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California State Senate

EDUCATION



JOSH NEWMAN
CHAIR

Staff Director
Lynn Lorber

Principal Consultant
Olgalilia Ramirez
Ian Johnson
Kordell Hampton

Committee Assistant
Maria Velez
Irma Kam

1021 O Street, Room 6740
(916) 651-4105
FAX: (916) 324-0917

AGENDA

Wednesday, January 10, 2024
9 a.m. -- 1021 O Street, Room 2100

FOR VOTE ONLY

- | | | | |
|----|--------|-------|------------------------------------------------------------|
| 1. | SB 292 | Grove | Education expenses: Education Savings Account Act of 2024. |
| 2. | SCA 5 | Grove | Educational expenses: education savings accounts. |

MEASURES HEARD IN FILE ORDER

- | | | | |
|----|--------|------------|---------------------------------------------------------------|
| 3. | SB 56 | Skinner | University of California: transfer of real property. |
| 4. | SB 691 | Portantino | State Board of Education: student members. |
| 5. | SB 483 | Cortese | Pupil rights: prone restraint. |
| 6. | SB 347 | Newman | Teacher credentialing: basic teaching credentials: preschool. |

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: SB 292 **Hearing Date:** January 10, 2024
Author: Grove
Version: March 30, 2023
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Education expenses: Education Savings Account Act of 2024.

NOTE: This bill was previously heard by this Committee on April 19, 2023, and failed passage, but reconsideration was requested and granted.

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

SUMMARY

This bill would establish the Education Savings Account (ESA) Act of 2024 only if a Senate Constitutional Amendment (SCA 5, Grove) is approved as part of the November 2024 election.

BACKGROUND

Subdivision (b) of Section 8 of Article XVI of the California Constitution requires the state to spend a minimum amount of funding on school districts and community colleges every fiscal year, based on specific calculations built on a percentage of General Fund revenues or prior-year education appropriations, enrollment, and economic growth.

In 2013, the Local Control Funding Formula (LCFF) was enacted. The LCFF establishes per-pupil funding targets, with adjustments for different student grade levels, and includes supplemental funding for local educational agencies (LEA) serving students who are low-income, English learners, or foster youth. The LCFF replaced almost all sources of state funding for LEAs, including most categorical programs, with general purpose funding including few spending restrictions.

ANALYSIS

This bill:

- 1) Establishes the ESA Act of 2024 and establishes the ESA Trust as a fund within the State Treasury to be administered by the ESA Trust Board.
- 2) Specifies that during the first four school years following the operative date of the act, certain school-aged children are eligible to establish an ESA, based on their parent's or guardian's income. After the first four years, every school-aged child would become ESA-eligible.

- 3) Specifies that every child enrolled in an eligible school shall be entitled to a credit to the child's account for tuition, elementary and secondary eligible education expenses, and undergraduate or graduate eligible education expenses.
- 4) Requires the Department of Finance to annually determine the ESA deposit amount for the upcoming school year and specifies the procedure for calculating the ESA deposit.
- 5) Requires the Superintendent of Public Instruction to establish a procedure for the parents and legal guardians of eligible students to apply to establish an ESA and submit an executed participation agreement.
- 6) Authorizes ESA fund disbursements to eligible schools, including a campus of the California Community Colleges, the California State University, and the University of California, a full-time private school, a private college or university, a public college or university, or a vocational educational or training institution, as specified.
- 7) Imposes a \$60,000 cap, adjusted each year for inflation, on the ESA balance for students upon graduating high school or obtaining a high school equivalency certification, available for tuition, undergraduate or graduate eligible education expenses, or expenses associated with vocational education.
- 8) Requires the Legislature to recalculate minimum education funding guarantee (Proposition 98 Guarantee) by including school-aged children not enrolled in a public school in those minimum funding guarantee calculations based on their average daily attendance (ADA), as provided.
- 9) Requires the costs of providing ESA deposit amounts to be apportioned between the General Fund and school districts in the same ratio of General Fund and local property tax revenue that would have been used to educate students in their school district.
- 10) Excludes, for taxable years beginning on or after January 1, 2025, from gross income any amounts received as distribution from an ESA.
- 11) Becomes operative on January 1, 2025, only if SCA 5 (Grove, 2023) is approved by the voters at the statewide general election on November 5, 2024.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California's government-run schools are failing too many students. Any company that failed 84% of its customers would be run out of business, but in California the legislature rewards failing schools with even more funding. The government focuses more on funding institutions than students, and most parents have no other options. SB 292, The Education Savings Account Act of 2024, will introduce more choice into California's school system, giving parents and students more educational options. This bill will empower students to enroll in schools better suited for their educational needs. SB 292 puts children first."

- 2) ***Is this a voucher program?*** Voucher programs generally allow public funds to be used for private school tuition. ESAs are a type of voucher program, but they are structured differently in that, in addition to private school tuition, ESA funds can be used to purchase other educational services, such as tutoring, textbooks, or online course fees. Under this bill, the state would “rebase” the amount funding currently apportioned to local educational agencies as required by the Proposition 98 Guarantee to include private school students and award vouchers to parents who could then use the funding to cover tuition and other services at an eligible public or private school. The policy changes and state and local mechanisms required to implement this bill and its companion constitutional amendment are very complex and would profoundly change how public (and private) education is currently funded. Given that no one knows how many parents and schools would apply for vouchers or move their children from public to private schools, it is difficult to assess the impact of this bill with any meaningful precision.
- 3) ***Voucher programs in other states.*** The first publicly-funded voucher program in the country was started in Milwaukee in 1990—the Milwaukee Parental Choice Program. Currently, there are 25 voucher programs in 14 states, including the District of Columbia. The number of voucher programs has grown steadily since 2010, as has the scope of existing programs.

