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# California State Senate

## EDUCATION



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## AGENDA

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

### MEASURES HEARD IN FILE ORDER

- |     |         |              |   |
|-----|---------|--------------|---|
| 1.  | SB 895  | Roth         | Community colleges: Baccalaureate Degree in Nursing Pilot Program.                            |
| 2.  | SB 1056 | Rubio        | Elementary education: kindergarten.   |
| *3. | SB 1391 | Rubio        | Teachers: preparation and retention data.   |
| 4.  | SB 1063 | Grove        | Pupil health: mental health resources.  |
| 5.  | SB 1094 | Limón        | Pupil instruction: course of study: social sciences: civic engagement.                        |
| 6.  | SB 1166 | Dodd         | Public postsecondary education: annual report: sex discrimination.                            |
| 7.  | SB 1222 | Alvarado-Gil | Community colleges: study: Counties of Amador, Alpine, Mariposa, Modoc, and Sierra.           |
| 8.  | SB 1241 | Padilla      | Safety and Violence Education for (SAVE) Students Act.  |
| *9. | SB 1277 | Stern        | Pupil instruction: genocide education: the Holocaust.   |
| 10. | SB 1283 | Stern        | Pupils: use of smartphones and social media.  |
| 11. | SB 1421 | Stern        | Educational equity: Uniform Complaint Procedures: Office of Civil Rights.                     |
| 12. | SB 1378 | Min          | Pupil and student safety: identification cards: federal Title IX assistance telephone number. |
| 13. | SB 1194 | Wilk         | State Superintendent of Public Instruction's Parent Advisory Council.                         |

- |      |         |         |  |
|------|---------|---------|--|
| 14.  | SB 1233 | Wilk    | University of California: Western University of Health Sciences: veterinary medicine: spay and neuter techniques.            |
| 15.  | SB 1200 | Glazer  | California State University students: California Promise: Finish in Four and Through in Two.                                 |
| 16.  | SB 1287 | Glazer  | Public postsecondary education: Equity in Higher Education Act: prohibition on harassment, intimidation, and discrimination. |
| 17.  | SB 1431 | Cortese | San José State University: fire building protection standards.(Urgency)  |
| *18. | SB 1138 | Newman  | Pupil attendance: excused absences: military entrance processing.  |

**\*Measures on Consent.**

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 895	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Roth		
<b>Version:</b>	April 1, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Community colleges: Baccalaureate Degree in Nursing Pilot Program.

## SUMMARY

This bill requires the California Community College (CCC) Chancellor's Office to establish, until January 1, 2031, a Community College Baccalaureate Degree in Nursing Pilot Program for purposes of authorizing 15 community college districts with nationally accredited nursing programs selected by the CCC Chancellor's office to offer a Bachelor of Science in nursing degree. The bill further requires the Legislative Analyst's Office to conduct and submit to the legislature an evaluation of the pilot program, as specified.

## BACKGROUND

Existing law:

- 1) Differentiates the missions and functions of public and independent institutions of higher education. Under these provisions:
  - a) The primary mission of the California State University (CSU) is to offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education including teacher education. The CSU is authorized to establish two-year programs only when mutually agreed upon by the Trustees and the CCC Board of Governors. The CSU is also authorized to jointly award the doctoral degree with the University of California (UC) and with one or more independent institutions of higher education.
  - b) The UC is authorized to provide undergraduate and graduate instruction and has exclusive jurisdiction in public higher education over graduate instruction in the professions of law, medicine, dentistry and veterinary medicine. The UC is also the primary state-supported academic agency for research.
  - c) The independent institutions of higher education are required to provide undergraduate and graduate instruction and research in accordance with their respective missions.
  - d) The mission and function of the CCC is the offering of academic and vocational instruction at the lower division level, and the CCC are authorized to grant the Associate in Arts and the Associate in Science degrees. The community colleges are also required to offer learning supports to close learning gaps, English as a Second Language instruction, and adult noncredit instruction, and support

services which help students succeed at the postsecondary level. (Education Code § 66010.4)

- 2) Authorizes the CCC Board of Governors, in consultation with the CSU and the UC, to establish baccalaureate degree programs that do not duplicate a baccalaureate degree program offered by the CSU or UC. Allows for the approval of 30 community college baccalaureate degree programs per academic year. Current law further requires the CCC Chancellor to consult with and seek feedback from the CSU Chancellor, the UC President and the President of the Association of Independent California Colleges and Universities on proposed baccalaureate degree programs, as specified, and establishes a mechanism for the assessment, consultation, and approval of programs where duplication is identified, as specified. (EC § 78040 et seq.)

## ANALYSIS

This bill:

- 1) Requires the CCC Chancellor's Office to develop a Baccalaureate Degree in Nursing Pilot Program that authorizes select community colleges to offer a Bachelor of Science in Nursing Degree.
- 2) Provides that the pilot program be limited to 15 community college districts statewide.
- 3) Requires that the Chancellor identify eligible community college districts that apply based on the following criteria:
  - a) There is equitable access between the northern, central, and southern parts of the state to the pilot program.
  - b) Priority is given to community college districts in underserved nursing areas.
  - c) The community college district has a nationally accredited nursing program.
- 4) Limits the total number of associate degree in nursing and bachelor of science in nursing students at a community college district to the community college district's associate degree in nursing class size approved by the board of registered nursing, and further limits the total number of participants in a pilot program to 25 percent of that class size or 35 students, whichever is greater.
- 5) Requires that the LAO conduct an evaluation of the pilot program to determine the effectiveness of the program and the need to continue or expand the program.
- 6) Requires that the evaluation be submitted to the legislature as specified.

- 7) States that the existing CCC baccalaureate degree authorization does not apply to programs created under this bill's provision.
- 8) Sunsets the bill's provision on January 1, 2031.
- 9) States various findings and declarations relative to the bill's provisions.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "For decades, California has suffered from a shortage of registered nurses, and this problem has been exacerbated in recent years due to the pandemic and it's expected to worsen due to an increase in RN retirements. While the nursing shortage is a national problem, it is particularly acute here in our state,—ranking 40th out of 50 states. A key factor contributing to this crisis is that California's nursing school capacity has not been able to keep up with demand. In 2018, more than 85% of hospitals in California reported that the demand for RN's was greater than the available supply – a situation that has not improved. But there is a path forward to help solve this problem and that path cuts right through our California Community Colleges. Our SB 895 creates a pilot program allowing community colleges to offer a bachelor's degree in nursing, which is increasingly the industry standard, and a requirement for employment in our hospitals."

The author further asserts that the goal of the bill is to utilize existing associate degree in nursing program capacity to produce more Bachelor of Science in Nursing degrees. The reason why producing more Bachelor of Science in Nursing degrees is important is because the industry standard in healthcare is changing. Specifically in hospitals and in direct care settings, a Bachelor of Science in nursing degree is increasingly becoming a requirement for employment. The author argues that CSUs and UCs face challenges in building out additional capacity to produce more nurses with a Bachelor of Science in Nursing, as such it is critical to use the existing community college nursing program structure to assist with meeting these workforce standards.

- 2) **Pushes CCCs from their original mission.** The state has four segments of higher education: three public and one private. Each plays a vital and unique role for the state. Their mission statements are outlined in the Master Plan for Higher Education and by state statute. The CCCs are to have an open admission policy and bear the most extensive responsibility for lower-division undergraduate instruction. Its primary areas of mission include instruction leading to associate degrees and university transfer, vocational instruction, and remedial education. Despite the differentiation of mission, the Legislature has authorized the CSU and CCCs to go beyond their original mission to offer doctoral degree and baccalaureate degree programs, respectively, so long as programs do not duplicate those offered by the other segments with primary jurisdiction. *Further expansion of CCC baccalaureate degrees as proposed in this bill would signal the legislature's willingness to allow CCCs to deviate further from their institutional mission, duplicate programs offered by the other segments with*

*primary jurisdiction, and bypass the existing CCC baccalaureate approval process.*

- 3) **Is this the appropriate solution?** If it is the desire of the legislature to expand Bachelor of Science in Nursing (BSN) degree programs, arguably more effective and efficient alternatives do not require a departure from the CCC's mission to expand and streamline BSN pathways. In its recommendation for alternatives to the original baccalaureate degree pilot program, the LAO's analysis notes that some CCCs have agreements with baccalaureate degree-granting institutions. Improving alignment between CCC and the universities could increase the number of CCC students who ultimately obtain a bachelor's degree and reduce the amount of time students take to obtain their degree. For example, the Tri-County Nursing Pathway is a partnership between Riverside City College and two CSU campuses (Fullerton and San Bernardino) that allows associate degree nursing students to concurrently obtain their bachelor's degrees. Students can enroll in CSU courses while still completing their associate degree requirements, allowing them to obtain their bachelor's degree with only six additional months of coursework. The LAO report further asserts that such partnerships could not only be more cost-effective but also benefit more students (*including place-bound students*), thereby having a more widespread impact. The committee may wish to consider all of the following:

- *Could this bill undermine any incentives for similar collaborations across the public higher education segments to address regional workforce needs like nursing?*
- *Can the process for developing collaborative efforts to address workforce needs be modified to facilitate greater proliferation of these programs?*
- *Should a community college be required to demonstrate that existing avenues for partnership with other institutions are not possible or viable before seeking authorization to offer an independent baccalaureate degree?*
- *Should additional support be provided to the other segments with primary jurisdiction for granting baccalaureate degrees to increase the number of degree slots available in high-demand areas?*

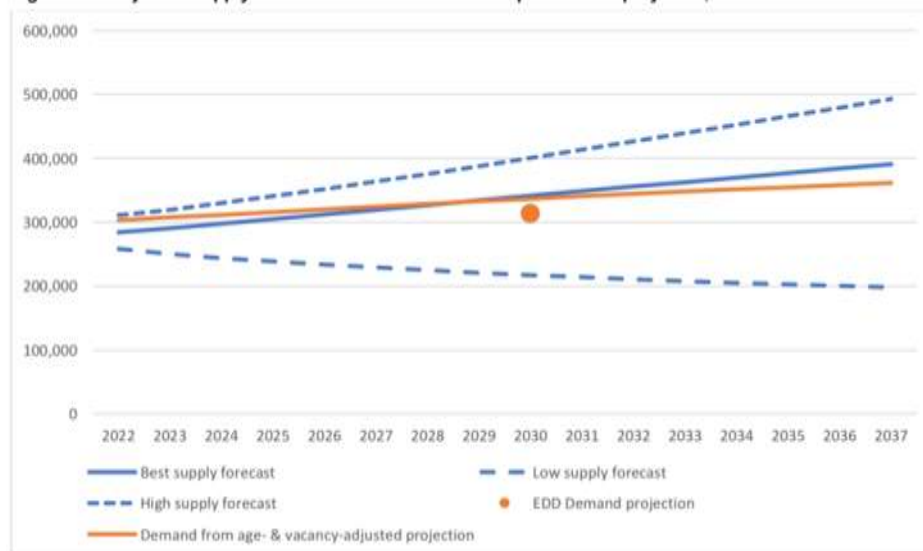
- 4) **State investment in CCC associate degree in nursing programs.** Of California's three public higher education segments, only the community colleges offer associate degrees in nursing. According to the CCC Chancellor's Office 2020-2022 legislative report on Community Colleges Nursing Educational Programs, associate degrees in nursing programs account for 55.4% of programs in the state. Numerous legislative efforts and investments have been made to expand community college associate degree in nursing enrollments and improve retention to facilitate the expansion of associate degree in nursing programs. The Budget Act of 2015 provided additional nursing program support to expand community college nursing enrollments and improve student retention in associate degree nursing programs. Since 2009-10, the Legislature has

provided ongoing funding (\$13.4 million) through grants to CCC associate degree in nursing programs in recognition of the relatively high cost of educating nurses. The Department of Health Care Access and Information, which administers a state program to help, among other things, increase support for nursing education programs, awarded a total of \$17 million to 34 nursing programs in 2023, including 17 community college associate degree in nursing programs. These investments demonstrate the state's willingness to invest in associate degrees and demonstrate a recognition of their value to the state.

- 5) **Tuition costs.** Current law allows CCCs to raise tuition for the other CCC baccalaureate degree programs to the same amount as a CSU. This bill, however, makes it clear that those provisions are not applicable to the proposed pilot program but is silent on tuition costs. Tuition fees for CCC courses are currently \$46 per credit. Without statutory authorization, it is uncertain if CCC districts can charge higher rates for the more advanced degree. If this measure moves forward, the author may wish to clarify the parameters related to program funding and tuition costs.
- 6) **Not all community college nursing programs are nationally accredited.** According to the community college chancellor's office, of the 77 associate degree for nursing programs, 28 are nationally accredited 27 by the Accreditation Commission for Education on Nursing (ACEN) and one by the Commission for Nursing Education Accreditation. Nine are candidates for national accreditation by ACEN. All programs have Board of Registered Nursing (BRN) approval. BRN approval ensures compliance with statutory and regulatory requirements whereas accreditation provides a baseline measure of program quality and supports transferability of credits for students seeking an advanced degree. This bill restricts participation in the pilot program to nationally accredited community college nursing programs.
- 7) **Nursing programs in California.** Graduates of associate and bachelor nursing degree programs may sit for nurse licensure exams and become licensed registered nurses. The state's BRN approves all of California's pre-licensure nursing programs offered by public and private colleges and makes decisions about the number of students that new and existing nursing programs are allowed to enroll. The number of nursing programs in the state totals 152, with 101 public, 91 associate degrees in nursing, 48 bachelor of science in nursing, and 13 Entry Level Master's (ELM) programs. According to the most recent BRN annual school report (2021-2022), California graduated about 13,300 students in 2021-22 from registered nursing programs, which represents an 18 percent increase in student completions since 2012. Associate's degree completions decreased while bachelor's degrees and ELM nursing completions increased. The number of joint associate degrees in nursing and bachelor's programs has increased over the last 10 years. The time it takes a student to graduate from a program varies by degree. An associate degree in nursing prepares students for registered nursing care in a variety of settings in two-three years, whereas a bachelor's degree takes about four years to train students for registered nursing care as well as administrative and leadership positions. An ELM is a one- to two-year program for baccalaureate degree holders in other fields seeking to become registered nurses. All schools are required to provide clinical instruction with

clinical placement in a health care facility in each phase of the educational process. Students must pass a national licensure examination to earn a license. The BRN projects enrollment to increase for the 2023-2024 academic year to about 18,500. [www.rn.ca.gov/forms/rnsurvey201718.shtml](http://www.rn.ca.gov/forms/rnsurvey201718.shtml)

Figure 11. Projected supply and demand of RN full-time equivalent employment, 2022-2037



- 8) **Enrollment decisions controlled by BRN.** The author argues that a key factor contributing to this crisis is that California’s nursing school capacity has not been able to keep up with demand. As noted in the above comment, the BRN is one of a few licensing boards that continues to actively approve educational programs and make enrollment decisions. According to a recent state audit of the BRN, two of the key factors that should be included in the BRN’s enrollment decisions are the forecasted supply of nurses that the state will need to fulfill demand and the available number of clinical placement slots. The audit found that the BRN has failed to gather and use sufficient data related to both of these factors to appropriately inform its enrollment decisions. *Should the BRN continue to approve RN educational programs? Shouldn’t institutions play a greater role in determining enrollment decisions?*
- 9) **Nursing shortage projected to close within a few years.** According to a 2022 University of California, San Francisco (UCSF) study, “Forecasts of the Registered Nurse Workforce in California,” data shows consistent employment rates for RNs since 2018, but decreasing rates for older RNs. It further warns that a greater number of RNs plan to retire or quit within two years compared to 2018. The pandemic also had an impact on retention rates. RN education programs experienced fewer enrollments and graduates during the 2018-2019 academic year. Combined, these changes have reduced the supply of RNs relative to previous forecasts. *However*, circumstances are improving. RN education enrollments are expected to surpass pre-pandemic levels starting with the 2021-22 academic year. It is projected that the supply of new RNs will match demand by 2029, thereby filling unfilled positions. According to UCSF’s updated 2024 forecast (unpublished), there is a statewide supply-demand gap of 17,000 full-time equivalent nurses, which is projected to close within four years (2028), one year earlier than the 2022 report indicated. Notably, retention of new and



experienced nurses is key. Below is a graph from the UCSF 2022 forecast report. [www.rn.ca.gov/pdfs/forms/forecast2022.pdf](http://www.rn.ca.gov/pdfs/forms/forecast2022.pdf)

10) **Duplication indicates that California needs better higher education coordination.** All of California's public education institutions share a commitment to work together to ensure that parts of the system work for all Californians. Since the defunding of the California Postsecondary Education Commission (CPEC) in 2011, California has not had a statewide coordinating entity for higher education. Prior to its demise, the role of the CPEC included academic program review to coordinate the long-range planning of the state's public higher education systems as a means to ensure that the segments were working together to carry out their individual missions while serving the state's long-range workforce and economic needs. The absence of a higher education coordinating entity has hindered the state's ability to review degree programs to align with state and workforce needs. In its place, changes to higher education's blueprint are being made one legislative proposal at a time in a piecemeal way, which could result in an uncoordinated and fragmented system. Although this bill is limited to one community college baccalaureate degree program, it establishes a precedent for permitting duplication of degree programs and expands CCC's ability to establish baccalaureate degrees independent from California's other public universities. The committee may wish to consider all of the following:

- *What relationship is there among the different missions of California's higher education segments and their differential ways in which they offer education?*
- *Is it appropriate to rely solely on the legislative process to implement significant programmatic changes to higher education without any coordination or long-range plan to guide the conversation? Does the legislative process allow for consideration of priority relative to other demands in higher education?*
- *How should the legislature leverage the strength of each segment to address regional or statewide workforce needs? What is the expectation for collaboration among the segments?*
- *The delineation of missions serves as a guide for how and where to allocate state resources. If there is a lack of clarity about institutional missions, what will guide the future of higher education?*

11) **Arguments in support.** According to the letter of support submitted to the committee from the Community College League, co-sponsors of the bill, it states in part, "SB 895 does not intend to create competition between public nursing schools. Currently, when students are not admitted into a public nursing program, they turn to for-profit and private institutions. While this may be a good option for many students, it is an unnecessarily expensive option when the local community college could offer the program at a lower cost. Many capable students are also priced out of the option to attend a private university or are forced to incur tremendous amounts of debt. Those are the students this bill intends to help—

students who may otherwise not seek baccalaureate degrees, including working adults, economically disadvantaged students, people of color, and place-bound students. The Community College League further asserts, “California’s nursing shortage cannot be solved by one singular approach but rather requires a collaborative, multi-program solution. SB 895 seeks to address the nursing shortage through California’s community colleges, which have already shown to be successful through ADN-BSN partnerships. As a 6-year pilot program, SB 895 would authorize 15 community college districts with existing ADN infrastructure to begin offering baccalaureate degrees in nursing. Several ADN programs are already well-positioned to take on this next step, and community college leaders across the state are eager and ready to serve their students by educating and training the next generation of nurses.”

- 12) **Arguments in opposition.** The California Association of Colleges of Nursing argues, in part, in their opposition letter, that SB 895 “will not add a single additional nurse to the state workforce beyond the number that would exist under current law. Community colleges lack the infrastructure needed to administer baccalaureate nursing degree programs in accordance with evolving nursing accreditation standards. In fact, we are concerned that the bill will exacerbate existing challenges in hiring nursing faculty, since community college programs will likely need to seek out more faculty, to teach the additional courses required as part of baccalaureate degree programs. CACN additionally stresses that, “while we absolutely concur with the author and proponents on the need to craft policies that increase the number of nurses in the state, we respectfully disagree that this approach will address any of the underlying constraints to that pipeline. CACN believes that we can increase the number of nursing students in our state faster by partnering with our community colleges and not duplicating efforts and competing for limited resources, including clinical placements and qualified faculty.”
- 13) **Amendments.** In order to incentivize intersegmental collaboration and ensure programs offered under the pilot program are established in underserved areas of the state, **staff recommends that the bill be amended as follows:**

*Applicant eligibility:*

- Modify applicant eligibility criteria in EC Section 78045(b)(1)(B) of the bill so that pilot program eligibility is only available to community college districts physically located in underserved nursing areas as determined by the California Department of Health Care Access and Information.
- Give priority to community college districts that are physically located 100 miles or more from a California State University’s Bachelor of Science in Nursing degree program.
- Clarify in EC Section 78045(b)(1)(A) that the Community College Chancellor’s office is *encouraged* to ensure that there is equitable access among the northern, central, and southern parts of the state to the pilot program.

*Define underserved nursing areas:*

- Define underserved nursing areas to mean registered nurse shortage areas designated at a high, medium or low severity level as identified by the California Department of Health Care Access and Information.

*Divide pilot program into independent and partnership programs*

- Add: The CCC BSN pilot program shall be subject to the following limitations:
  - Only eight shall be granted the authority to develop an independent CCC bachelor of science in nursing degree.
  - Seven shall be selected to establish partnerships with a campus of a California State University, University of California, or independent institutions of higher education as defined in EC § 66010 (b) for purposes of developing concurrent enrollment programs that allow community college students who are enrolled in an associate degree in nursing program to concurrently earn a bachelor of science in nursing degree from a partner institution.
    - Specify that a community college district without a nationally accredited nursing program may be selected to establish a partnership (as described) under the pilot program.

*Maintain existing associate degree program*

- Districts selected for the pilot program shall continue to offer an associate degree in nursing program.

*Reporting requirement*

- Set December 1, 2029 as the deadline for submission of the Legislative Analyst's office report.

**14) Related and prior legislation.**

AB 2104 (Soria, 2024) would require the CCC Chancellor's office to develop a Baccalaureate Degree in Nursing Pilot Program that authorizes select community college districts to offer a Bachelor of Science in Nursing degree. AB 2104 has been referred to the Assembly Committee on Higher Education.

SB 1183 (Hurtado, 2024) would add living in a medically underserved area or population as a factor for consideration in the multicriteria screening tool used for admission into an impacted registered nursing program at a CCC. It also extends the sunset date by five years. SB 1183 was approved by this committee on April 3.

AB 1311 (Soria, Chapter 126, Statutes of 2023) required the LAO to conduct an assessment, on or before January 1, 2025, evaluating the efficacy of existing programs in allied health jointly offered between campuses of the CCC, CSU, and UC.

AB 1695 (Gipson, 2023) would establish the Nursing Pathway Pilot program in high schools to create pathways toward associate degrees in nursing at CCC. AB 1695 was heard and approved by this committee on June 28, 2023 and held on the Senate floor.

