propaganda contrary to law. (EC § 60044)
 - 4) Requires all instructional materials adopted by any governing board for use in the schools shall be, to the satisfaction of the governing board, accurate, objective, current, and suited to the needs and comprehension of pupils at their respective grade levels. (EC § 60045)

ANALYSIS

This bill:

Adds Additional Parameters For Locally Developed Ethnic Studies Courses

- 1) Requires the governing board of the school district or the governing body of the charter school, prior to approving a locally developed ethnic studies course, or any instructional materials for a locally developed ethnic studies course, a school district or charter school, to be reviewed by, with a majority of teachers, parents, guardians, and community members, as specified and consistent with the guidelines set forth in the "Guidance for Local Instructional Materials Adoptions" adopted by the State Board of Education (SBE).

Creates Conditions for Governing Boards and Bodies for Some Ethnic Studies Courses

- 2) Requires a school district or charter school that seeks to adopt a locally developed ethnic studies course or an ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements of the UC and the CSU, to do all of the following:
 - a) Include, and submit the California Department of Education (CDE) and the SBE, a detailed written justification explaining why the school district or charter school declined to adopt a course based on the model curriculum developed by the IQC, as well as a full and complete explanation of the ways in which those courses differs from the model curriculum developed by the IQC.
 - b) Make the proposal to adopt a locally developed ethnics studies course or an ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements publically available at least 30 days before being first presented at a public meeting.

- c) Provide a written notice to parents and guardians, and post on its website when a locally developed ethnic studies course or an ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements is proposed and opportunity for public comment in addition to citing guidance developed by the CDE related to information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.
 - d) Requires the district superintendent and the governing board of the school district or the governing body of the charter school to submit a signed certification to the CDE and the SBE that a proposed or adopted course locally developed ethnic studies course or an ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements is factually and historically accurate complies with all applicable laws and policies, as specified.
- 3) Requires the governing board of the school district or the governing body of the charter school to make publically available on the internet website, if that ethnic course is an existing course, a locally developed ethnic studies course, or an ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements, adopted course and related material for the public.

Adds New Requirements For Ethnic Studies Course Permitted By Statute

- 4) Requires the appropriateness of an ethnic studies course for use with pupils of all races, religions, nationalities, genders, sexual orientations, and diverse ethnic and cultural backgrounds, pupils with disabilities, and English learners be determined, with emphasis on principles of cultural competency, including consideration of the perspectives of, and consultation with, recognized and established leadership of the communities protected classes.
- 5) Requires that an ethnic studies course does not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons on the basis of any protected class is determined with emphasis on principles of cultural competency, including consideration of the perspectives of, and consultation with, recognized and established leadership of the communities protected classes.
- 6) Ensure that an ethnic studies course fosters respect and acceptance and focuses on the experiences of communities of the United States.

Creates A New Requirement For Contracted Ethnic Studies Course Resources

- 7) Requires a school district or charter school that enters into a contract for the purpose of developing resources for an ethnic studies course to submit the contract to CDE and SBE with signed certification that those resources are factually and historically accurate and comply with all applicable laws and policies, as specified.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “In California, we celebrate our diversity, recognizing it as a cornerstone of our identity and strength as a community. As such, it is crucial that our schools' curriculums reflect this diversity, fostering

understanding, respect, and appreciation for the multitude of cultural perspectives and experiences that enrich our society. AB 2918 embodies this commitment to inclusive education by strengthening transparency requirements and anti-discrimination protections when school districts deviate from the state's model curriculum. This bill specifically requires school districts wanting to create their own ethnic studies course to explain why and how it differs from the state's model curriculum. This explanation must be submitted to the Department of Education, made available online at least 30 days prior to a public meeting, and parents must be notified with an opportunity to provide feedback. School officials must confirm the course follows all laws, and all adopted courses must be publicly available on the district's website."

- 2) ***How Curriculum, Standards, Frameworks, and Model Curricula Are Created and Adopted.*** The Legislature has vested the IQC and SBE with the authority to develop and adopt state curriculum and instructional materials. The IQC develops curriculum frameworks in each subject by convening expert panels, developing drafts, and holding public hearings to solicit input. Changes are frequently made in response to public comment. The SBE then adopts the frameworks in a public meeting. The SBE also adopts, in a public process, instructional materials aligned to those frameworks for grades K-8. These existing processes involve practitioners and experts who have an in-depth understanding of curriculum and instruction, including the full scope and sequence of the curriculum in each subject and at each grade level, constraints on instructional time and resources, and the relationship of curriculum to state assessments and other measures of student progress.

In March 2018, the SBE adopted the ethnic studies model curriculum. The development process sparked controversy due to concerns over which groups the curriculum would include and some specifics in the initial draft. After public comment periods and revisions, the CDE recommended that the model curriculum expand the breadth and depth of the four foundational disciplines of ethnic studies—African American Studies, Asian American Studies, Chicana/o/x Latina/o/x Studies, and Native American Studies. Additionally, the CDE proposed updating and expanding existing resources to reflect California's diversity by offering instructional materials that include the voices of identities intersecting with ethnic studies, such as Arab Americans, Armenian Americans, Jewish Americans, and Sikh Americans.

It should be noted that the model curriculum adopted by the SBE is one of the four permitted types of ethnic studies courses a school may use to meet the ethnic studies graduation requirement.