Almost all states have eligibility requirements for their voucher programs, with the most common being students with a documented disability or meeting household income requirements. Other eligibility requirements include attending a low-performing school or district, living in certain geographic regions, or some combination therein. There are two states, Arizona and Nevada, which have ESA programs that do not include eligibility requirements. Arizona expanded their already existing ESA program to be universal in 2017, which will phase in over a few years and be capped at 30,000 student participants. Nevada created its universal program in 2013, but the program is on hold following a 2015 court decision declaring the funding mechanism unconstitutional and program funding has not been restored.

Since the passage of Proposition 98, the voters of California have had two opportunities to vote for tax-funded school vouchers—Proposition 174 in 1993 and Proposition 38 in 2000. Both propositions received about 30 percent voter support.

- 4) ***Many existing school choice options for California parents.*** There are two main groups of parents in California already exercising alternative school choice—those that send their children to private school and those that access public school options such as charter schools, magnet schools, or cross-town transfer programs. While the author states that this measure would give parents the option of moving their children from their assigned school to any other accredited school that best meets their needs, state law already provides the following public school options:

- 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) *District of Choice (DOC) Program.* This program allows a student to transfer to any district that has deemed itself a DOC and agreed to accept a specified number of transfers. DOC may not use a selective admissions process. Transfer students generally do not need the consent of their home districts.
- d) *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.
- e) *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.
- f) *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.

Beyond the public school options, about 7.5 percent of California students are enrolled in private schools, a proportion that has gradually dropped over the past two decades from about 10 percent. Interestingly, these are the families that would immediately benefit from this bill because, even though they have already chosen to send their kids to private school, they would be eligible for the same voucher as all other parents.

- 5) ***How would low-income families be affected?*** Based on existing research, low-income families may likely participate in a voucher program, especially given recent polls that show growing parental support for school choice in disadvantaged communities. However, among these families, it is the better-educated parents, who express strong commitments to education, that most often take advantage of voucher programs. While this bill includes a four-year phase in based on income, would it be the most disadvantaged children in the state—those from low-income families with minimally educated parents—that would be left behind in struggling public schools with even fewer resources upon full implementation? How does the creation of an unregulated voucher program square with the principles of the LCFF, which targets additional resources to the communities with the highest proportions of English learning, low-income, and foster youth students?
- 6) ***Available research on the impact of voucher programs on student achievement is mixed at best.*** Research on existing voucher programs is relatively limited because prior to 2010, there were a very small number of programs in the country. Additionally, it is difficult to measure the effects of voucher programs on student performance because there are oftentimes other factors, such as class size, school safety issues, or peer effects, that affect academic progress. Finally, the research tends to lack any analysis on the quality of the private schools that students choose to attend. Contrary to popular belief, while many private schools may produce better student outcomes than public schools, the reverse can also be true.

Despite these challenges, existing research on voucher programs shows mixed results. Generally, students attending private school through a voucher program tend to have similar academic outcomes to their peers in traditional public schools, with some studies finding that voucher students performed worse academically than their peers in traditional public schools. However, other research suggests that student performance in voucher programs may improve over time. Specifically, a multi-year study of Milwaukee's voucher program, the oldest in the country, found that private school-attending students in lower grades tended to have lower academic performance in reading and science than their peers in public schools, while students in upper grades had better academic outcomes in reading and science than their peers. In addition, some students participating in the voucher program were one to two years behind academically when first enrolling in a private school, and study results suggest that attending private school through the voucher program helped these students catch up to their grade level.

Based on the limited research, it appears that children with parents who eagerly pursue vouchers and move their children to private schools can potentially perform better than children who remain in struggling public schools. Would these achievement results continue under a program that is applied statewide? Is this a likely way to raise achievement for students who would remain in urban and suburban public schools?

- 7) ***Voucher programs face legal challenges.*** Several state or local voucher programs across the country have faced legal challenges, often centered on the

separation of church and state debate. Specifically, whether sending public funds to sectarian private schools contradicts the Establishment Clause of the U.S. Constitution's First Amendment and a series of approximately 36 state constitutional amendments prohibiting the states from providing public funds to religious schools—collectively known as the Blaine Amendments. The outcomes of these challenges have been a mix of upholding the programs and finding them unconstitutional.

- 8) ***Other policy considerations.*** When considering the creation of a state-funded ESA system, many more factors must be considered beyond what is described above. The funding impact of this bill is difficult to assess—the Proposition 98 Guarantee would be “rebased” to include private school student ADA but public funding would then be diverted away from traditional public schools to parents that currently enroll their children in private schools. It is unclear whether including private school student attendance in the calculation of the Proposition 98 Guarantee would cover the costs of funding these students' ESAs. If not, the result would be less per-pupil state aid available to public school districts and charter schools.

Other policy considerations include, but are not limited to, the way in which the rights of students with disabilities would continue to be protected, whether low-income parents would receive a voucher amount that could cover private school tuition (the cost of which would likely rise as a result of this bill), whether private schools should be required to administer state testing for student outcome comparison purposes, what level of accountability private schools would be subjected to by state taxpayers, and whether parents would face admissions discrimination within an unregulated voucher system.

- 9) ***This bill would create costs between \$4 and \$6 billion, paid by cuts to public education or other areas in the state budget.*** This bill is substantially similar to a recent proposed constitutional and statutory initiative related to funding for students attending private schools (A.G. File No. 21-0011, Amendment #1). In its analysis of that initiative, the Legislative Analyst's Office states the following:

“This measure would affect the state budget and the budgets of public schools. The magnitude of these effects largely depends on (1) the number of participating students, and (2) how public and private schools respond to the measure.

The 471,000 students who already attend private schools likely would be the first students to register for this program. In addition, some of the 84,000 students currently attending homeschool probably would switch to participating private schools. Since these students currently receive no state funding, their participation represents an additional cost to the state. Participation probably would be less than 100 percent, however, on the lower end, if 308,000 students participated (representing 60 percent of current private school students and 30 percent of homeschool students switching to private schools), the annual state cost at full implementation would be about \$4 billion. On the high end, if 462,000 students participated (representing 90 percent of current private school

students and 45 percent of homeschool students switching), the annual state cost would be about \$6 billion. The state generally would pay for these costs through reductions to funding for public schools (as the measure allows) and/or reductions to other state programs supported by the state General Fund.”

