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California State Senate

EDUCATION



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AGENDA

Wednesday, June 16, 2021
9 a.m. -- John L. Burton Hearing Room (4203)

MEASURES HEARD IN FILE ORDER

- | | | | | |
|-----|--------|-----------------|---|--|
| 1. | AB 66 | Boerner Horvath | Coastal resources: research: landslides and erosion: early warning system: County of San Diego. | |
| 2. | AB 245 | Chiu | Educational equity: student records: name and gender changes. | |
| * | 3. | AB 309 | Gabriel | Pupil mental health: model referral protocols. |
| * | 4. | AB 320 | Medina | Teacher preparation programs: regionally accredited institutions. |
| * | 5. | AB 421 | Ward | Community colleges: career development and college preparation courses. |
| * | 6. | AB 486 | Education | Elementary and secondary education: omnibus bill. |
| * | 7. | AB 516 | Megan Dahle | Pupil attendance: excused absences: cultural ceremonies or events. |
| 8. | AB 576 | Maienschein | Community colleges: apportionments: waiver of open course provisions: military personnel. | |
| 9. | AB 824 | Bennett | Local educational agencies: county boards of education: governing bodies of charter schools: pupil members. | |
| 10. | AB 846 | Low | Local Agency Public Construction Act: job order contracting. | |
| * | 11. | AB 914 | Weber | Public postsecondary education: California State University: proficiency level of entering students. |
| * | 12. | AB 1002 | Choi | Postsecondary education: course credit for prior military education, training, and service. |

*Proposed Consent

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 66 **Hearing Date:** June 16, 2021
Author: Boerner Horvath
Version: May 24, 2021
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Coastal resources: research: landslides and erosion: early warning system: County of San Diego.

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

SUMMARY

This bill requires, upon an appropriation by the Legislature, the University of California, San Diego (UCSD), conduct research on coastal cliff landslides and erosion in San Diego County.

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) Under the California Constitution, states that the university be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs. (Constitution of California, Article IX, Section 9 (f)).
- 3) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (EC § 67400)
- 4) Declares the UC as the primary state-supported academic agency for research. (EC § 66010.4 (c))

ANALYSIS

This bill requires, upon an appropriation by the Legislature, the Scripps Institution of Oceanography at UCSD to conduct research on coastal cliff landslides and erosion in the County of San Diego. Specifically, it:

- 1) Requires, as a condition of receipt of funds, that the research conducted involve both of the following:
 - a) Development of a bluff failure database using historical records combined with analysis of recent and future coastal survey data.
 - b) Conducting real-time measurements of land deformation, to identify and analyze conditions that lead to bluff failure at Beacons Beach in the City of Encinitas and the City of Del Mar.
- 2) Requires, as a condition of receipt of funds and by March 15, 2025, Scripps Institution of Oceanography to report to the Legislature with recommendations for developing a coastal cliff landslide and erosion early warning system based on available research.
- 3) Exempts UC from civil liability for any harm resulting from measurements, predictions, or warnings regarding bluff failure, cliff landslides, or erosion contained in the report or from the research or related to recommendations, as specified.
- 4) Makes other non-substantive changes.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "On July 2017, a woman died after she fell 150 feet from a seaside bluff in Santa Cruz County when the ground beneath her crumbled; the victim was standing about a foot away from the edge and peering over the side when the cliff, battered by winter storms, collapsed. In addition, "...eroding cliffs threaten extensive cliff top development throughout the state including highways, railways, waste-water, oil, natural gas, and nuclear facilities, universities, several critical military bases, and numerous state beaches and parks." The author further asserts, "Understanding the processes that drive cliff failures, triggering mechanism, magnitude of erosion, and timing of collapse is essential for coastal management and building resilient and safe communities."
- 2) *Comment submitted by the Senate Natural Resources and Water Committee.* The Senate Natural Resources and Water Committee has jurisdiction over coastal resources. The state's coastline is always changing. Recent estimates suggest that 80% of the state's coastline is eroding due to naturally occurring geologic processes. The sudden collapse of coastal bluffs can place public safety at risk. For example, in August 2019, a sudden bluff collapse in Encinitas killed three people, and a collapse near San Francisco killed another person in February of that year. In addition, rail tracks in San Diego County are in the process of being moved inland due to bluff collapse. Climate change will affect coastal processes. There are ongoing efforts to understand, plan, and mitigate for sea level rise along the state's coastline in order to provide for coastal

resiliency. Of particular note, a recent set of principles adopted by multiple state agencies to address sea level rise relevant here include, among others, addressing local conditions and priorities, regularly collecting and sharing information related to sea level rise, and the development and use of the best available science to inform resilience.

- 3) *Scripps Institute of Oceanography at UCSD.* Scripps is a research institute at UCSD, which studies oceans, the atmosphere, Earth, and other planets. They receive funding from a variety of sources, including the Department of Defense, National Science Foundation, National Aeronautics and Space Administration, and National Oceanographic and Atmospheric Administration. They host a research unit that specifically studies the natural and anthropological processes contributing to the formation and erosion of coastlines. This bill seeks to address coastal cliff and bluff failure in San Diego County by requiring that the Scripps Institute at UCSD conduct research that will lead to the development of an early warning system.
- 4) *Codifying UC research initiatives.* It would seem that legislation is unnecessary to authorize the UC conduct research given the UC's constitutional autonomy as noted in the background of this analysis. However, introduction of these types of legislative proposals have become common practice. As a means of addressing statewide needs, the Legislature has funded various research initiatives at UC. Most recently, these initiatives include among other things, the firearm violence research at UC, Davis, California mosquito surveillance and research at UC, Davis and dyslexia research at UC, San Francisco. A notable difference between this measure and related legislative proposals is that this measure limits research to a specific region within the state, as opposed to allowing for a wide-ranging analysis of the issue. However, research findings and recommendations could ultimately be useful in other parts of the state.

The committee may wish to consider both of the following:

Given the UC's constitutional autonomy, and without an appropriation of funds for the stated purpose, is this bill necessary?

If coastal cliff landslides and erosion research is a priority of the Legislature, should the Legislature establish intent and goals for UC research through legislation to encourage an appropriation of state funds in future years?

- 5) *Liability.* The bill's provision exempt UC from civil liability as a result of harm stemming from the proposed research. This bill has been referred to the Senate Committee on Judiciary which has jurisdiction over issues related to civil liability and can more appropriately consider these provisions.
- 6) *Related legislation.*

AB 39 (Chau, 2021) would authorize the UC Regents to establish the California-China Climate Institute in partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University and other entities and

institutions in China and California. AB 39 is pending in the Senate Appropriations Committee.

SB 547 (Glazer, 2021) would require UC, Davis, School of Veterinary Medicine establish the California Veterinary Emergency Team program to assist in the coordination and training various entities in the evacuation and care of household and domestic animals and livestock in emergencies. It further requires that research be conducted on best practices for the evacuation and care of the animals in disasters. This bill is pending in the Assembly Agriculture Committee.

SUPPORT

City of Oceanside
City of Encinitas
San Diego Unified Port District
Sempra Energy Utilities
Sierra Club

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 245 **Hearing Date:** June 16, 2021
Author: Chiu
Version: January 13, 2021
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Educational equity: student records: name and gender changes

SUMMARY

This bill (1) requires the University of California (UC), the California State University (CSU), and California Community Colleges (CCC) to provide an option for a graduating student to request that the diploma list the student's chosen name (rather than legal name), and (2) requires the UC, CSU, and CCCs, upon request, to update the former student's records to include the updated legal name or gender and reissue any documents conferred upon the former student with the former student's updated legal name or gender.

BACKGROUND

- 1) 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) Provides that the UC is to be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its Regents and in the administration of its affairs. (Constitution of California, Article IX, Section 9 (f)).
- 3) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (Education Code § 67400)
- 4) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and § 89030 et. seq.)
- 5) Establishes the CCCs as a postsecondary education system consisting of community college districts, provides that the Board of Governors are to carry out specific functions, and local community college districts are to carry out specific functions. (EC § 70900 et. seq.)

- 6) Establishes the Equity in Higher Education Act which provides that it is the policy of the state to afford all persons, regardless of specified characteristics, including gender identity and gender expression, equal rights and opportunities in the postsecondary educational institutions of the state. (EC § 66250)
- 7) Requires local educational agencies (LEAs) to update and reissue the school records of a former student in order to reflect the former student's updated and correct legal name and/or gender if the LEA receives government-issued documentation that the former student's legal name and/or gender has been changed. (EC § 49062.5)
- 8) Establishes the Gender Recognition Act of 2017 which, among other things:
 - a) Makes findings and declarations that every person deserves full legal and equal treatment under the law and that intersex, transgender, and non-binary people have state-issued identification documents that provide full legal recognition of their accurate gender identity;
 - b) Authorizes the change of gender on a birth certificate, driver's license, or state-issued identification card to be female, male, or non-binary; and,
 - c) Provides for processes allowing individuals, through processes officiated by the Department of Motor Vehicles, the State Registrar, and the county courts, as applicable, to petition to:
 - i) Change the original gender identification listed on a birth certificate and state-issued ID to female, male, or non-binary; and,
 - ii) Change the name listed on a birth certificate and state-issued identification documents. (Civil Procedure Code § 1277-1278, Health and Safety Code § 103425-103426, 103430, and 103440, and Vehicle Code § 12800 and 13005)

ANALYSIS

This bill (1) requires the UC, the CSU, and CCCs to provide an option for a graduating student to request that the diploma list the student's chosen name (rather than legal name), and (2) requires the UC, CSU, and CCCs, upon request, to update the former student's records to include the updated legal name or gender and reissue any documents conferred upon the former student with the former student's updated legal name or gender. Specifically, this bill:

- 1) Requires the UC, CSU, and CCCs, beginning with the 2023–24 graduating class, to provide an option for a graduating student to request that the student's diploma list the student's chosen name.
- 2) Prohibits the UC, CSU, and CCCs, beginning with the 2023–24 graduating class, from requiring a graduating student to provide legal documentation sufficient to demonstrate a legal name or gender change in order to have the student's

chosen name listed on the student's diploma.

- 3) Requires the UC, CSU, and CCCs to update the former student's records to include the updated legal name or gender, upon receipt of government-issued documentation demonstrating that the former student's legal name or gender has been changed.
- 4) Requires the UC, CSU, and CCCs to reissue any documents conferred upon the former student with the former student's updated legal name or gender, upon request. This bill provides that documents that are to be reissued include, but are not limited to, a transcript or a diploma conferred by the institution.
- 5) Deems the following documentation (at a minimum) of a former student sufficient to demonstrate a legal name or gender change:
 - a) State-issued driver's license.
 - b) Birth certificate.
 - c) Passport.
 - d) Social security card.
 - e) Court order indicating a name change or a gender change, or both.
- 6) Provides that this bill does not require the UC, CSU, or CCCs to modify records that the former student has not requested for modification or reissuance.
- 7) Applies the provisions of this bill to campuses of the UC by notwithstanding existing law, which provides statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "[T]he bulk of ... protections apply to current transgender students, and the law and administrative regulations are mostly silent on the rights of former students who may have transitioned or come out after leaving the university. As a result, according to the Transgender Law Center and Equality California, some schools have been reluctant to amend educational records for former students to reflect their correct name and gender. This can effectively "out" the person to anyone who sees the old record or diploma -- potentially putting them at risk of discrimination or harm.

"Many colleges and universities have taken steps to provide students with the ability to designate a chosen or affirmed name on external-facing documents -- such as student ID cards, college email and registration accounts, and in grading. However, most colleges do not currently provide an option for transgender and nonbinary students whose chosen name is different from their legal name to have their chosen name printed on their college diploma when they

graduate. (San Diego State University moved to become the first college to provide this option for transgender students in 2019.) The process for legally changing one's name is incredibly expensive and difficult – a name change court order alone is upwards of \$500 – so many transgender/nonbinary college students and people in general are not able to change their legal name. Students should not be 'deadnamed' – referred to by the name they were assigned at birth, rather than by their affirmed or chosen name – on their diploma, which is the ceremonial document commemorating years of hard work and achievement.

"In addition, allowing students whose affirmed name is different from their legal name to designate their affirmed name be printed on their college diploma will reduce the need for document amendments to be made after graduation, and protect students from being deadnamed unnecessarily or exposing their status as a transgender/nonbinary person."

- 2) *Why change prior records?* As is noted in the Senate Education Committee analysis of AB 711 (Chiu, Chapter 179, Statutes of 2019), transgender-identifying former students may wish to update their diploma, transcript, and other school-related documents to reflect their current and preferred name and gender, as opposed to the name and gender they were affiliated with while enrolled in school. School records listing the transgender-identifying former pupil's gender as assigned at birth and "deadname" (i.e., the birth-name or pre-gender transition name), could "out" the former student's transgender identity when those school records are accessed in the course of seeking employment, applying to college, accessing housing, and securing loans. Being outed by student records puts transgender-identifying former students at risk of bullying, discrimination, violence, and loss of employment opportunities, according to the National Center for Transgender Equity and the Transgender Law Center, Gay, Lesbian, & Straight Education Network (GLSEN), and Equality California.
- 3) *Options for the K-12.* Existing law requires LEAs to update and reissue the school records of a former student in order to reflect the former student's updated and correct legal name and/or gender if the LEA receives government-issued documentation that the former student's legal name and/or gender has been changed. This bill provides a similar option to former students of the UC, CSU and CCC.
- 4) *Applicability to UC.* 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.

