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California State Senate

EDUCATION



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AGENDA

Wednesday, March 20, 2024
9 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | |
|-----|---------|------------------|--|
| 1. | SB 906 | Skinner | Collegiate athletics: student athlete compensation. |
| *2. | SB 916 | Seyarto | Public postsecondary education: waiver of tuition and fees:
veterans: extended education courses. |
| *3. | SB 920 | Seyarto | California Purple Star School Designation Program. |
| 4. | SB 954 | Menjivar | Sexual health: contraceptives. |
| 5. | SB 967 | Padilla | University of California: pilot project: dust forecast and
warning system: Imperial County and Coachella Valley. |
| 6. | SB 995 | Padilla | California State University: High-Quality Teacher
Recruitment and Retention Act. |
| 7. | SB 971 | Portantino | Community colleges: exemption from nonresident tuition
fee: resident of a region impacted by war or regional
conflict. |
| *8. | SB 997 | Portantino | Pupil health: naloxone hydrochloride nasal spray and
fentanyl test strips. |
| *9. | SB 1322 | Wahab | Foster youth: Chafee Educational and Training Vouchers
Program. |
| 10. | SB 1341 | Allen | Pupil instruction: course of study: visual and performing
arts: media arts. |
| 11. | SB 956 | Cortese | School facilities: design-build contracts. |
| 12. | SB 1023 | Wilk | California State University: Antelope Valley or Victor Valley
campus. |
| 13. | SB 1338 | Smallwood-Cuevas | Education finance: emergencies: apportionments: COVID-
19: Culver City Unified School District. |

- | | | | |
|------|---------|------------|---|
| *14. | SB 1429 | Ochoa Bogh | Education finance: emergencies: snowstorms. |
| 15. | SB 897 | Newman | Pupil attendance: interdistrict attendance: school districts of choice. |
| 16. | SB 907 | Newman | Orange County Board of Education: members. |

SPECIAL ORDER OF BUSINESS

- | | | | |
|-------|---------|-----------|--|
| **17. | AB 1887 | Cervantes | Student financial aid: application deadlines: extension. |
|-------|---------|-----------|--|

***Measures on Consent**

****Pending Receipt**

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 906	Hearing Date:	March 20, 2024
Author:	Skinner		
Version:	February 15, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Collegiate athletics: student athlete compensation.

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

SUMMARY

This bill would requires any entity that provides compensation or any item of value or service to a student athlete, or to the student athlete's immediate family, to disclose information, as specified, to the student athlete's postsecondary educational institution (PEI) and requires the postsecondary educational institution (PEI) to make that information publicly available.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires a student athlete who enters into a contract providing compensation to the athlete for use of the athlete's NIL to disclose the contract to an official of the Institution of Higher Education (IHE). (EC 67456 (e)(2))
- 2) Prohibits a student athlete from entering into a contract providing compensation to the athlete for use of the athlete's NIL or athletic reputation if a provision of the contract is in conflict with a provision of the athlete's team contract. (EC 67456 (e)(1))
- 3) Prohibits a PEI from upholding any rule, requirement, standard, or other limitation that prevents a student of that institution from participating in intercollegiate athletics from earning compensation as a result of the use of the student's NIL, or athletic reputation. Earning compensation from the use of a student's NIL, or athletic reputation shall not affect the student's scholarship eligibility. (EC 67456 (a)(1))
- 4) Prohibits an athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association (NCAA), from preventing a student of a PEI participating in intercollegiate athletics from earning compensation as a result of the use of the student's NIL, or athletic reputation. (EC 67456 (a)(2))

- 5) Prohibits an athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the NCAA, from preventing a PEI from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student's NIL, or athletic reputation. (EC 67456 (a)(3))
- 6) Prohibits a PEI, athletic association, conference, or other group or organization with authority over intercollegiate athletics from providing a prospective student athlete with compensation in relation to the athlete's NIL, or athletic reputation. (EC 67456(b))
- 7) Prohibits and IHE, athletic association, conference, or other group or organization with authority over intercollegiate athletics from preventing a California student participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation provided by athlete agents or legal representation provided by attorneys. (EC 67456 (c)(1))

ANALYSIS

This bill:

- 1) Requires any entity that provides compensation or any item of value or service to a student athlete, or to the student athlete's immediate family, to disclose to the student athlete's PEI, and be made publicly available by the PEI, all of the following information:
 - a) The amount of compensation and the value of the item or service provided to the student athlete or the student athlete's immediate family.
 - b) The athletic team for which the student athlete currently plays or the team for which it is anticipated the student athlete will play.
 - c) The student athlete's gender.
 - d) The total amount of compensation and the value of the items and services provided to all student athletes at the postsecondary institution each academic year disaggregated by athletic sport and gender.
- 2) Requires a PEI that provides material support or services to a student athlete in relation to the athlete receiving compensation or items of value or services for the use of the athlete's NIL, or athletic reputation to make the total value of the material support or services provided to student athletes each academic year disaggregated by athletic sport and gender publically available.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Prior to the enactment of my legislation, SB 206, the Fair Pay to Play Act, in 2019, student athletes were shut out financially from the multibillion-dollar business of college sports. With SB 206, California became the first state in the nation to open the door for college athletes to receive compensation for the use of their name, image, and likeness (NIL). SB 206 sparked a national movement and today every college athlete in the country can earn NIL money. But with the rapid growth of NIL nationwide, there is anecdotal evidence that so-called “collectives” and other strategies employed by college sports boosters are primarily benefitting men and shortchanging women athletes. However, because collectives and other NIL entities have, to date, operated primarily in secret, the extent to which NIL is contributing to gender inequity in California college sports is not clearly known. SB 906 is designed to pull back the veil on NIL in California and raise awareness about gender equity in the burgeoning NIL marketplace.”
- 2) ***Name Image and Likeness.*** On September 30, 2019, California became the first state to enact legislation to prohibit IHE, amateur athletic associations and athletic conferences, and any other organization with authority over intercollegiate athletics from preventing student-athletes from earning compensation in connection with the use of the athlete’s NIL (see EC § 67456 et seq). California began a nationwide conversation and initiative to address primarily NCAA bylaws that have historically prohibited student-athletes from using or permitting others to use their NIL to earn compensation or promote the athlete’s athletic skills and abilities.

The popular phrasing - NIL - refers to what is legally defined as “publicity rights.” Publicity rights are the property rights associated with the personality and identity of an individual. These rights enable an individual to control the commercial use of their identity. The public image of a celebrity or athlete is of immense value and can produce significant amounts of money for the individual celebrity or athlete. The State of California protects publicity rights both through statute and common law. California Civil Code § 3344 covers a person’s name, image, signature, photograph, and likeness. California courts use a “readily identifiable” test to determine if some characteristic or indicia of identity would fall into one of these five categories. Thus, if an individual is readily identifiable by the user’s representation of identity, it would be subject to the provisions of § 3344. California jurisprudence on publicity rights is well-developed, frequently relied upon, and cited by courts outside California.

Whether a student-athlete posts products on their social media, signs autographs, teach camps, or promotes a local business it is the decision of an student-athlete to use their NIL.

- 3) ***NIL Collectives – What Are They and How Do They Operate?*** NIL collectives are organizations that operate independently of universities but exist to fund opportunities for student-athletes to monetize their NIL. These collectives are typically founded by well-known alumni and supporters of the PEI and are financed through contributions from boosters, businesses, fans, and other sources. The revenue generated is pooled together and used to create opportunities for student-athletes to earn compensation in exchange for leveraging their NIL.

These organizations can be categorized as either for-profit, typically registered as limited liability companies (LLCs), or 501(c)(3) status non-profits. Organizations designated with a 501(c)(3) status allow the collective to be tax-exempt and potentially enable the benefactors to receive tax deductions for their payments. The most used model for tax-exempt collectives involves college athletes picking a charity to provide their services in exchange for NIL payment from the collective. For-profit collectives combine the pass-through taxation of a partnership or sole proprietorship with the limited liability of a corporation. Each collective sets out to accomplish a separate list of goals. For some, it may be streamlining NIL opportunities. Others may want to crowdsource funds from boosters. Most often across the college sports landscape, of the at least 250 collectives already formed, three types of collectives have emerged:

- a) **Marketplaces Collectives:** This organization sets out to create a meeting place for athletes and businesses to connect and create opportunities. Sometimes, this collective can even serve as the agent representative for the athlete. Donations are typically earmarked to help support logistics—examples of this collective are Marketpryce Florida, Division Street, Happy Valley Talent, and TigerImpact.
- b) **Donor-Driven Collective:** In these collectives, athletic booster money is pooled and then given out to that school's athletes in exchange for sponsorship or endorsement agreement that may include some specific activities that the athletes are to undertake. Examples of this collective are The Wildcats' Den, The Foundation, The Fund, The Grove Collective, and Spyre Sports Group.
- c) **Dual Collectives:** These collectives feature a marketplace and a place for supporters to place their donations. Examples of this model include The Gator Collective, Rising Spear, and Classic City Collective.

Existing laws requires student athletes who enter into a contract providing compensation to the athlete for use of the athlete's NIL to disclose the contract to an official of the institution. In addition to a student athlete disclosing their contracts to their institution, this bill would require any entity that that provides compensation or any item of value or service to a student athlete or the student athlete's immediate family to disclose to disclose that information to the student athlete's PEI.

Relationship Between Collective and Postsecondary Educational Institutions

The relationship between collectives and universities can be complicated. Some states, like Tennessee and Mississippi, have laws that allow coaching staff to communicate directly with collectives. Meanwhile, other states, such as New York, are consider banning collectives altogether.

- 4) ***NIL Collectives Criticized Due To Lack Of Transparency.*** Collectives have recently been the centerpiece of controversy due to NIL deals and involvement in recruiting actives. NCAA guidance prohibits PEI from using NIL as a recruiting inducement. Further, before NIL policies, college athletes received compensation only through university scholarship payments which are closely monitored by Title IX.

NIL Collectives and Title IX

Some of the most notable NIL deals in college sports have been with women athletes. On3, a news site focusing on college sports, has reported that Livvy Dunne, Angel Reese, Flau'jae Johnson, Hailey Cavinder, Caitlin Clark, and Paige Bueckers are among the top earners. However, a report by Opendorse, a company that supports student-athletes with marketing deals and endorsements, revealed that male athletes receive 77% of NIL revenue. In comparison, women athletes receive only 23%, despite women athletes making up 39% of the participants. Even with football excluded, men's sports still generate over half the revenue at 57.7%, while women's sports generate 42.3%, with 60% of women participating compared to 40% of men.

There is currently a legal debate surrounding the obligation of NIL collectives to adhere to the principles of Title IX, a federal law passed in 1972 that prohibits discrimination based on sex in any education program or activity that receives federal financial assistance.

Recruiting Activities

In 2021, the NCAA approved a temporary policy allowing student-athletes to earn money for their NIL. However, PEI cannot involve boosters or other collectives in recruiting. That means student-athletes can earn money from their NIL, but PEIs can't use NIL dollars to entice student-athletes to enroll, transfer, or stay at a particular PEI. The NCAA has released several guidance documents since the interim policy was issued, including additional student-athlete recruitment guidelines. These guidelines state that "booster/NIL entities" are not allowed to talk to recruits about enrolling at a PEI or offer deals based on whether athletes select a particular PEI. In the past, college booster-supported athletic programs have provided financial contributions directly to the PEI. However, the NCAA has always had a strict rule prohibiting "pay for play" in recruiting student-athletes to participate in sports at their college or university. Despite this rule, some PEIs have been caught and punished. The most well-known case involved Southern Methodist University (SMU), which barred SMU from NCAA competition for two years. However, Tennessee AG Jonathan Skrmetti and Virginia AG Jason Miyares (collectively the plaintiffs) filed a lawsuit challenging this NCAA guidance regarding recruiting. They argue that the NIL recruiting ban is an illegal agreement to restrain and suppress competition within the relevant labor market, violating Section 1 of the Sherman Antitrust Act (*The court has issued a preliminary injunction restricting the NCAA's ability to enforce its prohibition on using of NIL as a recruiting inducement until there is a final decision*).

With the introduction of the new NIL economy, whether these separate entities fall under the scope of Title IX enforcement is yet to be determined. Collectives are not required to publicize their deal making. This, of course, makes it difficult to determine the applicability of Title IX and third party entities (i.e., NIL Collectives).

- 5) **Revised NCAA Rules Regarding Collectives and NIL Deals.** The NCAA's updated its interim policy on January 10, 2024. The NCAA Division I Council replaced the interim policy January 10, 2024 by adopting new rules on disclosure requirements for third-party NIL agreements and voluntary registration for NIL service providers (sports agents, financial advisers, athletic consultants, etc.). The new rules, will take effect Aug, 1, 2024:

- **Voluntary Registration:** The NCAA will establish a voluntary registration process for NIL service providers, including potential agents, financial advisers and consultants. This process aims to collect and publish information on service providers, making it available to student-athletes and PEIs in order to facilitate informed decision-making.
- **Disclosure Requirements:** Student-athletes will be required to disclose to their universities details and information on any NIL agreements greater than \$600 in value no later than 30 days after entering into the NIL agreement. This includes disclosing contact information for all involved parties and NIL service providers; the terms of the agreement, including services rendered; term length of the agreement; amount compensated; and pay structure. PEIs will then provide deidentified data to the NCAA biannually for a database accessible to student-athletes. Notably, many states already require disclosure of NIL deals; the NCAA's new rule establishes a national requirement.
- **Standardized Contract:** The NCAA will develop a template contract and recommended contract terms, and collaborate with PEIs to educate student-athletes on contractual obligations.
- **Comprehensive NIL Education:** The NCAA plans to create comprehensive education for student-athletes and their support networks, covering policies, rules and best practices related to NIL.

Additional proposals are anticipated to be adopted by the NCAA in April which would include defining an NIL entity, remove some of the existing restrictions on PEI involvement with enrolled students' NIL activities, eliminate prohibitions on communications between PEIs and NIL entities (this would allow PEIs to reach out to entities, including collectives, concerning enrolled student-athletes for that PEI, but still be prohibited from directly or indirectly providing any financial support to collectives or other NIL entities, and prohibit NIL entities from engaging with or providing any sort of benefits to a student-athlete until that athlete: (1) signs a letter of intent, (2) participates in summer activities, (3) practices with the team, or (4) attends class at the PEI.

- 6) ***Committee Amendments.*** *The committee staff recommends, and the author has agreed to accept, the following amendment:*
- a) Further clarify that any entity that provides compensation or any item of value or service to a student athlete or to the student athlete's immediate family must disclose information to the PEI, as specified, that is in connection with, or in anticipation of, the student athlete's participation in a postsecondary educational institution's athletic program.

7) ***Related Legislation.***

SB 206 (Skinner, Chapter 383, Statutes of 2019) allows, commencing on January 1, 2023, college student-athletes to earn compensation for using their NIL (athletic endorsements). This bill allows student-athletes to obtain professional legal

representation about their college athletics, such as that provided by a sports agent. This bill protects student-athletes who elect to engage in the compensation and representation activities described therein.

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

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

SUPPORT

California Broadcasters Association
California News Publishers Association
Media Alliance

OPPOSITION

None Received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 916	Hearing Date:	March 20, 2024
Author:	Seyarto		
Version:	February 21, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Public postsecondary education: waiver of tuition and fees: veterans: extended education courses.

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

SUMMARY

This bill requires a campus of the University of California (UC), the California State University (CSU), or the California Community Colleges (CCC) to waive tuition or fees for certain extended education courses for a student who is a dependent of a service-injured veteran, a medal of honor recipient, or a child of a medal of honor recipient, as defined.

BACKGROUND

Existing federal law:

- 1) Establishes educational benefits for the spouse and children or both currently serving members of the Armed Forces of the United States and veterans, in such instances where the service member or veteran is permanently and totally disabled due to a service-connected disability, or died while on active duty or as a result of a service-connected disability. (38 U.S. Code Section 3500, et seq.)

Existing state law:

- 1) Authorizes the UC, CSU, and requires the CCC to collect fees from students attending those postsecondary education institutions. (Education Code (EC) § 89700)
- 2) Prohibits campuses of those segments from charging mandatory systemwide tuition or fees to specified students who apply for a waiver, including a child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the state poverty level. (EC § 66025.3, et seq.)
- 3) Further prohibits UC, CSU and CCC from charging mandatory systemwide tuition or fees to the surviving spouse or child of a deceased law enforcement or fire suppression personnel, as specified and the surviving dependent of any

California resident killed in the September 11, 2001 attack, as specified. The fee waivers are limited to undergraduate students who meet the specified financial need requirements. (EC § 68120 and EC § 68121)

- 4) Exempts certain CCC students from the fee requirement, including students who meet specified income thresholds (i.e. California College Promise Waiver formerly known as the BOG waiver) and students who are the dependent or surviving spouse of a California National Guard member killed or disabled as a result of their service, as specified. (EC § 76300)
- 5) 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 and 68134)
- 6) Establishes various educational benefits for dependents of veterans who were killed during military service or are totally disabled, as specified; defines “dependent of a veteran” to include the spouse of a totally disabled veteran; and prohibits a dependent of a veteran from receiving these educational benefits during the time the dependent is entitled to receive specified federal educational benefits or duplicative duplicate assistance from any other government source. (Military and Veterans Code (MVC) Section 890, et seq.)