## SUPPORT

American Federation of State, County, and Municipal Employees (co-sponsor)  
Community College League of California (co-sponsor)  
Los Angeles Community College District (co-sponsor)  
United Nurses Associations of California (co-sponsor)  
Adventist Health White Memorial  
Antelope Valley Community College District  
Association of California Community College Administrators  
Association of California Healthcare Districts; the  
Bakersfield College  
Butte College  
California Assisted Living Association  
California Association for Health Services At Home  
California Association of Health Facilities  
California Association of Latino Community College Trustees and Administrators  
California Community College Baccalaureate Association  
California Community Colleges Chief Instructional Officers  
California Hospital Association  
Cerritos Community College District  
Chabot-Las Positas Community College District  
Citrus College  
Coast Community College District  
Compton Community College District  
Contra Costa Community College District  
County Health Executives Association of California  
County of Los Angeles Board of Supervisors  
Desert Community College District  
El Camino Community College District  
Faculty Association of California Community Colleges  
Foothill-De Anza Community College District  
Gavilan College  
Glendale Community College  
Grossmont College  
Grossmont-Cuyamaca Community College District  
Kern Community College District  
Lassen Community College District  
Long Beach Community College District  
Los Angeles Area Chamber of Commerce  
Los Angeles Pierce College

Los Angeles Valley College  
MiraCosta Community College District  
Monterey Peninsula Community College District  
Mt. San Antonio College  
Mt. San Jacinto Community College District  
North Orange County Community College District  
Palo Verde Community College District  
Palomar Community College District  
Pasadena Area Community College District  
Peralta Community College District  
Providence  
Rancho Santiago Community College District  
Redwoods Community College District  
Rio Hondo College  
Riverside Community College District  
San Diego Community College District  
San Diego Unified School District  
San Jose-Evergreen Community College District  
San Luis Obispo County Community College District / Cuesta College  
Santa Clarita Community College District - College of the Canyons  
Sharp Healthcare  
Sierra Community College District  
Siskiyou Joint Community College District  
South Orange County Community College District  
Southwestern Community College District  
Student Senate for California Community Colleges  
Sutter Health  
TELACU  
The Community College League of California Asian Pacific Islander Trustee and  
Administrator Caucus  
Ventura County Community College District  
Victor Valley College  
West Hills College Lemoore  
West Hills Community College District  
West Kern Community College District  
Several individuals

**OPPOSITION**

Association of Independent California Colleges and Universities  
California Association of Colleges of Nursing  
California Baptist University  
California State University  
Concordia University Irvine  
Dominican University of California  
University of San Francisco School of Nursing and Health Professions  
One individual

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1056	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Rubio		
<b>Version:</b>	February 8, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Elementary education: kindergarten.

## SUMMARY

This bill requires, beginning with the 2026-27 school year, a student to have completed one year of kindergarten before being admitted to the first grade of a public school. This bill, therefore, expands compulsory education to include kindergarten.

## BACKGROUND

Existing law:

- 1) Requires every person between the ages of six and 18 years to attend school full-time (at least the minimum school day as required by statute and school districts). (Education Code (EC) § 48200)
- 2) Requires a student to be admitted to kindergarten if the student will have their fifth birthday on or before September 1. (EC § 48000)
- 3) Authorizes school districts to admit to kindergarten, on a case-by-case basis, a student who will have their fifth birthday during the school year, subject to the following conditions:
  - a) The governing board of the school district determines that the admittance is in the best interest of the student.
  - b) The parent is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance. (EC § 48000)
- 4) Requires a student to be admitted to the first grade if the student will have their sixth birthday on or before September 1. (EC § 48010)

## ANALYSIS

This bill:

- 1) Requires, beginning with the 2026-27 school year, a student to have completed one year of kindergarten before being admitted to the first grade of a public elementary school (including a charter school).

- 2) Clarifies that a student is to be admitted to the first grade if the student has their sixth birthday on or before September 1 *and* that the student has completed one year of kindergarten.
- 3) Clarifies that the exiting authority for a kindergarten student to be placed in first grade if judged ready for first grade work applies to a student who has not completed one school year of kindergarten.
- 4) Extends to charter school governing bodies the existing authority for a school district governing board to admit a student of a proper age to a class after the first month of a school term.
- 5) States legislative intent to maintain parental choice in determining the best option for their child's education, and states that a parent or legal guardian of a student eligible for kindergarten maintains the discretion to enroll the student in either public school kindergarten or private school kindergarten, which includes home schooling, before enrolling the student in the first grade of a public elementary school.
- 6) Further states legislative intent that the age of compulsory education in California remain at six years of age.
- 7) States legislative findings and declarations relative to the benefits of kindergarten.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "As a public school teacher for over 17 years, I have witnessed firsthand the detrimental impact on young students who miss out on the fundamentals of kindergarten. The voluntary participation for kindergarten leaves students unprepared. It is imperative that we ensure our earliest learners benefit from the curriculum framework and content standards in kindergarten. We have a responsibility to uplift all children in our community ensure children reach their full potential. This will only happen if every child enrolls in kindergarten."
- 2) ***How many students currently attend kindergarten?*** Kindergarten is considered a grade level, is factored in the calculation of average daily attendance, and is included in the academic content standards, curricular frameworks and instructional materials. However, attendance in kindergarten is not mandatory and compulsory education laws begin at age six. The California Department of Education (CDE) estimates that, pre-COVID, approximately 95% of eligible students attended kindergarten (public and private kindergarten), and approximately 80% of eligible students attended kindergarten at a public school.

According to data collected through the California Longitudinal Pupil Achievement Data System and released by CDE April 4, 2023, enrollment in K-12 public schools, overall and specifically in kindergarten (includes transitional kindergarten), shows a slower decline in overall enrollment and a significant increase in enrollment in kindergarten. While decreases in enrollment during the pandemic were most severe in kindergarten, the greatest increases in enrollment are now amongst kindergarteners.

The California Longitudinal Pupil Achievement Data System shows that in 2022-23, approximately 3.5 percent of 1<sup>st</sup> graders appear to be enrolled in the public school for the first time, suggesting they did not attend kindergarten in a public school.

	Kindergarten Enrollment (includes TK)	Overall K-12 Enrollment
2022-23	495,811	5,852,544
2021-22	469,928	5,892,240
2020-21	462,172	6,002,523
2019-20	523,855	6,163,001

- 3) **Transitional kindergarten.** The state has invested in expanding transitional kindergarten to all four-year olds; as prescribed by law, full expansion is expected in the 2025-26 school year. This bill proposes to require attendance in kindergarten in the 2026-27 school year, which delays implementation of mandatory kindergarten until after full expansion of transitional kindergarten is achieved.
- 4) **Chronic absenteeism in kindergarten.** Existing law defines chronic absenteeism as when a student is absent on 10 percent or more of the schooldays in a school year (regardless of whether the absence was excused or not). According to DataQuest, chronic absenteeism for kindergarten in 2022-23 was 36.3 percent, compared to an average of 24.9 percent for all grades. Absenteeism in kindergarten may reflect the perceived lack of importance since kindergarten attendance is not mandatory.

It is worth noting that while kindergarten attendance is not mandatory, kindergarten attendance is included in school accountability measures, such as being reported on the School Dashboard.

- 5) **Will all five-year olds be required to attend kindergarten?** No. This bill requires attendance at kindergarten prior to enrollment in first grade in a public school, but does not preclude five-year-olds from attending transitional kindergarten or preclude six-year-olds from attending kindergarten. This bill does not preclude private schools from enrolling students in first grade who have not completed one year of kindergarten.
- 6) **Where are five-year olds if not already in kindergarten?** Children who are too young to be admitted to, or whose parents choose not to enroll their child in, kindergarten may currently be served by other types of early education or care programs, such as state preschool or general child care programs. Those programs differ from kindergarten in which curriculum is offered, staffing ratios, length of program, and other important elements that parents may consider when choosing early education for their children. Currently, attendance in kindergarten is not mandatory; this bill makes kindergarten attendance mandatory prior to enrollment in first grade in a public school. The enrollment of additional students into kindergarten could affect other programs that may currently be serving these children (not an issue if the children are currently enrolled in transitional kindergarten).



7) **Public or private school.** This bill does not require students to attend kindergarten at a public school; parents would retain the option to enroll their five- or six-year old in kindergarten at a private school, including homeschool. This bill does not preclude private schools from enrolling students in first grade who have not completed one year of kindergarten.

8) **Related legislation.**

AB 2226 (Muratsuchi, 2024) is identical to this bill, and is scheduled to be heard in the Assembly Education Committee on April 10, 2024.

9) **Prior legislation.**

SB 767 (Rubio, 2023) was nearly identical to this bill. SB 767 was held in the Senate Appropriations Committee.

SB 70 (Rubio, 2022) was nearly identical to this bill. SB 70 was vetoed by the Governor, whose veto message read:

***The learning that happens during the early years of a child's life is critical to their long-term success and happiness. It's why I worked with the Legislature to provide universal access to quality pre-kindergarten education, including transitional kindergarten, the California State Preschool Program, and other state-subsidized early learning programs. Making sure all kids begin their school careers ready to learn on par with their peers is one of the most impactful things we can do to combat societal inequities.***

***While the author's intent is laudable, SB 70 is estimated to have Prop. 98 General Fund cost impacts of up to \$268 million ongoing, which is not currently accounted for in the state's fiscal plan. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.***

***The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill.***

SB 1153 (Rubio, 2020) was identical to this bill, other than the implementation date. SB 1153 was not heard due to the compressed 2020 legislative session.

AB 713 (Weber, 2015) would have required, beginning with the 2017-18 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 713 was held in the Senate Appropriations Committee.

AB 1444 (Buchanan, 2014) would have required, beginning with the 2016-17 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 1444 was vetoed by Governor Brown, whose veto message read:

***Most children already attend kindergarten, and those that don't may be enrolled in other educational or developmental programs that are deemed more appropriate for them by their families.***

***I would prefer to let parents determine what is best for their children, rather than mandate an entirely new grade level.***

AB 1772 (Buchanan, 2012) would have required, beginning with the 2014-15 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 1772 was held in the Assembly Appropriations Committee.

AB 2203 (V. Manuel Perez, 2012) would have expanded compulsory education laws to include five-year olds. AB 2203 was held in the Assembly Appropriations Committee.

AB 1236 (Mullin, 2008) would have expanded compulsory education laws to include five-year olds. AB 1236 was held in the Assembly Appropriations Committee.

## **SUPPORT**

Los Angeles Unified School District (sponsor)  
Baldwin Park Unified School District  
California Association for Bilingual Education  
California Charter Schools Association  
California Retired Teachers Association  
California School Employees Association  
California Teachers Association  
Communities in Schools of Los Angeles  
Covina-Valley Unified School District  
Early Edge California  
EdVoice  
El Monte Union High School District  
Mountain View School District  
San Diego Unified School District

## **OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1391	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Rubio		
<b>Version:</b>	April 1, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** Teachers: preparation and retention data.

## SUMMARY

This bill requires the Office of Cradle-to-Career (C2C) Data (managing entity) to create a teacher training and retention dashboard within the C2C data system by January 1, 2026.

## BACKGROUND

Existing law:

- 1) Establishes the C2C data system, intended to connect data on student progress through education, workforce training, employment, health and social services. Specifies that the data system shall support user-facing tools and services to students, educators, parents, and advisers. Specifies that the data system shall be subject to the Project Approval Lifecycle at the Department of Technology, and shall comply with state and federal privacy laws. Establishes the C2C managing entity until July 1, 2026. Establishes a governing board comprised of 21 members, including representatives from higher education, various state departments, eight members of the public appointed by the Governor and Legislature, and two representatives of the Legislature.
- 2) Establishes the California Classified School Employee Teacher Credentialing Program, intended to address the state's teacher shortage by supporting local educational agencies (LEAs) to recruit classified school employees into teaching careers and support their undergraduate education, professional teacher preparation, and certification as credentialed California teachers. In July 2021, the state appropriated \$125 million to expand the California Classified School Employees Teacher Credentialing Program for another five years. Classified staff of LEAs participating in the program receive financial assistance for degree and credentialing-related expenses and other forms of individualized support to help them complete their undergraduate education, teacher preparation program, and transition to becoming credentialed teachers.
- 3) Establishes the National Board for Professional Teaching Standards (NBPTS) Certification Incentive Program, awarding grants to school districts for the purpose of providing incentives to teachers who have attained certification from the NBPTS and agree to teach at a high-priority school for at least five years. Additionally, any teacher who initiates the process of pursuing a certification from

NBPTS when teaching at a high-priority school is eligible to receive a candidate subsidy to cover the costs of seeking certification.

- 4) Establishes the Golden State Teacher Grant Program, awarding up to \$20,000 to students currently enrolled in a professional preparation program approved by the Commission on Teacher Credentialing (CTC) and working towards earning their preliminary teaching or pupil personnel services credential. Grant recipients commit to work at an eligible priority school or preschool for 4 years within 8 years of the date they complete their professional preparation program.

## ANALYSIS

This bill:

- 1) Requires the C2C managing entity, under the direction of the governing board, to create a teacher training and retention dashboard within the data system by January 1, 2026, providing information on the following:
  - a) Trends regarding teacher training pipelines.
  - b) Trends regarding teacher credentialing.
  - c) Trends regarding teacher hiring and assignments.
  - d) Trends regarding teacher retention.
  - e) Trends regarding educator demographic data.
  - f) Trends regarding teacher vacancies and mobility.
  - g) Trends regarding participation in programs for addressing teacher shortages and teacher diversity, as appropriate, including, but not limited to, the Teacher Residency Grant Program, the California Classified School Employee Teacher Credentialing Program, the Golden State Teacher Grant Program, the National Board for Professional Teaching Standards Certification Incentive Program.
- 2) Requires the California Department of Education to annually collect data on award recipients, including assignment and demographic data, from the National Board for Professional Teaching Standards Certification Incentive Program.
- 3) Requires the California Student Aid Commission to annually collect demographic data on award recipients from the Golden State Teacher Grant Program.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The state has invested in many promising teacher grant programs and this bill would provide the means to retrieve the data that is currently not being collected, including demographics, so that we can answer key questions about how they are affecting the teacher

workforce. As a public school teacher for 17 years, I have witnessed the detrimental impact teacher shortages and high turnover rates have on both student achievement and the quality of the education students' receive. Currently, there is no state body that can provide critical information to the public and policymakers to understand and address the shortage of teachers, show patterns of teacher diversity and mobility statewide, or reflect the impact of these programs. This critical bill will help foster a more diverse and equitable teacher workforce in California."

- 2) ***Cradle to Career Teacher Training and Retention Dashboard Background.*** The Teacher Training and Retention Dashboard (Dashboard) is a planned public dashboard of the C2C data system. The Dashboard will provide information on teacher workforce trends including training pipelines, teacher employment and retention, and employment trends for former teachers.

The Dashboard was first proposed as part of the C2C planning process in April 2021, with the scope jointly developed by the proposed data providers, with advice from an advisory group made up of data providers, teacher union representatives, Human Resources managers from school districts, and community organizations. This first iteration of plans for the dashboard focused primarily on teacher credentialing, placement, and retention.

The C2C governing board reviewed the proposed scope of the dashboard at its February 2022 meeting, when partner agencies proposed expanding the scope to include information from the Employment Development Department about the earnings and industry of occupation for teacher candidates and people who leave positions in the California public schools, as well as information on the subjects in which students earned community college awards and bachelor's degrees before entering a teacher training program. These expansions reflected recommendations from the advisory group that had met during the planning process.

In the summer of 2022, the C2C managing entity convened the Teacher Data Taskforce for the purpose of identifying ways to consistently calculate data points related to teacher preparation programs, teacher credentialing, teacher placement, and teacher retention. Because this dashboard would require data points that were not yet included in the list of data points C2C's data partners will share, in fall 2022 the Governing Board tasked an ad hoc committee with clarifying the process to include additional data points in C2C's data set, via updates to the C2C Governance Manual.

During the first quarter of 2023, the C2C managing entity worked with WestEd to interview potential dashboard users to identify key considerations for the design and to inform input at the spring Community Engagement Advisory Board and Data & Tools Advisory Board meetings.

- 3) ***Learning Policy Institute (LPI) report.*** The LPI's 2016 report, "*Addressing California's Emerging Teacher Shortage: An Analysis of Sources and Solutions*" included the following summary: "After many years of teacher layoffs in California, school districts around the state are hiring again. With the influx of

new K-12 funding, districts are looking to lower student-teacher ratios and reinstate classes and programs that were reduced or eliminated during the Great Recession. However, mounting evidence indicates that teacher supply has not kept pace with the increased demand.” The report included the following findings:

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

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

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

- b) Teacher pipeline problems are exacerbated by teacher testing policies and inadequate financial aid for completing preparation. Many districts attributed shortages to having a limited pool of fully credentialed applicants, with more than half reporting that testing requirements and lack of financial support for teacher education pose barriers to entry into teaching.
  - c) Teacher workload and burnout are major concerns. The transition to online and hybrid learning models has had a steep learning curve and poses ongoing challenges that have been a primary contributor to some teachers' decisions to retire earlier than previously planned. With district leaders estimating that teacher workloads have at least doubled, many were concerned that the stressors of managing the challenges of the pandemic on top of the challenges of an increased workload could lead to teacher burnout and increased turnover rates.
  - d) Growing retirements and resignations further reduce supply. In some districts, retirements and resignations are contributing to shortages, while in others, these retirements and resignations offset the need for anticipated layoffs due to expected budget cuts this school year. District leaders anticipate higher retirement rates next year, which could exacerbate teacher shortages.
- 6) ***Arguments in support.*** The Alameda County Office of Education writes, "Alameda County Office of Education is committed to strengthening the education workforce and removing barriers to equitable access to the teaching profession. Research shows that student outcomes improve when students are taught by a diverse body of educators. Alameda County Office of Education is developing innovative programs to attract and retain highly qualified education staff from diverse backgrounds.

"In 2023, the California Research Bureau released a report on the educator workforce to further evaluate the implementation and effectiveness of six teacher grant programs across the state. However, results from the report are unclear as to how these programs have altered the educator workforce.

"The shortage of qualified teachers in disadvantaged communities continues to be a challenge in California. Additionally, the demographic makeup of California's teacher workforce is not reflective of the diversity of its student population. In 2018-19, the California Department of Education published statewide teacher demographic data that found, only 23 percent of California public school students identified as white, while 61 percent of teachers identified as white."

## SUPPORT

Teach Plus (sponsor)  
Alameda County Office of Education  
California Chamber of Commerce

California Charter Schools Association  
Californians Together  
Children Now  
Create CA  
Educators for Excellence - Los Angeles  
EdVoice  
Loyola Marymount University - the Center for Equity for English Learners  
Northern California College Promise Coalition  
Para Los Ninos  
Public Advocates  
The Education Trust - West  
TNTF Reimagine Teaching  
Voters of Tomorrow

**OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1063	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Grove		
<b>Version:</b>	March 11, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil health: mental health resources.

## SUMMARY

This bill would expressly authorize a local educational agency (LEA) to include on pupil identification cards for pupils in grades 7 to 12, inclusive, a quick response (QR) code that links to the mental health resources internet website of the county in which the school district is located.

## BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Requires each campus of a California State University (CSU) and the California Community Colleges (CCC), and request each campus of the University of California (UC), with a campus mental health hotline to have printed on either side of student identification cards the telephone number of their mental health hotline or the city's or county's mental health hotline, for which the campus is located, if the campus does not have a campus mental health hotline. (EC § 66027.8 et seq)
- 2) Requires, commencing July 1, 2019, a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, and that issues pupil identification cards shall have printed on either side of the pupil identification cards the telephone number for the National Suicide Prevention Lifeline and may have printed the Crisis Text Line and a local suicide prevention hotline. (EC § 215.5 (a)(1))
- 3) Requires, commencing July 1, 2019, a public or private institution of higher education (IHE) that issues student identification cards shall have printed on either side of the student identification cards the telephone number for the National Suicide Prevention Lifeline and may have printed the Crisis Text Line and a local suicide prevention hotline. (EC § 215.5 (b)(1)).
- 4) Requires, commencing October 1, 2020, a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, and that issues pupil identification cards shall have printed on either side of the pupil identification cards the telephone number for the National Domestic Violence Hotline. (EC § 215.5 (a)(2))

- 5) Requires, commencing October 1, 2020, a public or private IHE that issues student identification cards shall have printed on either side of the student identification cards the telephone number for either the National Domestic Violence Hotline or a local domestic violence hotline. (EC § 215.5 (b)(2))

## ANALYSIS

This bill would expressly authorize a LEA to include on pupil identification cards for pupils in grades 7 to 12, inclusive, a QR code that links to the mental health resources internet website of the county in which the school district is located.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author “There needs to be a bridge between students and the mental health resources, available to them. Providing a QR code that allows students to review their options and find the right resource will make addressing mental health more approachable and comprehensive.”
- 2) ***Mental Health Crisis Among Students.*** Mental health problems can significantly impact various aspects of a student's life. They can reduce the quality of life, academic achievement, physical health, and satisfaction with the college experience. Additionally, these issues can negatively affect relationships with friends and family members. Furthermore, students may face long-term consequences, including a negative impact on their future employment, earning potential, and overall health.

In a study produced from the Center for Disease Control, “Forty-two percent of high school students in 2021 reported feeling so sad or hopeless for at least two consecutive weeks in the previous year that they stopped engaging in their usual activities, up from 26 percent in 2009.” Moreover, Thoughts of suicide, suicide attempts, and actual suicides among young people have also risen in that period, with Black children nearly two times more likely than their white peers to die by suicide, according to the U.S. Centers for Disease Control and Prevention’s biennial Youth Risk Behavior Survey.

Strong mental health is one of the most critical factors contributing to a student's academic success. When students have a positive mental state, they tend to learn better, retain information more effectively, and realize their full potential more effectively. Their mental health also plays a crucial role in their well-being and social development. Students with good mental health can build stronger relationships, make better decisions, and work collaboratively with their peers. Moreover, students with positive mental health are also more likely to become responsible and productive members of their communities as they transition into adulthood. They have a better sense of self-awareness and are more equipped to navigate the challenges of the transition to adulthood. Therefore, it is essential to prioritize mental health education and promote a positive mental state among students.

In 2022, the Legislature passed AB 2122 (Choi, Chapter 183, Statutes of 2022) which requires each campus of a CSU and the CCC, and request each campus of the UC, with a campus mental health hotline to have printed on either side of student

identification cards the telephone number of their mental health hotline or the city's or county's mental health hotline, for which the campus is located, if the campus does not have a campus mental health hotline.

*This bill would expressly authorize an LEA to include on pupil identification cards for pupils in grades 7 to 12, inclusive, a QR code that links to the mental health resources internet website of the county in which the school district is located. This would allow some schools to provide links to mental health resources but not others as there is no existing requirement for an LEA to provide this information via a student identification card. Should all LEAs provide this benefit to their students?*

*The author has accepted an amendment to ensure that all student identification cards have links to mental health resources.*

- 3) **Room For Information on Identification Cards? A Potential Solution.** Current law requires public and private schools and IHEs, as specified, to include the telephone number of the National Suicide Prevention Lifeline with the option to provide the Crisis Text Line and a local suicide prevention line. Statute also requires public and private schools, and IHE, as specified, to include the telephone number of the National Domestic Violence Hotline or a local domestic violence hotline, as specified. This information is in addition to a student's name, identification number, photo, barcode, school logo, or any other information that an IHE has deemed necessary to include. A student identification card is roughly the same size as a State Driver's license. Thus, only a finite amount of information can be affixed to a student identification card.