- 10) ***Arguments in support of vouchers.*** Proponents argue that these programs empower parents by providing them with choices about where and how to educate their children, and provide students, particularly at-risk or underserved students, with better education options. They also argue that free-market competition among public and private schools improves overall school quality through competition. Interestingly, some note that arguments in favor of school vouchers shifted over the years, with less discussion about the effects of vouchers on student achievement and more discussion about both the value of choice as a right in itself and the beneficial competitive effect of voucher programs on public schools.
- 11) ***Arguments in opposition of vouchers.*** Opponents argue that voucher programs divert public dollars to private schools, but without the same accountability or special education requirements as public schools. They express concerns that voucher programs divert motivated parents and students from underfunded public schools, leaving behind a larger number of disadvantaged students with fewer resources. Opponents also point out that it may be difficult for lower-income families to benefit from voucher programs, as the amount of money available through a voucher may not always cover the full costs of private school. Some raise concerns about public dollars funding religiously-affiliated private schools as a potential violation of the constitutional separation of church and state, as well as the potential for religious discrimination. Finally, some argue that these programs may potentially benefit only a small number of children without providing the comprehensive reforms needed to strengthen the entire public education system.
- 12) ***Related Legislation***

SCA 5 (Grove, 2023) proposes to amend Article IX of the State Constitution to: (1) allow the state to disburse funds and other public benefits to educational institutions irrespective of their religious affiliation, and (2) include the ADA of all children who are otherwise eligible to enroll in public kindergarten schools, elementary schools, and secondary schools but have chosen to fund their kindergarten, elementary, or secondary education with an ESA.

SUPPORT

California Policy Center (Sponsor)
Association of Christian Schools International
California Catholic Conference
Californians for Equal Rights Foundation
De La Salle High School
Natomas USD for Freedom
Our Duty
Protection of the Educational Rights for Kids

Silicon Valley Association of Republican Women
Stand Up Sacramento County
28 individuals

OPPOSITION

AFSCME California
American Atheists
California Federation of Teachers
California Labor Federation
California School Boards Association
California School Employees Association
California Teachers Association
SEIU California

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SCA 5	Hearing Date:	January 10, 2024
Author:	Grove		
Version:	March 8, 2023		
Urgency:		Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Educational expenses: education savings accounts.

NOTE: This measure was previously heard by this Committee on April 19, 2023, and failed passage, but reconsideration was requested and granted.

This measure has been referred to the Committees on Education and Elections. A "do pass" motion should include referral to the Committee on Elections.

SUMMARY

This bill proposes to amend Article IX and Article XVI of the State Constitution to: (1) allow the state to disburse funds and other public benefits to educational institutions irrespective of their religious affiliation, and (2) include the average daily attendance (ADA) of all children who are otherwise eligible to enroll in public kindergarten schools, elementary schools, and secondary schools but have chosen to fund their kindergarten, elementary, or secondary education with an Education Savings Account (ESA) at a private school.

BACKGROUND

The California Constitution establishes the Proposition 98 Guarantee, a minimum funding requirement for schools and community colleges, with three main tests for calculating the guarantee based on inputs such as General Fund revenue, per capita personal income, and ADA.

Section 8 of Article IX and Section 5 of Article XVI of the California Constitution both bar state support for religious schools. Put simply, these sections state that no public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of officers of the public schools.

Section 8 of Article XIII B and Section 8 of Article XVI of the California Constitution specify ADA to mean the average daily attendance of school districts in kindergarten and grades one to 12, inclusive, and the community colleges.

ANALYSIS

This bill:

- 1) Authorizes the state, and every agency or political subdivision of the state, to disburse funds pursuant to an agreement between the state and a parent or legal guardian of an eligible child for tuition and education-related expenses, as

provided by statute, and provide tax or other public benefits to private schools, private colleges, private universities, or private vocational educational or training institutions, irrespective of religious affiliation, to further the promotion of intellectual, scientific, moral, and agricultural improvement.

- 2) Defines ADA to include all children enrolled in public kindergarten schools, elementary schools, and secondary schools and all children who are eligible to enroll in public kindergarten schools, elementary schools, and secondary schools but have chosen to fund their kindergarten, elementary, or secondary education with an ESA, for purposes of measuring changes in enrollment as they relate to computing the Proposition 98 Guarantee.
- 3) Authorizes the Legislature, by statute, to require the allocation of ad valorem property tax revenue in the manner described in the ESA Act of 2024.
- 4) Specifies that its provisions are severable and require the Attorney General to defend against any action challenging the validity of the measure.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California’s government-run schools are failing too many students. Any company that failed 84% of its customers would be run out of business, but in California the legislature rewards failing schools with even more funding. The government focuses more on funding institutions than students, and most parents have no other options. SCA 5, The Education Savings Account Act of 2024, will introduce more choice into California’s school system, giving parents and students more educational options. This bill will empower students to enroll in schools better suited for their educational needs. SCA 5 puts children first.
- 2) ***Companion legislation would create state voucher program and place restrictions on nonresident enrollment in public higher education.*** This constitutional amendment is a companion measure to SB 292 (Grove, 2023), which would establish the ESA Act of 2024 and require the Legislature to recalculate the Proposition 98 Guarantee, as specified. SB 292 would only become operative if this measure is approved as part of the November 2024 election. Under SB 292, the Proposition 98 Guarantee would be “rebased” to include private school student ADA but public funding would then be diverted away from traditional public schools to parents that currently enroll their children in private schools. The policy changes and state and local mechanisms required to implement this measure and SB 292 are very complex and would profoundly change how public (and private) education is currently funded. Given that no one knows how many parents and schools would apply for vouchers or move their children from public to private schools, it is difficult to assess the impact of this measure and SB 292 with any meaningful precision.
- 3) ***State funding for religious schools.*** In California, roughly 7.5 percent of students, totaling about 500,000, attend private schools. Of those students, many attend a private school that is affiliated with a church or religion. In most states, private school tuition is paid by parents, without significant government

