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California State Senate

EDUCATION



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AGENDA

Wednesday, April 7, 2021
9 a.m. -- John L. Burton Hearing Room (4203)

MEASURES HEARD IN FILE ORDER

- | | | | |
|------|--------|------------|-------------------------------------------------------------------------------|
| 1. | SB 328 | Portantino | Local educational agencies: educational programs. |
| 2. | SB 364 | Skinner | Pupil meals: Free School Meals For All Act of 2021. |
| * 3. | SB 453 | Hurtado | Agriculture: Biosecurity and Emerging Infectious Disease Fund. |
| * 4. | SB 547 | Glazer | Animals: emergency response: California Veterinary Emergency Team program. |
| 5. | SB 699 | Eggman | School climate: statewide school climate indicator: surveys. |
| * 6. | SB 701 | Education | Public postsecondary education: federal GI Bill: California State University. |
| 7. | SB 705 | Hueso | Workforce development: Binational Education and Workforce Opportunities Act. |
| * 8. | SB 725 | Ochoa Bogh | Early childhood education: parent participation preschool programs. |

*Proposed Consent



SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 328

Hearing Date: April 7, 2021

Author: Portantino

Version: March 25, 2021

Urgency: No

Fiscal: Yes

Consultant: Brandon Darnell

Subject: Local educational agencies: educational programs

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

SUMMARY

This bill: (1) requires the California Department of Education (CDE) and the State Department of Social Services (DSS) to review all after school program funding and provide flexibility to school districts to use funds provided for after school programs for before school programs; (2) defines "rural" for purposes of the rural school district exemptions from the provisions regarding school start times and extends those exemptions to rural charter schools; and (3) prohibits a city, county, city and county, county office of education, or school district from imposing any rule, regulation, ordinance, or condition, or from taking any action, that would prohibit or restrict a local educational agency (LEA) from complying with any state law or regulation.

BACKGROUND

Existing law:

- 1) Commencing no earlier than July 1, 2022, prohibits the schoolday for high schools, including high schools operated as charter schools, from beginning earlier than 8:30 a.m. (Education Code § 46148)
- 2) Commencing no earlier than July 1, 2022, prohibits the schoolday for middle schools, including middle schools operated as charter schools, from beginning earlier than 8:00 a.m. (EC § 46148)
- 3) Defines "schoolday" for these purposes as having the same meaning as defined by the school district or charter school for purposes of calculating average daily attendance in order to compute any apportionments of state funding. (EC § 46148)
- 4) Specifies that these provisions do not prohibit a school district or charter school from offering classes or activities to a limited number of pupils before the start of the schoolday that do not generate average daily attendance for purposes of computing any apportionments of state funding. (EC § 46148)
- 5) Exempts rural school districts from these provisions. (EC § 46148)

ANALYSIS

This bill: (1) requires the CDE and the DSS to review all after school program funding and provide flexibility to school districts to use funds provided for after school programs for before school programs; (2) defines "rural" for purposes of the rural school district exemptions from the provisions regarding school start times and extends those exemptions to rural charter schools; and (3) prohibits a city, county, city and county, county office of education, or school district from imposing any rule, regulation, ordinance, or condition, or from taking any action, that would prohibit or restrict a LEA from complying with any state law or regulation. Specifically, this bill:

- 1) Requires the CDE and the DSS to review funding for all after school programs offered in the state under their respective jurisdiction, including, but not limited to, the After School Education and Safety Program and programs supported by federal funding.
- 2) Notwithstanding any other law, requires the CDE and DSS to, by regulation, provide flexibility to school districts to use funds provided for after school programs under their respective jurisdiction for before school programs if that flexibility is not prohibited by the After School Education and Safety Program Act of 2002 (an initiative statute approved by the voters at the November 5, 2002, statewide general election as Proposition 49) or federal law.
- 3) Extends the rural school district exemptions from the provisions regarding school start times to rural charter schools.
- 4) For purposes of the rural school district exemptions from the provisions regarding school start times, defines "rural school district" or "rural charter school" to be a school district or charter school that meets any of the following:
 - a) The school district or charter school is located in a county with a total population of 70,000 people or fewer.
 - b) The school district is, at least 50 percent of the schools maintained by the school district are, or the charter school is, designated as "rural" under the federal Universal Service E-rate program.
 - c) The school district or charter school is eligible to receive grants under the federal Small, Rural School Achievement program or another federal grant program in which eligibility is determined based on a "rural" designation.
- 5) Specifies that identification of rural school districts and rural charter schools for these purposes shall not be considered a state agency identification for purposes of determining federal funding.
- 6) Specifies that schoolday, for purposes of school start time prohibitions, does not include a surf class or club, and that those provisions do not prohibit a school district or charter school from offering a surf class or club before the start of the schoolday that generates average daily attendance for purposes of computing any apportionments of state funding.

- 7) Prohibits a city, county, city and county, county office of education, or school district from imposing any rule, regulation, ordinance, or condition, or from taking any action, that would prohibit or restrict an LEA from complying with any state law or regulation, with a "local educational agency" meaning a school district, county office of education, or charter school.
- 8) States that the Legislature finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author's office, "school district after school funding is subject to be used only for after school programs. Flexibility is needed to ensure before school programs can obtain those same resources and funding.

"Also, there is not a clear definition of what school districts in California would qualify for the Rural School District exemption from school start times and by exempting surf class would help those coastal schools from eliminating their program.

"Lastly, some Local Education Agencies (LEA's) are subject to local, county or city regulations which creates hardship when trying to implement a state mandate."

- 2) **Why prohibit early school start times?** Scientific evidence appears to support the notion that later school start times are a matter of health, and later school start times have been supported by the American Academy of Pediatrics, the American Medical Association, and the Centers for Disease Control and Prevention.

A specific example of a research study supporting these contentions is *Examining the Impact of Later High School Start Times on the Health and Academic Performance of High School Students: A Multi-Site Study*, conducted by the Center for Applied Research and Educational Improvement (CAREI) in the College of Education and Human Development at the University of Minnesota. In its final report, CAREI's major findings stated that "The results from this three-year research study, conducted with over 9,000 students in eight public high school in three states, reveal that high schools that start at 8:30 AM or later allow for more than 60 percent of students to obtain at least eight hours of sleep per school night. Teens getting less than eight hours of sleep reported significantly higher depression symptoms, greater use of caffeine, and are at a greater risk for making choices for substance abuse. Academic performance outcomes, including grades earned in core subject areas of math, English, science, and social studies, plus performance on state and national achievement tests, attendance rates, and reduced tardiness show significantly positive improvement with the later start times of 8:30 AM or later. Finally, the number of car crashes for teen drivers from 16 to 18 years of age was significantly reduced by 70 percent when a school shifted start times from 7:35 AM to 8:55 AM."

- 3) ***Are later school start times and transportation concerns further impacted by Covid-19?*** Covid-19 has dramatically impact schooling. Many public schools remain closed to in-person instruction or are operating on a hybrid approach of combined distance learning and reduced in-person instruction. These forced changes, while not permanent, continue to not have a clearly defined duration. Two areas significantly impacted by Covid-19 are start times and school transportation.

Regarding start times, current California Department of Public Health (CDPH) guidance states that “to the extent possible, schools should think about how to reconfigure the use of bell schedules to streamline foot traffic and maintain practicable physical distancing during passing times and at the beginning and end of the school day. Create staggered passing times when students must move between rooms minimize congregated movement through hallways as much as is practicable.” CDPH guidance further states that schools should “stagger arrival and drop off-times and locations as consistently as practicable to minimize scheduling challenges for families.”

Regarding transportation, the CDE states that “as the LEAs plan for reopening and decide on their instructional model, transporting students will need to align with the chosen model. Collaboration between the instructional program staff, school transportation staff, and city bus services will be necessary to ensure students reliant on school and city buses will be at school on time. Given the complexities of aligning transportation and instructional models, collaboration and further statewide dialogue on strategies and different scenarios will need to occur. It is critical to plan for the safe transportation of students to and from school during this pandemic.” Specifically, CDE’s identified best practices for school transportation include physical distancing on school buses, such as:

- Seat one student to a bench on both sides of the bus, skipping every other row.
- Seat one student to a bench, alternating rows on each side to create a zigzag pattern on the bus.
- Mark or block seats that must be left vacant.

Additionally, CDPH guidance states that schools should “maximize space between students and between students and the driver on school buses and open windows to the greatest extent practicable. Two windows on a bus should be opened fully at a minimum.

As previously discussed when the prohibition against early start times was initially adopted, an economic analysis conducted by the RAND Corporation, “Later School Start Times in the U.S.,” states that “it is estimated that the largest cost of later school start time in the U.S. would incur from changes in school bus schedules from the current three-tier to a one-or two-tier school bus systems. Specifically, in order to reduce the total number of school buses, many school districts stack start times according to the three school levels, elementary, middle and high school, generally with middle and high schools starting first... That is,

schools that currently provide transportation for students would likely have to reduce the bus tiers and invest and operate more buses amid a delay in school start time.”

In light of the forgoing the concerns, the author may wish to consider whether it would be prudent to further delay implementation of the start time provisions.

- 4) ***Is the definition of “rural” sufficient?*** As noted above, the bill proposes to define “rural” for purposes of exemptions from the school start time provisions. Heretofore, rural had been left undefined for these purposes. The bill proposes three methods to qualify as rural:

- Being located in a county with a total population of 70,000 people or fewer. This would encompass 20 counties: Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lake, Lassen, Mariposa, Modoc, Mono, Plumas, San Benito, Sierra, Siskiyou, Tehama, Trinity, and Tuolumne.
- Have least 50 percent of the schools maintained by the school district are, or the charter school is, designated as “rural” under the federal Universal Service E-rate program. The FCC’s E-Rate program makes telecommunications and information services more affordable for schools and libraries by providing discounts for telecommunications, Internet access, and internal connections to eligible schools and libraries. Rural schools and libraries receive a greater discount and are defined as rural by not being located in an “Urbanized Area” or “Urban Cluster” with a population of 25,000 or more as determined by the U.S. Census Bureau. The Universal Service Administrative Company provides an urban/rural look up tool:

<https://sltools.universalservice.org/portalexternal/urbanRuralLookup/>

- Eligibility to receive grants under the federal Small, Rural School Achievement program or another federal grant program in which eligibility is determined based on a “rural” designation.

The author may wish to consider whether there are additional methods for determining rural status, such as:

- Designation as an After School Education and Safety Act (ASES) Frontier Site.
- Encompassing a zip code that is considered Federal Office of Rural Health Policy eligible.
- Membership in an existing joint powers authority (JPA) for purposes of home school transportation if at least half of members of the JPA do qualify as rural.

Finally, the author may wish to consider whether there may be unique local circumstances under which an LEA does not otherwise qualify for a definition of rural, but who in practicality is, and therefore needs an exemption from a governing body or official, such as a county superintendent of schools or the county board of education.