*Currently, this bill would expressly authorize an LEA to include on pupil identification cards for pupils in grades 7 to 12, inclusive, a QR code that links to the mental health resources internet website of the county in which the school district is located. As a result, student identification cards could have both a QR code and the written materials required by existing law. Should the expressed permission to use a QR code be expanded to replace, in part or in whole, the required written information, in order to save space?*

*The author has accepted an amendment that would expand the authorization for LEAs serving students in grades 7 to 12 to use a QR code to include and replace, in part or in whole, other required information that must be on either side of a student's ID card, as specified in statute.*

- 4) **California Investment In Youth Mental Health Services.** Since 2019, California has taken action to address youth mental health. California has enacted grant programs and established initiatives to provide schools proper support to assist students and families.

*California Community Schools Partnership Program (CSPP).*

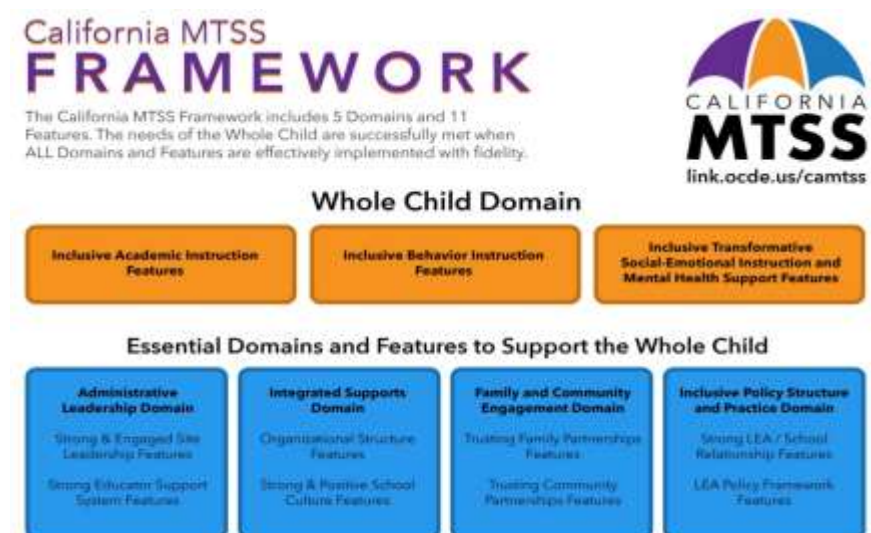
A community school is a public school that serves students from pre-kindergarten through grade twelve, and it has partnerships with the local community to support improved academic outcomes, whole-child engagement, and family development.

In response to longstanding inequities exacerbated by the COVID-19 pandemic, California supported CSPP investments in 2020, 2021, and 2022. In 2020, the California Legislature allocated \$45 million in Federal Elementary and Secondary School Emergency Relief (ESSER) to support existing community schools throughout the state. Then, in 2021, the California legislature passed the California Community Schools Partnership Act and in 2022, the Legislature expanded the program by adding funds and extending the program to 2031. Between 2021 and 2022, the Legislature allocated a historic \$4.1 billion in state dollars to support new and existing community schools, particularly those serving high concentrations of high-need students.

The partnership strategies of community schools include integrated support services, extended learning time, and collaborative leadership and practices for educators and administrators. Community schools use a community-driven shared decision-making approach to improve access to nurses, counselors, and social workers. This creates community hub campuses where students and families have easy access to the services needed to close opportunity gaps.

Multitiered Systems of Support (MTSS).

MTSS is a comprehensive framework that aligns academic, behavioral, social, and emotional learning and mental health supports in a fully integrated system of support for the benefit of all students. CA MTSS offers the potential to create needed systematic change through intentional design and redesign of services and supports to identify and match all students’ needs quickly. The MTSS framework provides opportunities for LEAs to strengthen school, family, and community partnerships while developing the whole child in the most inclusive, equitable learning environment, thus closing the equity gaps for all students.



In 2015, Assembly Bill 104 (Committee on Budget, Chapter 13, Statutes of 2015), appropriated \$10,000,000 for developing, aligning, and improving academic and behavioral support systems. The California Department of Education conducted a competitive grant process and awarded the funds to the Orange County Department of Education (OCDE) for their Scaling Up MTSS Statewide (SUMS) proposal, which included the Butte County Office of Education (Butte COE) as a rural partner. In 2016, an additional \$20,000,000, appropriated by SB 828

(Committee on Budget, Chapter 29, Statutes 2016), augmented the original grant award. The Budget Act of 2018 authorized an additional \$15,000,000, appropriated by AB 1808 (Committee on Budget, Chapter 32, Statutes of 2018), and SB 840 (Budget Act of 2018, Chapter 29, Statutes of 2018). This phase of the grant focuses on improving the school climate statewide. The total \$95,000,000 awarded to date is to encourage LEAs to establish and align schoolwide, data-driven academic and behavioral support systems to more effectively meet the needs of California's diverse learners in the most inclusive environment.

Comprehensive school mental health programs offer three tiers of support within an MTSS approach:

- Tier 1: Universal mental health promotion activities for all students;
- Tier 2: Selective prevention services for students identified as at risk for mental health problems; and
- Tier 3: Indicated services for students who already show signs of a mental health problem.

*Children and Youth Behavioral Health Initiative (CYBHI).*

Established as part of the Budget Act of 2021, the CYBHI is a multiyear, multi-department package of investments that seeks to reimagine the systems, regardless of payer, that support behavioral health for all California's children, youth, and their families. Efforts will focus on promoting social and emotional well-being, preventing behavioral health challenges, and providing equitable, appropriate, timely, and accessible services for emerging and existing behavioral health (mental health and substance use) needs for children and youth ages 0-25. CYBHI is grounded in focusing on equity; centering efforts around children and youth voices, strengths, needs, priorities, and experiences; driving transformative systems change; and using ongoing learning as the basis for change and improvement in outcomes for children and youth.



In January 2024, the California Department of Health Care Services (DHCS), in partnership with Kooth and Brightline, launched two behavioral health virtual services platforms for children, youth, and families. Launching as a part of the state's CalHOPE program, with funding from the CYBH, a \$4.6 billion investment in youth behavioral health, the web- and app-based platforms will offer all California residents, regardless of insurance coverage, free one on one support with a live coach, a library of multimedia resources, wellness exercises, and peer communities

moderated by trained behavioral health professionals to ensure the appropriateness of content and the safety of all users. These new CalHOPE platforms will complement existing services offered by health plans, counties and schools by providing additional care options and resources for parents and caregivers, children, youth and young adults in California.

5) **Committee Amendment:** *Committee staff recommends, and the author has agreed to accept, the following amendment:*

a) Require LEAS serving students in grades 7 to 12 links to the mental health resources internet website of the county in which the school district is located.

b) Expand the authorization for LEAs serving students in grades 7 to 12 to use a QR code to include and replace, in part or in whole, other required information that must be on either side of a student's ID card, as specified in statute.

6) **Related Legislation.**

SB 1378 (Min, 2024) require public and private schools that serves pupils in any of grades 7 to 12 and Institutions of Higher Education (IHE) that issues student identification cards, beginning July 1, 2025, to include the telephone number for the United States Department of Education Office for Civil Rights for assistance related to Title IX. *This bill is set to be heard in Senate Education Committee April 10.*

SB 1375 (Jackson, Chapter 665, Statutes of 2016) requires schools to post information on their Web sites relative to the designated Title IX coordinator, rights of students and responsibilities of schools, and a description of how to file a complaint.

AB 2122 (Choi, Chapter 183, Statutes of 2022), requires each campus of a CSU and the CCC, and request each campus of the UC, with a campus mental health hotline to have printed on either side of student identification cards the telephone number of their mental health hotline or the city's or county's mental health hotline, for which the campus is located, if the campus does not have a campus mental health hotline.

SB 316 (Rubio, Chapter 270, Statutes of 2019) requires (1) public schools, including charter schools, that serve pupils in any of grades 9 to 12, inclusive, that issue pupil or student identification cards, beginning October 1, 2019, to print the telephone number for the National Domestic Violence Hotline on the back of those identification cards; and (2) requires public or private IHEs, that issue pupil or student identification cards, to print the telephone number for the National Domestic Violence Hotline or a local domestic violence hotline that provides confidential support services for students that have experienced domestic violence.

SB 972 (Portantino, Chapter 460, Statutes of 2018) requires schools that serve students in any of grades 7-12, and IHEs, that issue student identification cards to have printed on either side of the identification card the number for a suicide hotline.

## SUPPORT

Ishmeet Singh (sponsor)

Aspire Counseling Services  
Bakersfield City School District  
Garden Pathways  
Kern Health Systems  
Kern High School District  
Kern Psychiatric Health and Wellness Center  
Sierra Sands Unified School District  
Taft Union High School District  
Tehachapi Unified School District

**OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1094	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Limón		
<b>Version:</b>	February 12, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil instruction: course of study: social sciences: civic engagement.

## SUMMARY

This bill further defines social sciences, to include principles of democracy and the State and Federal Constitutions and requires students to complete a civic engagement or experience with a local, state, or national governmental institution at least once between grades 1 to 6 and again between grades 7 and 8.

## BACKGROUND

Existing Law:

*Education Code (EC)*

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



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

**ANALYSIS**

This bill further defines social sciences, to include principles of democracy and the State and Federal Constitutions and requires students to complete a civic engagement or experience with a local, state, or national governmental institution at least once between grades 1 to 6 and again between grades 7 and 8.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author “SB 1094 furthers existing law by creating pathways for students in elementary and secondary schools to become civically engaged at the local, state, and national levels of government. Civic education provides students with critical thinking and collaboration skills and empowers students with knowledge to become active participants in their communities and government. It is imperative to introduce them early to civic education and systems of government to create clear pathways towards a lifetime of civic engagement.”
- 2) ***California Task Force on K-12 Civic Learning of 2014 (Task Force).*** In 2014, the Chief Justice of California and the State Superintendent of Public Instruction formed the Task Force with the intention to craft a set of recommendations to improve civic learning in our schools to address the need to revitalize civic learning in our state. To this end, the Task Force makes the following system-wide recommendations to improve civic learning in every district, in every school, for every child:
  - a) Revise the California History-Social Science Content Standards and accompanying curriculum frameworks to incorporate an emphasis on civic learning, starting in kindergarten, so all students acquire the civic knowledge, skills and values they need to succeed in college, career and civic life.
  - b) Integrate civic learning into state assessment and accountability systems for students, schools, and districts. Civic knowledge, skills, values, and whether students are receiving learning opportunities that promote these outcomes must be assessed and linked to revised California History-Social Science Content Standards and relevant Common Core State Standards. This will enable periodic reporting to the legislature and the public on the state of students’ civic learning.
  - c) Improve professional learning experiences for teachers and administrators to help them implement civic learning in schools. Connect professional learning in civics to Common Core State Standards professional learning experiences.
  - d) Develop an articulated sequence of instruction in civic learning across all of K-12, pegged to revised standards. At each grade level, civic learning should draw on the research-based and include work that is action-oriented and project-based and that develops digital literacy.
  - e) Establish a communication mechanism so community stakeholders can easily connect with teachers and students on civic education and engagement. Students need to get out of the school building to practice civic engagement, and civic leaders need to come into schools to engage students.

- f) Provide incentives for local school districts to fund civic learning in Local Control Accountability Plans under the new Local Control Funding Formula (LCFF).

3) **Civic Education Included in History-Social Science Curriculum Framework.**

California’s history-social science Framework, adopted by the State Board of Education in July, 2016, addresses civic engagement throughout the document. According to the CDE, the Framework includes more than thirty detailed classroom examples from a wide range of grade levels that show teachers how they can tailor instruction to address not only the history–social science standards, but also the English Language Arts (ELA)/English Language Development (ELD) standards. The classroom examples include a number with a civic focus, such as:

- a) Kindergarten: Being a Good Citizen.
- b) Grade Three: Classroom Constitution.
- c) Grade Five: The Preamble.
- d) Grade Eight: The Civic Purpose of Public Education.
- e) Grade Twelve: Judicial Review.

For example, the 12th-grade curriculum in the 12th grade “Principles of American Democracy” section includes a focus on the questions, “What does it mean to be a citizen?” and “How can citizens improve democracy?” The course description states: “Students learn that democracies depend upon an actively engaged citizenry – individuals who fully participate in the responsibilities of citizenship (such as voting, serving in the military, or regular public service) – for their long-term survival.” For example, the 12th-grade curriculum in the 12th grade “Principles of American Democracy” section includes a focus on the questions, “What does it mean to be a citizen?” and “How can citizens improve democracy?” The course description states: “Students learn that democracies depend upon an actively engaged citizenry – individuals who fully participate in the responsibilities of citizenship (such as voting, serving in the military, or regular public service) – for their long-term survival.”

- 4) **State Seal Of Civic Engagement (SSCE).** On September 10, 2020, the SBE adopted criteria and guidance to award a SSCE to California students who demonstrate excellence in civics education and participation, and an understanding of the United States Constitution, the California Constitution, and the democratic system of government. By adopting these criteria, California joined a small but growing number of states that formally recognize and promote student civic engagement with seals to affix to student transcripts, diplomas, or certificates of completion. According to CDE’s 2022-23 school year data, of the 260 schools that participate, 12,559 seals have been awarded to students.
- 5) **The Local Control Funding Formula (LCFF).** The LCFF recognizes the necessity of investing in the reduction and ultimate removal of inequitable outcomes in California public schools. Revitalizing civic learning opportunities, in an equitable manner, can contribute to meeting these goals.

**6) Related Legislation.**

SB 1341 (Allen,2024) defines visual and performing arts in the adopted course of study for grades 1 to 6 and grades 7 to 12, including media art.

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

AB 1821 (Ramos, 2024) would, commencing the 2025–26 school year, with respect to both of the above-referenced adopted courses of study for social sciences, would require any instruction on the Spanish missions in California or the Gold Rush Era to also include instruction regarding the treatment of Native Americans during those periods.

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

**SUPPORT**

Los Angeles County Office of Education (co-sponsor)  
Sacramento County Office of Education (co-sponsor)  
California Council for the Social Studies  
City of Monterey Park  
Generation Citizen  
Generation Up  
3 Individuals

**OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1166	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Dodd		
<b>Version:</b>	March 18, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Public postsecondary education: annual report: sex discrimination.

## SUMMARY

This bill (1) expands the scope of a currently-required California State University (CSU) report containing a summation of the activities undertaken by each campus and by the systemwide Title IX office to also include outcomes of appeals, a list of personnel who are exempt from being a "responsible employee," and a yet-to-be-developed annual report that compiles campus-based evaluations of how sex discrimination is addressed on campuses; and, (2) requests the University of California (UC) and requires each community college district to also submit this report.

## 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)

*Sexual harassment*

- 4) Defines “sexual harassment” as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting under the following conditions: quid pro quo, as defined, and hostile workplace, as defined. Existing law further defines “sexual harassment” as sexual violence, sexual battery, and sexual exploitation, as defined. (EC § 212.5 and §66262.5)

*Existing reporting related to complaints of sexual harassment*

- 5) Requires CSU to submit by December 1 an annual report to the Legislature, and post on its website, that includes specified information including but not limited to:
  - a) The number of sexual harassment reports filed disaggregated by each individual campus and the Chancellor’s Office.
  - b) The number of formal sexual harassment complaints under investigation, the length of time taken to begin an official investigation after a formal sexual harassment complaint is filed, and the length of time taken from the beginning of an investigation to the completion of a final investigative report, disaggregated by each individual campus and the chancellor’s office, as specified.
  - c) The number of hearings conducted for formal sexual harassment complaints and the outcomes of those hearings disaggregated by each individual campus and the chancellor’s office. The outcomes of those hearings are to be grouped in specified categories.
  - d) The number and outcomes of appeals requested by either the complainant or respondent disaggregated by each individual campus and the chancellor’s office. (EC § 66282)

*Existing reporting related to campus crime statistics*

- 6) 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)
- 7) 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) expands the scope of a currently-required CSU report containing a summation of the activities undertaken by each campus and by the systemwide Title IX office to also include outcomes of appeals, a list of personnel who are exempt from being a "responsible employee," and a yet-to-be-developed annual report that compiles campus-based evaluations of how sex discrimination is addressed on campuses; and, (2) requests the UC and requires each community college district to also submit this report. Specifically, this bill:

### *New reporting requirements for UC and community college districts*

- 1) Requires each community college district, by September 1, 2026 and annually thereafter, to submit a report to the California Community Colleges (CCC) Chancellor's office on the activities undertaken by the community college district to ensure programs and activities are free from sex discrimination. This bill requires the report to include all of the following:
  - a) The number of sexual harassment reports filed disaggregated by each individual campus of the community college district.
  - b) The number of formal sexual harassment complaints filed with the district Title IX office disaggregated by each individual campus of the district. Formal sexual harassment complaints shall include all formal sexual harassment complaints that have been submitted to a Title IX office regardless of whether or not an official investigation has begun.
  - c) The number of formal sexual harassment complaints under investigation, the length of time taken to begin an official investigation after a formal sexual harassment complaint is filed, and the length of time taken from the beginning of an investigation to the completion of a final investigative report, disaggregated by each individual campus of the community college district as follows:
    - i) The length of time taken to begin an official investigation after a formal sexual harassment complaint is filed shall be grouped in the following categories:
      - (1) Less than two weeks.
      - (2) Two weeks to one month.
      - (3) One to three months.
      - (4) Three to six months.

- (5) Six to 12 months.
  - (6) Twelve to 18 months.
  - (7) More than 18 months.
- ii) The length of time taken from the beginning of an investigation to the completion of a final investigative report shall be grouped in the following categories:
- (1) Less than six months.
  - (2) Six to 12 months.
  - (3) Twelve to 18 months.
  - (4) More than 18 months.
- iii) The number of hearings conducted for formal sexual harassment complaints and the outcomes of those hearings disaggregated by each individual campus. The outcomes of those hearings shall be grouped in the following categories:
- (1) An informal resolution or settlement was agreed to by the complainant and respondent.
  - (2) A hearing was convened and a final administrative decision was rendered by the decisionmaker.
  - (3) A hearing is scheduled or has concluded, but the decisionmaker has not rendered a final administrative decision.
  - (4) The number of appeals requested by either the complainant or respondent disaggregated by each individual campus.
  - (5) The outcomes of the appeals disaggregated by each individual campus.
  - (6) The outcomes of appeals that occur if an employee respondent elects to appeal a discipline sanction as a result of the complaint through the appeal process provided by the employee's collective bargaining agreement or by existing law.
  - (7) A list of the personnel disaggregated by campus who are exempt from being "responsible employees."
- 2) Requires the CCC Chancellor's Office, by December 1, 2026 an annually thereafter, to submit a report to the Legislature that provides a summation of the activities undertaken by each community college district and by the systemwide Title IX office to ensure campus programs and activities are free from sex discrimination. This bill



requires the report to include but not be limited to all of the following:

- a) The reports provided by each community college district.
  - b) The yet-to-be-developed annual report and presentation that compiles campus-based evaluations of how sex discrimination is addressed on campuses.
  - c) The outcome of any sex discrimination complaints filed with the systemwide Title IX office.
- 3) Requires the CCC Chancellor's Office to post the annual reports listed in #2 above on its website.
- 4) Includes the following definitions:
- a) "Final administrative decision" means the written determination of whether or not sexual harassment occurred as determined by the decisionmaker following the final investigative report and the subsequent hearing.
  - b) "Final investigative report" means the final report of the summary of relevant evidence provided by the Title IX investigator to the complainant and respondent.
- 5) Requests UC to provide essentially the same report annually (and include information about complaints filed with and/or involving the President's Office, in addition to campuses).

*Expands reporting requirement for CSU*

- 6) Clarifies that CSU's existing annual report related to sexual harassment is to be a summation of the activities undertaken by each campus and by the systemwide Title IX office to ensure campus programs and activities are free from sex discrimination.
- 7) Expands CSU's annual report related to sexual harassment to also include:
- a) The outcomes of appeals that occur if an employee respondent elects to appeal a discipline sanction as a result of the complaint through the appeal process provided by the employee's collective bargaining agreement or by existing law.
  - b) A list of the personnel disaggregated by campus who are exempt from being "responsible employees."
  - c) The yet-to-be-developed annual report and presentation that compiles campus-based evaluations of how sex discrimination is addressed on campuses.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, "Institutions of higher education are mandated by federal and state laws as well as system policy to provide safe learning and working environments for students, faculty and employees alike. However, State Audits and ongoing reporting have put a spotlight on the serious and systemic

deficiencies in the handling of discrimination cases on college campuses across the state. While recent audits and media reporting have focused significant attention on inadequate protections at the California State University (CSU), students, faculty, and staff on University of California (UC) and Community College campuses are no less deserving of protections against discrimination. The current gap in consistent and meaningful data on the handling and outcomes of discrimination cases across California colleges and universities means less transparency and accountability on these campuses. SB 1166 ensures transparent and consistent public reporting not only on the outcome of discrimination complaints, but also provides a summation of activities undertaken by each campus to prevent sex discrimination. In order to rebuild trust and confidence in the safety of our campus communities, this additional transparency, oversight, and accountability of our campus communities is sorely needed.”

- 2) **Recent report on how postsecondary education institutions address sexual discrimination.** Throughout 2023, staff from the Assembly Higher Education Committee and this committee hosted fact-finding briefings with representatives from the CCC, CSU, UC and various California Independent Colleges and Universities to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report that provides a synopsis of the information gleaned from the briefings and a compilation of legislative proposals for how the State can partner with higher education institutions to prevent and address discrimination in all its forms on college and university campuses throughout California.  
[https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024\\_0.pdf](https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf)

As revealed in this report, 70 percent of students surveyed in 2020 who identify as LGBTQ+ felt uncomfortable reporting an incident to the UC Police Department and 36 percent of students thought reporting to the Title IX office was confidential (meaning that the coordinator was not required to act upon the information provided).

*This bill addresses one of the recommendations in this report, specifically that CCCs and the CSU be required, and require UC as a condition of receiving funding, to provide an annual accounting of their adjudication of complaints of sex discrimination (more specifically, expand the provisions of SB 808 (Dodd, Chapter 417, Statutes of 2023) to include CCCs and UC).*

- 3) **Existing CSU report.** The existing requirement for CSU to report on sexual harassment reports, complaints, investigations, and outcomes was put into place by SB 808 (Dodd, Chapter 417, Statutes of 2023), and requires the report to be completed by December 1. Therefore, CSU’s first report on sexual harassment reports, complaints, investigations, and outcomes is expected December 1, 2024. *This bill expands the information to be included in this report, and also requires/requests CCCs and UC to provide such reports.*
- 4) **Title IX coordinators.** Both the CSU and the UC have campus-based Title IX coordinators at each campus, and systemwide Title IX coordinators. Each community college district has a Title IX coordinator, but there is not a designated

Title IX coordinator at each CCC campus and the CCC is the only system without a systemwide Title IX coordinator. *This bill relates to reporting and does not affect campus- or system-level staffing.*

- 5) **Responsible employee.** Existing law defines “responsible employee” as an employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment to an appropriate school official who has that authority. Responsible employees are expected to report complaints of sexual harassment – information provided to a responsible employee is not confidential. Responsible employees specifically include Title IX coordinators, residential advisors, athletic directors, faculty, and other specified staff. Some staff are specifically excluded from being a responsible employee, such as a therapist including a UC Center for Advocacy, Resources, and Education (CARE) employee or CSU victim advocate.