support or subsidy. Private schools tend to be costly, not generally tax-deductible, and heavily reliant on donations to support their capital needs. Some private school students may receive certain services from a public school, including services for a student with a disability or check-ins for a student that is home-schooled. The line between private and public schooling becomes more blurred when considering school voucher programs, which SB 292 would establish. In these programs, parents receive state-funded vouchers for use toward payment of tuition costs at a private school. Because many private schools have a religious affiliation, considerations about the separation of church and state arise. Like most states, California's constitution prohibits the use of public money for religious schools.

- 4) ***The Proposition 98 Guarantee.*** Each year, the state calculates a “minimum guarantee” for school and community college funding based upon a set of formulas established by Proposition 98 (1988). The California Constitution sets forth three main tests for calculating the Proposition 98 minimum guarantee. Each test takes into account certain inputs, including General Fund revenue, per capita personal income, and public school ADA. Test 1 links school funding to a minimum share of General Fund revenue, whereas Test 2 and Test 3 build upon the amount of funding provided the previous year. The Constitution sets forth rules for comparing the tests, with one of the tests becoming operative and used for calculating the minimum guarantee that year. Although the state can provide more funding than required, it usually funds at or near the guarantee. With a two-thirds vote of each house of the Legislature, the state can suspend the guarantee and provide less funding than the formulas require that year. The guarantee consists of state General Fund and local property tax revenue.
- 5) ***This bill would create costs between \$4 and \$6 billion, paid by cuts to public education or other areas in the state budget.*** This bill is substantially similar to a recent proposed constitutional and statutory initiative related to funding for students attending private schools (A.G. File No. 21-0011, Amendment #1). In its analysis of that initiative, the Legislative Analyst's Office states the following:

“This measure would affect the state budget and the budgets of public schools. The magnitude of these effects largely depends on (1) the number of participating students, and (2) how public and private schools respond to the measure.

The 471,000 students who already attend private schools likely would be the first students to register for this program. In addition, some of the 84,000 students currently attending homeschool probably would switch to participating private schools. Since these students currently receive no state funding, their participation represents an additional cost to the state. Participation probably would be less than 100 percent, however, on the lower end, if 308,000 students participated (representing 60 percent of current private school students and 30 percent of homeschool students switching to private schools), the annual state cost at full implementation would be about \$4 billion. On the high end, if 462,000 students participated (representing 90 percent of current private school students and 45 percent of homeschool students switching), the annual state

cost would be about \$6 billion. The state generally would pay for these costs through reductions to funding for public schools (as the measure allows) and/or reductions to other state programs supported by the state General Fund.”

6) ***Related Legislation***

SB 292 (Grove, 2023) would establish the ESA Act of 2024 only if this Senate Constitutional Amendment is approved as part of the November 2024 election.

SUPPORT

California Policy Center (Sponsor)
Association of Christian Schools International
California Catholic Conference
Californians for Equal Rights Foundation
Natomas USD for Freedom
Protection of the Educational Rights for Kids
Silicon Valley Association of Republican Women
Stand Up Sacramento County
5 individuals

OPPOSITION

AFSCME California
American Atheists
California Faculty Association
California Federation of Teachers
California Labor Federation
California School Boards Association
California School Employees Association
California Teachers Association
SEIU California

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: SB 56 **Hearing Date:** January 10, 2024
Author: Skinner
Version: January 3, 2024
Urgency: No **Fiscal:** No
Consultant: Ian Johnson

Subject: University of California: transfer of real property.

NOTE: This bill has been amended to replace its contents and this is the first time the bill is being heard in its current form.

SUMMARY

This bill changes how the University of California (UC) can sell real property by exempting the transfer of a specified property from the Regents of the UC to the Berkeley Student Cooperative (BSC) for the purpose of affordable student housing from existing competitive bidding requirements.

BACKGROUND

Existing law:

- 1) Requires UC to sell real property valued at more than \$1 million through competitive bidding.
- 2) Requires UC to publicly accept the bid which offers the best combination of price, terms and bidder qualifications or reject all bids or proposals.
- 3) Specifies that the bidder qualifications may include factors other than price and terms, such as the bidder's ability to complete the transaction or secure development entitlements.
- 4) Allows UC the discretion, in the event a successful bidder fails to perform, to accept from the remaining bids or proposals the one that is most advantageous to UC, rather than start the bid process over.
- 5) Provides the following categorical exemptions from the competitive bidding requirement:
 - a) The sale of an undivided or fractional ownership interest in real property.
 - b) A sale of a right of use in real property that is less than fee ownership.
 - c) A sale of real property subject to title conditions or restrictions on the UC's ownership deriving from the origin of that ownership by gift, devise, or otherwise, if that sale would be inconsistent with those title conditions or restrictions.

- d) The disposition of real property acquired through exercise of a power of sale pursuant to a deed of trust, foreclosure, deed in lieu of foreclosure, transactions when property is accepted in settlement of defaulted mortgages, legal settlement, or held as an asset in the university's investment portfolio.
- e) A sale of public lands under the direction of the federal land agent.
- f) A sale to a person or entity who will dedicate the real property to public use.
- g) A sale of real property acquired after January 1, 1985, through eminent domain proceedings initiated by the Regents of the UC, as specified.
- h) An exchange to acquire real property of another person or entity for university purposes. Any exchange shall be upon terms and conditions agreed to by the exchanging parties.