- 5) **Existing after school/before flexibilities.** On June 29, 2020, Governor Newsom approved Senate Bill 98 (Committee on Budget and Fiscal Review, Ch. 24, Stats. 2020), which provides the CDE with the authority to waive sections of the California Education Code relating to program hours of operation, grant reductions due to attendance, and pupil-to-staff ratio requirements for before and after school programs. Specifically, CDE “may waive the following provisions relating to before and after school programs during the 2020–21 school year to provide the needed flexibility to serve pupils during the COVID-19 pandemic.”

This bill proposes to require the CDE to provide flexibility to school districts to use funds provided for after school programs under their respective jurisdiction for before school programs if that flexibility is not prohibited by the After School Education and Safety Program Act of 2002 (ASES).

This raises several concerns, most significantly of which is a reduction in the availability of after school programs due to additional need for before school programs. It is not a given that an increase in need for before school programs directly corresponds to reduced need for after school programs. It seems likely that the overall need for after school programs that extend into the early evening will remain relatively constant, even if they might start later overall, while there will also be an increase in the need for additional before school programs.

Additionally, if schools are enabled to completely shift their after school resources to before school programs, that may not be consistent with the purposes of the original ASES propositions, which was intended, in large part, to increase after school programs statewide.

Finally, if there is a significant increase in the demand for before school programs that would undercut the intent later school start times. If students are still getting up at the same time to arrive at school for a before school program, the intent of later school start times will not be as widely realized.

For these reasons, **staff recommends that the bill be amended** to cap the flexible use of after school program funds for before school programs at 20%.

- 6) **Previous legislation.** SB 1125 (Portantino, 2020) was substantially similar to this bill but was not heard due to the shortened Legislative calendar due to the Covid-19 pandemic.

SB 328 (Portantino, Ch. 868, Stats. 2019) prohibits middle schools, including those operated as charter school, from beginning their schoolday before 8:00 a.m., and high schools, including those operated as charter schools, from beginning their schoolday before 8:30 a.m.

SB 328 (Portantino, 2017-18) would have prohibited middle schools and high schools, including those operated as charter schools, from beginning their schoolday before 8:30 a.m. SB 328 was vetoed by Governor Brown, who stated:

“This is a one-size-fits-all approach that is opposed by teachers and school boards. Several schools have already moved to later start times. Others prefer beginning the school day earlier. These are the types of decisions best handled in the local community.”

SUPPORT

California Charter Schools Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 364	Hearing Date:	April 7, 2021
Author:	Skinner		
Version:	March 24, 2021		
Urgency:	No	Fiscal:	Yes
Consultant:	Brandon Darnell		

Subject: Pupil meals: Free School Meals For All Act of 2021

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

SUMMARY

This bill, among other things: (1) Commencing with the 2022–23 school year and contingent upon an appropriation, requires school districts, county offices of education, and charter schools to provide two free school meals each schoolday, regardless of the pupil's eligibility for free or reduced-price meals; (2) requires the California Department of Education (CDE) to administer a noncompetitive grant to local educational agencies (LEAs) to cover costs incurred by those agencies in purchasing food produced or grown in California; (3) requires the CDE to award grants of up to \$30,000 per schoolsite every year on a competitive basis to school districts, county superintendents of schools, or entities approved by the CDE for nonrecurring expenses incurred, in order to increase the number of meals that can be prepared freshly and served to pupils; and (4) establishes the Better Out of School Time (BOOST) Nutrition EBT Program to prevent child hunger during regularly scheduled school breaks or any school campus closure caused by a declared state of emergency.

BACKGROUND

Existing federal law:

- 1) Authorizes a universal meal service option known as the Community Eligibility Provision (CEP), which allows a LEA that directly certifies for free meals at least 40 percent of the students in either the district overall, a group of schools within the district, or an individual school, to receive meal reimbursement based on a formula that equate to 1.6x the free reimbursement rate for students directly certified for free or reduced-price meals, plus the standard reimbursement rate for paid meals. (42 USC § 1759a(a)(1)(F); 7 CFR § 245.9(f))
- 2) Authorizes an additional universal meal service option know as Provision 2 that allows an LEA to certify children for free and reduced-price meals for up to 4 consecutive school years in the schools that serve meals at no charge to all enrolled children. (42 USC § 1759a(a)(1)(C); 7 CFR § 245.9(b))

Existing state law:

- 1) Requires each district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, and defines needy children as those who meet federal eligibility criteria for free and reduced-price meals. (Education Code § 49550; 49552)
- 2) Provides that a nutritionally adequate meal for this purpose is a breakfast or lunch meeting specified requirements that qualifies for reimbursement under the federal child nutrition program regulations. (EC § 49553)
- 3) Authorizes a school district or county office of education to use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program (NSLP), the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or do so at its own expense. (EC § 49550)

ANALYSIS

This bill, among other things: (1) Commencing with the 2022–23 school year and contingent upon an appropriation, requires school districts, county offices of education, and charter schools to provide two free school meals each schoolday, regardless of the pupil's eligibility for free or reduced-price meals; (2) requires the CDE to administer a noncompetitive grant to LEAs to cover costs incurred by those agencies in purchasing food produced or grown in California; (3) requires the CDE to award grants of up to \$30,000 per schoolsite every year on a competitive basis to school districts, county superintendents of schools, or entities approved by the CDE for nonrecurring expenses incurred, in order to increase the number of meals that can be prepared freshly and served to pupils; and (4) establishes the BOOST Nutrition EBT Program to prevent child hunger during regularly scheduled school breaks or any school campus closure caused by a declared state of emergency. Specifically, this bill:

- 1) Commencing with the 2022–23 school year, requires a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period, except for family daycare homes that shall be reimbursed for 75 percent of the meals served.
- 2) Commencing with the 2022–23 school year, requires a charter school to provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period.
- 3) Commencing with the 2022–23 school year, prohibits an LEA that has a reimbursable school breakfast program from charging a pupil or a member of a pupil's family any amount for any meal served to a pupil through the program, and requires the LEA to provide a meal free of charge to any pupil who requests

one without consideration of the pupil's eligibility for a federally funded free or reduced-price meal.

- 4) Commencing with the 2022–23 school year, requires the CDE to reimburse LEAs for all nonreimbursed expenses accrued in providing United States Department of Agriculture reimbursable meals to pupils, consistent with all of the following:
 - a) The amount of reimbursements provided under this section shall not exceed the difference between the following amounts:
 - i) The reimbursement rate established by Section 49559 for the reimbursable meals provided by the school.
 - ii) Any amounts otherwise reimbursed or paid by state, federal, or other sources.
 - b) In addition to the reimbursement provided, an LEA shall receive an additional supplement of ____ percent of the reimbursement provided pursuant to the bill in order to meet the additional nutritional needs of pupils residing in deeply impoverished communities.
 - c) The reimbursement required shall be provided upon appropriation by the Legislature.
- 5) Specifies that (1) to (4) above shall not be operative until the Legislature has appropriated funds those purposes.
- 6) Requires CDE to develop and adopt regulations as it deems necessary to implement the bill, including regulations that authorize LEAs administer a school lunch program under the federal Richard B. Russell National School Lunch Act (Public Law 113-79) to release to appropriate officials administering the CalFresh and Medi-Cal programs information that is necessary to implement the bill, while protecting the privacy of pupils and their families.
- 7) Requires the CDE to administer a noncompetitive grant to LEAs to cover costs incurred by those agencies in purchasing food produced or grown in California, pursuant to all of the following:
 - a) The amount of a grant shall be determined by the CDE, based on twenty-five cents (\$0.25) multiplied by the number of lunches and breakfasts served by the local educational agency during the previous school year under the United States Department of Agriculture's child nutrition programs.
 - b) For purposes of this funding formula, an LEA may choose to substitute the most recent school year when the majority of pupils were able to attend full time and in person.

- c) An LEA that receives a grant under this section shall use the moneys for the costs incurred by the LEA to purchase food products that meet all of the following criteria:
 - i) Purchased on or after the date the LEA received notification from the CDE of the amount to be distributed to the school district as provided by this section.
 - ii) Grown or produced in California.
 - iii) Whole or minimally processed.
 - iv) Used for meals that are served as part of the United States Department of Agriculture's child nutrition programs.
 - d) An LEA shall not use any moneys received under this section to purchase California produced fluid milk, including fluid milk substitutes. While fluid milk and fluid milk substitutes will not be reimbursed, minimally processed, California-produced and manufactured dairy products like yogurt are allowable expenses.
 - e) An LEA shall not use any moneys received under this section to purchase California-produced bread. However, California-produced flour and California-grown wheat and other grains are allowable expenses.
 - f) LEAs are encouraged to maximize their purchases of food from California farmers, and expand the number of freshly prepared school meals that use California-grown ingredients. The Department of Food and Agriculture shall provide guidance to this effect.
- 8) Requires the CDE to provide information every year to school districts and county superintendents of schools concerning the benefits of, and financial assistance for, serving public school pupils freshly prepared food purchased from California, to encourage the preparation of fresh meals, and requires the CDE to prioritize schools that are eligible for the Community Eligibility Provision.
- 9) Requires the CDE to award grants of up to thirty thousand dollars (\$30,000) per schoolsite every year on a competitive basis to school districts, county superintendents of schools, or entities approved by the CDE for nonrecurring expenses incurred, in order to increase the number of meals that can be prepared freshly and served to pupils. The number of grants available shall be limited by the amount appropriated for this purpose in the annual Budget Act.
- 10) Requires grant funds to be used for nonrecurring costs of initiating or increasing the preparation of freshly prepared food as part of a school breakfast program or a school lunch program, including, but not limited to, the acquisition of equipment, training of staff in new capacities, minor alterations to accommodate new equipment, a new computer point-of-service system necessary to implement universally free school meals, and the purchase of vehicles for transporting food to schools.

- 11) Prohibits grant funds from being used for salaries and benefits of staff, food, computers, except computer point-of-service systems, or capital outlay.
- 12) Requires the CDE to give a preference to school districts and county superintendents of schools that do all of the following:
 - a) Submit to the CDE a plan to initiate or increase fresh meal preparation in the school district or county, including a description of all of the following:
 - i) The manner in which the school district or county superintendent of schools will provide technical assistance and funding to schoolsites to initiate or increase fresh meal preparation.
 - ii) Detailed information on the nonrecurring expenses needed to initiate or increase fresh meal preparation.
 - iii) Public or private resources that have been assembled for the purpose of initiating or increasing fresh meal preparation during that year.
 - b) Agree to increase and then sustain the preparation of fresh food for school meal programs for a period of not less than three years.
 - c) Assure that the expenditure of funds from state and local resources for the purpose of initiating or increasing fresh meal preparation in school meal programs will not be diminished as a result of grant awards.
- 13) For purposes of the local control funding formula, authorizes a school in a special assistance alternative to establish a base year by Carrying over the number of pupils at the school who were eligible for free or reduced-price meals from the school year in which the school applied to use a federal universal school meal provision, and using each pupil's eligibility status in the base year to report eligibility for up to each of the following three school years.
- 14) Deletes the requirement that a school district or county office of education use all other paper applications it has for free or reduced-price meals before utilizing electronic applications, and requires those applications to be processed within 30 days.
- 15) Prohibits an online application for free or reduced-price meals that is made accessible online by a school district, county office of education, or a third party vendor from allowing the information of the prospective applicant from being sold, shared, or used by a private entity for any other purpose. Violation of this prohibition by a private third-party would be subject a civil penalty of \$1,000 for a first offense and \$10,000 for any subsequent violations.
- 16) Specifies that the provisions in (15) above do not prevent the use of information provided by a school meal applicant from being used by a governmental entity to increase access to a government-administered anti-hunger program.