- 3) ***Local School Boards: How Instructional Materials Are Adopted.*** While the IQC develops and SBE adopts model frameworks, local governing boards are responsible for adopting instructional materials that align with core academic content standards in a model framework.

When developing model frameworks, the SBE identifies instructional materials (state-adopted materials) that align with a core academic content standard of a framework. Once the SBE adopts instructional materials for a particular subject, those materials remain on the list of adopted materials for that subject until the SBE

adopts a new list. A local governing board may use something other than the state-adopted instructional materials. (EC 60210)

A local governing board must also adopt instructional materials recommended state-adopted materials as long as they meet the core academic content standards of the appropriate subject framework and complies with the Fair, Accurate, Inclusive, and Respectful Education (FAIR) Act. (EC 60210 & 60040). When adopting material, the local governing must ensure that most of the participants of any review process conducted by the LEA are classroom teachers assigned to the subject area or grade level of the materials (EC 60210 (c)). Furthermore, governing boards must also promote the involvement of parents and other community members in selecting instructional materials. (EC 60002). By the end of the eighth week of school, the local board shall decide, through a resolution, whether each pupil in the school district has instructional materials that are aligned with the content standards and that are consistent with the content and cycles of the curriculum framework adopted by the SBE for the following:

- Mathematics;
- Science;
- History-Social Science; and
- English language arts, including an adopted program's English language development component.

The complete program must be available for the local board to make this determination. (EC 60119)

The Addition of Ethnic Studies: Flexibility in Course Offerings

As part of AB 101 (Medina, Chapter 661, Statutes of 2021), the Legislature permitted school district and charter school governing boards to meet the high school graduation requirements through a pupil's completion of any of the following types of courses:

- a) An ethnics studies course based on the model curriculum approved by the SBE;
- b) An existing ethnic studies course (*prior to the passage of AB 101 (Medina, Chapter 661, Statutes of 2021) some districts already developed, adopted, and offered an ethnic studies course to students*);
- c) An ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements of the UC and the CSU (*prior to the passage of AB 101 (Medina, Chapter 661, Statutes of 2021) some districts had already developed, adopted and offered an ethnic studies course approved by the UC to meet the A-G requirement for social studies*); or
- d) A locally developed ethnic studies course approved by the governing board of the school district or the governing body of the charter school that requires the proposed course to first be presented at a public meeting of the governing board

of the school district or the governing body of the charter school, and to not be approved until a subsequent public meeting of the governing board or governing body at which the public has had the opportunity to express its views on the proposed course. (EC 51225.3 (a)(1)(G)(ii))

This bill imposes specified conditions on ethnic studies courses, specifically courses in categories c) and d), in order for those courses to be adopted while excluding ethnic studies courses developed under a) entirely and b) with regard to meeting certain conditions. The Committee may wish to consider whether the new conditions should appropriately apply to all types of ethnic studies courses permitted by statute. It should be noted that this bill, which establishes certain parameters and criteria, are not required for other subject areas.

In addition to specifying the types of ethnic studies courses that a school district and charter school governing boards may approve to help students meet the high school graduation requirement, AB 101 (Medina, Chapter 661, Statutes of 2021) also specifies the curriculum, instruction, and instructional materials all types of ethnic studies courses, list in a) - d) above must meet all of the following:

- e) Be appropriate for use with pupils of all races, religions, nationalities, genders, sexual orientations, and diverse ethnic and cultural backgrounds, pupils with disabilities, and English learners.
- f) Not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons on the basis of any category of a protected class.
- g) Not teach or promote religious doctrine. (EC 51225.3 (a)(1)(G)(vii))

This bill would require a governing board of the school district or the governing body of the charter school to consult with recognized and established leadership of the communities protected by protected classes to determine the appropriateness for use with pupils of all races, religions, nationalities, genders, sexual orientations, and diverse ethnic and cultural backgrounds, pupils with disabilities, and English learners (as shown in e) above) and does not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons based on any category under protected classes (as specified in f) above).

The Committee may wish to consider whether this interaction would be more suitable during the development stage of a course and its materials rather than once the course and materials are going to be adopted.

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

- a) Remove and recast the provisions of AB 2918 to do the following:
 - i) Require, beginning January 1, 2025, prior to adopting a course in ethnic studies or any instructional materials for a course in ethnic studies, or revising any existing ethnic studies course or instructional materials for a course in

- ethnic studies, as specified, a local educational agency to ensure that the course and instructional materials is developed in conjunction with stakeholders and meet certain criteria as specified.
- ii) Allows an LEA to pilot the course in ethnic studies or any instructional materials for a course in ethnic studies consistent with the guidelines set forth in the “Guidance for Local Instructional Materials Adoptions” adopted by the SBE.
 - iii) Requires a governing board of a district and charter school to provide a notice to parents and guardians before a proposed course is developed, informing parents and guardians of the development process that will be undertaken and informing them of how to participate in the development of the course or how to provide feedback to proposed materials.
 - iv) Specifies the adoption process shall comply with the Ralph M. Brown Act.
 - v) Requires each governing board of an LEA and charter school to self-certify and submit to CDE and SBE that the course and the materials comply with specified criteria.
 - vi) Exempts an LEA or charter school that has already formally adopted an ethnic studies course or any instructional materials for a course in ethnic studies, or is in the process of adopting an ethnic studies course or any instructional materials for a course in ethnic studies, unless that exempt LEA or charter school wishes to add an ethnic studies course or any instructional materials, or revise their ethnic studies course or any instructional materials, which in that event, must comply with the specified criteria.
 - vii) Adds, to the existing list of criteria ethnic studies courses and materials must meet, specified code sections and fostering respect and acceptance, and focus on the experiences of communities in the United States.
 - viii) Requires, beginning January 1, 2025, any school district or charter school that enters into a contract for the purpose of developing resources for use in an ethnic studies course, as specified, that the school district or charter school must specified criteria.