The Education Code provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. This bill notwithstanding this provision of the Education Code, and states that this bill applies to UC.

Despite the provisions of the California Constitution and Education Code, several measures have been enacted into law that impose requirements upon the UC without conditioning those on regental adoption. For example:

- a) AB 1383 (McCarty, Chapter 522, Statutes of 2019) prohibits a UC campus from admitting a student by admissions by exception unless the student's admission has been approved by a minimum of three senior campus administrators.
- b) SB 24 (Leyva, Chapter 740, Statutes of 2019) requires student health centers located on a UC campus that provide primary health care services to students to offer abortion by medication techniques onsite.
- c) AB 697 (Ting, Chapter 514, Statutes of 2019) requires UC Regents, to annually report to the Legislature information about preferential treatment in admissions to applicants with a relationship to donors or alumni.

To the extent the UC chooses not to comply with statutory requirements, it may be a matter of litigation to enforce UC's compliance, or to exempt UC from compliance.

The practical effect of notwithstanding the Education Code is unclear. While the Education Code states that no provision of the Donahoe Higher Education Act shall apply to the UC except to the extent the Regents make that provisions applicable, by appropriate resolution, it is the California Constitution that grants UC its autonomy. *Could this provision be misleading relative to the UC's continued autonomy? The author wishes to strike this provision; staff recommends an amendment* to strike the language in this bill that notwithstands Education Code section 67400.

- 5) *Additional author's amendment.* The author also wishes to amend this bill to add "state-issued identification card" to the list of acceptable documentation to receive a name/gender change on prior records. **Staff recommends an amendment** as follows: "state-issued driver's license or identification card."
- 6) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose minor and absorbable ongoing General Fund cost pressures to UC, CSU, and CCC to process applications and make updates in student records upon request. If the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to CCCs.
- 7) *Prior legislation.* AB 2023 (Chiu, 2020) was essentially identical to this bill. AB 2023 was not heard in the Assembly Higher Education Committee due to the compressed legislative timelines.

SUPPORT

California Lieutenant Governor, Eleni Kounalakis (co-sponsor)
 American Civil Liberties Union California Action

California Community College Chancellor's Office
California Coalition for Youth
California Faculty Association
California State Student Association
California Teachers Association/Community College Association
National Association of Social Workers, California Chapter
Student Senate for California Community Colleges

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 309 **Hearing Date:** June 16, 2021
Author: Gabriel
Version: January 25, 2021
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Pupil mental health: model referral protocols

SUMMARY

This bill, contingent upon an appropriation, requires the California Department of Education (CDE) to develop, in consultation with various entities, model mental health referral protocols for voluntary use by local educational agencies (LEAs), and to post the protocols on its website.

BACKGROUND

Existing federal law:

- 1) Provides, pursuant to the federal Individuals with Disabilities Education Act, that students with exceptional needs identified as having "emotional disturbance" may be eligible to receive mental health services. Mental health services are considered "related services" and include counseling, psychological services, parent counseling and training, and residential placement, among others. (United States Code, Title 20, § 1400 et seq. and Code of Federation Regulations, Title 34, § 300.34)

Existing state law:

- 1) Requires the governing board of a school district to give diligent care to the health and physical development of pupils, and authorizes the district to employ properly certified persons for the work. (Education Code § 49400)
- 2) Requires the governing board of any LEA that serves pupils in grades seven to twelve, inclusive, to adopt a policy on pupil suicide prevention, intervention, and postvention. The policy shall specifically address the needs of high-risk groups, including suicide awareness and prevention training for teachers, and ensure that a school employee acts within the authorization and scope of the employee's credential or license. (EC § 315)

ANALYSIS

This bill, contingent upon an appropriation, requires the CDE to develop, in consultation with various entities, model mental health referral protocols for voluntary use by LEAs, and to post the protocols on its website. Specifically, this bill:

- 1) Requires the CDE to develop model referral protocols for addressing pupil mental health concerns, and in developing these protocols, to consult with the members of the Student Mental Health Policy Workgroup, LEAs that have served as state or regional leaders in state or federal pupil mental health initiatives, county mental health programs, current classroom teachers and administrators, current schoolsite classified staff, current schoolsite staff who hold pupil personnel services credentials, current school nurses, current school counselors, and other professionals involved in pupil mental health as the CDE deems appropriate.
- 2) Requires the protocols to be designed for use, on a voluntary basis, by schoolsites, school districts, county offices of education, charter schools, the California School for the Deaf, and the California School for the Blind, and by teacher, administrator, school counselor, pupil personnel services, and school nurse preparation programs operated by postsecondary educational institutions.
- 3) Requires the protocols to do all of the following:
 - a) Address the appropriate and timely referral by school staff of pupils with mental health concerns.
 - b) Reflect a multitiered system of support processes and positive behavioral interventions and supports.
 - c) Be adaptable to varied local service arrangements for mental health services.
 - d) Reflect evidence-based and culturally appropriate approaches to pupil mental health referral.
 - e) Address the inclusion of parents and guardians in the referral process.
 - f) Be written to ensure clarity and ease of use by certificated and classified school employees.
 - g) Reflect differentiated referral processes for pupils with disabilities and other populations for whom the referral process may be distinct.
 - h) Be written to ensure that school employees act only within the authorization or scope of their credential or license.
 - i) Be consistent with state activities conducted by the CDE in the administration of federally funded mental health programs.
- 4) Requires the CDE to consider, when developing protocols, the school mental health referral pathways toolkit developed by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services.

- 5) Requires the CDE to post the model referral protocols on its internet website so that they may be accessed and used by educational institutions.
- 6) Specifies that this bill shall not be construed as authorizing or encouraging school employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so.
- 7) Specifies that this bill is contingent upon funds being appropriated for its purpose to the CDE in the annual Budget Act or other legislation, or state, federal, or private funds being allocated for this purpose, but requires the protocols to be completed and made available within two years of the date funds are received or allocated to implement its provisions.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author... “Undiagnosed and untreated mental health issues have significant negative effects on school achievement and life outcomes. Identifying the signs of mental health issues is critical, and the classroom is one place where these behaviors are first observed. Teachers are often the first to notice changes in a pupil’s behavior that possibly signal mental health issues. These indicators can range from signs of depression or lack of interest to disruptive behaviors. Yet, educators report a lack of preparedness in addressing rising pupil health challenges. Most teachers lack training or guidance in identifying pupils who might be in need of support.”
- 2) ***Increasing occurrences of pupil mental health issues.*** According to a Pew Research Center analysis of data from the 2017 National Survey on Drug Use and Health, in 2017, 3.2 million teens aged 12-17 said they had at least one depressive episode within the past 12 months. This is up by 1.2 million from the same survey conducted by the National Survey on Drug Use and Health in 2007. One-in-five (2.4 million) teenage girls reported experiencing one depressive episode in 2017, compared to 845,000 teenage boys. According to data from the Centers for Disease Control and Prevention, 13 percent of students in grades 9-12 in California in 2017 reported experiencing at least one depressive episode within the last 12 months. 32 percent felt sad or hopeless almost every day for 2 or more weeks in a row so that they stopped doing some usual activities within the past year, compared to 31 percent for the United States. 17 percent of pupils in grades 9-12 reported considering suicide attempts, while 9 percent reported they attempted suicide at least once within the past 12 month.

This trend is confirmed by data from the Office of Statewide Health Planning and Development. In 2019, emergency rooms throughout California treated 84,584 young patients’ ages 13 to 21 who had a primary diagnosis involving mental health. That is up from 59,705 in 2012, a 42 percent increase.

- 3) ***COVID-19 has had an exacerbating effect on mental health issues.*** According to the 2020 report, “Roadmap for Resilience: The California Surgeon General’s Report on Adverse Childhood Experiences, Toxic Stress, and Health,” COVID-19 has only furthered the mental health issues children face. As the report notes, “For many children, the school is a bedrock of community

belonging. The pandemic has not only disrupted children's academic opportunities and connections with their peers and educators, it has also surfaced new and difficult experiences in the home: fear, anxiety, financial distress, food and housing insecurity, and countless other challenges. Economic uncertainty is associated with increases in harsh parenting, which increases risk for child abuse and neglect, and the loss of friends and family through illness and isolation can also increase the total dose of acute stress and adversity and reduce the dose of buffering supports available from caregivers, educators, and other adults."

- 4) ***Existing mental health services in schools.*** Mental health services in schools include a broad range of services, settings, and strategies. Mental health services that are provided in schools may include academic counseling, brief interventions to address behavior problems, assessments and referrals to other systems. Providing mental health services in a school-based setting helps address barriers to learning and allows for early intervention activities in a non-stigmatizing environment.
- 5) ***Previous mental health workgroup recommendations.*** Former Superintendent of Public Instruction (SPI), Tom Torlakson, convened a Student Mental Health Policy Workgroup, with funding from the California Mental Health Services Authority (CalMHSA), with the goals of assessing the current mental health needs of California students and gathering evidence to support its policy recommendations to the SPI and to the California Legislature.

The Workgroup issued several recommendations. Among them, the Workgroup recommended that the SSPI encourage all LEAs in California to collaborate in this initiative to provide professional development to educators and other community members, so they can identify mental health issues as they arise, especially during adolescence. The workgroup specifically recommended that such training should "include referral methods that enable teachers and other school personnel to link children and families to experts in youth mental health services."

- 6) ***Shouldn't parents and students be part of the development?*** This bill requires CDE to consult with all of the following in developing the model referral protocols: members of the Student Mental Health Policy Workgroup, LEAs that have served as state or regional leaders in state or federal pupil mental health initiatives, county mental health programs, current classroom teachers and administrators, current schoolsite classified staff, current schoolsite staff who hold pupil personnel services credentials, current school nurses, current school counselors, and other professionals involved in pupil mental health as the department deems appropriate.

Staff recommends that the bill be amended to add at least one current high school student, at least one parent of a current elementary school student, and at least one parent of a current middle school or high school student, all as selected by the CDE, to the list of individuals and entities that CDE must consult with in the development of the protocols.

- 7) ***School Mental Health Referral Pathways Toolkit.*** In 2015, the Substance Abuse and Mental Health Services Administration published a “School Mental Health Referral Pathways Toolkit,” which aims “to help state and local education agencies and their partners develop effective systems to refer youth to mental health service providers and related supports.”

The Toolkit provides best-practice guidance and practical tools and strategies to improve coordination and collaboration both within schools and between schools and other youth-serving agencies, by providing targeted mental health supports at the earliest sign that a need is present. In particular, the Toolkit focuses on referral pathways, which are defined as the series of actions or steps taken after identifying a youth with a potential mental health issue.

According to the toolkit, “Referral pathways vary from community to community based on cultural and linguistic considerations and the resources available, including the public and private organizations providing services to school aged youth. School and community-based mental health providers must understand their local community in order to ensure the seamless provision of mental health supports to youth and their families. While mental health referral pathways may involve different partners depending on the community, all effective referral pathways share similar characteristics:

- a) They define the roles and responsibilities of all partners in a system;
 - b) They have clearly articulated procedures for managing referrals within and between partners.
 - c) They share information across partners in an efficient manner.
 - d) They monitor the effectiveness of evidence-based interventions provided by all partners within a system.
 - e) They make intervention decisions collaboratively with a priority on what is best for young people and their families.
- 8) ***Previous and related legislation:*** AB 2018 (Gabriel, 2020) was substantially similar to this bill. The bill was not heard in the Assembly Education Committee.

AB 666 (Gabriel, 2019) was also substantially similar to this bill. The bill was held in the Assembly Appropriations Committee.

AB 580 (O'Donnell, 2015) was substantially similar to this bill. AB 580 was vetoed by Governor Brown, who stated:

***“This bill requires the California Department of Education to develop model referral protocols to address the appropriate and timely referral by school staff of students with mental health concerns.*”**

California does not currently have specific model referral protocols for addressing student mental health as outlined by this bill. However, the California Department of Education recently received a grant from the federal Department of Health and Human Services, Substance Abuse and Mental Health Services Administration to identify and address critical student and family mental health needs.

It's premature to impose an additional and overly prescriptive requirement until the current efforts are completed and we can strategically target resources to best address student mental health."

SB 14 (Portantino, 2021), an urgency measure, (1) includes, specifically, "for the benefit of the behavioral health of the pupil" within the "illness" category for excused absences for purposes of school attendance, and requires the State Board of Education to update its illness verification regulations, as necessary; and (2) requires the California Department of Education to identify: (a) an evidence-based training program for local educational agencies to use to train classified and certificated school employees having direct contact with pupils in youth behavioral health, and (b) an evidence-based behavioral health training program with a curriculum tailored for pupils in grades 10 to 12, inclusive. SB 14 is pending in the Assembly.

SB 224 (Portantino, 2021) requires each school district, county office of education (COE), state special school, and charter school to ensure that all pupils in grades 1 to 12, inclusive, receive evidence-based, age-appropriate mental health education from instructors trained in the appropriate courses, and that each pupil receive this instruction at least once in elementary school, at least once in junior high school or middle school, and at least once in high school. SB 224 is pending in the Assembly.