Existing law requires UC, CSU, CCCs, private postsecondary educational institutions, and independent institutions of higher education that receive state financial assistance to designate at least one employee of the institution to coordinate its efforts to comply with and carry out its responsibilities under California’s Sex Equity in Education Act; that employee is designated as a responsible employee and is therefore not a confidential employee.

*This bill requires CSU and community college districts, and requests UC, to include a list of personnel who are exempt from being a “responsible employee” in an annual report.*

- 6) **Additional reporting pursuant to related legislation.** This bill expands existing reporting for CSU, and expands to CCCs and UC, to include a yet-to-be-developed annual report and presentation that compiles campus-based evaluations of how sex discrimination is addressed on campuses. This yet-to-be-developed annual report and presentation is to be provided by the systemwide Title IX coordinator who provides a “state of the system” presentation based on evaluations conducted every three months. This report would be required by AB 2047 (Mike Fong, 2024).

- 7) **Related legislation.**

SB 1491 (Eggman, 2024) (1) requires the CSU Trustees and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at the respective campus; (2) requires the point of contact to be a confidential employee, as specified; (3) requires the CSU Trustees and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior; (4) requires California Student Aid Commission (CSAC), beginning with the 2026-27 school year, to provide written notice to students who receive state financial aid whether their college or university has a religious school exemption from Title IX; and, (5) requires the Legislative Analyst’s Office (LAO) to conduct an assessment of the CCCs, CSU, and UC systems with respect to the quality of life at those campuses for lesbian, gay,

bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit faculty, staff, and students at the campuses of each of those institutions. SB 1491 is pending in the Senate Appropriations Committee.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is pending in the Assembly Higher Education Committee.

AB 1575 (Irwin, 2024) authorizes students who receive a disciplinary notification the right to have an adviser of their choosing and requires postsecondary education institutions to provide trainings for the aforementioned adviser. AB 1575 is in the Senate Rules Committee pending referral.

AB 810 (Friedman, 2024) requires CCCs and CSU, and requests UC and private postsecondary education institutions, to implement a policy of requiring potential employees for academic, athletic, and administrative positions to disclose whether they have been the subject of a finding of sexual harassment and to permit the institution to contact past employers to inquire whether the applicant had any substantiated allegations of misconduct. AB 810 is in the Senate Rules Committee pending referral.

AB 2608 (Gabriel, 2024) expands currently required training for students on sexual violence and sexual harassment to include information regarding drug-facilitated sexual assault and information related to confidential support and care resources. AB 2608 is pending in the Assembly Higher Education Committee.

AB 2326 (Alvarez, 2024) establishes which entities who are responsible for ensuring campus programs are free from discrimination and who has the authority to oversee and monitor compliance with state and federal laws; requires the chair of the CCC Board of Governors, the President of UC, and the Chancellor of CSU to present to the legislature annually on the state of the system in preventing discrimination on campus; and, requires the systemwide governing boards to review the system's nondiscrimination policies and to update them if necessary. AB 2326 is pending in the Assembly Higher Education Committee.

AB 1790 (Connelly, 2024) requires the CSU to take specified actions to implement the recommendations provided by the State Auditor's report from 2022 titled "California State University: It Did Not Adequately or Consistently Address Some Allegations of Sexual Harassment." AB 1790 is pending in the Assembly Higher Education Committee.

AB 2407 (Hart, 2024) requires the State Auditor to conduct an audit every three years of the CCC, CSU, and UC regarding their respective handling and investigation of sexual harassment complaints. AB 2407 is pending in the Assembly Higher Education Committee.

AB 1905 (Addis, 2024) prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of

recommendation if the employee is the respondent in a sexual harassment complaint where a final determination has been made or the employee resigned. AB 1905 is pending in the Assembly Higher Education Committee.

AB 2047 (Mike Fong, 2024) requires the CCC, CSU, and UC to establish a systemwide Office of Civil Rights and establish the position of systemwide Title IX coordinator. AB 2047 is pending in the Assembly Higher Education Committee.

AB 2048 (Mike Fong, 2024) requires each campus of the CSU and UC, and each community college district, to establish, on or before July 1, 2026, a Title IX office in a private space for students and employees to disclose complaints of sex discrimination, including, but not limited to, sexual harassment; and, provides that the Title IX office is to be under the administration of a Title IX coordinator who is to be responsible for coordinating the campus' implementation and compliance with the systemwide nondiscrimination policies. AB 2048 is pending in the Assembly Higher Education Committee.

AB 2987 (Ortega, 2024) requires each campus of the CSU and CCCs, and requests each campus of the UC, to provide status updates on the outcomes of complaints of sex discrimination to complainants and respondents, to the extent permissible under state and federal law; and, requires/requests that notice of a disciplinary action to the respondent be provided to the respondent within three schooldays of a decision. AB 2987 is pending in the Assembly Higher Education Committee.

**SUPPORT**

California State University Employees Union (sponsor)

**OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1222	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Alvarado-Gil		
<b>Version:</b>	March 18, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Community colleges: study: Counties of Amador, Alpine, Mariposa, Modoc, and Sierra.

## SUMMARY

This bill declares that all the state's territory be included within a community college district by eliminating the exception that excludes certain counties from that policy. It further requires the Legislative Analyst's Office (LAO) to prepare a report with specific policy recommendations to the legislature evaluating postsecondary education services and opportunities for residents of Amador, Alpine, Mariposa, Modoc, and Sierra counties that are not fully included in a community college district. Lastly, the bill requires that the LAO convene and consult a working group to help prepare the report and recommendations.

## BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges (CCC) as a part of public higher education consisting of community college districts under the control of a local board of trustees. (Education Code (EC) § 70900 and § 70902)
- 2) Declares as legislative policy that all of the territory of the state shall be included within a community college district, except that territory located within a county where the county residents accounted for fewer than 350 units of average daily attendance in the state's community colleges during the preceding fiscal year, and that territory located within such a county may be included within a community college district pursuant to prescribed procedures. (EC § 74000)
- 3) Authorizes the county committee on school district organization to, if certain conditions are met approve or disapprove petitions to transfer territory and the formation of a district that meets specified conditions. (EC § 35710)
- 4) Authorizes the county committee on school organizations to establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, adopt one of the alternative methods of electing governing board members, and increase to seven or decrease to five the number of members of the governing board in any school district or community college district. (EC § 5019)

**ANALYSIS**

This bill:

- 1) Eliminates the exception to the legislative policy of including all of the state's territory within a community college district, which excludes certain counties with low community college attendance among their residents, as provided.
- 2) Requires that the LAO study and prepare a report evaluating the provision of postsecondary education services and opportunities to residents of the underserved counties of Amador, Alpine, Mariposa, Modoc, and Sierra that are not fully included within the territory of a community college district.
- 3) Requires that the required report include policy recommendations regarding how the state can ensure in-person and online postsecondary education opportunities for residents of the specified counties that are equivalent to those of similarly sized communities fully included within a community college district's territory.
- 4) Requires that the report and recommendations include the following considerations:
  - a) An analysis of the educational and economic impacts of the existing deficit of CCC services and opportunities in the specified five counties and the potential benefits of providing equivalent opportunities to these communities.
  - b) An analysis of the current availability of, and opportunities to strengthen, dual enrollment and transfer pathways.
  - c) Identification of outreach and recruitment services in the specified five counties by public and private postsecondary educational institutions and collaborations that are operating or in process to expand access to postsecondary education programs and services in other parts of the state.
  - d) Identification of potential providers of in-person and online postsecondary education programs and services within the five specified counties, and options for implementing those programs and services.
  - e) Identification of opportunities and resources needed to provide in-person postsecondary education programs and courses in locations reasonably accessible to a majority of residents of the specified five counties.
  - f) Identification of opportunities for partnership with local educational agencies, public and private postsecondary educational institutions, local governments, and nonprofit organizations to facilitate expanded CCC opportunities to serve the residents of the specified five counties.
  - g) An analysis of resource needs and potential funding sources for

expanding postsecondary education services and opportunities for residents of the five specified counties.

- h) Identification of potential legislative and administrative actions that may be taken to ensure that residents of the five specified counties have in-person and online postsecondary education opportunities equivalent to those offered in similarly sized communities that are fully included within the community college district's territory.
- 5) Prohibits the LAO from requiring, but allows the LAO to request and receive information from various entities, including the CCC Board of Governors and the CCC Chancellor, the California Department of Education (CDE), any CCC district, the California State University (CSU) Chancellor's Office, the University of California (UC) President's Office, or any organization representing independent institutions of higher education in the state.
  - 6) Requires the LAO to convene and consult a working group to help inform the development of the report and recommendations, which includes voluntary representatives from all of the following:
    - a) One representative from each of the five specified counties.
    - b) One representative of an organization representing rural counties.
    - c) Representatives from one or more of the CCC districts adjacent to each of the five specified counties.
    - d) One representative of the CCC Chancellor's Office.
    - e) One representative of the CSU Chancellor's Office.
    - f) One representative of the UC President's Office.
    - g) One representative of an organization of independent, nonprofit colleges and universities in California.
    - h) One representative of CDE.
  - 7) Requires that the LAO, by December 31, 2025, submit the required report and recommendations to the appropriate fiscal and policy committees of the Legislature and the Governor, as specified.
  - 8) States that a special statute is necessary because the counties of Amador, Alpine, Mariposa, Modoc, and Sierra are not within a CCC district.
  - 9) Sunsets this bill's provisions on January 1, 2030.



**STAFF COMMENTS**

- 1) **Need for the bill.** According to the author, “Senate Bill 1222 creates a stepping stone towards inclusion for some of our state's most rural counties. This bill would declare as legislative policy that all state territory be included in a community college district or otherwise be given equivalent postsecondary educational opportunities. The measure directs the Legislative Analyst's Office to conduct a study evaluating the educational needs and opportunities that exists for the five rural counties (Amador, Alpine, Mariposa, Modoc, and Sierra) that are currently not included in a community college district.

“California's rural population has continually lagged behind in educational attainment due to their unique locations and circumstances that limit their access to opportunities and resources. An appropriate pathway to solving this issue is necessary to ensure the promise that everyone deserves an equal chance at an education and developing skills for a career that will help them support themselves and their families.”

- 2) **Higher education access.** This bill effectively makes it a goal of the legislature that all of the state's territory be included within a community college district. Additionally, it requires an assessment of postsecondary educational services and opportunities. California's higher education system consists of the CCCs, the CSU, and the UC. It also includes about 200 private, non-profit colleges and universities. There are 116 CCCs, which consist of the system's online only community college, 23 CSUs, and 10 UC campuses. Each of the three systems offers a range of online courses and programs. Under current law, the state does not consider the territory within a county where the residents had less than 350 units of average daily attendance in CCC as part of the state's community college service area commitment. The populations of the five counties identified in the bill are as follows: Amador (37,676), Alpine (1,142), Mariposa (18,067), Modoc (9,570), and Sierra (3,201). Alpine, Amador, Mariposa, and Sierra do not have a community college located in their county. Modoc County is unique among the five counties because it falls within the Shasta and Lassen Community College District service areas. However, Shasta Community College District and Lassen Community College District do not collect property tax revenue from Modoc County. This bill seeks to ensure that the residents of these counties, despite their numbers, or community college attendance rate, have access to higher education courses or programs.
- 3) **Service area expansion requires county involvement.** A county committee on school district organization determines the service areas for both community colleges and school districts. Some counties have transferred the functions of the county committee on school district organization to the county board of education. The service area for most community college districts deviates only slightly from county lines. According to the school district organization handbook, county committees have the authority to grant requests for the addition of new territory if, among other things, it does not result in any increased costs or decrease educational opportunities for existing residents. It appears that community college districts cannot expand their service boundaries without

involvement from their local government partners. This bill is silent on the need for such coordination.

- 4) **An increase level of responsibility assigned to LAO for evaluating higher education issues.** This bill requires that the LAO undertake various responsibilities to assess the availability of higher education options for individuals residing in the targeted rural counties. Since the defunding of the California Postsecondary Education Commission in 2011, there is currently no centralized coordinating body for higher education in the State of California. This absence has hindered the state's ability to assess higher education opportunities. As a result, there has been an increased demand for the LAO to report on higher education issues in an effort to fill the information gap. However, the LAO's capacity to fulfill this role has not been adequately considered, as it is not specifically intended to handle the workload of a state agency. Additionally, the bill prohibits the LAO from requiring information from higher education institutions further limiting their ability to receive data and implement the bill's requirements. *The committee may wish to consider whether data currently exists to conduct an evaluation and whether LAO has the capacity to conduct new data collection, research, and convene a workgroup as required by this bill.*

#### **SUPPORT**

Rural County Representatives of California

#### **OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1241	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Padilla		
<b>Version:</b>	February 15, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Safety and Violence Education for (SAVE) Students Act.

## SUMMARY

This bill requires the California Department of Education (CDE), as specified, to develop and post on its website training related to suicide prevention and social inclusion and requires each local educational agency (LEA), commencing July 1, 2027, to establish a threat assessment team and an anonymous reporting system, as specified.

## BACKGROUND

Existing Federal Law:

*Code of Federal Regulations (CFR)*

- 1) Authorizes an educational agency or institution to disclose personally identifiable information from an education record to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. (34 CFR § 99.36(a))

Existing State Law:

*Education Code (EC)*

- 2) Requires a school official who is alerted to or observes any threat or perceived threat to immediately report the threat or perceived threat to law enforcement. If two or more officials jointly have an obligation to report to law enforcement regarding a threat or perceived threat, the report can be consolidated into one report. (EC § 49393)
- 3) Requires, upon notification from a school official, the local law enforcement agency or the school site police, to immediately conduct an investigation and assessment of any threat or perceived threat, as specified. (EC § 49394)
- 4) Existing law prohibits school employees from conducting a body cavity search of a student, or removing or arranging any or all of the clothing of a student to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the student. (EC § 49050)

- 5) Requires an LEA, county office of education (COE), and charter school safety plans to include procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school. (EC § 32282 & 47605)
- 6) Requires the governing board of an LEA that serve pupils in Kindergarten and grades 1 to 6 to adopt, before the 2020-21 school year, a policy on pupil suicide prevention in kindergarten in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. (EC § 215 (a)(2)(A))
- 7) Requires the governing board of an LEA that serve pupils in grades 7 to 12 to adopt, before the 2017-18 school year, procedures relating to suicide prevention, intervention, and postvention in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. (EC § 215(a))

## ANALYSIS

This bill:

### *CDE: Youth Suicide Prevention and Social Inclusion Training Programs*

- 1) Requires the CDE, in consultation with the Department of Justice (DOJ) and the Mental Health Services Division of the State Department of Health Care Services (DHCS), to maintain a list of approved training programs, with at least one option that is free or of no cost to LEAs, to be posted on the CDE's website, for instruction in suicide awareness and prevention and safety training and violence prevention that include at least all of the following unless the CDE, in consultation with DOJ and DHCS, determines that all of the following have been met by their existing list of training materials posted on their website:
  - a) How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in pupils.
  - b) How to instruct pupils to identify the signs and symptoms of depression, suicide, and self-harm in their peers.
  - c) How to identify appropriate mental health services within schools and within larger communities, and when and how to refer pupils and their families to those services.
  - d) How to teach pupils about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of themselves and peers.
  - e) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others.

- f) The importance of taking threats seriously and seeking help.
  - g) How pupils can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the LEA's chosen anonymous reporting program.
- 2) Requires the CDE, in consultation, with DOJ and DHCS, to maintain a list of approved training programs, with at least one option that is free or of no cost to LEA, to be posted on the CDE website for instruction in social inclusion and include at least all of the following:
- a) What social isolation is and how to identify it in others.
  - b) What social inclusion is and the importance of establishing connections with peers.
  - c) When and how to seek help for peers who may be socially isolated.
  - d) How to use strategies for more social inclusion in classrooms and the school community.
- 3) Requires, commencing the July 1, 2027, that each LEA serving any of grades 6 to 12 to annually provide at least one hour of, or one standard class period per school year of, evidence-based instruction based upon the trainings developed by the CDE related to suicide awareness and prevention, safety training and violence prevention, and social inclusion, and allows a student to be excused from any instruction upon the written request of the pupil's parent or legal guardian.

*Establishes Threat Assessment Teams*

- 4) Requires each LEA, commencing July 1, 2027, to establish a threat assessment team, which may include, to the extent possible, school administrators, school counselors and psychologists, school resource officers, and other appropriate personnel, for each of its schools serving any of grades 6 to 12.
- 5) Specifies that each member, at least once every three years must complete a threat assessment training program, and retain proof of completion, from a list maintained by the DOJ, if the DOJ has a list. If DOJ does not maintain a list, the DOJ is required to maintain a list.
- 6) States if an LEA If the school of a local educational agency has a similarly constituted safety team as of January 1, 2025, that team may also serve as the threat assessment team and has taken training from the list maintained by the DOJ; However, if a member of an already established team has completed training between July 1, 2026, and July 1, 2027, inclusive, the team member does not have to complete another training course again until July 1, 2029.
- 7) Require any new member who joins a newly created team, or existing team, to complete an approved training program from the list maintained by the DOJ upon their appointment to that team.

- 8) Specifies that a LEA, the members of the governing board or body of a LEA, and any employee of a LEA, including a school threat assessment team member are not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a team member's execution of duties unless the team member's act or omission constitutes willful or wanton misconduct without eliminating, limiting, or reducing any other immunity or defense that a local educational agency, the governing board or body of a LEA, or any employee of a LEA, including a school threat assessment team member, may assert under existing law.

*Establishes Anonymous Tip lines*

- 9) Requires, commencing July 1, 2027, each LEA to enter into an agreement with an anonymous reporting program, and promote the reporting program at each of its schools in order to inform pupils about the reporting program and its reporting methods, that (1) operates 24 hours, seven days a week; (2) forwards reported information to, and coordinates with, the appropriate the school personnel, law enforcement agencies, and other public safety agencies, as identified in a school's adopted school safety plan; (3) the provider annually submits a report to the CDE and the DOJ of the number of anonymous reports made through the reporting program, and the method by which they were received, disaggregated by individual school.
- 10) Requires, commencing July 1, 2028, and annually thereafter, at the end of each school year, for each LEA to submit all of the following data to the CDE and DOJ, in a manner prescribed by the CDE and the DOJ, disaggregated by school and that the data submitted to the CDE and DOJ is non-personally identifiable information:
- a) The number and type of disciplinary actions taken in the previous school year as a result of anonymous reports.
  - b) The number and type of mental wellness referrals as a result of anonymous reports.
  - c) The race and gender of the pupils subject to disciplinary actions and mental wellness referrals as a result of anonymous reports.
  - d) Any other information the State Department of Education or the Department of Justice determines necessary.

*Definitions*

- 10) "Evidence based" means a program or practice that demonstrates a rationale based on high-quality research findings or positive evaluation that such a program or practice is likely to improve relevant outcomes and includes ongoing efforts to examine the effects of the program or practice.
- 11) "Local educational agency" means a LEA, COE, or charter school.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, “Students across the state deserve to feel safe in their schools. By implementing proven resources such as anonymous reporting systems and evidence-based trainings, SB 1241 will ensure young people are educated about the signs that one of their peers may be in crisis, and have a safe and anonymous way to speak up. Building off of the 2020 SAVE Students Act passed in Ohio, this legislation would help establish best practices for combating school violence and youth suicide. The safety and well-being of our students should be our first priority and SB 1241 is a needed step to establish a school environment where young people can learn and grow.”
  
- 2) ***Youth Suicide Prevention Training Already Developed By CDE.*** In 2018, the Legislature passed AB 1808 (Committee On Budget, Chapter 32, Statutes of 2018) which, among other things, allocated \$1.7 million in one-time General Fund for the Superintendent of Public Instruction to identify evidence-based training programs for LEAs on suicide prevention and provide a grant to a COE to acquire and disseminate a training program identified by CDE to LEAs at no cost. That bill also called for the training to be offered to middle and high school students. The training was launched in two phases. Phase One includes the rollout of the program for middle and high school staff in late May 2020; Phase Two included the roll out of the training for middle and high school students in mid-September 2020. The CDE selected LivingWorks Start as the online training program and the San Diego County Office of Education as the lead to make this online training available, at no cost, to LEAs to voluntarily use as part of their youth suicide prevention policy. Subsequent legislation, has required the governing board of any LEA that serves pupils in grades 1 to 6 and 7 to 12, inclusive to adopt a policy on pupil suicide prevention, intervention, and postvention.

*This bill would require the CDE to revise their existing guide on youth suicide prevention unless the CDE determines the criteria, as specified, are already met. In addition to potentially revising youth suicide materials on its website, the bill also requires CDE, as specified, to develop and make publically available on its website, training on social inclusion with one option being at no cost to an LEA..*

- 3) ***Threat Assessment Teams in School.*** According to the U.S. Department of Education (USDE) “A threat assessment team is a group of officials that convene to identify, evaluate, and address threats or potential threats to school security. Threat assessment teams review incidents of threatening behavior by students (current and former), parents, school employees, or other individuals. Some schools may need assistance in determining whether a health or safety emergency exists in order to know whether a disclosure may be made under FERPA’s health or safety emergency provision. Accordingly, members of a threat assessment team might include officials who can assist in making such decisions, such as school principals, counselors, school law enforcement unit officials, as well as outside medical and mental health professionals and local law enforcement officers.”

To aid in these efforts, the U.S. Secret Service’s National Threat Assessment Center (NTAC), in 2019 studied 41 incidents of targeted school violence that occurred at K-

12 schools in the United States from 2008 to 2017 and published a report to help schools across the country establish threat assessment teams. This report builds on 20 years of NTAC research and guidance in the field of threat assessment by offering an in-depth analysis of the motives, behaviors, and situational factors of the attackers, as well as the tactics, resolutions, and other operationally-relevant details of the attacks. The analysis suggests that many of these tragedies could have been prevented, and supports the importance of schools establishing comprehensive targeted violence prevention programs as recommended by the Secret Service in *Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence*.

Threat assessment teams can discern serious from non-serious threats and help identify the appropriate response to each situation, which may not include law enforcement. CDE also provides information on its website to help schools develop threat assessment teams within their school safety plans.

*Currently the California DOJ does not maintain a list of trainings related to threat assessment teams on its website. Rather than requiring the California DOJ to maintain training on its website, should the bill instead direct LEAs to align their threat assessment teams with best practices by the NTAC?*

- 4) **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 used to report threats.

In California, some schools have already implemented an 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.