6) Related Legislation.

AB 101 (Medina, Chapter 661, Statutes of 2021), requires students, commencing with the graduating class of 2029-30, to complete a one semester course in ethnic studies that meets specified requirements, in order to receive a high school diploma, and requires, commencing with the 2025–26 school year, that LEAs and charter schools serving students in grades 9 through 12 offer at least a one-semester course in ethnic studies.

AB 2772 (Medina, 2019) was substantially similar to AB 101 (Medina, Chapter 661, Statutes of 2021) but ultimately would have established a three-year grant program to require the CDE, contingent upon funding, to award grants to school districts to

fund a semester- or year-long course in ethnic studies as part of a local graduation requirement in ethnic studies that is applicable to all students. *AB 2772 was vetoed by Governor Brown, with the following message:*

“This bill establishes a three-year grant program for school districts that require ethnic studies in order to graduate.

School districts already can, and are, requiring ethnic studies for graduation. While I recognize the value of these courses, I am reluctant to encourage yet another graduation requirement, especially when students are already overburdened by multiple tests and endless hours of homework.”

AB 2016 (Alejo, Chapter 327, Statutes of 2016) required the development of a model curriculum in ethnic studies and required school districts which elect to offer one course in ethnic studies to make the course available in at least one year during a student’s enrollment in grades 9-12.

AB 1689 (Low, 2015) would have required, beginning with the high school class of 2022-23, that at least one of the courses required for graduation include a service-learning component. *This bill was held in the Assembly Appropriations Committee.*

AB 524 (Low, 2015) would have required, beginning with the high school class of 2020-21, that at least one of the courses required for graduation include a service-learning component. *This bill was held in the Assembly Appropriations Committee.*

SUPPORT

State Superintendent of Public Instruction Tony Thurmond
 AJC San Francisco
 Anti Defamation League
 Central Valley Holocaust Educators' Network
 ETTA
 Faith and Community Empowerment
 Hadassah
 Hillel at UCLA
 Holocaust Museum LA
 Inland & Desert Hillel Council
 JCRC Bay Area
 Jewish Community Federation and Endowment Fund
 Jewish Community Relations Council Sacramento
 Jewish Family and Children's Services of San Francisco, the Peninsula,
 Marin and Sonoma Counties
 Jewish Family Service of Los Angeles
 Jewish Federation Los Angeles
 Jewish Federation of Greater Los Angeles
 Jewish Federation of Orange County
 Jewish Federation of the Greater San Gabriel and Pomona Valleys
 Jewish Free Loan Association
 Jewish Long Beach
 Jewish Partisan Educational Foundation

Jewish Public Affairs Committee
Jewish Silicon Valley
StandWithUs
The Genocide Education Project

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 2999	Hearing Date:	July 3, 2024
Author:	Schiavo		
Version:	June 24, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: homework policy.

SUMMARY

This bill establishes the Healthy Homework Act and requires local educational agencies (LEAs) to develop a homework policy for all grades, by the start of the 2027–28 school year and fully adopt the homework policy by the end of the 2027-28 school year.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires each governing board of a school district to develop jointly with parents and guardians and to adopt, a policy that outlines the manner in which parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite. Requires that this policy include the manner in which the parents and guardians of pupils may support the learning environment of their children, including ensuring that homework is completed and turned in on a timely basis. (EC 51101)
- 2) Requires child supervision programs, as specified, to consist of supervised activities including, but not limited to, arts and crafts, sports, quiet games, playground time and snacks, and homework. (EC 8487)

ANALYSIS

This bill:

- 1) Requires each LEA to do all the following:
 - a) By the start of the 2027–28 school year, develop a homework policy for all grades maintained by the LEA. The goal of the policy shall be to promote evidence-based homework practices to support pupil learning and well-being, and to ensure consistency and clarity in assigning of homework and requires the development of the policy to involve 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, consistent with b) below.