SB 229 (Dahle, 2021) would have required the California Department of Education (CDE), contingent upon an appropriation, to provide up to five hundred million dollars (\$500,000,000) in grants each year for the exclusive purpose of providing mental health services for pupils affected by school closures and distance learning requirements resulting from the COVID-19 pandemic. SB 229 was held in the Senate Appropriations Committee.

SB 508 (Stern, 2021) requires a health plan, health insurer, or a Medi-Cal managed care plan (MCMC) that is required to cover mental health services to enter into a contract with all local educational agencies (LEAs) in which 15% or more of the students at the LEA, are enrolled are covered by the health plan, insurer, or MCMC, as specified. Authorizes a mental health professional employed by a LEA that has not executed a contract with a health plan, insurer, or MCMC to provide and be reimbursed for mental health services to all referred students, as specified. Exempts the contracting and reimbursement provisions of this bill from applying to county mental health plans. Requires telehealth be included as an approved modality for the Medi-Cal program for the specified

services provided by an LEA. SB 508 was held by the author in the Senate Health Committee.

AB 552 (Quirk-Silva, 2021) authorizes local educational agencies (LEAs) and county behavioral health agencies to enter into partnerships to provide school-based behavioral health and substance abuse disorder services on school sites, and authorizes the billing of private insurance providers for these services under specified conditions. AB 552 was held in the Assembly Health Committee.

AB 563 (Berman, 2021) requires the California Department of Education (CDE) to establish an Office of School-Based Health Programs for the purpose of improving the operation of, and participation in, school-based health programs, including the Medi-Cal Administrative Activities claiming process (SMAA) and the Local Education Agency Medi-Cal billing option program (LEA BOP). Requires that \$500,000 in federal reimbursements be made available for transfer through an interagency agreement to CDE for the support of the Office. AB 563 is pending in this committee.

AB 586 (O'Donnell, 2021) establishes, subject to an appropriation for this purpose, the School Health Demonstration Project to provide intensive technical assistance to selected local educational agencies (LEAs) to enable the long-term sustainable provision of health and mental health services to pupils. AB 586 is pending in this committee.

AB 883 (O'Donnell, 2021) would have required a county that has had Mental Health Services Act (MHSA) funds reverted to work with local educational agencies (LEAs) and key stakeholders within that county to create a plan for the use of the reverted funds by the LEAs to provide school-based or school connected mental health services, including early intervention services to youth. AB 883 was held in the Assembly Appropriations Committee.

SUPPORT

American Academy of Pediatrics, California
California Association for Health, Physical Education, Recreation & Dance
California Association of School Psychologists
California School Boards Association
California School Employees Association
California School Nurses Association
California Teachers Association
National Alliance on Mental Illness
National Association of Social Workers, California Chapter

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 320 **Hearing Date:** June 16, 2021
Author: Medina
Version: April 27, 2021
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Teacher preparation programs: regionally accredited institutions

SUMMARY

This bill clarifies that an individual who earned a bachelor's degree at a higher education institution that was in the process of gaining full regional accreditation is eligible to enter a teacher training program and earn their credential.

BACKGROUND

Existing law:

- 1) Defines "basic teaching credential" as either:
 - a) A credential that authorizes the holder to teach the subjects named on the credential, and for which possession of a baccalaureate degree from a regionally accredited institution and completion of a professional preparation program that includes student teaching are minimum requirements.
 - b) A clear designated subjects teaching credential that authorizes the holder to teach the subjects named on the credential on a full-time basis if the holder also possesses a baccalaureate degree from a regionally accredited institution and has passed the state basic skills proficiency test.
- 2) Establishes the following minimum requirements for the preliminary multiple and single subject teaching credential:
 - a) A baccalaureate degree or higher degree from a regionally accredited institution of postsecondary education;
 - b) Passage of the state basic skills proficiency test (CBEST);
 - c) Satisfactory completion of a program of professional preparation that has been accredited by the Committee on Accreditation;
 - d) Study of alternative methods of developing English language skills;
 - e) Completion of a subject matter program that is approved by the Commission on Teacher Credentialing (CTC), or passage of the state subject matter examination (CSET);

- f) Demonstration of knowledge of the principles and provisions of the Constitution of the United States; and
 - g) Demonstration of basic competency in the use of computers in the classroom.
- 3) Specifies that an integrated program of professional preparation will allow candidates for teaching credentials to engage in professional preparation, concurrently with subject matter preparation, while completing baccalaureate degrees at regionally accredited postsecondary educational institutions.
 - 4) Requires the CTC to waive the requirement for completion of a program of professional preparation for any individual who has a minimum of six years of full-time teaching experience in an accredited private school, and who complies with specified requirements to demonstrate their qualifications.
 - 5) Requires the CTC to waive the professional field experience component of a program of a professional preparation program for any individual with a minimum of three years of full-time teaching experience in an accredited private school in the subject and level of the credential sought, who complies with specified requirements to demonstrate their qualifications.
 - 6) Requires the CTC to review requests from school districts, county office of education, private schools, and postsecondary institutions for the waiver of provisions governing the preparation or licensing of educators. The CTC may grant a waiver upon finding that professional preparation equivalent to that described under the provision to be waived will be, or has been, completed by the credential candidate, or if the waiver is necessary to provide specified temporary exemptions.

ANALYSIS

This bill:

- 1) Defines "regionally accredited" for purposes of defining the minimum requirements for a teaching credential, as:
 - a) A higher education institution that has been approved or recognized by the Accrediting Commission for Senior Colleges and Universities, the Western Association of Schools and Colleges (WASC), the Higher Learning Commission, the Middle States Commission on Higher Education, the Northwest Commission on Colleges and Universities, the New England Commission of Higher Education, or the Southern Association of Colleges and Schools Commission on Colleges; or,
 - b) A higher education institution that held preaccreditation status at the time of degree conferral, if the institution achieved full regional accreditation status within five years of earning preaccreditation status; or,

- c) Community or junior colleges that confer baccalaureate degrees and are regionally accredited by accrediting agencies, as specified, or by the Accrediting Commission for Community and Junior Colleges of the WASC.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Credentialing candidates whose bachelor's degrees were conferred by institutions in 'preaccreditation' status—meaning the undergraduate program is currently taking part in the multi-year regional accreditation process—are statutorily ineligible to become teachers. While the legislative intent is to exclude students with degrees from unaccredited institutions, existing law also harms those whose institutions are in the process of being accredited, even if the institution is successfully accredited the day after the student graduates. AB 320 corrects a technicality that prohibits some teacher candidates from earning credentials based merely on the timing of their schools' regional accreditation process, rather than the quality of their institutions."
- 2) **Accreditation of higher education institutions.** Higher education accreditation offers an assurance to the public that a school has met and is maintaining a high level of standards set by an accrediting agency. Accrediting agencies serve in this process by establishing operating standards for educational or professional institutions and programs, determining the extent to which the standards are met, and publicly announcing any findings. Institutions may be nationally or regionally accredited.

The process for achieving regional accreditation typically takes several years and involves multiple steps during which the higher education institution must demonstrate its plan for, progression towards, and achievement of the standards outlined by their chosen regional accrediting agency. The WASC Senior College and University Commission (WSCUC) is the accrediting agency for higher education institutions in California, Hawaii, and the Pacific Basin. The WSCUC outlines the following three stages to becoming accredited:

- a) **Eligibility:** This status is conferred on institutions that are deemed to have the potential to meet the WSCUC standards at a minimum level, and thus progress to preaccreditation/candidacy status. To achieve a status of eligibility, an institution must submit a formal notification of intent to apply for accreditation and complete an eligibility application that addresses how they will address each of the WSCUC criteria.
- b) **Preaccreditation/candidacy:** This status indicates a preliminary affiliation with the WSCUC, awarded for a maximum of five years following a procedure for institutional review that includes self-study and on-site visitation. Candidacy indicates that the institution meets all or nearly all the WSCUC standards at a minimum level. Candidacy is not accreditation and does not ensure eventual accreditation.
- c) **Initial Accreditation:** This status indicates the institution has met WSCUC standards at a substantial level. Initial accreditation is awarded for a

period of six years before the next comprehensive review. An onsite visit is required before the WSCUC will grant initial accreditation.

- 3) ***Graduates from institutions that have a preaccreditation status, and are later granted full accreditation, should be able to pursue teaching careers.*** The intent of existing law is to require teacher candidates to obtain a bachelor's degree from a regionally accredited institution to ensure the academic quality of the degree. However, the law also prohibits candidates from earning a teaching credential if their degree is from an institution that was in the process of becoming regionally accredited and that had a status of regional preaccreditation/candidacy at the time of conferral—even if full regional accreditation was later granted.

CTC regulations do not allow an institution to determine whether or not a graduate's degree granted prior to regional accreditation is equivalent to a degree granted after regional accreditation. In order for an otherwise qualified candidate who received a degree from an institution before it achieved regional accreditation to be eligible to pursue a teaching credential, the CTC must waive the regional accreditation requirement for the candidate.

The CTC has never denied a regional accreditation waiver on behalf of a teacher candidate whose degree was from a regionally preaccredited institution that later achieved full regional accreditation. This demonstrates that, for the purposes of meeting the minimum requirements for earning a teaching credential, the CTC historically views degrees from regionally preaccredited institutions to be substantially equivalent to degrees from institutions with full regional accreditation.

- 4) ***Arguments in support.*** According to the CTC, "Under current law, a teacher candidate must complete a baccalaureate or higher degree from a regionally accredited institution of postsecondary education prior to beginning a teacher preparation program. Students who graduate from a program that is not regionally accredited on or before the date of graduation do not meet this qualification, *even when the IHE later goes on to successfully complete the regional accreditation process.* As a result, every such candidate must hope that their college is willing to petition the Commission for an individual waiver of this statutory requirement, which delays the credentialing process, adds to the administrative burden on the Commission, and inconveniences the teacher candidate. AB 320 would eliminate this unnecessary barrier preventing candidates from earning a credential based on the timing of the regional accreditation process, rather than the quality of their institution. These candidates often complete the exact same coursework program as their peers who graduate under regional accreditation status but are not afforded the same ability to earn a teaching credential under current law. The Commission projects no new costs associated with this measure."

SUPPORT

California Language Teachers' Association
California School Boards Association
California State University
Commission on Teacher Credentialing

OPPOSITION

None received

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- c) Short-term vocational programs with high-employment potential, as determined by the CCC Chancellor in consultation with the Employment Development Department utilizing job demand data provided by EDD; and
 - d) Classes and courses in English as a second language and vocational English as a second language.
 - e) Districts offering courses described above, but not eligible for funding at the credit rate are eligible for funding at the noncredit rate per (2).
- 5) Requires districts to compute FTES units for credit courses scheduled coterminously with the term by multiplying the student contact hours of active enrollment as of Monday of the week nearest to one-fifth of the length of the term (the census date) by the term length multiplier, and dividing by 525.
 - 6) Requires districts to compute FTES units for credit courses scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the college's primary term, or scheduled during the summer or other intersession, by multiplying the daily student contact hours of active enrollment as of the census days nearest to one fifth of the length of the course by the number of days the course is scheduled to meet, and dividing by 525.
 - 7) Authorizes a district, in lieu of applying (5) or (6), to use positive attendance count, i.e. to compute FTES units for any credit course by dividing the actual student contact hours of attendance by 525.
 - 8) Requires that the FTES units, for any noncredit course, except for distance education courses, or for any open exit/open entry course, be determined using a positive attendance count.

ANALYSIS

This bill allows the funding determination for career development and college preparation (CDCP) courses to be calculated based on either ongoing attendance counts or a census date count, as specified.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "While CDCP noncredit courses and credit courses receive the same funding per FTES, CDCP noncredit courses actually generate less funding than credit courses because of the way attendance accounting is required to be done. AB 421 will align funding for noncredit CDCP courses by authorizing the attendance CDCP noncredit courses to be taken according to a census date, rather than positive attendance."
- 2) **Credit vs non-credit courses.** According to the Legislative Analyst's Office, community colleges fulfill their mission of offering the first two years of college instruction in academic and vocational subjects through credit instruction, whereas they use noncredit instruction to address much of their precollegiate

adult education mission. Regulations, however, permit colleges to offer some precollegiate instruction on a credit basis, including some English as a Second Language, secondary English and math courses, and many vocational education courses.

Though community college credit and noncredit instruction overlap, they differ in certain ways. For example, credit courses may be in any academic or vocational subject, whereas noncredit instruction is limited to ten categories. Also, noncredit courses may be open entry/open exit. Students are charged enrollment fees only for credit courses, and the state funds some noncredit courses at a lower rate than credit courses and calculates attendance differently.

- 3) **Funding calculations depend on attendance accounting procedure used.** One of the main components for calculating community college funding is determining the number of FTES. The FTES represents the number of enrolled students whom attend 15 hours each week during the semester (or a group of students who, together, attend 15 hours each week). In an academic year, these hypothetical full-time students generate 525 student contact hours each. Even though not all students are full-time and not all classes are scheduled for the same number of weeks, FTES provides a unit of measure applicable to all classes and calendar types and is used for funding calculations only.