- 17) Requires the CDE to seek all available funding for the Pandemic Electronic Benefit Transfer (P-EBT) program established under the federal Families First Coronavirus Response Act of 2020 (Public Law 116-127), as amended by the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116-159).
- 18) Establishes the Better Out of School Time (BOOST) Nutrition EBT Program is to prevent child hunger during regularly scheduled school breaks or any school campus closure caused by a condition for which a state of emergency has been proclaimed by the Governor that lasts five or more schooldays, subject to all of the following:
 - a) A pupil is eligible for benefits under the BOOST Nutrition EBT Program if they are enrolled in a public school that participates in the National School Lunch Program and they meet one of the following criteria:
 - i) They receive benefits under the Medi-Cal program.
 - ii) They receive benefits under the CalFresh program.
 - iii) They are a homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act.
 - iv) They are in foster care.
 - v) They have applied for BOOST Nutrition EBT benefits and it has been determined that their family income is below 185 percent of the federal poverty level.
 - b) The State Department of Social Services (DSS) shall issue BOOST Nutrition EBT benefits to eligible pupils, in the specified amount, for each day during which a school campus is closed due to either of the following circumstances:
 - i) A regularly scheduled school break that lasts five or more schooldays.
 - ii) A closure of a school campus as a result a condition for which a state of emergency has been proclaimed by the Governor that lasts five or more schooldays.
 - c) When applicable, the DSS shall issue BOOST Nutrition EBT benefits to eligible pupils no later than seven business days prior to regularly scheduled breaks.
 - d) On or before March 1, 2022, DSS shall submit a report to the Legislature describing how the department can ensure timely BOOST Nutrition EBT benefits issuance to pupils during a school campus closure caused by a

condition for which a state of emergency has been proclaimed by the Governor, and the cost of issuing these benefits timely.

- e) DSS shall set the amount of the daily BOOST Nutrition EBT benefit at the beginning of each school year in an amount that equals the reimbursement rate of a free breakfast under the federal School Breakfast Program and a free lunch under the federal National School Lunch Program.
- f) DSS shall also issue BOOST Nutrition EBT benefits to any child or pupil who was eligible to receive benefits under the Pandemic Electronic Benefit Transfer (P-EBT) program for the five-month period following the end of the P-EBT program, and DSS shall use the same eligibility, issuance, and other procedures as used under the P-EBT program.
- g) DSS shall annually report to the Legislature on outcomes of the BOOST Nutrition EBT Program, including, but not limited to, both of the following:
 - i) In each county, the number and percent of pupils receiving benefits, and the total benefits issued.
 - ii) Opportunities to improve program participation and program performance.
- h) To the extent permitted by federal law, BOOST Nutrition EBT benefits issued chapter shall not be considered as income or resources in determining other public benefits.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, "Exacerbating the effects of our COVID-driven economic crisis, California's relentlessly high cost of living causes many families with low and middle income to forego basic needs, including food. School meal programs are a primary nutritional safety net and can be a substantial source of support for families struggling to make ends meet.

Offering school meals free of charge to all pupils, known as universal meal service, provides inclusive access to nutritious meals. Under normal conditions, existing federal programs allow certain schools to provide school meals free of charge to all pupils, but federal policies governing the eligibility and funding criteria for these programs do not reflect true levels of need among California's children or the realities of operating school meal programs across the state.

During the COVID-19 crisis, temporary federal waivers have allowed schools to serve meals free of charge to all children. When those federal waivers expire, many children will be abruptly cut off from this essential source of much-needed nutritious meals."

- 2) **All students are eligible to receive free meals during COVID-19.** In light of the COVID-19 pandemic, the federal government has waived certain provisions of federal law enabling LEAs to being reimbursed for each meal the offer to all students, regardless of their eligibility for free or reduced price meals. Pursuant to the federal Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), and based on the exceptional circumstances of this public health emergency, the federal Food and Nutrition Service (FNS) is allowing the Summer Food Service Program (SFSP) and the National School Lunch Program (NSLP) Seamless Summer Option (SSO) to continue to operate through June 30, 2021.

According to the FNS, “this waiver is expected to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID–19). Due to the continued need for social distancing, many States and SFAs are utilizing a virtual or hybrid education model. In addition, schools using in-person instruction have recognized the need to modify meal service models to ensure student safety. Providing meals through the SFSP/SSO will support these models and not require additional administrative contact or burden for States or operators... FNS recognizes that State agencies and local program operators continue to need additional support and flexibility to continue serving meals safely to children while managing the impacts of COVID–19. Allowing operation of SFSP/SSO through June 30, 2021, facilitates the safe provision of meals by eliminating the need to collect meal payments, including cash payments, at meal sites, which speeds up service of meals, thereby reducing contact and potential exposure to COVID–19. Operation of SFSP/SSO also facilitates curbside meal pick-up; Program staff may simply keep a count of all meals served, instead of relying on a point-of-service system (POS)—which may be located indoors—to track and claim meals by type. Requiring schools to use a POS to check eligibility and collect payment could expose school food service personnel to hundreds of individuals a day, further increasing risks to both the children, families, and staff. Instead, Program staff could focus on quickly providing meals at meal sites instead of spending time confirming individual student enrollment and eligibility status.”

Once the waiver expires, schools will have to revert to the traditional free, reduced-price, or paid status claiming model for reimbursement.

- 3) **Universal meals are indirectly already required, just not funded.** The net result of the Child Hunger Prevention and Fair Treatment Act (SB 250, Hertzberg, Ch. 726, Stats. 2017) and its subsequent amendments (Hertzberg, Ch. 785, Stats. 2019) is a requirement for LEAs to serve all students a fully reimbursable meal, whether or not they brought money to school that day. To be clear, this was only a change as it relates to students who are not enrolled in free or reduced-price meals, as existing law already required LEAs to provide meals to reduced-price students regardless of whether they brought money that day. After the Child Hunger Prevention and Fair Treatment Act of 2017, LEAs are required to serve students who are subject to the full price of the meal, regardless of whether their parents pay – or ever pay.

It is also important to note that not all students who might qualify for free or reduced-price meals actually apply for the program. This could be a number of reasons, including immigration status and the current climate at the federal level, language barriers, lack of awareness, or even apprehension about divulging income information. Accordingly, it is important to recognize that not all students who qualify for free or reduced-price meals are enrolled in that program, and thus they are required to pay the full cost for the meal.

This bill would make universal meals a direct requirement and actually require two meals per student per day, free of charge. Specifically, the bill also requires breakfast to be served if you are already providing breakfast under the School Breakfast program. However, whereas existing law specifically requires a nutritiously adequate reimbursable meal to be served to meet the existing law requirements, this bill inadvertently only requires that a "meal" be served. Accordingly, **staff recommends that the bill be amended** to address the following technical issues:

- Amend the bill to clarify the two required meals must be nutritiously adequate meals that qualify for reimbursement under the federal meal patterns.
- Amend the bill to clarify that the requirement to serve breakfast free of charge to all students if you participate in the School Breakfast Program counts as one of the two required meals.
- Amend the bill to delete the reference in 49501.5(a) to "except for family daycare homes that shall be reimbursed for 75 percent of the meals served."

- 4) **Increasing unpaid meal fees before COVID-19.** The United States Department of Agriculture's June 2016 report to Congress cited that a study, "conducted during school year 2011–2012, that found that 58 percent of local educational agencies (LEAs) incurred unpaid meal costs during school year 2010–2011. Over 93 percent of these LEAs served a reimbursable school meal on credit or an alternate meal to children who were not certified for free meals, approved for free or reduced price meals, and were unable to pay for a meal... In terms of financial impact, for the LEAs that reported lost revenues as a result of unpaid meals, the average net revenue lost after recovery attempts was less than 1 percent of total expenditures for the year. However, some larger LEAs reported significant debts, indicating that the extent of the issue and the type of policy needed to address it varies. Overall, the study determined that lost revenue from unpaid meals did not appear to have a meaningful impact on the ability of the LEAs in the study to operate at the break-even level."

However, the Child Hunger Prevention and Fair Treatment Act of 2017 appears to have resulted in higher unpaid meal debt. According to information provided by school districts to the School Nutrition Association, and passed on to this committee for purposes of analyzing SB 265 (Hertzberg, Ch. 785, Stats. 2019), many – but not all – school districts saw steep increases in their unpaid meal fees after the act took effect. For example, Los Angeles Unified School District –

the largest school district in the state – saw its unpaid meal debt climb from \$393,200 for the 2016-17 school year to \$1,092,700 for the 2017-18 school year, to \$1,574,470 for the current school year, with a final expected total for the 2018-19 school year of \$2,249,242. The issue is not limited to large school districts though. For example, Barstow Unified School District has gone from \$16,000 in the 2016-17 school year to an expected debt of \$55,714 for the 2018-19 school year, San Leandro Unified School district has gone from \$795 in 2016-17 to an expected amount of \$17,988 for 2017-18, and Los Banos Unified School District has gone from \$14,000 to an expected amount of \$92,857. These figures are not necessarily representative of every school district, but they do illustrate the potential fiscal impact that school districts face in a changing school meal debt landscape.

5) ***Federal universal meal provision alternatives.*** LEAs can pursue universal meal provisions under the National School Lunch Program, such as the community eligibility provision or Provision 2 to increase their reimbursements for serving universal meals. For example,

- Provision 2 is a long-standing option available to any school for providing breakfast, lunch, or both at no charge. Reimbursement is based on the percentage of meals served in each category (free, reduced-price, and full-price) at the time the school begins a four-year cycle. In the first year (the base year), a school determines how many of its students are eligible for free, reduced-price, and full-price meals. A school can use direct certification or household applications to determine students' eligibility. From this count of students, the school calculates what percentage of the student population is eligible for free, reduced-price, and full-price meals. The percentages apply for the remainder of the four-year cycle.
- Community Eligibility (CEP) CEP enables high-poverty schools to serve breakfast and lunch to all students at no charge without collecting school meal applications. CEP is designed to benefit high-poverty schools. It relies upon enrollment through direct certification, which identifies students participating in means-tested programs like CalFresh and CalWORKS. CEP operates on a four year cycles, similar to Provision 2. CEP uses a formula to determine the federal reimbursement for meals served to students: $\% \text{ of Identified Students} \times 1.6 = \text{percent of Meals Reimbursed at the "Free" (Highest) Rate}$ All other meals are reimbursed at the "paid" (lowest) rate of reimbursement. For example, if 60 percent of students meet the "identified" criteria, 96% of meals will be reimbursed at the "free" (highest) rate of per-meal federal reimbursement ($60 \text{ percent} \times 1.6 = 96 \text{ percent}$), with the remaining 4% of meals reimbursed at the lower "paid" rate."

