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EDUCATION



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AGENDA

Wednesday, March 29, 2023
9 a m -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | |
|-----|--------|------------|--|
| 1. | SB 11 | Menjivar | California State University. mental health counseling. |
| 2. | SB 541 | Menjivar | Sexual health' contraceptives: immunization. |
| 3. | SB 635 | Menjivar | Early education and childcare |
| 4. | SB 307 | Ashby | Middle Class Scholarship Program: community colleges: current and former foster youth. |
| 5 | SB 323 | Portantino | Pupils with exceptional needs: individualized education programs: emergency safety procedures |
| 6. | SB 640 | Portantino | California State University: food service contracts and hotel development projects. |
| 7. | SB 691 | Portantino | Dyslexia risk screening. |
| 8. | SB 342 | Seyarto | Pupil instruction: history-social science curriculum framework: financial literacy. |
| 9. | SB 348 | Skinner | Pupil meals |
| *10 | SB 413 | Bradford | School attendance: interdistrict attendance. |
| *11 | SB 648 | Dahle | Education finance: average daily attendance: Mountain Valley Special Education Joint Powers Authority. |
| 12 | SB 808 | Dodd | California State University. terms of employment: settlements and retreat rights. |
| 13. | SB 811 | Jones | Teacher credentialing: Interstate Teacher Mobility Compact |
| 14. | SB 333 | Cortese | Homeless pupils: California Success, Opportunity, and Academic Resilience (SOAR) Guaranteed Income Program |
| 15. | SB 643 | Wilk | School safety: Safe-To-Tell Program |
| 16. | SB 868 | Wilk | Pupil safety: trauma kits |

*Items on consent.

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	SB 11	Hearing Date:	March 29, 2023
Author:	Menjivar		
Version:	February 22, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: California State University: mental health counseling.

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 the California State University (CSU) Trustees to comply with various requirements on mental health counseling at CSU, including having one full-time equivalent mental health counselor per 1,500 students enrolled at each CSU campus and developing a telehealth mental health counseling service that provides mental health counseling to students on each CSU campus 24 hours a day, 7 days a week. The bill requires CSU discontinue all contracts with telehealth mental health counseling organizations on January 1, 2026. It also establishes the CSU Mental Health Professionals Act, subject to an appropriation by the Legislature, to provide incentives for CSU students to become mental health counselors in the state.

BACKGROUND

Existing law:

- 1) Establishes the CSU, under the administration of the Trustees of the California State University, as one of the public postsecondary educational institutions in the state. (Education Code § 66602)
- 2) Establishes the Mental Health Services Act (MHSA), enacted by voters in 2004 as Proposition 63, to provide funds to counties to expand services, develop innovative programs, and integrated service plans for mentally ill children, adults, and seniors through a 1 percent income tax on personal income above \$1 million.
- 3) Welfare and Institutions Code Section 5886 Mental Health Partnership Grant program for the purpose of establishing mental health partnerships between a county’s mental health or behavioral health departments and school districts, charter schools, and the county office of education within the county.

ANALYSIS

This bill:

- 1) Requires that the CSU, Board of Trustees have one full-time equivalent mental health counselor per 1,500 enrolled at each CSU campus to the fullest extent consistent with state and federal law and that:
 - a) Where possible, mental health counselors hired pursuant to the ratio requirement be full-time staff and reflect the diversity of the student body.
 - b) The number of mental health counselors computed for the ratio requirement constitute the minimum number of mental health counselors to be hired on a campus based on the campus student population.
 - c) Additional mental health counselors may be hired in accordance with additional needs identified on a campus.
- 2) Requires, commencing January 1, 2024, the trustees develop a telehealth mental health counseling service that provides students on each CSU campus with mental health counseling 24 hours per day, seven days per week in order to provide real-time mental health counseling and significantly reduce wait times for students.
- 3) Requires, by January 1, 2026, the CSU telehealth mental health service be fully operational and serving students on each CSU campus.
- 4) Requires that mental health counseling services provided through the telehealth mental health counseling service be fully staff by mental health counselors employed by the CSU in accordance with the applicable collective bargaining agreement with the exclusive representative.
- 5) Requires, commencing January 1, 2024, all contracts with telehealth mental health counseling organizations be phased out over a two-year period, and be discontinued on January 1, 2026.
- 6) Requires, commencing January 1, 2024, all CSU contracts with telehealth mental health provides be revised and include explicit language that ensures that current contractors adhere to the same transparency, accountability, and outcome measure standards that apply to CSU employees and upholds California values of equity, inclusion, and diversity and that:
 - a) The revised contract contain provisions addressing all of the following criteria:
 - i) The provider has a proven record of providing culturally competent, trauma-informed, and responsive mental health services.
 - ii) A guarantee of continuity of care by the contractor.
 - iii) A requirement that all employees of the provider complete implicit bias, LGBTQ+, and sexual harassment trainings.
 - iv) A requirement that the provider adhere to the same standards in

current state law that prohibits a state agency, department, board, or commission from requiring any state employees, officers, or members to travel to a state that discriminates on the basis of sexual orientation, gender identity, or gender expression.

- v) A requirement that employees of the provider reflect the demographics of the CSU student body.
- 7) Requires that all contracts between the CSU and the telehealth mental health provider adhere to all state law and be approved, in writing, by the exclusive bargaining unit representing CSU counselors.
- 8) Provides that nothing in the bill be construed to alter the terms of a collective bargaining agreement or a contract with a telehealth mental health provider in effect on January 1, 2024, in violation of the state and federal law.
- 9) Establishes the CSU Mental Health Professionals Act for purposes providing incentives for CSU students to become mental health counselors in the state.
- 10) Requires that the trustees create a pipeline for interested CSU students to become mental health counselors in the state.
- 11) Authorizes that funds appropriated to the CSU for purposes of the Mental Health Professionals Act to be used to support recruitment efforts for students to enroll in graduate degree programs that lead to licensure by the Board of Psychology or the Board of Behavioral Sciences to practice mental health counseling in the state.
- 12) Makes the CSU Mental health Professionals Act contingent upon an appropriation of one-time funds by the Legislature for its purposes.
- 13) State various legislative findings and declarations relative the benefits of mental health counseling for college students and the lack of adequate mental health staff at CSU.
- 14) Defines various terms for the purposes of the bill, including “mental health counselor,” to mean a person who provides individual counseling, group counseling, crisis intervention, emergency services, referrals, or outreach and consultation interventions to the campus community, or any combination of these, and who is licensed in the State of California by the applicable licensing entity.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “The student mental health crisis has only gotten more urgent in the last few years, as college aged youth are reporting higher rates of depression and anxiety. The California State University is also experiencing a severe shortage of qualified, full time mental health professionals available to students on campus – the current ratio of counselors to students is one to nearly 2,000. However, the contracting out of these services on some

campuses has resulted in substandard care, as there does not appear to be any criteria for the selection of outside counseling services, limited oversight, and a lack of accountability. Students deserve culturally competent, timely access to care from providers on campus. SB 11 takes several steps toward addressing this crisis – it will instruct the CSU to decrease the ratio of counselors to students, create a CSU-based telehealth service for students and phase out the contracting out of telehealth services, and incentivize CSU students to become mental health counselors in the state.”

- 2) **Counselor to student ratio.** The International Accreditation of Counseling Services (IACS) recommends that colleges and universities maintain a ratio of one full-time equivalent mental health professional to every 1,000 to 1,500 students. IACS warns that exceeding the ratio may lead to students waiting for services that discourage students from seeking counseling at a center and are likely to leave the university. Delays in treatment could also present difficulties in providing services to students experiencing increasingly more severe psychological issues and impact academic success. The counselor to student ratio is an aspirational goal based on the needs of each campus and its existing resources. California Research Bureau, reports that the Association for University and College Counseling Center Directors, an association that advocates for collegiate mental health, also recommends a ratio of no more than 1,500 students per counselor. The CSU reports a *systemwide* counselor to student ratio of 1 to 1,576. An improvement from its 2019 ratio of 1 to 2,176.
- 3) **CSU counselors and counseling services.** The CSU counselor to student ratio noted above includes licensed counselors and psychiatrist. Counselor interns who provide additional mental health services under the supervisions of licensed counselors are not included in the ratio nor mentioned in the definition of mental health counselors in the bill. Twelve of the 23 campuses currently fall below the recommended ratio of 1:1,500 with CSU Maritime having one counselor for every 324 students, Cal Poly Humboldt having one counselor for every 651 students, and CSU, Northridge having one counselor for every 472 students. This bill requires that *each* campus achieve a ratio of 1:1,500.

Each campus provides students with ongoing counseling, crisis care and referrals to local resources for more severe and ongoing mental health needs. Peer-to-peer counseling, group counseling sessions, and educational programming on topics such as stress reduction, finding community on campus and other topics that help address anxiety.

- 4) **Average wait time.** A CSU survey of 23 campuses yielded 16 responses in time for this analysis. The results showed that all campuses reserve time each day for walk-in appointments with students who identify as being in crisis or in need of seeing a counselor that day and will receive ongoing appointments. For students who do not identify as being in crisis but are interested in ongoing one-on-one counseling, 8 campuses have a one week waiting period for the first session, 7 campuses have a maximum wait period of two weeks, and at one campus it may take up to three weeks during the busiest times, such as during midterms or finals.

- 5) **Services provided through mental health contracts.** In addition to the mental health services available on each campus, the CSU contracts with a number of out-of-state companies to provide students requiring mental health services with 24-hour support. According to CSU, every campus has a contracted telehealth provider that facilitates access to qualified counselors after business hours and collaborates with campus mental health staff to coordinate ongoing care. These contracts fill gaps in critical services to meet student demand and assist campuses in addressing counselor hiring challenges. CSU, for example, states that they are able to offer tele-psychiatry to their students through contracts at certain campuses where a full-time psychiatrist cannot be found, particularly in rural part of the state (Cal Poly Humboldt). Telehealth contracted providers are used to supplement services that on campus centers cannot such as connecting students with physical and mental health care outside of regular business hours, or providing immediate counseling or connecting students to local emergency services if necessary. A provider used by 20 of the 23 campuses documents each call and reports to the campus for student follow-up. This bill requires that the CSU terminate all contracts with telehealth mental health counseling organizations and build a telehealth mental health service by 2026 that will be staffed only by CSU-employed mental health counselors.

Concerns have been raised that terminating telehealth contracts may also impact CSU ability to contract with local or county community service providers, and would result in less mental health access and continuation of care. Additionally, eliminating telehealth contracting could limit access to counselors who can connect with a diverse student body (e.g., students of color at Cal Poly Humboldt were able to access culturally relevant counselors through a telehealth service). Finally, it is unclear whether CSU would be able to establish and staff a service that would not result in a loss in mental health services provided outside normal business hours. For these reason **staff recommends that the bill be amended as follows:**

- Strike provisions that require trustees develop a telehealth mental health counseling service. (Education Section 89362 (a)(1)(2) and (3))
- Strike provisions that require all CSU contracts with telehealth mental health counseling organizations be phased out and be discontinued. (Education Section 89362 (b)(1))

In order to address concerns regarding the revision of existing contracts, the author requests that the **measure be further amended as follows:**

- Strike provisions that require all CSU contracts with telehealth providers be revised and establish parameters on existing telehealth services. (Education Section 89362 (3)(A-E inclusive), (4) and (c)(B)(C)(D)(E)).

- 6) **Related budget activity.** The Budget Act of 2021 included ongoing appropriations to the CSU of \$15 million to increase student mental health resources. The funds were used to provide and develop a variety of services, such as psychiatric services, professional development, support of professional staffing, mental health programming, and center operating expenses. The funding was divided among 23 campuses.

- 7) **Arguments in opposition.** According to the letter of opposition submitted to the committee from the California State Student Association, “Currently, students at many campuses have benefited from contracted out mental health services. These services allow students to more specialized care, including psychiatry, as well as greater flexibility with meeting times and increased diversity for mental health counselors, issues that students deeply care about. Students are able to schedule appointments in the evening or weekends after their classes end. These services also greatly help with wait times, something that’s incredibly important when students are in a crisis.

‘In requiring the CSU to implement this legislation, it is unclear if the same level of support could be provided to students. Additionally, there must be counselors in the surrounding campus communities that could fill these new roles and be willing to work throughout the night and on weekends. Even with the much smaller number of available positions now, campuses have struggled to fill the roles that students desperately rely on.”

The letter further asserts, “This proposal is not truly student centered, and our mental health should not be used as a bargaining chip. As students, we will always be against any proposal that puts limitations on resources that might be available to us, particularly on an issue as critical as access to mental health care.”

- 8) **Arguments in support.** The California Faculty Association argue, in part, in their support letter, “It is estimated that the ratio of counselors to students within the CSU system is 1:2,176. The counselor-to-student ratio on some CSU campuses is woefully inadequate and has led to excessive wait times for students to see a counselor – estimated to range from between 4-8 weeks. In order to address this issue, SB 11 requires the CSU to hire additional full-time mental health counselors.

‘Some campuses have tried to address this problem by privatizing their mental health services with out-of-state organizations. Private mental health services are unable to provide the same quality and standards of care as permanent, full-time counselors hired by the CSU. CSU mental health counselors are knowledgeable of their campuses and students and are, thus, able to provide high-quality care.

‘Senate Bill 11 would also require the CSU to develop a telehealth mental health system staffed by full-time mental health counselors employed by the CSU and licensed in the state of California that would provide 24/7 care. This would greatly reduce student wait times and provide students access to mental health services when they need them. During the transition time between enactment of SB 11, contracts with out-of-state mental health providers would be revised to require training for their employees on implicit bias, sexual harassment and providing counseling to LGBTQ+ students.”

- 9) **Related and prior legislation.**

SB 551 (Portantino, 2023) would require each county use at least 20% of the MHSA’s prevention and early intervention funds to provide direct services on

school campuses in collaboration with local educational agencies. SB 551 has been referred to the Senate Committee on Health.

SB 968 (Pan, 2018) similar to this bill in part, would have required the CSU Board of Trustees and request the Regents of the University of California to have one full-time equivalent mental health counselor per 1,500 students enrolled at each of their respective campuses. SB 968 was vetoed by Governor Brown, whose message read, in pertinent part:

“Investing greater resources in student mental health is an understandable goal. Such investments, however, should be actively considered and made within the budget process. Moreover, specific ratios should remain within the purview of the boards or with local campuses, rather than dictated by the state.”

SUPPORT

California Faculty Association (Sponsor)
California State Council of Service Employees International Union (SEIU California)
College of Health and Human Services Joint Council
Depression and Bipolar Support Alliance (DBSA) California
Faculty Association of California Community Colleges
Girl Gains at Sacramento State
National Association of Social Workers, California Chapter
Sacramento State Center on Race, Immigration, and Social Justice
One Individual

OPPOSITION

Black Small Business Association of California
CA African American Chamber of Commerce
Cal State Student Association
California State University, Office of the Chancellor

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 541	Hearing Date:	March 29, 2023
Author:	Menjivar		
Version:	March 20, 2023 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Sexual health: contraceptives: immunization.

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 1) all public schools, on or before the 2024–25 school year, to make internal and external condoms (condoms) available to all pupils free of charge, as specified; 2) prohibits a retail establishment from refusing to furnish nonprescription contraception to a person solely on the basis of age; and 3) requires the Family Planning, Access, Care, and Treatment (Family PACT) program to provide medical coverage for immunization against human papillomavirus (HPV) to persons who are 18 years of age or younger.

BACKGROUND

Existing Law

Education Code (EDC)

- 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. (EDC § 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. (EDC § 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. (EDC § 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. (EDC § 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. (EDC § 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. (EDC § 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. (EDC § 51938)

ANALYSIS

This bill requires 1) all public schools, on or before the 2024–25 school year, to make condoms available to all pupils free of charge, as specified; 2) prohibits a retail establishment from refusing to furnish nonprescription contraception to a person solely

on the basis of age; and 3) requires the Family PACT program to provide medical coverage for immunization against HPV to persons who are 18 years of age or younger. Specifically this bill:

K-12 Schools

- 1) Requires, on or before the start of the 2024–25 school year, each public school to make condoms available to all pupils free of charge.
- 2) Specifies each public school shall distribute condoms in the following manner:
 - a) Condoms shall be placed in a minimum of two locations on school grounds where the condoms are easily accessible to pupils during school hours without requiring assistance or permission from school staff.
 - b) Condoms placed in unsupervised locations shall be stored in tamper-proof dispensers.
- 3) Requires, commencing the 2024-25 school year, each public school to post at least one notice regarding the requirements of this bill in a prominent and conspicuous location on the school campus with the text of this bill and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of condoms.
- 4) Permits groups identified by the California Healthy Youth Act, school-sanctioned pupil peer health programs and fairs, and school-based health center staff, to distribute condoms to public schools serving grades 7 to 12, inclusive, during the course of, or in connection to, educational or public health programs and initiatives.
- 5) States that school-based health center sites located on school campuses maintaining any combination of classrooms from grades 7 to 12, inclusive, may not be prohibited from making internal and external condoms available and easily accessible at the school-based health center site to all pupils free of charge.
- 6) Defines “public school” as a school operated by a school district, a school operated by a county office of education, and a charter school.

Retail Establishments

- 7) 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.
- 8) Clarifies that 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 does not apply to the refusal to furnish nonprescription contraception on the basis of age if, under other provisions of federal or state law, the contraception is subject to restrictions on the basis of age.

- 9) Defines “retail establishment” means any vendor that, in the regular course of business, furnishes nonprescription contraception at retail directly to the public, including, but not limited to, a pharmacy, grocery store, or other retail store.

Family PACT Program

- 10) Requires the Family PACT to provide medical coverage for immunization against HPV to persons who are 18 years of age or younger, and clarifies that this does not prohibit the Department of Health Care Services (DHCS) from providing that coverage to persons who are over 18 years of age through the Family PACT Program.

Other Provisions

- 11) Makes finding and declarations relative to sexual health.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author “ By requiring free condoms in all California high schools, we are empowering the youth who decide to become sexually active to protect themselves and their partners from STIs, while also removing barriers that potentially shame them and lead to unsafe sex. Further, requiring the Family PACT program to cover HPV vaccinations for ages 12-18 will decrease instances of patients delaying vaccination or becoming discouraged after being turned away. These programs can instill safe sexual habits among youth, protecting themselves now and into adulthood.”
- 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 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.

The California Healthy Youth Act requires each school district to ensure that all pupils in grades 7 to 12 receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses at least once in middle school and high school. The author may wish to consider aligning the grade range, in which each public school must provide condoms to students free of charge, with the California Healthy Youth Act.

3) **Author Amendment.**

- a) Narrows the scope of the bill to apply to public schools serving students in grades 9-12 in which public school must make condoms available on or before that start of the 2024-25 school year free of charge.

4) **Committee Amendment.** Staff recommends, and *the author has agreed, to take the following committee amendments:*

- a) Clarify that a public school must prominently and conspicuously display the notice, regarding condoms, on the school campus in appropriate areas that are accessible to, and commonly frequented by, pupils.
- b) Permits a state agency, CDE, or a public school may accept gifts, grants, and donations from any source for the support of a public school carrying out the provisions of this bill, including, but not limited to, the acceptance of condoms from a manufacturer or wholesaler.
- c) Clarify that a public school cannot prohibit a school-based health center from making internal and external condoms available and easily accessible to pupils.
- d) Makes technical changes.

As proposed to be amended (both author and committee amendments) the K-12 provision of this bill would do the following: Require public schools, serving students in grades 9-12, on or before the 2024-25 school year, to a) make condoms available to students in grades 9-12, free of charge, as specified; b) allow, in certain instances, for condoms to be available to students in grades 7-12 free of charge, as specified; and c) prohibits a public school, serving any combination of pupils in grades 7-12, from prohibiting a school-based health center to distribute condoms to students at a school.

- 5) **Comprehensive sexual health education in lower grades.** 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 be also be included in an age-appropriate way in earlier grades.
- 6) **2019 Revision of the Health Education Framework.** 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.

- 7) ***Family PACT Program.*** The **Family PACT** Program is administered by the DHCS, the Office of Family Planning and has been operating since 1997 to provide family planning and reproductive health services at no cost to California's low-income (under 200% federal poverty level) residents of reproductive age. The program offers comprehensive family planning services, including contraception, pregnancy testing, and sterilization, as well as sexually transmitted infection testing and limited cancer screening services. **Family PACT** serves 1.1 million income-eligible men and women of childbearing age through a network of 2,400 public and private providers.

- 8) ***Related Legislation.***

AB 329 (Weber), Chapter 398, Statutes 2016, made instruction in sexual health education mandatory, revises human immunodeficiency virus (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 California State University (CSU) and each community college district, and encourages the Regents of the University of California (UC), 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.

AB 10 (C. Garcia,) Chapter 687, Statutes of 2017, requires a public school serving grades 6 to grade 12 that meets the 40% pupil poverty threshold required to operate a schoolwide Title 1 program to stock at least 50% of the school's restrooms with feminine hygiene products at all times.

SB 1165 (Mitchell), Chapter 713, Statutes of 2014, requires the Instructional Quality Commission to consider including in the next revision of the health framework, instruction on sexual abuse and sex trafficking prevention.

AB 2016 (Campos), Chapter 809, Statutes of 2014, requires the State Board of Education to consider including age-appropriate content on sexual abuse and sexual assault awareness and prevention in the next revision of the health content standards.