*This bill requires LEAs to enter into an agreement with anonymous reporting programs with certain specifications, as specified above. Should there be more flexibility for schools to establish anonymous reporting systems, particularly for those that have already entered agreements or have already established an anonymous reporting system?*

5) **Student Privacy – The Family Educational Rights and Privacy Act (FERPA).**

FERPA protects the privacy of students' personal records held by educational agencies or institutions that receive federal funds under programs administered by the U.S. Secretary of Education. Almost all public schools and public school districts receive some form of federal education funding and must comply with FERPA. Organizations and individuals that contract with or consult for an LEA also may be subject to FERPA if certain conditions are met. FERPA controls the disclosure of recorded information maintained in a pupil's education record. FERPA generally limits access to all student records, and for example, only school staff with a legitimate educational interest in the information should be able to access it. FERPA also requires schools to include in their annual notices to parents a statement indicating whether the school has a policy of disclosing information from the education file to school officials, and, if so, which parties are considered school officials and what the school considers to be a legitimate educational interest.

According to USDE's website, "a school or school district may disclose personally identifiable information (PII) from education records without consent to threat assessment team members who are not employees of the school or school district if they qualify as "school officials" with "legitimate educational interests. In establishing a threat assessment team, the school must follow the FERPA provisions in § 99.31(a)(1)(i)(B) concerning outsourcing this function if team members will be privy to PII from students' education records. While not a requirement of FERPA, one way to ensure that members of the team do not redisclose PII obtained from education records would be to have a written agreement with each of the team members specifying their requirements and responsibilities. Schools are reminded that members of the threat assessment team may only use PII from education records for the purposes for which the disclosure was made, i.e., to conduct threat assessments, and must be subject to FERPA's redisclosure requirements in § 99.33(a) [...]. For example, a representative from the city police who serves on a school's threat assessment team generally could not give the police department any PII from a student's education records to which he or she was privy as a member of the team. However, if the threat assessment team determines that a health or safety emergency exists, then the police officer may disclose, on behalf of the school, PII from a student's education records to appropriate officials under the health or safety emergency exception under §§ 99.31(a)(10) and 99.36"

*This bill ensures student's personal information is not shared when reporting to the CDE and DOJ and further requires that the reports are disaggregated.*

6) **Committee Amendments.** *The committee staff recommends the following amendments:*

- a) Defines "anonymous reporting system" as a system that enables any person to submit an anonymous report, including, but not limited to, via a telephone

number, call center, internet website, mobile telephone application, or email address.

- b) Replaces the Mental Health Services Division of the State Department of Health Care Services with the California Department of Health and Human Services.
- c) Removes the provisions related to threat assessment teams.
- d) Allows an LEA that has previously established an anonymous reporting system or procedures to receive tips meet the requirements of this bill as long as the current system adopted by an LEA meets the requirements of this bill.
- e) Add to the list of required information that an LEA must report to CDE and DOJ, the type of threat and the manner in which the threat was received.
- f) Requires an LEA, upon receiving a false report about a student who is the subject of the report, to remove that record from the student's record.

#### 7) ***Related Legislation.***

SB 906 (Portantino, Chapter 144, Statutes of 2022) requires (1) LEAs to annually provide information to parents or guardians about California's child access prevention laws and laws relating to the safe storage of firearms; (2) requires school officials to report to law enforcement any threat or perceived threat; and (3) requires law enforcement or the school police to conduct an investigation and threat assessment, including a review of SB 906 DOJ's firearm registry and a search of the school and/or students' property by law enforcement or school police.

AB 99 (Irwin, 2022) would have required the governing board of a school district, on or before August 1, 2023, to adopt policies for the establishment of a crisis intervention and targeted violence prevention program that assists 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, pupils, school staff, or other community members, and that provides referrals to appropriate services. *This bill died on Senate Inactive File.*

AB 2246 (O'Donnell, Chapter 642, Statutes of 2016) requires LEAs to adopt policies for the prevention of student suicides, and requires the CDE to develop and maintain a model suicide prevention policy.

#### **SUPPORT**

CleanEarth4Kids.org

#### **OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1277	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Stern		
<b>Version:</b>	February 15, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil instruction: genocide education: the Holocaust.

## SUMMARY

This bill would establish the California Teachers Collaborative for Holocaust and Genocide Education (Collaborative), as specified, under the California Department of Education's (CDE) direction, to be responsible for establishing a statewide teacher professional development program on genocide, including the Holocaust, for local educational agencies (LEA), county office of education (COE), and charter school teachers.

## BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Students in grades 7-12 studying social sciences must learn about human rights issues, including genocide, slavery, and the Holocaust. (EC § 51220)
- 2) Requires the CDE to incorporate into publications that provide examples of curriculum resources for teacher use those materials developed by publishers of nonfiction, trade books, and primary sources, or other public or private organizations, that are age appropriate and consistent with the subject frameworks on history and social science that deal with civil rights, human rights violations, genocide, slavery, and the Holocaust. (EC § 51226.3 (a))
- 3) The Legislature encourages all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about civil rights, human rights violations, genocide, slavery, the Armenian Genocide, and the Holocaust. (EC § 51226.3 (c))
- 4) Requires instruction in social sciences shall include the early history of California and a study of the role and contributions of people of all genders, Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, religious, and socioeconomic status groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society. (EC § 51204.5)

- 5) Requires, when adopting instructional materials for use in the schools, governing boards to include only instructional materials that, in their determination, accurately portray the cultural and racial diversity of our society, including the role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, religious, and socioeconomic status groups to the total development of California and the United States. (EC § 60040(b))

## ANALYSIS

This bill:

### *Establishment and Mission of The Collaborative*

- 1) Establishes the Collaborative, consisting of leading genocide and Holocaust education organizations and institutions, genocide survivors, and community leaders to be responsible for establishing a statewide teacher professional development program on genocide, including the Holocaust, for LEA, COE, and charter school teachers, under the direction of CDE.
- 2) States it is the mission of the Collaborative to ensure that genocide, including the Holocaust, education is taught to fidelity in California schools as part of the required social studies curriculum, with the content of this education being aligned with state standards and included in ways that are interdisciplinary and age-appropriate to pupils of different grade levels.
- 3) Requires the Collaborative to focus on education to identify and confront antisemitism and hate in modern society, in addition to focusing on education regarding the Holocaust and the genocides of the Armenian, Bosnian, Cambodian, Guatemalan, Indigenous American, Rwandan, and Uyghur peoples.

### *Duties of The Collaborative*

- 4) Specifies the duties of the Collaborative are to include, but are not limited to, all of the following:
  - a) Distributing grants to the Collaborative's genocide and Holocaust education organizations and institutions to provide teacher training programs, and developing innovative curricula and digital tools.
  - b) Creating a robust library of lesson plans on genocide, including Holocaust, education that align with common core academic standards, distributing these lesson plans to LEAs, COEs, and charter schools statewide, and supporting LEA, COE, and charter school teachers in using the lesson plans through workshops, conferences, and digital tools.
  - c) Organizing statewide and regional workshops, and providing participating teachers with transportation and accommodation.

- d) Launching and maintaining an internet website that serves as a central hub for sharing the latest educational resources, including curricula and other materials, and best practices on genocide education to provide access to all California teachers of pupils in any of grades 6 to 12, inclusive, and increasing the use of high-quality resources, in LEAs, COEs, and charter schools.
- e) Evaluating the implementation and administration of this section annually to assess the degree to which teachers' efficacy on teaching about genocide, including the Holocaust, has improved, and the mission of the Collaborative's has been met.
- f) Providing, as determined by the department, annual verbal or written reports to the department and the Legislature, on the Collaborative's achievement of its mission.

#### *Other Provisions*

- 5) Makes findings and declarations related to Holocaust and genocide education can help develop a more empathetic, morally courageous, and socially responsible next generation.
- 6) "Academic standards" means the history-social science content standards adopted by the state board.
- 7) "Collaborative" means the California Teachers Collaborative for Holocaust and Genocide Education.
- 8) "Genocide" means, as defined by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group:
  - a) Killing members of the group.
  - b) Causing serious bodily or mental harm to members of the group.
  - c) Deliberately inflicting on the group conditions of life calculated to bring about, in whole or in part, its physical destruction.
  - d) Imposing measures intended to prevent births within the group.
  - e) Forcibly transferring children of the group to another group.
- 9) "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jews and 5,000,000 other individuals by the Nazi regime and its collaborators.

#### **STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author "As hate incidents surge in California schools, addressing this disheartening trend is imperative. As a Jewish senator and author of SB 1277, I advocate for standardized teacher training in Holocaust and

genocide education statewide. The Teachers Collaborative equips educators with vital knowledge and tools, fostering empathy, critical thinking, and historical understanding. This effort combats hate and fosters inclusivity. SB1277 enables teachers to handle incidents with restorative justice, guiding students and staff through issues instead of resorting to unexplained disciplinary actions. Together, we build a more compassionate society, one that confronts hate through education and understanding.”

- 2) ***The Council on Holocaust and Genocide Education.*** In 2021, Governor Gavin Newsom launched the Governor’s Council on Holocaust and Genocide Education (Council). The Council is tasked with identifying instructional resources to teach students across California about the Holocaust and other acts of genocide and provide young people with the tools necessary to recognize and respond to on-campus instances of antisemitism and bigotry.

Working with the Jewish Caucus and Legislature, the Newsom Administration successfully secured millions of dollars in this year’s budget to ensure that future generations of Californians never forget the lessons of past genocides, including millions of dollars to develop curriculum resources related to Holocaust and genocide education. The state has made the following investments in this area:

- \$10 million to fund the Anti-Bias Education Grant Program to prevent and address racism and bias in all California public schools and promote inclusivity.
- \$1.9 million to establish the Collaborative to bring together all groups who teach this subject matter in order to share information, create a statewide central website, and establish best teaching practices
- \$1.4 million for the Governor’s Council on Holocaust and Genocide Education.

In October 2022, the Governor appointed nine leading academic experts and advocates to serve on the Governor’s Council on Holocaust and Genocide Education. The Council is co-chaired by State Senator Henry Stern, Attorney General Rob Bonta, State Superintendent of Public Instruction Tony Thurmond, and Dr. Anita Friedman, Executive Director, Jewish Family and Children’s Services/Northern California.

- 3) ***The California Teachers Collaborative for Holocaust and Genocide Education.*** The Jewish Family and Children Services (JFCS) Holocaust Center established the Collaborative in 2021 with support from a \$1.9 million grant from the Marin County Office of Education and the State of California. In the 2023-24 budget, the Legislature included \$1.5 million in renewed funding for the Collaborative.

*This bill codifies the Collaborative, under the direction of the CDE, established by the JFCS Holocaust Center.*

The Collaborative works in close partnership with the Governor’s Council for Holocaust and Genocide Education in a statewide effort to elevate such education for the benefit of all of California’s children and our society as a whole. According to the Collaborative’s website, antisemitic incidents rose by a shocking 41% in

California in 2022—the highest number on record. Research demonstrates that young people who receive Holocaust education report a deeper understanding of the Jewish community, a more pluralistic attitude, and a greater willingness to challenge intolerant behavior in others. The Collaborative goals include:

- To create new, standards-aligned lessons on the Holocaust and genocide for all 6-12th grade students in California.
- To empower and unify educators in teaching the lessons of history and about what happens when bias goes unchecked.
- To combat rising antisemitism and hate by creating more respectful and empathetic next generations.

The Collaborative plans to launch a pivotal new website to hold a library of best-practice curriculum material from members of the Collaborative, available for use in all California schools.

- 4) ***Existing Resources on Genocide and The Holocaust.*** The Holocaust and other genocides are currently referenced in several CDE curriculum documents, including (1) the Model Curriculum for Human Rights and Genocide, which was originally developed in 1987, is posted on the CDE website as a PDF file, and addresses the Armenian, Cambodian, and Rwandan Genocides; and (2) the History–Social Science Framework, which underwent a major revision in 2016 and contains extensive content on the Armenian Genocide and the Holocaust, and mentions several other examples of genocide. Genocide is also addressed in the Ethnic Studies Model Curriculum that was recently adopted development.
- 5) ***Committee Amendment.*** *Committee staff recommends, and the author has agreed to accept, the following amendments:*
  - a) Rather than “teach in fidelity”, ensure that genocide, including the Holocaust, education is taught consistent with the current content standards, curriculum frameworks, instructional materials adopted by the state board, and any other requirements of education code, in ways that are interdisciplinary and age-appropriate to pupils of different grade levels.
  - b) Allow the Collaborative to make grants to genocide and Holocaust education organizations and institutions, rather than to the Collaborative’s genocide and Holocaust education organizations and institution.
  - c) Makes technical changes.
- 6) ***Related Legislation.***

SB 693 (Stern, 2021) would have established (1) the Governor’s Council on Genocide and Holocaust Education and requires the council to develop best practices to facilitate the instruction on genocide and the Holocaust, identify available resources that are aligned to the best practices, and identify programs and resources to train teachers to provide education on genocide and the Holocaust; and

(2) requires the CDE to make available the best practices and approved lessons, resources, and materials to support the integration of instruction on genocide and the Holocaust, and to conduct a voluntary study to assess the impact of the instruction based on the best practices. *This bill was held in the Senate Appropriations Committee.*

SB 141 (Committee on Budget, Chapter 194, Statutes of 2023) provides for statutory changes necessary to enact the K-12 and child care-related provisions of the Budget Act of 2023.

**SUPPORT**

Jewish Family and Children's Services (sponsor)  
Facing History and Ourselves  
Holocaust Museum LA  
Jewish Family Services of San Francisco  
Jewish Partisan Educational Foundation  
Los Angeles County Office of Education  
Marin County Office of Education  
The Genocide Education Project  
1 Individual

**OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair  
2023 - 2024 Regular

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<b>Bill No:</b>	SB 1283	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Stern		
<b>Version:</b>	February 15, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupils: use of smartphones and social media.

## SUMMARY

This bill would expand the existing authority of a local educational agency (LEA), county office of education (COE), or charter school to adopt a policy that would either limit or prohibit the use of social media by its students while on campus or under the supervision and control of an employee.

## BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) The governing body of a LEA, COE, or charter school may adopt a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee or employees of that LEA, COE, or charter school. (EC § 48901.7 (a))
- 2) States a pupil shall not be prohibited from possessing or using a smartphone under any of the following circumstances:
  - a) In the case of an emergency, or in response to a perceived threat of danger.
  - b) When a teacher or administrator of the LEA, COE, or charter school grants permission to a pupil to possess or use a smartphone, subject to any reasonable limitation imposed by that teacher or administrator.
  - c) When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the pupil.
  - d) When the possession or use of a smartphone is required in a pupil's individualized education program. (EC § 48901.7 (b))
- 3) Authorizes the governing board of each school district, or its designee, to regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including but not limited to, paging and signaling equipment, by students of the school district while the students are on

campus, while attending school-sponsored activities, or while under the supervision and control of school district employees. (EC § 48901.5 (a))

- 4) Provides that no student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the student and use of which is limited to purposes related to the health of the student. (EC § 48901.5 (b))

#### Penal Code (PEN)

- 5) Except as provided in this section, a government entity shall not do any of the following:
  - a) Compel the production of or access to electronic communication information from a service provider.
  - b) Compel the production of or access to electronic device information from any person or entity other than the authorized possessor of the device.
  - c) Access electronic device information by means of physical interaction or electronic communication with the electronic device. This section does not prohibit the intended recipient of an electronic communication from voluntarily disclosing electronic communication information concerning that communication to a government entity. (PEN § 1546.1(a))
- 6) A government entity may compel the production of or access to electronic communication information from a service provider, or compel the production of or access to electronic device information from any person or entity other than the authorized possessor of the device only under a warrant, wiretap order, order for electronic reader records, a subpoena, or an order for a pen register or trap and trace device, or both, as specified. (PEN § 1546.1 (b))
- 7) States a government entity may access electronic device information by means of physical interaction or electronic communication with the device with, including but not limited to, a warrant, wiretap order, tracking device search warrant, consent of the authorized possessor of the device, consent of the owner of the device, only when the device has been reported as lost or stolen, believes that an emergency involving danger of death or serious physical injury to any person, believes the device to be lost, stolen, or abandoned, as specified. (PEN § 1546.1 (c))

#### ANALYSIS

This bill would expand the existing authority of an LEA, COE, or charter school to adopt a policy that would either limit or prohibit the use of social media by its students while on campus or under the supervision and control of an employee.

#### STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "As a concerned parent and legislator, I am deeply troubled by the increase in youth suicide attributed to bullying and social

media usage in our schools. Recent research shows the link between excessive social media exposure and heightened depression and anxiety amongst our students. Recognizing the urgent need to protect our children, I am committed to SB 1283 which helps school district's regulate the presence of social media and smartphones on school campuses statewide. It is life or death for our students and we must move quickly to mitigate the risks of smartphone addiction and online bullying during school hours, ensuring the protection of our most vulnerable Californians."

- 2) **Expansion of Existing Authority: Limitation or Prohibition of Social Media on School Campus.** Existing law provides that no student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the student and use of which is limited to purposes related to the health of the student. In 2019, the Legislature passed AB 272 (Muratsuschi, Chapter 42, Statutes of 2019) which authorized governing bodies to adopt a policy to limit or prohibit the use of smartphones by students while at school or under employee supervision without prohibiting a student from possessing or using a smartphone under specified circumstances.

*This bill, in addition to the existing authority established by AB 272, allows LEAs, COEs, and charters to adopt a policy to limit or prohibit the use of social media while at school or under the supervision of school staff.*

- 3) **Committee Amendments.** *Committee staff recommends, and the author has agreed to accept, the following amendments:*
- a) "Social media" means an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or internet website profiles or locations, but does not include an electronic service or account used exclusively for educational purposes or primarily to facilitate creation of school-sponsored publications, such as a yearbook or pupil newspaper, under the direction or control of a school, teacher, or yearbook adviser.
  - b) "Educational purposes" means for purposes that aid in instruction in the classroom or at home, or in classroom administration.

4) **Related Legislation.**

AB 272 (Muratsuschi, Chapter 42, Statutes of 2019) provides that a student shall not be prohibited from possessing or using a smartphone under specified circumstances, and authorizes governing bodies to adopt a policy to limit or prohibit the use of smartphones by students while at school.

SB 1253 (Figuroa, Chapter 253, Statutes of 2002) allows school district governing boards to regulate the possession and use of electronic signaling devices (cell phones, pagers, etc.) by pupils while on campus or attending school functions.

**SUPPORT**

Los Angeles County Office of Education  
TechNet

**OPPOSITION**

American Civil Liberties Union California Action  
**-- END --**

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1421	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Stern		
<b>Version:</b>	February 16, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Educational equity: Uniform Complaint Procedures: Office of Civil 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 California Department of Education (CDE) to establish the Office of Civil Rights within CDE and shifts to this new office the existing duties of CDE's Education Equity Uniform Complaint Procedures Office relative to complaints that allege unlawful discrimination, harassment, intimidation, or bullying against any protected group.

## BACKGROUND

Existing law:

- 1) Provides that the governing board of a school district has the primary responsibility for ensuring that school district programs and activities are free from discrimination based on age and characteristics protected pursuant to the Penal Code, and for monitoring compliance with any and all rules and regulations. (Education Code § 260)

### *Categorical Program Monitoring*

- 2) The Safe Place to Learn Act requires the CDE to monitor adherence to federal and state non-discrimination laws in any program or activity conducted by an educational institution as part of its regular monitoring and review of local educational agencies (LEAs), commonly known as the Categorical Program Monitoring process. Existing law requires CDE to assess whether LEAs have taken specified actions relative to anti-discrimination policies, complaint and investigation processes, documentation, protection from retaliation, and identification of the responsible LEA officer for ensuring compliance. (EC § 234 et seq)

### *Uniform Complaint Procedures*

- 3) Requires the Superintendent of Public Instruction (SPI) to establish and implement a system of complaint processing, known as the Uniform Complaint Procedures (UCP), for specified educational programs. Existing law provides that the UCP applies *only* to the following educational programs:

- a) Adult education programs.
  - b) Consolidated categorical aid programs as specified.
  - c) Migrant child education.
  - d) Career technical education and training programs.
  - e) Child care-and development programs.
  - f) Complaints that allege unlawful discrimination, harassment, intimidation, or bullying against any protected group, including any actual or perceived characteristic, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution that is funded directly by, or that receives or benefits from, any state financial assistance.
  - g) Lactation accommodations.
  - h) Educational rights of foster youth and graduation requirements for foster youth, homeless youth, and other youth.
  - i) Pupil fees.
  - j) Courses of study.
  - k) Instructional minutes for physical education.
  - l) Local control and accountability plans.
  - m) Juvenile court schools.
  - n) School safety plans.
  - o) Deficiencies related to preschool health and safety issues for a California state preschool program.
  - p) Any other state or federal educational program the SPI deems appropriate.
- 4) Requires that a complainant who appeals a decision of a LEA under the UCP (except for complaints relative to child nutrition and special education programs) to CDE is to receive a written appeal decision within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the complainant or CDE documents exceptional circumstances and informs the complainant.
  - 5) Requires CDE, for those complaints that are filed directly with CDE and CDE determines merit direct intervention, to complete an investigation and provide a written decision to the complainant within 60 days of receipt of the complaint, unless the parties have agreed to extend the timeline or CDE documents exceptional

circumstances and informs the complainant.

- 6) Requires a LEA, if it finds merit in a complaint, or the SPI finds merit in an appeal, to take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected pupil, or to all affected pupils, parents, and guardians. (EC § 33315)

## **ANALYSIS**

This bill requires the CDE to establish the Office of Civil Rights within CDE and shifts to this new office the existing duties of CDE's Education Equity Uniform Complaint Procedures Office relative to complaints that allege unlawful discrimination, harassment, intimidation, or bullying against any protected group. Specifically, this bill:

- 1) Requires CDE to establish the Office of Civil Rights within CDE for purposes of receiving and investigating reports and carrying out the duties described in #2 below.
- 2) Specifies that the new Office of Civil Rights is to have all of the following duties:
  - a) Assuming CDE's duties, to the extent determined by CDE, relative to appeals of decisions made by LEAs and complaints filed directly with CDE, as it pertains to complaints that allege unlawful discrimination, harassment, intimidation, or bullying against any protected group, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.
  - b) Developing procedures to optimize reporting and response.
  - c) Providing a written account to CDE on the frequency of incidents of unlawful discrimination, harassment, intimidation, or bullying, including homophobia, transphobia, anti-Semitism, and Islamophobia, at LEA.
  - d) Advising CDE on the office's investigations pursuant to this bill.
  - e) Providing other recommendations to CDE, including follow-up actions that may be taken in response to a report.
- 3) Requires the new Office of Civil Rights to assume CDE's duties, to the extent determined by CDE, relative to appeals of decisions made by LEAs and complaints filed directly with CDE, as it pertains to complaints that allege unlawful discrimination, harassment, intimidation, or bullying against any protected group, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.
- 4) States legislative findings and declarations relative to CDE not having adequate resources to investigate, respond to, or follow up on UCP complaints of unlawful discrimination, harassment, intimidation, or bullying in a timely matter.