6) ***Other considerations.*** Should the bill continue to move forward, the author may wish to consider working with stakeholders to continue to refine the following details:

- *What about central kitchens?* As drafted, the bill includes a grant program for nonrecurring expenses for the preparation of freshly prepared

food as part of a school breakfast program or a school lunch program, increase the number of fresh meals at schoolsites. The bill prohibits the funds from being used for capital outlays. One way to increase fresh meals is to build kitchens are commonly known as "scratch kitchens." The bill proposes to award LEAs \$30,000 per schoolsite. However, the costs associated with building scratch kitchens can reach into the hundreds of thousands, even millions of dollars. The author may wish to consider amending the bill to allow an LEA to pool its grant funds for multiple sites into a larger project for a central kitchen that would still enable fresh meals to be delivered to students across an LEA.

- Do the reimbursement provisions ensure that LEAs will maximize their own federal reimbursements? As drafted, the bill proposed to reimburse LEAs at the state level for difference in the costs of providing free meals, minus all other state and federal reimbursements, up to the maximum available reimbursement for free meals, generally). However, there does not appear to be an affirmative requirement for LEAs to maximize their own federal reimbursements in order to minimize the state's cost of reimbursement. The author may wish to consider requiring LEAs to maximize their federal reimbursements.

7) ***Previous legislation.*** SB 265 (Hertzberg, Ch. 785, Stats. 2019) amends the Child Hunger Prevention and Fair Treatment Act of 2017 to require applicable LEAs to ensure that a pupil whose parent or guardian has unpaid meal fees is not denied a reimbursable meal of the pupil's choice because of the fact that the pupil's parent or guardian has unpaid meal fees and that the pupil is not shamed or treated differently from other pupils, thus ensuring that all students receive a reimbursable meal.

SB 499 (McGuire, 2019) would have established the California-Grown for Healthy Kids Program to increase the provision of universally free school meals meals with California-grown fruits and vegetables, which would include supplemental funds of \$0.10 per breakfast served to eligible school food authorities. SB 499 passed the Senate but was not heard in the Assembly Education Committee.

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

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

SB 250 (Hertzberg, Chapter 726, Statutes of 2017) requires a local educational agency (LEA) to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed, treated differently or served a meal that differs from what a pupil whose parent or guardian does not have unpaid school meal fees would receive under the LEA's policy; requires a LEA to attempt to directly certify a family for the free and reduced lunch program when a student has unpaid school meal fees and before the LEA notifies the parent or guardian within 10 days of reaching a negative balance; and, prohibits school personnel from allowing any disciplinary action that is taken against the student to result in the denial or delay of a nutritionally adequate meal, to that pupil.

SUPPORT

50 Acterra Action for a Healthy Planet
Agricultural Institute of Marin
Alameda County Community Food Bank
Alameda County Office of Education
American Heart Association
API Forward Movement
Bay Area Community Services
Bay Area Ranchers' Cooperative, INC
California Alternative Payment Program Association
California Association for Health, Physical Education, Recreation & Dance
California Association of Student Councils
California Certified Organic Farmers
California School Nurses Organization
California School-based Health Alliance
California State Council of Service Employees International Union
California Teachers Association
Californiahealth+ Advocates
Californians for Pesticide Reform
Center for Ecoliteracy
Ceres Community Project
Childrens Advocacy Institute
Common Sense
Community Action Partnership of San Bernardino County
Dolores Huerta Foundation
Ecology Center, Berkeley
Foodcorps
Fresh Approach
Fresno Barrios Unidos
Friends Committee on Legislation of California
Friends of the Earth U.S.
Frog Hollow Farm
Healthy Schools Campaign
Livermore Valley Joint Unified School District
Los Angeles Food Policy Council
Marin Food Policy Council
Mt. Diablo Unified School District
Natural Resources Defense Council

NextGen California
Oakland Unified School District
Open Heart Kitchen
River City Food Bank
Roots of Change
San Diego Food Bank
San Jose Bridge Communities
San Luis Coastal Unified School District
San Mateo County Food Systems Alliance
Second Harvest Food Bank Santa Cruz County
Second Harvest of Silicon Valley
Share Our Strength
Stemple Creek Ranch
The Edible Schoolyard Project
The Office of Kat Taylor
The Resource Connection Food Bank
Tomkat Ranch
Union of Concerned Scientists
Eat REAL
Western Center on Law & Poverty
Westside Food Bank

OPPOSITION

None received

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ANALYSIS

This bill establishes the Biosecurity and Emerging Infectious Disease Fund, the moneys in which would be continuously appropriated to the Department of Food and Agriculture for allocation to the CSU Foundation for distribution to the Jordan Agricultural Research and Education Program at CSU, Fresno for purposes of supporting research on biosecurity and emerging infectious diseases. Specifically, it:

- 1) Establishes the Biosecurity and Emerging Infectious Disease Fund (fund) within the State Treasury.
- 2) States that \$700,000 be continuously appropriated from the General Fund to the Department of Food and Agriculture for allocation to the CSU Foundation for distribution to the Jordan Agricultural Research Center at CSU, Fresno for purposes of supporting research on biosecurity and emerging infectious diseases relating to agriculture and mitigating the effects of emerging infectious diseases on meat, poultry, and other agriculture production.
- 3) Authorizes federal, state, local, and private sources to be received by the fund.
- 4) Specifies that a special statute is necessary and that a general statute cannot be made applicable with the meaning of the California Constitution because of the Jordan Agricultural Research Center at CSU, Fresno, a world-class research center at the flagship university in the top agricultural region in the world, is uniquely situated to investigate biosecurity and emerging infectious disease with experts in the fields of agriculture, engineering, science, and mathematics working together at this location.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The COVID-19 pandemic has shuttered businesses and schools, devastated families, and caught governments around the world unprepared. As of February 2021, it had infected over 110 million people worldwide and killed approximately 2.44 million. Many scientists are quite confident that it came to humans through an animal, specifically a bat. This was not the first dangerous disease that has passed from animals to humans and it will not be the last. The CDC estimates that 3 out of 4 emerging infectious diseases in people come from animals. Currently, there are 1.6 million undiscovered viruses circulating in the animal population, at least half of which have the potential to spread to humans. This is why I introduced SB 453. In the past, once we have conquered regional epidemics or smaller scale pandemics, collectively, we have simply moved on, we have let our focus lapse. We cannot do that this time. We must be prepared. SB 453 lays the groundwork to ensure California and the Nation are ready for the next global pandemic by allocating funds for research on biosecurity and emerging infectious disease. Studying and mapping future diseases, while improving our diagnostics is one way the State can move forward with an eye to future challenges that may already be headed our way."

- 2) **Why CSU, Fresno?** This bill designates an individual program within the 23-campus CSU system as recipient of ongoing state funds for biosecurity and emerging infectious disease research. Senate Education Committee staff understands based information obtain from CSU, in addition to Fresno, there are three CSU campuses (Pomona, Chico, and San Luis Obispo) with strong agricultural programs that can do that work. According to the author, the bill calls for special consideration of Fresno's research center because of its geographic location within the top agricultural region in the world, the campus is uniquely situated to investigate biosecurity and emerging infections disease with agriculture, engineering, science, and mathematics experts working together at this location. The committee may wish to consider whether broadening the bill is appropriate to provide other CSU campuses an opportunity to bid on this research initiative.
- 3) **Other research initiatives established in statute.** In prior years, the Legislature has acted to address a statewide need by funding various research initiatives primarily at the UC given its distinct research mission among the three public higher education institutions. Most recently, these initiatives include among others, the firearm violence research at UC, Davis, California mosquito surveillance and research at UC, Davis and dyslexia research at UC, San Francisco. At CSU, specialized centers, not necessarily research driven, have been codified by the Legislature. Examples include, the Keneth L. Maddy Institute for leadership in government at CSU, Fresno and the Mervyn M. Dymally African American Political and Economic Institute at CSU, Dominguez Hills. The bill provides on-going funding for research at a CSU campus.
- 4) **About the Jordan Agricultural Research Center.** The Jordan Agricultural Research Center is housed at CSU Fresno. Scientists conduct research on agricultural practices, and post-harvest processing. Food and beverage products tested including wine, fresh fruit, dessert products in development by students for commercial purposes and targeted consumer products developed by faculty.
- 5) **Heard by the Senate Agriculture Committee.** This bill was heard by the Senate Agriculture Committee on March 18, where it passed on a 5-0 vote.

SUPPORT

Biotechnology Innovation Organization

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 547 **Hearing Date:** April 7, 2021
Author: Glazer
Version: March 11, 2021
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Animals: emergency response: California Veterinary Emergency Team program.

SUMMARY

This bill requires the University of California, Davis (UC, Davis) School of Veterinary Medicine to develop a program to assist in coordinating and training a network of government agencies, nongovernmental organizations, and individuals to care for household and domestic animals and livestock during emergencies.

BACKGROUND

Existing Law:

- 1) Under the California Constitution, establishes the UC as a public trust to be administered by the Regents of the UC with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university, and such competitive bidding procedures as may be made applicable to the university for construction contracts, selling real property, and purchasing materials, goods and services. (Constitution of California, Article IX, Section 9)
- 2) California Animal Response Emergency System (CARES) was developed under the oversight of the California Department of Food and Agriculture (CDFA) and incorporated into the Office of Emergency Services emergency planning. CARES is an operational guidance to assist with all aspects of animal care and control in the event of a disaster or emergency. In addition, CARES provides resources for the public, animal businesses, shelters, and emergency planners. CARES is structured in accordance with the Standardized Emergency Management System (SEMS) and the Incident Command System (ICS). SEMS provides fundamental structure for the response phase of emergency management. (Government Code § 8608)

ANALYSIS

This bill:

- 1) Requires the UC, Davis, School of Veterinary Medicine develop a program called the California Veterinary Emergency Team and requires the program do all of the following:
 - a) Assist in the coordination and training of a network of government agencies, nongovernmental organizations, and individuals to care for household and domestic animals and livestock in emergencies, including disaster preparedness, response, recovery, and mitigation.
 - b) Conduct or support research on best practices for the evacuation and care of the animals in disasters.
 - c) Ensure that the training and care provided by or coordinated by the program are at levels consistent with those standards generally accepted with the veterinary profession.
- 2) Requires UC, Davis, School of Veterinary Medicine, the Secretary of Food and Agriculture, and the Director of Emergency Services to develop a memorandum of understanding for the UC to consult with the Secretary and the Director regarding the coordination of the program's activities with the state's disaster response practices and the deployment of participants of the program's network during disasters.
- 3) Establishes the California Veterinary Emergency Team Fund in the State Treasury and provides that moneys in the fund appropriated in the annual Budget Act or another statute be used solely to support the program, including, but not limited to, funding the network of services and other program elements necessary to successfully establish and implement the program.
- 4) States that funds made available from the California Veterinary Emergency Team Fund, pursuant to the bill, not be considered an offset to any other state funds appropriated to the UC.
- 5) Defines the term, "program," to mean the California Veterinary Emergency Team for the purposes of the bill.
- 6) Provides that the bill's provisions apply to the UC only to the extent that the UC Regents, by resolution, make any of these provisions applicable to the university.