SUPPORT

Black Women for Wellness Action Project (Co-Sponsor)
Citizens for Choice (Co-Sponsor)
Essential Access Health (Co-Sponsor)
Generation Up (Co-Sponsor)

Urge (Co-Sponsor)
Adolescent Health Working Group
Aids Healthcare Foundation
American College of Obstetricians and Gynecologists District IX
California Coalition for Youth
California School-based Health Alliance
DPA Health
Genders & Sexualities Alliance Network
Naral Pro-choice California
National Center for Youth Law
National Harm Reduction Coalition
Planned Parenthood Affiliates of California
Radiant Health Centers
Realistic Education in Action Coalition to Foster Health (Reach LA)
San Francisco Aids Foundation
The Los Angeles Trust for Children's Health
Women's Foundation of California

OPPOSITION

13 individuals

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 635	Hearing Date:	March 29, 2023
Author:	Menjivar		
Version:	February 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Early education and childcare.

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 a) requires state preschool programs and child care programs, with consent from a parent, to screen each enrolled child with an Ages and Stages Questionnaire and report the information from the screening to the California Department of Education (CDE) or Department of Social Services (DSS); b) requires state preschool programs and child care programs to refer the child's family to the appropriate regional center or other intervention service if the screening shows a need for services; and c) authorizes a home visiting program, with consent from a parent, screen each enrolled child who is 0 to 5 years of age with an Ages and Stages Questionnaire.

BACKGROUND

Existing law:

- 1) Requires the Superintendent of Public Instruction to adopt rules and regulations related to the administration of early education, including rules and regulations related to eligibility, enrollment, and priority of services. Existing law requires regulations to also include the recommendations of the State Department of Health Care Services relative to health care screening and the provision of health care services. (Education Code § 8207)
- 2) Requires Head Start programs, in collaboration with each child's parent and with parental consent, to complete or obtain a current developmental screening to identify concerns regarding a child's developmental, behavioral, motor, language, social, cognitive, and emotional skills within 45 calendar days of when the child first attends the program or, for the home-based program option, receives a home visit. Head Start programs must use one or more research-based developmental standardized screening tools to complete the screening. (Head Start Program Performance Standards, 1302 Subpart C)
- 3) Requires each early learning and care program contractor to include in its program a health and social service component that:

- a) Identifies the needs of the child and the family for health or social services;
 - b) Refers a child and/or family to appropriate agencies in the community based on the health or social service needs; and
 - c) Conducts follow-up procedures with the parent to ensure that the needs have been met. (California Code of Regulation, Title 5, § 18276)
- 4) Provides that early and periodic screening, diagnosis, and treatment (EPSDT) for any individual under 21 years of age is a covered benefit under Medi-Cal. (Welfare and Institutions Code § 14132)

ANALYSIS

This bill:

State preschool and child care programs

- 1) Requires state preschool programs and child care programs, with consent from a parent, to screen each enrolled child with an Ages and Stages Questionnaire and report the information from the screening to the CDE and DSS, respectively.
- 2) Requires state preschool programs and child care programs to refer the child's family to the appropriate regional center or other intervention service if the screening shows a need for services.
- 3) Provides that, subject to an appropriation, each program is to receive a 1-percent increase to their administrative funds for purposes of supporting the administration, referral, and coordination of families to services, and reporting requirements for the screening.
- 4) Requires CDE and DSS to collect information of the children screened and, in conjunction with each other, establish a centralized billing point to draw down federal funding, including, but not limited to, federal Medicaid funding, to pay for the costs of providing the screening.
- 5) Requires the CDE and DSS to work with the State Department of Health Care Services and the Office of the Surgeon General to establish memoranda of understanding and referral pathways to ensure that children who have been identified as needing prevention and intervention services are receiving those services in a timely manner and, to the extent possible, in their home language.

Home Visiting Program

- 6) Authorizes a home visiting program funded by state or local funds, with consent from a parent, to screen each enrolled child who is 0 to 5 years of age with an Ages and Stages Questionnaire.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The early years of a child’s life are pivotal points for future success. Developmental screening and early intervention programs offered during these early stages promote the growth and prosperity of youth, families, and communities. It is estimated that 1 in 6 children in the United States has a developmental disability. However, only 3% of infants and toddlers relative to the state’s population receive early intervention services. Research shows that barriers to accessing developmental screening also persist for low-income and communities of color. Black children with autism spectrum disorder (ASD), for instance, are diagnosed in the later stages of their childhood compared to White children, and Latino children are less likely to be diagnosed.

“California has made historic investments to expand services within our health, mental health, and developmental services. In 2019, AB 1004 (McCarty) ensured that Medi-Cal beneficiaries ages 0-3 could access early periodic screening and services. Despite this entitlement, the California Budget and Policy Center found that California lags in providing these screenings with a rate of 26% and is ranked one of the lowest in providing access. Building upon that growth, we can create a clear pathway for eligible families to access developmental screenings and services through existing programs and relationships that have been formed at the local level. This pathway would be through subsidized programs such as Alternative Payment, General Child Care, CalWORKs, Family Child Care Home Education Network (FCCHEN), and California State Preschool. There is a need for this clear framework. These subsidized programs have been able to provide services and develop a rapport with families. This framework would support the linguistic needs of families and be delivered in accessible locations and during convenient hours.”

- 2) ***What is the Ages and Stages Questionnaire and how will children be screened?*** The Ages and Stages Questionnaire is a proprietary developmental screening tool with questionnaires for different ages of children. The questionnaire is distributed to parents, who then voluntarily answer the questions. Parents may decline to have their child screened.

The areas screened are communication, gross motor, fine motor, problem solving, and personal-social. Questions are based on the specific age of the child; questions for children age 45 months-50 months include “Does your child use all of the words in a sentence to make complete sentences,” “Does your child climb the rungs of a ladder of a playground slide and slide down without help,” “Does your child put together a five-to seven-piece interlocking puzzle,” and “Does your child dress or undress herself/himself without help”?

According to the Ages and Stages website, the questionnaire typically takes 10-15 minutes for parents to complete. The questionnaire is available in **Arabic, Chinese, English, French, Spanish, and Vietnamese.**

The answers are “scored” and the results are provided to the entity administering the questionnaire (child care programs, home visit programs, and state preschool programs under this bill); the results are then communicated to the parent and

suggestions are made for resources for follow-up, monitoring, or further assessment if needed.

This bill requires preschool and child care programs to report aggregate data to CDE and DSS for the purpose of drawing down federal funding, but all individual and identifiable results are kept by the preschool or child care program (no information is shared with the company that owns the Ages and Stages Questionnaire.

<https://agesandstages.com/>

- 3) ***What screening tool is currently used, and which children are currently screened?*** Head Start programs are required to conduct developmental screening, but current law does not directly require other child care or state preschool programs to administer developmental screening to children. Existing state regulations require early learning and care program contractors (state preschools and most child care programs) to have a health and social service component that identifies the needs of the child and the family for health or social services, refers a child and/or family to appropriate agencies in the community based on the health or social service needs, and conducts follow-up procedures with the parent to ensure that the needs have been met. *This bill essentially extends federal Head Start developmental screening requirements to state preschool programs and child care programs, some of whom are already choosing to administer developmental screening.*
- 4) ***Identifying a need for service and referring for services.*** This bill requires state preschool programs and child care programs to refer a child's family to the appropriate regional center or other intervention service if the screening for a child shows a need for services. Preschool and child care providers who will be "scoring" the results of the questionnaire and making referrals may need guidance or training on how to do so. A User's Guide for educators (only available in English) is included in age-specific modules, and a separate training module is also available. <https://products.brookespublishing.com/ASQ-3-Users-Guide-P571.aspx> The User's Guide should assist programs in understanding when a screening shows a need for services. Referrals for intervention services may be made to regional centers, the child's physician, or other services such as local Help Me Grow programs that are funded by local First 5 commissions.
- 5) ***Obtaining the Ages and Stages Questionnaire.*** The Ages and Stages Questionnaire is readily available for purchase. The least-expensive price for the module for children age one month to five½ years of age is for the "starter kit," available for \$295, which includes:
 - a) Twenty one paper masters of the questionnaires and scoring sheets;
 - b) CD-ROM with printable PDF questionnaires;
 - c) The User's Guide; and,
 - d) A Quick Start Guide with scoring and administration basics.

While the Ages & Stages Questionnaire is well-regarded, the cost may be a barrier for some programs. Considering that there are other validated developmental

screening tools available, *the author may wish to consider authorizing state preschool programs and child care programs to use a validated developmental screening tool of their choice as an alternative to the Ages and Stages Questionnaire.*

- 6) ***Other settings that administer developmental screenings to children.*** Children are legally entitled to a variety of preventive and medically necessary services through Medi-Cal. The Early & Periodic Screening, Diagnosis & Treatment (EPSDT) benefit applies to all children under the age of 21 and covers preventive care such as well-child visits, dental, vision, hearing and trauma screenings and vaccinations; timely access to and coordination with language-appropriate care; and any treatments a child may need for a physical or mental condition.

California's EPSDT program requires all Medi-Cal managed care plans to use questionnaires developed by the California Department of Health Care Services, the Staying Healthy Assessment Questionnaires, to assess health education areas that may be covered during medical visits.

SUPPORT

Child Care Resource Center (co-sponsor)
EveryChild California (co-sponsor)
First 5 San Bernardino (co-sponsor)
California Alternative Payment Program Association
Center for Autism and Related Disorders
EdVoice
Loma Linda University Children's Hospital
National Association of Social Workers, California Chapter
YMCA of San Diego County

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 307	Hearing Date:	March 29, 2023
Author:	Ashby		
Version:	February 2, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Middle Class Scholarship Program: community colleges: current and former foster youth.

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: 1) expands eligibility for the Middle Class Scholarship (MCS) to community college students who are current or former foster youth pursuing transfer to a four-year postsecondary educational institution, an associate degree, an associate degree for transfer, or a certificate; 2) relaxes some MCS eligibility requirements; 3) excludes the student contribution requirement from consideration when determining a student’s remaining financial need; and 4) requires that the California Student Aid Commission (Commission) set aside funds from the MCS program’s total appropriation for current or former foster youth when determining the percentage of each student’s remaining cost covered by the award.

BACKGROUND

Existing law:

- 1) Establishes the MCS program under the administration of the Commission. Existing law makes an undergraduate student eligible for a scholarship award under the MCS if the student is enrolled at the University of California (UC) or the California State University (CSU), or enrolled in upper division coursework in a community college baccalaureate program, and meets certain eligibility requirements. (Education Code (EC) Sections 70020 – 70023)
- 2) Provides that a student is eligible to receive an MCS award if in addition to meeting the specified criteria, submits a complete financial aid application, submitted and postmarked no later than March 2. (EC Section 70020 (a)(3)(F))
- 3) Provides that a student is eligible to receive an MCS award if in addition to meeting the specified criteria, is pursuing the student’s first undergraduate baccalaureate degree or has completed a baccalaureate degree and has been admitted to, and is enrolled in, a program of professional teacher preparation at an institution approved by the Commission on Teacher Credentialing. (EC Section 70020 (a)(3)(I))

- 4) Provides that a student is eligible to receive an MCS award if in addition to meeting the specified criteria, maintains satisfactory academic progress in a manner that is consistent with the requirements applicable to the Cal Grant program. (EC Section 70020 (a)(3)(H))
- 5) Prohibits an applicant from receiving a MCS program award in excess of the amount equivalent to the award level for a total of a 4-year period of full-time attendance in an undergraduate program at UC or CSU or two-year period of full-time upper division coursework attendance in the community college baccalaureate degree program. (EC Section 70022.5 (a))
- 6) Requires that scholarships be reduced proportionately by an equal percentage for all recipients of scholarships if amounts appropriated for the MCS program are not sufficient. (EC Section 70023 (b)(3))
- 7) Provides that the maximum amount of a student's scholarship award be determined by taking the amount appropriated for the MCS program for the applicable award year, and dividing that by the sum of the projected amount computed for all eligible students, as described. (EC Section 70020 (B) and (C))
- 8) Existing 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)
- 9) Requires the 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. (EC Section 69519)
- 10) Prohibits Chafee funds from being released to Chafee awardees who have failed satisfactory academic progress for two consecutive semesters, three consecutive quarters, or an equivalent enrollment period, unless the student has worked with a qualified college staff member, as specified, to develop and submit an academic progress improvement plan to the Office of Financial Aid. A student who fails to update their plan, or who fails to meet satisfactory academic progress for a fourth consecutive semester, a fifth consecutive quarter, or an equivalent enrollment period, shall lose Chafee eligibility. (EC Section 69519 (h))
- 11) Requires that a student who loses Chafee eligibility due to failing satisfactory academic progress standards and subsequently un-enrolls for at least one semester, quarter, or other applicable period, is to regain Chafee eligibility upon re-enrollment at a qualifying postsecondary institution. (EC Section 69519 (i))
- 12) Defines for purposes of the Cal Grant program, "current or former foster youth" to mean a person whose dependency was established or continued by the court on or after the date on which the person reached 13 years of age.

ANALYSIS

This bill:

- 1) Expands eligibility for the MCS program to community colleges students who are current or former foster youth pursuing transfer to a four-year postsecondary educational institution, an associate degree, an associate degree for transfer, or a certificate and who do not exceed the program's current annual household income and asset thresholds.
- 2) Relaxes the MCS eligibility requirements for community college students who are current and former foster youth as follows:
 - a) Moves the deadline for submitting FAFSA or a CADA from March 2 to September 2.
 - b) Uses the satisfactory academic progress standard established for Chafee program.
 - c) Removes the requirement that students be pursuing their first undergraduate baccalaureate degree to be eligible.
- 3) Excludes the student contribution requirement from consideration when determining a current or former foster youth's remaining financial need to cover costs associated with college attendance.
- 4) Requires that the amount necessary to fund MSC awards for community college students who are current or former foster youth be set aside when determining the percentage of each student's remaining cost covered by the award.
- 5) Establishes the maximum MCS award amount for community college students who are current or former foster youth to be the full amount for which they are eligible to receive rather than a percentage of their eligible amount as prescribed for all other recipients.
- 6) Increases the number of years an MCS award can be renewed from 4 to 8 years of full-time attendance for a current or former foster youth enrolled at the UC, CSU or the CCCs.
- 7) Exempts scholarship awards for current or former foster youth attending community college from being reduced in the manner prescribed by current law for all other MCS awards when sufficient funds are unavailable. *(Due to a drafting error, the incorrect paragraph is cited in the bill but the intent of the author is described here.)*
- 8) Requires that the Commission maintain a page on its internet website that summarizes the provisions of the Middle Class Scholarship Program that apply to current and former foster youth and title it as "The Fostering Futures Program."

STAFF COMMENTS

- 1) **Need for this bill.** According to the author, “California has been making strides to improve access to financial aid for foster youth, but more can be done. Currently, California offers the Chafee Education and Training Voucher, which provides up to \$5,000 annually to eligible foster youth, as well as a \$6,000 Cal Grant award for non-tuition costs. However, even with these investments, the state’s financial aid program has not kept pace with significant increases to the cost of living for students, and foster youth are among those hit hardest by this disparity.”

The author further asserts, “Every foster youth deserves the opportunity to achieve their college dream, but in too many cases, that dream is out of reach due to financial barriers and extreme challenges that come about in the foster system. This is simply unacceptable. SB 307 will change countless lives by guaranteeing California’s foster youth the financial resources to go to and through college.”

- 2) **New benefit for foster youth within MCS.** MCS provides undergraduate students, including students pursuing a teaching credential, with a scholarship, and was recently revamped to account for cost of attendance, to attend a UC, CSU or community college Bachelor’s degree program. Currently, a community college student pursuing an associate degree or certificate is not eligible for MCS. Students with family income and assets up to \$201,000 may be eligible. To determine each student’s award amount, the Commission will first determine each student’s remaining cost of attendance, after accounting for other available gift aid, a student contribution from part-time work earnings, and a parent contribution for dependent students with a household income of more than \$100,000. Then, the Commission will determine what percentage of each student’s remaining costs to cover based on the annual appropriation for the program. In 2022-23, the program is estimated to cover 24 percent of each student’s remaining costs.

This bill seeks to have 100 percent of each current or former foster youth’s remaining costs covered at community colleges. It accomplishes this by prohibiting award amounts from being reduced and sets aside the amount necessary to fund these awards when award amounts for other recipients are being determined. It also excludes the student contribution requirement (i.e. work requirement) when assessing the amount for which they are qualified, allowing for a larger award. These changes effectively establish a scholarship dedicated for a unique population within the MCS program’s appropriation and framework. The remainder of the MCS appropriation will be rationed among all other qualified students, which may affect their award amounts.

- 3) **Who is eligible?** Under the bill’s provisions, eligibility is extended to current and former foster youth attending a CCC who have submitted the FAFSA or a CADA application by September 2. Community college students must be pursuing transfer, an associate degree, or a certificate, and their annual household income

and assets must not exceed the threshold for the MCS program. A current or former foster youth is defined as current or former foster whose dependency was established or continued by the court after their 13th birthday.

- 4) **Foster youth.** According to information provided by the author's office, foster youth experience extremely high rates of housing insecurity, which can lead to instability that permeates to other areas of adulthood. A 2019 analysis by the Commission found that 56% of community college students in California lived with their parents. Families play an important role in the housing stability of their adult children, in particular those attending college. Foster youth, by definition, have been removed from their parents and therefore are less likely to have a parental home to fall back on. This is further borne out by research on homelessness among college students that has shown that the rate of homelessness among former foster youth (43%) is more than double that of other students (19%).

According to the letter of support submitted to the committee from John Burton Advocates for Youth, "Children and youth enter foster care due to serious abuse and neglect. This trauma is often compounded by the instability they experience while in foster care, through placement and school changes. Together, these lead to poor educational outcomes, most notably low rates of college completion: in California, just 10% of foster youth obtain a two-year or four year degree by the age of 23 compared to 36% of their non-foster youth peers. However, a recent study found that foster youth who receive a Chafee Education and Training Voucher are twice as likely to graduate as those who did not." This bill seeks to further support foster youth cover their remaining financial need associated with college attendance, including housing, transportation and materials.

- 5) **Award renewals.** This bill, in addition to the benefits provided to community college students, increases the number of years an MCS award can be renewed for current or former foster youth at UC or CSU by four years. This is similar to the renewal limits established in state's Cal Grant program for foster youth. Unlike the Cal Grant, MCS is not an entitlement program and not all eligible students will get their full scholarship. The Commission estimates there to be 200 foster youth at UC, 800 at CSU and 3,000 at community colleges. It is unclear to staff whether extending the eligibility period in this manner would have a significant impact on MCS.
- 6) **Relaxes some eligibility requirements.** This measure also relaxes some MCS eligibility rules specifically for current and former foster youth, including changes that could make the program available to students pursuing a second baccalaureate degree, extends the application deadline, and employs a less stringent process when failing to meet satisfactory academic progress standards. These changes do not apply to non-foster youth.
- 7) **MCS implementation concerns.** The 2021 Budget Act significantly changed the MCS program. The Legislative Analyst's Office (LAO) assessment of the MCS noted various challenges as the Commission and campus financial aid offices implemented the redesigned MCS program for the first time this year. In Spring

2022, when students considered admissions offers, the Commission had no data to anticipate MCS award levels under the new approach. Students and families were not informed of their award amounts in time to affect college enrollment or financial planning. According to the LAO Assessment, some of the MCS implementation issues that the Commission and campus financial aid offices faced in 2022-23 are expected to be resolved over time. The Commission and the segments, however, indicate that other challenges may persist under the current program structure. MCS award amounts change often. These modifications may occur to reflect new student gift aid (such as merit scholarships or emergency grants), to comply with federal financial aid packaging rules, or to maintain MCS expenditure within the annual appropriation. These changes increase the workload on the Commission and campus financial aid offices. Furthermore, they cause student frustration and potential hardship, especially when award amounts are reduced mid-year.

Making changes to the MCS to better serve those with the greatest financial need such as current or former foster youth is a worthy goal, but doing so in the manner prescribed by the bill may present implementation challenges, given the difficulties mentioned in the above paragraph. Additionally, because the bill grows the program at the community colleges, it is unclear whether the community college financial aid offices are prepared or equipped to participate in this program, given that they do not currently administer MCS at the proposed level. *Should the bill move forward the author may wish to consider working with the Commission to ensure that implementation is feasible so that newly eligible current or foster youth, as well as other students, receive awards in a timely manner and campuses and the Commission are equipped to administer the program. As such, the author may wish to consider extending the bill's implementation date.*

- 8) **Drafting error.** Due to a drafting error, the incorrect paragraph is cited in Education Code Section 70023 (b)(3) of the bill. Should the bill move forward, the author may wish to correct the error by referencing the appropriate subdivision.