- b) Formally adopt a final homework policy by the end of the 2027–28 school year, consistent with subdivision (c).
 - c) Update the adopted homework policy at least once every five years.
- 2) Requires, in developing the homework policy, the governing board or body of the LEA to convene stakeholders, including, but not limited to, pupils, parents, teachers, and education specialists, administrators, and other school staff, to do all of the following:
- a) Examine and collect data on the current homework practices of schools in the LEA, including the nature of assignments and the time required at each grade level.
 - b) Reflect on the effectiveness of these practices and identify strengths and weaknesses of current practices.
 - c) Solicit stakeholder feedback.
- 3) Requires the homework policy to be publicly discussed, with public comment, and considered for adoption at a minimum of two separate regularly scheduled public meetings conducted pursuant to the Ralph M. Brown Act and allows an LEA to first pilot the homework policy, including during the 2027–28 school year, after at least one public meeting with public discussion and comment, and collecting stakeholder feedback before the end of the 2027–28 school year at a subsequent public meeting with public discussion and comment, but also allows LEA to adopt its final homework policy before the start of the 2027–28 school year if the LEA has otherwise met the requirements of described in 2) above.
- 4) In developing the homework policy, the governing board or body of the local educational agency shall consider all of the following:
- a) Research on effective homework practices, including the quality of assignments and quantity of work assigned, which support pupil learning and well-being, including, but not limited to, mental and physical health.
 - b) Elements of a homework policy that ensure the use of effective homework practices to support pupil learning and well-being, including the quality of assignments, quantity of work assigned at each grade level, and days on which homework is assigned.
 - c) Equity in homework practices, including, but not limited to, the availability of supports needed to successfully complete homework, such as parental support and access to technology.
 - d) Different types of homework, including for practice, completion of in-class work, preparation, and extension.

- e) Different educational placements and programs in which pupils are enrolled, including, but not limited to, independent study, honors courses, Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, accelerated pathways, music programs, credit recovery programs, continuation schools, block scheduling, and project-based learning.
 - f) Individual pupil needs, including, but not limited to, pupils with individualized education programs adopted pursuant to the federal Individuals with Disabilities Education Act, pupils with a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973, and English learners.
 - g) Developmental appropriateness of homework assigned in primary, intermediate, and secondary grades.
 - h) Grading practices for homework, including whether homework should be optional and whether it should be graded, and opportunities to complete makeup work for missed assignments.
 - i) The need for professional development and collaboration time for teachers to coordinate and implement effective homework practices.
 - j) The roles and responsibilities of all pupils, parents, teachers, and administrators in implementing the homework policy.
- 5) Requires an LEA to annually distribute the adopted homework policy at the beginning of the school year to all certificated staff and administrators, to all pupils and parents or legal guardians as part of the notification or upon enrollment, and by publication on the LEA's internet website and on the internet websites of the individual schools operated by the LEA.
- 6) Requires the California Department of Education (CDE), by January 1, 2026, develop and post on its internet website guidelines for LEA to use in developing a local homework policy, as specified.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Students have chosen "overall workload and homework" as a top stressor. With the mental health crisis in schools only getting bigger, we need to do something to help give our pupils some breathing room. Studies suggests that all students need play time, down time, and family time in order to have a healthy mind and a healthy body. However, current homework practices are inconsistent, wide ranging, and can lead to hours of homework per night for already strained student schedules. One in five teens cannot regularly complete their homework due to a lack of internet access. The problem is even greater in lower income areas. Some students who act as caregivers, who work to help with family finances, or who experience housing insecurity face unique challenges in completing homework. Giving students less homework or not grading it can give pupils that support and opportunity to unwind after school. AB 2999 seeks to begin the conversation at the local level to develop homework policies based on what research is saying is equitable and beneficial to the academic success of students."

2) **Time Spent On Homework.** In a 2014 research article published by the Brookings Institute, “Homework in America” researchers looked at data from the National Assessment of Educational Progress (NAEP) provided a look at trends in homework for nearly three decades. The Table below displays NAEP data from 1984-2012. The data are from the long-term trend NAEP assessment’s student questionnaire, a survey of homework practices featuring both consistently-worded questions and stable response categories. The question asks: “How much time did you spend on homework yesterday?” Responses are shown for NAEP’s three age groups: 9, 13, and 17.

Students Were Asked
How much time did you spend on homework yesterday?
(percent of students)

Table
2-1

Age 9					
	1984	1992	1999	2008	2012
None Assigned	35	32	26	18	22
Did Not Do It	4	4	4	5	4
< 1 hr.	41	47	53	60	57
1-2 hrs.	13	12	12	12	12
>2hrs.	6	5	5	5	5

Age 13					
	1984	1992	1999	2008	2012
None Assigned	22	21	24	23	21
Did Not Do It	4	4	5	7	5
< 1 hr.	36	36	37	43	44
1-2 hrs.	29	29	26	21	23
>2hrs.	9	10	8	6	7

Age 17					
	1984	1992	1999	2008	2012
None Assigned	22	22	26	28	27
Did Not Do It	11	12	13	12	11
< 1 hr.	26	29	28	27	28
1-2 hrs.	27	25	23	22	23
>2hrs.	13	11	12	10	13

Source: NAEP Data Explorer, long term trend reading data for ages 9, 13, and 17 (Item 8001701).

The first three rows of data for age 9 reveal a shift away from students having no homework, declining from 35% in 1984 to 22% in 2012. A slight uptick occurred from the low of 18% in 2008, however, so the trend may be abating. The decline of the “no homework” group is matched by growth in the percentage of students with less than an hour’s worth, from 41% in 1984 to 57% in 2012. The share of students with one to two hours of homework changed very little over the entire 28 years, comprising 12% of students in 2012. The group with the heaviest load, more than two hours of homework, registered at 5% in 2012. It was 6% in 1984.

The amount of homework for 13-year-olds appears to have lightened slightly. Students with one to two hours of homework declined from 29% to 23%. The next

category down (in terms of homework load), students with less than an hour, increased from 36% to 44%. One can see, by combining the bottom two rows, that students with an hour or more of homework declined steadily from 1984 to 2008 (falling from 38% to 27%) and then ticked up to 30% in 2012. The proportion of students with the heaviest load, more than two hours, slipped from 9% in 1984 to 7% in 2012 and ranged between 7-10% for the entire period.