STAFF COMMENTS

- 1) **Need for the bill.** Current law establishes the California Animal Response Emergency System (CARES) within the California Department of Food and Agriculture to manage the evacuation, sheltering and care of animals during disasters. CARES works with local agencies, nonprofit groups and individual volunteers to accomplish this mission. According to the author, "Recent disasters have shown that the state operation can at times be overwhelmed. It has faced a shortage of trained and equipped volunteers, including veterinarians. Twice in the past five years, California has had to request help from the Veterinary

Emergency Team at Texas A&M University, which has traveled to California from Texas to assist us.

"This bill would establish a similar team at the University of California, Davis, School of Veterinary Medicine. The team would be available to respond to disasters anywhere in California, operating under a memorandum of understanding with CDFA and the Office of Emergency Services. Between disasters, the team would help CARES recruit, train and drill volunteers, and it would conduct research and train veterinarians and veterinary students on best practices in shelter medicine and emergency medicine.

"UC Davis currently has a volunteer veterinary team – essentially a student club – that responds to disasters near the campus. But this team can only do short-term response because the students cannot leave their studies for extended periods, nor can the faculty who advise them. The California Veterinary Medical Association also coordinates volunteer veterinarians to serve this function, but they lack the infrastructure to recruit, train and manage them in communities across the state. This is a function that requires a state presence, and UC Davis is uniquely situated to perform it."

- 2) **Why UC, Davis?** This bill designates an individual school within the 10-campus university system as program developer and coordinator. The bill also establishes a corresponding fund. Senate Education Committee staff understands based on information obtain from UC, that no other campus is as equipped as UC, Davis is for this task. Currently, UC Davis School of Veterinary Medicine coordinates a veterinary emergency response team, similar to, but at a lesser scale than what is proposed in the bill. This bill essentially codifies and amplifies the veterinary emergency team's existing functions to support disaster response at a statewide scale.
- 3) **Other UC research initiatives established in statute.** Statutory changes are not necessarily required to establish a research center or program at UC. However, the bill also requires participation from two other state entities, which may warrant statutory changes. Additionally, should funding be appropriated to the UC for the stated purpose, it is incumbent upon the Legislature to establish intent and goals for those funds through legislation. In prior years, the Legislature has acted to address a statewide need by funding various research initiatives at UC. Most recently, these initiatives include among others, the firearm violence research at UC, Davis, California mosquito surveillance and research at UC, Davis and dyslexia research at UC, San Francisco.
- 4) **Related activity at UC Davis.** As mentioned, the related veterinary emergency response team at UC, Davis is housed under the UC, Davis School of Veterinary Medicine. The UC, Davis Veterinary Emergency Response Team (VERT) was formed in 1997 after the Yuba County floods. It is a volunteer group lead by faculty and staff with experience in animal rescue and disaster medicine. VERT provides workshops on disaster preparedness, disaster response, and rescue methods to individuals and agencies involved with animals. It also has a research component. In 2008, the team became a Medical Reserve Corps, its members also include faculty, students and staff who are trained and can respond to small

and large school disasters when requested by government services. In the event of an emergency or disaster, VERT can be deployed under the Yolo County Office of Emergency Response Services or the Medical Reserve Corps. Once deployed, health care volunteers provide services for animal-related emergencies and disasters situations. In addition to VERT, students at UC Davis created a club, where VERT faculty and staff in disaster medicine train its members.

- 5) **Heard by the Senate Agriculture Committee.** This bill was heard by the Senate Agriculture Committee on March 18, where it passed on a 5-0 vote.

SUPPORT

California Professional Firefighters
California Veterinary Medical Association

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 699 **Hearing Date:** April 7, 2021
Author: Eggman
Version: March 24, 2021
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: School climate: statewide school climate indicator: surveys

SUMMARY

This bill: (1) requires the State Board of Education (SBE) to adopt a statewide school climate indicator consisting of a subset of data from the California Healthy Kids Survey (CHKS), adopt standards for school district and individual schoolsite performance and expectations for improvement on that indicator, and to publicly report performance data; (2) requires the California Department of Education (CDE), contingent on an appropriation, to make available the CHKS, provide technical assistance to local educational agencies (LEAs), develop a list of approved alternative school climate survey tools, and collect and analyze specified data; and (3) requires LEAs to annually administer the CHKS or an alternative school climate survey that includes a subset of questions from the CHKS.

BACKGROUND

Existing law:

- 1) Requires school districts, charter schools, and County Office of Educations (COEs) to adopt Local Control and Accountability Plans (LCAPs) each year, and requires the LCAPs to address eight state priorities, two of which are:
 - A) Parental involvement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite, and including how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.
 - B) School climate, as measured by all of the following:
 - i) Pupil suspension rates.
 - ii) Pupil expulsion rates.
 - iii) Other local measures, including surveys of pupils, parents, and teacher on the sense of safety and school connectedness. (Education Code § 52060)
- 2) Requires the SBE to adopt evaluation rubrics for all of the following purposes:

- a) To assist a school district, county office of education, or charter school in evaluating its strengths, weaknesses, and areas that require improvement.
 - b) To assist a county superintendent of schools, the department, or a chartering authority in identifying school districts, county offices of education, and charter schools in need of technical assistance, and the specific priorities upon which the technical assistance should be focused.
 - c) To assist the Superintendent of Public Instruction (SPI) in identifying school districts and county offices of education for which intervention is warranted. (EC § 52064.5)
- 3) Requires the SBE, as part of the evaluation rubrics, to adopt state and local indicators to measure school district and individual schoolsite performance in regard to each of the state priorities, and by no later than January 31, 2021, requires local indicators to reflect school-level data to the extent the department collects or otherwise has access to relevant and reliable school-level data for all schools statewide. (EC § 52064.5)
 - 4) Requires local indicators, after January 31, 2021, to reflect school-level data to the extent the department collects or otherwise has access to relevant and reliable school-level data for all schools statewide. (EC § 52064.5)
 - 5) Requires the SBE, as part of the evaluation rubrics, to adopt standards for school district and individual schoolsite performance and expectations for improvement in regard to each of the state priorities, based on the state and local indicators. (EC § 52064.5)
 - 6) Requires the standards for local indicators, by January 31, 2020, to, at a minimum, ensure that the governing board of a school district, the county board of education, and the governing body of a charter school review any data to be publicly reported for the local indicators in conjunction with the adoption of a LCAP, and requires the standards for local indicators for which the department collects or otherwise has access to relevant and reliable school-level data for all schools statewide, to the extent practicable, to be based on objective criteria, which may include, but are not necessarily limited to, the extent of any disparities across schoolsites within a school district or county office of education or performance relative to statewide data. (EC § 52064.5)
 - 7) Requires the CDE, in collaboration with, and subject to the approval of, the executive director of the SBE, to develop and maintain the California School Dashboard, a Web-based system for publicly reporting performance data on the state and local indicators included in the evaluation rubrics. (EC § 52064.5)

ANALYSIS

This bill: (1) requires the SBE to adopt a statewide school climate indicator consisting of a subset of data from the CHKS, adopt standards for school district and individual schoolsite performance and expectations for improvement on that indicator, and to publicly report performance data; (2) requires the CDE, contingent on an appropriation,

to make available the CHKS, provide technical assistance to LEAs, develop a list of approved alternative school climate survey tools, and collect and analyze specified data; and (3) requires LEAs to annually administer the CHKS or an alternative school climate survey that includes a subset of questions from the CHKS. Specifically, this bill:

- 1) Requires the SBE, on or before October 1, 2022, to adopt a statewide school climate indicator consisting of a subset of data from the CHKS, part of the California School Climate, Health, and Learning Survey (CAL-SCHLS).
- 2) Requires the SBE to adopt standards for school district and individual schoolsite performance and expectations for improvement on the school climate indicator, as appropriate, and to publicly report performance data on the California School Dashboard.
- 3) Requires the CDE, contingent on funds being appropriated in the annual Budget Act or another statute for these purposes, to
 - a) Make available the CHKS.
 - b) Provide technical assistance to local educational agencies.
 - c) Develop a list of approved alternative school climate survey tools that gather the required data and meet the file loading specifications for integrating data with the California Healthy Kids Survey.
 - d) Collect and analyze data regarding local and statewide pupil health risks and behaviors, school connectedness, pupil supports, and school violence.
- 4) Requires LEAs to annually administer the CHKS or an alternative school climate survey that includes a subset of questions from the CHKS, consistent with the statewide school climate indicator adopted by the SBE.
- 5) Includes the following Legislative findings and declarations:
 - a) School climate consists of the learning conditions and quality of the environment that affect the attitudes, behaviors, and performance of both pupils and staff. School climate and safety significantly contribute to, or detract from, the overall academic success of pupils and the general well-being of pupils.
 - b) A growing body of research shows that school climate strongly influences pupils' motivation to learn and improve academic performance. When school members feel safe, valued, cared for, respected, and engaged, learning increases.
 - c) Schools that provide pupils with support to meet these basic needs allow their pupils to grow socially, emotionally, and academically, while avoiding problems ranging from emotional distress to drug use to violence.

- d) The CAL-SCHLS data collection system is comprised of the California Healthy Kids Survey of pupils; the California School Climate Survey of staff, and the California School Parent Survey. The CAL-SCHLS suite of surveys provides a critical lens into the learning and teaching environments of the state's schools. CAL-SCHLS serves as an important planning and monitoring tool for pupil engagement, resiliency, at-risk behaviors, and campus safety. It promotes school accountability and supports pupil, staff, parent, and community engagement efforts.
- e) The data collected from CAL-SCHLS is a tool for school districts to plan, implement, and evaluate progress made in meeting the state priorities of the local control and accountability plan pursuant to Section 52060 of the Education Code, specifically as it relates to school climate, pupil engagement, parental involvement, and supporting vulnerable pupil subgroups.
- f) California's statewide system of support is intended to help local educational agencies who are struggling to meet the needs of subgroups of pupils on multiple measures. For the state to signal that school climate is a priority on equal footing with other indicators, like academic achievement, school climate needs to be included in the California School Dashboard as a statewide indicator. School climate should be a state indicator for which local educational agencies are identified for support when they are not meeting the needs of pupil subgroups.
- g) A subset of the data collected from CAL-SCHLS should be used to evaluate statewide progress in meeting state priorities and identifying local educational agencies in need of support in creating positive school climate, particularly for vulnerable pupil subgroups.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The state has curated tools and surveys for LEAs to use but school climate is only included in the dashboard as a local indicator that they have either met or not met by conducting the surveys. The dashboard does not reflect the findings of the surveys or any reflection of the disparate experiences between groups of students. By not including the school climate surveys as a state indicator, the state cannot ensure that schools and districts who are struggling to provide the positive, safe and identity affirming school climate that students deserve will get the help they need to improve.