SUPPORT

John Burton Advocates for Youth (Sponsor)
 3rd Street Youth Center & Clinic
 A Better Way, INC. - Permanency Program
 Alameda County Office of Education
 Barstow Community College
 Berkeley Hope Scholars
 Beyond Emancipation
 Butte College Inspiring Scholars
 California Alliance of Caregivers
 California Chamber of Commerce
 California State University, Dominguez Hills - Toro Guardian Scholars Program
 Casa Pacifica Centers for Children and Families
 Center for Public Interest Law/children's Advocacy Institute/university of San Diego
 Cerritos College
 Children Now - Child Welfare

Children Youth & Family Collaborative
Children's Institute
Children's Legal Services of San Diego
College of The Desert - Foster Youth Services
Cuesta College - Financial Aid
Doing Good Works
EA Family Services
Emmanuel Gomez, President, Associated Students of Pasadena City College
FASD Network of Northern California
FASD Now! a California Alliance
Foster Care Counts
Haven of Hope
Jovenes, INC.
Mary Graham Children's Foundation
Merced County - Children's Services Branch
Monterey County Office of Education - Foster Youth Services
Mt. San Antonio College
Mt. San Antonio College Reach
National Association of Social Workers, California Chapter
Norco College - Special Funded Programs
North Orange Community College District
Northern California College Promise Coalition
Oak Grove Sanctuary Palm Springs
Pivotal
Power to Soar
Razing the Bar
Reedley College - EOPS
Rio Hondo College
Riverside City College
San Benito County - Health & Human Services
San Diego City College - Nextup Program
Shasta College - Inspiring & Fostering Independence (SCI*FI)
Smart Justice California
Sonoma County - Family Youth & Children's Services
Students Rising Above
TLC Child & Family Services - Transition Age Youth Housing
Together We Rise Dba Foster Love
Unite-la, INC.
United Friends of The Children
USC Rossier Pullias Center for Higher Education
Voices - Solano
Waking the Village
Walden Family Services
Wind Youth Services
Woodland Community College Foster & Kinship Care Education
Youth Law Center
Youth Leadership Institute

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 323	Hearing Date:	March 29, 2023
Author:	Portantino		
Version:	March 20, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Pupils with exceptional needs: individualized education programs: emergency safety procedures.

SUMMARY

This bill requires a local educational agency (LEA) to create and maintain an Inclusive School Emergency Plan and require the individualized education program (IEP) for a pupil with exceptional needs to include additional accommodations if the LEA's comprehensive school safety plan is insufficient to ensure the pupil's safety in an emergency.

BACKGROUND

Existing law:

- 1) Requires each school district or county office of education (COE) to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. The schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (EC § 32281)
- 2) Requires school safety plans to include:
 - a) An assessment of the current status of school crime committed on school campuses and at school-related functions.
 - b) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including, among other things:
 - i) Disaster procedures, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act (ADA) of 1990.
 - ii) Earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom.

- iii) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to their knees, with the head protected by the arms, and the back to the windows.
 - iv) Protective measures to be taken before, during, and following an earthquake.
- 3) Requires school safety plans to be evaluated at least once a year, and requires an updated file of all safety-related plans and materials to be readily available for inspection by the public. (EC § 32282)
- 4) Requires each school to adopt its school safety plan by March 1 and review and update its plan annually by March 1. Each school is required to annually report, in July, on the status of its school safety plan, including a description of key elements of the school safety plan in the annual school accountability report card. (EC § 32286)
- 5) Requires the schoolsite council or school safety planning committee to hold a public meeting before adopting the school safety plan. Each school is required to forward its school safety plan to the school district or county office for approval, and school districts or county offices are required to annually notify the CDE, by October 15, of any school that is not in compliance. (EC § 32288)
- 6) Requires the Superintendent of Public Instruction (SPI), if they determine that there has been a willful failure to make any report, to notify the school district or county office and assess a fine of up to \$2,000 against the district or county office. (EC § 32287)
- 7) Specifies that an IEP is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with state and federal law, and includes all of the following:
 - a) A statement of the individual's present levels of academic achievement and functional performance.
 - b) A statement of measurable annual goals, including academic and functional goals.
 - c) A description of the manner in which the progress of the pupil toward meeting the annual goals will be measured.
 - d) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided.
 - e) An explanation of the extent, if any, to which the pupil will not participate with nondisabled pupils in the regular class.

- f) A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments.
- g) The projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications.
- h) Appropriate measureable postsecondary goals and transition services, beginning when the pupil is 16 years of age.
- i) A description of the means by which the IEP will be provided under emergency conditions in which instruction or services, or both, cannot be provided to the pupil either at the school or in person for more than 10 schooldays. (EC § 56345)

ANALYSIS

This bill:

- 1) Requires an LEA to create and maintain an Inclusive School Emergency Plan and specifies that the safety procedures included in the plan are only for pupils whose parent provides written consent in compliance with specified federal law.
- 2) Requires the IEP for a pupil with exceptional needs to include additional accommodations if the procedures in the comprehensive school safety plan are insufficient to ensure the pupil's safety in an emergency at the pupil's current schoolsite.
- 3) Require a comprehensive school safety plan to include procedures for the use of the Inclusive School Emergency Plan, the location of the Inclusive School Emergency Plan at the schoolsite, and the persons or classes of persons who have access to the Inclusive School Emergency Plan.
- 4) Specifies that the earthquake emergency procedures required within the comprehensive school safety plans must include the following exceptions:
 - a) A pupil or staff member in a wheelchair faces away from windows, locks wheelchair brakes, protects their head and neck with a hard book or similar object, or with their hands and arms, and leans forward towards their lap to protect vital organs.
 - b) A pupil who has an active IEP that includes accommodations to the procedure to ensure the pupil's safety in an emergency follows the procedures pursuant to, and receives any accommodations provided for in, their IEP.
- 5) Would become effective beginning with the 2025-26 school year.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Regardless of a student’s race, gender, nationality, ability or disability, everyone deserves equal protection and care when it comes to their education. Students with disabilities, however, face different needs when responding to an emergency. These needs must be addressed prior to an emergency. Not everyone can get under a desk, walk down the stairs to safety, or calmly respond to the stress that comes with an emergency or an emergency drill. Ensuring that each student is included in their school’s safety procedures is a critical responsibility for schools. Ensuring consistent standards of care is the responsibility of the Legislature. SB 323 is a proactive measure that protects all students by creating a comprehensive school safety plan that includes accommodations as needed for students who have disabilities. Armed with a comprehensive safety plan, school staff can act with increased confidence and efficiency during an emergency, thereby improving odds for successful outcomes. SB 323 also protects schools by keeping them within Federal regulation.
- 2) ***Student safety is part of a free and appropriate education.*** Federal law mandates that every child receives a free and appropriate public education (FAPE) in the least restrictive environment. Children who experience difficulties in school, due to physical or psychiatric disorders, emotional or behavioral problems, learning disorders, or disabilities are entitled to receive special services or accommodations through the public schools. To support their ability to learn in school and participate in the benefits of any district program or activity, including emergency preparedness and school safety plans, the following three federal laws apply to children with special needs:
 - a) ***Americans with Disabilities Act.*** The ADA provides “a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities...” and prohibits the exclusion of any qualified individual with a disability, by reason of such disability, from participation in or benefits of educational services, programs, or activities.
 - b) ***Individuals with Disabilities Education Act (IDEA).*** The IDEA ensures services to children with special needs and defines 13 primary disability categories. These definitions guide how states define who is eligible for a FAPE under special education law.
 - c) ***Section 504.*** Under Section 504, any student who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment and is regarded as having such an impairment is considered disabled. Typically, children covered under Section 504 either have impairments that do not fit within the eligibility categories of IDEA or that may not be as apparent as those covered under IDEA.
- 3) ***Comprehensive school safety plans.*** As detailed above, existing law provides for the development of comprehensive school safety plans for each school

operated by an LEA, including adaptations for pupils with disabilities. Private schools are not subject to the school safety plan requirements. Additionally, the safety plan requirements do not require public schools to conduct a drill related to the safety plan, including lockdown drills.

The school safety plan requirements are detailed. For example, a safety plan must include an assessment, identification of appropriate strategies and programs that will provide or maintain a high level of school safety, including procedures to notify teachers of dangerous pupils and procedures for the safe ingress and egress of pupils, parents, and school employees to and from the school. Moreover, school safety plans must be developed in cooperation with local law enforcement agencies and updated each year. Additionally, the school district or county office of education may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

- 4) ***The IEP process and emergency preparedness.*** The IDEA establishes specific requirements for LEAs to identify students who may have disabilities affecting their education and to ensure that those students are provided with the services required to support them in accessing educational opportunities. Once determined eligible for special education, students with disabilities receive IEPs specifying the support their school districts will provide. At least once per year, each student's parents, teachers, and district administrators meet to develop their IEP, which includes specific goals and actions tailored to that student's abilities and needs.

Students with special needs, even those who are self-sufficient under normal circumstances, may have to rely on others in an emergency. They may require additional assistance during and after an incident in functional areas, such as communication, transportation, supervision, medical care, and reestablishing independence. While not explicitly stated, a component of the IEP for related services should consider the particular needs of the child to ensure their safety during an emergency that includes evacuation from a classroom and building.

- 5) ***The comprehensive school safety plan is required to accommodate students with disabilities, but special education providers are not required to help develop the plan.*** As outlined above, existing law establishes detailed requirements for the development and contents of comprehensive school safety plans. Specifically, comprehensive school safety plans are required to include disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal ADA.

Each school district and COE is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. Schoolsite counsels—consisting of a principal and representatives from teachers, other school personnel, and parents—are required to write and develop the comprehensive school safety plan for each school. Alternatively, schoolsite counsels may delegate this responsibility to a school safety planning committee—consisting of a principal, a teacher, a parent, a classified employee, and other members, if desired.

- 6) ***Exceptions to earthquake emergency procedures for individuals in wheelchairs or having other disabilities.*** Existing law requires comprehensive school safety plans to include disaster procedures, including an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. The earthquake procedure must include, among other things, a drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to their knees, with the head protected by the arms, and the back to the windows.

According to Earthquake Country Alliance (ECA), a public-private organization that works to improve earthquake and tsunami preparedness, mitigation, and resiliency, individuals lacking mobility must adapt common earthquake safety procedures to their unique situations. The provisions in this bill establishing exceptions to existing drop procedures for individuals in wheelchairs or having other disabilities align with the recommendations from ECA.

SUPPORT

Autism Speaks

California Association for Health, Physical Education, Recreation & Dance

Disability Rights California

Educate. Advocate.

National Association of Social Workers, California Chapter

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	SB 640	Hearing Date:	March 29, 2023
Author:	Portantino		
Version:	February 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: California State University: food service contracts and hotel development projects.

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

SUMMARY

This bill prohibits the California State University (CSU) from entering into a food service contract or undertaking a hotel development project unless the food service employer or hotel employer is party to a labor peace agreement with a labor organization.

BACKGROUND

Existing law:

- 1) Authorizes the Trustees of the CSU to enter into agreements for the performance of acts or for the furnishing of services, facilities, materials, goods, supplies, or equipment under certain conditions.
- 2) Requires the Trustees to prescribe policies and procedures for the acquisition of services, facilities, materials, goods, supplies, or equipment, subject to specified criteria.

ANALYSIS

This bill:

- 1) Requires the CSU Trustees to make it a condition precedent to entering into each food service contract and to the Trustees' participation in a hotel development project, and an ongoing material requirement of that contract or participation, that the person contracting with the Trustees and each food service employer or hotel employer be party to a labor peace agreement with any labor organization that represents or seeks to represent food service employees performing work under the food service contract or hotel employees at the hotel development project.
- 2) Defines "food service contract" to mean a contract with the Trustees or the CSU for a cafeteria or food and beverage outlet on or serving a CSU campus.

- 3) Defines “food service employer” to mean a person who employs employees performing work at a food service venue under a food service contract.
- 4) Defines “hotel” to mean any hotel, motel, bed and breakfast inn, or other similar commercial transient lodging establishment, and shall include any contracted, leased, or sublet premises connected to or operated in conjunction with the hotel’s purpose.
- 5) Defines “hotel development project” to mean a real estate development project that includes or is planned to include one or more hotels and in which the Trustees or the CSU have a proprietary interest.
- 6) Define “hotel employer” to mean any person who owns, controls, or operates a hotel in a hotel development project and who employs employees at that hotel.
- 7) Defines “labor organization” to mean any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- 8) Defines “labor peace agreement” to mean a written agreement with a labor organization that contains, at a minimum, a provision prohibiting the labor organization and its members from engaging in any picketing, work stoppage, boycott, or other economic interference with food service or hotel operations in which the Trustees have a proprietary interest.
- 9) Defines “person” to mean an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, or other legal or commercial entity, whether domestic or foreign.
- 10) Specifies that any food service contract or hotel development project in which the CSU or an auxiliary organization has a proprietary interest and that is performed pursuant to a contract entered into or awarded by an auxiliary organization is subject to the requirement outlined in #1 above.
- 11) Defines “proprietary interest” to mean a financial interest in the form of expected lease revenues, expected debt service on a loan provided by the trustees, underwriting or guaranteeing the development of a project or loans related to the project, or any other significant economic and nonregulatory interest in a project that may be adversely affected by labor-management conflict.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “In 2022, there were over 20 strikes across the country – with the largest higher education strike happening in California. Siting unfair labor practices, wanting better pay and benefits, and job security, University of California (UC) academic workers (many whom are graduate students themselves) made the decision to strike. Strikes bring work

stoppage, and for California's higher education system, this meant canceled classes, delayed grading, interrupted course finals season and wasted tax dollars.

"As CSU campuses continue to grow and evolve, more campus will develop campus plans with more hospitality and food service needs. Because the State of California has a proprietary interest in the activities and business of CSUs, it is essential to minimize future labor disruptions as much as possible through labor peace agreements.

"By requiring CSU and their auxiliaries to enter a labor peace agreement, the CSU, its auxiliaries, and associated labor organizations, will then have mechanisms in place to avoid disruptive actions and ensure the State and its interests can continue fulfilling its mission continuously and without interruption."

- 2) ***Food service contracts at CSU.*** According to the CSU, most campuses contract their food service and hospitality programs to service management companies, whereas other campuses provide these services to students and staff "in-house". It has become increasingly common for self-operating campuses to engage in hospitality assessments to determine whether their food service programs are efficient enough to maintain profitability, particularly as student housing needs expand. In-house providers typically employ CSU workers and students. For campuses that contract out, the three food service management companies being used are Chartwells Higher Education, Aramark, and Sodexo. In addition, CSU campuses have food and beverage tenants, such as Starbucks, Panda Express, and Subway that lease retail space.

As currently drafted, this bill applies to all "food service contracts", defined to mean a contract with the Trustees of the CSU for a cafeteria or food and beverage outlet on or serving a CSU campus, and "food service employers" defined to mean a person who employs employees performing work at a food service venue under a food service contract. Would food and beverage retailers be required to comply with this bill?

- 3) ***Hotel development projects at CSU.*** Currently, the CSU operates two hotels—the Kellogg West Conference Center & Hotel at CSU Pomona and the CSU Fullerton Marriot. The Pomona hotel is operated exclusively by CSU students of the Collins College of Hospitality Management. The Fullerton Marriot is not operated by college students or staff, but is located on the CSU campus. Because the CSU Fullerton Marriot is located on the campus, the CSU collects lease revenue and, therefore, has a proprietary interest. There are also a number of CSU campuses with hotel development projects included in their facilities master plans. It is unclear if this bill would apply to the two existing hotels, one of which is exclusively run by students, or only prospective hotel projects on CSU campuses.
- 4) ***Do labor peace agreements require all workers to unionize and collectively bargain?*** Generally, a labor peace agreement is a contract between an employer and a union, in which the employer agrees to be neutral during a union organizing campaign and not interfere with union organizing. The union agrees

not to engage in picketing, work stoppages, boycotts, and any other economic interference with the employer.

This bill would require each food service employer (either a CSU campus, its auxiliary, or the entity it contracts with for food service) or hotel employer be party to a labor peace agreement with a labor union. The bill defines a labor peace agreement as "a written agreement with a labor organization that contains, at a minimum, a provision prohibiting the labor organization and its members from engaging in any picketing, work stoppage, boycott, or other economic interference with food service or hotel operations in which the trustees have a proprietary interest."

Labor peace agreements appear far more limited in scope than collective bargaining agreements because they only cover parties' rights with respect to union organizing. Collective bargaining agreements, by contrast, are broader and include the terms and conditions of employment, such as wages, hours, benefits, working conditions, and more.

- 5) ***The impact of this bill on CSU food service and hotel development operations is unclear, but will be discussed further in the Senate Labor Committee.*** Given that labor peace agreements appear to be narrower in scope than collective bargaining agreements, and that the Higher Education Employer-Employee Relations Act already prohibits the CSU from interfering with employees' right to unionize, it is unclear what impact this bill would have. Does requiring the entities that the CSU or its auxiliaries contract with (such as Aramark) to enter into a peace agreement with a union (such as UNITE-HERE) provide the opportunity for more employees to join that union? If so, would an increase in union membership by food service and hotel development employees increase labor costs at the CSU? If so, would those costs be passed onto students in the form of more expensive meal plans? Conversely, would ensuring CSU food service contractors and hotel development projects have labor peace agreements in place help to alleviate any concerns about labor strikes disrupting the learning environment at CSU campuses?

Staff notes that this bill is double referred and would go to the Senate Committee on Labor, Public Employment, and Retirement next. Much of the impact that this bill would have on the operations of the CSU appear to fall within that committee's jurisdiction and expertise.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 691	Hearing Date:	March 29, 2023
Author:	Portantino		
Version:	February 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Dyslexia risk screening.

SUMMARY

This bill requires local educational agencies (LEAs) serving students in kindergarten to grade 2 to annually screen all students for risk of dyslexia using state-approved instruments, unless objected to in writing by a student's parent or guardian, beginning in the 2024-25 school year.

BACKGROUND

Existing law:

- 1) Defines a specific learning disability as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or perform mathematical calculations. (United States Code, Title 20, § 1401, and Education Code § 56337)
- 2) Includes in the definition of a specific learning disability conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Existing regulations specify that the basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities (including association), conceptualization and expression. (California Code of Regulations, Title 5, § 3030)
- 3) Provides that a student who is assessed as being dyslexic and meets eligibility criteria for the category of specific learning disabilities is entitled to special education and related services. (EC § 56337.5)
- 4) Provides that if a student who exhibits the characteristics of dyslexia or another related reading dysfunction is not found to be eligible for special education and related services, the student's instructional program is to be provided in the regular education program. (EC § 56337.5)
- 5) Encourages institutions of higher education to provide, in teacher training programs, increased emphasis on the recognition of, and teaching strategies for, specific learning disabilities, including dyslexia and related disorders. (EC § 44227.7)

- 6) Encourages the inclusion of a component on the recognition of, and teaching strategies for, specific learning disabilities, including dyslexia and related disorders, in local in-service training programs for regular education teachers and special education teachers in LEAs. (EC § 56245)
- 7) Requires the Superintendent of Public Instruction (SPI) to develop program guidelines for dyslexia to be used no later than the beginning of the 2017-18 school year to assist regular education teachers, special education teachers, and parents to identify and assess pupils with dyslexia. The program guidelines must include characteristics typical of pupils with dyslexia and strategies for their remediation, as well as information to assist educators in distinguishing between characteristics of dyslexia and characteristics of normal growth and development. (EC § 56335)

ANALYSIS

This bill:

- 1) Requires the State Board of Education to establish by June 30, 2024 a list of evidence-based culturally, linguistically, and developmentally appropriate screening instruments to be used by LEAs to screen pupils for risk of dyslexia. The areas to be screened shall include at least the following as developmentally and linguistically appropriate:
 - a) Phonological and phonemic awareness, including phoneme blending, phoneme segmenting, and phoneme manipulation tasks.
 - b) Sound-symbol recognition and symbol-sound recognition.
 - c) Alphabet knowledge.
 - d) Decoding skills, including real and nonsense words.
 - e) Rapid automatized naming, with letters, digits, objects, or colors.
- 2) Requires LEAs serving students in kindergarten to grade 2 to annually screen all students for risk of dyslexia using state-approved instruments, unless objected to in writing by a student's parent or guardian, beginning in the 2024-25 school year.
- 3) Requires factors, including, but not limited to, English language acquisition status, home language, and language of instruction, to be considered when screening English learners.
- 4) Requires the results from the required screenings to be made available to an assessed pupil's parent or guardian in a timely manner, but within 45 days of the assessment, and include information on how parents or guardians can access, on the department's internet website, information about the Multi-Tiered System of Supports and the California Dyslexia Guidelines.

- 5) Specifies that if a pupil enrolls for the first time in any of the grades kindergarten to grade 2, inclusive, after the screening has been administered, the LEA must screen the pupil for dyslexia upon enrollment, unless the parent or guardian objects in writing or presents documentation that the pupil had a similar screening in their prior school and the parent or guardian was made aware of the results.
- 6) Encourages LEAs to use structured literacy instruction and progress monitoring recommended in the California Dyslexia Guidelines, as appropriate, for pupils assessed as being dyslexic in their regular education program.
- 7) Specifies that screening pursuant to this measure shall not be considered an evaluation to establish eligibility for special education and related services.
- 8) Requires LEAs to provide a pupil identified as being at risk of dyslexia with evidence-based literacy instruction, progress monitoring, and early intervention in the regular general education program.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Research from multiple scientific studies is unequivocal: early identification and intervention with evidence-based early literacy instructional strategies and materials improves literacy out-comes for students at risk of or with dyslexia and other struggling readers.

Dyslexia is the most common learning disability with at least 10% of the general population having dyslexia—some estimate it to be over 15%. Unfortunately, hundreds of thousands of California children on the dyslexia spectrum struggle every day with reading at grade-level, often without the proper identification and support. The repeated failure struggling readers often experience before receiving intervention can contribute to anxiety, depression and other mental health conditions.

Unfortunately, children without sufficient family resources and advocacy on their behalf are less likely to receive the appropriate instruction and support they need to reach their full potential.

Screening should value the cultural and linguistic assets of California’s diverse student population. By screening all students for risk of dyslexia early, California can help teachers and families achieve the best learning and life outcomes for all students, close academic achievement gaps, and help end the school-to-prison pipeline.”

- 2) ***What is dyslexia?*** Dyslexia is a neurological condition caused by an atypical wiring of the brain. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems

in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

There is no cure for dyslexia and individuals with this condition must learn coping strategies. However, research indicates that dyslexia has no relationship to intelligence. Individuals with dyslexia are neither more nor less intelligent than the general population. In fact, the way individuals with dyslexia think can be an asset in that it allows them to evaluate problems and create solutions in innovative ways.