ANALYSIS

This bill:

- 1) Requires a campus of the UC, CSU, or CCCs to waive tuition or fees for a student who enrolls in an extended education course if both of the following are met:
 - a) The student meets the eligibility criteria specified in current law for the waiver of mandatory systemwide fees for dependents of veterans, which include a child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, or an undergraduate student who is a recipient of a Medal of Honor, or a child of a Medal of Honor recipient who is no more than 27 years old, as specified.
 - b) The extended education course is being used to meet the requirements of an undergraduate degree program.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “We need to keep up with the changing landscape in education and the benefits military families receive to advance their quality of life. This is an easy way to show that continued support and provide clarification to the benefits these families deserve.”
- 2) ***Makes self-supported courses eligible for waiver.*** Courses provided by extended education programs are self-supported, also known as continuing

education, extended education, and community service classes. Self-supported courses typically require students to pay fees that cover the entire cost of the course, without any financial support from the state. In contrast, *state*-supported programs, which are traditional degree programs, are funded by a mix of state funding and student tuition fees. Self-supported programs include academic courses, professional certificate programs, and personal enrichment courses offered year-around, not necessarily adhering to a traditional academic calendar. There is variation in course fees across different campuses. The existing waiver for Medal of Honor recipients and dependents of service injured veteran outlined in the background of this analysis pertains to fees linked to *state*-supported traditional degree programs. This bill aims to provide the same benefit for fees related to self-supported undergraduate degree programs to students who would otherwise qualify for the Medal of Honor or dependents of service injured veteran waiver.

- 3) ***CCC do not offer self-supported undergraduate degree programs.*** All three public higher education segments provide self-supported courses. CSU provides bachelor's degrees through its extended education programs, while UC offers select courses for academic credit toward a UC degree. However, CCC primarily receive funding for their programs and courses through Proposition 98 dollars allocated through the Student Centered Funding Formula. While certain CCC districts offer self-supported community service classes funded solely by student fees, these courses *do not* result in a degree. The bill's provisions solely pertain to courses eligible for undergraduate degree credit. Since CCCs do not offer the types of courses identified in the bill, imposing requirements for non-existent courses could lead to confusion among CCC. ***For this reason, staff recommends that the bill be amended to remove community colleges from its provisions.***
- 4) ***Impact on campuses.*** As noted in the background of this analysis, current law prohibits public postsecondary institutions from applying certain fees to various groups impacted by tragic events. The state does not provide direct reimbursement to CSU or UC for waiving fees for these groups, including the dependents of service-injured veterans. This bill would establish precedent for requiring the exemption of fees for courses offered by self-supported programs. These programs rely on student fees for course offerings, raising questions about a campus's ability to cover costs and sustain course offerings.
- 5) ***Impact on students.*** Expanding waiver eligibility to cover degree applicable extended education courses may ensure access to degree programs with greater schedule flexibility. It would also simplify waiver programs for applicants by eliminating the need to distinguish between state-supported and self-supported degree programs in order to access the benefit. Further, this bill's provisions appear to be in line with the core principles of the original statute, seeking to acknowledge dependents impacted by a military service-related incident by offering a tuition-free degree at a public university or college.

6) ***Related legislation.***

AB 1793 (Ta, 2024) extends Cal Grant and Middle Class Scholarship Program to a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces of the United States stationed outside of California on active duty but otherwise maintains their residence in California. AB 1793 was approved by the Assembly Higher Education Committee and re-referred to the Assembly Committee on Military and Veterans Affairs.

SUPPORT

None received

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 920	Hearing Date:	March 20, 2024
Author:	Seyarto		
Version:	January 10, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: California Purple Star School Designation Program.

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

SUMMARY

This bill codifies the existence of the Purple Star School Designation Program, which was established by the California Department of Education (CDE) in 2022.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Defines "a pupil who is a child of a military family" as a school-aged child who is living in the household of an active duty service member. This is the same definition used in current law for purposes of the Interstate Compact on Educational Opportunity for Military Children (Compact). (EC § 49701, 51225.1, and 51225.2)
- 2) Requires local educational agencies (LEAs), including charter schools, to exempt a student of a military family who transfers between schools any time after the completion of the student's second year of high school from all coursework and other requirements that are in excess of state graduation requirements, unless the school district makes a finding that the student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school. (EC § 51225.1)
- 3) Establishes the Compact, which addresses educational transition issues of children of military families. (EC § 49700, et seq.)

ANALYSIS

This bill:

- 1) Requires the CDE to establish a nonmonetary California Purple Star School Designation Program to achieve both of the following:

- a) Reduce the burden on military-connected pupils and their families by articulating the most critical transition supports for military-connected pupils and their families.
 - b) Publicly recognize and designate schools that meet certain requirements and signal which schools are the most committed and best equipped to meet military-connected pupils and their families' unique needs.
- 2) Requires that a school site do all of the following to qualify for the Purple Star School designation:
- a) Demonstrate an active status designation, as identified by the CDE on its internet website.
 - b) Designate a staff member to serve as a point of contact, who shall act as a liaison between military families and the schoolsite, easing military-connected pupils' enrollment and acclimation period.
 - c) Provide professional development opportunities to train staff on the unique considerations for, and needs of, military-connected pupils.
 - d) Develop a dedicated webpage on the schoolsite's internet website with easily accessible information and resources for military-connected families.
 - e) Provide a transition program to welcome and socially acclimate incoming military-connected pupils. This transition program may be pupil led.
 - f) Hire, or continue to employ, an individual who specializes in the Compact and addressing military-connected pupils' graduation requirements.
- 3) Allows a school site to provide programming and events to include, celebrate, and honor service members and military-connected pupils and families, including community members to qualify for the Purple Star School designation.
- 4) Requires the CDE to develop an application process that provides annual opportunities for schoolsites to earn the Purple Star School designation by demonstrating compliance with the required qualifications.
- 5) Allows the Purple Star School Designation to be valid for three years and allows a school site, if they have lost their designation, to reapply the following year.
- 6) Defines "Military-connected pupil" means a schoolage child who is either of the following:
- a) A dependent of a current or former member of any of the following:
 - i) The United States military, serving in the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, or United States Space Force on active duty.
 - ii) The California National Guard.

- iii) A reserve force of the United States military.
 - b) Was a dependent of a member of a military or reserve force who was killed in the line of duty.
- 7) Defines “Schoolsite” means a publicly funded school serving pupils in kindergarten or any of grades 1 to 12, inclusive.

STAFF COMMENTS

- 1) ***Need for the bill.*** According the author, “The Purple Star School program is a successful way for military families to be able to identify where they will meet the understanding and support they deserve for their unique needs. Taking this program from an option to a guarantee is a no-brainer and pledges a benefit we are happy to offer to those who have served our country.”
- 2) ***Assembly Concurrent Resolution 53 (Ward, 2021) – The Purple Star School Program.*** In 2021, the Legislature passed Assembly Concurrent Resolution (ACR) 53, which requested the CDE to establish and maintain a program designating schools as Purple Star Schools when those schools provided supports for children in military families. Subsequently, before the start of the 2022-23 school year, the CDE established the Purple Star School Designation Program.

CDE’s Eligibility Requirements: In addition to a school site showing active status, as identified on the CDE’s California School Directory, a school site must meet the following:

- a) Designated Point-of-Contact: A staff member to act as a liaison between military families and the school, easing military-connected students’ enrollment and acclimation period.
- b) Professional Development: Trained staff on the unique considerations for and needs of military-connected students.
- c) Dedicated Web Page: A dedicated web page on the school’s website with easily accessible information and resources for military-connected families.
- d) Transition Programs: A transition program to welcome and socially acclimate incoming military-connected students, which can be student-led.
- e) Military Recognition: Programming and events to include, celebrate and honor service members and military-connected students and families, including community members. (*Optional*)

Review and Award Process: Each application will be reviewed by the CDE. Applicants that can provide the information requested, with fidelity, will be awarded a Purple Star School designation. Incomplete or late applications are not considered by the CDE.

Once a school site has been awarded the Purple Star School Designation, the school site does not have to apply again for three years. Once an application is approved for a Purple Star School designation, the CDE reserves the right to request additional information in subsequent years to verify that the school site continues to adhere to the purpose/requirements of the Purple Star Program.

In response to ACR 53, the CDE established the Purple Star School Designation Program in addition to the departments other recognition programs as mentioned in comment 2. This bill attempts to codify the Purple Star School designation, and its eligibility requirements, into statute.

- 3) **California School Recognition Program.** The CDE operates several recognition programs known collectively as the California School Recognition Program (CSRP). Since its inception in 1986, the CSRP recognizes numerous types of schools, including, in addition to the Purple Star School Designation, the following:
- a) California Exemplary Arts Education.
 - b) California Exemplary Physical Activity and Nutrition Education.
 - c) California Exemplary Career Technical Education.
 - d) California Exemplary Districts.
 - e) California Green Ribbon Schools.
 - f) California Teachers of the Year.
 - g) Civic Learning Award.
 - h) Classified School Employees of the Year.
 - i) Model Continuation High School Recognition Program.
 - j) National Blue Ribbon Schools.
 - k) National Elementary and Secondary Education Act (ESEA) Distinguished Schools.

According to the CDE, “the CSRP gives exceptional schools and school leaders the opportunity to gather and share their Model Programs and Practices and their special skills which have contributed to their success. There are many details that go into the eligibility and selection of these awardees. All of the award programs recognize sustained student achievement, excellence in environmental program design, or superior job performance, and community involvement. CSRP Awardees are recognized at a CSRP Awards Ceremony held during the spring.” Qualification and standards are set by the CDE to ensure the quality of candidates selected to receive these recognitions.

By codifying the Purple Star School Designation program into statute, it may be difficult for the CDE to adjust their qualifying criteria. The committee may want to consider allowing the CDE to establish criteria to qualify for the Purple Star designation, and provide a list of criteria for the CDE to consider rather than prescribing qualifying criteria in statute. This would provide the CDE flexibility to adjust the Purple Star designation program as needed while codifying the program simultaneously.

- 5) ***Interstate Compact on Educational Opportunity for Military Children.*** The United States Department of Defense, in collaboration with the National Center for Interstate Compacts and the Council of State Governments, developed the Compact to address educational transition issues of children of military families.

The goal of the Compact is to ensure that the children of military families are afforded the same opportunities for educational success as other children, and are not penalized or delayed in achieving their educational goals. States participating in the Compact work to coordinate graduation requirements, transfer of records, course placement, and other administrative policies. According to the Department of Defense, all 50 States and the District of Columbia participate in the interstate compact. California adopted the Compact in the state's Education Code in 2009. The Compact addresses a number of topics, including:

- a) Timely enrollment.
- b) Transfer of school records.
- c) School placement.
- d) Eligibility for enrollment and participation in school programs, athletics, and extracurricular activities.
- e) On-time graduation.

The Compact does not speak generally to the right of students to remain in their schools of origin when their parents' residence changes, but does state that a transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis, who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

- 6) ***Committee Amendments.*** *Committee staff recommends, and the author has agreed to accept, the following amendments:*
- a) Allows CDE to adopt application criteria for schoolsites seeking the Purple Star School designation rather than prescribe qualifying criteria in statute.
 - b) Require a school site, once it has been awarded a Purple Star School designation, to display the designation on their website.

- c) Add that the department may request additional information to verify if a schoolsite that has earned a Purple Star School designation continues to adhere to the Purple Star School designation criteria adopted during its three year designation.
- d) Adds coauthors.
- e) Makes technical changes.

7) ***Related Legislation.***

ACR 53 (Ward, Chapter 53) requests the CDE to establish and manage a program designating schools as Purple Star Schools when schools support military connected students in specified ways, and requests the CDE to use the Military Child Education Coalition for resources and information regarding establishing and managing a Purple Star School Program in California.

AB 2949 (Gloria, Chapter 327, Statutes of 2018) requires that a student who is the child of a military family be allowed to remain in his or her school of origin, and to matriculate with his or her peers in accordance with the established feeder patterns of school districts.

AB 365 (Muratsuchi, Chapter 739, Statutes of 2017) extends to students from military families certain rights regarding exemptions from local graduation requirements and acceptance of partial credit which are currently afforded to other groups of highly mobile students.

SB 455 (Newman, Chapter 239, Statutes of 2017) establishes that a student whose parent is transferred or is pending transfer to a military installation within state while on active military duty pursuant to an official military order has complied with the residency requirements for school attendance in any school district.

SUPPORT

None Received

OPPOSITION

None Received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 954	Hearing Date:	March 20, 2024
Author:	Menjivar		
Version:	January 22, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Sexual health: contraceptives.

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

SUMMARY

This bill requires all public high schools to make condoms available to students by the start of the 2025-26 school year and requires schools to provide information to students on the availability of condoms, as well as other sexual health information. Prohibits public schools from preventing distribution of condoms or preventing a school-based health center from making condoms available and easily accessible to students at the school-based health center site. Prohibits retailers from restricting sales of nonprescription contraception on the basis of age.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Establishes the California Healthy Youth Act (CHYA), which requires local educational agencies (LEAs) to provide comprehensive sexual health and HIV prevention instruction to all students in grades 7 to 12, at least once in middle school and once in high school. (EC § 51933)
- 2) Authorizes an LEA to contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health education and HIV prevention education or to provide training for school district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction. (EC § 51936)
- 3) Requires that pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education at least once in junior high or middle school and at least once in high school. (EC § 51934)
- 4) Requires that the instruction and related instructional materials be, among other things:

- a) Age appropriate.
 - b) Medically accurate and objective.
 - c) Appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners.
 - d) Made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil.
 - e) Accessible to pupils with disabilities. (EC § 51934)
- 5) Authorizes an LEA to provide comprehensive sexual health education and HIV prevention education earlier than grade 7 using instructors trained in the appropriate courses and age-appropriate and medically-accurate information. (EC § 51933)
- 6) Requires LEAs to provide parents and guardians with a notice at the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment the following:
- a) About instruction in comprehensive sexual health education and HIV prevention education and research on pupil health behaviors and risks planned for the coming year.
 - b) Advise the parent or guardian that the educational materials used in sexual health education are available for inspection.
 - c) Advise the parent or guardian whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by outside consultant, as provided.
 - d) Advise the parent or guardian that the parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education and that in order to excuse their child they must state their request in writing to the LEA. (EC § 51938)
- 7) Provides that the parent or guardian of a pupil has the right to excuse their child from all or part of that education, including related assessments, through a passive consent ("opt-out") process. (EC § 51938)

ANALYSIS

This bill:

- 1) Requires, on or before the start of the 2025–26 school year, each public school to make condoms available to all pupils in grades 9 to 12, inclusive, free of charge, and requires related information to be made available to students.

- 2) Requires each public school serving any of grades 7 to 12, inclusive, to allow condoms to be made available during the course of, or in connection with, educational or public health programs and initiatives, as specified.
- 3) Requires public schools, serving any of grades 7 to 12, to allow a school-based health center to make internal and external condoms available and easily accessible to pupils at the school-based health center site.
- 4) Prohibits a retail establishment from refusing to furnish nonprescription contraception to a person solely on the basis of age by means of any conduct, including, but not limited to, requiring the customer to present identification for purposes of demonstrating their age, unless the contraception is otherwise subject to restriction on the basis of age. Specifies that penalties do not apply for non-compliance.
- 5) Finds and declarations that California has an interest in promoting and expanding equitable access to tools and resources that empower youth to make healthier choices and reduce the spread of sexually transmitted infections (STIs) and improving public health outcomes and reduce STI rates among California youth by making condoms more accessible for young people.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “We cannot continue ignoring the STI epidemic among our youth when some high schools and retailers are enacting dangerous policies that deny them the ability to protect themselves. SB 954 aims to safeguard the health and futures of high school students statewide by increasing equitable access to condoms while also increasing fiscal responsibility. Investing in prevention is a fraction of the cost compared to the millions California spends on the treatment of STIs every year. This isn’t about a catchy headline but rather the health and safety of our youth.”
- 2) ***California Healthy Youth Act.*** The CHYA took effect in 2003 and was initially known as the Comprehensive Sexual Health and HIV/AIDS Prevention Education Act. Originally, the act required LEAs to provide comprehensive sexual health education in any grade, including kindergarten, so long as it consisted of age-appropriate instruction and used instructors trained in the appropriate courses. Beginning in 2016 with AB 329 (Weber, 2015), the act was renamed the CHYA and, for the first time, required LEAs, excluding charter schools, to provide comprehensive sexual health education and HIV prevention education to all students at least once in middle school and at least once in high school. Charter schools must also provide that same instruction. From its inception in 2003 through today, the CHYA has always afforded parents the right to opt their child out of a portion, or all, of the instruction and required LEAs to notify parents and guardians of this right. Parents and guardians can exercise this right by informing the LEA in writing of their decision.

Comprehensive sexual health education in lower grades has always been, and remains, optional. Under existing law, for grades 6 and below, an LEA must “opt-in” to offer that instruction to students. The LEA is then required by law to notify parents

and guardians of their right to “opt-out” their child, whether in part or completely. All instruction and materials in grades K–6 must meet the instructional criteria or baseline requirements of the CHYA and the content that is required in grades 7–12 may also be included in an age-appropriate way in earlier grades.

- 3) ***Health Education Framework (2019)***. On May 8, 2019, the State Board of Education (SBE) officially adopted the 2019 Health Education Curriculum Framework for California Public Schools (the Health Education Framework) after over two years of development. The Health Education Framework is aligned to the 2008 California Health Education Content Standards, which support the development of knowledge, skills, and attitudes in eight overarching standards: (1) essential health concepts; (2) analyzing health influences; (3) accessing valid health information; (4) interpersonal communication; (5) decision making; (6) goal setting; (7) practicing health-enhancing behaviors; and (8) health promotion in six content areas of health education, including sexual health.
- 4) ***Related Legislation***.