ANALYSIS

This bill revises how the UC can sell real property by exempting the transfer of real property located at 2424 Haste Street, in the City of Berkeley, from the Regents of the UC to the Berkeley Student Cooperative for the purpose of affordable student housing for the students of the UC.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "It is critical that we act to protect safe, low cost student housing throughout California. Although UC wants to transfer Rochdale Apartments to the BSC so that BSC can get financing for important seismic renovations, under current law, UC can't simply transfer the land to the BSC, but must sell to the highest bidder. This is despite the fact that the BSC has been operating as a partner with UC for over 50 years providing low cost student housing at this site and wants to continue to do that. This bill will protect critical student housing by allowing UC to transfer land to the BSC while requiring as a condition of that transfer that BSC continue to operate the facility for low cost student housing."
- 2) ***The Stull Act.*** The sale of any surplus property owned by the Regents of the UC is governed by three sections of the Public Contract Code, known as the "Stull Act". The University is subject to the Stull Act for any property disposition greater in value than \$1 million. The Stull Act requires a competitive bid process that is open to the public for any real property sale by the University, which precludes a direct transfer to a specified property.

According to the author's office, UC's goal is to grant the land directly to the BSC for continued use as affordable housing. As BSC does not have the financial resources to acquire the property and make the needed physical repairs and

upgrades, under the Stull Act another party could submit a more competitive bid, requiring UC to sell to another party.

While there are statutory exemptions to the Stull Act, requesting such an exemption for the purpose of affordable housing has no precedent and thus the transfer could be challenged at a later time by a party seeking to reverse the transfer. Seeking relief from the Stull Act through legislative action would provide a legal route for the land to be transferred without creating a cloud on the property title, which could complicate obtaining financing for the needed improvements.

- 3) ***Berkeley Student Cooperative.*** The BSC is a 501(c)(3) nonprofit housing cooperative. The BSC provides affordable housing and board to students at UC Berkeley and other Bay Area colleges and universities.

Presently the BSC has over 1,300 student members living in or eating at 17 houses and 3 apartment cooperatives around the UC Berkeley campus. Each house is democratically run, and BSC members contribute their labor to help keep housing costs affordable. Founded in 1933, the BSC is the largest student housing cooperative in the United States.

SUPPORT

Berkeley Student Cooperative (co-sponsor)
University of California (co-sponsor)

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 691	Hearing Date:	January 10, 2024
Author:	Portantino		
Version:	January 03, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: State Board of Education: student members.

SUMMARY

This bill would eliminate the requirement for the Governor to appoint a student member to the State Board of Education (SBE) with the advice and consent of two-thirds of the Senate and would instead require the SBE to select 3 student members rather than 1 from among the candidates presented by the California Association of Student Councils (CASC).

BACKGROUND

Existing Law

Education Code (EC)

- 1) Requires the Governor to appoint a student member to the SBE with the advice and consent of two-thirds of the Senate. (EC 33000.5)
- 2) Clarifies the student selection process includes:
 - a) A notification to every school district that applications are being accepted for the student member's position.
 - b) Requires the SBE to screen 12 semifinalists and for the CASC to select 6 final candidates from the original 12 for presentation to the SBE.
 - c) Requires the SBE to select 3 finalists from the 6 final candidates for the Governor's consideration and may rank the finalists according to the SBE's preference. (EC 33000.5)
- 3) Specifies that when the student member's one-year term commences, that student must be enrolled in good standing in grade 12 in a public high school. (EC 33000.5)
- 4) Specifies the student member as a voting member with the full rights and duties of the other 10 SBE members. (EC 33000.5)

- 5) Specifies whenever by any law the SBE is authorized to appoint members to a board, commission, or other statutorily created body, the SBE may also appoint a nonvoting student member to that body. (EC 33011)

ANALYSIS

This bill:

- 1) Increases the amount of students appointed to the SBE to serve as student board members from 1 to 3.
- 2) Removes the requirement that advice and consent of two-thirds of the Senate must be provided before a student is appointed to serve as a student board member at the SBE.
- 3) Removes the ability of the Governor to appoint students to serve as student board members at the SBE.
- 4) Makes technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Including sufficient student representation on the SBE is crucial for the decision-making process when facing public school issues. Actively involving students to help address new challenges is key to ensure that SBE policies and initiatives align with the changing needs and perspectives of the student body. This approach empowers students to have a voice in shaping the changes that directly affect the public school system.”
- 2) ***State Board of Education: Student Board Members.*** Since 1969, a California public high school student has been chosen each year to serve on the SBE for a one-year term. To be eligible, the student must be a good-standing senior, enrolled in a California public high school, and available to participate in a statewide student leader conference. The selected student must attend regular SBE meetings every other month for at least two successive school days.

At the start of each school year, the SBE informs all school districts that they accept applications from students who wish to become board members. After the application period closes, the Ad-Hoc Screening Committee (Screening Committee) from the SBE will review all the applications and choose 12 semifinalists from the pool of applicants. It's important to note that the decision of the Screening Committee is final.

The SBE selects the Student Board Member through the annual Student Advisory Board on Education (SABE) conference. The 12 semifinalists are required to participate in the SABE Conference, where they will engage in all SABE activities. Additionally, each semifinalist will make an individual presentation to all other SABE participants, outlining their qualifications and interest for the Student Board Member position. Following a secret ballot by the SABE participants, the names of 6

candidates will be submitted for further consideration by the SBE's Screening Committee. The decision made by the SBE participants is final.

The Screening Committee will interview the last 6 candidates. Based on the interviews, the Screening Committee will recommend 3 finalists to the SBE after the SBE selects the 3 finalists, their names will be forwarded to the Governor with advice and consent with two-thirds of the Senate. The SBE's recommendations to the Governor are final.

- 3) **Appointments: Advice and Consent From The Senate.** Historically, the Senate has been responsible for giving advice and consent on potential appointees before they are presented to the Governor for consideration. This verification process usually involves a hearing where members of the Senate Rules Committee ask questions about the potential appointee's character, aptitude, and subject matter knowledge. This process helps to ensure that only qualified candidates receive an appointment from the Governor to serve as a board member on one of the many boards within the executive branch.