- 3) **Identifying dyslexia.** According to the International Dyslexia Association, the key symptoms of dyslexia are problems with decoding or single word reading and/or poor reading fluency and poor spelling. Assessment by a skilled professional can determine if the student struggles with phonological processing.

Assessment of dyslexia involves individual testing, most often provided by a team of qualified professionals who have had extensive clinical training in assessment as part of a graduate degree program. Evaluation by a medical doctor is not required for assessment or identification of dyslexia. Federal law states that assessment for a specific learning disability, such as dyslexia, must consider a student's response to intervention or classroom instruction. Early intervention or additional direct instruction should begin as early as kindergarten or first grade for struggling readers when the gap is small and students benefit from brain plasticity advantages for learning language-based information.

Evaluation of dyslexia involves collecting information about birth history, family history, child development, including speech and language development, and early educational history. School records and child response to previous interventions is also needed to ensure an accurate assessment.

- 4) **Existing program guidelines for dyslexia.** AB 1369 (Frazier), Chapter 647, Statutes of 2015, required the SPI to develop, and complete for use beginning in the 2017-18 school year, program guidelines for dyslexia. The guidelines are to be used to assist regular education teachers, special education teachers, and parents to identify and assess pupils with dyslexia, and to plan, provide, evaluate, and improve educational services to pupils with dyslexia.

For purposes of writing the guidelines, the California Department of Education was required to consult with teachers, school administrators, other educational professionals, medical professionals, parents, and other professionals involved in the identification and education of pupils with dyslexia. In addition, CDE created an e-mail box through which the public can send questions or comments pertaining to the dyslexia guidelines.

- 5) **The California Dyslexia Initiative.** The 2019-20 state budget appropriated \$4 million for the California Dyslexia Initiative, which is now administered by the Sacramento County Office of Education. The goals of the Initiative include building capacity in the statewide system of support for LEAs to provide early intervention services and supports for students with specific learning disabilities (such as dyslexia), identifying effective models for identification and treatment of

specific learning disabilities, developing and delivering professional development on evidence-based instruction and strategies informed by research, developing partnerships between LEAs, and using the statewide system of support structure to disseminate professional learning, resources, and information developed or identified as a result of the Initiative.

SUPPORT

Decoding Dyslexia CA (co-sponsor)
Edvoice (co-sponsor)
21st Century Alliance
American Academy of Pediatrics, California
Association of Regional Center Agencies
California Parent Power
California Association of School Psychologists
California Catholic Conference
California Court Appointed Special Advocate Association
California Parent Power
California Reading Coalition
California State Parent Teacher Association
California Youth Services
City of Rohnert Park
County of Monterey
Disability Rights California
Dyslexia Training Institute
Educate. Advocate.
Educators for Excellence - Los Angeles
Eye to Eye
FULCRUM
Future Is Now Schools - Los Angeles
Glean Education
Govern for California
Initiate Justice
International Dyslexia Association - Los Angeles
International Dyslexia Association - Northern California
International Dyslexia Association - Southern California Tri-counties
John Burton Advocates for Youth
La Comadre
Learning Disabilities Association of California
Learning Rights Law Center
Motivating Individual Leadership for Public Advancement
Mt. Diablo Community Advisory Committee for Special Education
Our Turn
Pacific Juvenile Defender Center
Para Los Niños
Parents Helping Parents
Prosecutors Alliance California
Reading for Berkeley
Right to Read Project
San Francisco Unified Community Advisory Committee for Special Education

San Ramon Valley Council of PTAs
San Ramon Valley Unified School District SELPA
Santa Clara County School Boards Association
Sister Warriors Freedom Coalition
Smart Justice California
The Council of Parent Attorneys and Advocates
Numerous Individuals

OPPOSITION

California Association for Bilingual Education
California Teachers Association
Californians Together

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	SB 342	Hearing Date:	March 29, 2023
Author:	Seyarto		
Version:	February 7, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: history-social science curriculum framework: financial literacy.

SUMMARY

This bill requires the Instructional Quality Commission (IQC) to include, rather than consider, age-appropriate information related to financial literacy when the history-social science (H-SS) curriculum framework is revised after January 1, 2024.

BACKGROUND

Existing Law

Education Code (EDC)

- 1) Requires that, when the H-SS framework is revised after January 1, 2017, the IQC consider including content on financial literacy at least twice in three grade spans (Kindergarten through grade 5, grades 6-8, and grades 9-12), including instruction on:
 - a) Fundamentals of banking for personal use, including, but not limited to, savings and checking.
 - b) Principles of budgeting and personal finance.
 - c) Employment and understanding factors that affect net income.
 - d) Uses and costs of credit, including the relation of debt and interest to credit.
 - e) Uses and costs of loans, including student loans.
 - f) Types and costs of insurance.
 - g) Forms of governmental taxation.
 - h) Principles of investing and building wealth.
 - i) Identity theft and security.

- j) Planning and paying for postsecondary education.
 - k) Charitable giving. (EDC § 51284.5)
- 2) Requires the IQC, during but not before the next Specifies, revision of textbooks or curriculum frameworks in the social sciences, health, and mathematics curricula, the State Board of Education (SBE) ensures that these academic areas integrate components of human growth, human development, and human contribution to society, across the life course, and also financial literacy, including, but not limited to, budgeting and managing credit, student loans, consumer debt, and identity theft security. (EDC § 51284)
 - 3) Requires that, as a condition of graduating from high school, of the three courses in social studies, two must be year-long courses in United States history and geography, and in world history, culture, and geography, and that the remaining two are a one-semester courses in American government and civics, and a one-semester course in economics. (EDC § 51225.3)
 - 4) Requires the Superintendent of Public Instruction (SPI), with the approval of the SBE, to plan and develop a one-semester course entitled consumer economics, which includes instruction on the uses and costs of credit, for use in schools maintaining any grades seventh to twelfth grades. (EDC § 51833)

ANALYSIS

This bill requires the IQC to include, rather than consider, age-appropriate information related to financial literacy when the H-SS curriculum framework is revised after January 1, 2024.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Addressing financial literacy in the classroom will expose students to basic life skills and to allow them to hit the ground running as young adults. Currently, the Instructional Quality Commission has been encouraged to include financial literacy in its history and social science curriculum, however, SB 342 would necessitate the inclusion of financial literacy education periodically throughout K-12 schooling. Financial literacy will give students the tools they need to become financially educated and be aware of how finances impact every aspect of their lives, setting California students up for future success"
- 2) ***How Curriculum, Standards, Frameworks, and Model Curricula Are Created and Adopted.*** The Legislature has vested the IQC and SBE with the authority to develop and adopt state curriculum and instructional materials. The IQC develops curriculum frameworks in each subject by convening expert panels, developing drafts, and holding public hearings to solicit input. Changes are frequently made in response to public comment. The frameworks are then adopted by the SBE in a public meeting. The SBE also adopts, in a public process, instructional materials aligned to those frameworks for grades K-8. School district governing boards and

charter schools then adopt instructional materials aligned to these standards and frameworks. This process occurs on a regular schedule which gives schools a predictable timetable to plan and budget for changes to the curriculum. Local adoption of new curricula involves significant local cost and investment of resources professional development.

These existing processes involve practitioners and experts who have in-depth understanding of curriculum and instruction, including the full scope and sequence of the curriculum in each subject and at each grade level, constraints on instructional time and resources, and the relationship of curriculum to state assessments and other measures of student progress.

Model curricula were first developed in the 1990's in order to provide educators the means to teach about a topic in an in depth manner, on a voluntary basis. At that time, there were few resources available for this purpose on the Internet. Until 2016, only two model curricula were required to be developed.

Recent legislation has required the development of numerous model curricula. In 2021, through the budget, the state changed the process for the development of model curricula. County offices of education are now responsible for developing model curricula, in the form of open source, accessible resources available to California schools. The IQC and SBE no longer develops or approves model curricula.

- 3) ***Revised History-Social Science Framework Coming In 2024 - 2025.*** Statute requires the IQC to consider the following content to be include as part of the next revision of the H-SS framework revision, which is currently underway:
- a) Fundamentals of banking for personal use, including, but not limited to, savings and checking;
 - b) Principles of budgeting and personal finance;
 - c) Employment and understanding factors that affect net income;
 - d) Uses and costs of credit, including the relation of debt and interest to credit;
 - e) Uses and costs of loans, including student loans;
 - f) Types and costs of insurance;
 - g) Forms of governmental taxation;
 - h) Principles of investing and building wealth;
 - i) Identity theft and security;
 - j) Planning and paying for postsecondary education; and
 - k) Charitable giving.

The H-SS Framework is currently being developed. The next adoption of this framework is scheduled to occur in 2025. Currently, the H-SS Framework, adopted in 2016, contains the following objectives related to financial literacy:

Grade 1: Students acquire a beginning understanding of economics, including how people exchange money for goods and services, and how people make choices about how to spend money, including budgeting.

Grade 2: Students learn basic economic concepts of human wants, scarcity, and choice; the importance of specialization in work today. Students also develop an understanding of their roles as consumers in a complex economy.

Grade 9: elective course outline in financial literacy: Students learn about credit cards and other forms of consumer debt, savings and budgeting, retirement planning, state and federal laws related to personal finance (e.g., bankruptcy), financial credit scores, credit card applications, bank account applications, simple and compound interest calculations, retirement calculations, and mortgage and interest rates. Students also learn about the importance of managing credit and debt, and identity theft security.

The Framework also emphasizes the ability of personal finance concepts to be taught through the required high school economics course, noting: “budgeting can be taught as an example of scarcity; job applications can be taught as examples of human capital inventories; student loans can be taught as an investment in developing human capital; use of credit cards can be taught to explain the opportunity cost of interest and repayment; and interest on credit can be taught as an example of price determination through supply and demand.”

This bill would require the uses and effects of credit, different types and costs of insurance, and the principles of budgeting and personal finance, among other things as specified in statute, to now be required when the History and Social Sciences Framework is revised after 2024. It should be noted that the IQC is currently in the process of revising the History and Social Science Framework, and, as required by statute, is required to consider the inclusion of specific content as described above. The IQC develops curriculum frameworks by convening expert panels, developing drafts, and holding public hearings to solicit input. Changes are frequently made in response to public comment.

The committee has adopted a policy that encourages Members to engage the IQC’s administrative process to ensure that the subject matter of concern is included in the revised frameworks. The revised History and Social Science Framework is set to be adopted in 2025; this bill would affect the following revision, likely to occur in 2032. The committee may wish to consider whether it is appropriate to require specific content regarding financial literacy to be included, rather than considered by the IQC’s panel of subject matter experts, in a future revision of History and Social Sciences Framework.

- 4) **Additional resources provided by the California Department of Education (CDE) on financial literacy.** On CDE’s website, it provides a host of lesson plans,

curricula programs, student contests, professional development, research, and more. These resources span kindergarten through grade twelve (K–12), and many provide customizable support. For example:

California Council on Economic Education (CCEE). Founded as part of the California State University Foundation to provide economics and financial literacy training, the CCEE works with California teachers to support K–12 financial literacy education. They provide comprehensive economic and financial literacy resources for teachers and students, including lesson plans, student contests, and curricula programs.

Jump\$tart. This national nonprofit coalition consists of more than 100 organizations that share a commitment to “financial smarts for students” by providing resources and training to support financial literacy education. Their clearinghouse external link opens in a new window or tab and is a database of personal finance resources available from a variety of education providers such as government, business, and nonprofit organizations.

Next Gen Personal Finance (NGPF). NGPF provides a wide variety of up-to-date resources for teachers, students, and families. Resources include games (for both students and instructors), free curriculum units customizable by course length (for both middle and high school), case studies, Questions of the Day, a video library, blog, and podcast.

5) ***Related Legislation.***

AB 2546 (Ian Calderon) Chapter 616, Statutes of 2016, requires that, when the history-social science curriculum framework is revised after January 1, 2017, the IQC consider including specified content on financial literacy.

AB 431 (Papan, 2023) would require the Superintendent to allocate these funds to school districts, county offices of education, charter schools, and the state special schools on the basis of an equal amount per unit of average daily attendance, as those numbers were reported at the time of the first principal apportionment for the 2022–23 fiscal year.

AB 526 (Ta, 2023) would require the Superintendent to allocate these funds to school districts, county offices of education, charter schools, and the state special schools on the basis of an equal amount per unit of average daily attendance, as those numbers were reported at the time of the first principal apportionment for the 2021–22 fiscal year.

AB 1161 (Hover, 2023) would require the IQC, when the history-social science curriculum framework is revised after January 1, 2017, to also consider including age-appropriate information and content for kindergarten and grades 1 to 12, inclusive, on the importance of estate planning and the use of trusts.

AB 1456 (Joe Patterson, 2023) would add financial literacy to the adopted course of study for social science instruction.

AB 858 (Dababneh, 2017) would have established the California Financial Literacy Initiative, to be administered by the SPI, for the purpose of improving the availability of instructional materials and programs to help students understand how to manage their finances and protect their financial privacy. This bill was vetoed by Governor Brown:

This bill is unnecessary. The History-Social Science Framework already contains financial literacy content for pupils in kindergarten through grade 12, as well as a financial literacy elective. In addition, the California Department of Education maintains a Web page with financial literacy resources for pupils in kindergarten through grade 12.

AB 391 (Wieckowski, 2013) would have required the history social science framework, when updated, to include financial literacy, and required the one-semester instructional program entitled consumer economics already developed by the SPI and adopted by the SBE to be updated to include instruction in specified areas of financial literacy. *This bill was held in the Assembly Appropriations Committee.*

SB 1080 (Lieu, 2012) would have authorized instruction provided in economics to include personal finances, including, but not limited to, mathematics, budgeting, savings, credit, and identity theft. The bill would have required the CDE to develop a personal finance curriculum in the next cycle in which the mathematics and history-social science curriculum framework were to be adopted. *This bill was held in the Assembly Judiciary Committee.*

SB 696 (Lieu, 2012) would have encouraged the instruction provided in economics to include instruction related to the understanding of personal finances, including budgeting, savings, credit, and identity theft. The bill would have also made several legislative findings and declarations. *This bill did not receive a hearing.*

SB 779 (Lieu, 2011) would have authorized a school district, as part of providing economics instruction in grades 7-12, to include personal finances, including, but not limited to, budget savings, credit, and identify theft. This bill would have also required the CDE to consider developing a personal finance curriculum in the next cycle in which the history/social science curriculum framework would have been adopted. *This bill was held in the Assembly Appropriations Committee.*

SB 223 (Wyland, 2009) would have required that one-half of the economics course required for high school graduation focus on personal finance and financial literacy. *This bill was held in the Assembly Appropriations Committee.*

AB 1502 (Lieu, 2008) would have required the SBE and the Curriculum Development and Supplemental Materials Commission (now the IQC) to ensure that information about financial literacy be included in appropriate subject area frameworks, encouraged school districts to include instruction in personal finance, as specified in economics, and authorized the SPI to accept private donations for the purposes of implementing these provisions. *This measure was vetoed by Governor Schwarzenegger.*

While I acknowledge that teaching students the importance of financial literacy is meritorious, school districts already have the flexibility to incorporate money management into their lesson plans. Moreover, the State Board of Education adopted content standards that were developed by a diverse group of experts and are intentionally broad in order to allow coverage of various events, developments, and issues. I continue to believe that the State should establish rigorous academic standards and frameworks, but refrain from being overly prescriptive in specific school curriculum.

AB 1950 (Lieu, 2006) would have authorized school districts to provide instruction in personal finances in economics courses. *This measure was vetoed by Governor Schwarzenegger:*

School districts already have the flexibility to incorporate money management into their lesson plans and that the state's content standards are intentionally broad in order to allow instruction on a range of topics.

AB 2435 (Wiggins, 2004) would have authorized school districts to include instruction related to the understanding of personal finances in economics courses. *This measure was vetoed by Governor Schwarzenegger:*

School districts already have the flexibility to incorporate money management into their lesson plans and that the state's content standards are intentionally broad in order to allow instruction on a range of topics.

SUPPORT

California Chamber of Commerce
California Credit Union League
California Society of Certified Public Accountants
Los Angeles County Office of Education
Office of The Riverside County Superintendent of Schools
2 individuals

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 348	Hearing Date:	March 29, 2023
Author:	Skinner		
Version:	March 20, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil meals.

SUMMARY

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

SUMMARY

This bill: a) requires charter schools to provide two meals, rather than one, beginning the 2024-25 school year; b) requires a local educational agency (LEA), county superintendent of schools, or charter school to serve breakfast meals on each four-hour schoolday, as specified; c) requires the California Department of Education (CDE) to submit a waiver to the United States Department of Agriculture (USDA) to allow school to serve meals to student in non-congregate setting on short days; d) Permits a LEA, county Office of Education (COE), or charter school to choose to participate in a state or federal reimbursement program or competitive foods, as specified; e) Requires the CDE to conduct a survey to make a recommendation on the appropriate amount of time that is adequate for a pupil to eat school meals; f) Requires CDE, in collaboration with the Department of Social Services (DSS) to maximize participation in the federal Summer Electronic Benefit Transfer For Children (SEBTC), as specified; g) Requires CDE, in conjunction with specified stakeholders, to develop nutrition requirements, as specified; and h)

BACKGROUND

Existing Federal Law

- 1) Authorizes an additional universal meal service option, known as Provision 2, that allows an LEA that certify children for free and reduced-price meals for up to 4 consecutive school years in the schools that serve meals at no charge to all enrolled children. (42 United States Code (U.S.C.) § 1759a(a)(1)(C); 7 CFR § 245.9(b))
- 2) States that it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting States, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children. (42 U.S.C. § 1771 et seq.)

Existing State Law

- 3) Commencing with the 2022–23 school year, requires a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period, except for family daycare homes. The meals provided shall be nutritiously adequate meals that qualify for federal reimbursement. (EDC § 49501.5)
- 4) Specifies that in order to provide pupils in high-poverty schools with optimal nutrition for learning and to ensure that schools receive the maximum federal meal reimbursement, on or before June 30, 2022, a school district or county superintendent of schools that has a high-poverty school in its jurisdiction shall apply to operate a federal universal meal service provision, which may include, but is not limited to, the Community Eligibility Provision (CEP) or Provision 2. (EDC § 49564.3)
- 5) Defines "Competitive foods" as all food and beverages other than meals reimbursed under programs authorized by the federal Richard B. Russell National School Lunch Act (Public Law 113-79) and the federal Child Nutrition Act of 1966 (42 U.S.C. Sec. 1771 et seq.) available for sale to pupils on the school campus during the schoolday. (EDC § 49430(c))
- 6) Authorizes a school district or county office of education to use funds made available through any federal or state program for the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or do so at its own expense. (EC § 49550)
- 7) Requires every public school to post the school district's nutrition and physical activity policies, in public view within all school cafeterias or other central eating areas. (EC § 49432)

ANALYSIS

This bill: a) requires charter schools to provide two meals, rather than one, beginning the 2024-25 school year; b) requires LEA, county superintendent of schools, or charter school to serve breakfast meals on each four-hour schoolday, as specified; c) requires the CDE to submit a waiver to the USDA to allow school to serve meals to student in non-congregate setting on short days; d) Permits a LEA, COE, or charter school to choose to participate in a state or federal reimbursement program or competitive foods, as specified; e) Requires the CDE to conduct a survey to make a recommendation on the appropriate amount of time that is adequate for a pupil to eat school meals; f) Requires CDE, in collaboration with the DSS to maximize participation in the federal SEBTC, as specified; g) Requires CDE, in conjunction with specified stakeholders, to develop nutrition requirements, as specified. Specifically, this bill:

Meal Service Options

- 1) Requires a charter school to provide a free breakfast and lunch during each school year to any pupil who requires a meal, without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, as specified.
- 2) Requires a LEA, to provide a free breakfast and lunch meal to any pupil, at their request, without consideration of the pupil's eligibility for a federally funded free or reduced-price meal.
- 3) Requires a LEA, county superintendent of schools, or charter school, maintaining kindergarten or any grades 1-12 to provide two school meals (breakfast and lunch) with adequate time to eat as determine by the CDE.
- 4) Permits an LEA, COE, or charter school to participate in the state or federal reimbursement program or competitive foods, as specified, to provide two school meals (breakfast and lunch), as specified, free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal.

Shortened Schoolday.

- 5) Requires CDE to submit and maintain a waiver request with the USDA to allow for a lunch on a four-hour school day to be served in a noncongregate manner.
- 6) Requires a county superintendent of schools or charter school, maintaining transitional kindergarten, kindergarten, or any of grades 1 to 12, to provide breakfast and may serve lunch on each four-hour school day. If the waiver is approved, as described in #5, then a county superintendent of schools or charter school must provide a breakfast and lunch school meal. .
- 7) Requires the CDE to provide additional state meal reimbursement to LEAs, COE, and charter schools that participate in, and meet the requirements of the federal School Breakfast Program and National School Lunch Program and any applicable state laws and regulations. Additional state meal reimbursement shall be provided for reduced-price and paid meals served to pupils as specified.
- 8) Requires an LEA to serve a second meal to pupils who remain on the schoolsite after a shortened schoolday and be reimbursed as specified.

Adequate Meal Time Survey

- 9) Requires the CDE to review available evidence-based research and studies and conduct a survey with School Food Authorities and school food workers or their representatives to determine a recommendation for the amount of time that is adequate for a pupil to eat a school meal, as specified, and to make its findings and recommendations available on its website on or before March 1, 2024.