For 17-year-olds, the homework burden has not varied much. The percentage of students with no homework has increased from 22% to 27%. Most of that gain occurred in the 1990s. Also note that the percentage of 17-year-olds who had homework but did not do it was 11% in 2012, the highest for the three NAEP age groups.

How Do California Students Feel about Homework?

In a research brief published by the Challenge Success, a non-profit affiliated with the Stanford University Graduate School of Education, surveyed 15,000 students in California and found:

- a) More than half of the students reported that the longest time they had spent on homework in the past week was 3 or more hours.
 - b) Students were roughly split between reporting that they had the right amount of homework (51%) and too much homework (47%).
 - c) Nearly all students reported doing something else while doing homework, with over half reporting that they were either texting (25%) or using social media (27%).
 - d) 45% of students reported that overall workload and homework is a major source of stress in their lives.
 - e) Nearly two-thirds of students (64%) said that in some or many of their classes the assigned homework helped them learn the material. A little over half (52%) reported that some or many of their classes assigned busywork for homework.
- 3) **Quality Over Quantity: Elements of Effective Homework.** The National Education Association and the National Parent-Teacher Association endorse a guideline suggesting that students devote 10 minutes per academic year level to homework on a nightly basis. Correspondingly, it is recommended that first graders allocate 10 minutes to homework, second graders 20 minutes, and so forth. However, recent research published in The American Journal of Family Therapy indicates that students spend considerably more time on homework, resulting in a cumulative average of one hour per night by sixth grade. According to National Center for Education Statistics data, high school students are assigned an average of 6.8 hours of homework per week, a figure deemed excessive by the Organization for Economic Cooperation and Development (OECD). While acknowledging the favorable impact of homework on student performance and academic engagement, the quantity of homework assigned may be deemed excessive.

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

- a) Require schools formally adopt a homework policy beginning the 2028-29 school year.
- b) Allow schools that have already adopted a homework policy more time to meet the requirements of this bill.

5) ***Related Legislation.***

AB 982 (Holden, Chapter 779, Statutes of 2019) requires a teacher, upon the request of a parent or pupil, to provide homework that would otherwise have been assigned, to a pupil who has been suspended for two or more schooldays.

SB 411 (Escutia, 1999) would have established the Homework Hotline and Communication Technology Grant Pilot Program to improve home-to-school communication and student performance through a grant program to establish homework hotlines in schools with a high percentage of low-performing pupils. *This bill was held in the Senate Appropriations Committee.*

SUPPORT

Administrators Association of San Diego City Schools
Public Health Advocates
Voices for Progress Education Fund

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 3067 **Hearing Date:** July 3, 2024
Author: Gipson
Version: April 24, 2024
Urgency: No **Fiscal:** No
Consultant: Kordell Hampton

Subject: Interscholastic athletics: California Interscholastic Federation: notice of sanctions.

SUMMARY

This bill requires the California Interscholastic Federation (CIF) to post on its internet website the name of the school, the team that has been sanctioned, the violation that has occasioned the sanction, and a description of the sanction being imposed, if it imposes a sanction on an interscholastic team of a member school.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Provides that the CIF is a voluntary organization that consists of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools. (EC § 33353 (a))
- 2) Specifies the CIF shall report to the appropriate policy committees of the Legislature and the Governor on its evaluation and accountability activities undertaken on or before January 1, 2023, and on or before January 1 every seven years thereafter. This report shall include, but not be limited to, the goals and objectives of the CIF with regard to, and the status of, all of the following:
 - a) The governing structure of the CIF, and the effectiveness of that governance structure in providing leadership for interscholastic athletics in secondary schools.
 - b) Methods to facilitate communication with agencies, organizations, and public entities whose functions and interests interface with the CIF.
 - c) The quality of coaching and officiating, including, but not limited to, professional development for coaches and athletic administrators, and parent education programs.
 - d) Gender equity in interscholastic athletics, including, but not limited to, the number of male and female pupils participating in interscholastic athletics in secondary

schools, and action taken by the CIF in order to ensure compliance with Title IX of the federal Education Amendments of 1972. (20 U.S.C. § 1681 et seq.)

- e) Health and safety of pupils, coaches, officials, and spectators.
 - f) The economic viability of interscholastic athletics in secondary schools, including, but not limited to, the promotion and marketing of interscholastic athletics.
 - g) New and continuing programs available to pupil athletes.
 - h) Awareness and understanding of emerging issues related to interscholastic athletics in secondary schools. (EC § 33353 (b))
- 3) State, subject to funds being appropriated for this purpose in the annual Budget Act, the CIF is encouraged to establish a statewide panel that includes, at a minimum, the following members: school administrators, school board members, coaches of secondary school athletics, teachers, parents, athletic directors, representatives of higher education, pupils participating in athletics at the secondary school level, and a representative of the California Department of Education (CDE). (EC § 35179.2)
- 4) Requires a local educational agency (LEA) that participates in the CIF, on or before April 1, 2025, to post on their internet website the standardized incident form developed by CDE and to include information on how to submit a completed incident form to the LEA. (EC § 33353 (c)(2)(A))