While this bill increases the amount of students that are appointed to serve as student board members at the SBE, this bill also eliminates the student board member appointment from the Governor and the requirement for the Senate to provide two-thirds advice and consent. The author has accepted amendments to reinstate the Governor appointment along with two-thirds advice and consent from the Senate.

- 4) **Full Versus Preferential Voting Members. What's The Difference?** Current statute provides the student board member at the SBE with the same full voting rights and duties as the other 10 members (EC 33000.5 (c)). Members can exercise decision-making power through full voting rights during a public meeting, which is recorded in meeting minutes. The final numerical outcome of the vote from members with full voting rights impacts the day-to-day operation of their board's jurisdiction.

Student board members of local educational agencies, charter schools, and county offices of education are provided preferential voting rights. Preferential voting is a formal way of expressing one's opinion on an agenda item. As per the current law, preferential voting is recorded in the minutes and cast before the official vote of the school district governing board. However, unlike members with full voting rights, preferential voting cannot determine the final numerical outcome of a vote, nor can it be solicited on matters subject to closed-session discussion.

In addition to increasing the number of students who serve as members at the SBE, this bill also provides each student member with the same full voting rights and duties as the other 10 members of the SBE, drastically shifting the board's voting dynamic. The author has accepted amendments to provide additional student board members appointed to the SBE to have preferential voting rights.

- 5) **Committee Amendments.** The committee recommends, and the author has agreed, to take the following amendments in the Senate Appropriations Committee:

- a) Reinstate the ability for the Governor to appoint students to the SBE with the advice and consent of two-thirds of the Senate.
- b) Provide additional student board members, appointed to the SBE, preferential voting rights.
- c) Makes technical changes.

6) Related Legislation

AB 417 (Bennett), Chapter 437, Statutes of 2023, authorizes a pupil who is enrolled in a high school that is under the jurisdiction of the county board of education to be selected to serve as a member of the county board of education if no petition is submitted to choose a pupil.

AB 275 (Ward), Chapter 321, Statutes of 2023, permits a governing board of a school district and a county board of education to award a pupil member elective course credit or financial compensation, or both while serving as a pupil member.

AB 824 (Bennett), Chapter 669, Statutes of 2021, authorized a pupil petition requesting that a COE or the governing body of a charter school appoint one or more pupil board members to be submitted to a board or body operating one or more high schools.

AB 709 (Bonta) Chapter 437, Statutes of 2019, requires pupil members of a school district's governing board to be appointed to subcommittees like other board members, among other requirements.

AB 261 (Thurmond), Chapter 257, Statutes of 2017, provided that a pupil member of the governing board of a school district shall have preferential voting rights.

SB 468 (Leyva), Chapter 283, Statutes of 2017, modified the existing requirement that school district governing boards provide the student board member with materials presented to the board members to specify that the student members are to receive all open meeting materials at the same time the materials are presented to the board members, and required governing boards to invite the student member to staff briefings provided to board members or offer a separate briefing within the same timeframe as the briefing of board members.

SB 532 (Leyva), Chapter 317, Statutes of 2015 required a majority vote of all voting board members on a motion to eliminate the nonvoting or preferential voting pupil member position from the governing board of a school district and requires the motion to be listed as a public agenda item for a meeting of the governing board of the school district before the motion being voted upon.

SUPPORT

None on received

OPPOSITION

None on received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: SB 483 **Hearing Date:** January 10, 2024
Author: Cortese
Version: February 14, 2023
Urgency: No **Fiscal:** No
Consultant: Ian Johnson

Subject: Pupil rights: prone restraint.

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

SUMMARY

This bill prohibits the use of prone restraint by an educational provider on any pupil, including pupils with exceptional needs.

BACKGROUND

Existing law:

- 1) Provides that a student has the right to be free from the use of seclusion and behavioral restraints of any form imposed as a means of coercion, discipline, convenience, or retaliation by staff. This right includes, but is not limited to, the right to be free from the use of a drug administered to the student in order to control the student’s behavior or to restrict the student’s freedom of movement, if that drug is not a standard treatment for the student’s medical or psychiatric condition.
- 2) Prohibits an educational provider from doing any of the following:
 - a) Using seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.
 - b) Using locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
 - c) Using a physical restraint technique that obstructs a student’s respiratory airway or impairs the student’s breathing or respiratory capacity, including techniques in which a staff member places pressure on a student’s back or places his or her body weight against the student’s torso or back.
 - d) Using a behavioral restraint technique that restricts breathing, including but not limited to using a pillow, blanket, carpet, mat, or other item to cover a student’s face.

- e) Placing a student in a facedown position with the student's hands held or restrained behind the student's back.
 - f) Using behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the student or others.
- 3) Requires an educational provider to avoid, whenever possible, the use of seclusion or behavioral restraint techniques.
 - 4) Authorizes an educational provider to use seclusion or a behavioral restraint only to control behavior that poses a clear and present danger of serious physical harm to the student or others that cannot be immediately prevented by a response that is less.
 - 5) Requires an educational provider to afford to students who are restrained the least restrictive alternative and the maximum freedom of movement, and use the least number of restraint points, while ensuring the physical safety of the student and others.
 - 6) Requires an educational provider to keep constant, direct observation of a student who is in seclusion, and allows that to be a window, or another barrier, through which the educational provider is able to make direct eye contact with the student. The observation may not be through indirect means, including through a security camera or closed-circuit TV.
 - 7) Requires a staff member, if prone restraint techniques are used, to observe the student for any signs of physical distress throughout the use of prone restraint. The staff member monitoring the student shall not, whenever possible, be involved in restraining the student.
 - 8) Requires LEAs (Local Education Agencies) to collect and report annually to the California Department of Education (CDE), no later than three months after the end of the school year, on the use of behavioral restraints and seclusion for students enrolled in or served by the LEA for all or part of the prior school year.
 - 9) Requires the report to include all of the following information, disaggregated by race or ethnicity, and gender, with separate counts for students with an individualized educational program (IEP), 504 plan, and students without an IEP or 504 plan:
 - a) The number of students subjected to mechanical restraint, and the number of times mechanical restraint was used on students.
 - b) The number of students subjected to physical restraint, and the number of times physical restraint was used on students.
 - c) The number of students subjected to seclusion, and the number of times seclusion was used on students.