Federal Summer Electronic Benefit Transfer For Children (SEBTC)

- 10) Requires the CDE, in conjunction with the DSS, to maximize participation in the federal SEBTC program established pursuant to the federal Consolidated Appropriations Act of 2023.
- 11) Upon an appropriation, requires the CDE to provide an additional \$80 for pupils eligible for the federal SEBTC provides.
- 12) Directs the CDE to follow the federal guidelines and regulations established in Title IV, Section 502 of the Consolidated Appropriations Act of 2023 to maximize flexibility for local education authorities to distribute summer meals through noncongregate distributions.
- 13) Instructs DSS, on or before March 1, 2024, to report to the appropriate fiscal and policy committees of each house of the Legislature detailing the following:
 - a) The amount of time, the necessary state budget appropriation.
 - b) The federal authority needed, if any, to issue a SEBTC benefit to a pupil that attend a CEP school and pupils who have submitted a school meal application and has been approved for federal reimbursement.
 - c) The amount of time and the necessary state budget appropriation needed to implement Summer EBT without any changes to the federal program.
- 14) Authorizes the CDE and the DSS to consult with the United States Department of Health and Human Services, the United States Department of Education, or the USDA to help implement this bill

Nutritionally Adequate Breakfast and Lunch – Sugar and Sodium Requirements

- 15) Requires the CDE and in partnership with the California School Nutrition Association and cafeteria workers, or their representatives, to develop guidelines and recommendations, as specified.
- 16) Prohibits a child nutrition entity, for which they are eligible, that receives state funds from receiving reimbursement for a school meal service if the meal is not in compliance with state and federal guidelines or regulations, or both, the entity shall be ineligible for state meal reimbursement.
- 17) Specifies that a nutritionally adequate breakfast and lunch shall not consist of more added sugar than what is determined by the CDE in partnership with the California School Nutrition Association and cafeteria workers, or their representatives and clarifies that meals that are not nutritionally adequate are not eligible for state meal reimbursement.
- 18) Requires the CDE in partnership with the California School Nutrition Association and cafeteria workers, or their representatives, to develop guidelines and recommendations that do all of the following:

- a) Establish the amount of added sugar that can be allowed in a nutritionally adequate breakfast or lunch
 - b) Conform to the American Academy of Pediatrics' recommendation of less than 25 grams of added sugar per day for children two years of age and older.
 - c) Conform to the maximum daily sodium intake recommendations for children and adolescents in the Dietary Guidelines for Americans, established by the USDA and the United States Department of Health and Human Services.
 - d) Use a methodology of compliance evaluation that considers an average weekly calculation.
- 19) Requires the CDE in partnership with the California School Nutrition Association and cafeteria workers, or their representatives, to develop guidelines and recommendations that allow for a nutritionally adequate breakfast or lunch to include the serving of a second entree to pupils who have a need for more calories during the school day.

Other Provisions

- 20) Defines "school day" to mean any day that pupils in kindergarten or grades 1 to 12, inclusive, are attending school for purposes of classroom instruction, including, but not limited to, pupil attendance at minimum days, state-funded preschool, transitional kindergarten, summer school including incoming kindergarten pupils, extended school year days, and Saturday school sessions.
- 21) Makes other technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The newly proposed national school nutrition standards are a much-needed step to ensure that all American children can access healthy school meals. Now that California provides our K-12 students two free meals a day, we want those meals to be healthy and not contribute to health complications like diabetes, which is now the most common chronic disease among school-age children. SB 348 will ensure that California's school meals are nutritious and that California is a national leader in the fight against diabetes"
- 2) ***Meals Service Options: USDA Meal Programs or Competitive Food.*** The CDE, Nutrition Services Division administers many of the USDA meal programs at the state level:
- a) *The National School Lunch Program (NSLP).* The NSLP is a federally assisted meal program operating in public and nonprofit private schools and residential childcare institutions. It provides nutritionally balanced, low-cost or free lunches to children each school day.
 - b) *The School Breakfast Program (SBP).* The SBP provides reimbursement to states to operate nonprofit breakfast programs in schools and residential

childcare institutions. The Food and Nutrition Service of the USDA administers the SBP at the federal level.

- c) *The Child and Adult Care Food Program (CACFP)*. The CACFP is a federal program that provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating childcare centers, daycare homes, and adult daycare centers. The CACFP also provides reimbursements for meals served to children and youth participating in afterschool programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in daycare facilities.
- d) *The Summer Food Service Program (SFSP)*. The SFSP is a federally-funded, state-administered program. The SFSP reimburses program operators who serve free healthy meals and snacks to children and teens in low-income areas.
- e) *The Seamless Summer Option (SSO)*. Schools participating in the NSLP or SBP are eligible to apply for the SSO. This option allows public schools to combine features of the School Nutrition Programs and the SFSP along with reduced paperwork requirements, making it easier for schools to feed children during the traditional summer vacation periods and, for year-round schools, long school vacation periods.

Separate from school meal provisions, competitive food and beverage requirements in California began in 1976 with rules that govern food and beverage sales by student organizations. Since 2001, due to awareness of the obesity epidemic, there have been numerous state laws passed which currently shape the competitive foods environment in California schools for all foods and beverages sold to students outside the meal program. In July 2014, schools implemented the USDA competitive food regulations, called Smart Snacks in School (SSIS). In 2016, California passed Senate Bill 1169 (McGuire) which streamlines state competitive food rules with the federal Smart Snacks in School rule. Today's rules encompass a comprehensive approach to food and beverage sales by all groups or individuals, during the school day, throughout the school campus.

Under current statute, it is difficult for some school districts to procure food and dairy products under both Universal Meals and Competitive Foods. While some food and dairy products may be reimbursed under one Act, schools may not be reimbursed for certain food and dairy products may not be covered under the other Act. As a result, this creates additional costs for schools to provide meals to students that could have otherwise been reimbursed. This bill would provide LEAs the option to choose between state and federal meal service options and Competitive Foods to help schools maximize their reimbursement and provide two free meals (one breakfast and one lunch).

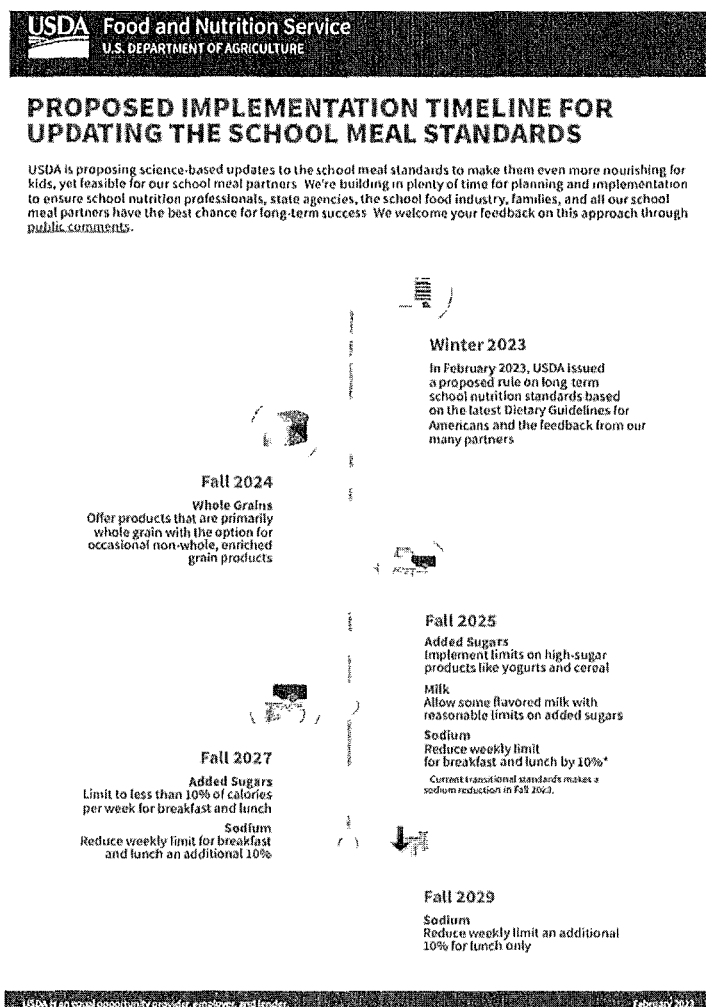
- 3) **Summer Electronic Benefit Transfer For Children.** The SEBTC program offers an opportunity to reduce summer hunger by providing additional resources to purchase food during the summer months for families whose children are certified to receive free or reduced-price school meals during the school year. SEBTC is a complement to the Summer Nutrition Programs (which support summer meal programs in low-income communities that are frequently combined with

educational, enrichment, and recreational activities) and can help reduce food insecurity for low-income families, particularly in rural or other areas with limited access to summer meals.

As part of its efforts to end child hunger, the USDA's Food and Nutrition Service division (FNS) created the SEBTC demonstration to study the use of SNAP and WIC electronic benefits transfer (EBT) technology in providing food assistance to low-income children during the summer by providing their families with more resources to use at food stores. The small-scale "proof-of-concept" demonstrations of the EBT-based approaches began in summer 2011 in two states for the WIC model (Michigan and Texas) and three states for the SNAP model (Connecticut, Missouri and Oregon) serving 2,500 children in summer 2011. This model has been proven to decrease food insecurity among children through the Summer EBT demonstration projects and has grown significantly to other states since its inception. On Dec. 23, 2022, Congress authorized SEBTC as a permanent, nationwide program. According to the USDA's FNS website, they are "quickly developing more guidance on SEBTC, and [...] look forward to working with our partners in states and local communities as we implement this program."

Currently, the FNS division is in the process of creating additional guidance given its recent expansion to all 50 states. Previously, this bill required CDE to establish guidance and regulation to maximize flexibility for local education authorities to distribute SBETC. Recent author amendments now require CDE to follow FNS's current and upcoming guidance on SEBTC.

- 4) ***New USDA Nutrition Requirements Underway.*** By law, USDA is required to develop school nutrition standards that reflect the goals of the most recent edition of the *Dietary Guidelines for Americans*, which found that most kids are consuming too much sugar, sodium, and saturated fat, and not enough fruits, vegetables, and whole grains. This is leading to a rise in diet-related diseases. Following the science and listening to extensive feedback from all school meal partners, FNS is proposing gradual updates to the school nutrition standards in a few key areas to give kids the right balance of nutrients for healthy, tasty meals.



In February 2022, USDA published a rule that served as a bridge to give schools the support they need as they work together to build back from the pandemic. The rule establishes transitional standards for school years 2022-2023 and 2023-2024 in three key areas – milk, whole grains, and sodium per the chart above. On February 7, 2023, the USDA began the public comment process to receive feedback on their proposal making various changes to school meal nutrition. The public comment process, according to the USDA's website, is expected to end August 10, 2023. In time to plan for the 2024-2025 school year, "USDA plans to issue a final rule establishing practical, implementable, science based school meal standards that work for schools, industry, and – most importantly – the more than 30 million school children that rely on the school meal programs every day."

This bill would require the CDE, in consultation with stakeholders, to develop guidelines and recommendations on the appropriate levels of sugar and sodium content either in addition or in conformity with USDA's upcoming regulations. It should be noted that the USDA is currently in the process of developing new regulations designed to target sugar, sodium, and whole grains content levels in school meals. Recent author amendments require CDE to produce guidelines and recommendations, regarding sodium content, in conformity with the USDA's proposed regulations.

However, the bill proposes sugar requirements that impose stricter guidance than what the USDA is proposing. The USDA, has proposed two options:

- a) *Product-based limits:* Beginning in school year (SY) 2025-2026, this rule proposes to implement quantitative limits for leading sources of added sugars in school meals, including grain-based desserts, breakfast cereals, yogurts, and flavored milks. For consistency, the rule proposes to apply the product-based added sugars limits for cereals and yogurts to the Child and Adult Care Food Program (CACFP); the proposed added sugars limit would replace the current total sugars limits for these products in CACFP. Under the proposed rule:
 - I. **Grain-based desserts**, which include cereal bars, doughnuts, sweet rolls, toaster pastries, coffee cakes, and fruit turnovers, would be limited to no more than 2 ounce equivalents per week in school breakfast, consistent with the current limit for school lunch.
 - II. **Breakfast cereals** would be limited to no more than 6 grams of added sugars per dry ounce.
 - III. **Yogurts** would be limited to no more than 12 grams of added sugars per 6 ounces.
 - IV. **Flavored milks** would be limited to no more than 10 grams of added sugars per 8 fluid ounces or, for flavored milk sold as a competitive food for middle and high schools, 15 grams of added sugars per 12 fluid ounces.
- b) *Weekly dietary limit:* Beginning in SY 2027-2028, this rule proposes to implement a dietary specification limiting school breakfasts and lunches to an average of less than 10 percent of calories per meal from added sugars. This weekly limit would be in addition to the product-based limits described above.

The proposed regulation regarding sugar content could change after the public comment period. Further, the impact of USDA's new regulations in securing school meals for students will be unknown before this bill is implemented. The committee way wish to consider if it is appropriate at this time to create additional sugar requirements while the USDA is currently in the process of developing new school meal nutrition regulations.

5) **Related Legislation.**

AB 130 (Committee on Budget), Chapter 44, Statutes of 2021, establishes a California Universal Meals Program with changes to the state meal mandate and new requirements for high poverty schools to apply for a federal provision.

SB 364 (Skinner) from the 2021-22 Session would have required (1) requires the Department of Social Services (DSS) to issue Electronic Benefit Transfer (EBT) benefits to certain low-income students for each summer break, contingent on an appropriation, and (2) makes various changes to free and-reduced price meal processes at local educational agencies (LEAs). This bill was held in Assembly Appropriations Committee.

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

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

SUPPORT

50 Acterra Action for A Healthy Planet
Agricultural Institute of Marin
Alameda County Community Food Bank
Allensworth Progressive Association
American Academy of Pediatrics, California
American Diabetes Association
American Heart Association
Anisha I. Patel, Md, Msph, Mshs
Buen Vecino
California Association of Food Banks
California Chapter American College of Cardiology
California Dental Association
California Food and Farming Network
California Immigrant Policy Center
California Medical Association
California Rural Legal Assistance Foundation, INC.
Californians for Pesticide Reform
Center for Food Safety; the
Ceres Community Project
Changelab Solutions
Chef Ann Foundation
Coastside Farmers' Markets
Common Sense Media
Community Action Partnership of Orange County
Community Action Partnership of San Bernardino County
Community Health Councils
Cultiva LA Salud
Dolores Huerta Foundation
Eat Real
Eat. Learn. Play. Foundation
Ecology Center
Faith Action for All
Farm2people
Food Bank of Contra Costa & Solano

Food Bank of Santa Barbara
Food for People, the Food Bank for Humboldt County
Food in Need of Distribution Food Bank
Food Research & Action Center
Food Share
Foodcorps
Friends Committee on Legislation of California
Gasol Foundation
Glide
Good Samaritan Family Resource Center
Grace Institute - End Child Poverty in Ca
Hunger Action Los Angeles INC
Innecity Struggle
Jakara Movement
Kaiser Permanente
Kitchen Table Advisors
LA Care Health Plan
Los Angeles Community Action Network
Los Angeles Food Policy Council
Los Angeles Regional Food Bank
Marin Food Policy Council
National Association of Social Workers, California Chapter
National Council of Jewish Women CA
Nextgen California
No Kid Hungry California
Office of Kat Taylor
Open Heart Kitchen
Para Los Ninos
Parent Voices California
Pesticide Action Network North America
Public Health Advocates
Public Health Institute's Center for Wellness and Nutrition
Redwood Empire Food Bank
Richards Grassfed Beef
Roots of Change
Sacramento Food Bank & Family Services
Sacramento Food Policy Council
San Diego Food Bank
San Diego Hunger Coalition
San Francisco-marin Food Bank
San Mateo County Board of Supervisors
San Mateo Food System Alliance
Santa Clara County School Boards Association
Second Harvest Food Bank of Orange County
Second Harvest Food Bank Santa Cruz County
Second Harvest of Silicon Valley
Second Harvest of The Greater Valley
Share Our Strength
Slo Food Bank
Spur

Ssg/api Forward Movement (APIFM)
State Superintendent of Public Instruction Tony Thurmond
Stemple Creek Ranch
Tcc Family Health
The Praxis Project
Tomkat Ranch
Union of Concerned Scientists
Vecinos Unidos Arvin
Vecinos Unidos Bakersfield
Vecinos Unidos California City
Vecinos Unidos Lamont
Vecinos Unidos Lindsay
Vecinos Unidos Parlier
Vecinos Unidos Sanger
Vecinos Unidos Woodlake
Women's Foundation of California, Dr. Beatriz Maria Solis Policy Institute (SPI)
6 individuals

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	SB 413	Hearing Date:	March 29, 2023
Author:	Bradford		
Version:	March 21, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Kordell Hampton		

Subject: School attendance: interdistrict attendance.

SUMMARY

This bill removes the July 1, 2023, sunset date to permanently allow a) a county board of education (CBE) in Class 1 counties to determine, within 60 calendar days after a parent files an interdistrict transfer appeal, whether the pupil should be permitted to attend the school district of proposed enrollment and b) the applicable period of attendance and 45 calendar day for a Class 2 CBE.

BACKGROUND

Existing Law:

Education Code (EDC)

- 1) Provides for a process to appeal a request for an interdistrict transfer. (EDC § 46601)
- 2) Until July 1, 2023, provides a timeline of 60 calendar days after the appeal is filed within a Class 1 CBE, and 45 calendar days until July 1, 2019 for a Class 2 CBE, or the county board of education to determine whether the pupil should be permitted to attend in the district in which the pupil desires to attend. (EDC § 46601)
- 3) Defines "Class 1 County" to mean a county with 1994-95 countywide average daily attendance (ADA) of more than 500,000; and defines "Class 2 county" to mean a county with 1994-95 countywide ADA of at least 180,000 but less than 500,000 ADA. (EDC § 48919.5)
- 4) Authorizes two or more school districts to enter into an agreement, for a term not to exceed five school years, for the interdistrict attendance of students to a school district other than the school district of residence. Existing law requires the agreement to stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. (EDC § 46600)
- 5) Requires that a student who has been determined by personnel of either the school district of residence or the receiving school district to have been the victim of an act of bullying committed by a student of the school district of residence to be given priority for interdistrict attendance under any existing interdistrict attendance

agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement. (EDC § 46600)

- 6) Prohibits a school district of residence, regardless of whether an agreement exists or a permit is issued pursuant to this section, from denying the transfer of a student who is a child of an active military duty parent if the receiving school district approves the application for transfer. (EDC § 46600)
- 7) Authorizes a unified school district, whose boundaries are coterminous with the boundaries of a county and is contiguous to an adjoining state, to provide for the education of all or any number of the high school students who reside in the district by the attendance of these students at the schools of an adjoining state by agreement. (EDC § 46609)

ANALYSIS

This bill removes the July 1, 2023, sunset date to permanently allow a) a CBE in Class 1 counties to determine, within 60 calendar days after a parent files an interdistrict transfer appeal, whether the pupil should be permitted to attend the school district of proposed enrollment and b) the applicable period of attendance and 45 calendar day for a Class 2 CBE.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 413 builds off a previous bi-partisan measure that extended the time for county boards of education to process interdistrict transfer appeals. This bill will provide parents/guardians more time to prepare for the complex and often stressful appeals process they face when seeking to transfer their children to a different school district, while providing county boards more flexibility in processing every case (which involves preliminary hearings, fact-finding sessions, and policy review).”
- 2) ***Extending Timeline to Consider Interdistrict Transfer Appeals.*** Typically a CBE has 30 calendar days after a interdistrict transfer appeal has been filed to determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance, with the exception of CBE with a Class 1 or 2 status.

Pursuant to EDC 48919.5, a “Class 1” county is a county with a 1994-95 countywide ADA of more than 500,000 while a “Class 2” county is a county with 1994-95 countywide ADA of at least 180,000 but less than 500,000 ADA. Currently, Los Angeles County office of Education (LACOE) is the only County Office of Education (COE) that has retained their Class 1 status. Meanwhile, Alameda, Contra Costa, Fresno, Kern, Orange, Riverside, Sacramento, San Bernardino, San Diego, and Santa Clara have a Class 2 status

The previous iteration of this bill, SB 344 (Bradford) Chapter 461, Statute of 2018, extended the sunset date: For Class 1 CBE’s the timeline to review interdistrict transfer appeals increased from 40 to 60 days until July 1, 2023, and increased from 40 to 45 days for Class 2 CBE until July 1, 2019.

This bill attempts to eliminate the sunset date and permanently allows Class 1 CBE's 60 days to review an interdistrict transfer appeal and 45 days for Class 2 CBEs.

- 3) **Number of appeal cases in Los Angeles County.** According to the sponsor, LACOE handles more transfer appeals than any other county in the state and continues to experience a heavy volume of interdistrict appeals. LACOE processed over 1,400 interdistrict appeals in the 2019-2020 school year, over 1,100 in each of the 2020-2021 and 2021-2022 school years, and nearly 1,000 in 2022-2023. Currently, LACOE has handled 993 interdistrict appeals in the 2022-23 school year and 8 so far for the 2023-24 school year.