SB 541 (Menjivar, 2023), a nearly identical measure, would have required all public high schools to make condoms available to students by the start of the 2024-25 school year, and required schools to provide information to students on the availability of condoms, as well as other sexual health information. This bill prohibits public schools from preventing distribution of condoms or preventing a school-based health center from making condoms available and easily accessible to students at the school-based health center site. This bill also prohibited retailers from restricting sales of nonprescription contraception on the basis of age. SB 541 was vetoed by Governor Newsom with the following message:

“While evidence-based strategies, like increasing access to condoms, are important to supporting improved adolescent sexual health, this bill would create an unfunded mandate to public schools that should be considered in the annual budget process. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing. With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure. For this reason, I cannot sign this bill.”

AB 230 (Reyes, Chapter 421, Statutes 2023) expands the requirement that schools serving students in grades 6 through 12 stock specified restrooms with menstrual products to include schools serving students in grades 3 to 5.

AB 329 (Weber, Chapter 398, Statutes 2016) made instruction in sexual health education mandatory, revises HIV prevention education content, expands topics

covered in sexual health education, requires this instruction to be inclusive of different sexual orientations, and clarifies parental consent policy.

AB 367 (C.Garcia, Chapter 664, Statutes of 2021) requires all public schools serving students in grades 6 to 12 to stock specified restrooms with an adequate supply of free menstrual products, commencing in the 2022-23 school year and requires the CSU and each community college district, and encourages the Regents of the University of California, independent institutions of higher education, and private postsecondary educational institutions, to stock an adequate supply of free menstrual products at no fewer than one designated and accessible central location on each campus.

SUPPORT

Black Women for Wellness Action Project (co-sponsor)
California School-Based Health Alliance (co-sponsor)
Essential Access Health (co-sponsor)
Generation Up (co-sponsor)
URGE: Unite for Reproductive and Gender Equity (co-sponsor)
Access Reproductive Justice
Aids Healthcare Foundation
Alliance for Children's Rights
American Academy of Pediatrics, California
American College of Obstetricians and Gynecologists District IX
APLA Health
Bienestar Human Services
Buen Vecino
California Coalition for Youth
California Legislative LGBTQ Caucus
California Nurse-Midwives Association
Citizens for Choice
Courage California
Equality California
GLIDE
Los Angeles LGBT Center
National Health Law Program
Period @ Irvine, CA
Reproductive Freedom for All California
Sacramento LGBT Community Center
The Source LGBT+ Center
Women's Health Specialists
Young Invincibles

OPPOSITION

California Baptist for Biblical Values
California Family Council
Real Impact
4 individuals

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 967	Hearing Date:	March 20, 2024
Author:	Padilla		
Version:	January 24, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: University of California: pilot project: dust forecast and warning system: Imperial County and Coachella Valley.

SUMMARY

This bill requests the Regents of the University of California (UC) to conduct a pilot project in the County of Imperial and the Coachella Valley to develop a three-day wintertime regional dust forecast capability and a dust storm early warning system for the monsoon season, as specified.

BACKGROUND

Existing law:

- 1) Establishes, under the California Constitution, 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) States, under the California Constitution, 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. (Education Code (EC) § 67400)
- 4) Declares the UC as the primary state-supported academic agency for research. (EC § 66010.4 (c))
- 5) Requires construction employers performing work that disturbs the soil where Valley Fever is highly endemic to provide effective awareness training to employees on the disease. (Labor Code § 6709)

ANALYSIS

This bill:

- 1) Requests the UC Regents to conduct a pilot project in the County of Imperial and the Coachella Valley to develop a three-day wintertime regional dust forecast capability and a dust storm early warning system for the monsoon season.
- 2) Provides that the goals of the pilot project are to demonstrate the capacity to improve on existing dust forecasts and air quality information, and to quantify the value of these products within the County of Imperial and the Coachella Valley.
- 3) Requests the UC Regents, in conducting the pilot project, to do both of the following:
 - a) Work with local groups to identify effective communication strategies and to focus initial efforts on providing actionable information to historically underserved groups in the County of Imperial and in the Coachella Valley.
 - b) Identify opportunities for citizen science and education applications of the pilot project.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Dust is a growing threat to public health, with dust storms expected to worsen as climate change continues. Dust is linked with numerous health problems, including asthma and respiratory diseases and reduced life expectancy. Air quality forecasts and predictive dust storm models are effective at protecting populations from unhealthy air, and must become accurate and accessible to protect human health.”
- 2) ***Why only Imperial County and Coachella Valley?*** The Salton Sea, California’s largest lake, is located in southern Riverside and northern Imperial counties. Although large seas have cyclically formed and dried over historic time in the basin due to natural flooding from the Colorado River, the current Salton Sea was formed when Colorado River floodwater breached an irrigation canal being constructed in the Imperial Valley in 1905 and flowed into the Salton Sink. The Salton Sea has since been maintained by irrigation runoff in the Imperial and Coachella valleys and local rivers. Because the Sea is a terminal lake, increasingly concentrated salts have resulted in a salinity that is currently 50 percent greater than that of the ocean. Flows into the Salton Sea have declined in recent years, and the result is a shrinking, increasingly saline lake. As the Salton Sea recedes, previously submerged lakebed is being exposed, creating dust that is of concern to local communities.

According to numerous studies, communities surrounding the Salton Sea have high rates of childhood asthma and chronic exposures to Salton Sea dust likely has a role in the high rates of asthma and other respiratory illnesses.

The Salton Sea Management Program, coordinated by the Natural Resources Agency, Department of Water Resources, and Department of Fish and Wildlife, is implementing restoration projects at the Salton Sea to suppress dust and create wildlife habitat.

According to the author, in communities with dust storms similar to the one surrounding the Salton Sea, dust forecasts have poor accuracy. Developing a regional dust forecast and early warning system in Imperial County is necessary to demonstrate the capacity to improve on existing dust forecasts and air quality data.

- 3) **Early warning systems.** Presently, the state of California has no early warning system for dust storms. Identifying Violations Affecting Neighborhoods (IVAN) Imperial Air Monitoring is a network of 40 community air monitors located throughout Imperial Valley. The IVAN air monitoring website enables people to view current air quality levels and receive alerts when the air quality is unhealthy.

AirNow.gov is source for air quality data at the local, state, national, and world levels. AirNow is a partnership of the United States Environmental Protection Agency, National Oceanic and Atmospheric Administration, National Park Service, National Aeronautics and Space Administration, Centers for Disease Control and Prevention, and tribal, state, and local air quality agencies. Agencies send their monitoring data to AirNow for display.

- 4) **Why UC?** The UC Dust research group, UC-Dust, includes scientific representation from UC Berkeley, UC Davis, UC Irvine, UCLA, UC Merced, UC Riverside, and UC San Diego. This group is tasked with assessing current dust storm activity in the state, how it might change in the future, and proposing mitigation strategies. The UC-Dust initiative is one of the 21 projects that are being funded through \$16.4 million in grants from UC's Multi-Campus Research Programs and Initiatives. The UC appears to be well-positioned to take on the task of developing dust forecasting and a dust storm early warning system.
- 5) **Sunset date?** This bill requests the UC to conduct a pilot project and therefore should include a sunset date. **Staff recommends an amendment** to add a sunset date of January 1, 2030.

- 6) **Related/Prior legislation.**

AB 3002 (Bains, 2024) is currently a spot bill related to Valley fever. AB 3002 is in the Assembly Rules Committee pending referral.

AB 827 (Garcia, 2023) would have required the Department of Public Health to conduct a study of the pulmonary health of communities in the Salton Sea region. AB 827 was held in the Assembly Appropriations Committee.

SUPPORT

Visión y Compromiso

OPPOSITION

None received

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 995	Hearing Date:	March 20, 2024
Author:	Padilla		
Version:	January 31, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: California State University: High-Quality Teacher Recruitment and Retention Act.

SUMMARY

This bill creates the High-Quality Teacher Recruitment and Retention Act as a pilot program to recruit high-quality teaching candidates at three California State University (CSU) campuses in partnership with three California Community College (CCC) campuses.

BACKGROUND

Existing law:

- 1) Requires the segments of higher education to develop an intersegmental common core curriculum in general education for the purpose of transfer. This common core curriculum is known as the Intersegmental General Education Transfer Curriculum (IGETC). Any student who completes the IGETC course pattern is deemed to have completed the lower division coursework required for transfer to the University of California (UC) or the CSU. (Education Code (EC) § 66720)
- 2) Requests UC to identify commonalities and differences in similar majors across all UC campuses and provide CCC students with information in at least the top 20 majors. (EC § 66721.7)
- 3) Requires the governing board of each public postsecondary education segment to be accountable for the development and implementation of formal systemwide articulation agreements and transfer agreement programs, including those for general education or a transfer core curriculum, and other appropriate procedures to support and enhance the transfer function. (EC § 66738)
- 4) Requires the Chancellor of CSU, in consultation with the Academic Senate of the CSU, to establish specified components necessary for a clear degree path for transfer students, including specification of a systemwide lower division transfer curriculum for each high-demand baccalaureate major. (EC § 66739.5)
- 5) Establishes the Student Transfer Achievement Reform (STAR) Act, which, in part, requires, commencing with the fall term of the 2011-12 academic year, a student that receives an associate degree for transfer to be deemed eligible for

transfer into a CSU baccalaureate degree when the student meets specified requirements. Requires a granting of this degree when a student:

- a) Completes 60 semester or 90 quarter units eligible for transfer to the CSU and that includes the CSU General Education Breadth program for IGETC, and a minimum of 18 semester or 27 quarter units in a major area of emphasis as determined by the district; and,
 - b) Obtains a minimum grade point average of 2.0. (EC § 66745, et seq.)
- 6) Establishes the STAR Act, which, in part, requires the CSU and UC to jointly establish a singular lower division general education (GE) pathway for transfer admission into both segments, and also requires CCC to place students who declare a goal of transfer on an Associate Degree for Transfer (ADT) pathway for their intended major. Further, this bill also establishes the ADT intersegmental implementation committee to serve as the primary entity charged with oversight of the ADT.

ANALYSIS

This bill:

- 1) Establishes the High-Quality Teacher Recruitment and Retention Act.
- 2) Requires the Chancellor of the CSU, in consultation with the Chancellor of the CCCs, to develop a five-year pilot program to commence with the 2025–26 school year, to recruit high-quality teaching candidates at three CSU campuses in partnership with three CCC campuses that apply to participate in the five-year pilot program.
- 3) Requires all of the following of the pilot program:
 - a) One pilot program shall be at a campus of the CSU that is located in a rural community.
 - b) Each pilot program at a CSU campus shall partner with a CCC that has applied to participate in the pilot program and is within close proximity to the CSU campus.
 - c) The pilot program shall build on the STAR Act.
 - d) The pilot program shall establish transfer model curriculum and an ADT at a CCC campus that can then be completed at a campus of the CSU that will result in a participating student being awarded a baccalaureate degree and a teaching credential in four years.
 - e) The pilot program shall use dual enrollment practices to create the transfer model curriculum, as needed.

- 4) Specifies that if a participating student completes their associate ADT at a CCC campus and is in good academic standing, the student shall be guaranteed admission to the teacher training program at the partnering campus of the CSU.
- 5) Requires the participating campuses of the CSU, in consultation with the partnering CCC district, to conduct marketing and outreach to local high schools to recruit a diverse pool of participating students.
- 6) Requires the participating CSU campuses and the partnering CCC districts to assign counselors to participating students to ensure they are completing the correct coursework during their participation in the pilot program, with the counselors being existing counselors who work with students to meet the requirements for an ADT, a baccalaureate degree, and a teaching credential.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Schools across California are struggling with the impacts of years of increased teacher retirements while enrollment in teacher credentialing programs decline sharply. Vulnerable communities are feeling impacts of this shortage most acutely as class sizes grow. We must act to ensure that our students have the instructions and the attention in the classroom they need to succeed. By building off the existing partnerships between California Community Colleges and California State Universities, we can broaden the pathways to a career in teaching by making it faster and more affordable. SB 995 is a crucial step towards ensuring that schools have enough teaching staff to serve the over 5.8 million K-12 students who call California home.”
- 2) ***Establishment of ADTs.*** Enacted a decade ago, the ADT was designed to simplify the transfer maze at CCC. Since its enactment, the ADT has made significant strides in streamlining the transfer process for students, and has become a successful pathway to earning a bachelor’s degree. The ADT is a two-year, 60 unit degree that guarantees admission to the CSU and participating private institutions of higher education. Students who earn an ADT are automatically eligible to transfer as an upper-division student in a bachelor’s degree program and need only complete two additional years (an additional 60 units) of coursework to earn a bachelor’s degree.
- 3) ***Student Transfer Achievement Reform Act.*** Authored by Assemblymember Marc Berman and approved in 2021, The Student Transfer Achievement Reform Act of 2021 (Assembly Bill 928) consolidates two existing general education pathways for CCC students into a single pathway to either the CSU or UC system. It also requires that community colleges place incoming students on an ADT pathway, if one exists for their major, on or before August 1, 2024.
- 4) ***Learning Policy Institute (LPI) report.*** The LPI’s 2016 report, “*Addressing California’s Emerging Teacher Shortage: An Analysis of Sources and Solutions*” included the following summary: “After many years of teacher layoffs in California, school districts around the state are hiring again. With the influx of new K-12 funding, districts are looking to lower student-teacher ratios and

reinstate classes and programs that were reduced or eliminated during the Great Recession. However, mounting evidence indicates that teacher supply has not kept pace with the increased demand.” The report included the following findings:

- a) Enrollment in educator preparation programs has dropped by more than 70 percent over the last decade.
- b) In 2014-15, provisional and short-term permits nearly tripled from the number issued two years earlier, growing from about 850 to more than 2,400.
- c) The number of teachers hired on substandard permits and credentials nearly doubled in the last two years, to more than 7,700 comprising a third of all the new credentials issued in 2014-15.
- d) Estimated teacher hires for the 2015-16 school year increased by 25 percent from the previous year, while enrollment in the UC and CSU teacher education programs increased by only about 3.8 percent.

The LPI report offered several policy recommendations for consideration, including the creation of more innovative pipelines into teaching.

- 5) ***Legislative Analyst Office (LAO) assessment.*** As part of the Proposition 98 Education Analysis for the 2016-17 Governor’s Budget released in February 2016, the LAO included a section on teacher workforce trends in which it examined evidence for teacher shortages in specific areas, identified and assessed past policy responses to these shortages, and raised issues for the Legislature to consider going forward in terms of new policy responses. In the report, the LAO indicated that the statewide teacher market will help alleviate existing shortages over time and that the shortages may decrease without direct state action. However, the LAO noted there are perennial staffing difficulties in specific areas, such as special education, math, and science, for which they encouraged the Legislature to address with narrowly tailored policies rather than with broad statewide policies.
- 6) ***Already weak teaching pipeline further damaged by COVID-19 education disruptions.*** A March 2021 report by the LPI raised concerns about the effects of the COVID-19 pandemic on the teacher shortage in California:
 - a) Teacher shortages remain a critical problem. Most districts have found teachers to be in short supply, especially for math, science, special education, and bilingual education. Shortages are especially concerning as a return to in-person instruction will require even more teachers to accommodate physical distancing requirements. Most districts are filling hiring needs with teachers on substandard credentials and permits, reflecting a statewide trend of increasing reliance on underprepared teachers.

- b) Teacher pipeline problems are exacerbated by teacher testing policies and inadequate financial aid for completing preparation. Many districts attributed shortages to having a limited pool of fully credentialed applicants, with more than half reporting that testing requirements and lack of financial support for teacher education pose barriers to entry into teaching.
 - c) Teacher workload and burnout are major concerns. The transition to online and hybrid learning models has had a steep learning curve and poses ongoing challenges that have been a primary contributor to some teachers' decisions to retire earlier than previously planned. With district leaders estimating that teacher workloads have at least doubled, many were concerned that the stressors of managing the challenges of the pandemic on top of the challenges of an increased workload could lead to teacher burnout and increased turnover rates.
 - d) Growing retirements and resignations further reduce supply. In some districts, retirements and resignations are contributing to shortages, while in others, these retirements and resignations offset the need for anticipated layoffs due to expected budget cuts this school year. District leaders anticipate higher retirement rates next year, which could exacerbate teacher shortages.
- 7) **Committee amendments.** According to the CSU and CCC Chancellor's Office, this bill, as currently drafted, does not acknowledge existing TMC for teacher preparation at CSU in partnership with CCCs because the bill would require the establishment of a new TMC as part of the pilot. Further, as currently drafted this bill is limited only to ADTs that result in a participating student being awarded a baccalaureate degree and a teaching credential in four years. While the goal of a degree and teaching credential in four years has merit, most CCC transfer students take five years to complete this process and excluding these students from the pilot is not appropriate.

Therefore, if it is the desire of the Committee to pass this measure, **staff recommends amending the bill** as follows:

- a) 89298.1 (b)(3) The pilot program shall **comply with and** build on the Student Transfer Achievement Reform Act (Article 3 (commencing with Section 66745) of Chapter 9.2 of Part 40 of Division 5).
- b) 89298.1 (b)(4)(A) The pilot program shall **establish/implement** transfer model curriculum and an associate degree for transfer at a community college campus that can then be completed at a campus of the California State University that will **result in allow, but not require,** a participating student **being awarded to complete** a baccalaureate degree and a teaching credential in four years.
- c) 89298.1 (b)(4)(B) The pilot program shall use dual enrollment practices to **create/fulfill** the transfer model curriculum, as needed.

SUPPORT

Alameda County Office of Education
Calexico Unified School District
EdVoice
Heber Elementary School District
San Diego County Office of Education
San Diego Unified School District
Southwestern Community College District

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 971	Hearing Date:	March 20, 2024
Author:	Portantino		
Version:	January 25, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Community colleges: exemption from nonresident tuition fee: resident of a region impacted by war or regional conflict.