ANALYSIS

This bill prohibits the use of prone restraint, defined to include prone containment, by an educational provider on any pupil, including a pupil who is an individual with exceptional needs.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 483 would prohibit in all California schools the use of “prone restraint”, a technique that physically or mechanically restrains students in a face down position.

The U.S. Department of Education recommends banning the use of prone restraints, and over thirty other states have prohibited this form of physical restraint on all students.

Prone restraint is one of the most dangerous forms of restraint used in a school setting; it is a technique that restricts a student’s airway. Restraint in schools has resulted in serious injury as well as death. In 2018, a 13-year-old student with autism died at an El Dorado Hills school after being held in a prone restraint for over an hour.

In 2019, The Sacramento Bee found that prone restraints are often used on students with special needs and used at a higher rate for Black students. Several school districts in California have used dangerous restraint techniques on students hundreds of times during a single school year, rather than positive behavior interventions.”

- 2) ***Limits on the use of restraint and seclusion in schools.*** Prior to 2019, statute limited the use of seclusion and restraints in schools for students with exceptional needs. Specifically, school districts and nonpublic schools or agencies serving individuals with exceptional needs were prohibited from authorizing, ordering, consenting to, or paying for certain types of behavior interventions (e.g. electric shock, toxic or noxious sprays or mists, mechanical restraints, except when used by trained personnel, or locked seclusion, except as specified). Additionally, statute authorized the use of emergency interventions for students with exceptional needs in limited circumstances. Statute also prohibited school employees from inflicting, or causing to be inflicted, corporal punishment upon a student. However, no other limitations on the use of seclusion or restraints for general education students existed.

AB 2657 (Weber) Chapter 998, Statutes of 2018, effective January 1, 2019, prohibits the use of restraint or seclusion for any student, except in specified circumstances. Specifically, AB 2657 establishes a student’s right “to be free from the use of seclusion and behavioral restraints of any form imposed as a means of coercion, discipline, convenience, or retaliation by staff.” The legislation limits the use of seclusion and behavioral restraints, which include both mechanical and physical restraints, for all students and establishes parameters for situations in which behavioral restraints or seclusion may be used. Specifically, school districts and nonpublic schools or agencies may use a

behavioral restraint or seclusion “only to control behavior that poses a clear and present danger of serious physical harm to the pupil or others that cannot be immediately prevented by a response that is less restrictive.”

School districts and nonpublic schools or agencies are prohibited from using a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm. AB 2657 clarified what types of interventions are not allowed, and emphasizes the need to avoid restraints and seclusion whenever possible. Specifically, it bans physical restraint techniques that obstruct a student’s respiratory airway or impair a student’s breathing or respiratory capacity, behavioral restraints that restrict breathing, or placing a student in a facedown position with the student’s hands held or restrained behind their back.

- 3) ***Reporting requirement on use of restraint or seclusion.*** School districts and nonpublic schools or agencies are required to collect and report data on the use of restraints and seclusion to CDE annually, no later than three months after the end of the school year. The report must include the number of students subjected to mechanical restraint and the number of times it was used, the number of students subjected to physical restraint and the number of times it was used, and the number of students subjected to seclusion and the number of times it was used. The information must be disaggregated by race or ethnicity, and gender, with separate counts for students with an IEP, students with a 504 plan, and students without an IEP or 504 plan. The CDE is required to annually post the data from the report on its website within three months after the report is due to CDE.
- 4) ***Use of prone restraint is discouraged by the US Department of Education.*** The US Department of Education has long recommended that prone restraint never be used in schools because it is unsafe. In May, 2012 the department released “Restraint and Seclusion: Resource Document” in which 15 principles are identified that the department believes states, local school districts, preschool, elementary, and secondary schools, parents, and other stakeholders should consider as the framework for developing and implementing policies and procedures related to restraint and seclusion to ensure that any use of restraint or seclusion in schools does not occur except when there is a threat of imminent danger of serious physical harm to the student or others, and occurs in a manner that protects the safety of all children and adults at school.

Specific to prone restraint, the resource document states the following:

“Prone (i.e., lying face down) restraints or other restraints that restrict breathing should never be used because they can cause serious injury or death. Breathing can also be restricted if loose clothing becomes entangled or tightened or if the child’s face is covered by a staff member’s body part (e.g., hand, arm, or torso) or through pressure to the abdomen or chest. Any restraint or seclusion technique should be consistent with known medical or other special needs of a child. School districts should be cognizant that certain restraint and seclusion techniques are more restrictive than others, and use the least restrictive technique necessary to end the threat of imminent danger of serious physical

harm. A child's ability to communicate (including for those children who use only sign language or other forms of manual communication or assistive technology) also should not be restricted unless less restrictive techniques would not prevent imminent danger of serious physical harm to the student or others. In all circumstances, the use of restraint or seclusion should never harm a child."