Interdistrict Permit Appeals Received		Interdistrict Permit Appeals Disposition		
School Year	Received	School Year	Description	Total
2022-23	993	2022-23	Abandoned by Parent	14
2023-24	8	2022-23	Closed	8
		2022-23	Deemed Abandoned	81
		2022-23	Denied by Board	4
		2022-23	District Released	637
		2022-23	Granted by Board	58
		2022-23	No Jurisdiction	101
		2022-23	Parent Withdrawal	65
		2022-23	Open	15
		2022-23	Untimely Filed	10

School Year	2019-2020	2020-2021	2021-2022
Processed	1407	1100	1094
Heard by Board	36	22	112

Source: LACOE

- 4) **Should The Sunset Date Be Eliminated Rather Than Extended?** LACOE has traditionally had a high number of interdistrict appeal cases since 2007-08:

School Year	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Processed	198	199	481	554	696	1109	841	945	1356	1196
Heard by Board	36	22	112	276	197	83	94	75	49	50

Source: LACOE

In 2011, AB 1085 (Davis) Chapter 87, Statutes of 2011, extended the amount of time for Class 1 and 2 counties to complete interdistrict transfer appeal from 30 to 40 days until July 1, 2015. In 2014, AB 1851 (Bradford) Chapter 104, Statutes of 2014, extended the sunset date from July 1, 2015, to July 1, 2018. In 2018, the sunset date was extended: For Class 1 CBE's the timeline to review interdistrict

transfer appeals increased from 40 to 60 days until July 1, 2023, and increased from 40 to 45 days for Class 2 CBE until July 1, 2019. Since the 2011-12 school year, LACOE has remained over 600 appeals per year since the 2011-12 school year.

- 5) **Related Legislation.** SB 344 (Bradford) Chapter 461, Statutes of 2017, extended the sunset date on the extended timeline provided to county boards of education in Class 1 and Class 2 counties to determine whether a student who has filed an interdistrict appeal should be permitted to attend in the district in which the student desires to attend.

AB 1851 (Bradford) Chapter 104, Statutes of 2014, extended the sunset date, from July 1, 2015 to July 1, 2018, that authorizes CBEs, with countywide ADA greater than 180,000, to determine whether a pupil who has filed an interdistrict appeal should be permitted to attend in the district in which the pupil desires to attend, within 40 schooldays.

AB 1085 (Davis) Chapter 87, Statutes 2011, authorized CBEs, with countywide ADA greater than 180,000, to determine whether a pupil who has filed an interdistrict appeal should be permitted to attend in the district in which the pupil desires to attend, within 40-schooldays; and, specifies that it is the intent of the Legislature that school districts and CBEs make best efforts to process interdistrict attendance appeals in an expeditious fashion. This authorization will sunset as of July 1, 2015.

SUPPORT

Los Angeles County Office of Education (Sponsor)
Office of The Riverside 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 648	Hearing Date:	March 29, 2023
Author:	Dahle		
Version:	February 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Education finance: average daily attendance: Mountain Valley Special Education Joint Powers Authority.

SUMMARY

This bill specifies that an employee of the Mountain Valley Special Education Joint Powers Authority (JPA) who possessed a valid certification document shall be deemed "an employee of the district or county office" to satisfying the supervision requirements for computing average daily attendance (ADA).

BACKGROUND

Existing law:

- 1) Requires that, in computing ADA of a school district or county office of education, there shall be included the attendance of pupils while engaged in educational activities required of those pupils and under the immediate supervision and control of an employee of the district or county office who possessed a valid certification document, registered as required by law. (EC § 46300)
- 2) Provides that the minimum schoolday for a pupil concurrently enrolled in regular secondary school classes and classes operating pursuant to a JPA that became effective before January 1, 2008 is 180 minutes. (EC § 46144.5)
- 3) Specifies that for pupils described in comment #2 above, the ADA shall be included as school district ADA computed for purposes of the Local Control Funding Formula (LCFF). (EC § 46144.5)
- 4) Specifies that, for purposes of computing ADA for pupils described in comment #2 above, immediate supervision and control of pupils while attending classes pursuant to a JPA is deemed satisfied regardless of the school district employing the certificated employee providing the supervision and control, provided the school district is a party to the JPA. (EC § 46144.5)

ANALYSIS

This bill specifies that an employee of the Mountain Valley Special Education JPA who possessed a valid certification document shall be deemed "an employee of the district or county office" to satisfying the supervision requirements for computing ADA.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “One of the many unique challenges in rural communities is the number, or lack thereof, of students who require special education. That, in turn, necessitates creative solutions like forming a coalition that provides services to families with students who have disabilities. I applaud the members of the Mountain Valley JPA for their resourceful solution to this challenge, and hope this inspires other districts to use innovation approaches in educating those who need special consideration.”

- 2) ***Mountain Valley Special Education Joint Powers Authority History.*** Shasta County is a rural county covering 3,846 square miles. The county currently has 26 school districts, many of them small, and some located far from the center of the county. Due to concerns that not every district was complying with its special education requirements, the Shasta Special Education Local Plan Area (SELPA) arranged for a fiscal and programmatic review in 2018. Overall, the continuum of services in Shasta County were found to be lacking and a regionalized service model was recommended.

Given that most of the small districts in the county lacked the capacity to offer a full continuum of services on their own, 12 school districts and one charter school collaborated to create the Mountain Valley Special Education JPA. The JPA began offering services in August, 2020 amid the COVID pandemic, and currently serves about 43 students in 6 special day classes (2 preschools and 1 primary, middle, medically fragile, and behavioral class) located on various school district sites.

- 3) ***Member districts are unable to claim funding for their special education students.*** According to the author’s office, the Mountain Valley Special Education JPA member districts were able to collect ADA in recent years due to the state’s hold harmless provisions. Specifically, the 2020-21 Budget Act included a hold-harmless clause for calculating LCFF funding for the 2020-21 year by allowing 2020-21 funding to be based on 2019-20 ADA rather than 2020-21 ADA. Subsequent legislation amended the Budget Act to provide 2020-21 growth funding for LEAs that anticipated enrollment or ADA growth.

More recently, the 2022-23 Budget Act amended the LCFF calculation to consider the greater of a school district’s current year, prior year, or the average of three prior years’ ADA. As a result, the Mountain Valley Special Education JPA member districts have been unable to claim ADA because their students are under the supervision of JPA employees (rather than district employees). This bill would ensure that students served by the JPA would once again generate ADA for their districts of residence.

- 4) ***Should this instructional model be permitted statewide?*** The blended learning structure that this bill facilitates the funding for only applies to the member districts of the Mountain Valley Special Education JPA. Given the unique challenges of small school districts and the costs of serving students with

moderate to severe disabilities, it is common for economies of scale to be achieved through this sort of consortia model. Should the provisions of this bill apply to more school districts that have entered into JPAs to accommodate students with disabilities? Should the bill allow for other types of JPA agreements, such as those providing career technical education?

SUPPORT

Columbia School District
French Gulch-Whiskytown School District

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 808	Hearing Date:	March 29, 2023
Author:	Dodd		
Version:	February 17, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: California State University: terms of employment: settlements and retreat rights.

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

SUMMARY

This bill requires the rules adopted by the California State University (CSU) Board of Trustees relating to tenure, layoff, dismissal, demotion, suspension, and reinstatement of academic and administrative employees to a) require specific personnel to approve sexual harassment settlements; b) require a report on the number of sexual harassment complaints and disposition of those cases; and, c) prohibit retreat rights for specified personnel who violate CSU or campus Title IX policies.

BACKGROUND

Existing law:

Title IX

- 1) Provides that, in part, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program of activity receiving Federal financial assistance." Enforcement of compliance is initiated upon the filing of a complaint alleging a violation of Title IX. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)
- 2) Requires each school district and county office of education, or a local public or private agency that receives funding from the state or federal government, to designate a person to serve as the Title IX compliance coordinator to enforce compliance at the local level, including coordinating any complaints of non-compliance. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)
- 3) Requires each educational institution in California (K-12 and postsecondary education) to have a written policy on sexual harassment, and requires schools to display the policy in a prominent location in the main administrative building or other area of the campus or schoolsite, be provided as part of any orientation program for new students, provided to each faculty member, administrative staff and support

staff, and appear in any publication of the school that sets forth the rules, regulations, procedures and standards of conduct. (Education Code (EC) § 231.5 and § 66281.5)

CSU appointees and employees

- 4) Requires the Trustees of the CSU to provide for, by rule, for the government of their appointees and employees, including but not limited to: appointment; classification; terms; duties; pay and overtime pay; uniform and equipment allowances; travel expenses and allowances; rates for housing and lodging; moving expenses; leave of absence; tenure; vacation; holidays; layoff; dismissal; demotion; suspension; sick leave; reinstatement; and employer's contribution to employees', annuitants', and survivors' health benefits plans. (EC § 89500)

Existing reporting related to campus crime statistics

- 5) The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires all higher education institutions that participate in federal student aid programs to prepare, publish, and distribute annual security reports disclosing specified campus crime statistics and campus security policies. Reportable crimes include homicides, sex offenses, robberies, aggravated assaults, domestic violence, dating violence, sexual assault, and stalking. (Unites States Code, Title 20, § 1092)
- 6) Requires the State Auditor to conduct an audit of a sample of at least six institutions of postsecondary education in California that receive federal student aid to do both of the following:
 - a) Evaluate the accuracy of the institutions' statistics and the procedures used by the institutions to identify, gather, and track data for publishing, disseminating, and reporting accurate crime statistics in compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics; and,
 - b) Evaluate the institutions' compliance with state law governing crime reporting and the development and implementation of related policies and procedures. (EC § 67382)

ANALYSIS

This bill:

- 1) Requires the rules adopted by the CSU Board of Trustees relating to tenure, layoff, dismissal, demotion, suspension, and reinstatement of academic and administrative employees to do all of the following:

Sexual harassment settlements

- a) Require each campus president and, either a vice president or vice chancellor, to approve all sexual harassment settlements.

Report about sexual harassment complaints

- b) Require a report, disaggregated by campus, to the Legislature and the CSU Chancellor's office, and be posted on the CSU's website, on all of the following:
 - i) The number of sexual harassment complaints filed;
 - ii) The length of time taken to complete the investigative process; and,
 - iii) The disposition of those cases.

Retreat rights

- c) Prohibit:
 - i) Retreat rights for any campus president, provost, or other senior administrator who has violated any CSU or campus Title IX policy; and,
 - ii) A contract for retreat rights for any employee identified above who has been determined to have violated any CSU or campus Title IX policy from being entered into on or after January 1, 2024, or upon the expiration of a conflicting memorandum of understanding that was in effect before January 1, 2024, whichever is later.
- 2) States findings and declarations relative to CSU's handling of sexual harassment and sexual violence complaints.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "It is clear that despite existing Title IX protections and requirements already in law, there are deficiencies in how our CSU campuses carry out these duties that require immediate attention. In light of egregious and systemic sexual harassment and abuse allegations and settlements across the CSU system, SB 808 would increase transparency and accountability requirements by providing additional oversight and approval of sexual harassment settlements, limiting 'retreat rights' for senior administrators who have violated Title IX policies, and requiring detailed public reporting of sexual harassment complaints lodged at each campus. The pervasive and mishandling of harassment and abuse by senior administrators has eroded public trust and caused students to suffer, depriving them of equal and free access to an education. In order to rebuild trust and confidence in the safety of our campus communities, additional transparency, oversight, and accountability of our campuses is sorely needed."
- 2) ***Context.*** Colleges and universities that receive public funds, or whose students receive federal or state financial aid, must adhere to the requirements of Title IX and follow specific procedures to protect students and employees. Audits conducted by the State Auditor, internal investigations, and news reports have shown long-

standing weaknesses in how the CSU, and individual campuses, prevent sexual harassment and handle Title IX complaints. Most notably:

- a) The most recent Chancellor of CSU, Joseph Castro, was found to have mishandled issues related to a pattern of sexual harassment complaints while serving as President of Fresno State, against a professor who Dr. Castro knew personally. Ultimately, Fresno State reached a settlement agreement with the professor to pay him \$260,000 plus full retirement benefits, with a promise of a letter of recommendation for employment at a university other than CSU. Three weeks after the settlement agreement was finalized, Mr. Castro became Chancellor of the CSU system and its 23 campuses. Mr. Castro subsequently resigned in February 2022, and received a \$400,000 settlement and has retreat rights to be a tenured professor at Cal Poly San Luis Obispo. <https://edsource.org/2022/csu-chancellor-joseph-castro-resigns-in-fallout-over-his-handling-of-sexual-misconduct-claims/667865cal>
- b) In November 2021, students at the California Maritime Academy confronted campus President Thomas Cropper about Long-standing claims of sexual harassment and misconduct, homophobia, transphobia and racism on campus and during training cruises. Independent investigative reports revealed that cadets were reluctant to make formal complaints about misconduct out of fear of retaliation, and females expressed an understanding that it is not a matter of "if" they will experience sexual harassment or assault, but "when" and "how often." A report detailed misconduct on two training cruises on the Golden Bear in summer 2021, including sexual harassment, and cited a "more systemic problem that should be carefully assessed." President Cropper has announced that he plans to retire in August 2023. <https://www.latimes.com/california/story/2022-12-13/csu-maritime-academy-women-trans-nonbinary-harassment>
- c) In 2020, a Chico State professor was found to have had a prohibited relationship with a graduate student whom he supervised, yet was allowed to enter a settlement agreement. The professor was subsequently awarded tenure and in 2021, allegedly made threats against two colleagues who cooperated in the investigation in 2020. <https://edsource.org/2022/chico-state-professor-disciplined-for-student-affair-allegedly-threatened-colleagues-who-complained/682154>
- d) A different professor at Chico State resigned before he could be disciplined while facing charges of sexual harassment of a student and having a prohibited relationship with a student. The professor was then hired to teach at Cal State East Bay in Hayward. <https://edsource.org/2022/new-batch-of-csu-records-show-professors-disciplined-for-sexual-harassment/676217>
- e) In 2016 at now Cal Poly Humboldt, a dean was given a tenured professorship under what's known as "retreat rights," even though he was fired from his administrative role after campus investigations found he had groped two female colleagues. His reinstatement after a three-month leave placed him back among the same faculty as the women he was found to have harassed. <https://www.northcoastjournal.com/NewsBlog/archives/2022/04/18/usa-today-highlights-case-of-hsu-dean-fired-for-harassing-colleagues-but-allowed-to->

retreat-into-tenured-post

- f) Investigations and disciplinary actions are conducted differently across the CSU system. A news report found that four high-ranking employees at different CSU campuses were each accused of inappropriately touching women, yet each case was handled differently. Two of the accused men were allowed to continue working while under investigation, but a third was placed on leave. Two campuses hired outside firms to investigate, another had a different campus conduct the investigation, and no formal investigation was conducted in the fourth example. In the two cases in which misconduct was found to have been “severe, persistent or pervasive,” one university, which previously provided its administrator with executive coaching before any investigation, allowed him to retire with a lucrative payout and letter of recommendation; the other allowed its administrator to resign with a negotiated payout and paid time off before his leaving. <https://www.latimes.com/california/story/2022-05-13/four-men-at-csu-campuses-were-accused-of-sexual-harassment-all-were-treated-differently>
- 3) **Pending State Audit.** The State Auditor is currently preparing an audit related to the CSU system’s handling of sexual harassment complaints involving executives, faculty, and staff at the Chancellor’s Office and three campuses (Fresno, San Jose, and Sonoma). The scope of the audit will include a determination of whether CSU has adequate systemwide policies and procedures, a review of CSU’s process for investigating alleged sexual harassment, review of systemwide policies on return rights, assessment of policies related to letters of recommendation, and identification of the total number of sexual harassment complaints against employees of the CSU system during the past five years. This audit is expected to be released in June 2023. <https://www.auditor.ca.gov/reports/scope/2022-109>
- 4) **Assessment of CSU’s practices.** The CSU hired a private firm (Cozen O’Connor) in March 2022 to conduct a systemwide assessment of its Title IX and Discrimination, Harassment and Retaliation programs. This assessment is to include a comprehensive analysis of CSU’s systems of compliance and systems of care, and provide information on program strengths and opportunities. This assessment is designed to strengthen the CSU institutional culture by assessing current practices at the Chancellor’s Office (system-level) and at each CSU campus and providing insights, recommendations, and resources to advance training, awareness, prevention, intervention, compliance, and support systems.

Cozen O’Connor will work with each campus to provide iterative, collaborative and ongoing feedback during and after the campus assessment. Cozen O’Connor will meet with each campus president to describe the assessment, share observations and provide recommendations. As with all information gathered by Cozen O’Connor, all feedback will be shared without attribution and in the aggregate. Presidents will be encouraged and expected to update their university community about what they have learned during the assessment and anticipated action steps.

Cozen O’Connor has conducted x# of campus visits and is expected to present a written report of their assessment to the CSU Board of Trustees in May 2023, with recommended next steps. CSU Systemwide Title IX & DHR Assessment by Cozen

O'Connor | CSU (calstate.edu)

- 5) **Option to retreat.** The CSU Board of Trustees approved new policies in July 2022, to bolster and clarify employment practices. The CSU now has a systemwide policy governing administrator employees' option to retreat. The policy applies to all administrator appointments made at a CSU campus or the Chancellor's Office which include the option to retreat to a faculty position. The policy is intended to be prospective and does not impact retreats granted prior to its effective dates except on a case-by-case basis in the event of a serious policy violation.

The opportunity to "retreat" to a faculty position is frequently offered to faculty who are required to relinquish tenure in order to become a university administrator. The opportunity to retreat gives the new administrator the option to return to a faculty position when their administrative role at the university comes to an end. New or continuing administrators often negotiate the opportunity to retreat as a term of their employment as an administrator because university administrators, unlike tenured faculty, are at-will employees who have no assurance of permanent employment.

The new policy includes the following guidance:

- a) An administrator will be ineligible to exercise the option if there is a finding of misconduct or the administrator is under investigation for misconduct.
- b) Memorialization of terms of the retreat will be placed in the administrative appointment letter.
- c) There must be consultation with the tenured faculty in the respective department to which the individual would potentially return.

This bill essentially codifies CSU's policy on the option to retreat. *The author may wish to consider using the term "opportunity to retreat" rather than "retreat rights" to conform to terminology currently used by CSU.* [Viewing Employment Policy Governing Administrator Employees' Option to Retreat \(policystat.com\)](http://policystat.com)

- 6) **Settlements.** This bill requires each campus president and, either a vice president or vice chancellor, to approve all sexual harassment settlements. *Should a campus president and vice presidents or vice chancellors have the option to deny sexual harassment settlements? For sexual harassment settlements at the CSU system level be approved or denied by the CSU Chancellor? What happens when the settlement involves a campus president or Chancellor of the CSU system? The author may wish to consider defining sexual harassment, as the Education Code provides a broader definition than is in Title IX.*
- 7) **Reporting.** This bill requires the CSU to report on specified information, including the number of sexual harassment complaints filed, disaggregated by campus. *Will unresolved complaints be included in this report? Is the report to include only complaints that involve administrators or faculty? How often is the report to be provided to the Legislature? Should the report also be provided to the CSU Board of Trustees?*

8) **Technical amendments.** Staff recommends clarifying amendments as follows:

"Require a report to the Legislature and the chancellor's office, consistent with the requirements of Section 9795 of the Government Code, on the number of sexual harassment complaints filed, the length of time taken to complete the investigative process, and the disposition of those cases, disaggregated by campus and system level~~the chancellor's office~~. The report shall also be posted on the California State University's internet website."

9) **Related legislation.**

AB 942 (M. Fong, 2023) states legislative intent to amend state law to align with the impending updates to federal regulations relative to Title IX. AB 942 is pending in the Assembly Higher Education Committee.

SUPPORT

California Faculty Association (co-sponsor)
California State University Employee Union (co-sponsor)
Cal State Student Association
Service Employees International Union, California
Solano County Board of Supervisors

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 811	Hearing Date:	March 29, 2023
Author:	Jones		
Version:	February 17, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Teacher credentialing: Interstate Teacher Mobility Compact

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

SUMMARY

This bill would enter California into the Interstate Teacher Mobility Compact (ITMC), requiring member states to grant licenses to teachers with licenses from other member states without having to meet additional requirements, except for a criminal background check.

BACKGROUND

Existing law:

- 1) Requires the Commission on Teacher Credentialing (CTC) to issue a five-year preliminary teaching credential to an out-of-state prepared teacher who meets all of the following requirements:
 - a) Possesses a baccalaureate degree from a regionally accredited institution of higher education.
 - b) Has completed a teacher preparation program at a regionally accredited institution of higher education, or a state-approved teacher preparation program offered by a local educational agency.
 - c) Meets the subject matter knowledge requirements for the credential. If the subject area listed on the out-of-state credential does not correspond to a California subject area, the CTC may require the applicant to meet California subject matter requirements before issuing a clear credential.
 - d) Has earned a valid corresponding elementary, secondary, or special education teaching credential based upon the out-of-state teacher preparation program.
 - e) Has successfully completed a criminal background check for credentialing purposes. (EC § 44274.2)

- 2) Requires the holder of a preliminary credential who is prepared out-of-state to meet the state basic skills proficiency requirement within one year of the date the credential is issued or the credential becomes invalid. (EC § 44274.2)
- 3) Requires the CTC to issue a clear multiple subject, single subject, or education specialist teaching credential to an applicant who satisfies the requirements above, provides verification of two or more years of teaching experience, including, but not limited to, two satisfactory performance evaluations, and documents, in a manner prescribed by the CTC, that they have met the state requirements for teaching English learners. (EC § 44274.2)
- 4) Requires, for applicants who do not meet the experience requirement, the CTC to issue a clear multiple subject, single subject, or education specialist teaching credential upon verification of the following requirements:
 - a) The CTC has issued to the applicant a preliminary five-year teaching credential.
 - b) The applicant has completed a beginning teacher induction program.
 - c) The applicant has met the requirements for teaching English learners.
 - d) Before issuing an education specialist credential, the CTC shall verify completion of a program for the Professional Level II credential accredited by the CTC. (EC § 44274.2)

ANALYSIS

This bill would:

- 1) Enter California into the ITMC, requiring member states to grant licenses to teachers with licenses from other member states without having to meet additional requirements, except for a criminal background check.
- 2) Allows member states to require relocating teachers to meet additional requirements upon renewal of their license.
- 3) Establishes provisions for active-duty members of the military and for military spouses who have teaching licenses.
- 4) Requires member states to provide information regarding investigation and discipline of teachers to other member states, upon request.
- 5) Establishes the ITMC Commission, including membership, duties, and rulemaking authority.
- 6) Establishes oversight, dispute resolution, and enforcement responsibilities of state governments in member states.