"Using a school climate survey to collect school climate perception data from students, school staff, and families is the first step in creating a positive school climate. Survey results can provide schools with information about how each group of individuals perceives conditions for learning. Such information can then be used to design prevention and intervention programs specific to the needs of the school community."

- 2) **What is school climate?** In October 2017, the CDE's School Conditions and Climate Work Group (CCWG) issued recommendations regarding the further development of the school conditions and climate measures used for LCAPs.

The recommendations stemmed from a common definition, which stated in part: "School Conditions and Climate" refers to the character and quality of school life. This includes the values, expectations, interpersonal relationships, materials and resources, supports, physical environment, and practices that foster a welcoming, inclusive, and academically challenging environment. Positive school conditions and climate ensure people in the school community (students, staff, family, and community) feel socially, emotionally, and physically safe, supported, connected to the school, and engaged in learning and teaching."

- 3) **CCWG Recommendations.** The CCWG made the following recommendations for state implementation:
- Utilize the definition and features created by the CCWG as the CDE's official definition of school conditions and climate.
 - Establish a School Conditions and Climate Validity and Reliability Technical Design Group responsible for developing the criteria to vet school conditions and climate surveys, and vetting the surveys that would appear on the CDE menu of state-vetted and state-supported survey tools.
 - Provide a menu of state-vetted and state-supported survey tools and instruments to LEAs.
 - Require the survey tools to cover four research based school conditions and climate domains and related constructs: safety, relationships, conditions for teaching and learning, and empowerment.
 - Include useful tools, resources, and supports about school conditions and climate within the statewide system of support to build the capacity of system actors as they endeavor to improve school conditions and climate.

This bill is consistent with the recommendation to provide a menu of state-vetted and state-supported survey tools.

- 4) **Governor's January budget proposal.** The Governor's proposed budget includes \$10 million to support widespread access and use of school climate surveys. Specifically, the proposed budget would have county offices of education:
- Make information available on valid, reliable, and appropriate school climate surveys for purposes of helping local educational agencies better assess community needs stemming from the COVID-19 Pandemic and distance learning, including surveys for students, families, and educators.

- Provide grants to local educational agencies to implement enhanced survey instruments and support start-up costs associated with conducting annual school climate surveys.
- Provide training for local educational agencies on interpreting data and using responses collected to inform continuous improvement efforts.

This bill is consistent with the Governor's budget proposal.

- 5) **Existing school climate indicators.** Under existing law there is already one statewide indicator for the school climate state priority: suspension rates. Additionally, the SBE has adopted standards for school district and individual schoolsite performance and expectations for improvement.

The SBE has also adopted standards for the local indicators that support LEAs in measuring and reporting progress within the appropriate priority area. For school climate, the standards require LEAs to:

- 1) Administer a local climate survey at least every other year that provides a valid measure of perceptions of school safety and connectedness, such as the California Healthy Kids Survey.
- 2) Administer the survey to students in at least one grade within the grade span(s) that the LEA serves (e.g., K–5, 6–8, 9–12).
- 3) Report the results to its local governing board at a regularly scheduled meeting and to stakeholders and the public through the California School Dashboard.

The SBE has also developed a self-reflection tool for LEAs to measure whether they have met or not the local indicator standard. According to CDE, for the school climate local indicator, "LEAs provide a narrative summary of the local administration and analysis of a local climate survey that captures a valid measure of student perceptions of school safety and connectedness in at least one grade within the grade span (e.g., K–5, 6–8, 9–12). Specifically, LEAs will have an opportunity to include differences among student groups, and for surveys that provide an overall score, such as the California Healthy Kids Survey, report the overall score for all students and student groups. This summary may also include an analysis of a subset of specific items on a local survey that is particularly relevant to school safety and connectedness."

The standard is considered "Met" when an LEA has conducted a local climate survey, collected data on school safety and student connectedness, and reported the data as required. According to CDE, LEAs should review and use school climate data collected from within the current or prior school year.

- 6) **California Healthy Kids Survey (CHKS).** The CHKS is an anonymous, confidential survey of youth resiliency, protective factors, and risk behaviors. It is administered to students at grades five, seven, nine, and eleven. It enables schools and communities to collect and analyze data regarding local youth health

risks and behaviors, school connectedness, protective factors, and school violence. The CHKS is part of a comprehensive data-driven decision-making process on improving school climate and student learning environment for overall school improvements. Additionally, the CHKS can be used by LEAs for purposes of their LCAPs to help determine their goals and actions for the school climate state priority.

At the heart of the CHKS is a research-based core module that provides valid indicators to promote student engagement and achievement, safety, positive development, health, and overall well-being. In addition, there are supplementary modules to choose from at the secondary school level that ask detailed questions on specific topics. These include more in-depth questions on resiliency and protective factors; school climate; resiliency and youth development; social emotional health and learning; tobacco use; alcohol and other drug use; safety/violence; physical health; sexual behavior; after school activities; gang awareness; lesbian, gay, bisexual, and transgender school experiences; and military connected school. Local educational agencies can also customize their questions in a custom module targeting topics of local interest.

The CHKS is part of larger California School Climate, Health, and Learning Surveys, which includes that CHKS, the California School Staff Survey (CSSS), and California School Parent Survey (CSPS). Given the value of survey information from staff and parents, in addition to students, in obtaining a comprehensive view of school climate, the author may wish to consider whether a statewide indicator for school climate surveys should include all three surveys.

- 7) **Statewide system of support.** California's system of support provides three levels of support to LEAs and schools. The first level, general assistance, is made up of resources and assistance that are available to all LEAs and schools. The second level of assistance, known as Differentiated Assistance (DA), is targeted support that is available to LEAs that meet the eligibility requirements set by the State Board of Education. The third level of support, Intensive Intervention, may be provided to LEAs that are identified as having persistent performance issues and a lack of improvement over four consecutive years.

An LEA qualifies for differentiated assistance if the same student subgroup meets the criteria in two different priority areas. For school climate, the cut off is Red on the California School Dashboard for the Suspension Rate Indicator or not "Not Met" for two or more years on the local indicator.

This bill would add a new statewide indicator that would create another avenue for an LEA to qualify for support.

- 8) **Previous legislation.** AB 1624 (Rivas, 2019) would have required the CDE, the Department of Health Care Services, and the California Department of Public Health to provide a report to the Legislature no later than March 1, 2020. The report was to include recommendations for survey instrument for LEAs to use in conducting the climate surveys required as a part of their local control and accountability plan process, as well as to monitor rates of drug, tobacco and

alcohol use among students and to track the availability of student supports. The bill also would have required the report to identify sources of funding that may be available to LEAs to conduct the surveys, including any moneys that may be available from the Proposition 64 Youth Education, Prevention, Early Intervention and Treatment Account. AB 1624 died in the Assembly Appropriations Committee.

AB 2820 (McCarty, 2018) would have: 1) required the Superintendent of Public Instruction (SPI), by March 1, 2019, to convene a technical design group composed of stakeholders and technical experts to develop criteria for vetting and certifying school conditions and climate surveys; 2) required the SPI, by July 1, 2019, to compile a list of state-vetted surveys and post it on the CDE website; required the surveys to include tools for surveying families, pupils, teachers, staff, and administrators on school conditions and climate; and 4) authorized local education agencies (LEAs) to use one of the state-vetted surveys beginning in the 2019-20 school year and provides that, subject to an appropriation for this purpose, all state-vetted surveys, along with basic analysis and reports, shall be free of charge to LEAs. AB 2820 was never set for a hearing in the Assembly Education Committee.

SUPPORT

California Association for Bilingual Education
Californians Together
Children Now
Educators for Excellence - Los Angeles
Families-in-Schools
Go Public Schools
Para Los Ninos
Parent Organization Network
Parent Revolution
Partnership for Los Angeles Schools
Public Advocates
Speak Up
Teach for America - California
Teach Plus
The Education Trust - West

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 701 **Hearing Date:** April 7, 2021
Author: Committee on Education
Version: April 6, 2021
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Public postsecondary education: federal GI Bill: California State University

SUMMARY

This bill corrects technical errors and oversights, and makes numerous non-controversial and conforming changes to various provisions of the Education Code.

BACKGROUND

Existing law:

- 1) Effective for academic terms beginning after July 1, 2019, existing law exempts a student enrolled at a campus of the California Community Colleges or the California State University (CSU) from paying nonresident tuition or any other fee that exclusively applies to nonresident students if the student resides in California, meets the definition of "covered individual" under federal law, and is eligible for education benefits under 3 specified categories of beneficiaries under the federal GI Bill, as the federal law read on January 1, 2019. After the expiration of a 3-year period following a discharge under federal law, existing law deems such a student as maintaining "covered individual" status as long as the student remains continuously enrolled, as defined, at a campus, and requires the student to continue to be exempt from paying the tuition and fees described above. (Education Code (EC) § 68075.7 et. al.)
- 2) Authorizes the Trustees of the CSU to waive entirely, or reduce below the rate, or the minimum rate, the tuition fee of a nonresident student who is both a citizen and a resident of a foreign country and not a citizen of the United States, and who attends a state university or college under a student exchange program, as specified. (EC § 89707 et. al.)
- 3) Authorizes the Trustees of the CSU, on the basis of demonstrated financial need and scholastic achievement, to waive entirely, or reduce below the rate, or the minimum rate, the tuition fee of a nonresident student who is a citizen and resident of a foreign country, who is either an undergraduate student of exceptional scholastic ability and prior scholastic achievement who is enrolled in a course of study of at least 10 semester units, or who is a graduate student of exceptional scholastic ability and prior scholastic achievement who is employed 20 or more hours per week by a state university or is enrolled in a course of study of at least 10 semester or quarter units. (EC § 89707 et. al.)