The way in which FTES is calculated depends on the course section, as the attendance accounting procedures can vary. The meeting schedule of the course section determines the procedure. Typically, attendance is determined on a weekly census basis, meaning student attendance is measured on a single census date in the term. For courses that are irregularly scheduled, including noncredit courses, a positive attendance basis is used, meaning the actual hours that students attend must be tracked and reported.

- 4) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would create ongoing Proposition 98 General Fund costs of between \$16 million and \$20 million annually.

According to the CCC Chancellor's Office, for the 2020-21 academic year, there were 31,665 students generating funding for CCCs in enhanced noncredit courses through CCC's use of positive attendance accounting rules. The vast majority of these courses are not open-entry, open-exit courses. Assuming (a) all courses switch to use positive attendance accounting rules, (b) none are open-entry, open-exit courses and (c) a 9% absence factor, these courses would generate funding for 34,515 students using a census day attendance accounting rules. This is an increase of 2,850 students, each generating funding of \$5,622 annually, or about \$16 million total. CCC enrollment dropped in the 2020-21 academic year, but typical enrollment in these courses is higher. In the 2018-19 academic year, about 39,000 students generated funding for these courses. If student enrollment rebounds in future years to this level, costs would be about \$20 million annually.

- 5) **Prior legislation.** AB 1727 (Weber) of 2019 was nearly identical to this bill and was subsequently vetoed by Governor Newsom. His veto message states:

“This bill requires the Board of Governors of the California Community Colleges to adopt regulations that authorize the use of a census date attendance accounting method to compute full-time equivalent students for certain noncredit courses known as Career Development and College Preparation courses. This bill changes how enrollment in these courses is tracked and would likely increase costs by tens of millions of dollars. For this reason, I am unable to sign this bill.”

SUPPORT

Association of Community and Continuing Education
Community College League of California
Faculty Association of California Community Colleges
Kern Community College District
Los Angeles College Faculty Guild, Local 1521
Mt. San Antonio College
North Orange County Community College District
Peralta Community College District
San Diego Community College District
San Francisco Community College District
Yuba Community College District

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 486 **Hearing Date:** June 16, 2021
Author: Committee on Education
Version: June 9, 2021
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Elementary and secondary education: omnibus bill.

SUMMARY

This bill is the annual K-12 education policy omnibus bill, which makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code.

BACKGROUND

Existing law:

California State Library

- 1) Establishes within the California Department of Education (CDE) a division known as the California State Library, and requires the division to be in charge of a chief who is a technically trained librarian and known as the "State Librarian." (Education Code § 19300-19307)

School district organizational meeting

- 2) Requires the governing board of each school district to hold an annual organizational meeting. Existing law provides that, in a year in which a regular election for governing board members is conducted, the meeting is to be held on a day within a 15-day period that commences with the date upon which a governing board member elected at that election takes office. Existing law provides that organizational meetings in years in which no such regular election for governing board members is conducted shall be held during the same 15-day period on the calendar. EC § 35143)

Adult education

- 3) Authorizes unified or high school districts to establish separate adult schools. Courses under the following program areas can be funded by state apportionment:
 - a) Adult Literacy/High School Diploma;
 - b) English as a Second Language/Citizenship;

- c) Adults with Disabilities;
 - d) Career Technical Education/Apprenticeships;
 - e) Parenting, Family, and Consumer Awareness; and
 - f) Older Adults. (EC § 52501-52503)
- 4) Establishes the Adult Education Program and authorizes the Chancellor of the California Community Colleges and the Superintendent of Public Instruction (SPI) to administer the program. (EC § 84900)

School district public safety officers

- 5) Requires a person who has served an initial probationary period in a class less than six months or 130 days of paid service, whichever is longer and as prescribed by the rules of the Personnel Commission, be deemed to be in the permanent classified service. Existing law authorizes the Personnel Commission to establish a probationary period in a class no longer than one year for classes designated by the Personnel Commission as executive, administrative, or police classes. Existing law prohibits employees from attaining permanent status in the classified service until he has completed a probationary period in a class. Existing law authorizes the exclusion of time while employees are on a leave of absence in any case the rules of the Personnel Commission provides. Existing law requires the rights of appeal from disciplinary action prior to attainment of permanent status in the classified service, as specified. (EC § 45301)

Child Nutrition

- 6) Establishes the California Fresh Start Pilot Program administered by the CDE in consultation with the California Department of Food and Agriculture and the California Department of Health Care Services. Existing law authorizes public schools maintaining kindergarten or any of grades 1 to 12 to provide fruits and vegetables that have not been deep fried to students in order to supplement other fruits and vegetables that have not been deep fried and that are available to those students, and in order to promote the consumption of fresh fruits and vegetables by schoolage children. (EC § 49565-49565.8)

Lease-leaseback

- 7) Requires school districts that award lease-leaseback contracts for school construction to participate in a competitive selections process until July 1, 2022. Under lease-leaseback, a school district rents district-owned property to any person, firm or business for as low as \$1. The person, firm or business constructs a school facility using its own funds and leases the building back to the school district. At the end of the lease, the school district resumes title to the building and site. (EC § 17406)

Language and speech disorders

- 8) Requires a student to be assessed as having a language or speech disorder which makes the student eligible for special education and related services when the student demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects the student's educational performance and cannot be corrected without special education and related services. (EC § 56333)
- 9) Requires that, in order to be eligible for special education and related services, difficulty in understanding or using spoken language be assessed by a language, speech, and hearing specialist who determines that such difficulty results from specified disorders. (EC § 56333)

ANALYSIS

This bill is the annual K-12 education policy omnibus bill, which makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code. Specifically, this bill:

California State Library

- 1) Establishes that there is in the state government an agency known as the California State Library, and deletes a reference to the California State Library as a division of the CDE.
- 2) Requires that the California State Library be under the control of an executive who must be a technically trained librarian and be known as the "State Librarian." Repeals a reference to the CDE division being in charge.
- 3) Requires the State Librarian to nominate a Deputy State Librarian to be appointed by, and hold office at the pleasure of, the Governor.
- 4) Updates and clarifies the authorizations of the State Librarian to:
 - a) Appoint or employ civil service personnel as necessary to carry out the purposes of the California State Library;
 - b) Purchase and maintain materials and equipment as necessary to carry out California State Library programs and services consistent with well-established library standards;
 - c) Accept materials from cultural heritage institutions for deposit, under agreements entered into by the State Librarian and the libraries or institutions concerned. Authorizes cultural heritage institutions to include archives, galleries, historical societies, libraries, museums, and tribal nations;
 - d) Collect, preserve, and disseminate information regarding the history of the state, including materials that represent the stories of Californians in an equal, diverse, and inclusive manner;

- e) Serve as regional library for the print disabled, in addition to the blind, in cooperation with the Library of Congress;
 - f) Maintain and make accessible, through digital or physical means, the publications created by state government; and
 - g) Digitally preserve books and other physical materials and provide a digital platform to expand access to the California State Library's collection.
- 5) Authorizes the State Librarian to contract directly with counties, cities, or districts within the state, agencies of the state, and agencies of the United States government for the purpose of providing library services.
 - 6) Requires the State Librarian to make available in the state on a loan basis to print disabled, in addition to blind, persons, or to persons with a disability that prevents them from reading conventional printed materials, audio recordings of books and other related materials. Requires the materials made into audio recordings to be selected by the California State Library on the same basis as the California State Library's collection development plan that is posted on the California State Library's website.
 - 7) Authorizes the State Librarian to consider for rendering into embossed braille any print books and other materials, excluding textbooks, requested by an eligible patron with print disabilities. Requires the consideration of the patron's request to be dependent upon available staffing, resources, and technical proficiency at the time of the request. Books and other materials rendered into embossed braille may be placed in the California State Library's circulating collection for use by all patrons with print disabilities.
 - 8) Repeals references to physically handicapped and replaces the references with "print disabled".

Annual School District Organizational Meeting

- 9) Requires, in a year in which a regular election for the governing board members is conducted, the annual organizational meeting of the governing board be held on a day within a 15-day period that commences with the second Friday in December following the regular election. Repeals the meeting date requirement for the annual organizational meeting on a day within a 15-day period that commences with the date upon which a governing board member elected at that election takes office.
- 10) Requires, in years in which a regular election for governing members is conducted, the annual organizational meeting of the governing board be held on any date in December, but no later than December 20. Repeals the meeting date requirement for the annual organizational meeting to be held during the same 15-day period on the calendar.

Adult Education Program

- 11) Requires the hours of attendance for adults to be reported by the governing board of each school district and county superintendent of schools to the SPI for the computation of average daily attendance (ADA).
- 12) Modifies existing provisions for days of attendance for adults by specifying the provisions apply to adults in correctional facilities, and deletes reference to days of attendance for regional occupational center programs.
- 13) Authorizes and revises the list of specified classes and courses that may be offered by school districts and county superintendents of schools for the Adult Education Program apportionment purposes from the adult education fund.
- 14) Repeals an authorization for a school district to offer adult education courses and classes if the school district received funding in the 1991-92 fiscal year to conduct programs through independent study for persons 21 years of age or older and persons 19 years of age or older who have not been continuously enrolled in kindergarten, or any grades 1-12, inclusive, since their 18th birthday.
- 15) Repeals a requirement that each school district or county superintendent of schools providing services in summer school programs for adults with disabilities in the 1977-78 school year to continue in the 1980-81 fiscal year and each fiscal year thereafter to offer these programs. Repeals a requirement for school districts or county superintendents of schools receiving apportionments from Section A of the State School Fund to offer summer programs for graduating high school seniors in need of courses for graduation.
- 16) Repeals the requirement that no student enrolled in classes for adults be credited with more than 15 clock hours of attendance per school week, proportionately reduced for those school weeks having weekday holidays on which classes are not held unless he or she is enrolled in a class in elementary subjects, a class for which high school credit is given, a class in English for foreigners, a class in citizenship, or a class in a trade or industrial subject as trade or industrial subject is defined by the State Board of Education for grades 7 to 12, inclusive.
- 17) Repeals the requirement that each clock hour of teaching time devoted to the individual instruction of adults with physical disabilities who are patients in a tuberculosis ward or hospital maintained by one or more counties count as one day of attendance but no such adult is authorized to be credited with more than one day of attendance in any calendar day.
- 18) Repeals the requirement that if a student 21 years of age or older, or a student 19 years of age or older, has not been continuously enrolled in kindergarten or any of grades 1 to 12, since his or her 18th birthday, any attendance credit for coursework he or she is pursuing through independent study be eligible for apportionment only if it is one or more of the types of courses as specified, or any course required by the governing board as a prerequisite to receiving a diploma of high school graduation.
- 19) Repeals the requirement that whenever two or more school districts have entered into an inter-district attendance agreement whereby one of the districts

provide for the adult education classes for all districts included in the agreement, the ADA of adults attending such classes be reported by and credited to the district in which such adult resides.

- 20) Requires adult schools to consist of programs, courses, and classes for adults. Authorizes minors to be admitted to these programs, courses, and classes pursuant to governing board policy and current law, as specified. Requires that money for the Adult Education Program not be used to support the costs of adult education programs, courses, and classes for minors. Requires a school district to clearly demonstrate that the costs of instruction for persons under 18 years of age enrolled in an adult education program, course, or class are from another allowable fund source or sources.
- 21) Authorizes the governing board of a high school district or unified school district to establish classes for adults. Requires, that if these classes result in enrollment in any school year of 500 or more students, each district to establish an adult school for the administration of the program, if one is not established. Eliminates a requirement that if these classes result in enrollment in any school year of 100 or more students, each district establish an adult school for the administration of the program, if one is not established. Authorizes the governing board of a high school district or unified school district to establish an adult school at an enrollment threshold in classes for adults lower than 500 students for any school year.
- 22) Authorizes the governing board of any high school district or unified district to provide for the maintenance of adult classes at such period and such length of time during the school district as determined by the governing authority.
- 23) Repeals a requirement that the governing board of each school district maintaining an adult school and offering an elementary program prescribe requirements for eighth grade graduation from the adult school.
- 24) Repeals an authorization that whenever the governing board of a school district offering automobile driver training in an adult school or classes for adults determines that such training cannot be conducted effectively wholly within the district's boundaries, it may cause the training to be conducted outside the boundaries of the district.
- 25) Repeals an authorization that classes for adults be maintained in conjunction with day or evening high schools, day or evening adult schools, or day or evening regional occupational centers.
- 26) Repeals an authorization that the governing board of any high school district or unified school district provide for the maintenance on Saturday and Sunday of classes for adults.
- 27) Repeals a requirement that the governing board of any school district maintaining an adult school have authority with the approval of the CDE to establish a prescribed course in elementary subjects appropriate to needs of adults.