SUMMARY

This bill allows a community college district to exempt from nonresident tuition fees a low-income student who is a resident of a region impacted by war or regional conflict and limits the number of students who may be exempted in any given academic year to no more than 150 full-time equivalent students at a community college.

BACKGROUND

Existing law:

- 1) Authorizes a community college district to admit non-resident students and requires that these students be charged a tuition fee that is twice the amount of the fee established for in-state resident students, with certain specified exemptions including any nonresident who is both a citizen and resident of a foreign county with demonstrated financial need. State statute prescribes a formula for calculating non-resident fees. State law requires the non-resident tuition fee be increased to a level that is three times the amount of the fee established for in-state resident students. (Education Code (EC) § 76140)
- 2) Provides for various exemptions, some that are mandatory, from nonresident tuition fees or exceptions to residency classification for students enrolling at a California Community College (CCC), including all of the following:
 - All nonresidents who enroll for six or fewer units. (EC § 76140 (a)(1))
 - Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. (76140 (a)(2))
 - A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005-06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, but could not attend due to Hurricane Katrina. (EC § 76140 (a)(3))
 - A special part-time student, other than a person excluded from the term “immigrant” for purposes of the federal Immigration and Nationality Act. (EC § 76140 (a)(4))

- A nonresident student who is a United States citizen who resides in a foreign country due to parent or guardian deportation or voluntary departure. (EC § 76140 (a)(5))
- A student who attends Lake Tahoe Community College and who has residence within specified counties in close proximity to the California and Nevada state boundary. (EC § 76140 (a)(6))
- A nonresident, low-income student who is a resident of México (MX), registers for lower division courses at specified community colleges near the California-México border, as defined, and has residence within 45 miles of the California-México border. (EC § 76140 (a)(8))
- A nonresident student who enrolls in a credit English as a second language course at a CCC. (EC § 76140 (a)(7))
- Community College disqualifying a nonresident tuition fee, for the time a student living in the district resided out of the state, if the change was due to a job transfer, and the transfer was made at the request of the student's employer or the employer of the student's spouse. (EC § 76143 (1))
- A student who was a member of the Armed Forces station in California on active duty for more than one year immediately prior to being discharged. (EC § 68075.5)
- A special visa holder from Iraq and Afghanistan or refugee. (EC § 68075.6)
- A student who meets the definition of "covered individual" under federal law and is eligible for federal GI benefits. (EC § 68075.7)
- A student who has three or more years of full-time attendance in a public school, college, or adult school, has earned a high school diploma or associate degree or completed transfer requirements, and filed an affidavit confirming the student's eligibility for the exemption. (EC § 68130.5)
- Dependents of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center in New York City, the Pentagon building in Washington, D.C., or the crash of United Airlines Flight 93 in southwestern Pennsylvania. (EC § 68121, 76300)
- Students enrolled in noncredit courses. (EC § 76380)
- Students enrolled in apprenticeship courses. (EC § 76350)
- Any surviving spouse or surviving child of a deceased person who was killed in the performance of active law enforcement or active fire suppression and prevention duties. (EC § 68120)

- Any surviving spouse or child of a licensed physician, licensed nurse, or first responder, who died of COVID-19 during the COVID-19 state of emergency in California. (EC § 68120.3)
- Students who have been granted a T or U Visa. (EC § 68122 (a))
- A student under the age of 18 who remains in California after his or her parent previously established California residency but left the state. (EC § 68070)
- A student who has been entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date, with the intention of becoming a resident. (EC § 68071)
- A student who is under the care of any adult, other than a parent, for a period of at least 2 years, provided that the adult has lived in California during the year immediately prior to the residence determination date. (EC § 68073)
- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces stationed in California on active duty. (EC § 68074)
- A student who is a member of the Armed Forces stationed in California, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education. (EC § 68075)
- A student who has not been an adult resident of California for more than one year and is the dependent child of a California resident parent. (EC § 68076)
- A student who is a graduate of any school located in California that is operated by the United States Bureau of Indian Affairs. (EC § 68077)
- A student holding a valid credential authorizing service in a public school and is employed by a school district in a full-time position requiring certification qualifications. (EC § 68078)
- A student who is a minor and resides with either his father or mother in a district or territory not in a district. (EC § 68080)
- A student who is enrolled in a state government legislative, executive, or judicial fellowship program administered by the state or the California State University. (EC § 68081)
- A Native American student if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district. (EC § 68082)
- Team USA student athlete who trains in the state. (EC § 68083)

- A student who has a parent who is a federal civil service employee. (EC § 68084)
- Students enrolled in career development and college preparation or noncredit courses. (EC § 68086)
- A student who has been hired by a California public agency as a peace officer and has enrolled in police academy training courses. (EC § 76140.5)
- A student who lives with a parent who meets the requirements for agricultural laborers, or the student meets the requirements for an agricultural laborer. (EC § 68100)
- A student who is a full-time employee of an institution or state agency or a student who is the child or spouse of a full-time employee of an institution or state agency. (EC § 68079)
- A student who is 19 years of age or under, is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system. (EC § 68085)

ANALYSIS

This bill:

- 1) Allows a community college district to exempt from nonresident tuition fees a student who meets all of the following criteria:
 - a) Is a nonresident, low-income student who was a resident of a region impacted by war or other regional conflict that the chancellor has identified.
 - b) Registers for lower division courses at a community college.
 - c) Has indicated that they have sought residency in California in an effort to find relief from identified conflicts in their nation of origin.
- 2) Requires that the chancellor develop guidelines for the implementation of the exemption established in the bill and include standards for appropriate documentation of student eligibility, to the extent feasible.
- 3) Requires that the governing board of a community college district that elects to use the exemption established by the bill adopt one uniform policy that accomplishes all of the following:
 - a) Determines a student's residence classification.
 - b) Establishes procedures for an appeal and review of the residence classification.

- c) Determines whether a student is low-income.
- 4) Prohibits in any academic year more than 150 full-time equivalent students at a community college from benefiting from the exemption established by the bill.
- 5) Requires, by January 1, 2029, the governing boards of the community colleges that choose to use the exemption established by the bill to submit jointly a report to the Legislature, as specified, that includes demographics, attendance rate, and class completion rate of students receiving the exemption.
- 6) Allows a community college district to claim state apportionment funding for nonresident students eligible for the exemption established by the bill.
- 7) States various findings and declarations relative to California's global standing as an economic leader that strives to promote democratic causes and support humanitarian efforts and that California has recognized the impact of global conflicts, including passing a resolution in support of ethnic Armenians in Artsakh and providing support for Ukraine.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, there are a growing number of regional conflicts throughout the world causing large scale displacements. The United Nations High Commissioner for Refugees has expressed growing concern for "refugee-like" situations, defined as groups of persons who are outside their country or territory of origin and who face protection risks similar to those of refugees, but for whom refugee status has, for practical or other reasons, not been ascertained. This includes a large number of Armenians displaced from Artsakh, which totaled more than 91,000 individuals even prior to the escalations in the conflict in 2023. California is home to the largest diaspora of Armenian people outside of Armenia and will continue to see immigration of individuals seeking safety and community. Similar displacements have been seen in Ukraine. The United Nations indicates that over 6 million individuals have sought refugee status. The author further asserts, "California has a strong, recent history of supporting and welcoming immigrants. Far too many young people have been forcibly uprooted from their homeland and reside in California, where they strengthen our state and contribute positively to our economy. Helping young people attain a higher education degree is the sensible and nurturing thing to do."
- 2) ***Things to consider.*** Existing law prohibits CCC from applying nonresident fees to various groups impacted by tragic events. These policies are structured around predetermined categories, like special visa holders from Iraq and Afghanistan or individuals with refugee status, or specific events, such as students impacted by the September 11 attack. This bill's provisions assign the responsibility of identifying areas impacted by war or other regional conflicts to the Community College Chancellor. It is not clear what constitutes a regional conflict, which can result in disagreements over which groups should benefit from the proposed exemption. The lack of clarity in identifying regional conflicts can lead to ambiguity in the law and potential disputes. Additionally, current law, as

detailed in the background of this analysis, includes over 35 various categories of nonresident tuition fee exemptions. Tuition costs pose a barrier for many individuals with financial hardship. Concerns have been raised regarding the proliferation of measures in recent years that have broadened eligibility for nonresident tuition fee exemptions, leading to unintended consequences in implementation and determining who qualifies for what. It is likely that future legislation allowing or mandating districts to exempt other groups of students will follow suit.

The committee may wish to consider all of the following:

- *Is it appropriate to assign the CCC Chancellor the task of identifying areas impacted by war or other regional conflicts?*
 - *What are the broader policy implications of establishing numerous exemption programs?*
 - *Are group-by-group exemptions for nonresident tuition fees an appropriate remedy, or is a more comprehensive solution, like one based on financial need, warranted?*
- 3) ***Is it possible to use current exemptions for these students?*** Individuals impacted by war or conflict may already qualify for one or more of the many existing exemption categories (over 35) designed for residents of a foreign country or for those with temporary protected status holders, asylees, or asylum seekers (see background section of this analysis). Without this bill, it is likely that students who meet the characteristics described in the bill could receive benefits from an existing exemption.
- 4) ***Modeled after “good neighbor” exemptions.*** This bill expands the overall number and category of individuals that a community college district may choose to exempt from nonresident tuition fees. The nonresident tuition fee proposed in this bill is modeled after the good neighbor policy between neighboring colleges in California and Nevada and California and Baja California, Mexico. Unlike this bill, the good neighbor agreements include reciprocity to pay resident tuition fees for California and Nevada students and California and Baja California students within close proximity to the state boundary or border, respectively. Proximity to the state is not a factor in determining eligibility for the proposed exemption. Like the good neighbor policies, this bill limits the number of students who could benefit from the exemption and allows community college districts to claim state apportionment funding for those students.
- 5) ***Resident and Nonresident Tuition Fees.*** Resident tuition fees for CCC are \$46 per credit. A full course load is defined as between 12 and 15 credits per semester, equating to tuition fees annually of between \$1,104 and \$1,380, respectively. Nonresident tuition fees average about \$346 per credit. A full course load is defined as between 12 and 15 credits per semester, equating to tuition fees annually of between \$10,104 and \$10,380, respectively. This bill would allow colleges to charge the eligible students the lower resident tuition rate.

- 6) **Amendment.** As mentioned in comment 2) of this analysis, the lack of clarity in identifying regional conflicts can lead to ambiguity in the law and potential disputes. Additionally, it seems inappropriate to assign the CCC Chancellor the task of identifying areas impacted by war or other regional conflicts. For these reasons **staff recommends that the bill be amended** to shift responsibility from the Chancellor and instead establish a clear definition for impacted regions as follows:

"Regions impacted by war or other regional conflict" means regions that are identified and assigned a travel advisory level by the United States Department of State's Bureau of Consular Affairs due to armed conflict or military action in that region."

- 7) **Related legislation.**

SB 916 (Seyarto, 2024) would waive tuition fees for dependents of service injured veterans, Medal honor recipients and their children attending a public postsecondary educational institutions who are enrolled in a degree applicable extended education course. SB 916 is scheduled to be heard in this committee on March 20, 2024.

AB 3015 (Ramos, 2024) would entitle a student to resident classification only for the purpose of determining tuition and fees if the student is a member of a federally recognized Indian tribe, as defined, whose triable land lies across the state border of California and Arizona, Nevada or Oregon, and the student has a residence in the boarding state. AB 3015 has been referred to the Assembly Higher Education Committee.

SB 629 (Cortese, 2023) would have authorized a community college district's governing board to adopt a policy that uses local unrestricted general funds to provide fee waivers to students with the greatest financial need, when other fee waivers are not provided to those students if the district complies with specified requirements. This bill was held in the Senate Education Appropriations Committee.

SUPPORT

Glendale Community College (sponsor)
California Immigrant Policy Center
Faculty Association of California Community Colleges

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 997	Hearing Date:	March 20, 2024
Author:	Portantino		
Version:	January 31, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil health: naloxone hydrochloride nasal spray and fentanyl test strips.

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

SUMMARY

This bill would require middle and high schools operated by a local education agency (LEA) to stock and distribute fentanyl test strips, in addition to authorizing LEAs, county offices of education (COE), and charter schools to develop and adopt a policy that allows pupils in middle schools and high schools to carry federally approved naloxone hydrochloride (naloxone).

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the governing board of each community college district (CCD) and the Trustees of the California State University (CSU), and requests the Regents of the University of California (UC), to stock fentanyl test strips in the campus health center and distribute the test strips through the campus health center. (EC § 67384)
- 2) Requires COEs, among other requirements, to be eligible for funds to purchase at least two units for each middle school, junior high school, high school, and adult school schoolsite within their jurisdiction, but are not required to participate. (EC § 49414.8)
- 3) Requires an LEA that serve pupils in any of grades 7 to 12, to include in their school safety plan, a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose. (EC § 32282(K))
- 4) Permits a school nurse or trained personnel who has volunteered to provide emergency naloxone or another opioid antagonist, by nasal spray or by auto-injector, to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EC § 49414.3(a))
- 5) Requires an LEA, COE, or charter school electing to utilize naloxone or another opioid antagonist for emergency aid to ensure that each employee who volunteers are provided defense and indemnification by the LEA, COE, or charter school for

any and all civil liability. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EC § 49414.3(i))

- 6) Provides a school no more than two weeks to restock their supply of naloxone or another opioid antagonist after use. (EC § 49414.3(h))

Civil Code (CIV)

- 7) Permits a licensed health care provider who is authorized by law to prescribe an opioid antagonist to issue standing orders for the distribution of an opioid antagonist to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose. (CIV § 1714.22 et. sq.)

ANALYSIS

This bill

- 1) Authorizes an LEA to develop and adopt a policy that allows pupils in middle schools and high schools to carry federally approved naloxone to use for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose.
- 2) Require an LEA to do the following for middle and high schools with in their jurisdiction:
 - a) Stock and distribute fentanyl test strips in a secured location along with written instructions on how to properly use the fentanyl test strips.
 - b) Notify pupils of the presence and location of fentanyl test strips.
- 3) Defines "LEA" as a school district, county office of education, or charter school.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "It is nearly impossible to tell if drugs have been laced with fentanyl unless you test your drugs with testing strips. Drug testing strips still hold a negative association with drug use, thereby stigmatizing this lifesaving tool. If we want to help our young people, we must take steps that preserve their livelihood. Test strips are inexpensive and typically give results within 5 minutes, which can be the difference between life or death. Naloxone is a life-saving medication that can reverse an opioid overdose. Naloxone is safe and easy to use and works almost immediately. It is now available over the counter, without a prescription at pharmacies, convenience stores, grocery stores. Similar to the testing strips, if we permit our young people to carry with live saving tools like Narcan and other opioid antagonists, we can respond to an opioid overdose faster."
- 2) **Addressing Fentanyl Among California Youth.** Pursuant to AB 1748 (Mayes, Chapter 557, Statutes of 2016), among other things, requires the Superintendent of Public Instruction is required to establish minimum training

standards for school employees who volunteer to administer naloxone or another opioid antagonist. In addition to setting minimum training standards, the CDE must maintain on its website a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils.

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

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

Further, the legislature has adopted a series of legislation such as SB 10 (Cortese, Chapter 856, Statutes of 2023), which requires school safety plans of schools, including charter schools, serving students in grades 7 to 12 to include a protocol for responding to a student's opioid overdose; SB 114 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023) that, among other items, provides \$3.5 million ongoing Proposition 98 General Fund to COE to distribute opioid antagonists, with the intent that it complement efforts of the Naloxone Distribution Project; and AB 889 (Joe Patterson, Chapter 123, Statutes of 2023) which required LEA, COE, and charter school to annually inform parents or guardians of the dangers associated with using synthetic drugs and post this information on their respective internet websites.

- 3) ***Statewide Standing Order for Naloxone.*** Naloxone can help reduce opioid overdose deaths in California, but many organizations find it challenging to obtain the required standing order to get naloxone from healthcare providers. CDPH issued the standing order in 2017 to address this need and support equitable naloxone access. The standing order:
 - a) Allows community organizations and other non-prescribing entities (organizations that do not employ or contract with a medical provider that has a license to prescribe and can issue a standing order and provide oversight for the distribution and administration of naloxone) in California that are not currently working with a physician to distribute naloxone to a person at risk of an opioid-related overdose or to a family member, friend, or another person in a position to assist; and

- b) Allows for the administration of naloxone by a family member, friend, or other person to a person experiencing or reasonably suspected of experiencing an opioid overdose.

Among the organizations and entities that can distribute naloxone under the order are colleges and universities. An individual at risk of experiencing an overdose or someone who can assist an individual at risk is allowed to do so. Under the statewide standing order, staff of community organizations and other entities distributing naloxone must be trained. They are also required to provide training to individuals who receive naloxone from them. Colleges, schools, and other organizations may apply to use the statewide standing order if they meet certain conditions.

- 4) ***The U.S. Food and Drug Administration: Approval of Over-The-Counter Naloxone.*** On March 29, 2023, the U.S. Food and Drug Administration (FDA) approved Narcan, 4 milligram (mg) naloxone hydrochloride nasal spray for over-the-counter (OTC), nonprescription, use – the first naloxone product approved for use without a prescription.

The FDA first approved naloxone nasal spray in 2015 as a prescription drug. In accordance with a process to change the status of a drug from prescription to nonprescription, the manufacturer provided data demonstrating that the drug is safe and effective for use as directed in its proposed labeling. The manufacturer also showed that consumers can understand how to use the drug safely and effectively without the supervision of a healthcare professional. The application to approve naloxone nasal spray for OTC use was granted priority review status and was the subject of an advisory committee meeting in February 2023, where committee members voted unanimously to recommend it be approved for marketing without a prescription.