ANALYSIS

This bill:

- 1) Requires the CIF to post on its internet website the name of the school, the team that has been sanctioned, the violation that has occasioned the sanction, and a description of the sanction being imposed, if it imposes a sanction on an interscholastic team of a member school.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “The intent of this bill is to serve as a reminder and warning to schools or teams that have engaged, or are considering engaging, in activities that violate CIF regulations. By having these records online, schools and pupils will have clear examples of what is and is not acceptable. This will enhance the goal of CIF sanctions to deter other schools and teams from violating CIF policies, including policies against harassment or discrimination on the basis of race or gender.”
- 2) **The California Interscholastic Federation.** The CIF, founded in 1914, is a voluntary organization consisting of 1,615 public, public charter and private high schools that are aligned into ten geographical sections for the purpose of governing education-based athletics in grades 9 through 12.

While each CIF section has autonomy from the state and have their own governance structure, section control and oversight is by school representatives from that geographical region. These representatives include school board members, superintendents, principals, teachers, coaches and athletic directors from each high school who come together to carry out the CIF’s mission that is outlined in the CIF Constitution and Bylaws. The CIF Constitution and Bylaws is the product of the CIF elected representatives who serve on the CIF Federated Council and Executive Committee.



The elected membership of the Federated Council consists of school and district representatives elected from the 10 CIF Sections (see above). State council membership voting is weighted to reflect the number of schools and students served by the respective CIF sections. Additionally, voting members of the Federate Council include: representatives from the CDE; California School Boards Association; Association of California School Administrators; California Association for Health, Physical Education, Recreation and Dance; California Coaches Association, California Athletic Directors Association, California Association of Private Schools, California Association of Directors of Activities and California School Superintendents.

The CIF receives no state or federal funding as part of its annual budget and is supported by state championship game receipts (36%), corporate support and sponsorships (35%), and limited membership dues (18%). Local school programs are supported by their school district general fund, game receipts, and fundraising by coaches, student-athletes, and booster clubs.

- 3) ***Infractions and Sanctions – Violation of CIF’s Bylaws.*** In 1914, member schools collaborated to create and approve CIF rules and regulations. This marked the start of an enforcement program to improve the administration of education-based interscholastic athletics. The program involves schools, leagues, Sections, and the State CIF working cooperatively.

CIF's current constitution and bylaws empower the Executive Director, Executive Committee, Section Commissioner, or Section Board of Managers to have the power to suspend, exemplary, or penalize a member school for violating CIF or Section rules and regulations or for just cause. The governing body can determine the suspension period or other penalties. The Executive Director or Section Commissioner must assess the reliability of information about a possible violation and whether to conduct an investigation. Factors considered include the seriousness of the alleged violation and other relevant factors.

A violation of the CIF or Section Constitution or Bylaws will not result in an investigation or penalty if it is inadvertent and the school learns of it after the conclusion of the following year's playoffs. If a school or its administrators or coaches knew of a violation and failed to self-report, the provisions of this Section will not apply. A violation may be investigated, and penalties may be implemented in such cases.

A school under suspension may be reinstated by the CIF Executive Committee or Section Board of Managers upon application made 20 days in advance. The principal and the Board of Education agree to abide by all future CIF and Section rules.

Currently, when a member school or a member school's team violates CIF's bylaws, CIF post the information on its website related to the violation (including the name of the school, the team, if applicable, the violation, and the penalty assessed on the member school or team of the member school). Additionally, CIF sections also post on its website related to violations of both State CIF and section bylaws.

Currently this bill only applies to State CIF and teams of member schools, despite CIF sections creating, enforcing, and positing violations on its website and member schools violating State CIF and/or CIF section bylaws. Committee staff recommends this bill include CIF section and member schools.

- 4) ***Committee Amendments.*** *Committee staff recommends the following amendments:*
- a) Include CIF sections in the requirement to post on its internet website the name of the school, the team that has been sanctioned, the violation that has occasioned the sanction, and a description of the sanction being imposed.
 - b) Include member schools, in addition to teams of a member school, to be posted on CIF or its section's website for any violation, as specified.

5) Related Legislation.

AB 245 (McKinnor, Chapter 422, Statutes of 2023) revises requirements established by the California High School Coaching Education and Training Program to include training in cardiopulmonary resuscitation and first aid. This includes additional training to recognize and respond to the signs and symptoms of concussions, heat illness, and cardiac arrest, certification in the use of an automated external defibrillator, and rehearsal of emergency action plan procedures to be followed during medical emergencies at athletic program activities or events.

AB 1327 (Weber, Chapter 366, Statutes of 2023) requires the CDE to develop a standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or sporting events, and requires each LEA that participates in the CIF to post on their internet website the standardized incident form developed by the CDE.

AB 1653 (Sanchez, Chapter 589, Statutes of 2023) requires a school district or charter school that elects to offer any interscholastic athletic program to include as part of their emergency action plan, procedure in the event a student athlete suffers from a heat stroke.

AB 1660 (Cooper, Chapter 122, Statutes of 2016) eliminated the sunset on provisions related to CIF, and instead requires legislative hearings every seven years to correspond with the release of specific reporting by the CIF.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 3167 **Hearing Date:** July 3, 2024
Author: Chen
Version: June 27, 2024
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: California Private Postsecondary Education Act of 2009: highly qualified private nonprofit institution.