- 28) Repeals a prohibition that no class for adults in dancing or recreational physical education be maintained by any district for which the district receives money from the State School Fund.
- 29) Repeals a requirement that the governing board of any high school district or unified school district, prior to establishing a vocational or occupational training program, conduct a job market study of the labor market area in which it proposes to establish the program in order to determine whether or not the study justifies the proposed vocational education program.
- 30) Repeals a requirement that every vocational or occupational training program for adults offered by any high school district or unified school district be reviewed every two years by the governing board to assure that each program does all of the following: meets a documented labor market demand, does not represent unnecessary duplication of other manpower training programs in the area, and is of demonstrated effectiveness as measured by the employment and completion success of its students.
- 31) Repeals an authorization for the SPI to approve school district plans for adult education innovation and alternative instructional delivery. Repeals the authority for school districts approved to implement demonstration programs to claim and expend up to 5% of their adult block entitlement for implementation of approved programs; and repeals the authority of a school district to claim and expend more than 5%, but no more than 15%, of its adult block entitlement if the program is approved by the SPI.
- 32) Prohibits the use of funding from the Adult Education Program to support the costs of an adult education program, course, and class for physical education, driver's training and education, visual and performing arts, band, preparation of a school yearbook or school newspaper, and training for, or participation in, athletic camps, cheerleading or spirit organizations, student government, or extracurricular student clubs.
- 33) Repeals an authorization for the governing board of any district offering a nursing program, or related program in the healing arts, either in regular graded classes or in classes for adults, to maintain classes in such a program at hospitals located within or without the district for the purpose of providing the hospital training for students in such classes.
- 34) Authorizes that classes in English for students 18 years of age residing in a high school district who cannot speak, read, or write in the English language to a degree of proficiency equal to that required for the completion of grade 8 of the elementary schools be offered directly by the high school district or in partnership with another public adult education provider.
- 35) Repeals the following provisions related to adult English classes:
 - a) The requirement that the application for classes to be made in time to permit the board to arrange to meet the expenses of the classes;

- b) The authority for the board to establish the classes without demand and with a lesser number of students;
 - c) The requirement that the classes to be held at least twice a week for a two-hour period; and
 - d) The authority, if the enrollment in any class falls to 10 or less for a one-month period, for the governing board to discontinue the class for that year.
- 36) Authorizes that training in citizenship for persons residing in a high school district be offered directly by the high school district or in partnership with another public adult education provider.
- 37) Repeals the following provisions related to classes in citizenship:
- a) The requirement that the application for classes be made in time to permit the governing board to arrange to meet the expenses of the classes;
 - b) The authority for, upon satisfactory evidence that any school district required to do so has failed to establish and maintain classes in training for citizenship, the SPI and county superintendent of schools to withhold 5% of state and county apportionments until the district has complied with specified provisions; and
 - c) The requirement that the classes to be held at least twice a week for three months. Authorizes, at the close of this period, if the enrollment in any class has fallen to 10 or less for the month, the governing board of the district to discontinue the class for that year.
- 38) Requires that special classes for adults designed to serve the educational needs of adults with disabilities established by a school district maintaining secondary schools or a county superintendent of schools to be directed to providing civic education, career technical education, work readiness, independent living skills, community access and integration, communication and social skills, literacy, and academics.
- 39) Repeals the authorization for special classes for adults with disabilities to be conducted under the direction of the governing board of the school district in workshop and training facilities provided by nonprofit organizations, or in public school facilities. Authorizes these facilities to include those where part-time paid work education and training is conducted and where less than the state minimum wage is paid.
- 40) Repeals a requirement for the ADA in special classes for adults with disabilities and be reported by which the student resides.
- 41) Repeals a requirement that the governing board of a school district designate an employee or employees of the district to have custody of the incidental expense account, or accounts, who are responsible for the payment into the account, or accounts, of all moneys required to be paid into the account or accounts, and for

all expenditures therefrom, subject to such regulations as the governing board prescribes.

- 42) Repeals an authorization for a school district governing board to provide for the sale of materials purchased from the incidental expense account to students in classes for adults, for use in connection with such classes. Repeals the requirement for the proceeds of all such sales to be deposited in that account and to be available for the purposes of that account.
- 43) Repeals a requirement for the SPI to determine an adult block entitlement, to be paid from appropriations to Section A of the State School Fund as part of the principal apportionment to school districts, for those school districts that maintain education programs for adults by multiplying the adult education revenue limit per unit of ADA and the adult education ADA.
- 44) Repeals a requirement, for purposes of calculating the adult block entitlement for any school district that maintains education programs for adults, for the SPI to include the ADA for any parenting programs offered by the district for parents of high-risk students, between the ages of 5 and 18 years, inclusive.
- 45) Repeals a definition of "indirect costs" for the Adult Education Fund.
- 46) Repeals an authorization for school district charging auditable documentation and indirect costs to the adult education program to transfer less than 8% of the annual revenue deposited in the district's Adult Education Fund to the school district's general fund for expenditures the district incurs in operating its adult education program.
- 47) Repeals an authorization for the Merced Union High School District to use money in its Adult Education Fund to purchase up to 20 existing district-owned classrooms for the exclusive use of its adult education program.
- 48) Repeals a requirement, for the 1993-94, 1994-95, and 1995-96 fiscal years, for the determination of each school district's adult education revenue limit per unit ADA.
- 49) Repeals a requirement for the SPI to determine an authorized limit of adult education ADA for all high school districts and unified school districts that operated and claimed adult education state apportionment for the 1992-93 fiscal year.
- 50) Requires of a school district that applies to the CDE for initial program approval and funding to begin any adult education programs provided the school district has participated in the appropriate local adult education consortium, and the applicable adult education plan approved for adult education activities and services.
- 51) Repeals a list of available funding sources for purposes of adult education.

- 52) Repeals a requirement, for purposes of calculating a school district's authorized adult education ADA, that ADA for concurrently enrolled high school students in adult education programs for districts that currently are party to an adult education joint powers agreement established prior to January 1, 1963, be based upon the aggregate ADA of all participating districts' students in grades 9 to 12.
- 53) Repeals an authorization for a county office of education (COE) to administer an adult education program and each eligible school district within its jurisdiction may participate in the program. Repeals an authorization for a COE administering that adult education program to report the ADA of each school district participating in the adult education program for the purpose of receiving apportionments. Repeals a requirement for the SPI to make apportionments to a COE administering that adult education program provided the specified conditions are met.
- 54) Repeals a requirement, in the event that a school district is found, pursuant to an audit, to have incorrectly reported adult education or concurrently enrolled ADA to the CDE, the SPI to recalculate the ADA for purposes of determining the adult block entitlement.
- 55) Repeals a requirement that the SPI, commencing in the 2006–07 fiscal year, and in each fiscal year thereafter, after making adjustments and based on data reported to the CDE by LEAs on or before July 15 of each fiscal year, adjust the allocation of apportionments for adult education ADA, as specified.
- 56) Requires, before establishing a career technical education training program, each member of a local adult education consortium to conduct a job market study of the labor market area in which it proposes to establish the career technical education training program. Requires the study to use local labor market information and consider a supply analysis of existing career technical education training programs for adults maintained by high schools, community colleges, and other postsecondary educational institutions in the geographic area to ensure that the anticipated employment demand for adults enrolled in the proposed training program justifies the establishment of the proposed courses of instruction. Requires, after completing the job market study and before establishing the career technical education training program, the local adult education consortium to determine if the job market study justifies the proposed career technical education program.

Peace Officers and Public Safety Dispatchers Employed by a School District

- 57) Requires a full-time peace officer or public safety dispatcher employed by a school district to be designated as a permanent employee of the school district, and serve a probationary period of at least one year of paid services from their date of appointment to that full-time position.
- 58) Requires, in order to receive permanent classified service status, each full-time peace officer and public safety dispatcher employed by a school district to serve in a probationary status for at least one year from their date of appointment to that full-time position.

Child Nutrition Programs

- 59) Authorizes the CDE to formulate the basic elements of nutrition education programs for child nutrition entities participating in child nutrition programs. Authorizes such programs to coordinate classroom instruction with the food service program and be of sufficient variety and flexibility to meet the needs of students in the total spectrum of education, including early childhood, elementary and secondary schools, special education classes and programs, and child development programs. Authorizes nutrition education programs be maintained on a project approval basis. Authorizes the State Board of Education (SBE) to establish rules and regulations for nutrition education projects. For all of the preceding provisions, changes each from a requirement to an authorization. Repeals a requirement that such projects be approved by the SBE upon recommendation of the CDE.
- 60) Authorizes the SPI to convene an interagency working group on instructional school gardens that may include, but not be limited to, the representatives of the CDE, the Department of Food and Agriculture, the State Department of Public Health, and the California Integrated Waste Management Board (CIWMB). Authorizes, during its annual discretionary grant funding process, the CIWMB to give preferential consideration to providing an appropriate level of funding to the instructional school garden program. Repeals these provisions as requirements.
- 61) Repeals a requirement for the SPI to certify any noncompliance of school nutrition programs to the Attorney General, for the Attorney General to investigate the noncompliance, and for the Attorney General to seek injunctive relief to secure compliance. Requires the SPI to certify the noncompliance, investigate the noncompliance, and seek injunctive relief to secure compliance.
- 62) Repeals the California Fresh Start Pilot Program.

Lease-leaseback sunset extension

- 63) Extends the operative date of the authorization for the competitive selections process for awarding lease-leaseback contracts for school construction projects to July 1, 2027, and, as of January 1, 2028 repeals the sunset.

Language and speech disorders

- 64) Updates terminology related to language and speech disorders related to the requirement for a student to be assessed as having a language or speech disorder that makes the student eligible for special education and related services when the student demonstrates difficulty understanding or using language to such an extent that it adversely affects the student's educational performance and cannot be corrected without special education and related services.

Miscellaneous

- 65) Repeals gender specific references to the Superintendent of Public Instruction (SPI), county superintendent of schools, local superintendents, county auditors, and students.
- 66) Repeals references to revenue limits and instead references the Local Control Funding Formula.
- 67) Requires, upon the receipt of a report of a violation of any statutory provision or rule or regulation relating to the employment of minors, the Director of Industrial Relations to make an inspection or investigation of the violation. Deletes the requirement that the Labor Commissioner make the inspection or investigation of the violation.
- 68) Updates cross-references.
- 69) Makes other technical changes.

STAFF COMMENTS

- 1) *Purpose of the elementary and secondary education omnibus bill.* Each year, there is typically a K-12 education omnibus bill that makes various technical, conforming, clarifying, and non-controversial revisions to the Education Code. Typically, staff with the Senate and Assembly education policy, fiscal and budget committees (and their minority consultants), the Department of Finance, the California Department of Education, the Legislative Analyst's office, and other similarly situated state government offices, identify statutes in existing law which need updating or correcting and propose corrections. Custom and practice provide that if offices or entity object to a proposed provision in the omnibus bill, that particular provision is prohibited from inclusion.
- 2) *Related legislation.* SB 701 (Committee on Education) is the annual higher education omnibus bill that corrects technical errors and oversights, and makes numerous non-controversial and conforming changes to various provisions of the Education Code.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022 Regular

Bill No: AB 516 **Hearing Date:** June 16, 2021
Author: Megan Dahle
Version: February 10, 2021
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Pupil attendance: excused absences: cultural ceremonies or events.

SUMMARY

This bill adds "for the purpose of participating in a cultural ceremony or event" to the list of categories of excused absences for purposes of school attendance.

BACKGROUND

Existing law:

- 1) Specifies that excused absences are deemed to be absences in computing average daily attendance (ADA) and shall not generate state apportionment payments. (Education Code § 48205)
- 2) Provides a list of reasons that constitute an excused absence, which include, among others that the absence of a student is to be excused when the absence is:
 - a) Due to his or her illness, or quarantine under the direction of a county or city health officer.
 - b) Due to quarantine under the direction of a county or city health officer.
 - c) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
 - d) For the purpose of attending the funeral services, as specified.
 - e) For the purpose of spending time with an immediate family member who is an active duty member of the military, as specified.
 - f) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- 3) Provides that any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse on any day or is tardy for more than 30 minutes, or any combination thereof, for three days in a school year shall be classified as "truant."
(EC § 48260)

- 4) Provides that a valid excuse may include other reasons that are within the discretion of school administrators and based on the facts of the pupil's circumstances. (EC § 48260)

ANALYSIS

This bill adds “for the purpose of participating in a cultural ceremony or event” to the list of categories of excused absences for purposes of school attendance.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Across California, chronic absenteeism among American Indian or Alaska Native students is disproportionately high when compared with students of other backgrounds. More than 21 percent of students in this population qualified as chronically absent in the 2018-19 school year.

“A Shasta County study found the Native American student population to have the second highest rate of chronic absenteeism in the district. Many of these absences were due to pupil participation in cultural ceremonies and events, which are important for personal development and to help students gain a deeper knowledge of the rich cultural heritage of this continent’s indigenous people.

“Much of America’s public school system is structured to accommodate the celebration of and participation in Judeo-Christian holidays, including current California law regarding what is considered an acceptable excused absence for K-12 students.”

- 2) ***Excused absences do not generate average daily attendance (ADA).*** In California, school funding is primarily calculated using ADA. Each time a student is absent, that absence negatively impacts that local educational agency’s ADA, ultimately reducing their overall funding. While each individual absence may be insignificant, in the aggregate, absences do have impact on overall funding. Under current law, all absences, whether excused or unexcused, result in a reduction of overall ADA.
- 3) ***Unexcused absences trigger truancy provisions.*** While excused and unexcused absences may be treated the same for funding purposes, they are not treated the same for attendance purposes. A student who is absent from school without a valid excuse on any day or is tardy for more than 30 minutes, or any combination thereof, for three days in a school year is considered a truant.
- 4) ***Statewide chronic absentee data shows differences among racial/ethnic groups.*** In November 2020, the California Department of Education (CDE) released, for the first time, statewide absenteeism data that provides information about the types of reasons students are absent,

According to the CDE, “The data available in this release include the 2017–18 and 2018–19 academic years. The absentee by reason (AR) report categories are: excused absences, unexcused absences, absences due to out-of-school

suspension, and incomplete independent study absences. Even if a student has excused absences, they are considered chronically absent if they miss 10 percent of the days they were expected to attend school.”