On July 28, 2023, the FDA approved RiVive, a (3mg) naloxone nasal spray for OTC, nonprescription use for the emergency treatment of known or suspected opioid overdose. This is the second nonprescription naloxone product the agency has approved, helping increase consumer access to naloxone without a prescription.

This bill allows LEAs to adopt policies that would permit students to carry federally approved naloxone nasal spray for OTC, nonprescription use solely, potentially limiting other OTC opioid reversal medications that may be adopted by the FDA in the future. The committee may wish to consider not limiting opioid reversal medication solely to OTC nasal sprays and allowing for any federally approved opioid antagonist. This bill has been referred to the Committees on Education and Health where this can be considered further.

- 5) ***Naloxone: Training Requirements.*** Civil Code 1714.22 requires a person who is prescribed or possesses an opioid antagonist, pursuant to the standing order, to receive training provided by an opioid overdose prevention and treatment training program (CIV 1714.22 (d)). This includes learning the causes of an opiate overdose, mouth-to-mouth resuscitation, how to contact appropriate emergency medical services, and how to administer an opioid antagonist (CIV 1714.22 (a)(2)). While CDPH makes opioid reversal medication training available online through its

website, current statute does not require an individual who purchases OTC opioid reversal medication to receive training.

Are There Other Training Programs Available?

The American Red Cross provides a First Aid for Opioid Overdoses Online course that teaches persons to identify the signs and symptoms of a suspected opioid overdose and then the appropriate care to provide based on the responsiveness of the person. This course includes information on how to use several different naloxone products -- a nasal atomizer, Narcan and EVZIO -- to reverse the effects of an opioid overdose. According to the American Red Cross [website](#), this “interactive course includes audio and video and takes approximately 45 minutes to complete. [A person] must pass a final quiz to complete the course.” The American Red Cross provides this online training for \$20.

This bill would allow LEAs, COEs, and charter schools to establish a policy that would allow students to carry naloxone on campus. The committee may wish to consider aligning the procurement of naloxone with the standing order to ensure students that may wish to carry naloxone on campus have received training to ensure proper administration to potentially other students on school campus.

Committee staff recommends that adopted policies to allow students to carry naloxone on school campus, to include, at a minimum, training. This would ensure that a students who elects to carry naloxone on campus are knowledgeable in the administration, in a similar manner to a school employee who must go through training before being able to administer naloxone to a student on campus.

- 6) **Fentanyl test strips.** According to CDPH’s website, fentanyl test strips are a harm reduction strategy. Anyone can purchase and use fentanyl test strips, which cost approximately \$1 each and can be purchased from several vendors and businesses. Free or low-cost fentanyl test strips are available to individuals at California’s syringe services programs through the California Harm Reduction Supplies Clearinghouse. In order to use the strips, testers dissolve a small amount of substance in water, and then dip the test strip into the liquid for 15 seconds. Because the test strips are highly sensitive, a minimal amount of drug residue is sufficient to obtain a result. The test strip is then set on a flat surface until results appear, typically within 5 minutes.

Last year, the Legislature passed SB 114 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023), which among other items, provides \$3.5 million ongoing Proposition 98 General Fund to COE to distribute opioid antagonists at middle school, junior high school, high school, and adult school, with the intent that it complement efforts of the Naloxone Distribution Project. To align with the schools that may receive naloxone pursuant to SB 114 and the state’s efforts, the committee may wish to consider including junior high and adult schools.

- 7) **Committee Amendments.** *The committee recommends, and the author has agreed to accept, the following amendments:*
- a) Adds junior high and adult schools to the list of school sites within a LEA’s jurisdiction to include the storage and distribution of fentanyl test strips.

- b) Require policies adopted by LEAs, COEs, and charter schools to include, at a minimum, instruction for students who elect to carry naloxone on school campus.
- c) Allows for any federally approved naloxone to be carried on school campus by student
- d) Adds coauthors

8) *Related Legislation.*

AB 461 (Ramos, Chapter 525, Statutes of 2023) requires the governing board of each CCD and the Trustees of the CSU to provide information about the use and location of fentanyl test strips as part of established campus orientations, to notify students of the presence and location of fentanyl test strips, and requires that each campus health center stock and distribute fentanyl test strips, as specified.

SB 114 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023), among other items, provides \$3.5 million ongoing Proposition 98 General Fund to COE to distribute opioid antagonists, with the intent that it complement efforts of the Naloxone Distribution Project.

SB 10 (Cortese, Chapter 856, Statutes of 2023) requires school safety plans of schools, including charter schools, serving students in grades 7 to 12 to include a protocol for responding to a student's opioid overdose; requires the California Department of Education (CDE) to post informational materials on its website on opioid overdose prevention; and encourages COEs to establish working groups on fentanyl education in schools.

SUPPORT

Alameda County Office of Education
American Academy of Pediatrics, California
California Association of Alcohol and Drug Program Executives
California Youth Empowerment Network
Generation Up
Steinberg Institute

OPPOSITION

None Received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1322	Hearing Date:	March 20, 2024
Author:	Wahab		
Version:	February 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Foster youth: Chafee Educational and Training Vouchers Program.

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

SUMMARY

This bill statutorily expands eligibility for the Chafee grant to youth who were in foster care at some point between the ages of 14 and 18, instead of 16 and 18.

BACKGROUND

Existing law:

- 1) Federal law establishes the federal John H. Chafee Foster Care Independence Program to provide, among other benefits, education and training vouchers to qualifying current and former foster youth. (United States Code, Title 42, § 677)
- 2) State law requires the California Student Aid Commission (Commission), through an interagency agreement with the Department of Social Services, to operate a federally-funded scholarship program that provides grant aid to California's current and former foster youth. Existing law requires funds to be used to assist students who are current and former foster youth, for career and technical training or traditional college courses. (Education Code (EC) § 69519 (a-d inclusive))
- 3) Commencing with the 2018-19 award year, and contingent upon an appropriation of sufficient funds in the annual Budget Act for this purpose, requires the commission to make a new Chafee grant award to a student only if the student will not be age 26 or older by July 1 of the awards year and the student attends specified qualifying institutions. (EC § 69519 (f)(1))

ANALYSIS

This bill:

- 1) Commencing with the 2025-26 award year, requires that the Commission make a Chafee grant award to a student if the student, in addition to being under the age

of 26 and attending a qualifying institution as prescribed in current law, meets any of the following conditions:

- a) The youth is or was a dependent or ward of the court, living in foster care, between the ages of 14 and 18.
- b) The youth left foster care to Kin-Gap, a nonrelated legal guardianship, or adoption, between the ages of 14 and 18.
- c) The youth was placed in out-of-home care by a tribe or tribal organization between the ages of 14 and 18.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “SB 1322 addresses a critical gap in support by lowering the age of eligibility from 16 to 14. California Chafee Voucher for our most vulnerable youth. This change ensures that younger foster youth receive vital financial assistance during their formative years, significantly impacting their academic success and future prospects. SB 1322 removes obstacles for foster youth to receive assistance, empowering them to overcome adversity and achieve their full potential. Students in foster care represent one of the most vulnerable and academically at-risk student groups in California schools, this is why it’s important to expand access to resources like the Chafee Grant. The bill aims to level the playing field for foster youth, increasing their chances of college graduation and breaking the cycle of adversity they often face.”
- 2) **About the Chafee program.** The Chafee Grant Program is a federal program that is federally and state-funded. The Commission and the California Department of Social Services (DSS) administer the program jointly, under an interagency agreement. The program assists eligible California youth aging out of foster care cover the costs of attending a postsecondary institution in a federal Title IV- eligible program. DSS provides a list of eligible youth to assist the Commission in identifying program recipients. Students who were in foster care between their 16th and 18th birthdays may receive up to \$5,000 per year up to their 26th birthday if they are enrolled in an eligible program.
- 3) **California’s Chafee program differs from federal criteria.** According to a report released in 2023 by the Urban Institute examining Chafee programs in ten states, California’s Chafee program imposes one additional eligibility criterion to the federal criteria. In California, young people must have been in care between the ages of 16 and 18, whereas the federal criterion is only that young people must have been in care between the ages of 14 and 18. States have the authority to decide the cutoff under federal law. The age range of 16-18 is reflected in the Commission and DSS Chafee Grant interagency agreement for implementing the program. This bill seeks to align the eligibility criteria for students in foster care with the most inclusive parameters of the federal standards. Staff notes that various sections of the education code define current or former foster youth as those having dependency established or continued by

the court on or after the youth's 13th birthday. This includes Cal Grants, systemwide mandatory fee waivers, participation in NextUp, and specific housing provisions designed to assist college students with a foster care history. Expanding eligibility to youth who were in foster care between the ages of 14 and 18 would bring Chafee's eligibility criteria more in line with those state programs.

4) ***Related legislation.***

SB 307 (Ashby, 2023) would extend awards under the Middle Class Scholarship program (MCSP) to community college students who are current or former foster youth pursuing transfer to a 4-year postsecondary educational institution, an associate degree, an associate degree for transfer, or certificate and meet other MCSP requirements, as provided. SB 307 has been referred to the Assembly Higher Education Committee.

SUPPORT

Alameda County Board of Supervisors
Alameda County Office of Education
Alliance for Children's Rights
California Alliance of Caregivers
California Youth Connection
Chief Probation Officers of California
Children Now
County Welfare Directors Association of California
John Burton Advocates for Youth

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1341	Hearing Date:	March 20, 2024
Author:	Allen		
Version:	February 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: course of study: visual and performing arts: media arts.

SUMMARY

This bill further defines visual and performing arts in the adopted course of study for grades 1 to 6 and grades 7 to 12, including media art.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the adopted course of study for grades 1 to 6, inclusive, to include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:
 - a) English, including knowledge of and appreciation for literature and the language, as well as speaking, reading, listening, spelling, handwriting, and composition skills.
 - b) Mathematics, including concepts, operational skills, and problem-solving.
 - c) Social sciences, drawing upon anthropology, economics, geography, history, political science, psychology, and sociology, are designed to fit the pupils' maturity.
 - d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and the place of humans in ecological systems.
 - e) Visual and performing arts, including instruction in the subjects of dance, music, theatre, and visual arts, aimed at the development of aesthetic appreciation and the skills of creative expression.
 - f) Health, including instruction in the principles and practices of individual, family, and community health.
 - g) Physical education, emphasizing the physical activities for the pupils that may be conducive to health and vigor of body and mind.

- h) Other studies that the governing board may prescribe. (EC § 51210)
- 2) Requires the adopted course of study for grades 7 to 12, inclusive, shall offer courses in the following areas of study:
- a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.
 - b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils.
 - c) World language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.
 - d) Physical education, with emphasis given to physical activities that are conducive to health and to vigor of body and mind.
 - e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems, and with appropriate applications of the interrelation and interdependence of the sciences.
 - f) Mathematics, including instruction designed to develop mathematical understandings, operational skills, and insight into problem-solving procedures.
 - g) Visual and performing arts, including dance, music, theater, and visual arts, with emphasis upon development of aesthetic appreciation and the skills of creative expression.
 - h) Applied arts, including instruction in the areas of consumer education, family and consumer sciences education, industrial arts, general business education, or general agriculture.
 - i) Career technical education designed and conducted for the purpose of preparing youth for gainful employment.
 - j) Automobile driver education, designed to develop a knowledge of the Vehicle Code and other laws of this state relating to the operation of motor vehicles.
 - k) Other studies as may be prescribed by the governing board. (EC § 51220)
- 3) Provides additional funding from state General Fund for arts and music education in all K–12 public schools. (EC § 8820 et seq.)

ANALYSIS

This bill further defines visual and performing arts in the adopted course of study for grades 1 to 6 and grades 7 to 12, to include media art.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Media Arts is a versatile and inclusive discipline that helps California’s diverse learners enhance their enrichment and development by harnessing and exploring the technology of today. While media arts has existed in California schools for decades, it was not until the passage of AB 37 (O’Donnell, 2017) that the California Department of Education, the Instructional Quality Commission, and the State Board of Education were tasked with developing a formal framework that was inclusive of media arts as specific arts discipline. In 2022, the people of California created another tool to help further arts education by passing Proposition 28, a landmark measure that secured additional funding for arts education programs, including those for media arts. As the tools made available to our teachers and education providers evolve to provide a more holistic arts education experience for students across our state, our Education Code must reflect the important progress that our state has made. SB 1341 achieves this goal simply yet directly by adding “media arts” alongside the other arts subject areas in California Education Code.”

- 2) ***The Expression of Visual Art Through Media.*** Media arts has existed for decades in California schools, primarily as visual arts courses in digital imaging and film. Depending on the intent and arts standards addressed, some courses, such as photography or graphic design, may continue to be visual arts courses and, if addressing media arts standards, similar courses labeled media arts.

According to the California Arts Education Framework, “the media arts discipline is defined as technology-based creative production and design. The media arts standards convey competencies for artistic literacy in media arts. Media arts is a discrete art discipline for all students as they develop the capacities they need to thrive in the modern, digitally-centered environment. As technology continually evolves, the creative tools of media arts have become increasingly powerful, versatile, and easier to use. The primary categories in media arts include imaging, sound, animation, video, interface design, virtual design, and interactive design. The various forms of media arts include photography, video, filmmaking, graphic design, motion graphics, visual effects, stop-motion, sound production, web design, game design, creative code, app design, 3D design, holography, transmedia, others, as well as their combinations; there are also new, emerging forms, such as virtual, augmented, and mixed reality.”

- 3) ***Proposition 28: The Art and Music K-12 Education Funding Initiative (2022).*** On November 8, 2022, California voters approved Proposition 28: The Arts and Music in Schools (AMS) Funding Guarantee and Accountability Act. The legislation allocates 1 percent of the kindergarten through grade twelve (K–12) portion of the Proposition 98 funding guarantee provided in the prior fiscal year, excluding funding appropriated for the AMS education program. Local educational agencies (LEAs) with 500 or more students are required to ensure that at least 80 percent of AMS funds to be expended are used to employ certificated or classified employees to provide arts education program instruction. The remaining funds must be used for training, supplies and materials, and arts educational partnership programs, with no

more than 1 percent of funds received to be used for an LEA's administrative expenses.

Within the provisions of AMS "media arts" is included in the definition of arts educational programs. (EC § 8821 (a))

- 4) **California Arts Education Framework (2020) – Media Arts Standards.** The standards for media arts provide guidelines for student achievement by grade level that reflect creative, multifaceted production and connecting processes. More information about the various standards across grade ranges can be found in Chapter 4 of the framework.

Grade Level Band TK–2

At this developmental level, students can be expected to document or record activities; combine content into multimedia works (e.g., image with narration and/or music); identify and use media arts tools, follow steps in a process, and complete media arts tasks; discuss media arts presentations, experiences, and messages; discern the components (image, sound, motion, screen, story) of media artworks; and discuss media artworks in everyday life. In the very early grade levels, educators can guide and support students beginning to access digital tools and exploring the technical processes of media arts.

Grade Level Band 3–5

In third through fifth grade, teachers may expect students to have had more experiences with media arts including exposure to social media, movies, animations, and virtual and interactive apps.

Grade Level Band 6–8

In the middle school years, teachers of media arts organize standards-based instruction to support students in developing greater sophistication and depth of knowledge in the entire process of media arts production and design. Sixth- through eighth-grade media arts standards require students of media arts understand including, but not limited to the following:

- a) Integrate multiple contents and forms into unified productions that convey specific themes or ideas, such as multimedia theatre or video games.
- b) Design presentations and distribution of media artworks through multiple formats and contexts.
- c) Compare and contrast media artworks through the qualities and relationships of their components, contents, intentions, and styles to manage audience experience.
- d) Explain how media artworks form and expand meaning and knowledge through cultural experiences, such as online environments and global events.
- e) Research and demonstrate how media artworks relate to various contexts, such as the community, vocations, and history.

High School

As in middle school, teachers of media arts at the high school level conduct specialized and, possibly, advanced courses in video production, animation, sound production, graphic design, 3D design, or video game design. In all of these courses, teachers design comprehensive instruction that encompasses all the artistic processes, process components, and related standards, through the lens of the specific form or a combination of categories of media arts.

- a) Proficient Level: Students working toward proficiency in media arts standards at the high school level are becoming more self-directed and determining their own goals to achieve an original artistic result. Teachers plan learning experiences that emphasize intentionality, the act of making artistically deliberate choices in content, technique, and style. Intentionality should be observable throughout the production processes, including at creative decision points, and in end products.
- b) Accomplished Level: The Accomplished level standards build on the proficient level of intentionality and develop the student's capacity for independent, consistent, and varied artistic accomplishment.
- c) Advanced Level: As Accomplished level students transition into Advanced level students, they begin to become more independent cultural participants and producers. They are attaining a lifelong capacity for creative inquiry.

Although the Arts Education Framework and AMS recognize media art within visual art, the definition of "visual and performing arts" does not include explicitly media art within the course of study code section. This bill further defines visual and performing arts in the adopted course of study for grades 1 to 6 and grades 7 to 12, to include media art.

5) Related Legislation.

AB 1871 (Alanis, 2024) would require the social sciences and career technical education areas of study to also include instruction on personal financial literacy.

AB 1821 (Ramos, 2024) would, commencing the 2025–26 school year, require any instruction on the Spanish missions in California or the Gold Rush Era to also include instruction regarding the treatment of Native Americans during those periods.