- 7) Allows states to withdraw from the ITMC by enacting a statute repealing their participation. However, any withdrawal shall not take effect until six months after enactment of the repealing statute, and withdrawal would not relieve a member state of its continuing requirement to comply with the investigative and adverse action reporting requirements of the ITMC prior to the effective date of the withdrawal.
- 8) Takes effect when enacted into law in the tenth member state.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The state of California is currently experiencing an unparalleled shortage of qualified educators, which has been further exacerbated by the ongoing Covid-19 pandemic. Presently, all out-of-state teachers seeking employment in California are required to obtain a new license, causing significant delays in the credentialing process and preventing many highly qualified individuals with equivalent out-of-state credentials from joining the state's workforce. Furthermore, some talented teachers are deterred from relocating to California due to the financial strain caused by prolonged waiting periods for licensure, which disproportionately affects military families who frequently relocate on short notice. This issue has a detrimental impact on California's ability to attract and retain exceptional educators, ultimately harming the quality of education received by our students. Fortunately, the implementation of the ITMC is poised to expedite the credentialing process, allowing us to welcome highly qualified teachers into our classrooms more quickly than ever before."
- 2) ***Credentialing process for out-of-state prepared teachers.*** California has a two-tier credential structure. A preliminary credential is the first document issued after an individual meets basic credential requirements. The preliminary credential is issued for a maximum of five years. A clear credential is issued when all credential requirements have been completed. If the requirements for the clear credential are not completed before the expiration of the preliminary, the holder is deemed ineligible to teach in California's public schools.

Further, current law requires that every teacher who provides instructional services to an English-learner be authorized to provide specialized instruction for those learners. This instruction would either (1) help the learners understand instruction that is taught only in English, (2) help the learners develop their ability to listen, speak, read, and write in English, (3) be provided in the learners' primary language as English is acquired, or (4) be taught in a language other than English for those learners in a dual immersion program.

For out-of-state prepared teachers, current law requires the applicant to attain a master's degree or demonstrate 150 hours of professional development to earn a Clear teaching credential, in addition to demonstrating subject matter knowledge and complete the Crosscultural, Language, and Academic Development certificate.

- 3) ***Interstate Teacher Mobility Compact Overview.*** Interstate compacts are legally binding agreements among states. Occupational licensure compacts ensure that states honor the licenses granted in other compact-member states. The Council of State Governments (CSG) partnered with the United States Department of Defense (DoD) and the National Association of State Directors of Teacher Education and Certification (NASDTEC) to create the ITMC. According to CSG, interstate occupational licensure compacts already exist for medical licensure, nurse licensure, emergency medical service officials, physical therapists, psychologists, audiologists and speech-language pathologists, occupational therapists, and counselors.

The ITMC will allow any teacher with a valid, unencumbered license to move from one state to another and teach if they hold a bachelor's degree, have completed the requirements of a state-approved education preparation program, and undergo a criminal background check in the receiving state. Any additional state-imposed licensure requirements in the receiving state would then be completed by that teacher at their next licensure renewal.

- 4) ***How does California's current pathway for initial licensure of out-of-state prepared teachers compare to the compact?*** California's current pathway for initial licensure of teachers prepared in other states mirrors the ITMC very closely. The table below compares the current California requirements for out-of-state prepared teachers to those identified in the compact. Areas in **bold** are where California has stronger requirements for initial licensure.

Initial Licensure in California		
Requirement	Current Pathway	Compact Pathway
Out-of-State Credential	<ul style="list-style-type: none"> • Professional level teaching credential comparable to a California five-year preliminary teaching credential. • Based on a teacher preparation program from a regionally-accredited college or a state-approved teacher preparation program offered by an LEA. 	<ul style="list-style-type: none"> • Unencumbered license (a current authorization, allowing an individual to serve as a teacher, and not a restricted, probationary, provisional, substitute, or temporary credential). • Based on state approved program of teacher licensure.
College Degree	<ul style="list-style-type: none"> • Required; verified by submission of official transcripts to CTC. • Must be a degree earned from a regionally-accredited college or university. 	<ul style="list-style-type: none"> • Eligible license under compact must have required a Bachelor's degree. • No verification required to be submitted to CTC.
Basic Skills Assessment	<ul style="list-style-type: none"> • Not required for initial licensure; must be met after one year of issuance of initial license. 	<ul style="list-style-type: none"> • No Basic Skills Requirement for initial Issuance; may be required for renewal of license.

The ITMC appears to allow member states to "require the teacher to complete state specific requirements as a condition of licensure renewal or advancement

in that state.” However, California can already hold an out-of-state prepared teacher to Subject Matter Competence, English Learner Authorization, or Induction Program requirements. In fact, these requirements are often identified by out-of-state prepared teachers as the barriers for licensure in California.

As such, it is unclear what impact the ITMC would have on the requirements that teachers from other states feel are burdensome. Further, because the ITMC governing body and rules have not yet been established, joining the ITMC now could result in unidentified issues that are yet unknown. Would a better approach be to amend California law to reduce bureaucratic barriers for teachers with out-of-state licenses? For example, the state could require these teachers to provide a letter verifying two years of full time teaching experience rather than two years’ worth of evaluations.

- 5) ***Recent federal legislation requires licensure transfer among states.*** In January, 2023, the Military Spouse Licensing Relief Act, sponsored by Rep. Mike Garcia (R-CA) with bipartisan support, was signed into law by President Joe Biden. The act is a provision within the Veterans Auto and Education Improvement Act. At its core, the act states that any military spouse or service member with a professional license and an ordered Permanent Change of Station can transfer their license to their gaining state. The most common licenses affected by this change would be health care professionals, teachers, real estate agents, social workers, massage therapists, and cosmetologists.

For states that already participate in an existing licensure compact, such as the ITMC proposed by this bill, the compact appears to supersede the new federal law. Would a more thoughtful approach be to reconsider joining the ITMC once its governing body and rules have been established and the impacts of this recent change at the federal level have been evaluated?

- 6) ***Arguments in support.*** The US DoD writes, “California has made incremental improvements in the recent past to assist teachers who are members of the military community to quickly obtain state certification upon arrival, to include providing initial application fee waivers and expediting the adjudication of “completed” application processing for military spouses. However, we have heard that the required submission of substantiating documents and employment verifications, evaluations and recommendations prior to application processing continues to delay licensure and employment for military spouses. To validate the lived experiences that we have heard from military spouses, a 2021 study conducted by Pennsylvania State University found that that military spouse teachers coming into California cannot begin working within the Department’s baseline of thirty days of arriving due to the amount of substantiating and verifying paperwork required to be submitted prior to application processing.

Given that California hosts the highest number of military spouses in the nation and teaching has been found to be one of the most prevalent of all professions for military spouses, this policy has the potential to have a substantial, positive impact on this population. It is important to note, however, that licensure compacts such as the ITMC benefit not only military spouses, but also apply to

all eligible professionals coming into the state, to include active-duty Service members, members of the reserve components, veterans, and civilians.”

- 7) ***Arguments in opposition.*** The California Teachers Association (CTA) writes, “CTA asserts that there is no need for this proposal. California offers individuals who have completed a teacher preparation program and have been issued a teaching certification in another state the opportunity to apply for a California teaching certification through reciprocity agreements. California also expedites applications and the notification timeline for military spouses. The exact process for certification will differ depending on the amount of professional experience candidates have gained and the type of certification requested. Forty-five (45) states currently have reciprocity agreements with California. Even if all those states become compact members, California’s existing agreements would not change.”

SUPPORT

Military Services in California
San Diego Military Advisory Council
United States Department of Defense

OPPOSITION

California Teachers Association

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 333	Hearing Date:	March 29, 2023
Author:	Cortese		
Version:	March 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Homeless pupils: California Success, Opportunity, and Academic Resilience (SOAR) Guaranteed Income Program.

NOTE: The 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 establishes the California Success, Opportunity, and Academic Resilience Guaranteed (SOAR) Income Program, to be administered by the California Department of Social Services (CDSS) for purposes of providing monthly payments to homeless students in grade 12 from April 2025 to August 2025. The bill also requires that the CDSS work with the California Department of Education (CDE) to distribute awards to eligible participants and it further requires local educational agency (LEA) liaisons to assist in identifying eligible homeless youth for this purpose.

BACKGROUND

Existing federal law:

- 1) Defines, in the federal McKinney-Vento Act Homeless Assistance Act (McKinney-Vento), “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence, including children who are sharing the housing of other people, living in motels, hotels, trailer parks, or camp grounds, emergency or transitional shelters, abandoned in hospitals or awaiting foster care placement, or who are living in a place not generally used for sleeping, cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, and migratory children living in the circumstances above. (Title 42 United States Code § 11434a(2))
- 2) Requires every LEA to designate a local liaison for homeless children and youth, who, among other duties, is responsible for ensuring that homeless children and youth are identified by school personnel through outreach and coordination activities with other entities and agencies, and ensuring that homeless families and homeless children and youth have access to and receive educational services for which such families, children, and youth are eligible. (42 USC § 11432(g))
- 3) Requires states that receive federal funds to serve homeless children and youth to establish or designate in the State educational agency an Office of the Coordinator

for Education of Homeless Children and Youths. (42 USC § 11432(d))

- 4) Requires the Coordinator for Education of Homeless Children and Youth to:
 - a) Gather and make publicly available reliable, valid, and comprehensive information, as specified.
 - b) Develop and carry out the state plan.
 - c) Collect data for and transmit to the federal Secretary of Education a report containing information necessary to assess the educational needs of homeless children and youth within the state.
 - d) Coordinate activities and collaborate, as specified, to improve the provision of comprehensive education and related services to homeless children and youth.
 - e) Provide technical assistance to and conduct monitoring of LEAs in coordination with LEA liaisons.
 - f) Provide professional development opportunities for LEA personnel and the LEA liaison to assist in identifying and meeting the needs of homeless children and youth.
 - g) Respond to inquiries from parents and guardians of homeless children and youth. (42 USC § 11432(f))
- 5) Requires the Coordinator for Education of Homeless Children and Youths to gather and make publicly available reliable, valid, and comprehensive information on the number of homeless children and youth identified in the State, and requires this information to be posted annually on the State educational agency's website. (42 USC § 11432(f))

Existing state law:

- 1) Requires CDE and CDSS to identify representatives from CDE, CDSS, and other state agencies that have experience in homeless youth issues to develop policies and practices to support homeless children and youths and to ensure that child abuse and neglect reporting requirements do not create barriers to the school enrollment and attendance of homeless children or youths, including but not limited to, ensuring that a student who is a homeless child or youth is not reported to law enforcement by school personnel if the sole reason for the report is the student's homelessness. (Education Code § 48850)
- 2) Requires a LEA to ensure that each school within the LEA identifies all homeless children and youths and unaccompanied youths enrolled at the school pursuant to federal law. (EC § 48851 (a))

ANALYSIS

This bill:

- 1) Establishes, subject to an appropriation by the Legislature, the California SOAR Guaranteed Income Program, administered by the CDSS for the purposes of providing \$1,000 each month, from April 1, 2025, to August 1, 2025, as prescribed for homeless students in grade 12. The bill authorizes an extension of the program by CDSS.
- 2) Requires the CDSS to work with the CDE to distribute awards to eligible participants.
- 3) Requires a LEA liaison for homeless children and youths and unaccompanied youths to identify eligible high school students for purposes of assisting the CDSS with distributing awards entitled under the program.
- 4) Establishes the California SOAR Guaranteed Income Fund as the initial depository of all moneys appropriated, donated, or otherwise received for the program. The CDSS is required, upon appropriation by the Legislature, to administer the fund and distribute moneys in the fund to eligible participants in accordance with the bill.
- 5) Authorizes the CDSS to accept in-kind contributions, including, but not limited to, financial mentorship services for participants.
- 6) Requires that the CDSS submit an evaluation report to the Legislature upon the conclusion of the SOAR program and work with at least one independent, research-based institution to identify existing, and establish new, SOAR program outcome measurements to inform an evaluation report, as specified. Authorizes the CDSS to accept and expend funds from nongovernment sources for purposes of creating the evaluation report, and/or a longitudinal study of the program.
- 7) Temporarily exempts the award amount from being considered as:
 - a) Gross income for the taxable year beginning on January 1, 2025.
 - b) Earned income, for the taxable year beginning on January 1, 2025 for purposes of eligibility for the California Earned Income Tax Credit or the young child tax credit.
 - c) Income or resources for purposes of determining the individual's, or any member of their household's, eligibility for benefits or assistance, or the amount or extent of benefits or assistance, under any state or local means-tested program or certain public social services program. It is only applicable to the extent that provisions do not conflict with federal law, any necessary federal waivers or exemptions are obtained and that federal financial participation is available.
- 8) Requires the CDSS to identify, in consultation with

stakeholders and the Legislature, state programs including California Work Opportunity and Responsibility to Kids program (CalWORKS), the Cal Fresh program, and the Medi-Cal program, that implement federal means-tested programs and that would require an exemption or waiver. The CDSS or agency is required to seek a waiver or exemption if necessary.

- 9) Makes the CDSS responsible for promulgating rules and regulations governing the administration of the program and fund.
- 10) Defines various terms for purposes of the bill, including:
 - i) Eligible participant to mean a public school student who is in grade 12 and is a homeless child or youth as defined by the federal McKinney-Vento Homeless Assistance Act.
 - ii) Guaranteed income to mean unconditional monetary payments issued monthly with intention of ensuring the economic security of recipients.
 - iii) Liaison to mean a LEA liaison for homeless children and youths and unaccompanied youths designated pursuant to federal law.
- 11) Sunsets the bill's provisions on July 1, 2027.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "California is a state affected by staggering inequities – we possess the most wealth, yet suffer from the highest rate of poverty. And it is our youth who are stuck in a cycle of generational poverty without the means or opportunities to advance themselves.

"K-12 students experiencing homelessness receive support through the federal McKinney-Vento Homeless Assistance Act while they are in school. However, once the student graduates, they lose this support system and often times struggle to successfully transition into adulthood. In recognition of the hardship that our most vulnerable students encounter when making this critical transition, SB 333 establishes the California SOAR Guaranteed Income Program, which will equip youth experiencing homelessness with the resources needed to access higher education, employment, and financial stability.

"Guaranteed income is proving to be an effective policy solution to support marginalized communities struggling to attain financial security. SB 333 follows the guaranteed income model to empower participants to use the funds as they see best fit for their individual needs- whether that be to pursue higher education or enter the workforce."

- 2) **The SOAR guaranteed income program.** The SOAR program is based on the guaranteed income model. These programs typically provide individuals with direct cash assistance to meet their basic needs, with no constraints on how the

money is spent and no to minimal requirements for participants. Similarly, there are no restrictions on how SOAR payments can be used in this bill, and there are few qualifying requirements. Eligible high school seniors would receive a minimum of five payments in the amount of \$1,000 each payment in the months leading up to and following graduation. Transparency measures include an evaluation that is reported to the Legislature at the end of the SOAR program, and an independent research-based institution is tasked with identifying SOAR program outcome measurements that will be used to inform the report.

- 3) **Who is eligible?** This bill establishes the minimum eligibility requirements for SOAR Guaranteed Income payments. SOAR eligibility is extended to high school seniors who are experiencing homelessness during their senior year. The program does not require college attendance. The bill aims to address the greater instability that homeless youth face as they transition from high school to adulthood.
- 4) **High school seniors experiencing homelessness in the state.** According to CDE, there were over 183,000 (15,004 in grade 12) California public school students in the 2020-21 school year who at one point during that school year met the federal definition of homelessness, representing about 3.8 percent of the total student population. This is a 9.2 percent decrease in cumulative enrollment from the 2019-20 school year, when there were 194,709 students identified.
- 5) **LEA liaison for homeless children and youth.** The federal McKinney-Vento Act requires states to designate an Office of the Coordinator for Education of Homeless Children and Youth to administer and oversee states' homeless education programs. The state coordinator in California is CDE. The state coordinator is responsible for a variety of activities to administer and oversee the homeless education program, including collecting and publicizing the data on youth experiencing homelessness identified by LEAs, providing technical assistance and training opportunities to LEAs on identifying and providing services to these youth, and monitoring LEAs' compliance with federal laws.

Under federal law, local liaisons are primarily responsible for ensuring that their schools' personnel identify youth experiencing homelessness, receive training, conduct outreach to stakeholders, and coordinate with other agencies. Local liaisons help ensure that these youth receive equal access to the same free, appropriate public education as other youth. To assure that LEAs identify all these youth, federal law requires local liaisons to coordinate with school staff to provide them with resources and training about homeless education. This bill requires a LEA liaison for homeless children and youth, to assist CDSS in identifying eligible high school students for SOAR programs awards. Collaboration between CDSS and CDE is also required for this purpose.

- 6) **Similar program.** The Budget Act of 2021 provided \$35 million in funding for the California Guaranteed Income Pilot Program, which is administered by CDSS. Under this program, cities and counties may apply for funds from the CDSS to support local pilot programs that prioritize foster youth who have exited the foster care system. This bill creates a similar but separate program within the CDSS,

with a common goal of providing direct assistance to youth in financial need with minimal eligibility requirements.

7) Prior and related legislation.

SB 1341 (Cortese, 2022) similar to this bill, would have established SOAR Guaranteed Income Program to provide monthly payments for a period of four months to homeless students in grade 12. Unlike SB 1341, this bill further requires LEA liaisons to assist the CDSS identify eligible participants. SB 1341 failed passage in Assembly Higher Education Committee.

SB 739 (Cortese, 2021) creates a universal basic income pilot project for foster youth who exited foster care at 21 years of age to be administered by the CDSS. Similar provisions found in SB 739 were adopted in the budget. SB 739 was subsequently amended and its contents replaced with those related to housing.

AB 65 (Low, 2021) would have created a universal basic income program administered by the Franchise Tax Board. AB 65 was held in the Assembly Appropriations Committee.

AB 153 (Committee on Budget, Chapter 86, Statutes of 2021) the public social services trailer budget bill, established a guaranteed income pilot program and required the CDSS to administer the program to provide grants to an eligible city or county to provide income payments to participants. AB 153 required CDSS to prioritize funding for pilots that serve residents exiting the extended foster care program and pregnant individuals. As mentioned, the Budget Act of 2021 provided funds for this purpose.

SUPPORT

Young Invincibles (Co-sponsor)
Economic Security Project Action (Co-Sponsor)
California Coalition for Youth
Community Action Partnership of Orange County
Disability Rights California
Genup
Monarch School
San Francisco Bay Area Planning and Urban Research Association
Santa Clara County School Boards Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 643	Hearing Date:	March 29, 2023
Author:	Wilk		
Version:	February 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: School safety: Safe-To-Tell 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 Public Safety.

SUMMARY

This bill a) establishes the School Safety Division (Division) within the California Department of Education (CDE); b) requires the Division to administer the Safe-To-Tell Program to receive anonymous reports of dangerous, violent, or unlawful activity; c) requires local educational agencies (LEAs) to establish school-based teams of at least three members of the administrative staff at each of its schools to receive notice of reports; and d) establishes the Safe-To-Tell Program Advisory Committee and requires the advisory committee to provide an annual report to the Governor and Legislature.

BACKGROUND

Existing Law

Education Code (EDC)

- 1) Requires each school district or county offices of education to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. (EDC § 32281)
- 2) Specifies that the schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (EDC § 32281)
- 3) Requires that the comprehensive school safety plans include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EDC § 32282)

- 4) Requires the comprehensive school safety plan to be evaluated at least once a year. (EDC § 32282)
- 5) Encourages that, as school safety plans are reviewed, plans be updated to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district employs these professionals. (EDC § 32282.1)
- 6) Requires the comprehensive school safety plan to be submitted annually to the school district or county office of education for approval and requires a school district or county office of education to notify the CDE by October 15 of every year of any school that is not in compliance. (EDC § 32288)

ANALYSIS

This bill a) establishes the Division within the CDE; b) requires the Division to administer the Safe-To-Tell Program to receive anonymous reports of dangerous, violent, or unlawful activity; c) requires LEAs to establish school-based teams of at least three members of the administrative staff at each of its schools to receive notice of reports; and d) establishes the Safe-To-Tell Program Advisory Committee and requires the advisory committee to provide an annual report to the Governor and Legislature. Specifically, this bill:

CDE and the Safe-To-Tell Program

- 1) Establishes the School Safety Division within the CDE for purposes of administering the Safe-To-Tell Program.
- 2) Requires the Division to be administered by the Director of School Safety, who shall be appointed by the Superintendent of Public Instruction (SPI) and who may hire staff as appropriate to implement this bill.
- 3) Establishes the Safe-To-Tell Program within the Division of the CDE.
- 4) Requires the Director of the Division to implement the Safe-To-Tell Program consistent with all of the following requirements:
 - a) Requires the program to enable any person to anonymously report any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted on the property of a LEA, at an activity sponsored by the LEA, or on a school bus of a LEA.
 - b) Prohibits the identity of a person who reports information to the program from being known by persons operating the program, prohibits the identity from being disclosed to any person and requires the identity to remain unknown to persons employed by, contracting with, volunteering with, or otherwise assisting any organization operating any program platform.