- 4) Authorizes the transfer of jurisdiction of real property owned by the state from one state agency to another state agency with the written approval of the Director of General Services. Where the state interest in real property is not under the control or in possession of any specified state agency, the Department of General Services may act as the transferring agency. (Government Code § 14673 et. al)

ANALYSIS

This bill corrects technical errors and oversights, and makes non-controversial and conforming changes to various provisions of the Education Code: Specifically, it:

- 1) Provides that beginning on or after August 1, 2021, in conformity with federal law enacted on January 5, 2021, that eliminated the requirement of the expiration of a 3-year period, that such a student is deemed to maintain "covered individual" status as long as the student remains eligible for education benefits under 3 specified categories of federal GI Bill beneficiaries.
- 2) Under provisions that authorize CSU's foreign student exchange program, eliminates the requirement that a nonresident student who is both a citizen and a resident of a foreign country receiving an exemption from paying the full nonresidential tuition fee not be a citizen of the United States thereby allowing students who have dual citizenship status to participate in the program.
- 3) Modifies eligibility for a waiver or reduction in tuition fees at CSU that is authorized under current law for international students on the basis of demonstrated need and scholastic achievement by requiring those students be enrolled in a *full-time course of study* (typically 12 semester units) instead of *no less than 10 semester units*.
- 4) Allows jurisdiction of real property owned by the state to be transferred with written approval of the director of General Services to the California State University and as long as CSU consents to the transfer.
- 5) Makes other technical, non-substantive changes.

STAFF COMMENTS

- 1) **Non-controversial amendments.** This bill is the annual higher education omnibus clean-up bill and proposes technical, non-controversial amendments to existing law.

By tradition, if any affected agency, the Department of Finance, or any of the four legislative caucuses objects to a provision in the bill or one that is being considered, that particular provision cannot be included.
- 2) **Rationale for inclusion in the omnibus bill.** This bill makes several changes, below is the rationale for why each change is included:

- a) *Veterans.* A recently enacted federal law will impact the way colleges and universities determine eligibility for a non-resident tuition fee waiver for veterans. Under current state and federal law, a student who is eligible for federal GI Bill benefits and meets one of following three requirements cannot be charged nonresident tuition fees:
- i) A veteran who begins course within 3-years of being discharged from active duty.
 - ii) A dependent whose parent or spouse that transferred GI Bill benefits to them is still on active duty.
 - iii) A dependent who begins courses within 3-years of the parent or spouse that transferred GI Bill benefits to them being discharged from active duty.

The changes in federal law remove the 3-year requirement for i) and iii) above. Amendments are needed to update the corresponding state statute to conform to federal requirements adopted on January 5, 2021, thereby continuing to allow federal GI benefits to be used at CSU or at a California Community College. This bill makes those changes.

- b) *Exchange.* The bill changes provisions related to international exchange student program at CSU. Current law does not allow for some forms of exchange and in other areas is not consistent with federal visa regulations or usual practice. This bill eliminates the restriction on the ability of the CSU to waive the tuition fees of international exchange students who are dual citizens so that they may participate in CSU exchange programs under the same condition as other international exchange students.
- c) *Full-time enrollment.* The bill changes provisions related to degree seeking international students at the CSU. It eliminates a reference to a specific number of units for enrollment in two statutory provisions that authorizes the CSU to waive or reduce tuition fees for international students on the basis of demonstrated financial need and scholastic achievement. Specifically, EC §89706 and 89707, requires that an international student be enrolled in a course of study of no less than 10 units. This number does not correspond to other definitions of full-time study either at a campus or in federal visa regulations. This bill requires full-time enrollment (typically 12 semester units) without defining a specific number of units.
- d) *Transfer of state property.* According to the Department of General Services, as an unintended consequence of a law designed to free the CSU from statutory requirements that apply to other state agencies, there is now a lack of clarity as to whether the CSU is eligible to have state property transferred to it. The Budget Act of 2019 provided San Jose State University (SJSU) with funds for a planning study on the property. SJSU developed a preliminary proposal that included affordable housing units, which was reviewed by the Department of General Services and the Department of Housing and Community Development. SJSU is currently

conducting studies of the existing conditions at the site, which are estimated to be completed in mid-2021. Should SJSU come forward with a fully developed proposal, the Department of General Services would like to clarify its authority to transfer jurisdiction on this and other future requests. This bill clarifies that the general process by which property is transferred between state agencies is applicable to the CSU system. This clarification would facilitate the transfer of excess state real property to the CSU without impairing the CSU's independence from the Department of General Services.

SUPPORT

None received.

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 705 **Hearing Date:** April 7, 2021
Author: Hueso
Version: March 11, 2021
Urgency: No **Fiscal:** Yes
Consultant: Olgallia Ramirez

Subject: Workforce development: Binational Education and Workforce Opportunities Act

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

SUMMARY

This bill requires the California Department of Education (CDE) and the California Workforce Development Board to jointly develop, and create guidelines for, a strategic plan with the objective of increasing access of educational opportunities and/or providing workforce development opportunities that are binational and cross-border.

BACKGROUND

Existing law:

- 1) Establishes the CDE, under the administration of the Superintendent of Public Instruction, and assigns to the department numerous duties relating to the governance and funding of public elementary and secondary education in this state.
- 2) Establishes the California Workforce Development Board, and assigns to the board the responsibility for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce.
- 3) Authorizes a resident of a foreign country adjacent to this state, otherwise eligible for admission to a class or school of a school district, who regularly returns within a 24-hour period to the foreign country, to be admitted to a class or school by the governing board of the school district. (EC § 48051)
- 4) Requires the parent or guardian of a pupil admitted pursuant to (3) above, to pay the district an amount specified by the school district and deemed to be sufficient to reimburse the district for the total cost of educating the pupil. (EC § 48052)
- 5) Deems that a pupil meets the residency requirements for school attendance if the student's parents were residents of California and have departed California against their will, if the pupil meets both of the following requirements:

- a. The pupil has a parent or guardian who has departed California against the pupil's will and the pupil provides official documentation evidencing the departure of the parent or guardian.
 - b. The pupil moved outside of California as a result of his or her parent or guardian departing California against his or her will and the pupil lived in California immediately before moving outside of California, and provides evidence demonstrating that he or she was enrolled in a public school in California immediately before moving outside of California. (EC § 4804.4 (a))
- 6) Prohibits a school district from levying any charges or fees to the pupil or his or her parent or guardian for admission or attendance in a school for pupils admitted pursuant to 5) above. (EC § 48204.4 (c))

ANALYSIS

This bill:

- 1) Requires the Department of Education and the California Workforce Development Board to jointly develop a strategic plan with goals that include, but are not limited to, all of the following:
 - a) Improving educational outcomes for binational cooperation.
 - b) Enhancing support strategies.
 - c) Fostering economic growth and recovery through binational cooperation.
 - d) Increasing binational workforce development opportunities.
- 2) Requires the Department of Education and California Workforce Development Board to jointly create guidelines for the strategic plan that accomplish either or both of the following objectives:
 - a) Increasing access to and the quality of, binational and cross-border educational opportunities.
 - b) Providing comprehensive cross-border and binational workforce development opportunities, including educational, training, certification, and placement services to generate jobs and careers.
- 3) Provides that projects may be undertaken to implement the strategic plan and effectuate its goals include, but are not limited to, all of the following:
 - a) Building resilient cross-border supply chains.
 - b) Developing cross-border and binational postsecondary coursework and degree opportunities.

- c) Expanding binational internship and workforce training programs.
 - d) Facilitating binational education and cultural exchanges.
 - e) Establishing support programs for transborder pupils or other pupils whose education is obtained in both nations.
 - f) Increasing access to, and the quality of, bilingual or multilingual instructional programs.
 - g) Implementing a grant program to fund projects that advance the goals of this bill.
- 4) States legislative findings and declarations related to the importance of developing a binational workforce between California and Mexico.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The term transborder student has also been used by students that have to cross the border of the United States and Mexico to get to school – either K-12 or higher education. The various segments of this student population and their identifier indicates the complexity of this student population. They have diverse needs and experience unique challenges that arise out of the nature of their experience with binational education. The bill seeks to support this population by requiring the Department of Education, with the Workforce Development Board, to develop a strategic plan to improve the educational outcomes experienced by these students and ensure their integration into our economy. A strategic plan will allow us to understand the scope of the challenges experienced by these students while supporting and expanding current programs to support this student population. Examples of these types of programs include the Seal of Biliteracy, which is the most prominent multilingual program in the U.S., recognizing students who have achieved a high level of proficiency in speaking, reading, and writing in one or more languages other than English. This pioneering program – initially created in California in 2011 – supports the economic and social value of multilingualism. In 2018, the Ministry of Education in Baja California replicated this program for students there, including many students who are originally from California and will surely return to work in our state and who need to maintain and build literacy in both languages.

"There are other programs like this that can be supported, replicated, or scaled to better serve the needs of this population. The San Diego Regional EDC's inclusive growth initiative is building a model for employer-led internship programs. Universities in San Diego have built near-peer mentorship programs that connect high school students to university students (many of whom transferred in from community colleges) to help keep students moving along the pipeline to higher education. Universities in Tijuana have built similar programs that connect high school and college students to mentors in international

companies (many are California companies) in STEM-fields. Efforts have also been made by San Diego High to leverage the Career Technical Education Framework for California Public Schools and create a cross-border business pathway for students to leverage their binational experience to pursue careers in the cross-border economy. These are all just examples of the types of programs that California can support and scale up to ensure we build a more equitable economy.”

- 2) **The Students We Share.** A 2017 policy brief, “*The Students We Share: At the Border- San Diego and Tijuana,*” published by the Center for U.S.-Mexican Studies at the University of California, San Diego School of Global Policy and Strategy examined cross-border ties between California and Tijuana. The report reveals that Southern California is home to the highest concentration of Mexican-born immigrants in the U.S., and Baja California is home to the highest concentration of U.S.-born youth in Mexico. The report found that a portion of high school students on both sides of the border transition back and forth between school systems, and face challenges enrolling in school, switching language of instruction, and integrating into a new school environment. The report argues that cross-border cultural fluency make them a tremendous asset to the region in terms of human capital. However, despite their importance to the binational economy, these students report relatively lower educational aspirations than their peers without migration experience and they are at risk of failing to complete higher education and find high quality jobs. In response to those issues the report offers the following policy recommendations:

- Empower parents to navigate school systems in both countries.
- Help students build and maintain literacy in both English and Spanish.
- Train teachers to support the integration of binational youth in the classroom.
- Ensure that educational institutions in both countries provide easy access to enrollment.

- 3) **California Workforce Development Board.** The California Workforce Development Board was established in 1998, as outlined in the federal Workforce Investment Act (WIA). In 2014, the WIA was replaced by the Workforce Innovation and Opportunity Act (WIOA), which outlines the vision and structure through which state workforce training and education programs are funded and administered regionally and locally. The Board is responsible for the oversight and continuous improvement of the workforce system in California, which encompasses policy development, workforce support and innovation, performance assessment, measurement, and reporting.

WIOA mandates the creation of a statewide strategic workforce plan. In 2016, the Board, in conjunction with its statewide partners, released the Unified Strategic State Plan, which was then updated in 2018. This plan is built around three policy objectives, which are intended to guide state policy and practice across partner programs, as well as inform local policy and service delivery. These objectives are:

- a) Fostering demand-driven skills attainment.
- b) Enabling upward mobility for all Californians.
- c) Aligning, coordinating and integrating programs and services.