- 5) ***National statistics on the use of restraint and seclusion on children with disabilities in K-12 schools.*** In 2020, the U.S. Department of Education's (DOE's) Office for Civil Rights (OCR) reported the following statistics, collected for its biennial Civil Rights Data Collection, for nationwide use of seclusion and restraint in public schools in 2017-18:
- a) 101,990 students of the over 50.9 million students enrolled across the nation's public schools were subjected to physical restraint, mechanical restraint or seclusion — including 70,833 students who were subjected to physical restraint, 3,619 students who were subjected to mechanical restraint, and 27,538 students who were subjected to seclusion.
 - b) Students with disabilities represent 13 percent of the national student population. However, 77 percent of the students who were placed in seclusion and 80 percent of the students who were subjected to physical restraint were students with disabilities.
 - c) 51 percent of enrolled students are male and 66 percent of students with disabilities are male. However, 84 percent of students with disabilities who were subjected to seclusion were male and 83 percent of students with disabilities who were subjected to physical restraint were male.
- 6) ***Arguments in support.*** Disability Rights California, the sponsor of this bill, writes, "Even without any other contributing factors, simply restraining a person prone restricts the ability to breathe, thereby lessening the supply of oxygen to meet the body's demands. The U.S. Department of Education has long recommended that prone restraints never be used in schools because they can cause serious injury or death."

Sadly, there have been many examples of injuries and even death from prone restraints in schools. For example, on November 28, 2018, a thirteen-year-old Davis Unified School District student with autism died following prolonged prone restraint at his nonpublic school. DRC continues to receive intakes and complaints from families whose children have been injured or traumatized from a prone restraint in school. Given these examples and the extreme danger from prone restraint in any situation, DRC's position is that only a total and complete ban on all prone restraint techniques – including prone containment – will ensure the safety of students.

If California were to enact SB 483, it would join the over thirty other states that ban the use of prone restraints in their schools."

SUPPORT

California Association of Student Councils (co-sponsor)
Disability Rights California (co-sponsor)
Alliance Against Seclusion and Restraint
Alliance for Boys and Men of Color
American Civil Liberties Union California Action
Autism Society Inland Empire
Cal-TASH
California Association for Behavior Analysis
California Community Living Network
California Foundation for Independent Living Centers
Californians for Justice
Collier Socks LLP
Community Advisory Committee for Special Education
Educate. Advocate.
Ella Baker Center for Human Rights
Grupo De Autismo Angeles Inc.
Include California
Legal Services for Prisoners with Children
Oakland Privacy
Placer Independent Resource Services
PRAGNYA
RespectAbility
Sister Warriors Freedom Coalition
Special Needs Network
Spire Autism
State Council on Developmental Disabilities
Western Center on Law & Poverty
13 individuals

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: SB 347 **Hearing Date:** January 10, 2024
Author: Newman
Version: January 3, 2024
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Teacher credentialing: basic teaching credentials: preschool.

SUMMARY

This bill requires the Commission on Teacher Credentialing (CTC) to award basic teaching credentials for preschool in public schools in the state.

BACKGROUND

Existing law:

- 1) Requires the CTC to award the following types of credentials to applicants whose preparation and competence satisfy its standards:
 - a) Basic teaching credentials for teaching in kindergarten, or any of grades 1 to 12, inclusive, in public schools in the state.
 - b) Credentials for teaching adult education classes and vocational education classes.
 - c) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education (ECE), and special education. The CTC may grant credentials to any candidate who concurrently meets the CTC's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.
 - d) Credentials for school services, for positions including, but not necessarily limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.
- 2) Authorizes the CTC to issue single subject teaching credentials in agriculture, art, biological sciences, business, chemistry, dance, English, geosciences, health science, home economics, industrial and technology education (ITE), mathematics, music, physics, physical education, science (various subjects), social science, theater, and world languages (English language development and languages other than English).
- 3) Authorizes the CTC to issue a multiple or single subject teaching credential with a specified concentration in a particular subject based upon the depth of an

applicant's preparation in an important subject of the school curriculum in order to ensure excellence in teaching in specific subjects.

- 4) Authorizes the CTC to issue credentials for teaching specialties, including bilingual education, ECE, and special education (education specialist). Requires education specialist teaching credentials to be based upon a baccalaureate degree from an accredited institution, completion of a program of professional preparation, and standards that the CTC may establish.

ANALYSIS

This bill requires the CTC to award basic teaching credentials for preschool in public schools in the state.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "SB 347 would implement a recommendation made by the Commission on Teacher Credentialing after their review of the statutes, specifically making a change that acknowledges the revision of the ECE Specialist Instruction Credential to now be a PK 3 Credential."
- 2) ***Recently established PK-3 Specialist Instruction Credential.*** Over the past few years, the CTC has prioritized expansion efforts in ECE, with updates provided in agenda items and reports of its meetings. In October 2020, California's Health and Human Services Agency introduced the Master Plan for Early Learning and Care, outlining a comprehensive vision for the physical, emotional, and educational well-being of children in their early years. The plan includes initiatives such as the establishment of a PK-3 credential and budget allocations for universal transitional kindergarten (TK) and phased implementation of universal preschool. The statewide programs anticipate a significant demand for qualified early childhood teachers, with estimates ranging from 7,000-16,000 additional educators required to provide developmentally appropriate learning opportunities and support children's growth, development, and learning collaboratively.

At its August 2022 meeting, the CTC approved proposed regulations to establish the PK-3 Specialist Instruction Credential. This credential is a reoriented ECE Specialist Credential designed to authorize service in grades PK-3 to meet the needs of universal TK and preschool teachers. The new credential is structured to provide expedited pathways for individuals with a bachelor's degree and relevant experience in ECE, including those from diverse programs such as the California State Preschool Program and Head Start. Accelerated pathways are also outlined for Multiple Subject Credential holders and Child Development Teacher Permit (CDP) holders with a BA degree.

Currently, CTC staff are in the process of submitting the credential regulations to the state's Office of Administrative Law for approval. Teacher preparation programs cannot be approved to start offering preparation to candidates until the

credential has been established in state regulations. The earliest programs may be available in the 2023-24 academic year.

- 3) ***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 University of California and the California State University 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.

- 4) ***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.
- 5) ***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.

SUPPORT

None received

OPPOSITION

None received

-- END --