SUMMARY

This bill authorizes, beginning July 1, 2025, a "highly qualified private nonprofit institution," as specified, to register with California's Bureau of Private Postsecondary Education (Bureau).

BACKGROUND

Existing law:

- 1) The California Private Postsecondary Education Act of 2009 (the Act) provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state. The Act is enforced by the Bureau within the Department of Consumer Affairs (DCA). The Act exempts specified private postsecondary educational institutions from all, or a portion of, its provisions, but requires those institutions that are subject to its provisions to apply for and obtain an approval to operate, including by means of accreditation, as specified. The Act also requires an out-of-state private postsecondary educational institution to comply with specified requirements for registration, including providing the Bureau evidence of the institution's accreditation. Existing law repeals the Act on January 1, 2027. (Education Code § 94800 et. seq.)

ANALYSIS

This bill:

- 1) Authorizes, beginning July 1, 2025, highly qualified private nonprofit institutions, as specified, to register with the Bureau.
- 2) Defines a "highly qualified private nonprofit institution" to mean an institution that meets all of the following criteria:
 - a) The institution is exempt from taxation under the Internal Revenue Code and has no insider transactions within the past five years.
 - b) For the previous 20 years, the institution has not operated as a for-profit institution and has awarded at least 500 degrees each year.

- c) The institution has been accredited by an institutional accrediting agency that meets both of the following:
 - i) It has been recognized by the US Department of Education for at least 10 years for accrediting institutions, the majority of which are classified by the US Department of Education as nonprofit or public.
 - ii) It is governed by a board of directors with no directors who hold an equity interest in an institution of higher education.
- 3) Requires that a highly qualified private nonprofit institution, as defined that registers with the Bureau to comply with all applicable state and federal laws including those relating to fraud, abuse, and false advertising.
- 4) Requires that a highly qualified private nonprofit institution pay a \$1,500 registration fee and specifies that a registration with the Bureau is to be valid for 5 years.
- 5) Requires the Bureau to develop, through emergency regulations effective on and after July 1, 2025, a registration form for highly qualified nonprofit institutions. The emergency regulations will become law through the regular rulemaking process by January 1, 2026.
- 6) Eliminates the exemption from having to register with the Bureau as an out-of-state institution for an accredited nonprofit corporation.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “this bill would help high-quality nonprofit universities with a physical presence in California by reducing burdens on students and colleges. In 2009, the state appropriately set consumer protection rules for vocational schools that enact safeguards for students against fraud.

“While these rules still make sense for such vocational schools, they now also apply to comprehensive or research schools and graduate schools that merge with California institutions. If we can be assured these non-profit schools are high-quality and committed to staying in California, it doesn’t make sense to require students to choose a course of study before they enroll as an undergraduate or charge them a fee to ensure these schools don’t fraudulently accept their tuition payments. This bill will address these issues while incorporating safeguards to ensure California’s students remain protected.

“Some nonprofit colleges and universities in California and nationwide are facing declining enrollment and financial strain. To address this, some have chosen to merge with other partner institutions. With this bill, both California and New York are considering legislative proposals to simplify this process.”

- 2) **Higher education oversight.** Under Title IV of the Higher Education Act of 1965, an institution may be eligible to receive federal financial aid programs such as

Pell Grants and federal loan programs provided they meet certain standards. The federal Higher Education Act establishes three eligibility criteria that institutions must fulfill. To ensure the quality and integrity of Title IV financial aid program eligible institutions, the three requirements that must be met are: 1) state authorization, 2) certification by the US Department of Education; 3) and accreditation by an accrediting agency association recognized by the US Department of Education. The states are responsible for providing primary protection of consumers and students, while the federal government oversees compliance to ensure the administrative and fiscal integrity of Title IV financial aid programs at institutions of higher education. Accrediting agencies, on the other hand, focus on providing quality assurance for the education or training offered by these institutions.

- 3) **The role of California's Bureau of Private Postsecondary Education.** The Bureau regulates private postsecondary educational institutions operating in this state. Its role is to protect consumers and students from fraud, misrepresentation, or other business practices at private postsecondary institutions that may lead to the loss of students' tuition and related educational funds. It also sets and enforces minimum standards for ethical business practices and the health, safety, and fiscal integrity of postsecondary education institutions. Finally, it establishes and enforces minimum standards for instructional quality and institutional stability for all students in *any* private postsecondary educational and vocational institutions.

The Bureau approval not only authorizes institutions to operate and serve students in California but also enables institutions to meet requirements to receive public funds through the federal Title IV financial aid programs.

- 4) **Highly qualified private nonprofit institution.** This bill attempts to create a new institutional status under the Act, "highly qualified private nonprofit institution." To meet this definition, an institution must meet several benchmarks, including evidence of accreditation, and be free from specified forms of disciplinary action over the previous five years. This bill would provide a registration option to private nonprofit institutions that have received long-term accreditation from nonprofit agencies.
- 5) **Out-of-state private nonprofit institutions.** The Bureau has traditionally regulated only those institutions with a "physical presence" in California. As a growing number of public and private institutions organized or incorporated outside California serve California students through online and hybrid instruction, the need for Bureau oversight has increased. The Legislature has expanded some areas of oversight, providing a *registration* process for out-of-state for-profit institutions and requiring their participation in the Student Tuition Recovery Fund (STRF). Out-of-state accredited private nonprofit institutions without a physical presence in California, however, remain outside of the Bureau's purview, and increasingly, private nonprofit and public institutions are adopting methods of program delivery modeled after for-profit institutions. The Act exempts WASC-accredited private non-profit colleges and universities chartered in California from Bureau oversight, but it requires an approval to operate for private non-profit colleges and universities with a physical presence in California that are

headquartered out-of-state. Approval to operate requires compliance with minimum operating standards and numerous other requirements, such as annual reports to the Bureau with student outcome information.