- 5) Requires the Safe-To-Tell Program to operate a crisis call center, website, mobile telephone application, and email address for purposes of the program.
- 6) Requires the crisis call center, website, mobile telephone application, and email address to be operated by the Division, or authorizes CDE to contract with a qualified organization to operate the crisis call center, website, mobile telephone application, or email address.
- 7) Requires the crisis call center to be staffed by individuals with evidence-based counseling and crisis intervention training and to be operational 24 hours per day, every day of the year.
- 8) Requires the crisis call center to support and help facilitate a coordinated response by schools, public safety dispatchers, and sworn law enforcement agents to an identified crisis when such a response is to be reasonably expected.
- 9) Requires the Division to develop and implement a triage approach to disseminating anonymous tips based on the severity of the tip.
- 10) Requires that all information received by the program be strictly confidential and requires the Division to develop policies and procedures to ensure all of the following:
 - a) All relevant information reported to the program is promptly forwarded to the appropriate public safety agencies and the appropriate school-based teams (see # 13 below).
 - b) Prohibits a person from being compelled to produce or disclose any record or information provided to the program except upon a court order.
 - c) Requires, if a report filed with the program is determined by the Director of the Division to be a false report, information about the subject of the false report to be immediately removed from the subject student's record, if they are a student, including records held by the LEA and an individual school, and requires the Director to notify any law enforcement agencies previously notified of the report. This bill requires law enforcement agencies so notified by the Director to remove the report from any records on the subject, unless the report is part of an active criminal investigation.
- 11) Requires the Division to maintain a list of points of contact for each school-based team, local law enforcement dispatch, and law enforcement agencies.
- 12) Requires the Division to develop and provide training to all of the following:
 - a) Each member of a school-based team concerning the appropriate response to various types of tips.
 - b) Students and teachers on how to recognize and identify observable warning signs and signals of an individual or peer who may be at risk of harming

themselves or others, the importance of taking threats seriously and seeking help, and how to make a report on one of the program platforms.

- c) Law enforcement dispatchers as to how to receive notice of any report submitted to the program that requires response from sworn law enforcement.

Local Educational Agencies

- 13) Requires each LEA to establish school-based teams of at least three members of the administrative staff at each of its schools for purposes of receiving notice of any report submitted to the program concerning the respective school.
- 14) Prohibits LEAs from being additionally liable as a result of their participation in the program.

Safe-To-Tell Program Advisory Committee

- 15) Establishes the Safe-To-Tell Program Advisory Committee within the Division of CDE.
- 16) Requires the advisory committee to annually report to the Governor and the Legislature, by December 31, all of the following information:
 - a) The total number of tips received for the previous school year.
 - b) The total number of tips received since the program began, disaggregated by school and each of the following:
 - i. Tips by type.
 - ii. Method by which the tip was received.
 - iii. The total number of false reports received.
 - iv. The total number of responses to incoming tips disaggregated by disciplinary actions, non-disciplinary actions, and interventions, as well as the gender and race of the student subject to the disciplinary action, non-disciplinary action, or intervention.

General Provisions

- 17) Establishes the Safe-To-Tell Program account in the General Fund for purposes of implementing this bill. This bill requires funds in the account to be used, upon appropriation by the Legislature, only for purposes of this bill.
- 18) Prohibits funds appropriated for purposes of this bill from counting toward satisfying the minimum funding obligation to school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution (Proposition 98).

- 19) Defines "local educational agency" to mean a school district, county office of education, charter school, or state special school.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "To address the concerning rise in violence on school campuses, multiple states have followed the U.S. Department of Homeland Security's school safety recommendations by implementing statewide anonymous reporting programs. About 26 states have an anonymous reporting hotline specifically for students, and each participating state receives thousands of tips each year. Unfortunately, only a few school districts in California offer similar evidence-based anonymous reporting programs that provide students with safer school environments. SB 643 will help California's school districts combat the rising trend in on campus violence by implementing a statewide, 24/7 crisis center to receive anonymous reports from any school district in the state. Furthermore, the important data collected will be compiled into categorical data that can be easily referenced."

- 2) ***Does the CDE Have Capacity To Operate the Safe –To-Tell To Program?***
This bill imposes a number of duties on CDE, including developing and providing training to a) each member of a school-based team concerning the appropriate response to various types of tips; b) students and teachers on how to recognize and identify observable warning signs and signals of an individual or peer who may be at risk of harming themselves or others, the importance of taking threats seriously and seeking help, and how to make a report on one of the program platforms; c) Law enforcement dispatchers as to how to receive notice of any report submitted to the program that requires response from sworn law enforcement.

This bill requires CDE to operate the crisis call center, website, mobile telephone application, and email address, or to contract with a qualified organization, and requires the crisis call center to be staffed by individuals with evidence-based counseling and crisis intervention training and to be operational 24 hours per day, every day of the year. This bill also requires the School Safety Division within CDE to develop and implement a triage approach to disseminating anonymous tips based on the severity of the tip. It is unlikely that CDE has the capacity to develop and provide training, or operate a crisis call center, website, mobile phone application, and email address, nor does CDE likely have staff qualified to do so.

This bill requires the CDE to establish the Division and requires the Division to disseminate anonymous tips and all relevant information to be promptly forwarded to the appropriate public safety agencies and the appropriate school-based teams at the LEA-level. This bill requires LEAs to establish school-based teams of at least three members of the administrative staff at each of its schools for purposes of receiving notice of any report submitted to the Safe-To-Tell Program concerning the respective school. While this bill does not specify what actions the school-based teams are to take, presumably, LEAs would need to investigate each tip, respond, coordinate with public safety agencies, and take action if appropriate. This bill requires CDE to provide training to each member of

a school-based team concerning the appropriate response to various types of tips. This bill requires the call center to support and help facilitate a coordinated response by schools, public safety dispatchers, and sworn law enforcement agents to an identified crisis when such a response is to be reasonably expected; however, it is possible that not all LEAs have the staff or time necessary to investigate tips received at the state level, particularly in small school districts and schools.

The Committee may wish to consider whether it's appropriate for the Legislature to dictate CDE's organization and if the CDE has the capacity (qualified staff, resources, funding) to implement this program as required by this bill.

- 3) **Anonymous Tip Lines.** School tip lines are structured systems that allow students, parents, school staff, or community members to report information about threats or potential threats, to school authorities to ensure the safety of students, staff, and the community. Various forms of tip lines are available, including Web sites, computer applications, and telephone hotlines, which aim to prevent incidents posing a threat to school safety or student well-being. Although tip lines are used as a method to ensure school safety, very little is known about how widely they have been implemented and program used to report threats.

In California, some schools have already implemented anonymous reporting system. For example, Rescue Union School District and Murrieta Valley Unified School District both use a service called *WeTip*, "a national nonprofit that takes anonymous tips over the phone or through an encrypted submission form on the organization's website 24/7". Yuba City Unified School District uses a software program, *Catapult EMS*, an emergency management system that allows for "real-time student accounting, reunification, staff location check-ins, threat report management, and more - all from a responsive, dependable, cloud-based system." Meanwhile, Livermore School District uses a different service, *Blackboard*, to receive tips.

Other schools may not use a service to receive anonymous tips. For example, Merced Union High School District, Glendale Unified School District, Pleasanton Unified School District, Fullerton Joint Union School District, Castro Valley Unified School District, and William S. Hart School District have established either a mobile application or a telephone number for students, parents, and guardians to text. In other cases, some school districts use a website like Centinela Valley Union High School District, for students, parents, and guardians to report.

The provisions of this bill would require the CDE to establish a new School Safety Division, the Safe – To – Tell Program. This program would be dedicated to receiving and forwarding anonymous reports, via a crisis call center, website, mobile telephone application, and email address, and to be staffed 24/7 by persons with evidence-based counseling and crisis intervention training. Some LEAs have already established anonymous reporting systems in some form and are staffed by school authorities, contracted entities, or nonprofits. The provisions of this bill appear to not only duplicate efforts already made by some LEAs to increase school safety, but also usurp local authority by establishing the Safe –

To – Tell Program within CDE's School Safety Division as the point of contact on all school threats. Further, it is unclear if both the Safe – To – Tell Program and local anonymous reporting programs already established can operate simultaneously. It should also be noted that , in theory, by establishing the Safe – To – Tell Program as the point of contact of all school related threats, response times to emergencies and threats would be delayed due to the Safe – To – Tell Program serving as a hub for reports to be processed and referred. The committee may wish to consider whether this approach to increasing school safety would be more beneficial at the local level.

It should also be noted that this bill, SB 643, is identical to a bill previously heard by this committee, AB 312 (Valladeres, 2022). The committee analysis for AB 312 (Valladeres, 2022) outlines similar concerns and questions posed to the committee regarding its provisions.

4) Committee amendments: Staff recommends, and the author agrees, the following amendments:

- a) Removes all references related to the School Safety Division and instead, upon an appropriation, requires a school district to establish an anonymous reporting system, and to have it prominently displayed on its internet website, on or before the 2024,-25 school year.
- b) Permits an LEA to contract out to establish an anonymous reporting system.
- c) Requires the anonymous reporting system to allow a person to remain anonymous.
- d) Specifies that nothing in this section prohibit from contact law enforcement where there is an imminent threat of pupils, school staff, or community members.
- e) Requires, if a report has been determined to be false, the school district to immediately remove that information from the student's records.
- f) Requires each school district, on or before July 31, 2025, and annually thereafter, to report tips, by type, method by which the tip was received, the action taken to ensure student and staff safety, and the total number of false reports to the CDE.
- g) Requires the CDE to make available the data from the reports on its website no later than August 31, and annually thereafter
- h) Defines "school district" means a school, school district, county office of education, or charter school.

This bill, with the committee amendments, would, upon an appropriation, 1) require a school district, on or before the 2024-25 school year to establish an anonymous reporting system; 2) require a school district to report to CDE no later

than July 31 each year, as specified; and 3) for the CDE to post that data on its website by August 31 annually.

5) ***Related Legislation.***

SB 906 (Portantino), Chapter 144, Statutes of 2022, required a school official who is alerted to or observes any threat or perceived threat, as defined, to immediately report the threat or perceived threat to law enforcement. SB 906 requires the local law enforcement agency or the schoolsite police, as appropriate, with the support of the LEA, to immediately conduct an investigation and assessment of any threat or perceived threat.

AB 312 (Valladares) of the 2021-22 Session, would have a) established the School Safety Division within the California Department of Education (CDE); b) required the Division to administer the Safe-To-Tell Program to receive anonymous reports of dangerous, violent, or unlawful activity; c) required local educational agencies (LEAs) to establish school-based teams of at least three members of the administrative staff at each of its schools to receive notice of reports; and d) established the Safe-To-Tell Program Advisory Committee and requires the advisory committee to provide an annual report to the Governor and Legislature. *This bill was held in Senate Appropriations Committee.*

AB 2384 (Valladeres, 2022) would have a) authorized a school district or charter school that serves pupils in any of grades 7 to 12, inclusive, to adopt an anonymous reporting program offered by a nonprofit organization and a threat assessment system offered by a nonprofit organization that meet specified requirements; b) required an anonymous reporting program adopted by a school district or charter school to, among other things, support 24/7 anonymous reporting, promptly forward reported information to the appropriate school-based team, and implement an evidence-based pupil violence prevention training for pupils and school personnel; c) required a threat assessment system adopted by a school district or charter school to, among other things, identify the types of threatening behavior that may represent a physical threat to the school community, identify members within the school community to whom threatening behavior should be reported and the steps to be taken afterwards, and offer threat assessment trainings; and d) authorized the above-described moneys to also be made available for the implementation and continued use of an anonymous reporting program and threat assessment system. *This bill did not receive a hearing in hearing in Assembly Education Committee.*

AB 99 (Irwin) of the 2021-22 Session would have required LEAs to adopt policies for the establishment of a crisis intervention and targeted violence prevention program to assist in the identification and assessment of individuals who may be experiencing a crisis or whose behavior may indicate a threat to the health and safety of themselves, students, school staff, or other community members, and requires LEAs to provide referrals to appropriate services. *This bill was held in Senate Appropriations Committee.*

SUPPORT

Arcadia Police Officers' Association
Burbank Police Officers' Association
California Coalition of School Safety Professionals
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Deputy Sheriffs' Association of Monterey County
Fullerton Police Officers' Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Santa Ana Police Officers Association
Upland Police Officers Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 868	Hearing Date:	March 29, 2023
Author:	Wilk		
Version:	March 20, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil safety: trauma kits.

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

SUMMARY

Upon an appropriation, commencing with the 2024–25 school year, this bill requires each school district (LEA), county office of education (COE), and charter school to equip each classroom at each of its schoolsites with a trauma kit.

BACKGROUND

Existing law

Education Code (EDC)

- 1) Requires each LEA and COE to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. (EDC § 32281(a))
- 2) Specifies that the schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (EDC § 32281(b))
- 3) Specifies that the comprehensive school safety plan must include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EDC § 32282(a))
- 4) Requires the comprehensive school safety plan to be evaluated at least once a year. (EDC § 32282(d))

- 5) Requires the comprehensive school safety plan to include, but not be limited to, procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. (EDC § 32282(a)(2)(J))
- 6) Permits a school nurse or trained personnel who have volunteered to provide emergency naloxone hydrochloride or another opioid antagonist, by nasal spray or by auto-injector, to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EDC § 49414.3(a))
- 7) Permits each public and private school to designate one or more volunteers to receive initial and annual refresher training, based on specified standards, regarding the storage and emergency use of an epinephrine auto-injector from the school nurse or other qualified person designated by an authorizing physician or surgeon. (EC § 49414(d))
- 8) Authorizes a pupil who is required to take, during the regular schoolday, medication prescribed for the pupil by a physician or surgeon, to be assisted by the school nurse or other designated school personnel or may carry and self-administer inhaled asthma medication if the school district receives the appropriate written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and a written statement from the parent, foster parent, or guardian of the pupil requesting that the school district assist the pupil in the matters set forth in the statement of the physician or surgeon. (EDC § 49423.1)

Health and Safety Code (HSC)

- 9) Defines, "trauma kit" as a first aid response kit that contains at least all of the following:
 - a) One tourniquet endorsed by the Committee on Tactical Combat Casualty Care
 - b) One bleeding control bandage.
 - c) One pair of nonlatex protective gloves and a marker.
 - d) One pair of scissors.
 - e) Instructional documents developed by the Stop the Bleed national awareness campaign of the United States Department of Homeland Security or the American College of Surgeons Committee on Trauma, the American Red Cross, the Committee for Tactical Emergency Casualty Care, or any other partner of the United States Department of Defense. (HSC § 19305)

ANALYSIS

Upon an appropriation, commencing with the 2024–25 school year, this bill requires each LEA, COE, and charter school to equip each classroom at each of its schoolsites with a trauma kit. Specifically, this bill:

- 1) Upon an appropriation, requires each LEA, COE, and charter school, commencing the 2024-25 school year, to equip each classroom with a trauma kit and to notify administrative employees, classified employees, pupil services employees, and teachers of its location and contact information for training, as specified .
- 2) Specifies that any administrative employees, classified employees, pupil services employees, and teachers of a LEA who in good faith and not for compensation, renders emergency care of treatment by the use of a trauma kit at the scene of an emergency shall not be liable for civil damages resulting from any act or omission, other than an act or omission constituting gross negligence or willful or wanton misconduct. The scene of an emergency shall not include emergency departments and other places where medical care is usually offered.
- 3) Aligns the definition of a trauma kit with the HSC and specifies that may include any of the following:
- 4) Defines "Trauma kit" as a first aid response kit that contains at least all of the following:
 - a) One or more tourniquets in sizes that are suitable for younger or smaller pupils.
 - b) Gauze, including a clotting agent or similar properties to control bleeding.
 - c) A protective capsule to hold the trauma kit's contents

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The unfortunate reality is that schools and classrooms are ill-prepared for threats against our kids. School shootings are a terrible and devastating reality in 2023, and schools do not have the resources necessary to save children if a dangerous or life threatening emergency occurs. We must adapt our schools to be prepared for these threats against our children. While many legislative ideas work to prevent these tragedies, we must be prepared for when they do eventually occur. A lack of access to proper tools should not be the barrier faced when a life-threatening injury occurs. In order to improve student safety, this bill would place life-saving trauma kits where they are most likely to be needed in a school emergency: in the classroom."
- 2) ***Traumatic Events*** According to a 2018 study by the Pew Research Center, the majority of U.S. teens fear a shooting could happen at their school, and most parents share their concerns. Firearms are a leading cause of morbidity and mortality in the United States and accounted for more than 36,000 deaths and nearly 85,000 injuries in 2015. In 2020, California saw a troubling rise of more than 500 homicides, the largest jump in state history since record-keeping began in 1960. Gun homicides drive the rise. California saw 1,658 homicides in 2019; the number climbed to 2,161 in 2020—an increase of 503 homicides (or 30.3%). Of the 503 additional homicides, 460, or 91%, were gun related deaths. While the 2020 homicide rate is far lower than past peaks, the past year deviates from

historically low rates of the last decade. Over the past few years, gun violence has risen to the forefront of public consciousness. The consequences of gun violence are more pervasive and affect entire communities, families, and children. With more than 25% of children witnessing an act of violence in their homes, schools, or community over the past year, and more than 5% witnessing a shooting. A 2004 report by the United States Secret Service and United States Department of Education found that over two-thirds of school shooters acquired the gun (or guns) used in their attacks from their own home or that of a relative (68 percent).

- 3) **School Safety Plans.** Existing law requires each school site to review and update its school safety plan, which must be developed and written by a School Site Council or its designated Safety Planning Committee in collaboration with teachers, classified staff, parents, and first responders to ensure they are up-to-date and complete. The plans must have policies and procedures addressing critical issues, including disaster preparedness; crisis response; mental and physical health; earthquake emergencies; school learning environment; discipline, suspension and expulsion; hate crime reporting; child abuse reporting; release of a pesticide or toxic substance; and procedures related to individuals with guns on school campuses and at school-related functions.

LEAs can currently provide for trauma kits and include in the provision of their school safety plans.

- 4) **Stop The Bleed Campaign.** According to its website, Stop The Bleed is the result of a collaborative effort led by the American College of Surgeons Committee on Trauma (ACS COT) to bring bleeding control to the public. After the broad adoption of tourniquets and tourniquet training by the military during the Iraq and Afghanistan conflicts, their use was reviewed a clear survival benefit was identified. A follow-up study in 2014, led by the ACS COT emergency medical services subcommittee, showed similar benefits related to tourniquet use among civilians and introduced direct pressure and wound packing to the list of simple but effective skills that could be used to control active bleeding in an emergency. It also became clear that time was a critical factor, and outcomes were directly related to how quickly bleeding control was achieved. These findings helped establish the bystander as necessary in saving lives due to severe bleeding. The curriculum was developed into what is known as the Bleeding Control Basic course (B-CON), released to the public in 2014, which is the foundation of today's Stop The Bleed course.

This bill requires LEAs to provide school personnel, at least once a year, contact information for training in the use of the trauma kit by certain entities. Traditionally when the Legislature has permitted the administration of medication on school campuses, the CDE is tasked to develop minimum training standards and best practices in consultation with appropriate stakeholders to ensure LEAs are equipped with appropriate information designed to properly engage with students. The author may wish to consider adding language to ensure that CDE develops appropriate minimum standards of training and best practices relative to the use of trauma kits.

It should also be noted that when the Legislature permits the administration of medication on school campuses, school personnel have the option to opt-in to provide medical assistance. While the provisions of the bill require LEAs to provide training information to school personnel regarding the use of a trauma kit, it is unclear if school personnel must use the trauma kit in the event of an emergency. The author may wish to consider whether school personnel should have the ability to opt-in to use a trauma kit.

5) **Related Legislation.**

AB 2217 (Melendez), Chapter 812, Statutes of 2014, authorizes schools to solicit and receive non-state funds for automatic external defibrillator (AED), and clarifies those schools and school employees are not civilly liable when acting in good faith.

AB 71 (Rodriguez, 2023) would require commencing with the 2025–26 school year, the governing board of a school district or the governing body of a charter school that requires a course in health education for graduation from high school to include in that course instruction in bleeding control.

SB 643 (Wilk, 2023) would a) establishes the School Safety Division within the California Department of Education (CDE); b) requires the Division to administer the Safe-To-Tell Program to receive anonymous reports of dangerous, violent, or unlawful activity; c) requires local educational agencies (LEAs) to establish school-based teams of at least three members of the administrative staff at each of its schools to receive notice of reports; and d) establishes the Safe-To-Tell Program Advisory Committee and requires the advisory committee to provide an annual report to the Governor and Legislature. This bill is currently in Senate Education Committee.

AB 1747 (Rodriguez) Chapter 806, Statutes of 2018, expanded the required elements of school safety plans, including procedures to respond to active shooter situations, required schools to conduct annual active shooter drills, and required the CDE to provide additional guidance and oversight of safety plans.

AB 2260 (Rodriguez) Chapter 586, Statutes 2022, requires certain buildings constructed on or after January 1, 2023, with an occupancy of 200 or more to have at least six trauma kits on the premises of the building or facility.

SB 63 (Price, 2011) would have required each school with any of grades 9-12 to have an automatic external defibrillator in a centralized location on campus and at athletic events, prepare an emergency preparedness plan and require anyone expected to use a defibrillator to complete specified training. This bill was held in Senate Appropriations Committee.

SUPPORT

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OPPOSITION

None received

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