SB 1094 (Limon, 2024) would explicitly require instruction in social sciences to also include principles of democracy and the State and Federal Constitutions and require students to engage with local, state, or national government at least once during grades 1 to 6 and again during grade 7 or 8.

AB 446 (Ouirk-Silva, Chapter 804, Statutes 2023) defines handwriting, in the course of study for grades 1 to 6, to include cursive and joined italics.

SUPPORT

National Association for Media Arts Education (sponsor)

California Music Educators Association
Media Alliance
National Association for Media Literacy Education
4 individuals

OPPOSITION

None Received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 956	Hearing Date:	March 20, 2024
Author:	Cortese		
Version:	January 22, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: School facilities: design-build contracts.

SUMMARY

This bill extends in perpetuity the authority of a school district to utilize design-build contracts for specified public works projects, awarding the contract to either the low bid or the best value.

BACKGROUND

Existing law:

- 1) Includes legislative findings and declarations acknowledging the success of the design-build method in various agencies, noting benefits such as reduced costs, faster project completion, and innovative design features. This method is authorized for school districts to use but is not necessarily preferred over other procurement methods.
- 2) Defines “design-build” as a project delivery process in which both the design and construction of a project are procured from a single entity. Further defines a “design-build entity” as a corporation, limited liability company, partnership, joint venture, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services, as needed, pursuant to a design-build contract.
- 3) Authorizes school districts, with approval from their governing boards, to procure design-build contracts for projects exceeding one million dollars, with the flexibility to award contracts based on either the lowest bid or the best value. Additionally, each school district is mandated to develop guidelines for a standard organizational conflict-of-interest policy, ensuring compliance with applicable laws.
- 4) Specifies the design-build authority shall remain in effect until January 1, 2025.

ANALYSIS

This bill extends in perpetuity the authority of a school district to utilize design-build contracts for specified public works projects, awarding the contract to either the low bid or the best value.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The statute that allows K-12 districts to use design-build contracts is set to expire on January 1, 2025. Districts use this valuable tool to expedite project construction, generate creative solutions to unique issues, and encourage collaboration between architects, engineers, and contractors.

“Unfortunately, schools hesitate to use this delivery method near legislative sunsets because the law could change by the time they start their bidding process. Given the successful utilization of this delivery method over the last two decades, it’s time to remove the sunset and make it permanent.”

- 2) ***What is design-build?*** There are two primary construction delivery systems used in the public and private sectors, “design-bid-build” and “design-build.”

Current law requires that school districts award construction contracts over \$15,000 to the lowest responsible bidder. Current law also allows contracts for architectural services to be awarded on the basis of demonstrated competence and professional qualifications to be performed at a fair and reasonable price (not necessarily lowest bidder). These laws have meant that schools (and most public construction work) have been built using a “design-bid-build” methodology wherein a separate contract is awarded for the design work by an architect and another contract is awarded to the lowest responsible bidder for the construction.

In the 1990s, the state began the enactment of various legislation authorizing state and local entities to use a “design-build” system under specified circumstances. Under this approach, a single contract is awarded to a professional team, a “design-build” entity, to conduct both types of work. Rather than awarding such a contract to the lowest responsible bidder, it may be awarded on the basis of the experience and qualifications of the competitors, or on a determination that a particular competitor provides the best value to the project.

The legislative history for school districts being authorized to utilize design-build is as follows:

- a) AB 1402 (Simitian, 2001) – Established the authority for K-12 school districts to use the design-build delivery method for projects over \$10 million. Initial sunset date of January 1, 2007.
- b) AB 127 (Nunez, 2006) – Extended the sunset from January 1, 2007 to January 1, 2010.
- c) SB 614 (Simitian, 2007) – Reduced the project cost threshold from \$10 million to \$2.5 million and extended the sunset date from January 1, 2010 to January 1, 2014.
- d) SB 1509 (Simitian, 2012) – Extended the sunset date from January 1, 2014 to January 1, 2020.

- e) AB 1358 (Dababneh, 2015) – recast the provisions of the K-12 design-build delivery method, aligning with other state and local agency design-build statutory requirements. Added skilled and trained workforce requirements, as well as contractor prequalification requirements. Reduced the project cost threshold from \$2.5 million to \$1 million and extended the sunset from January 1, 2020 to January 1, 2025.
- 3) ***What does the procurement process for school districts utilizing design-build look like?*** The procurement process for design-build projects involves several steps. First, the school district prepares comprehensive documents detailing the project's scope, estimated costs, and other relevant information, which are crafted by a licensed design professional. These documents exclude long-term operation contracts but may include operations during a training or transition period.

Next, the school district issues a request for qualifications to prequalify design-build entities for evaluation based on criteria such as technical expertise and safety records. Then, a request for proposals is prepared, inviting prequalified entities to submit competitive sealed proposals. For projects using the low bid method, contracts are awarded to the lowest responsible bidder. However, for projects utilizing the best value selection method, proposals are evaluated based on criteria outlined in the request for proposals, including technical expertise, life-cycle costs, and price. Discussions or negotiations may occur, and awards are granted to the design-build entity offering the best value.

The school district publicly announces contract awards and maintains records for external audits. Additionally, a commitment to using a skilled and trained workforce is mandated for all project work, unless certain exceptions are met, ensuring adherence to industry standards and regulations.

- 4) ***Related Legislative Analyst's Office (LAO) reports.*** In February 2005, the LAO issued a report on *Design-Build: An Alternative Construction System* in which it reported its consolidated findings on design-build across several public works sectors. Among other things, the LAO recommended that the state adopt a single statute applying to all public entities, design-build be available as an option and not a replacement for "design-bid-build" and that no cost threshold be imposed on the authority to use design-build. The LAO also noted that disadvantages of design-bid included a limited assurance of quality control since the building is not typically defined in detail at the time of entering into the contract, and a more subjective process for awarding contracts and evaluating qualifications and experience, as well as limited access for small contractors without the range of experience of larger, long-established firms.

In January 2010, the LAO presented a summary of reports received from California counties that had completed construction projects using the design-build delivery method, as required under the legislation extending design-build authority to county governments (Public Contract Code Section 20133). The LAO noted that although difficult to draw conclusions from the reports received about the effectiveness of design-build compared to other project delivery

methods, there was no evidence to discourage the Legislature from granting design-build authority to local agencies on an ongoing basis. The LAO also recommended that the Legislature consider, among other things, creating a uniform design-build statute.

- 5) ***Arguments in support.*** The Coalition for Adequate School Housing, sponsor of this measure, writes, "Design-Build can have a variety of benefits for school construction projects. The delivery method can expedite project construction, which is especially important as schools work to build developmentally-appropriate classrooms for the new universal Transitional Kindergarten grade level. Design-Build can reduce the risk of cost increases resulting from change orders once construction begins by establishing a Guaranteed Maximum Price for each project. This is a particularly useful tool during times of high construction cost escalation, which schools have experienced in recent years. Additionally, Design-Build encourages collaboration between architects/engineers and contractors, and generates creative solutions to unique issues."

SUPPORT

California's Coalition for Adequate School Housing (sponsor)
Alameda County Office of Education
Association of California School Administrators
California Retired Teachers Association
Kern County Superintendent of Schools Office
Los Angeles County Office of Education
Los Angeles Unified School District

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: SB 1023 **Hearing Date:** March 20, 2024
Author: Wilk
Version: February 6, 2024
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: California State University: Antelope Valley or Victor Valley campus.

SUMMARY

This bill authorizes the California State University (CSU) Chancellor to study the feasibility of a CSU satellite program and, ultimately, an independent CSU campus in the Antelope Valley or the Victor Valley, as defined. If deemed necessary by the CSU Trustees, the bill further authorizes a formal study of the proposal to be conducted, as provided. The bill further requires funding for the feasibility study to be derived solely from non-state resources.

BACKGROUND

Existing law:

- 1) Establishes the CSU, under the administration of the Trustees of the CSU, as one of the segments of public postsecondary education in the state. The CSU currently comprises 23 institutions of higher education. (Education Code (EC) § 66600)
- 2) Declares the intent of the Legislature that sites for new institutions or branches of the CSU shall not be authorized or acquired unless recommended by the California Postsecondary Education Commission (CPEC) and that CPEC should advise the Legislature and the Governor regarding the need for, and location of, new institutions and campuses of public higher education. (EC § 66900 and § 66904)

ANALYSIS

This bill:

- 1) Authorizes the CSU Chancellor to study the feasibility of a CSU satellite program and, ultimately, an independent CSU campus, in the Antelope Valley or the Victor Valley.
- 2) Requires the study to include all of the following:
 - a) Ten-year enrollment projections and physical capacity analysis.
 - b) Regional workforce needs.

- c) Prospective economic impact and job creation in the region.
 - d) Infrastructure availability.
 - e) The potential alleviation of overcrowding and traffic at the Bakersfield and Northridge campuses.
 - f) Consideration of plausible alternatives.
 - g) Academic planning and program justification.
 - h) Description of proposed student services and student outreach programs.
 - i) Support and capital outlay budget projections.
 - j) Geographic and physical accessibility.
 - k) Environmental and social impacts.
 - l) Effects on other educational institutions.
- 3) Requires that funding for the feasibility study be derived solely from non-state sources and that the chancellor conduct and submit the study to the trustees within 18 months of the trustees certifying the availability of sufficient funds for the feasibility study.
- 4) Authorizes, if a new or off-campus is deemed necessary, the trustees to conduct a formal study identical to the one that would have been done for a proposed new postsecondary educational program by CPEC, pursuant to current law.
- 5) Defines, for purposes of the bill:
- a) "Antelope Valley" to include, but is not limited to, the cities of California City, Lancaster, and Palmdale, the census designated places of Boron, Green Valley, Lake Hughes, Lake Los Angeles, Leona Valley, Littlerock, Mojave, North Edwards, Piñon Hills, Phelan, Quartz Hill, Rosamond, and Wrightwood, and the unincorporated area of Pearlblossom.
 - b) "Victor Valley" includes, but is not limited to, the cities of Adelanto, Hesperia, and Victorville, and the Town of Apple Valley.

STAFF COMMENTS

- 1) ***Need for the bill.*** The author's office asserts that residents in the Victor Valley and Antelope Valley currently do not have a public four-year university within a reasonable distance for commuting. While the area is filled with several great community colleges, opportunities for masters or bachelors degrees are limited. According to the author, "The High Desert is one of the last affordable frontiers

left in California. But as its population grows, students and families still have to make the costly commute down the hill to get to the nearest CSU campus. Having a campus in the Victor Valley or Antelope Valley would create easier and more affordable access to education, create jobs, and alleviate overcrowding at other campuses. Simply looking at what's possible is long overdue."

- 2) ***The Legislature lacks the capacity to assess the need for new campuses or academic programs.*** California does not have a coordinating entity for higher education. Existing law establishes CPEC to be responsible for coordinating public, independent, and private postsecondary education in California, as well as providing independent policy analyses and recommendations to the Legislature and the Governor on postsecondary education issues. Prior to 2011, CPEC was responsible, among other things, for reviewing proposals for new academic and vocational programs, satellite campuses, and California public college and university campuses, as well as providing recommendations to the Legislature and Governor.

CPEC would typically review new programs and campuses through, at a minimum, the prisms of societal need, student demand, existing programs, the total costs of the program, and appropriateness to the institution and system mission. Since the defunding of CPEC in 2011, the state has sponsored only one evaluation for a potential new CSU campus. It appears that funds were provided to CSU for these purposes in the 2019-20 Budget Act, and ultimately, an independent analysis was conducted of five specified areas, which included San Joaquin County (including Stockton), Chula Vista, Concord, Palm Desert, and San Mateo County. In the absence of a CPEC-like entity, the Legislature is now placed in the position of examining and reviewing the academic, programmatic, and fiscal implications of "new" programs or campuses, a function for which the Legislature is ill-equipped.

Having a neutral statewide body provide critical analysis on the future needs of postsecondary education in California is beyond the scope of this measure. However, it does call into question who or what entity should be performing such analysis in the absence of a CPEC. In this measure, a requirement is being placed on the CSU to pursue such a study. It further encourages the CSU trustees to carry out a formal study that mirrors CPEC's methodology.

- 3) ***CSU, Bakersfield - Antelope Valley Regional Center (CSUB-AV).*** Antelope Valley is one of the areas proposed for evaluation for a new CSU campus or satellite program. The area is currently home to CSU Bakersfield's Antelope Valley Regional Center, which opened in 2000 on the campus of Antelope Valley College, a California Community College, and is now fully accredited by the Western Association of Schools and Colleges. CSUB-AV currently offers only eight undergraduate degrees, including an Associate Degree in Nursing to Bachelor of Science Degree in Nursing program, five graduate degrees, and three teaching credential programs.
- 4) ***Recent study for new campus.*** The Budget Act of 2019 provided \$4 million to the CSU Chancellor's Office to assess demand for a potential new campus in one of five specified areas: San Joaquin County (including Stockton), Chula

Vista, Concord, Palm Desert, and San Mateo County. The Chancellor's Office contracted with a team of independent consultants for the study, which was released in July 2020. The study concluded that projected enrollment demand did not justify a new campus in any of the five areas, as the existing CSU campuses have sufficient capacity under their master plans to accommodate projected growth. However, the existing campuses would need additional funding to reach their planned capacity. The study does not directly evaluate which existing campuses or centers to prioritize for facility or enrollment growth funds. Subsequently, in the 2021 Budget Act, \$1 million in ongoing general funds was provided to support the enrollment growth of 115 students at the CSU Stanislaus Stockton Center.

5) ***Prior legislation.***

AB 736 (Fox, 2013), identical to this bill, would have required the CSU to conduct a study, as specified, regarding the feasibility of CSU satellite program, and ultimately, an independent CSU campus in the Antelope Valley. AB 736 was held in the Senate Appropriations Committee.

AB 24 (Block, 2009), which was vetoed by Governor Schwarzenegger, proposed a study regarding the feasibility of establishing a CSU satellite program and campus at Chula Vista.

AB 500 (Conway, 2009) was virtually identical to AB 24, except called for a CSU campus in the High Desert. AB 500 died in the Assembly Higher Education Committee.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: SB 1338 **Hearing Date:** March 20, 2024
Author: Smallwood-Cuevas
Version: February 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Education finance: emergencies: apportionments: COVID-19: Culver City Unified School District.

SUMMARY

This bill exempts the Culver City Unified School District (CCUSD) from incurring a fiscal penalty for failing to meet minimum instructional time requirements in the 2021-2022 fiscal year.

BACKGROUND

Existing law:

- 1) States that no school district, other than one newly formed, shall receive any apportionment based upon average daily attendance (ADA) from the State School Fund unless it has maintained the regular day schools of the district for at least 175 days during the next preceding fiscal year.
- 2) Specifies that if any school within a school district fails to maintain its school for the required 175 days, the Superintendent of Public Instruction (SPI) shall withhold from the district's apportionment based upon ADA a product of 0.01143 times the district's apportionment for each additional day the school would have had to maintain operations to meet the 175 day requirement.
- 3) Outlines the circumstances under which a school district, county office of education, or charter school is eligible to receive the same apportionment from the State School Fund as if it had maintained schools for a specified number of days despite being prevented from doing so due to various extraordinary conditions such as natural disasters, emergencies, or teacher shortages.
- 4) Specifies that, from September 1, 2021, to June 30, 2022, a school district, county office of education, or charter school may receive the same apportionment from the State School Fund for school closures due to COVID-19 related staffing shortages if the following conditions are established to the satisfaction of the SPI by affidavits of the members of the governing board or body of the school district, county office of education, or charter school and the county superintendent of schools:
 - a) The school district, county office of education, or charter school is unable to provide in-person instruction to pupils due to staffing shortages as a

result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.

- b) For certificated staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all certificated staff and substitute teacher options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.
- c) For classified staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all staff options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

ANALYSIS

This bill exempts the CCUSD from incurring a fiscal penalty for failing to meet minimum instructional time requirements in the 2021-2022 fiscal year.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 1338 would waive or exempt the district from the fiscal penalty and allow CCUSD to avoid what would otherwise be an insurmountable impact to the district’s budget. This is of heightened significance given the revenue challenges the state and schools face in 2024-25.

“CCUSD serves 6800 students TK-12. Like the large majority of California school districts, CCUSD has experienced declining enrollment in recent years. By exempting CCUSD from this COVID-19 penalty, the district can avoid a devastating financial impact, and save thousands of students from potentially having to look for a new school while missing their education.”

- 2) ***Request for Allowance of Attendance Due to Emergency Conditions, Form J-13A.*** Existing law, Education Code Section 41422, allows the SPI to grant normal apportionment credit to Local Educational Agencies (LEAs) when certain emergencies exist. When one or more schools are closed because of “extraordinary conditions,” an LEA may request authorization to maintain apportionments. If authorized, LEAs are not penalized for falling below the statutorily required annual number of instructional days and/or minutes.

The Request for Allowance of Attendance Due to Emergency Conditions, Form J-13A, is used to obtain approval of attendance and instructional time credit. Approval of a Form J-13A request from the California Department of Education, combined with other attendance records, serve to document an LEA’s compliance with instructional time laws and provide authority to maintain school for less than the required instructional days and minutes without incurring a fiscal penalty to the LEA’s Local Control Funding Formula (LCFF) funding. In the event of a closure due to emergency conditions, there is not an immediate impact to

LCFF funding and there is not a specific deadline to submit a Form J-13A, thus there is not an urgent need to file Form J-13A in the midst of the emergency event.

- 3) ***Executive Order N-26-20.*** On March 13, 2020, Governor Newsom issued an executive order ensuring California public school districts retain state funding even in the event of physical closure. The order directs school districts to use those state dollars to fund distance learning and high quality educational opportunities, provide school meals and, as practicable, arrange for the supervision for students during school hours.