## **STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, “As the author of SB 1421, I am dedicated to advancing equity and civil rights in California's classrooms. This bill would create an Office of Civil Rights within the California Department of Education, emphasizing the importance of addressing systemic inequalities and discrimination in our schools. By concentrating oversight and enforcement efforts, the Office of Civil Rights would ensure that all students have equal access to quality education and are protected from discrimination based on race, ethnicity, gender, religion, limited ability, and other factors. This office would play a pivotal role in promoting diversity, inclusion, and social justice throughout California's educational landscape.”
- 2) ***Uniform Complaint Procedures.*** As prescribed by statute and regulations, each LEA has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. Each LEA is required to investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation or bullying and seek to resolve those complaints.

LEAs have 60 days to investigate complaints and issue a written decision; CDE has an additional 60 days to review appeals and issue a written decision, as described below.

#### *Investigation of complaint*

Upon receipt of a complaint, the LEA staff who is responsible for the investigation of the complaints must conduct and complete an investigation of the complaint and prepare a written LEA Investigation Report. This process must adhere to a 60-day time period, which may be extended with the written agreement of the complainant.

#### *Investigation report*

The investigation must include an opportunity for the complainant to present evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations. The LEA is required to issue an LEA Investigation Report based on the evidence. The LEA Investigation Report must be in writing and sent to the complainant within 60 days from receipt of the complaint by the LEA, subject to any agreed upon extension. The LEA Investigation Report must include:

- a) The findings of fact based on the evidence gathered;
- b) Conclusion providing a clear determination as to each allegation as to whether the LEA is in compliance with the relevant law;
- c) If the LEA finds merit in the complaint, corrective actions;
- d) Notice of the complainant's right to appeal the LEA Investigation Report to the CDE; and
- e) Procedures to be followed for initiating an appeal to the CDE.



### Appeal

The complainant may appeal an LEA Investigation Report to the CDE by filing a written appeal within 30 days of the date of the LEA Investigation Report. If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to the LEA for resolution as a new complaint. If the CDE determines that the LEA Investigation Report failed to address an allegation raised by the complaint and subject to the UCP process, the CDE must notify the LEA of such failure and direct the LEA to investigate and address such allegation(s). The CDE will proceed with its resolution of the appeal of the LEA Investigation Report as to allegations that have been addressed even while, at the same time, the LEA is preparing an amended investigation report as to any allegation(s) that the CDE identified as not having been addressed. In deciding an appeal, the CDE cannot consider any information not previously presented to the LEA investigator during the investigation, unless requested by the CDE.

### Decision on appeal

If CDE determines that the LEA Investigation Report meets specified criteria (procedures were followed, legal conclusions are consistent with law, etc), the appeal is to be denied.

If CDE determines that the LEA Investigation Report is deficient because it does not meet specified criteria, CDE may:

- f) Notify the LEA of such deficiencies and return the LEA Investigation Report to the LEA for further processing and instruct the LEA to provide both the CDE and the complainant with an amended Investigation Report within 20 days of such notification, which amended report must inform the complainant of the right to appeal;
- g) Issue a decision based on the evidence in the investigation file received from the LEA; or
- h) Conduct a further investigation of the allegations which are the basis for the appeal and issue a decision.

An appeal decision issued by CDE must include specified information, such as a finding that the LEA complied or did not comply with its complaint procedures, CDE's determination as to the LEA's findings of fact and conclusions, and corrective actions including a remedy to the affected student(s). The CDE must issue a written decision regarding an appeal to the appellant within 60 days of the CDE's receipt of the appeal, with specified exceptions.

Either party (the LEA or complainant) may request reconsideration by the SPI within 30 days of the date of CDE's appeal decision.

### Filing complaint directly to CDE

The CDE is authorized, at its discretion, to directly intervene without waiting for an

LEA investigation if one or more of the following situations exist:

- i) The complaint includes an allegation that an LEA failed to comply with the complaint procedures, including, but not limited to, the failure or refusal of the LEA to cooperate with the investigation;
- j) The complainant requests anonymity because the complainant would be in danger of retaliation and would suffer immediate and irreparable harm if the complainant filed a complaint with the LEA;
- k) The complainant alleges that the LEA failed or refused to implement the final LEA Investigation Report resulting from its local investigation or local mediation agreement or a CDE appeal decision;
- l) The complainant alleges that through no fault of the complainant, no action has been taken by the LEA within 60 calendar days of the date the complaint was filed. Prior to direct intervention, CDE must attempt to work with the LEA to allow it to complete the investigation and issue an LEA Investigation Report; or,
- m) The complainant alleges that the complainant would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this chapter, and that filing a complaint with the LEA would be futile.

When CDE accepts a complaint requesting direct state intervention it will immediately notify the complainant in writing of the determination. If the complaint is not accepted, it is to be referred to the LEA for local investigation, or referred to another agency.

- 3) **Existing Office within CDE.** CDE's existing Education Equity UCP Office is charged with ensuring compliance with state and federal civil rights laws, and regulations as it relates to students and the educational process at LEAs.

According to a January 2017 state audit of the UCP, the majority of complaints received by the three LEAs reviewed for the audit were related to discrimination, harassment, and bullying. Additionally, the audit found that 75 percent of the complaints/appeals to CDE's Educational Equity UCP Appeals Office exceeded the 60 day timeframe.

As noted by the author, "complaints of hate get piled in with all other UCP complaints and appeals the CDE receives meaning they aren't investigated immediately. With these complaints being of high importance, we see a need for the establishment of the 'Office of Civil Rights' within the CDE. This would mean when complaints of hate are filed, instead of getting stuck behind less urgent filings, they would be diverted to the Office of Civil Rights to streamline action on these filings. The introduction of SB 1421 will ensure the CDE has the capacity to keep up with the rise in hate in the state and also signals to the public that there is a specific office tasked with handling incidents of hate."

*Absent the addition of staff, it is unclear how a new Office within CDE would have*

*the capacity to investigate, respond to, or follow up on complaints of unlawful discrimination, harassment, intimidation, or bullying in a timely matter while CDE's existing UCP process does not have this capacity as asserted by the author. Will positions be shifted from the existing Education Equity UCP Office to the new Office of Civil Rights? Will the complaints handled by the new Office take precedent while other types of complaints left to be handled by the existing office be a lower priority?*

*Should the Legislature dictate the organizational structure and staffing for a department headed by a constitutional officer?*

- 4) **Additional duties for the new Office of Civil Rights.** Considering the importance of other civil rights issues, **staff recommends the bill be amended** to also require the new Office of Civil Rights to receive and investigate complaints relative to access to a high-quality education, instruction, and instructional materials, and other things as determined by the CDE and State Board of Education.
- 5) **New offices of civil rights in higher education.** The UC recently created a new Systemwide Office of Civil Rights that consists of their existing systemwide Title IX office, a new systemwide anti-discrimination office, and a new systemwide disability rights office. The new Office of Civil Rights will provide systemwide guidance and support on civil rights issues.

The CSU has also recently created a new systemwide Title IX and Civil Rights division within the Chancellor's Office, which consists of their existing systemwide Title IX services and Discrimination, harassment, and Retaliation compliance services.

- 6) **Related legislation.** AB 2047 (Mike Fong, 2024) requires the CCC, CSU and UC to establish a systemwide Office of Civil Rights and establish the position of systemwide Title IX coordinator. AB 2047 is pending in the Assembly Higher Education Committee. AB 2047 is pending in the Assembly Higher Education Committee.

## SUPPORT

State Superintendent of Public Instruction Tony Thurmond (sponsor)  
Anti-Defamation League  
Israeli-American Civic Action Network

## OPPOSITION

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1378	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Min		
<b>Version:</b>	February 16, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil and student safety: identification cards: federal Title IX assistance telephone number.

## SUMMARY

This bill would require public and private schools that serve pupils in any of grades 7 to 12 and Institutions of Higher Education (IHE) that issue student identification cards, beginning July 1, 2025, to include the telephone number for the United States Department of Education (USDOE) Office for Civil Rights (OCR) for assistance related to Title IX.

## BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Requires, commencing July 1, 2019, a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, and that issues pupil identification cards shall have printed on either side of the pupil identification cards the telephone number for the National Suicide Prevention Lifeline and may have printed the Crisis Text Line and a local suicide prevention hotline. (EC § 215.5 (a)(1))
- 2) Requires, commencing July 1, 2019 a public or private IHE that issues student identification cards shall have printed on either side of the student identification cards the telephone number for the National Suicide Prevention Lifeline and may have printed the Crisis Text Line and a local suicide prevention hotline. (EC § 215.5 (b)(1)).
- 3) Requires, commencing October 1, 2020, a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, and that issues pupil identification cards shall have printed on either side of the pupil identification cards the telephone number for the National Domestic Violence Hotline. (EC § 215.5 (a)(2))
- 4) Requires, commencing October 1, 2020, a public or private IHE that issues student identification cards shall have printed on either side of the student identification cards the telephone number for either the National Domestic Violence Hotline or a local domestic violence hotline (EC § 215.5 (b)(2))

- 5) Requires each campus of a California State University (CSU) and the California Community Colleges (CCC), and request each campus of the University of California (UC), with a campus mental health hotline to have printed on either side of student identification cards the telephone number of their mental health hotline or the city's or county's mental health hotline, for which the campus is located, if the campus does not have a campus mental health hotline. (EC § 66027.8 et seq)

## ANALYSIS

This bill would require public and private schools that serves pupils in any of grades 7 to 12 and IHE that issues student identification cards, beginning July 1, 2025, to include the telephone number for the USDOE's OCR for assistance related to Title IX.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "Title IX protects students and employees in our education system from discrimination, sexual harassment and assault. Any student, regardless of their gender, may potentially face sexual harassment, which can interfere with their academic performance, as well as their emotional and physical well-being. Preventing and remedying sexual harassment in schools is essential to ensuring a safe learning environment for students. SB 1378 requires schools to print the phone number of their local Title IX Coordinator directly on student identification cards. Having this resource readily available will empower students and ensure they know where to go if they ever face discrimination, sexual harassment or assault on campus."
- 2) ***Title IX.*** Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Title IX states, "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 education program or activity receiving Federal financial assistance[.]" All federal agencies that provide grants of financial assistance are required to enforce Title IX's nondiscrimination mandate. The USDOE gives grants of financial assistance to schools and colleges and to certain other entities, including vocational rehabilitation programs and libraries.

The OCR enforces Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in education programs and activities (including sexual harassment, sexual violence and gender-based harassment), harassment and bullying, pregnant or parenting students, athletic opportunities and benefits) that receive federal financial assistance, Title IX also prohibits retaliation for filing an OCR complaint or for advocating for a right protected by Title IX and discrimination in employment, which is based on sex.

- 3) ***Title IX Coordinators and Enforcement.*** According to Title 34 Code of Federal Regulation (CFR) 106.8, "Recipients [any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives such assistance of federal

funding (Title 34 CFR 106.2 (i)) recipient must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.”

For assistance related to civil rights, including Title IX, a person living in California, may contact the OCR headquarters office in Washington D.C through email (OCR@ed.gov) or telephone (800-421-3481/ Telecommunications Device for the Deaf (TDD) 800-877-8339). The OCR office in California, located in San Francisco, can also be contacted by email (ocr.sanfrancisco@ed.gov) or telephone (415-486-5555). To ensure schools comply with Title IX, the California Department of Education (CDE) has also established a Title IX coordinator and can be contacted via email or telephone.

*While this bill requires public and private schools and IHEs, as specified, to include the telephone number for the USDOE’s OCR for assistance related to Title IX, there are Title IX coordinators at the state and local level. The committee may wish to consider providing an array of options for public and private schools and IHEs to include a Title IX coordinator on their student’s identification card.*

- 4) **Room For Information on Identification Cards?** Current law requires public and private schools and IHEs, as specified, to include the telephone number of the National Suicide Prevention Lifeline with the option to provide the Crisis Text Line and a local suicide prevention line. Statute also requires public and private schools and IHEs, as specified, to include the telephone number of the National Domestic Violence Hotline or a local domestic violence hotline, as specified. This information is in addition to a student’s name, identification number, photo, barcode, school logo, or any other information that an IHE has deemed necessary to include. A student identification card is roughly the same size as a State Driver’s license. Thus, only a finite amount of information can be affixed to a student identification card.

*The Committee may wish to consider, when reviewing this and future proposals requiring content to be printed onto student identification cards, if the information should be transferred into a quick response (QR) code that can be affixed to a student’s identification card to save space.*

- 5) **Committee Amendments.** Committee staff recommends, and the author has agreed to accept, the following amendments:
- a) Clarify that a private school serving students in grades 7 to 12, that receives federal funding, must provide the appropriate Title IX contact on either side of a student’s ID card.

6) **Related Legislation.**

SB 1063 (Grove, 2024) This bill would expressly authorize a school district to include on pupil identification cards for pupils in grades 7 to 12, inclusive, a QR code that

links to the mental health resources internet website of the county in which the school district is located. *This bill is set to be heard in Senate Education April 10.*

SB 1375 (Jackson, Chapter 665, Statutes of 2016) requires schools to post information on their websites relative to the designated Title IX coordinator, rights of students and responsibilities of schools, and a description of how to file a complaint.

AB 2122 (Choi, Chapter 183, Statutes of 2022) requires each campus of a CSU and the CCC, and request each campus of the UC, with a campus mental health hotline to have printed on either side of student identification cards the telephone number of their mental health hotline or the city's or county's mental health hotline, for which the campus is located, if the campus does not have a campus mental health hotline.

SB 316 (Rubio, Chapter 270, Statutes of 2019) requires (1) public schools, including charter schools, that serve pupils in any of grades 9 to 12, inclusive, that issue pupil or student identification cards, beginning October 1, 2019, to print the telephone number for the National Domestic Violence Hotline on the back of those identification cards; and (2) requires public or private IHEs, that issue pupil or student identification cards, to print the telephone number for the National Domestic Violence Hotline or a local domestic violence hotline that provides confidential support services for students that have experienced domestic violence.

SB 972 (Portantino, Chapter 460, Statutes of 2018) requires schools that serve students in any of grades 7-12, and IHEs, that issue student identification cards to have printed on either side of the identification card the number for a suicide hotline.

**SUPPORT**

Faculty Association of California Community Colleges  
Los Angeles County Office of Education

**OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1194	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Wilk		
<b>Version:</b>	March 18, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** State Superintendent of Public Instruction's Parent Advisory Council.

**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 California Department of Education (CDE) to publicly post on its website the membership of the State Superintendent of Public Instruction's (SPI's) Parent Advisory Council, and shall update the membership list on its internet website within 30 days of a membership change.

## BACKGROUND

Existing law:

- 1) Establishes CDE in state government, and provides that it be administered through:
  - a) The State Board of Education (SBE) which shall be the governing and policy determining body of CDE.
  - b) The Director of Education in whom all executive and administrative functions of CDE are vested and who is the executive officer of SBE. (Education Code (EC) § 33300 and § 33301)
- 2) Requires that a SPI be elected by the qualified electors of the State at each gubernatorial election, and prohibits any SPI from serving more than two terms. (California Constitution, Article IX, § 2)

## ANALYSIS

This bill:

- 1) Requires CDE, by January 31, 2025, to publicly post on its internet website the membership of the SPI's Parent Advisory Council.
- 2) Requires CDE to update the membership list on its website within 30 days of a membership change.



- 3) Specifies that the information to be posted is to include, but is not limited to, all of the following for each person:
  - a) Their name.
  - b) Their occupation, title, and, if employed by a local educational agency, their employer.
  - c) Their county of residence.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “I think it’s always a great idea to empower parents to help shape education policy and this committee will help accomplish that. But I want to make sure that parents know who is speaking on their behalf and if their community is represented.”
- 2) ***CDE’s Parent Advisory Council.*** On April 5, 2022, CDE announced the formation of a statewide Parent Advisory Council by issuing a letter to county and district superintendents and charter school administrators stating, “The Parent Advisory Council will work directly with my office to provide input and feedback on matters affecting youth throughout the state. I am creating a council of diverse parents that will directly work with policymakers and educational partners to provide equitable change to California’s education system through authentic parent voices. As we reimagine education, we hope to have parents working alongside California’s education professionals and policymakers to build a better tomorrow for all learning institutions in our state.”

Within CDE, the Parent Advisory Council is overseen by the Whole Child Division. According to CDE’s website, the Parent Advisory Council’s mission is to “engage families to help shape education policy and represent diverse parent voices in the statewide decision-making process. The PAC is committed to helping close gaps in achievement and to create authentic engagement opportunities that will result in transformative outcomes for California students.”

No additional information about the Parent Advisory Council, such as membership and meeting dates, can be found on CDE’s website (other than a general email address for the council). According to the author, requests to obtain information from CDE about this council’s membership have proven futile. Additionally, CDE responded to a staff inquiry that CDE was planning to post information about the council and its members by the end of 2023; however, this information is still not on CDE’s website.

- 3) ***Public information.*** This bill requires CDE to publicly post information about members of the Parent Advisory Council, including name, county of residence, occupation, title, and employer if employed by a local educational agency. As noted in #4 below, information about the membership of various advisory bodies is currently available on CDE’s website. Web pages for some of the advisory bodies note the position/title and employer of members, but those bodies call for specific expertise of their members (such as laws on charter schools and special education,

or in curricular design).

*Is it relevant for the public to know the occupation of a person serving on the Parent Advisory Council? Additionally, is it necessary to disclose the county of residence of members of the Parent Advisory Council?* This bill has been double-referred to the Senate Judiciary Committee, where these questions may be considered.

- 4) **Other advisory bodies.** Currently, the SBE and CDE may convene advisory councils, committees, or commissions. A small sampling of those bodies, and information about membership, include:
- a) Advisory Commission on Charter Schools. Listed on CDE's website are members' names, group representing, biography, and terms of appointment.
  - b) Advisory Commission on Ethnic Studies Model Curriculum. Listed on CDE's website are members' names, position title, and employer.
  - c) California Practitioners Advisory Group. Listed on CDE's website are members' names, position/employer, group representing, and terms of appointment.
  - d) Advisory Commission on Special Education. Listed on CDE's website are members' names, email, term and appointing body.

#### **SUPPORT**

None received

#### **OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1233	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Wilk		
<b>Version:</b>	April 2, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** University of California: veterinary medicine: spay and neuter techniques.

**NOTE:** The Rules Committee has requested that this bill be returned if approved by the Committee on Education. A "do pass" motion should include referral to the Committee on *Rules*.

## SUMMARY

This bill requires the University of California (UC) and the Western University of Health Sciences to develop high-quality, high-volume spay and neuter certification programs.

## BACKGROUND

Existing law:

- 1) Establishes, under the California Constitution, the UC as a public trust to be administered by the Regents of the UC with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university, and such competitive bidding procedures as may be made applicable to the university for construction contracts, selling real property, and purchasing materials, goods and services. (Constitution of California, Article IX, Section 9)
- 2) States, under the California Constitution, that the university be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs. (Constitution of California, Article IX, Section 9 (f))
- 3) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (Education Code (EC) § 67400)
- 4) Declares the UC as the primary state-supported academic agency for research. (EC § 66010.4 (c))
- 5) Provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board. (Business & Professions Code § 4811 et seq)

- 6) Prohibits a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group from selling or giving away any cat or dog that has not been spayed or neutered, except as provided. (Food & Agricultural Code § 30520)
- 7) Requires the owner of a cat or dog that has not been spayed or neutered and that is impounded by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society to receive a specified fine. (Food & Agricultural Code § 31751.7 and § 30804.7)

## ANALYSIS

This bill requires UC and the Western University of Health Sciences to develop High-Quality, High-Volume Spay/Neuter certification programs. Specifically, this bill:

- 1) Requires the Regents of the UC and the governing body of the Western University of Health Sciences College of Veterinary Medicine to develop high-quality, high-volume spay and neuter certification programs to be offered as elective coursework to students enrolled at the UC Davis School of Veterinary Medicine and the Western University of Health Sciences College of Veterinary Medicine.
- 2) Provides that this bill applies to UC only to the extent that the UC Regents agree by resolution, and to the Western University of Health Sciences if agreed upon by the Office of the Provost.
- 3) Authorizes a certification program to charge a reasonable fee to cover the costs associated with offering the program to a California-licensed veterinarian or a California-registered veterinary technician. This bill requires the fee to be paid directly to the university offering the program.
- 4) Prohibits this bill from authorizing California-registered veterinary technicians to perform surgical procedures.

### *Certification program components*

- 5) Requires the certification programs to do all of the following:
  - a) Provide training in techniques to facilitate safe and efficient ovarioectomy, ovariectomy, and gonadectomy of cats and dogs.
  - b) Use and support best practices for high-quality, high-volume spay and neuter procedures and services.
  - c) Consist of both classroom and surgery lab training.
  - d) Require students to successfully complete a number of ovarioectomies, ovariectomies, and gonadectomies under the high-quality, high-volume spay and neuter model, as determined by the programs.

*Certification program students*

- 6) Requires the UC Davis School of Veterinary Medicine and the Western University of Health Sciences College of Veterinary Medicine to allow California-licensed veterinarians and California-registered veterinary technicians to enroll in the certification program for continuing education and certification purposes.
- 7) Requires a university that offers the certification program to provide a California-licensed veterinarian or California-registered veterinary technician who successfully complete the certification program with a certificate of completion and a written confirmation of the number of hours spent in active high-quality, high-volume spay and neuter practice.
- 8) Requires a California-licensed veterinarian or California-registered veterinary technician who successfully complete the certification program to receive continuing education credit for program participation.

*Certification program curriculum*

- 9) Requires the curriculum offered to a California-registered veterinary technician to be consistent with current law and include, among other topics, all of the following:
  - a) Surgical preparation of the patient.
  - b) Anesthesia induction and maintenance.
  - c) Subcutaneous and cutaneous tissue closure.
  - d) Anesthesia recovery.
  - e) Emergency and critical care considerations using techniques under the high-quality, high-volume spay and neuter model.

*Certification program services*

- 10) Requires a certification program to do all of the following:
  - a) Make available to the public low- or no-cost ovariectomies, ovariectomies, or gonadectomies for cats and dogs that are performed by students or California-licensed veterinarians enrolled in the program.
  - b) Develop policies and procedures that prioritize qualifying for the services above based on, at a minimum, income and socioeconomic status.
  - c) Ensure that the training and care provided or coordinated by the program is at a standard of care that is consistent with those standards of care generally accepted within the veterinary profession.

*Progress report*

- 11) Requires a university that offers a certification program to publicly publish, every three years, a progress report that describes the activities of the program. This bill requires the progress report to include, but not be limited to, all of the following information:
  - a) The number of cat and dog ovariectomies, ovariohysterectomies, and gonadectomies performed under the certification program.
  - b) The number of certifications issued by the program.
  - c) The costs associated with implementing and administering the program.
  - d) The subsidized cost, if any, of surgical services provided to the public.

*Certification program location*

- 12) Requires a university that offers a certification program to determine the best available location or locations to host the program including, but not limited to, any of the following locations:
  - a) On-campus facilities.
  - b) A public animal control agency or shelter.
  - c) A society for the prevention of cruelty to animals shelter.
  - d) A humane society shelter.
  - e) A rescue group shelter.

*Certification program funding*

- 13) Requires a certification program to be funded through a combination of private fund donations and General Fund dollars, subject to an appropriation being made in the Budget Act of 2024.