CDE further provides that “the reports provide data disaggregated by race/ethnicity, student groups, grade level, and by academic year. The reports also include filters that allow the data to be viewed along a variety of dimensions, including by school type (charter and non-charter schools), for alternative and traditional schools, for chronically absent and non-chronically absent students, and by gender.

The data shows significant differences amongst racial/ethnic groups, both in terms of comparing the percentages of absences designated as excused vs unexcused, and in the overall average number of absences. Data for the 2018-19 school year for excused and unexcused absences is below (out-of-school suspension absence percentages and incomplete independent study absence percentages are excluded here):

Reporting Category	Avg. Days Absent	Excused %	Unexcused%
African American	13.2	38.1%	52.7%
American Indian or Alaska Native	13.6	45.2%	43.9%
Asian	6.2	66.3%	31%
Filipino	7.3	64.2%	32.1%
Hispanic or Latino	10.3	51.1%	42.7%
Pacific Islander	12.3	49.1%	44.9%
White	9.1	64%	29.4%
Two or More Races	9.3	58.4%	33.5%
Not Reported	10.3	50.8%	38%
Statewide	9.8%	54.1%	39.5%

- 5) **Root causes of absenteeism among Native American pupils.** As show in the data above, Native American students miss more school, on average, than any other group; Native American students also have the second lowest excused absence rate and third highest unexcused absence rate. As noted in the Assembly Education Committee’s analysis, “In Shasta County, where 4% of the student population is Native American, some school districts marked as much as 30% of their Native student population chronically absent in recent years,” according to Shasta County Office of Education (SCOE) Superintendent of Schools, Judy Flores. The SCOE created the American Indian Advisory Board (AIAB), partnering with school administrators, community organizers and representatives from each of the four tribes in Shasta County: Okwanuchu, Pit River, Yana and Wintu, to support Native students.”

“Before the pandemic began, one of the first things the AIAB did was survey Native families throughout Shasta County to find out how students are doing in school, why kids are missing class and what can be done about it. The results found two of the leading causes of absences among the student demographic

are sacred ceremonies, which happen at different times throughout the year depending on the tribe, and because of a death in the family.”

- 6) ***What is “cultural”?*** This bill adds “for the purpose of participating in a cultural ceremony or event” to the list of categories of excused absences for purposes of school attendance, but does not provide a definition for “cultural.”

AB 233 (Gloria, 2017-18 Session) would have specified that a pupil has the right to wear religious, ceremonial, or cultural adornments at school graduation ceremonies. AB 233 was vetoed by Governor Brown for reasons not related to this bill (see below), but it did include the following definition: “‘Cultural’ means relating to the habits, practices, beliefs, and traditions of a certain group of people.” **Staff recommends that the bill be amended to include the definition for “cultural” from AB 233, as specified below:**

“(A) For purposes of this paragraph, “cultural” means relating to the habits, practices, beliefs, and traditions of a certain group of people.”

- 7) ***Related and previous legislation.*** SB 14 (Portantino, 2021), among other things, adds “for the benefit of the behavioral health of the pupil” to the list of categories of excused absences for purposes of school attendance. SB 14 is pending in the Assembly.

SB 849 (Portantino, 2019-20 Session) would have specifically added “for the benefit of the mental or behavioral health of the pupil” to the list of categories of excused absences for purposes of school attendance. SB 849 was not heard in this committee due to the shortened legislative calendar.

AB 3292 (Megan Dahle, 2019-20 Session) was substantially similar to this bill and was not heard in the Assembly Education Committee.

AB 1849 (Low, 2019-20 Session) would have required that a pupil be excused from school for the benefit of the mental or behavioral health of the pupil. AB 1849 was not heard in the Assembly Education Committee.

AB 1838 (Chu, 2019-20 Session) would have included an absence that is due to the behavioral health of the pupil as another type of excused absence. AB 1838 was not heard in the Assembly Education Committee.

AB 233 (Gloria, 2017-18 Session) would have specified that a pupil has the right to wear religious, ceremonial, or cultural adornments at school graduation ceremonies. AB 233 was vetoed by Governor Brown with the following message:

“This bill provides that a student has the right to wear specific adornments at school graduation ceremonies.

Students in California have a well-established right to express their views through symbolic acts under the state Education

Code and the Free Speech Clause of the First Amendment. See Tinker v. Des Moines Independent Community School Dist. (1969) 393 U.S. 503, 506. Under these precedents, student expression is clearly protected.

To the extent that there is a dispute about what a student can wear at school graduation ceremonies, I believe those closest to the problem -- principals and democratically elected school boards -- are in the best position to make wise judgments."

AB 1593 (Oberholte, Chapter 92, Statutes of 2016) adds a pupil's attendance at his or her naturalization ceremony to become a United States citizen to the list of excused absences.

SB 1457 (Morrell, 2015-16 Session) would have expanded the authority of school districts to authorize a student to be excused from school to receive moral and religious instruction by authorizing a local governing board to adopt a policy, as specified, to allow pupils to earn up to two elective credits towards high school graduation requirements for the completion of "released time instruction," excluding any cap on the number of excused absences for this purpose, and would have authorized a school district to generate average daily attendance for these absences. SB 1457 was not heard on the Senate Floor.

SUPPORT

California Catholic Conference
California County Superintendents Educational Services Association
Small School Districts Association

OPPOSITION

None received

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ANALYSIS

This bill:

- 1) Waives open course requirements (where courses must be offered to the public), for community college districts that provides classes to military personnel, their dependents, and authorized civilian employees on a military base.
- 2) Prohibits the use of the waiver of open course requirements granted in the bill in any other context or situation.
- 3) Authorizes, for purposes of state apportionment, the board of governors to claim FTES units generated for classes provided on a military base, as specified.
- 4) Requires the attendance hours generated in community college courses offered on a military base to be funded at the designated rates established for credit courses, non-credit courses, and the established rate for career development and college preparation instruction, as specified in current law.
- 5) Prohibits a community college district, for purposes of state apportionments and the bill, from claiming any class to which either of the following applies:
 - a) The district receives full compensation for its direct education costs for the conduct of the class from any public or private agency, individual, or group of individuals.
 - b) The district has a contract or instructional agreement, or both, for the conduct of the class with a public or private agency, individual, or group of individuals that has received from another source full compensation for costs the district incurs under that contract or instruction agreement.
- 6) Requires, when reporting a claim for apportionment to the Chancellor of the CCC for purposes of the bill, the district to report any partial compensation it receives for costs the district incurs from classes provided to military personnel, as specified. The bill requires the Chancellor to subtract the amount of any partial compensation received from the total apportionment to be paid.

STAFF COMMENTS

- 1) *Need for the bill.* According to San Diego Community College District's letter of support submitted to the committee, "Community colleges teach subject classes and offer certificate and associate degree programs to active duty personnel on military bases. California is home to the largest population of military personnel in the country. In San Diego alone, 15,000 active duty service members transition out of active duty each year seeking job opportunities that higher education can help them obtain..." The letter further states, "Currently community colleges are unable to receive reimbursements for these classes." This bill seeks to make courses taught on a military base eligible for state reimbursement.

- 2) *Open course rule.* Under the California Code of Regulations, attendance to community college courses must be open to the general public in order to claim state apportionment. Due to security concerns, military bases are closed to the public and as such, courses offered on a base must be funded using community college district funding sources. Existing state law provides a waiver for inmate education programs taught in correctional facilities and for dual enrollment courses offered to high school students on a K-12 school campus. The rationale for granting those waivers is based on safety and security factors; this bill extends a similar exemption for classes provided to military personnel and other authorized individuals on a military base.
- 3) *Board of Governors (BOG) discretion.* This bill requires that open course provisions be waived, superseding the discretion of the BOG to oversee, through regulation, the appropriate payment source for courses taught on base and that is closed to the public. It is unclear whether changes to regulations around open course provisions were attempted prior to pursuing a statutory requirement.
- 4) *Fiscal effect.* According to the Assembly Appropriations Committee, the bill would have the following fiscal impact:

Costs to begin funding known students already enrolled in college courses on military bases would be between about \$1.9 million, assuming all students attend full time and receive the credit course base rate. If additional students enrolled in community college courses at military bases, costs would be higher. For example, if 1% of members of the military living on California bases were to enroll as a result of this bill, costs would increase by about \$4 million. In all cases, costs would be higher based on student demographics and outcomes. Costs likely would be offset in the near-term by a "hold harmless" provision in existing law, which ensures certain colleges receive funding above the number of students they serve (see Assembly Appropriations Committee analysis for more information).

- 5) *Clarifying type of courses.* In order to ensure that the payment of state apportionment authorized by this bill is limited to college courses and not training administered by the military, **staff recommends that the bill be amended to clarify that the waiver authorized by the bill is for "community college courses"**.
- 6) *Related legislation.* SB 1391 (Hancock, Chapter 695, Statutes of 2014), allows community colleges to receive per-student apportionment funding for courses offered in correctional institutions.

AB 2764 (Gloria, 2020), was substantially similar to this bill. The bill was held in the Assembly Higher Education Committee.

SUPPORT

Military Services in California
Palomar College

San Diego Community College District

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 824 **Hearing Date:** June 16, 2021
Author: Bennett
Version: April 14, 2021
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Local educational agencies: county boards of education: governing bodies of charter schools: pupil members.

SUMMARY

This bill establishes processes whereby a county board of education or a governing body of a charter school is to include a high school student member, upon petition.

BACKGROUND

Existing law:

Process to add a student member to the governing board of a school district

- 1) Authorizes a student petition to be submitted to the governing board of a school district maintaining one or more high schools requesting the governing board to appoint one or more student members to the governing board. (Education Code § 35012)
- 2) Requires the petition to contain the signatures of either of the following, whichever is less:
 - a) Not less than 500 students regularly enrolled in high schools of the school district.
 - b) Not less than 10 percent of the number of students regularly enrolled in high schools of the school district. (EC § 35012)
- 3) Requires the governing board of a school district, each fiscal year and within 60 days of receipt of a petition for student representation, or at its next regularly scheduled meeting if no meeting is held within those 60 days, to order the inclusion of at least one student member within the membership of the governing board. Existing law authorizes the governing board of a school district to order the inclusion of more than one student member. (EC § 35012)
- 4) Requires the governing board of a school district, upon receipt of a petition for student representation, to order the inclusion of at least one student member within the membership of the governing board. Existing law authorizes the governing board of a school district to order the inclusion of more than one student member. (EC § 35012)

- 5) Authorizes the governing board of a school district to appoint a student to serve as an alternate student member who would fulfill all duties and have the same rights as a student member if the governing board determines the student member is not fulfilling their duties. Existing law requires the governing board to suspend the prior student member's rights and privileges if the governing board appoints an alternate student member. (EC § 35012)
- 6) Requires a majority vote of all voting board members to approve a motion to eliminate the student member position from the governing board, and requires the motion to be listed as a public agenda item for a meeting of the governing board before the motion being voted upon. (EC § 35012)

Preferential voting and motions

- 7) Requires that a student member of the governing board of a school district have preferential voting rights, described as a formal expression of opinion that is recorded in the minutes and cast before the official vote of the governing board. Existing law prohibits a preferential vote from serving in determining the final numerical outcome of a vote, and prohibits a preferential vote from being solicited on matters subject to closed session discussion. (EC § 35012)
- 8) Authorizes the governing board of the school district to adopt a resolution authorizing the student member(s) to make motions that may be acted upon by the governing board, except on matters dealing with employer-employee relations. (EC § 35012)

Student board members

- 9) Requires that each student board member:
 - a) Be enrolled in a high school of the school district, may be less than 18 years of age, and be chosen by the students enrolled in the high school(s) of the school district in accordance with procedures prescribed by the governing board.
 - b) Have the right to attend each and all meetings of the governing board of the school district, except executive sessions.
 - c) Be appointed to subcommittees of the governing board in the same manner as other board members.
 - d) Be made aware of the time commitment required to participate in subcommittee meetings and work, and authorizes student members to decline an appointment to a subcommittee. Existing law authorizes subcommittee meetings to be scheduled in accordance with the availability of all members, including each student member.
 - e) Have a term of one year beginning on July 1 of each year.