Specifically, the executive order states the following:

“For LEAs that initiate a school closure to address COVID-19, the closure shall qualify as a condition that prevents the maintenance of the LEA's schools during a fiscal year for at least 175 days pursuant to Education Code section 41422. Additionally, for such LEAs, the requirement in Education Code section 41422 to submit affidavits of the members of the governing board of the school district, the governing board of the county office of education, or the governing board or body of the charter school and of the county superintendent of schools are hereby suspended on the condition that the superintendent of the school district, the county superintendent of schools, or the charter school leader certifies in writing to the Superintendent of Public Instruction that the closure occurred to address COVID-19.”

- 4) ***Culver City Unified School District closed its schools prior to completing a staffing shortage consultation with the Department of Education.*** According to the author, “For the period of January 19-21, 2022, CCUSD closed all of its schools due to unanticipated, severe, and sudden staffing shortages due to repeated COVID-19 outbreaks resulting in extremely unsafe teaching and learning conditions for students and staff. CCUSD had taken all available measures, including mandating vaccines, testing, and facemasks in order to protect in-person teaching and learning.

“In the week prior to any decision to close schools, CCUSD had so many teachers absent that over 700 non-supervised students were housed in multi-purpose rooms or cafeterias. Substitute teachers were either sick or were not arriving on campuses. CCUSD leadership, in consultation with the Los Angeles County Department of Public Health, the California Department of Public Health, the Los Angeles County Office of Education, the CCUSD Board of Education, and the CCUSD employee organizations and parent leaders conferred and agreed the best course of action was to close schools.”

Education Code section 41422 requires that the staffing shortage consultation take place prior to the school closure to meet the qualifying conditions for a COVID-19 related staffing shortage approval; therefore, the Form J-13A request was not approved. The fiscal penalty for CCUD's actions to close schools for safety reasons is calculated at \$1,034,428.

- 5) ***Education Audit Appeals Panel.*** Existing law provides that LEAs receiving an apportionment significant audit exception, or owing a penalty arising from an audit exception, may appeal such exceptions to the Education Audit Appeals Panel (EAAP). There are two types of appeals. The first, a summary review, is conducted by the Executive Officer acting independently of the EAAP. The second is a formal appeal, which affords the LEA an opportunity to present evidence at a hearing.

The EAAP summary review procedures state that if the audit report contains a finding or findings that may be considered apportionment-significant, the State Controller's Office (SCO) will send the LEA a certification letter with information on its appeal rights. The LEA has 30 days from the date the U.S. Postal Service delivers the letter to request a summary review of any apportionment-significant audit finding or findings on the grounds of substantial compliance.

Further, the LEA has 60 days from delivery of the letter or 30 days following the conclusion of a summary review, with regard to the findings included in that review, to file a formal appeal of any apportionment-significant finding or findings on any of the grounds set forth in statute.

In addition to seeking legislation, the sponsors of this measure have indicated that CCUSD plans to utilize the EAAP summary review process. Currently, CCUSD is awaiting their SCO Certification Letter.

SUPPORT

Culver City Unified School District (sponsor)
Culver City Democratic Club
Los Angeles County Superintendent of Schools

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1429	Hearing Date:	March 20, 2024
Author:	Ochoa Bogh		
Version:	February 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Education finance: emergencies: snowstorms.

SUMMARY

This bill adds snowstorms to the list of specified emergency situations for which the average daily attendance (ADA) of local educational agencies (LEAs) used for state funding purposes is held harmless.

BACKGROUND

Existing law:

- 1) Provides funding to LEAs on the basis of ADA.
- 2) Allows school districts to claim the greater of current year, prior year, or three prior years' ADA for apportionment purposes as a buffer against declining enrollment.
- 3) Requires the Superintendent of Public Instruction (SPI), for apportionment purposes, to credit to a LEA a material loss of ADA due to the following reasons, provided the loss has been established to the satisfaction of the SPI by affidavits of the members of the governing board or body of the LEA:
 - a) Fire.
 - b) Flood.
 - c) Impassable roads.
 - d) Epidemic.
 - e) Earthquake.
 - f) The imminence of a major safety hazard as determined by the local law enforcement agency.
 - g) A strike involving transportation services to pupils provided by a non-school entity.
- 4) Allows LEAs unable to maintain schools for at least 180 days (for a school district or county office of education) or 175 days (for a charter school) due to various

reasons such as fire, flood, earthquake, epidemic, emergencies declared by military or civil officers, teacher shortages, or teacher illness, to receive the same state funding amount as if they had operated for the full required days. This is contingent upon satisfying certain conditions, including providing affidavits from relevant governing bodies and superintendents to justify the circumstances preventing the maintenance of schools.

- 5) In the event of a state of emergency declared by the Governor in a county, requires the SPI to determine the length of the period during which ADA has been reduced by the state of emergency, and prohibits the SPI from extending the period into the next fiscal year except upon a showing by a LEA, to the satisfaction of the SPI, that extending the period into the next fiscal year is essential to alleviate continued reductions in ADA attributable to the state of emergency.
- 6) Requires the SPI to extend through the 2018-19 fiscal year the period during which it is essential to alleviate continued reductions in ADA attributable to a state of emergency declared by the Governor in October 2017, for a school district where no less than 5 percent of the residences within the school district or school district facilities were destroyed by the qualifying emergency.
- 7) Requires the SPI to make specified ADA calculations for a school district or charter school physically located where no less than five percent of the residences within the school district, or the school district's facilities, were destroyed as a result of a state of emergency that was declared by the Governor in November 2018.

ANALYSIS

This bill adds snowstorms to the list of specified emergency situations for which the ADA of LEAs used for state funding purposes is held harmless.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "In recent years, California has experienced an increase in natural disasters, including wildfires, mudslides, earthquakes, and floods due to large "atmospheric rivers."

"In both 2023 and 2024, Governor Newsom issued emergency declarations to ensure local governments could secure needed resources to address the damage caused by heavy precipitation and strong winds during California's severe winter storms.

"County offices of education, school districts, and individual schools have been quick to respond to emergencies as they arise. LEAs have options at their disposal, such as declaring "snow days," in which students stay home. In these instances, school districts work to ensure students are able to continue instruction in order to adhere to a school's calendar of instructional days.

“For example, there are schools that opt to remain open and shift to a distance-learning model during emergencies for the safety of students and faculty. However, this shift can cause a drop in ADA, as parents may assume the school is closed or do not have internet access, due to unavailability or outages caused by the storm.

“Although schools receive credit for ADA funding during most declared emergencies, there is ambiguity in the law when it relates to snow-related events. For rural school districts that experience blizzards and severe winter storms, there is currently no snow-related event listed in the Education Code (EC) that more accurately describes the conditions that occurred in 2023 and caused a drop in ADA.”

- 2) **Education law protects districts from losses in ADA due to emergency situations.** Two sections of the EC empower the SPI to grant regular apportionment credit to districts during emergencies. Under EC Section 41422, districts can maintain apportionments when schools close due to “extraordinary conditions.” When the SPI approves credit for closed school days, districts receive ADA credit and instructional time credit for the time lost during the closure, satisfying state law requirements for both the minimum 175-day year and longer day and year standards.

EC Section 46392 allows for ADA credit whenever the ADA of educational institutions decreases significantly due to various emergencies, including fires, floods, and impassable roads. Despite differences in wording between the two sections, their purpose remains the same: to protect school districts and county offices from revenue loss resulting from reduced ADA or instructional time during emergencies.

- 3) **Recent school closure data.** According to data provided by the California Department of Education (CDE), there have been 2,040 school closure requests submitted by LEAs from 2014-15 to 2018-19. As shown in the table below, the total number of school closures reported increased dramatically beginning in 2016-17 due to the wildfires. The vast majority of these school closures lasted less than three days.

Emergency	2014-15	2015-16	2016-17	2017-18	2018-19
Weather	144	38	312	58	239
Other	36	56	61	57	62
Epidemic	1	1	3	8	4
Violence Threat	7	28	8	24	7
Wildfire	18	29	25	352	443
Power Shutoff	0	0	0	0	19
TOTAL	206	152	409	499	774

Because ensuring student safety is most important, existing law does not penalize school districts for losses in ADA during and immediately following an emergency. Two sections of law allow the SPI to grant normal apportionment

credit to districts in emergencies—one section (EC Section 41422) authorizes maintenance of apportionments in instances when schools must be closed because of "extraordinary conditions" while another section (EC 46392) provides for the crediting of ADA whenever the ADA of an LEA has been materially decreased because of fire, flood, impassable road, and other specified circumstances. Although the wording of these two code sections differ in detail, the effect is the same. All LEAs are held harmless from revenue loss that might otherwise result from the loss of ADA or instructional time in emergencies.

- 4) ***Disaster preparedness in schools.*** Under existing law, CDE is required to electronically distribute disaster preparedness educational materials and lesson plans that are currently available to school districts and county offices of education. The CDE must (1) ensure that the disaster preparedness materials are available in at least the three most dominant primary languages spoken by English learners in California, and (2) coordinate with the Office of Emergency Services to make sure that all materials are reviewed and updated annually. Among the materials circulated to LEAs are information about teaching children proper use of 9-1-1, fire safety information, emergency preparedness, and curriculum-based programs on the emotional, social, and economic effects of natural and human-caused disasters.

Further, each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. Charter schools must include in their petitions the procedures that the charter school will follow to ensure the health and safety of pupils and staff.

SUPPORT

Rim of the World Unified School District (sponsor)
Riverside County Office of Education
San Bernardino County Superintendent of Schools

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: SB 897 **Hearing Date:** March 20, 2024
Author: Newman
Version: March 11, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Pupil attendance: interdistrict attendance: school districts of choice.

SUMMARY

This bill: (1) extends the District of Choice (DOC) program in perpetuity, (2) changes the limits on the annual and total number of students transferring from their districts of residence over time, (3) prevents DOCs from discriminating based on various student characteristics in their communication and admission processes, (4) requires DOCs to accept transfers for foster youth and homeless children, and give them second priority for attendance, and (5) adjusts the funding formula for basic aid DOCs to accommodate foster youth, homeless children, and pupils with limited English proficiency.

BACKGROUND

Existing law:

- 1) Authorizes the governing board of a school district to designate itself as a DOC and accept transfers from other school districts. If a school district chooses this option, it must determine the number of transfers it will accept and admit all applicants until it reaches maximum capacity, ensuring a fair selection process that disregards academic or athletic performance, physical condition, English proficiency, and other personal characteristics.
- 2) Considers students attending a school in a DOC as having fulfilled residency requirements, and all communication regarding transfer opportunities must be available in languages required by the district of residence.
- 3) Prohibits DOCs from denying a pupil's transfer based solely on the additional cost of educating them. However, DOCs can reject a transfer if accommodating the pupil would require creating a new program, with exceptions for special needs students and English learners.
- 4) Requires DOCs to give attendance priority to siblings of children already enrolled, second preference to pupils eligible for free or reduced-price meals, and third preference to children of military personnel.
- 5) Allows districts of residence with average daily attendance (ADA) greater than 50,000 and less than 50,000 to limit the number of pupils transferring out each year to 1 percent and 3 percent of current year estimated ADA, respectively. Further, districts of residence with ADA less than 50,000 may cap the maximum number of pupils transferring out for the duration of the program at 10 percent of

the ADA for that period. Districts of residence may also restrict transfers that would negatively impact desegregation plans, racial and ethnic balance, or fiscal stability. Once a pupil is accepted into a DOC, they are permitted to attend regardless of any subsequent restrictions placed by the district of residence.

- 6) Specifies that the ADA and state aid for categorical education programs of admitted pupils be credited to the DOC. For basic aid school districts, 25 percent of the local control funding formula (LCFF) base grant that would have been apportioned to the school district of residence shall be apportioned to the DOC.
- 7) Requires DOCs to maintain detailed records of transfer requests and dispositions, including demographics of transferred pupils and transportation data if applicable, reporting this information to their governing board and adjacent school districts annually. The Superintendent of Public Instruction (SPI) is tasked with compiling and disseminating this data statewide, providing comprehensive information on pupil characteristics, academic performance, graduation rates, enrollment trends, fiscal health, and compliance with transfer limits on an annual basis.
- 8) Renders the DOC program inoperative on July 1, 2028.

ANALYSIS

This bill:

- 1) Extends the DOC program in perpetuity.
- 2) For districts of residence with ADA of 50,000 or less, deletes the cumulative cap on the maximum number of pupils transferring out for the duration of the program and increases the annual cap on the number of pupils transferring out each year from 3 percent to 10 percent of prior year ADA.
- 3) Specifies that DOCs may not discriminate based on various student characteristics in their communication and admission processes.
- 4) Requires DOCs to accept transfers for foster youth and homeless children, and give them second priority for attendance.
- 5) Increases the funding formula for basic aid DOCs serving students who are English-learners, low-income, foster youth, or a pupil with limited English proficiency, to 70 percent of the LCFF base grant that would have been apportioned to the school district of residence.
- 6) Adds foster youth status and homeless child or youth status to the DOC requirement to keep an accounting of all requests made for transfers and records of all disposition of those requests.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The District of Choice program gives students and families the flexibility to choose a public school setting that is best suited to their educational needs and plans. Making the program permanent will provide much-needed certainty for the thousands of families across California whose children attend school through the District of Choice program. These families have been able to avail themselves of educational opportunities that otherwise would be closed off to them, and they’re entitled to the assurance that their students will be able to graduate alongside their friends and classmates, regardless of home address or the politics here in Sacramento.”

- 2) ***This program was created soon after the Charter Schools Act and has been reauthorized seven times.*** The DOC program was created in the early 1990s to increase the choices available to students within the public school system. Supporters of this program believed more choice within public education would stave off interest in private school by encouraging public schools to be more responsive to community concerns and by allowing parents to choose the instructional setting best suited for their children. As a result, the Legislature enacted three laws. The first, the Charter Schools Act of 1992, allowed the establishment of charter schools that could operate independently from school districts. The second, enacted in 1993, gave students more options to transfer to other schools within the same district. The third law, also enacted in 1993, created the DOC program. Although this law was not the first to allow interdistrict transfers, it was designed to be much less restrictive.

The 1993 legislation implemented the DOC program as a five-year pilot, with the first transfers occurring in the 1995-96 school year. The Legislature extended the program for five more years in 1999, followed by additional extensions in 2004, 2007, 2009, 2015, 2017, and 2022. The most recent extension authorized the program until July 1, 2028. The Legislature has made several changes to the program as part of these reauthorizations, most of which took effect in 2018-19. The most notable changes involved (1) making districts subject to annual audits, (2) requiring the California Department of Education (CDE) to collect and report data, (3) adding transfer priority for low-income students, (4) reducing funding for basic aid districts, and (5) requiring districts to make application information available online.

School district participation in the program involves the district registering with the state and its county board of education, along with adopting a resolution stating the maximum number of transfer students it will accept. The transfer rules dictate that a student's “home district” must permit the transfer unless it would surpass certain caps or negatively impact the district's fiscal condition, court-ordered desegregation plan, or racial balance. Admission procedures for DOCs require them to accept all interested students up to their approved limit, resorting to a lottery if oversubscribed, with priority given to certain groups such as siblings of current students, low-income students, and children from military families. Further, when a student transfers, the funding associated with that student shifts from the home district to the DOC.

- 3) ***What other interdistrict transfer options are available for students?*** In addition to the DOC program, the state has the following other laws allowing students to transfer to other school districts:
- a) ***Charter Schools.*** There are over 1,000 public charter schools in the state that provide instruction in any combination of grades kindergarten through grade 12. Parents, teachers, or community members may initiate charter petitions, which include the specific goals and operating procedures for the charter school. While most charter schools offer traditional, classroom-based instruction, about 20 percent offer some form of independent study, such as distance learning or home study.
 - b) ***Magnet Schools.*** Magnet schools are designed by local authorities to attract parents, guardians, and students who are free to choose the school in which they enroll. These programs and schools are established by district governing boards that can make a wide range of choices depending on their local needs and resources. Magnet schools and programs include those that provide unique instruction in the arts, in various sciences, and in career education. Others reflect a district strategy to achieve racial and ethnic balance. When one or more magnets are established at a particular school, students from across the district may select a magnet with available space.
 - c) ***Interdistrict Permits.*** These allow a student to transfer from one district to another district provided both districts consent to the transfer and the student meets any locally determined conditions. Districts receiving these transfer students may require students to meet certain attendance and/or academic standards.
 - d) ***Parental employment transfers.*** These allow a student to transfer into a district if at least one parent is employed within the boundaries of that district and that district has chosen to accept parental employment transfers. Transfer students generally do not need the consent of their home districts.
 - e) ***The Open Enrollment Act.*** This option, for low-performing schools, allows a student attending a school with low performance on state tests to transfer to another school inside or outside the district that has a higher level of performance and space available. Transfer students generally do not need the consent of their home districts.
- 4) ***Legislative Analyst Findings and Recommendations.*** Existing law required the Legislative Analyst Office (LAO) to publish an evaluation of the DOC program in January 2016. To further assist deliberations about the program, statute required a second evaluation from the LAO, using newly available data, by January 31, 2021.