**STAFF COMMENTS**

- 1) **Need for the bill.** According to the author, "As someone with a rescue dog, it breaks my heart to see so many unnecessary euthanizations happening because of overcrowding in our animal shelters. This first-in-the-nation certification program will significantly expand pet owners' access to low and no-cost spay-neuter services, saving shelters from overcrowding and pets from unnecessary euthanizations. It's a win for pets, vets, and animal lovers all around."
- 2) **Spay and neuter techniques.** Pet overpopulation is a direct result of a lack of qualified and skilled veterinarians able to provide spay-neuter procedures at shelters, which provide spay-neuter services at a price that most pet owners can

reasonably afford. High-quality, high-volume spay and neuter procedures differ from standard spay-neuter treatments as high-quality, high-volume spay and neuter techniques result in significantly higher volumes of spay-neuter treatments compared to traditional approaches. Expanding access to high-quality, high-volume spay and neuter certification for veterinary students, licensed veterinarians, and registered veterinarian technicians, will in turn expand the supply of safe and effective spay-neuter procedures.

As a part of the high-quality, high-volume spay and neuter certification program curriculum, students would gain experience performing the surgery in animal shelters. This would accomplish a mutually beneficial result for both pet owners and shelter staff – pet owners' access to affordable spay-neuter services would be greatly expanded and overcrowding of shelters would decrease in response to more animals receiving spay-neuter treatment.

- 3) **University of California.** The UC Davis School of Veterinary Medicine launched the first shelter medicine program in the world, the Koret Shelter Medicine Program. This program teaches basics such as how to vaccinate, clean, feed, and handle animals, and provides a guide the whole animal-shelter system (organizational evaluations, facility design consultations, and assistance with outbreak diagnosis and management), all intended to provide practical, cost-effective advice to improve animal welfare and adoptability.

*The Koret Shelter Medicine Program appears to be well-positioned to take on the task of developing and implementing standards and guidelines for high-quality, high-volume spay and neuter surgical techniques.*

- 4) **Western University of Health Sciences.** Western University of Health Sciences is a private non-profit university accredited by the Senior College and University Commission of the Western Association of Schools and Colleges. Western University of Health Sciences confers graduate-level degrees in dental medicine, health sciences, medical sciences, nursing, optometry, osteopathic medicine, pharmacy, physical therapy, physician assistant studies, podiatric medicine and veterinary medicine, with campuses in Pomona and one in Oregon. Western University of Health Sciences and UC Davis are the only veterinary medicine colleges in California.

California law requires, prior to practicing veterinary medicine, an applicant to graduate from a degree program offered by an accredited postsecondary institution approved by the California Veterinary Medical Board (VMB), pass a national veterinarian examination, and pass an examination provided by the VMB to test the knowledge of the laws and regulations related to the practice of veterinary medicine in California.

Existing law exempts faculty and students of the College of Veterinary Medicine at Western University of Health Sciences from the laws regulating the practice of veterinary medicine, and exempts veterinary medical students at the College of Veterinary Medicine at Western University of Health Science from having to take the VMB's law and regulations examination if the student completes certain coursework.

- 5) ***Veterinary technicians.*** This bill allows California-registered veterinary technicians to enroll in a certification program for purposes of continuing education credit. This bill limits the curriculum for technicians to surgical preparation, anesthesia, tissue closure, and emergency care. This bill reaffirms the existing prohibition on veterinarian technicians from performing surgical procedures.
- 6) ***Should the Legislature direct the creation of new certification programs?*** The Legislature lacks the capacity to assess the need for new certification programs. California does not have a coordinating entity for higher education. Existing law establishes the California Postsecondary Education Commission (CPEC) to be responsible for coordinating public, independent, and private postsecondary education in California, as well as providing independent policy analyses and recommendations to the Legislature and the Governor on postsecondary education issues. Prior to 2011, CPEC was responsible, among other things, for reviewing proposals for new academic and vocational programs, satellite campuses, and California public college and university campuses, as well as providing recommendations to the Legislature and Governor.

CPEC would typically review new programs through, at a minimum, the prisms of societal need, student demand, existing programs, the total costs of the program, and appropriateness to the institution and system mission. In the absence of a CPEC-like entity, the Legislature is now placed in the position of examining and reviewing the academic, programmatic, and fiscal implications of “new” programs or campuses, a function for which the Legislature is ill-equipped.

Having a neutral statewide body provide critical analysis on the future needs of postsecondary education in California is beyond the scope of this measure. However, it does call into question who or what entity should be performing such analysis in the absence of a CPEC.

- 7) ***Reporting.*** This bill requires a university that offers a certification program to publicly publish, every three years, a progress report that describes the activities of the program. *The author may wish to consider adding due dates for the report.*
- 8) ***Related legislation.***

AB 2133 (Kalra, 2024) authorizes a registered veterinary technician to perform neuter surgery on a male domestic cat under the direct supervision of a veterinarian if specified conditions are met. AB 2133 is pending in the Assembly Business and Professions Committee.

- 9) ***Prior legislation.***

AB 240 (Kalra, 2023) would have established the California Spay-Neuter Fund to offer competitive grants to specified organizations to increase or develop no cost or low cost spay-neuter programs. AB 240 died in the Assembly Agriculture Committee without a hearing.



**SUPPORT**

California Veterinary Medical Association (sponsor)  
American Society for the Prevention of Cruelty to Animals  
Social Compassion in Legislation

**OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1200	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Glazer		
<b>Version:</b>	February 15, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** California State University students: California Promise: Finish in Four and Through in Two.

## SUMMARY

This bill renames the California Promise program established at the California State University (CSU) as the Finish in Four and Through in Two program. It further establishes an annual reporting requirement as specified and eliminates the sunset date, thereby extending the program indefinitely.

## BACKGROUND

Existing law:

- 1) Establishes the California Promise program for the purposes of supporting CSU students in earning a baccalaureate degree within four academic years of the student's first year of enrollment, or for transfer students, within two academic years of the student's first year of enrollment to the campus.
- 2) Requires the Trustees of the CSU to:
  - a) Develop and implement a California Promise program, beginning the 2017-18 academic year, at a minimum of eight campuses for non-transfer students and a minimum of 15 campuses (20 campuses by 2018-19) for qualifying transfer students. These campuses enter into a pledge with a first-time freshman or with a qualifying transfer student to support the student in obtaining a baccalaureate degree within a total of four academic years.
  - b) Submit a report to Legislative policy and fiscal committees by January 1, 2021 that includes the number of students participating in the program in total, the total number of students who graduated in four academic years for students who entered as first-time freshmen and two academic years for California Community College transfer students, and a summary description of significant differences in the implementation of the California Promise program at each campus.
  - c) Submit recommendations to the appropriate policy and fiscal committees

of the Legislature, by March 15, 2017, regarding potential financial incentives that could benefit students who participate in the California Promise program.

- 3) Requires support provided by a CSU campus for a California Promise program student to include, but not necessarily be limited to, both of the following:
  - a) Priority registration in coursework provided that a student does not qualify for priority registration under another policy or program, as specified.
  - b) Academic advisement that includes monitoring academic progress.
- 4) Requires a student, in order to qualify for the program to:
  - a) Be a California resident for purposes of in-state tuition eligibility.
  - b) Commit to completing at least 30 semester units or the quarter equivalent per academic year, including summer term units, as specified.
- 5) Requires a campus to guarantee participation in the program to, at a minimum, any student who is a low-income student, as defined, a student who has graduated from a high school located in a community that is underrepresented in college attendance, a first-generation college student or a transfer student who successfully completes his or her associate degree for transfer at a community college.
- 6) Establishes that, as a condition of continued participation in a California Promise program, a student may be required to demonstrate both of the following:
  - a) Completion of at least 30 semester units, or the quarter equivalent, in each prior academic year.
  - b) Attainment of a grade point average in excess of a standard established by the campus.
- 7) Sunsets the program on January 1, 2026. (Education Code § 67430 et. seq.)

## **ANALYSIS**

This bill:

- 1) Renames the California Promise program established at the CSU as the Finish in Four and Through in Two program.
- 2) Requires the CSU Trustees, by July 1, 2025, and annually thereafter, to submit a report to the Legislature that includes all of the following information:
  - a) The program participation rate, as a percentage, and the number of students per campus.

- b) Program participation demographics, including all of the following:
    - i) Student race and ethnicity.
    - ii) Whether the student is a federal Pell Grant recipient.
    - iii) Whether the student is a first-generation college student.
    - iv) Whether the student entered as a first-time freshman or transfer student.
  - c) The amount of graduation initiative funds received and used per campus.
- 3) Eliminates the January 1, 2026 sunset date, effectively extending the program indefinitely.
  - 4) Makes technical and conforming changes.

#### STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Today, the CSU awards nearly half of California’s bachelor’s degrees and more than half of the CSU students are students of color. While system-wide graduation rates have steadily improved over the past five years, more must be done to increase rates of California students receiving their bachelor’s degrees within four years of cumulative study. The system continues to struggle with graduation gaps for underrepresented students, and the system’s graduation rates still lag behind those of similar universities nationwide. This bill will ensure the vital supports of the California Promise Program continue for future cohorts of CSU students and indefinitely extends the program’s goals of eliminating longstanding opportunity and achievement gaps between low-income or first-generation students and their peers. Improving education outcomes for young adults in California is essential to generate upward economic mobility and ensure a prosperous state.”
- 2) ***California Promise pledge.*** Existing law, established by Senate Bill 412 (Glazer, Chapter 436, Statutes of 2016), requires that the CSU Trustees develop and implement California Promise programs on at least 8 campuses for non-transfer students and at least 20 campuses for qualifying transfer students. Each participating campus commits to helping participating students finish their baccalaureate degree in four academic years, or two for transfer students. Students who commit to either the four-year or two-year pledge with the campus receive priority registration and routine and comprehensive academic advice. California Promise students self-select into the program and must complete 30 units per academic year and maintain minimum grade point average requirements. Participation is guaranteed for students who are low-income, graduated from a local high school, transferred from a community college or, are first-generation. Not all CSU majors are eligible for this program due to the curriculum and required units, and students must meet pledge requirements to remain in the program.

- 3) **Promise program participation and graduation rates.** According to CSU's 2021 report to the legislature on the program, participation grew from 2017, with 16 campuses offering a four-year pledge plan and 22 campuses offering a two-year pledge plan. From 2017 to 2021, more than 30,000 CSU students participated in some variation of the four- or two-year pledge. Of those, more than 13,000 were among the first in their family to attend college. Data from the CSU 2021 report shows that 64 percent of community college transfer students who engaged in the two-year pledge were able to graduate within two years. This figure is significantly higher than that of the system as a whole at that time. The higher graduation rates also hold across student groups by first-generation status, Pell status, and race/ethnicity. Four-year graduation rates for first-time students were unavailable at the time the report was prepared. There is no obligation to provide a report on the Promise program beyond 2021. This bill requires the submission of an annual report on student participation in the program and makes the program permanent.
- 4) **Other systemwide effort to promote timely degree completion at CSU.** To address low graduation rates, CSU launched "Graduation Initiative (GI) 2025" in 2015. By 2025, CSU aims to boost the six- and four-year graduation rates for first-time freshmen to 70 percent and 40 percent, respectively, as well as the graduation rates for student transfers to 45 percent (two-year rate) and 85 percent (four-year rate). It also intends to close achievement gaps by decreasing graduation rate disparities across various student groups, particularly low-income and first-generation students. Over the last five years, the state has made significant investments; because of these investments, CSU reports that it has achieved all-time highs in graduation rates for first-time students and for transfer students and is on track to meet the GI 2025 goals. Currently, the systemwide four-year graduation rate is 33 percent (historically below 20 percent) for first-time students, and the two-year graduation rate is 44 percent (historically below 30 percent) for transfer students. Campuses may employ their own strategies to achieve goals, which include hiring faculty, adding more course sections, hiring academic advisors, and investing in student support programs and services. A campus may use California Promise to fulfill GI objectives, but it is not currently required. This bill requires CSU campuses to report annually the amount of graduation initiative funds received and used per campus.
- 5) **Addressing achievement gaps.** Despite the increases in graduation rates for first-time and transfer students, the GI has struggled to meet its goals to close equity gaps for underrepresented students. In response, the CSU convened an advisory committee in 2021 to address these remaining gaps. The advisory committee submitted a report in July 2021 with a set of recommendations and strategic imperatives to address equity gaps, and the CSU subsequently adopted five recommendations and will dedicate resources to these efforts:
- Reengage and reenroll underserved students, such as students of color, Pell Grant recipients, and first-generation students.
  - Expand credit opportunities during the summer or intersession.
  - Ensure "equitable access" to digital degree planners that help students

navigate the registration process, select core courses, and stay on track for timely graduation.

- Eliminate administrative barriers to graduation, such as fee assessments, registration holds, and cumbersome processes.
- Promote “equitable learning practices” and reduce non-passing (D-F-Withdraw) rates by providing opportunities for additional learning when needed.

The California Promise program is not mentioned among the adopted strategies, but it continues to remain an option for campuses and has demonstrated positive outcomes for underrepresented groups. As described in the California Promise report of 2021, students from priority groups, including first-generation and low-income students, are well-represented among California Promise participants, and there is evidence of reduced time-to-degree across groups based on the initial cohorts of transfer students who participated in California Promise.

#### 6) **Related and prior legislation.**

SB 856 (Glazer, 2023), similar to this bill, would have renamed the California Promise program at CSU as the “Finish in Four and Through in Two” program. Unlike this bill, it would have required: 1) all incoming first-time students into the program, with the option for students to opt out; 2) at least 5 percent of each incoming class of first-time freshman students and qualifying transfer students to participate in the program at each campus of the CSU that offers the program; and 3) at least 70 percent of program participants to be either low-income students, first-generation students, or students from underrepresented communities within postsecondary education. SB 856 was held in the Assembly Appropriations Committee.

SB 785 (Glazer, 2022) similar to this bill, would have required at least 5 percent of each incoming class at each participating CSU campus to participate in the California Promise program, and that at least 70 percent of those participating undergraduate students be either low-income students, first-generation, or students from communities that are underrepresented in postsecondary education. SB 785 did not include an opt out requirement. SB 785 was vetoed by Governor Newsom whose message, in pertinent part, read:

***“The author’s efforts to increase CSU graduation rates and close equity gaps are laudable. I too share these goals, which is why my Administration, and the CSU entered a five-year Compact aimed at increase student achievement, advancing equity, increasing affordability and meeting the State’s workforce needs. However, I am concerned that this bill is overly prescriptive and could result in diverting resources away from other student programs that may be more effective in realizing the goals of the Compact.”***

SB 1211 (Glazer, 2020), identical to this bill, was not heard by this committee due to the shortened 2020 Legislative Calendar.

SB 148 (Glazer, 2019) would have established the Student Success and On-time Completion Fund in the State Treasury, and authorized the Trustees of the CSU to use money in the fund to incentivize participation in a California Promise program through the offering of grants or tuition freeze, as specified. SB 148 also required CSU to waive systemwide tuition or fees for a participating student unable to complete their degree due to limited space or no course offerings, as specified. SB 148 was held in the Assembly Appropriations Committee.

SB 346 (Glazer, 2018) was nearly identical to SB 148 in its final form, and failed passage on the Assembly floor. SB 346 was not heard by this committee.

SB 803 (Glazer, 2017) was nearly identical to SB 346, was approved by this committee by a vote of 5-2 and was subsequently held on the Senate Appropriations Committee Suspense file.

SB 412 (Glazer, Chapter 436, Statutes of 2016) required the CSU Board of Trustees to develop and implement a program, known as the California Program, that authorizes a campus to enter into a pledge with qualifying students, as defined, to support completion of a baccalaureate degree within four years or for transfer students within two years, and outlines the requirements which may be included in such a program. SB 412 also required the Board of Trustees to submit recommendations regarding potential financial incentives that could benefit students who participate in the program.

SB 1450 (Glazer, 2016) both SB 1450 and SB 412 required the CSU to develop and implement a program that authorizes a campus to enter into a pledge with qualifying students to support completion of a baccalaureate degree within four years and offer incentives to students in exchange for participation in the program.

Unlike SB 412 and similar to this bill, SB 1450 established various requirements regarding systemwide fees for California Promise students at CSU, including freezing tuition and granting tuition waivers if students were unable to complete a degree within the required timeframe due to unavailability of courses. SB 1450 also imposed these same requirements on the community colleges (CCC) and required the CCC Board of Governors to establish the Promise program as well. The CCC was removed from the scope of the bill and instead required CSU to ensure entry into a Promise program for any CCC student who transfers with an Associate Degree for Transfer. SB 1450 was heard by this committee on April 20, 2016 and failed passage, by a vote of 4-2.

## **SUPPORT**

California Chamber of Commerce

## **OPPOSITION**

None received

**-- END --**



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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1287	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Glazer		
<b>Version:</b>	March 20, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Public postsecondary education: Equity in Higher Education Act: prohibition on harassment, intimidation, and discrimination.

**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 Trustees of the California State University (CSU) and the Board of Governors of the California Community Colleges (CCCs) to (1) adopt and enforce policies in institution-based student codes of conduct that prohibit violence, harassment, intimidation, and discrimination that are intended to interfere with the free exercise of First Amendment rights, or call for or support genocide; (2) maintain and enforce reasonable time, place, and manner restrictions; (3) develop mandatory training programs for students; and, (4) require each student to acknowledge their obligation to comply with the code of conduct.

## BACKGROUND

Existing federal law:

- 1) Title VI of the Civil Rights Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (United States Code, Title 42, § 2000d)
- 2) Prohibits Congress from making any law respecting an establishment of religion, prohibiting the free exercise thereof, abridging the freedom of speech, the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. (First Amendment to the United States Constitution)

Existing state law:

- 3) States that no person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined the Government Code or any other characteristic that is contained in the prohibition of hate crimes set forth in the Penal Code, including immigration status, in any program or activity conducted by any postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

(Education Code (EC) § 66270)

- 4) Provides that every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. Existing law prohibits a law from restraining or abridging liberty of speech or press. (California Constitution, Article I, Section 2)
- 5) Prohibits the Regents of the University of California (UC), the Trustees of the CSU, the governing board of a community college district, and an administrator of any campus of those institutions, from making or enforcing a rule subjecting a student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction. (EC § 66301)
- 6) Provides that #4 and 5 do not prohibit an institution from adopting rules and regulations that are designed to prevent hate violence from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution for citizens generally. (EC § 66301 and § 94367)
- 7) Requires the governing board of a community college district to adopt rules and regulations relating to the exercise of free expression by students upon the premises of each community college maintained by the district, which shall include reasonable provisions for the time, place, and manner of conducting such activities. Existing law provides that such rules and regulations shall not prohibit the right of students to exercise free expression, except that expression which is obscene, libelous, or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited. (EC § 76120)
- 8) Authorizes a student to commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Upon a motion, a court may award attorney's fees to a prevailing plaintiff in a civil action. (EC § 66301 and § 94367)

## **ANALYSIS**

This bill:

- 1) Requires the CSU Trustees and CCC Board of Governors, and requests the UC Regents, to do all of the following:

### *Codes of conduct*

- a) Adopt and enforce policies, in institution-based student codes of conduct, that prohibit violence, harassment, intimidation, and discrimination that are intended to, and are reasonably understood by the victims or hearers, to do either of the

following:

- i) Interfere with the free exercise of rights established under the First Amendment.
- ii) Call for or support genocide.

*Time, place, and manner restrictions*

- b) Maintain and enforce reasonable time, place, and manner restrictions, including advance authorization provisions, for public protests and demonstrations at institutions.

*Training*

- c) Develop mandatory training programs to educate students on how to exchange views in an atmosphere of mutual respect and civility.

*Acknowledgment*

- d) Require, as a condition of admission and continued matriculation at an institution, each student and each new applicant to acknowledge their obligation to comply with the provisions of this bill and the institution's student code of conduct.

*General provisions*

- e) By January 2, 2025 and annually thereafter, submit a report to the Legislature on the implementation and administration of this bill.
- 2) Provides that the provisions of this bill are severable. If any provision of this bill or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
  - 3) States, in order to prevent harassment, intimidation, and discrimination that impairs the educational missions of the public segments of postsecondary education, violates federal and state anti-discrimination laws, and interferes with the free exercise of rights established under the First Amendment, it is the policy of the public segments of postsecondary education to eliminate harassment, intimidation, and discrimination that undermine these objectives.
  - 4) States legislative intent relative to the importance of free speech, academic freedom, and the free exchange of views among students and faculty that is free of violence, harassment, intimidation, and discrimination.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, "SB 1287 is about making sure that California universities are places where everyone can share their thoughts and ideas freely. We want to protect free speech and academic freedom while also preventing any form of harassment or discrimination. The need has been highlighted by

incidents of antisemitism that have resulted from the October 7<sup>th</sup> terrorist attack in Israel. By having the IHE's set clear rules and reporting systems, we're making sure that universities can maintain an environment where everyone feels respected and can learn without fear of intimidation, harassment, or violence."

- 2) ***Recent incidents on campuses, an investigation, a lawsuit, and proposed new policies.*** As cited by the author, there have been numerous incidents on California college and university campuses recently that have resulted in a sense of an unsafe environment and even injury. There are too many to list in this analysis, including several involving faculty; of note is a February 26, 2024, incident where a guest speaker at UC Berkeley was interrupted by hundreds of protesters who shattered the venue's glass doors and windows, gained entry, and assaulted attendees.

On March 19, 2024, the United States House of Representatives Committee on Education and the Workforce issued a letter to the President of UC, Chancellor of UC Berkeley, and Chair of the Board of Regents notifying them that the Committee is investigating UC Berkeley's "response to antisemitism and its failure to protect Jewish students." The letter continues, "We have grave concerns regarding the inadequacy of UC Berkeley's response to antisemitism on its campus. Several recent incidents have been particularly troubling." The letter further states, "An environment of pervasive antisemitism has been documented at UC Berkeley dating back to well before the October 7, 2023, terrorist attack." The letter specifically mentions the February 26, 2024 incident at UC Berkeley cited above, stating "The university's response to the incident failed to identify the riot as an act of anti-Jewish hate." The Committee has requested that UC Berkeley provide several items, such as all reports of antisemitic acts or incidents, all documents explaining processes used to respond to allegations, and internal communications relative to any investigations into specified events by April 2, 2024. Committee staff believes that UC Berkeley may have responded with some but not all of the requested information. As of the drafting of this analysis, Committee staff does not have a copy of any response.

On April 1, 2024, the StandWithUs Center for Legal Justice filed a federal Title VI complaint with the federal Office of Civil Rights, accusing UC Davis of neglecting and ignoring their Jewish students' complaints of rising campus antisemitism. The complaint asks the Office of Civil Rights to "fully investigate all incidents of antisemitic behavior at UC Davis; require the university to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism and be guided by this definition when addressing potential incidents of antisemitic discrimination; and require UC Davis to provide training regarding Jewish identity and antisemitism, including information about the IHRA Working Definition of Antisemitism and its examples, to administrators, faculty, and staff directly involved in processing, investigating, and/or resolving complaints and other reports of antisemitic discrimination or Israeli national origin discrimination."