All members of the Board are appointed by the Governor and represent business, labor, public and higher education, economic development, youth activities, employment and training, and legislative affairs. The statewide workforce development system is comprised of 45 Local Areas, each with its own Local Workforce Development Board. This bill calls for the California Workforce Development Board, along with the CDE, to draft a strategic plan that would increase binational educational and workforce development opportunities,

- 4) **Federal program established to support binational students.** Conversations at the federal level around improving educational experiences for transborder/binational students resulted to the creation of the Binational Migrant Education Initiative. According to information obtain from the United States Department of Education (USDE) website, the Binational Migrant Education Initiative was started and supported by individual States, including California that had a migrant student population that migrates regularly between Mexico and the United States. In August of 1990, a Memorandum of Understanding (MOU) was signed by officials within the USDE and Mexico as a way to deepen and strengthen their working relationship with one another to enhance their efforts to improve primary, secondary, and postsecondary education in both countries. The MOU emphasized cooperation at the federal level and encourages joint activities at the state, local and institutional levels.

A subsequent MOU that was signed in June 1998 re-established the USDE's commitment to promote cooperation and coordination between the two countries. This agreement prompted the U.S. Office of Migrant Education to (1) encourage more State migrant programs to participate in the Binational activities, and to (2) help support the already established state Binational efforts. It has been reported that this program has largely gone under-resourced.

- 5) **CDE's role within the federal Binational Migrant Education program.** In California, the federally funded Binational Migrant Education program is administered by CDE in partnership with the Secretary of Public Education of Mexico. Activities of the program support, migrant students (K-12) who travel between the two countries, teachers who participate in the three-year California exchange program and teachers who participate in the summer session. A few of the activities implemented by CDE in support of binational students include facilitating transfer of documents to help US students enroll in Mexican elementary and middle schools, promoting literacy in Spanish and providing supplemental instructional materials and texts that are used in public schools in Mexico. However, services offered to students are limited with the program's core focus being on cultural exchange of ideas among teachers. A separate agreement between the University of California, Mexico and CDE offers additional teacher-training opportunities centered on educating binational students.

- 6) **Related activity by San Diego County Office of Education.** San Diego County Office of Education's (SDCOE) Global Academy developed a bilingual/binational high school for transnational students, available via hybrid and distance learning on both sides of the border. Specifically, the school offers opportunities for students to earn the Seal of Biliteracy and a binational high school diploma based on articulated criteria recognized by the SDCOE and the Baja California Secretary of Education. The school additionally provides virtual and in-person career technical education opportunities. This bill is silent on the role local educational agencies would play in achieving its outlined goals.
- 7) **Things to consider.** This bill establishes general parameters but leaves the details to be determined by the CDE and the California Workforce Development Board. Education objectives outlined in the bill appear to coincide with federal and local initiatives created to address issues related to educating transborder/binational students. At the same time, the bill provides limited guidance on what the Legislature expects from the strategic plan. It is unclear how the plan is to be implemented, if at all. Additionally, the vague language does not provide clear direction concerning who the intended audience is within the education system. Given that CDE is designated as a lead agency for implementing the bill's provisions, presumably K-12 students are a target group. However, permissive language related to postsecondary education degrees, as well as provisions around providing certificate and training opportunities point toward an older audience. Should this bill move forward, the author may wish to consider, 1) clarifying which types of educational opportunities (i.e. K-12 and/or postsecondary) should be the focus of the strategic plan and, 2) clarifying expectations for implementation of the strategic plan.

SUPPORT

None received.

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 725 **Hearing Date:** April 7, 2021
Author: Ochoa Bogh
Version: March 10, 2021
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Early childhood education: parent participation preschool programs.

SUMMARY

This bill establishes the Parent Participation Preschool Pilot Program to provide grants to local educational agencies (LEAs) for the creation or expansion of parent participation preschool programs, and appropriates \$45 million for this purpose.

BACKGROUND

Existing law:

California state preschool

- 1) Requires the Superintendent of Public Instruction (SPI) to administer all California state preschool programs. Existing law requires state preschool programs to include, but not be limited to, part-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for three- and four-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development. (Education Code § 8235)
- 2) Establishes that three- and four-year-old children are eligible for the part-day state preschool program if the family meets specified criteria (a current aid recipient, income eligible, homeless, or one whose children are recipients of protective services). (EC § 8235)
- 3) Requires state preschool providers to give first priority to three- or four-year-old neglected or abused children who are recipients of child protective services; second priority is for eligible four-year-old children who are not enrolled in a state-funded transitional kindergarten program; third priority is for eligible three-year-old children. (EC § 8236)
- 4) Defines "three-year-old children" as children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a California state preschool program. Children who have their third birthday on or after December 2 of the fiscal year, may be enrolled in a California state preschool program on or after their third birthday. (EC § 8208)

Preschool for children with exceptional needs

Requires the SPI to develop procedures and criteria to enable a LEA to contract with private nonprofit preschools or child development centers to provide special education and related services to infants and preschool age individuals with exceptional needs. Existing law requires the criteria to include minimum standards that the private, nonprofit preschool or center shall be required to meet. (EC § 56431)

ANALYSIS

This bill establishes the Parent Participation Preschool Pilot Program to provide grants to LEAs for the creation or expansion of parent participation preschool programs, and appropriates \$45 million for this purpose. Specifically, this bill:

Parent Participation Preschool Pilot Program (pilot program)

- 1) Establishes the Parent Participation Preschool Pilot Program under the administration of the California Department of Education (CDE).
- 2) Provides that the pilot program is to allocate one-time grants to LEAs for the creation or expansion of parent participation preschool programs.
- 3) Defines “parent participation preschool program” as a preschool program where a parent, guardian, or family member of a child in the program works in the classroom part-time or full-time.

Use of grant funds

- 4) Requires grant funds to be used for costs associated with creating or expanding parent participation preschool programs, including but not limited to, costs related to all of the following:
 - a) Teacher salaries.
 - b) Classrooms.
 - c) Curriculum.
 - d) Learning development for children in the program.

Structure and reporting

- 5) Requires CDE, in awarding funding to do all of the following:
 - a) Announce and post criteria for grants on its website on or before March 31, 2022.
 - b) Award grants to selected LEAs on or before the beginning of the 2022–23 school year.

- c) Establish standard metrics to ensure consistency in data collection.
- 6) Requires LEAs that receive grants to report specific data to, and in a manner specified by, CDE, and participate in overall program evaluation.
- 7) Requires CDE to submit a report to the appropriate policy and fiscal committees of the Legislature, on or before January 1, 2024, on the expenditure of funds and relevant outcome data in order to evaluate the impact of the pilot program.
- 8) Prohibits CDE from spending more than 5 percent of the funds on the costs of administering the pilot program.

Miscellaneous

- 9) Appropriates \$45 million from the General Fund (Proposition 98) to CDE for the pilot program.
- 10) Defines LEA to include a school district, county office of education, or charter school.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "SB 725 creates the Parent Participation Preschool Pilot Program to provide up to \$45 million in grants for local education agencies to create new or support existing parent participation preschools. Parent participation programs across the nation have been shown to develop strong bonds between parent and children, and give parents the tools they need to be successful parents.

"SB 725 seeks to support preschool program that are specifically designed to help parents and caregivers learn how to support their child's learning and development through the parent's weekly participation in the classroom and educational classes. These programs help parents gain real-life skills and strategies for parenting young children. It initiates family involvement and connects parents to their local school community at the earliest stages. When parents, families and the community work together, everyone benefits."

- 2) ***Existing Parent Preschool Programs.*** This bill is generally modeled on existing parent participation preschool programs. One example was operated by the Sacramento City Unified School District (SCUSD), which operated five parent participation preschool locations and offers three types of classes: 5 days a week, 4 days a week, and a Friday toddler class. According to SCUSD's website for the parent participation preschool program, "Our education is focused on child development, positive discipline and developmentally appropriate practices. Parents work in the classroom in collaboration and guidance of the teacher to help children develop a variety of skills. Parents also learn parenting techniques to use in the classroom and at home. The parent/guardian or family member works in the classroom one day per week. Age-appropriate activities are planned and developed by parents with the assistance of the teacher to help children develop skills throughout each milestone. Parents are also required to attend the parent education classes which meet outside of the preschool

component, usually during the evening.” <https://www.scusd.edu/parent-participation-preschool>

- 3) **Types of preschools.** This bill establishes the Parent Participation Preschool Pilot Program to provide grants to LEAs for the creation or expansion of parent participation preschool programs. This bill provides that a “parent participation preschool program” is a preschool program where a parent, guardian, or family member of a child in the program works in the classroom part-time or full-time.

This bill is meant to support existing parent participation preschools, the development of new programs, or the addition of a parent participation element to existing preschool programs. This bill provides that CDE is to develop criteria for preschool programs wishing to receive a grant and participate in the pilot program.

The grant program established by this bill would provide funds to LEAs, and therefore would be open to a LEA-administered state preschool. Additionally, this bill does not preclude participation by private providers who provide preschool services under contract with a LEA (whether operating on a LEA site or not on a school campus). However, this bill does not enable participation by a state preschool provider who is not contracted under a LEA state preschool contract. **Staff recommends an amendment** to broaden eligibility for participation in the pilot to include all state preschool-funded programs, not solely those administered through a LEA contract.

- 4) **Parent employees?** This bill provides that a parent participation preschool program is one where a parent, guardian, or family member of a child in the program works in the classroom part-time or full-time. According to the author, the intent is *not* that parents are actual employees of the preschool, or that their participation count toward any fees (such as a co-op model). The author wishes to continue to work on this provision to better reflect the intention that parents participate in preschool classrooms to receive hands-on experience and complete an education component relative to their children’s early learning and development. The author may also wish to consider addressing how parents who work long and/or traditional hours may participate in the pilot.
- 5) **Reporting data.** This bill requires LEAs that receive grants to report “specific data” to the CDE, and participate in overall program evaluation, and requires CDE to report on “relevant outcome data.” However, this bill does not prescribe what type of data is to be reported and evaluated; presumably this would be left to CDE’s decision. *Should this bill include minimum data elements to be reported and evaluated*, rather than leave such decisions completely to CDE, such as persistence of parent attendance and level of engagement in the program?
- 6) **Timing.** The pilot program established by this bill would provide one-time grants to LEAs, and specifies that grants may be used for teacher salaries and classrooms, among other things. Salaries and facilities require on-going funding to sustain. It is the author’s hope that the evaluation of this pilot will prove its success, and there will be interest in funding the program on an on-going basis.

The one-time nature of the grant program necessitates the tight timeframe for pilot programs to operate (2022-23 school year) before CDE must report to the Legislature by January 2024. Further, a sunset date appears unnecessary as this bill is uncodified and the pilot is dependent upon an appropriation.

- 7) **Related legislation.** SB 50 (Limón) expands the range of types of child care and early learning services that a State Preschool contracting agency may provide. SB 50 is pending in the Senate Human Services Committee.

SUPPORT

None received

OPPOSITION

None received

-- END --