In its follow-up evaluation of the DOC program, the LAO made the following findings:

- a) *District and Student Characteristics.* As of 2018-19, the state has 45 DOCs enrolling nearly 9,600 transfer students. Participating students are 40 percent Latino, 28 percent Asian, 26 percent white, and 6 percent other groups. The program appears to increase racial balance for some districts and reduce it for others, although these changes are typically small—the overall effect appears to be neutral. Low-income students transfer at low rates compared with their share of home district enrollment—the early application deadline (January 1) can be a challenge for these students.
- b) *District Finances.* The median DOC generates 22 percent of its total enrollment from students transferring through the program. Enrollment decreases among home districts tends to be small—usually less than 1 percent and rarely more than 5 percent. Basic aid districts have reduced the number of students they are willing to take due to the lower funding rate they receive.
- c) *Academic Outcomes.* Students gained access to an average of five to seven courses not offered by their home districts. Home districts often respond by taking action to retain students, such as adding new programs. The home districts most affected by the program have made above-average gains in student achievement over the past several years.
- d) *Program Oversight.* Auditors did not find any districts improperly denying transfer applications. DOCs approved nearly 90 percent of transfer applications—denials involved districts reaching their locally determined transfer limits. At least four home districts have prohibited all future transfers using the cumulative cap.

The LAO also included the following program recommendations:

- a) *Reauthorize the program, potentially on a permanent basis.* The program offers quality educational choices, with recent oversight revealing no significant issues and an increase in disadvantaged student participation. Ending the program would disrupt current users and deny future students opportunities. To ensure stability, a permanent reauthorization is recommended, but if a temporary extension is chosen, a minimum of five years is suggested to gather sufficient data, particularly considering potential anomalies from the COVID-19 pandemic.
- b) *Repeal cumulative cap.* Repealing the cap would allow students to use the program regardless of the previous transfer activity in their districts. Leaving the cap in place, by contrast, seems likely to reduce program participation over the next several years. Even without the cap, districts could limit transfers that exceed 3 percent of their annual enrollment or notably worsen fiscal distress. If the Legislature remained concerned about the immediate effect on home districts, it could phase out the cap gradually.
- c) *Allow later application deadline.* Moving the application deadline from January 1 to March 1 would enhance program accessibility, providing

students with two additional months to consider their transfer options. To accommodate this change, the Legislature could eliminate the requirement for districts to notify students of their acceptance or denial by February 15, while maintaining the May 1 deadline for DOCs to finalize their list of accepted students.

- d) *Increase funding for basic aid districts and adjust the rate for disadvantaged students.* Adjusting the funding rate for basic aid districts to align with the LCFF, beginning at 60 percent of the formula's base amount, increasing to 80 percent for low-income students and English learners. This adjustment would incentivize districts to attract and retain these students and is estimated to generate similar funding levels as the previous 70 percent rate for all students.
- e) *Continue collecting data, consider funding a survey to learn more about transfer decisions.* To better understand transfer patterns, especially concerning racial disparities, the Legislature could fund a survey focusing on factors such as awareness of transfer options, motivations for transferring, and overall district satisfaction, which could inform strategies to increase participation among underrepresented groups.
- f) *Repeal redundant reporting requirements.* Repeal the requirement for districts to prepare their own annual report on the program, as it duplicates information already provided by CDE, and repeal the requirement for participating districts to annually notify adjacent districts of their intent to remain in the program, as registration requirements added in 2017 ensure dissemination of this information.

5) ***Previous Legislation.***

AB 185 (Committee on Budget and Fiscal Review, Chapter 571, Statutes of 2022), extended the DOC program through July 1, 2028.

AB 99 (Committee on Budget and Fiscal Review, Chapter 15, Statutes of 2017), extended the DOC program through the 2022-2023 fiscal year; implemented program equity and accessibility changes; required the SPI to provide specified information on the program; required the LAO to provide an evaluation of the program by January 31, 2021.

SB 597 (Huff, Chapter 421, Statutes of 2015), provided a one year extension of the sunset date for the DOC program and requires the LAO to complete their evaluation of the program by January 31, 2016.

SB 680 (Romero & Huff, Chapter 198, Statutes of 2009), extended the sunset and repeal date for the DOC program from July 1, 2009 to July 1, 2016 and January 1, 2010 to January 1, 2017, respectively; repealed the prohibition on new districts electing to become DOCs; and, required the LAO to complete an evaluation of the DOC program and report to the Legislature by November 1, 2014.

SB 80 (Committee on Budget and Fiscal Review, Chapter 174, Statutes of 2007), extended the authority for DOC inter-district transfers from July 1, 2007 to July 1, 2009, prohibited additional districts from becoming DOCs, and required school districts (electing to accept transfers) to maintain records on the number of requests it receives and annually report the number of requests it receives to the SPI.

AB 97 (Nation, Chapter 21, Statutes of 2004), extended the sunset date for one year for the DOC authorization and required the SPI to continue the calculation for the Special Disabilities Adjustment using the current incidence multiplier to allow special education local plan areas to continue to receive funds provided through 2003-04 until a new multiplier is calculated.

AB 1993 (Quackenbush, Chapter 160, Statutes of 1993) established school DOC and allowed the governing board of any school district to declare the district to be a DOC willing to accept a specified number of inter-district transfers.

SUPPORT

Charter Oak Unified School District (co-sponsor)
Glendora Unified School District (co-sponsor)
Oak Park Unified School District (co-sponsor)
Riverside Unified School District (co-sponsor)
Walnut Valley Unified School District (co-sponsor)
El Nido Elementary School District
Geyserville Unified School District
Kern County Superintendent of Schools Office
Los Angeles County Office of Education
Maple School District
Mulberry Elementary School
Vista Del Mar Union School District

OPPOSITION

Pomona Unified School District

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 907	Hearing Date:	March 20, 2024
Author:	Newman		
Version:	January 4, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Orange County Board of Education: members.

NOTE: This bill has been referred to the Committee on Education and Election and Constitutional amendments. A “do pass” motion should include a referral to the Committee on Elections and Constitutional Amendments.

SUMMARY

This bill would require the Orange County Board of Education (OCBOE) to consist of 7, rather than 5 members, and for an election to be held during the statewide general election in November of each even-numbered year, rather than the statewide primary election.

BACKGROUND

Existing Law:

Education Code (EC)

County Committee on School District Organization

- 1) Except in a city and county, there shall be a county board of education, which shall, unless a petition to establish a student board member is presented to a county board of education, consist of five or seven regular members to be determined by the county committee on school district organization. (EC § 1000)
- 2) Upon being requested by the county board of education, the county committee on school district organization, by a two-thirds vote of the members, may either change the boundaries of any or all of the trustee areas of the county or propose to increase or decrease the number of members of the county board of education, or both. (EC § 1002)
- 3) When a county committee on school district organization proposes to reduce from seven to five or increase from five to seven the number of members of the county board of education, the county committee shall call and conduct a hearing on the matter. At the conclusion of the hearing, the county committee shall, by resolution, approve or disapprove the proposal. (EC § 1003)
- 4) The resolution of the county committee approving a reduction or increase in the number of members of the county board of education shall constitute an order of election, and the proposal shall be presented to the electors of the county not later

than the next succeeding election for members of the county board of education.
(EC § 1004)

Election Dates

- 5) The established election dates are as follows:
 - a) The first Tuesday after the first Monday in March of each even-numbered year that is evenly divisible by four.
 - b) The first Tuesday after the first Monday in March of each odd-numbered year.
 - c) The second Tuesday of April in each even-numbered year.
 - d) The first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four.
 - e) The first Tuesday after the first Monday in November of each year. (Elections Code (ELEC) § 1000)
- 6) Except as provided in Section 1003 of the elections code, notwithstanding any other provisions of law, all state, county, municipal, district, and school district elections shall be held on an established election date. (ELEC § 1002)
- 7) Election dates shall not apply to the following:
 - a) Any special election called by the Governor.
 - b) Elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with this chapter.
 - c) School governing board elections consolidated as specified in education code.
 - d) Elections of any kind required or permitted to be held by a school district located in a chartered city or county when the election is consolidated with a regular city or county election held in a jurisdiction that includes 95 percent or more of the school district's population.
 - e) County, municipal, district, and school district initiative, referendum, or recall elections.
 - f) Any election conducted solely by mailed ballot as specified in elections code.
 - g) Elections held as specified in education code. (ELEC § 1003)

California Constitution

- 8) Requires, pursuant to the California Constitution, that the Legislature provide for a board of education in each county, as specified. (Constitution of California, Article IX, § 7)

- 9) The California Constitution provides that a county charter may provide for the election of the members of the county board of education of such county and for their qualifications and terms of office. (Cal. Const. , Article IX, § 3.3)
- 10) All laws of a general nature have uniform operation. A local or special statute is invalid in any case if a general statute can be made applicable. (Cal. Const. Art. IV § 16)

ANALYSIS

This bill:

- 1) Requires the OCBOE, notwithstanding any other law to the contrary, to consist of 7 members, rather than 5 members.
- 2) Requires, notwithstanding any other law, an election for the OCBOE to be held during with the statewide general election in November of each even-numbered year, rather than the statewide primary election.
- 3) States the Legislature, finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing elections for the OCBOE.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author “Comprised of five elected trustees, the Orange County Board of Education (OCBOE) is one of only five county education boards to hold their elections as part of the primary, and are the only contests in Orange County that are decided solely during the primary by a plurality, rather than majority, vote. Data indicates 360,000 fewer voters participated in the 2022 primary than in the general, and at least one OCBOE candidate won the support of as little as 11% of registered voters. Increasing the number of trustees will ensure a more representative and responsive board, and aligning OCBOE elections with the November balloting will improve civic participation and parental engagement in our local education decision-making processes. This is especially important for Orange County’s Asian American and Latino families, who despite comprising 70% of the county’s K-12 student population, remain underrepresented in the primary electorate and on the Board. Orange County’s population has become more diverse, and more than doubled in size since the OCBOE was last modified in 1977. SB 907 offers two common-sense governance reforms that will enhance local control and ensure a more representative and responsive Board of Education for the residents of California’s third-largest county.”
- 2) ***Orange County Board of Education.*** The OCBOE provides educational opportunities for Orange County students, promotes student achievement, and offers leadership, services, and resources for Orange County school districts, educators, and the community. OCBOE responsibilities include:
 - a) Approving the annual budget of the Orange County Department of Education.

- b) Receiving the annual audit of the Orange County Department of Education.
- c) Maintaining an awareness of the operations and financial conditions of the school districts in the county.
- d) Approving the purchase of property for department programs.
- e) Serving as Orange County's appeal board for the adjudication of expulsion appeals and interdistrict attendance appeals.
- f) Representing Orange County's education community and families at the local, county, state, and national level.
- g) Informing local communities about the programs and achievements of the Orange County Department of Education.

The OCBOE consists of five lay members who represent the five trustee areas of the county. Board members are elected for a four-year term by the electors of the trustee area which they represent. From among its members, the Board elects a president and a vice president. The Board has as its secretary and executive officer the County Superintendent of Schools, who is elected by the people every four years.

Current law allows county boards of education to have 5 or 7 members as determined by the county committee on school district organization.

This bill would require OCBOE to add two additional county board members to its already five-member county board.

The committee can propose changes to board member numbers or trustee area boundaries upon request by the county board of education. If the committee wants to change the board member number, a public hearing is held, followed by a vote. If the proposal is approved, it becomes an order of election presented to the county's electors at the next board of education election.

To date, committee staff is unaware of any attempt by the OCBOE to adopt such a resolution or request to add additional members to its county board.

- 3) **County Board of Education Election Timing.** Based on data collected by the California Elections Data Archive (CEDA), a collaborative project between California State University, Sacramento, and the Secretary of State (SOS), it was found that most county boards of education conduct their elections alongside the statewide general election. In the years between 2017 and 2020, county board of education elections were held in 45 counties. Of these 45 counties, 36 (80%) had their county board of education elections solely with the statewide general election. On the other hand, five counties (11%) - Alameda, Orange, Riverside, Sacramento, and San Joaquin counties - held their county board of education elections with the statewide primary election.

A report by the Public Policy Institute of California (PPIC) titled "Voter Turnout in Primary Elections" in May 2014 examined voter turnout in California's primary elections and found evidence that statewide general elections had more diverse turnout than statewide primary elections. The report found that younger voters, Latinos, and Asian Americans participated less in primary electorates than in the general electorate in the fall. Between 2004 and 2012, the report also found that the overall percentage of younger voters (ages 18-24), Asian/Pacific Islander, and Latino turnout increased in the general election compared to the primary election. Specifically, younger voter turnout increased between 1.2 and 5.5 percentage points, Asian/Pacific Islander turnout between 0.6 and 2 percentage points, and Latino turnout between 2 and 7.3 percentage points.

Should the OCBOE election be moved from the primary to the general election?

Current law permits county boards of education to pass a resolution to change their elections to coincide with the statewide direct primary election, the statewide general election, or the general municipal election. Once approved by the county board of supervisors, the resolution becomes effective. Within 60 days of submission, the board of supervisors must approve the resolution unless it determines that handling additional elections or materials would be challenging due to ballot style, voting equipment, or computer capacity.

To date, committee staff is unaware of any attempt by the OCBOE to adopt such a resolution or request to consolidate its election into the statewide general election.

4) **Related Legislation.**

SB 286 (Min, 2021) would have required the election for seats on the OCBOE to be consolidated within the November statewide general election. *This bill was held in Assembly Appropriations committee.*

SB 1450 (Umberg, 2020) would have required an election for an office that is determined by the plurality of the votes cast for that office, with no possibility of a runoff, that is consolidated with a statewide election shall be consolidated with the statewide general election in November. *SB 1450 was never heard due to the shortened legislative calendar in 2020.*

SUPPORT

Citizens Take Action
Lavender Democrats of Orange County
2 individuals

OPPOSITION

California School Boards Association
Orange County Board of Education

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1887 **Hearing Date:** March 20, 2024
Author: Cervantes
Version: March 13, 2024
Urgency: Yes **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Student financial aid: application deadlines: extension.

SUMMARY

This bill, an urgency measure, extends the April 2, 2024 application deadline for financial aid programs administered by the California Student Aid Commission (Commission) by one month.

BACKGROUND

- 1) Existing law establishes the California Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. (Education Code (EC) § 69430 - 69433)
- 2) Existing law authorizes the Commission to approve financial aid deadline extension requested from local education agencies and institutions of higher education when extenuating circumstances outside the control of students create adverse effects on students' ability to apply for aid by the statutory deadline. (EC § 69513.2)
- 3) If the Federal Free Application for Federal Student Aid (FAFSA) is not available on or before October 1, 2023, existing law extends the application deadline for financial aid programs administered by the Commission to April 2, 2024, for the 2024-25 award year only. (SB 117 Committee on Budget and Fiscal Review, Section 22 of Chapter 50 Statutes of 2023)

ANALYSIS

This bill, an urgency measure:

- 1) Extends by one month, from April 2, 2024, to May 2, 2024, the application deadline for financial aid programs administered by the Commission.
- 2) Includes an urgency clause, in order for California students to have sufficient time to complete the federal FAFSA, which has been delayed this year.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Making California students’ dreams of achieving higher education more affordable and accessible is among the Legislature’s highest duties. Unfortunately, delays and setbacks with the federal government’s implementation of the revamped federal Free Application for Federal Student Aid (FAFSA) have left many of our students unable to apply for federal or state financial aid. In particular, students with parents who are undocumented have been unable to complete the FAFSA due to an online error message that occurs if a parent’s Social Security number is not provided in the student’s application. If students are unable to complete the FAFSA, they are likewise ineligible for federal Pell Grant awards or state Cal Grant and Middle Class Scholarship financial aid. These FAFSA implementation issues have also rendered colleges and universities unable to provide prospective students with financial aid award offers, upending their traditional admission and enrollment timelines.”

The author further asserts, “Assembly Bill 1887 will extend the application deadline for state financial aid programs from April 2 to May 2. This will provide our students with additional time to complete the FAFSA, allow the federal government to have more time to solve the ongoing implementation issues with the new FAFSA, and match the decisions of many institutions of higher learning to extend their enrollment deadlines beyond the traditional May 1 cutoff. This bill will help ensure that more California students are able to complete the FAFSA, avail themselves of state Cal Grant or Middle Class Scholarship financial aid, and enable them to access the financial resources they need to begin their college educations in earnest.”

- 2) ***Federal delays.*** A deadline extension is needed to account for the delays caused by the federal government’s rollout of the new FAFSA application. According to the latest update from the National College Attainment Network’s FAFSA Tracker on March 8, it was found that approximately 156,000 estimated high school seniors in California, only 27.7% of the class of 2024, had completed a FAFSA by March 1, representing a significant 42.8% decrease from where California stood at the same point last year. The United States Department of Education is making progress in resolving a key issue with the FAFSA, which will allow students with parental contributors who do not have a Social Security Number to successfully submit their FAFSA application. The one-month extension, in anticipation of a forthcoming fix, could ensure that students who have encountered difficulties may submit their applications and help address the backlog of applications overall.
- 3) ***An administrative fix is possible.*** Existing law grants the Commission the authority to approve financial aid deadline extension requests from local education agencies and institutions of higher education when extenuating circumstances outside the control of students create adverse effects on students’ ability to apply for aid by the statutory deadline. In 2021 and 2022, the Commission extended deadlines statewide using this process due to the COVID-19 emergency at the request of higher education institutions and many K-12

districts. Committee staff notes that prior to the introduction of this bill, the Commission planned to internally extend the financial aid deadline, which would have resulted in a comparable outcome.

4) ***Related legislation.***

AB 2500 (Fong, 2024) states that it is the Legislature's intent to enact future legislation that would grant the Commission authority to approve a postponement of an application deadline for specified financial aid programs to the executive director, extend the 10-day timeline for submitting a formal request to 15 days, require a report to the Commission on extension requests, and authorize the Commission to automatically grant deadline extensions for certain qualifying events. AB 2500 is pending referral in the Assembly.

SUPPORT

None received

OPPOSITION

None received

-- END --