This bill allows a highly qualified private nonprofit institution that has a physical presence in California but is headquartered outside the state to use a process very similar to registering, resulting in state authorization. This is in lieu of seeking an approval to operate for a nonprofit institution with a physical presence in this state. It also eliminates the exemption for accredited nonprofit institutions from having to register with the Bureau as an out-of-state institution.

- 6) **Student Tuition Recovery Fund (STRF).** The STRF, administered by the Bureau, exists to relieve or mitigate economic loss suffered by students enrolled at non-exempt private postsecondary education institutions due to the closure of an institution, the institutions' failure to pay refunds or reimburse loan proceeds, or the institutions' failure to pay students' restitution awards for a violation of the Act. Students enrolled in institutions that are exempt from or not covered by the Act are not eligible for STRF. Under current law, when the STRF balance exceeds \$25 million, the Bureau is required to temporarily stop collecting from institutions, and when the STRF balance drops below \$20 million, the Bureau is to resume collecting. In the event of a school closure, the STRF funds can serve various purposes such as compensating students or their parents for lost prepaid tuition, covering reasonable expenses for storing, maintaining, and making student records available, compensating faculty for temporary leave to finish a term or course, and reimbursing former students of the closed institution for the cost of obtaining academic records. At present, the STRF exceeds its statutory limit of \$25 million, and California Code of Regulations Section 76120 has been modified, which took effect April 1, 2024, to set the assessment rate to \$0.00. For the last two years, the assessment rate has been \$2.50 per \$1,000 of institutional charges. For example, if a student had paid \$10,000 in tuition and fees, they would have paid \$25.00 towards the STRF. Modifying the statute to include highly qualified private nonprofit higher education institutions will ensure certain schools continue to participate in STRF and would newly require schools to do the same.
- 7) **Registration fees.** This bill further requires a highly qualified private nonprofit institution to pay a \$1,500 registration fee and specifies that registration with the Bureau is to be valid for 5 years. The opponents of this measure argue that the proposed fee is insufficient to cover the Bureau's increased workload and recommend an annual fee of \$1,500 rather than one imposed after several years. The request for increased fees is consistent with recommendations made by the Bureau in a recent report to the Legislature. AB 1780 (Ting, Chapter 45, Statutes of 2022) required the Bureau to provide the Legislature with a proposal for a new fee structure to support the Bureau's operations. One recommendation of the report is to bring out-of-state institution fees more closely in line to those of other states to have merit, particularly as the fee paid by these institutions was reduced from \$1,500 every two years to \$1,500 every five years, while at the same time the required workload increased. At a minimum, the Bureau recommends assessing a fee of \$1,500 annually, which would reduce the Bureau's budget shortfall by an estimated \$120,000 annually. The author may wish to consider

increasing the frequency of the registration fee to ensure the increased workload is sustainable for the Bureau.

- 8) **Trends in higher education access.** Higher education in this country continues to shift due to mergers, acquisitions, and consolidation across state lines as higher education institutions face declining enrollment and the expansion of online education. According to the Legislative Analyst's Office's recent report on trends in higher education student access, the number of California public postsecondary campuses totals 149, along with nearly 200 private nonprofit colleges and over 500 for-profit colleges operating in this state. Since 2013-14, the number of private for-profit institutions in California participating in federal financial aid programs has declined by 23 percent. Since peak levels, total higher education enrollment has shrunk by about 2.5 million students (12 percent) nationally and 240,000 students (8.4 percent) in California. A key issue highlighted in the report is that as the high school graduate and college-age populations decline in this state, the segments are likely to begin competing more for students. The Legislature will continue to face key decisions about how much enrollment to fund at each of the public segments. Such decisions could have important implications for the size of each segment in the years to come. As the higher education landscape changes with the growth of cross-state instruction, the committee may wish to consider the potential advantages of attracting out-of-state higher education institutions, such as diversity of instruction and innovation, as well as the potential disadvantages, such as resource diversion and increased competition for California's institutions.
- 9) **Double-referral.** This bill was previously heard by the Senate Business, Professions and Economic Development Committee, which has jurisdiction over bills relating to business and professional practices and periodically conducts sunset review of various boards and licensing agencies, including the Bureau. This bill was heard by the Senate Business Professions and Economic Development Committee on July 1, 2024.
- 10) **Prior legislation.**
- AB 1344 (Bauer-Kahan, Chapter 520, Statutes of 2019) requires out-of-state institutions to provide information to the Bureau and authorizes the Bureau to place these out-of-state private postsecondary institutions on a probationary status and revoke authorization to enroll California students.

SUPPORT

Northeastern University (Sponsor)
Association of Independent California Colleges & Universities
Century Foundation

OPPOSITION

Institute for College Access & Success