- f) Be entitled to the mileage allowance to the same extent as regular members, but is not entitled to the compensation.
 - g) Be seated with the members of the governing board of the school district and be recognized as a full member of the governing board at the meetings, including receiving all open meeting materials presented to the board members at the same time the materials are presented to the board members, being invited to staff briefings of board members or being provided a separate staff briefing within the same timeframe as the staff briefing of board members, being invited to attend other functions of the governing board of the school district, such as forums, meetings with pupils and parents, and other general assemblies, and participating in the questioning of witnesses and the discussion of issues.
 - h) Receive all materials received by other board members between open meetings, except for materials that pertain to closed session items. (EC § 35012)
- 10) Prohibits a student member from being:
- a) Being included in determining the vote required to carry any measure before the governing board of the school district.
 - b) Being liable for any acts of the governing board of the school district.
 - c) Being considered members of a legislative body of a local agency for purposes of the Ralph M. Brown Act. (EC § 35012)

ANALYSIS

This bill establishes processes whereby a county board of education or a governing body of a charter school is to include a high school student member, upon petition. Specifically, this bill:

Process

- 1) Authorizes a student petition to be submitted to a county board of education or governing body of a charter school maintaining a high school requesting the board appoint one or more student members to the county board or governing body.
- 2) Requires the petition *to a county board of education* to contain the signatures of either, whichever is less:
 - a) Not less than 1,000 students regularly enrolled in high schools under the jurisdiction of the county board.
 - b) Not less than 10 percent of the number of student regularly enrolled in high schools under the jurisdiction of the county board.

- 3) Requires the petition *to the governing body of a charter school* to contain the signature of either:
 - a) Not less than 500 students regularly enrolled in the high school of the charter school.
 - b) Not less than 10 percent of the number of students regularly enrolled in the high school of the charter school.
- 4) Requires, if a charter school is *operated by an charter management entity*, the petition to contain the signatures of either:
 - a) Not less than 500 students regularly enrolled in any of the high schools operated by the entity.
 - b) Not less than 10 percent of the number of students regularly enrolled in high schools operated by the entity.
- 5) Requires the county board or charter governing body, each fiscal year and within 60 days of receipt of a petition, or at its next regularly scheduled meeting if no meeting is held within those 60 days, to order the inclusion within the membership of the county board or governing body at least one student member. This bill authorizes the inclusion of more than one student member.
- 6) Requires the county board or charter governing body beginning July 1, 2023, upon receipt of a petition, to order the inclusion within the membership of the county board or charter governing body at least one student member. This bill authorizes the county board or charter governing body to include more than one student.
- 7) Authorizes the county board or charter governing body to appoint a student to serve as an alternate student member who would fulfill all duties and have the same rights as a student member if the county board or governing body determines the student member is not fulfilling their duties. This bill requires the county board or governing body to suspend the prior student member's rights and privileges if the board or body appoints an alternate student member.
- 8) Requires a majority vote of all voting board or body members to approve a motion to eliminate a student member position from the county board or governing body, and requires the motion to be listed as a public agenda item for a meeting of the county board or governing body before the motion is voted upon.
- 9) Require the governing body of a charter school that orders the inclusion of a student member to do both of the following:
 - a) Notify the chartering authority of the charter school within 30 days of either of the following:

- i) The inclusion of the student member.
 - ii) Any subsequent change in the student membership.
- b) Include at the next charter renewal with the chartering authority, the inclusion of the student member as a change to the governing body of the charter school.

Preferential voting and motions

- 10) Requires that a student member of the county board of education or charter governing body have preferential voting rights, described as a formal expression of opinion that is recorded in the minutes and cast before the official vote of the county board or governing body. This bill prohibits a preferential vote from serving as a determination of the final numerical outcome of a vote, and prohibits preferential voting from being solicited on matters subject to closed session discussion.
- 11) Authorizes the county board or governing body to adopt a resolution authorizing the student member(s) to make motions that may be acted upon by the county board or governing body, except on matters dealing with employer-employee relations.

Student board members

- 12) Requires that each student member:
- a) Be enrolled in a high school that is under the jurisdiction of the county board of education or charter school or charter management entity, may be less than 18 years of age, and be chosen by the students enrolled in the high school(s) of the county or charter in accordance with procedures prescribed by the county board of education or governing body.
 - b) Have the right to attend each and all meetings of the county board of education or governing body, except executive sessions.
 - c) Be appointed to subcommittees of the county board or governing body in the same manner as other board members.
 - d) Be made aware of the time commitment required to participate in subcommittee meetings and work, and authorizes student members to decline an appointment to a subcommittee. This bill authorizes subcommittee meetings to be scheduled in accordance with the availability of all members, including each student member.
 - e) Have a term of one year, beginning on July 1 of each year.
 - f) Be entitled to the mileage allowance to the same extent as regular members, but is not entitled to the compensation.

- g) Be seated with the members of the county board of education or governing body, and be recognized as a full member at the meetings, including receiving all open meeting materials presented to the members at the same time the materials are presented to the other board members, being invited to staff briefings of board members, or being provided a separate staff briefing within the same timeframe as the staff briefing of other members, being invited to attend other functions of the county board of education or governing body, such as forums, meetings with students and parents, and other general assemblies, and participating in the questioning of witnesses and the discussion of issues.
 - h) Receive all materials received by other members between open meetings, except for materials that pertain to closed session items.
- 13) Prohibits a student from being:
- a) Included in determining the vote required to carry any measure before the county board of education or charter governing body.
 - b) Liable for any acts of the county board of education or governing body.
 - c) Considered members of a legislative body or a local agency for purposes of the Ralph M. Brown Act.

STAFF COMMENTS

- 1) ***Need for the bill.*** The author cites recommendations from the 2014 report of the California Task Force on K-12 Civic Learning, which include six proven practices to reengage student in civic learning and provide a platform for students to influence their education. One of the recommendations is for students to participate in school governance “to cultivate a sense of responsibility and give young people a real voice in how their classrooms and schools are run.”
<https://www.cde.ca.gov/eo/in/documents/cltffinalreport.pdf>

According to the author, “Given the importance of civic education and schools’ responsibility for training future citizens, board members have a role to play in ensuring that all students are provided with rigorous civic learning opportunities that are relevant to student lives. The state, its school districts, and its schools can help create a favorable environment for participation by community stakeholders. Students’ influence over their educational programs including the goals they pursue, the topics they study, the learning materials and learning processes they use, are essential to guaranteeing their educational success.”

- 2) ***Students enrolled in county schools.*** This bill establishes processes for high school students to be included as members of the governing board of a county office of education or of the governing body of a charter school that serves high school students. Existing law provides a process for students to be included as members only of governing boards of school districts. This bill provides parity for student representation to students who attend schools operated by a county office of education or a by a charter school.

This bill requires that a student who is selected to serve as a member of a county board of education to be enrolled in a high school that is under the jurisdiction of the county board of education, and be chosen by the students enrolled in the high school(s) of the county. The Education Code includes references to school districts being under the jurisdiction of the county superintendent. It appears that this bill could allow a student who is enrolled in a school operated by a school district, rather than by a county board of education, to serve as a student member on a county board of education. County-operated schools often serve a student population that has needs and interests that are different from students who attend a district-operated school. **Staff recommends an amendment** to clarify that student members of county boards of education are to primarily receive instruction from a county-operated school, but allow petitions to add a student who primarily receives instruction from a district-operated school in cases where no petition is submitted to add a student from a county-operated school.

- 3) **Author's amendments.** The author wishes to include the following amendments in this bill. **Staff recommends these amendments** be approved by the Committee.

Charter governing body

- a) Add a provision for the selection of a student member to account for situations where a charter school is operated by an entity managing a charter school with multiple schools (students must be enrolled in high school within the charter school, **or charter schools if operated by an entity managing a charter school with multiple schools**).
- b) Update terminology:
 - i) Replace "executive sessions" with "closed session."
 - ii) Replace "mutual benefit corporation" with "public benefit corporation."
- c) Clarify that student board members are to be chosen in accordance with **policies and** procedures of the body.
- d) Limit adjustment to the term of a student member to cases of a vacancy or to provide more students an opportunity to serve on the board.

County boards of education

- e) Align the threshold for student signatures on petitions to add a student member to a county board of education to the same threshold as is required in existing law for student members of school district governing boards (the lesser of at least ~~4,000~~ **500** students or at least 10 percent of the students).
- f) Requires the policies and procedures for the selection of students for membership on a county board of education to ensure and protect the privacy of any student or any student's parent or guardian, involved in proceedings

before the board in its capacity as an appellate body. (This is to account for the fact that county boards of education review and consider appeals to expulsions, for example.)

- g) Apply (b), (c), and (d) to student members of county boards of education.

School district governing boards

- h) Apply (b), (c), and (d) to student members of governing boards of school districts.

- 4) ***What is preferential voting?*** Existing law defines "preferential voting" as a formal expression of the opinion that is recorded in the minutes and cast before the official vote of the school district governing board. Existing law prohibits a preferential vote from serving in determining the final numerical outcome of a vote, and from being solicited on matters subject to closed session discussion. This bill gives student members of county governing boards or charter governing bodies a greater voice on issues considered by the governing board or body, yet does not allow a student's vote to determine the final outcome of a vote.
- 5) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose minor Proposition 98 pressures for the governing bodies of county offices of education and charter schools to respond to petitions to the extent students petition to be added to their governing board. If the Commission on State Mandates determines the costs of this bill to be a state-mandated local program, potential Proposition 98 costs to the K-12 Mandates Block Grant.

SUPPORT

Association of California School Administrators

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 846 **Hearing Date:** June 16, 2021
Author: Low
Version: February 17, 2021
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Local Agency Public Construction Act: job order contracting.

SUMMARY

This bill extends the existing authority for school and community college districts to administer job order contracting (JOC), an alternative construction contracting agreement, until January 1, 2027.

BACKGROUND

Existing law:

- 1) Authorizes JOC for school districts until January 1, 2022.
- 2) Authorizes JOC for community college districts until January 1, 2022.
- 3) Restricts JOC to school districts that have entered into project labor agreement(s) (PLA) that will apply to all public works awarded through JOC and to all other public works of the school district that exceed a monetary threshold set by the school district through at least December 31, 2021, regardless of what contracting procedure is used to award that work.
- 4) Restricts JOC to community college districts that have entered into PLA(s) that will apply to all public works awarded through JOC and to all other public works of the community college district that exceed a monetary threshold set by the district through at least December 31, 2021, regardless of what contracting procedure is used to award that work.
- 5) Requires JOC contractors to submit a questionnaire to the school district containing specified information verified under oath.
- 6) Requires JOC contractors to submit a questionnaire to the community college district containing specified information verified under oath.
- 7) Defines skilled and trained workforce to mean a workforce where all the workers performing work in an apprenticeable occupation, as defined, in the building and construction trades are either skilled journeypersons or apprentices registered in an apprenticeship program approved by the chief of the Division of Apprenticeship Standards.

ANALYSIS

This bill extends the existing authority for school and community college districts to administer JOC until January 1, 2027.

STAFF COMMENTS

1) **Need for the bill.** According to the author, "AB 846 authorizes California Community Colleges (CCC) and school districts with Project Labor Agreements and a skilled and trained workforce to utilize a JOC for a catalog of smaller construction projects. Currently, both are able to use JOC and this bill extends the sunset of the two programs. JOC is a project delivery method designed to accelerate the completion of smaller projects at lower costs by streamlining some of the requirements of the contracting process without forgoing quality, the integrity of the bidding process, and compliance with labor laws."

2) **What is job order contracting?** Job order contracting is a procedure that allows for the awarding of contracts based on prices for specific construction tasks rather than bids for a specific project. A catalog or book identifies all work that could be performed, typically maintenance or modernization, and the unit prices for each of those tasks. The tasks are based on accepted industry standards and prices include the cost of materials, labor, and equipment for performing the work, but exclude overhead and profit. A contractor, who has been prequalified, rather than bid a total price for the project, will bid an adjustment factor, which reflects specified costs, to the preset unit prices.

Selection of the contractors is based on the lowest responsible bidder. This process is intended to reduce costs and accelerate completion of smaller projects; it is not generally viewed as an appropriate method of contracting for large, complex construction projects that require extensive or innovative design or are likely to encounter changes and revisions during constructions.

3) **What are project labor agreements?** The term "project labor agreement" describes a category of agreements between a construction project's managers and its workers. Individual agreements within this class vary widely. They are pre-hire collective bargaining agreements, meaning they are signed before the project is actually started, and before workers are hired. They include an agreement by the union signatories to not conduct any strikes or work stoppages, while the contractors and their subcontractors agree to no lockouts during the length of the construction project.

Other provisions commonly found in a PLA include:

- a) A requirement that new employees, within a certain period of time, pay dues to the union for representing their interests before the employer.
- b) A requirement that contractors use a local, centralized union job referral system.

- c) Management rights including hiring, promotion, transfer, discipline or discharge of employees, and the right to reject any job applicant referred by a union.
- d) A uniform workday, workweek, overtime, holiday and payday schedules.
- e) Standardized work rules and regulations posted on the job site.
- f) Standardized and often very quick dispute resolution procedures to resolve employee, contractor and/or inter-union disputes.

- 4) ***First a pilot program at Los Angeles Unified School District.*** AB 14 (Horton, 2003) first authorized job order contracting on a pilot basis at Los Angeles Unified School District (LAUSD) from January 1, 2004, until December 1, 2007. In subsequent extensions of the pilot program, procedures were established to review and penalize violations of the program, require notifications of the scope of work, and require reports to the Legislature.

In its November 2011 report, the LAUSD reported that, since the inception of job order contracting in 2005, the district has executed 138 master contracts with 44 different contracting firms. As of November 1, 2011, the district had issued master contracts valued at up to \$791 million, with total contract receipts ranging from \$200,000 to \$10 million per contractor. For job orders completed through November 1, 2011, the district reported that actual project costs were reduced by an average of 9.3 percent as compared to the estimates and the procurement time. The district reports that the procurement time savings varied among projects, but overall, job order contracting produced significant time savings and provided the district with a valuable procurement tool.

Due to the success of the LAUSD pilot, AB 1431 (Gomez, 2015) authorized all school districts that have entered into a PLA to utilize job order contracting.

- 5) ***Community college experience.*** The UC Berkeley Labor Center released a report in early 2017 about PLAs at CCCs. The study found that PLA's do not raise construction project costs for CCC and they do not reduce the number of bids received for the contract. The researchers conducted a quantitative and qualitative study of construction projects at CCC where they compared PLA and non-PLA contracts. The qualitative study determined that PLA and non-PLA projects received a similar number of bidders, but the PLA project bids were lower than non-PLA projects. The quantitative study found no statistical evidence to show that PLA projects received fewer bids than non-PLA projects or that PLA projects raise costs for CCC.
- 6) ***Arguments in support.*** The State Building and Construction Trades Council, the sponsors of this bill, states that, "Data on the efficacy of JOC programs continues to be positive. When it was first utilized at the Los Angeles Unified School District (LAUSD) as a pilot program, the District's report to the Legislature stated that JOC project costs were approximately 9.3% lower than the estimates. The report also stated that JOC reduced the total procurement time by more than half and allowed contractors to accomplish over 3,300 job orders totaling more

than \$300 million during the length of the original pilot program. JOC is designed to accelerate the completion of smaller projects at lower costs by streamlining some of the requirements of the contracting process. The JOC process allows the public agency to award a competitively bid contract based on a standard set of published construction jobs and unit prices. The smaller jobs involved in JOC have minimal design requirements and are not typically an appropriate method for delivering larger and more complex construction projects...By extending the sunset, AB 846 will allow more school and community college districts to start to use the program so they can take advantage of the cost-effectiveness and efficiency of JOC without forgoing quality, the integrity of the bidding process, and compliance with labor laws."

- 7) ***Arguments in opposition.*** The Associated General Contractors of California – the California Chapters (AGC) write that, "AGC believes that a PLA requirement for JOC undermines the original spirit of this tool. Designed to be a simple and collaborative delivery method for routine and maintenance projects, JOC enables government to find value in common and repeat renovation, repair and construction projects. While we recognize that the PLA requirements are voluntary for districts, we believe that such a prerequisite in order to use JOC limits tools available to districts. Specifically, we believe that extending this requirement will continue to unduly impact smaller districts. Better said, the value from cost savings of JOC will now be limited to the terms and duration of a PLA. It is for these reasons that we must be opposed to AB 846."

SUPPORT

State Building and Construction Trades Council of California (Sponsor)

OPPOSITION

Associated General Contractors – The California Chapters
International Institute of Building Enclosure Consultants
Western Electrical Contractors Association

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 914 **Hearing Date:** June 16, 2021
Author: Weber
Version: February 17, 2021
Urgency: No **Fiscal:** Yes
Consultant: Olgallia Ramirez

Subject: Public postsecondary education: California State University: proficiency level of entering students

SUMMARY

This bill modifies the requirements of an existing report the California State University (CSU) Chancellor's Office annually submits to the Legislature to include additional elements pertaining to freshmen student placement in CSU courses. It further, changes the existing annual report deadline from February 1, to April 1, and eliminates an interim report currently due December 15 of each year.

BACKGROUND

Existing law:

- 1) Requires the CSU to provide specified information about the proficiency of freshman at each CSU campus in a preliminary report submitted on or before December 15 of each year and in a final report to the Legislature submitted on or before February 1 of each year (Education Code § 66015.12).
- 2) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees (EC § 66606 and 89500, et seq.).
- 3) Requires the Legislative Analyst's Office (LAO), in consultation with the CSU, to submit a report to the Legislature detailing the impact of the CSU Early Start Program on student mathematics and English proficiency. (EC § 89007.7 et. seq.)
- 4) Requires the LAO, by December 1, 2021, to submit a report to the Legislature detailing the impact of policy changes required pursuant to CSU Executive Order No. 1110, including changes in the proportion and number of incoming freshmen who have been identified as in need of remediation, the proportion and number who have persisted at the university past their freshman year, and the proportion and number who have graduated from the university. To note, this provision will be repealed on January 1, 2022 (EC § 89007.7 (c) and (d)).

ANALYSIS

This bill modifies the requirements of an existing report the CSU Chancellor's Office annually submits to the Legislature to include additional elements pertaining to freshmen student placement in CSU courses. Specifically, it:

- 1) Requires CSU to annually submit to the Legislature a report by each campus that includes all of the following information:
 - a) The number and proportion of regularly admitted and specially admitted first-time freshmen who fall into each of the university's four levels of placement for general education written communication and mathematics and quantitative reasoning, disaggregated as specified.
 - b) The number and proportion of regularly admitted and specially admitted first-time freshmen in each level who meet the general education requirement for written communication and mathematics and quantitative reasoning as follows:
 - i) Prior to the fall term of the academic year.
 - ii) At the end of the fall term of the academic year.
 - iii) At the end of the spring term of the academic year.
 - iv) At the end of the fall term of the second academic year.
 - c) An analysis of the university's three factors which include course taking, grade point average and test taking, that go into the multiple measures assessment of placement of freshmen into a specified level, and how predictive each of those factors is for student success indicators. The bill defines student success indicators to be all of the following: persistence into the fall term of the second academic year at the CSU, the number of units completed at the CSU in the first academic year, and grade point average at the CSU in the first academic year.
 - d) An analysis of any equity gaps by income, race, or ethnicity within and across the university's four levels of placement for general education written communication and mathematics and quantitative reasoning, and the university's plan to address any such gaps.
- 2) Requires that report be submitted to the Legislature pursuant to current law.
- 3) Changes the existing annual report deadline from February 1, to April 1, and eliminates an interim report currently due December 15 of each year.
- 4) Makes other conforming changes.

STAFF COMMENTS

- 1) *Need for the bill.* According to a letter submitted by the Education Trust-West in support of this bill, "AB 914 provides a vehicle to collect and report data that can help evaluate the effectiveness of Executive Order 1110 and its impact on student success. The goal of EO 1110 is to eliminate non-credit-bearing

remediation courses in written communication and math/quantitative reasoning, and change how students are placed into entry-level courses in these areas. The data is essential for planning improvements to K-12 college preparation and readiness programming and to inform college remediation strategies that are data driven.”

- 2) *CSU academic assessment and placement policy.* In 2017, the CSU Chancellor issued EO 1110 as a way to address concerns around academic preparation and student readiness for college level work. The new academic preparation policy made significant changes to developmental education and course placement procedures at the CSU. The change came at a time of growing concern that traditional forms of assessing academic readiness failed to place students accurately into college level courses and diverted students from reaching their academic goals. As such, the new policy allows students to earn college credit beginning on day one with academic support. As noted in this bill, the new CSU policy calls for the use of multiple measures for assessing readiness and determining course placement for first-year students, including, among other things, high school courses completed and grades earned, high school GPA, grades in collegiate course, or meeting traditional examination standards. The existing reporting requirement on academic proficiency in state law was adopted in 2009; this bill revises those provisions to align reporting to new academic assessment and placement strategies.
- 3) *Similar data collected for Graduation Initiative.* To address its low graduation rates, CSU launched the “Graduation Initiative 2025,” in 2015. CSU Gradation Initiative goals seek to significantly improve student success, increase degree completion and close persistent equity gaps. In pursuit of these goals, the CSU established six priorities, including improving academic preparation. The CSU is working to ensure that all students, including those who arrive in need of additional academic support, have the opportunity to earn 30 college-level semester units (or 45 quarter units) before their second academic year. This required a change in how the CSU serves students in their first year that resulted in the enactment of EO 1110. For this reason, CSU already collects much of data required by the provisions in this bill.
- 4) *Prior legislation.* AB 2578 (Irwin) of 2020, identical to this measure, was not heard in the Senate Education Committee due to shorten legislative calendar caused by the COVID pandemic.

SUPPORT

The Education Trust - West

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1002 **Hearing Date:** June 16, 2021
Author: Choi
Version: April 15, 2021
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Postsecondary education: course credit for prior military education, training, and service

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

SUMMARY

This bill requires the California State University (CSU) Chancellor's Office, in collaboration with the CSU Academic Senate, and requests the University of California (UC), by September 1, 2022, to develop a consistent policy for awarding course credit for prior military education, training, and service, as specified.

BACKGROUND

Existing law:

- 1) Requires, by September 1, 2019, the Office of the Chancellor of the California Community Colleges (CCCCO), in collaboration with the Academic Senate for the California Community Colleges (ASCCC), to develop a consistent policy to award military personnel and veterans who have an official Joint Services Transcript course credit for California Intersegmental General Education Transfer Curriculum, CSU General Education Breadth, or local community college general education requirements, as specified.
- 2) Requires the CCCCCO and the ASCCC to review and adjust this uniform policy to align it with policies of other public postsecondary educational institutions.
- 3) Requires, by December 31, 2020, each community college district to have a policy consistent with the policy developed by the CCCCCO, and requires each community college campus to post on its internet website the most recent policy adopted pursuant to this bill. (Education Code § 66025.71).
- 4) Further, requires the CSU and CCC to grant priority registration for enrollment to former members of the Armed Forces of the United States and the State Guard within fifteen years of leaving active military duty. (EC § 66025.8)
- 5) Requires the Board of Registered Nursing to adopt regulations by January 1, 2017, requiring schools to have a process to evaluate and grant credit for military education and experience. (Business and Professions Code § 2786.1)

ANALYSIS

This bill:

- 1) Requires the CSU Chancellor's Office, in collaboration with the Academic Senate of the CSU, and requests the UC, to do both of the following:
 - a) By September 1, 2022, develop a consistent policy to award military personnel and veterans who have an official Joint Services Transcript course credit in a course taught on the campus where the student matriculates, with subject matter similar, or equivalent, to that of the student's military education, training, and service, as specified.
 - b) Periodically review and adjust the policy developed pursuant to this bill to align it with policies of other public postsecondary educational institutions.
- 2) Requires, each campus of the CSU and requests the UC, by December 31, 2023, to do both of the following:
 - a) Have in effect a policy consistent with this bill, as specified.
 - b) Post on its internet website the most recent policy adopted pursuant to this bill.
- 3) Makes other technical and non-substantive changes.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "California is home to roughly 1.8 million veterans and over 200,000 active and reserve members of the Armed Forces, many of whom have earned higher education course credit during their service and potentially wish to continue their educational pursuits at one of California's world-class universities. In 2018, the Legislature approved Senate Bill (SB) 1071, which established the method by which CCCs may recognize the JST for transferable credit into degree paths. Assembly Bill (AB) 1002 seeks to build upon this important policy change and request the UC and direct the CSU systems to adopt similar systems in order to support our deserving service members seeking to further their educational pursuits in California." This bill aims to ensure implementation of a consistent policy for granting course credits for military experience at UC and CSU.
- 2) *Military issued transcripts.* The military issues academic transcripts for training and experiences completed by active-duty service members and veterans known as the Joint Services Transcript. Many universities award college credit for those courses based on transcript information and course equivalency recommendations produced by an independent reviewer, the American Council on Education. Their credit transfer recommendations are based on reviews of

military coursework by a panel of university faculty members. Both UC and the CSU use the American Council and Education standards for evaluating the academic credit or prior service of veterans. The bill aligns with this practice as it only applies to military training and experiences formalized in a Joint Services Transcript and evaluated by the American Council on Education.

- 3) *Recognition of prior learning experience.* The determination for how college credit for prior learning, including for military experience, is applied to a degree is the purview of faculty. As such, credit for prior learning practices may vary across CSU and UC. CSU systemwide policies for military education, which are set by CSU's Academic and Student Affairs Division, are updated periodically. Campuses may adjust their individual policies as long as they stay within the guidelines established by systemwide policies. UC also has an existing systemwide policy that broadly authorizes the awarding of academic credit for military education included in a Joint Service Transcript. Both CSU and UC's policies exist absent a requirement in current law. This bill appears to be consistent with current systemwide policies, as well as makes information regarding credit for prior military education easily accessible on each campus website.
- 4) *Parity with community colleges.* This measure seeks to provide parity with the community colleges. Under current law, a similar requirement is imposed on the CCCCO. Specifically, the CCCCO is required to develop a consistent policy to award military personal and veterans who have an official Joint Services Transcript course credit for specified general education courses. This bill does not limit the awarding of course credit to general education, rather it calls for the policy to address credits in a course taught on the campus where the veteran matriculates similar to their military experience. The general education limitation for veterans at a CCC, in current law, is there to control for the over awarding of credits which is less of a concern at CSU and UC.
- 5) *Related legislation.* AB 2492 (Choi, 2020), was substantively identical to this bill, and was not heard in the Senate Education Committee due to the shortened 2020 Legislative Calendar caused by the COVID pandemic.

SUPPORT

None received.

OPPOSITION

None received.

-- END --