The UC Regents are currently considering a proposal that would prohibit department homepages from expressing the personal or collective opinions of department members and instead be used only to conduct official business of that department. The proposal would allow individual faculty members, groups of faculty, or departments to choose to express opinions on other pages of a department's

website (not the homepage) provided that they include a disclaimer that the opinions do not represent the official views of the UC or the department. The proposal was scheduled for a vote on March 20, 2024, during a joint meeting of the Academic and Student Affairs and Compliance and Auditing committees, but the Regents have delayed the vote until May.

- 3) ***Student codes of conduct and free speech.*** Existing law requires postsecondary educational institutions to adopt anti-discrimination and harassment policies. Existing law further authorizes institutions to adopt rules and regulations that are designed to prevent hate violence from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution for citizens generally.

The UC, CSU, and community college districts, and their respective campuses, have student codes of conduct in place. These codes of conduct also provide for the discipline of students for violating those codes of conduct. This bill requires the adoption of policies, via student codes of conduct, that prohibit violence, harassment, intimidation, and discrimination *that are intended to, and are reasonably understood by the victims or hearers, to either interfere with the free exercise of rights, or call for or support genocide.*

The First Amendment generally protects speech unless it incites imminent lawless action, is considered “fighting words” or true threats, intends to harm the interests of the United States, and other criteria such as blackmail, perjury, and defamation. *What does it mean to interfere with First Amendment rights, and is that speech outside the protections of the First Amendment? Does this bill change what is considered protected speech? Could this bill result in the discipline of students for interfering with but not violating the First Amendment?*

- 4) ***Genocide.*** This bill requires policies, via student codes of conduct, to prohibit violence, harassment, intimidation, and discrimination *that are intended to, and are reasonably understood by the victims or hearers, to either interfere with the free exercise of rights, or call for or support genocide.*

This bill references a definition of genocide adopted by the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. That definition provides that genocide is “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such:

- a) Killing members of the group.
- b) Causing serious bodily or mental harm to members of the group.
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
- d) Imposing measures intended to prevent births within the group.

e) Forcibly transferring children of the group to another group.

*What does it mean to “call for” or “support” genocide? Is this speech outside the protections of the First Amendment? Does this bill change what is considered protected speech?*

- 5) **Required acknowledgment.** This bill requires, as a condition of admission and continued matriculation at an institution, each student and each new applicant to acknowledge their obligation to comply with their institution’s student code of conduct and the provisions of this bill (required training and adhering to their institution’s time, place and manner restrictions).

Students are not currently required to acknowledge their obligation to comply with student codes of conduct, institutional policies, or laws in general. *In what manner and how often would students make this acknowledgement? Should students who refuse to make this acknowledgement be refused the opportunity to attend a public postsecondary educational institution in California?*

- 6) **Reasonable time, place, and manner restrictions.** Freedom of speech on campuses of public postsecondary educational institutions is allowed within the confines of codes of conduct and time, place, and manner restrictions. Institutions cannot discipline a student for engaging in a free speech activity, but can discipline a student if the free speech activity crosses into unlawful behavior, or otherwise violates the institution’s time, place and manner restrictions.

All UC and CSU campuses maintain time, place, and manner restrictions to ensure safety, security, and order (as of the drafting of this analysis, committee staff was still verifying whether this is true for all CCC campuses). As established by case law, reasonable time, place and manner restrictions are permissible, provided that they are carefully designed to (a) coordinate the appropriate use of a particular location for speech activities, and not to prohibit particular forms of expression; (b) serve a significant government interest and are not more extensive than necessary to serve that interest; and, (c) leave open ample alternative channels for communication of the information.

While postsecondary educational institutions are currently allowed to establish time, place, and manner restrictions – as existing law is silent – this bill *requires* CSU and the CCCs, and requests UC, to maintain and enforce reasonable time, place, and manner restrictions, including advance authorization provisions (get a permit in advance), for public protests and demonstrations at institutions.

Case law also permits the requirement that groups get a permit in advance of an event, protest or demonstration when those requirements are content neutral and are a reasonable restriction under all of the circumstances (such as public safety).

The UC and CSU each maintain a handbook, manual, or policies at the system-level that provide guidance to their campuses on free speech issues and policies (as of the drafting of this analysis, committee staff was still verifying whether this is true for the CCC). As an example, the CSU’s “Handbook of Free Speech Issues” includes

information such as:

- Reasonable time, place and manner restrictions must be clear and specific enough to place the public on notice as to exactly what is authorized and what is forbidden. The handbook continues with information about considerations that must be made to ensure restrictions are legally sustainable.
- Campuses should make clear when and under what circumstances permits will be denied, and should also specify that permits will not be denied based on the content of the proposed speech. The handbook also suggests a provision for a review of any permit denial.
- The length of any advance notice requirement is critical to its reasonableness, and gives examples of case law that upheld advance notice of two or less days and struck down restrictions with a longer advance notice period.
- Any advance notice or permitting requirement should also contain an exception for spontaneous events.
- Having exclusive free speech zones where all free speech activity must occur will not be sustained, and instead suggests it can be effective to designate an entire campus open to free speech and exclude only those locations where such activity would significantly interfere with and/or disrupt university business (immediately adjacent to classrooms, narrow walkways or corridors).

7) **UC.** Many of the incidents identified by the author relate to UC. Due to UC's constitutional autonomy, this bill requests but does not require UC to comply with the provisions in this bill. Further, many situations of concern on UC campuses involve faculty or members of the general public. The provisions of this bill relative to codes of conduct, training, and acknowledgements apply only to students. *Will UC comply with this bill?*

8) ***Related legislation.***

AB 2925 (Friedman, 2024) expands the existing obligation of postsecondary educational institutions to combat racism and other forms of bias to specifically include hate-based discrimination including anti-Semitism and Islamophobia. AB 2925 requires CCCs, CSU, and independent or private institutions of higher education that receive state financial assistance, and requests UC, to include training to combat and address anti-Semitism as part of any anti-discrimination training or diversity, equity, and inclusion training that is offered by the institution. AB 2925 is scheduled to be heard in the Assembly Higher Education Committee on April 9, 2024.

9) ***Prior legislation.***

SB 1381 (Nielsen, 2018) would have required a person who wishes to engage in expressive activity on the campus of a public postsecondary educational institution to be permitted to do so freely, as long as that person's conduct is not unlawful and

does not materially and substantially disrupt the functioning of the institution. SB 1381 was held in the Senate Appropriations Committee.

SB 1388 (Anderson) would have prohibited a public institution of higher education from denying a belief-based student organization a benefit or privilege available to any other student organization, and requires a person who wishes to engage in expressive activity on the campus of a public postsecondary educational institution to be permitted to do so freely, as long as that person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution. SB 1388 failed passage in the Senate Education Committee.

AB 2081 (Melendez) would have required the governing board or body for each higher education institution to develop and adopt a policy on free expression that contains specified components, establish a Committee on Free Expression for the institution or segment, include in its freshman orientation programs a section describing to its students the institution's policies and regulations regarding free expression, authorizes institutions to restrict expressive conduct in the public areas of campus only if it demonstrates that the restriction meets specified requirements, conditions the receipt of any state funding except Cal Grant funds on compliance with this bill, and exempts religious organizations if this bill would be inconsistent with the religious tenets of that organization. AB 2081 failed passage in the Assembly Higher Education Committee.

AB 2374 (Kiley) would have established the Free Speech on Campus Act which, among other things, requires a campus of the CCC and CSU, and requests a campus of the UC, make and disseminate a free speech statement that affirms the importance of, and the campus's commitment to promoting, freedom of expression. AB 2374 requires the statement to include assurances that students and controversial speakers will be protected from exclusionary behavior that violates freedom of expression. AB 2374 was held in the Assembly Appropriations Committee.

SB 472 (Nielsen) was nearly identical to SB 1381 of 2018. SB 472 passed this Committee on a 7-0 vote on April 19, 2017, passed the Senate Judiciary Committee on a 7-0 vote on April 25, 2017, and was subsequently held in the Senate Appropriations Committee.

AB 1212 (Grove, 2015) would have required the governing bodies of the CCC and CSU, and requests the Regents of the UC, to adopt a policy prohibiting their campuses from discriminating against a student organization with respect to a benefit available to any other student organization, based on that organization's requirement that its leaders or voting members satisfy specified criteria. AB 1212 failed passage in the Assembly Higher Education Committee.

## **SUPPORT**

30 Years After

American Jewish Committee Los Angeles

American Jewish Committee San Diego

American Jewish Committee San Francisco



Anti-Defamation League  
Democrats for Israel - CA  
Democrats for Israel Los Angeles  
ETTA  
Hadassah  
Hillel at Davis and Sacramento  
Hillel at UCLA  
Hillel of San Diego  
Hillel of Silicon Valley  
Holocaust Museum LA  
Jewish Big Brothers Big Sisters of Los Angeles  
Jewish Center for Justice  
Jewish Community Federation and Endowment Fund  
Jewish Community Relations Council Bay Area  
Jewish Community Relations Council Sacramento Region  
Jewish Community Relations Council, Santa Barbara  
Jewish Democratic Club of Marin  
Jewish Democratic Club of Solano County  
Jewish Democratic Coalition of the Bay Area  
Jewish Democrats of San Diego County  
Jewish Family & Community Services East Bay  
Jewish Family and Children's Service of Long Beach and Orange County  
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and  
Sonoma Counties  
Jewish Family Service of Los Angeles  
Jewish Family Service of San Diego  
Jewish Family Services of Silicon Valley  
Jewish Federation of Greater Los Angeles  
Jewish Federation of Greater Santa Barbara  
Jewish Federation of the Greater San Gabriel and Pomona Valleys  
Jewish Federation of the Sacramento Region  
Jewish Free Loan Association  
Jewish Long Beach  
Jewish Public Affairs Committee  
Jewish Silicon Valley  
Jewish War Veterans of the United States of America  
JVS SoCal  
Progressive Zionists of California  
Raoul Wallenberg Jewish Democratic Club

**OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1431	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Cortese		
<b>Version:</b>	March 20, 2024		
<b>Urgency:</b>	Yes	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** San José State University: fire building protection standards.

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

## SUMMARY

This bill, an urgency measure, shifts authority from the State Fire Marshal to California State University's (CSU) Office of Fire Safety for the purpose of fire or life safety activities, other safety-related activities, plan checks, inspections, or certificates of occupancy relative to the development of a project known as Spartan Village on the Paseo.

## BACKGROUND

Existing law:

- 1) Vests with the Trustees of the California State University (CSU) full power and responsibility in the construction and development of any state university campus, and any buildings or other facilities or improvements connected with the CSU. (Education Code (EC) § 66606)
- 2) Authorizes the Trustees to establish rules and regulations for the government and maintenance of the buildings and grounds of the CSU. (EC § 89031)
- 3) Establishes "Regulations of the State Fire Marshal" which constitute the Basic Building Design and Construction Standards of the State Fire Marshal. These regulations establish minimum standards for the prevention of fire and for the protection of life and property against fire, explosion and panic. These regulations govern the design and construction relating to fire protection in any state institution and in any state-owned or state-occupied building. (California Code of Regulations, Title 19)
- 4) Establishes the California Building Standards Code, which includes the California Fire Code. (California Code of Regulations, Title 24, Part 9)
- 5) Requires the State Fire Marshal to prepare and adopt building standards, not inconsistent with existing laws or ordinances, relating to fire protection in the design and construction of the means of egress and the adequacy of exits from, and the

installation and maintenance of fire alarm and fire extinguishment equipment or systems in, any state institution or other state-owned building or in any specified state-occupied building and submit those building standards to the State Building Standards Commission for approval. (Health & Safety Code § 13108)

- 6) Requires the State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, to enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic. (Health & Safety Code § 13145)
- 7) Establishes that the responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal are as follows:
  - a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal
  - b) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.
  - c) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all CSU campuses and properties administered or occupied by the CSU. Existing law authorizes, for each university campus or property, the State Fire Marshal may delegate that responsibility to the person of the State Fire Marshal's choice who shall be known as the Designated Campus Fire Marshal. (Health & Safety Code § 13146)

## ANALYSIS

This bill, an urgency measure, shifts authority from the State Fire Marshal to CSU's Office of Fire Safety for the purpose of fire or life safety activities, other safety-related activities, plan checks, inspections, or certificates of occupancy relative to the development of a project known as Spartan Village on the Paseo. Specifically, this bill:

- 1) Prohibits the State Fire Marshal from having any authority over the development of a project known as Spartan Village on the Paseo for use by San José State University, including related improvements associated with that project, for the purpose of fire or life safety activities, other safety-related activities, plan checks, inspections, or certificates of occupancy, conditional or otherwise.

- 2) Provides that #1 applies only if the owner of the building or the owner of related improvements to the building, enters into an agreement with the CSU Office of Fire Safety to perform fire and life safety activities, other safety-related activities, plan checks, or inspections, or to provide certificates of occupancy, conditional or otherwise, for that project.
- 3) Includes an urgency clause in order to meet the immediate need of San José State University to provide necessary housing for students at the start of the 2024–25 academic year.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 1431 enables the California State University Office of Fire Safety to perform fire and life safety oversight for San José State University’s adaptive reuse student housing project, Spartan Village on the Paseo. The California State University’s Office of Fire Safety has expertise to oversee activities directly as evidenced by the existing and ongoing planned transition of overarching authority from the Office of the State Fire Marshal to the California State University Office of Fire Safety. California students are increasingly unable to access, let alone afford housing during their academic journeys. The unacceptable reality is that one in ten students attending a California State University is experiencing homelessness. Students at San José State University face the even greater challenge of going to school in one of the least affordable regions in the United States. This bill will address this crisis and contains an emergency clause because the university plans to house students in Spartan Village by the fall semester.”
- 2) ***Spartan Village on the Paseo.*** According to San José State University’s website, Spartan Village on the Paseo is a new student housing community in a renovated hotel tower in downtown San José through a lease/purchase agreement. The goal is for the initial 700 beds (in 264 existing rooms) to be open for student occupancy beginning August 2024. The application process began on March 5, 2024.
- 3) ***Existing MOU between State Fire Marshal and CSU.*** All major capital projects, and some minor capital construction/renovation work, at CSU facilities must be reviewed for fire and panic safety compliance. Existing law vests responsibility with the State Fire Marshal.

The Office of the State Fire Marshal and the CSU Board of Trustees entered into a MOU on June 29, 2022, whereby the State Fire Marshal delegates responsibility for compliance with fire and panic safety and other regulations of the State Fire Marshal to qualified CSU Designated Campus Fire Marshals to act on behalf of the State Fire Marshal to perform on-site fire and panic safety plan review, construction inspection, and compliance inspections at CSU nominated and State Fire Marshal approved campuses. The MOU establishes a phased process, with the first phase including the responsibility for on-site plan review, with a progressive assumption of responsibilities at approved campuses. [OSFM CSU MOU.pdf \(calstate.edu\)](#)

The MOU requires individual campuses to secure CSU nomination and State Fire Marshal approval to be covered under the MOU. The Spartan Village on the Paseo

has not been approved to shift responsibility from the State Fire Marshal to the CSU Designated Campus Fire Marshal, and therefore is not covered under the scope of the MOU.

Committee staff understands there is a new/updated draft MOU that is pending review by the CSU, and subsequent signature by both the State Fire Marshal and CSU. It is unclear how this new/updated draft MOU differs from the 2022 MOU that is currently in place.

*Circumventing an existing MOU, this bill shifts authority from the State Fire Marshal to CSU's Office of Fire Safety over the development of a project known as Spartan Village on the Paseo for use by San José State University. Should the fire safety responsibilities related to the Spartan Village on the Paseo instead be governed under the new/updated MOU?*

- 4) **Author's amendments.** The author wishes to amend this bill to add "building permits" to the list of activities this bill would shift from the State Fire Marshal to the CSU's Office of Fire Safety.

5) **Related legislation.**

AB 511 (Arambula, 2018) would have State Fire Marshal shall have no authority over, and building standards and regulations adopted or enforced by him or her shall not apply to, any privately owned development of a building, including related improvements to that building, for the purpose of fire or life safety activities, other safety-related activities, plan checks, or inspections, located at CSU Fresno, Campus Pointe. AB 511 was not heard in the Senate, as the bill was gutted and amended very late in the process.

## SUPPORT

San José State University (sponsor)  
Mayor Matt Mahan, City of San Jose  
San Jose Downtown Association

## OPPOSITION

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 1138	<b>Hearing Date:</b>	April 10, 2024
<b>Author:</b>	Newman		
<b>Version:</b>	March 18, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil attendance: excused absences: military entrance processing.

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

## SUMMARY

This bill would add a pupil's participation in military entrance processing to the list of excused absences.

## BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Clarifies that excused absences are deemed to be absences in computing average daily attendance (ADA) and shall not generate state apportionment payments. (EC § 48205)
- 2) Provides a list of reasons that constitute an excused absence, which include, among others, that the absence of a student is to be excused when the absence is due to any of the following:
  - a) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health; quarantine under the direction of a county or city health officer; have a medical, dental, optometric, or chiropractic services during school hours.
  - b) For the purpose of attending the funeral services of a member of the pupil's immediate family or spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services.
  - c) Jury duty or justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization.

- d) Attending a naturalization ceremony to become a United States citizen or participating in a cultural ceremony or event.
  - e) A middle school or high school pupil engaging in a civic or political event provided that the pupil notify the school ahead of the absence. (EC § 48205)
- 3) Provides that a valid excuse may include other reasons that are within the discretion of school administrators and based on the facts of the pupil's circumstances. (EC § 48260)
  - 4) Clarifies each person between the ages of 6 and 18 years subject to compulsory full-time education and each person subject to compulsory continuation education must attend the public full-time day school or continuation school or classes and for the full-time designated as the length of the schoolday by the governing board of the school district where the parent or guardian is located. (EC § 48200)

## ANALYSIS

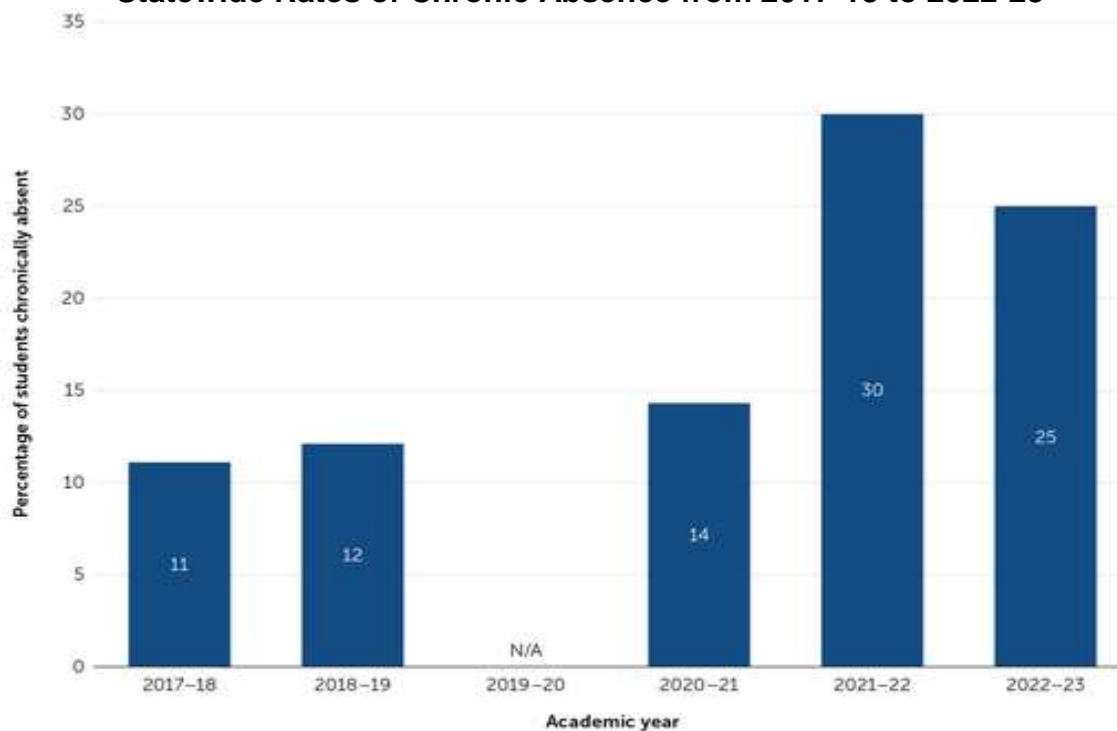
This bill would add a pupil's participation in military entrance processing to the list of excused absences.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Providing for excused absences will afford California high school students the opportunity to participate in mandatory military entrance processing without potentially experiencing adverse consequences for having an unexcused absence on their records. Adding military entrance processing to the existing list of excused absences, which include attending career or employment conferences, is eminently fair and equitable. Students planning to pursue service in the United States military after completion of high school should not face undue administrative obstacles that might interfere with that very admirable path."
- 2) ***What is Military Entrance Processing (MEP)?*** The MEP is a process in which the military assesses applicants for their qualifications to enter a branch of the U.S. armed forces. The Department of Defense operates MEPS facilities with the help of military and civilian personnel who specialize in determining an applicant's physical, mental, and moral readiness to enter the military. Completing a MEP screening typically takes two full days of tests and screenings. The MEP process includes medical screening, aptitude tests, and enlistment in the appropriate military branch.
- 3) ***Unexcused Absences Trigger Truancy Provisions.*** While excused and unexcused absences may be treated the same for funding purposes, they are not treated the same for attendance purposes. A student absent from school without a valid excuse on any day or tardy for more than 30 minutes, or any combination thereof, for three days in a school year is considered a truant. By adding to the list of excused absences from school that a pupil is excused from school for the MEP, this bill could reduce the number of unexcused absences and, therefore, reduce the number of trancies.

- 4) **Excused Absences Do Not Generate ADA.** In California, school funding is primarily calculated using ADA. Each time a student is absent, that absence negatively impacts the local educational agency (LEA's) ADA, ultimately reducing their overall funding. While each absence may be insignificant relative to overall funding levels, absences affect overall funding in the aggregate. Under current law, all absences, whether excused or unexcused, reduce overall ADA.
- 5) **Chronic Absenteeism.** Chronic absenteeism is when students miss 10 percent or more of school for any reason. If not addressed, this can lead to difficulties learning to read by Grade 3, reaching grade-level standards in middle school, and graduating from high school. The COVID-19 pandemic has led to a significant increase in chronic absenteeism in California and across the country. Addressing this issue is crucial in helping students catch up academically. This analysis examines the trends in chronic absenteeism through the 2022-23 school year, using data from the California Department of Education. Although there has been a decrease in chronic absence rates, they are still alarmingly high.

**Statewide Rates of Chronic Absence from 2017-18 to 2022-23**



Note. The COVID-19 pandemic resulted in statewide physical school closures in February/March 2020 followed by the widespread implementation of distance learning during the 2020-21 academic year. The CDE has determined that absenteeism data are not valid and reliable for the 2019-20 academic year; therefore, the CDE has not processed these data and they are unavailable for public release.

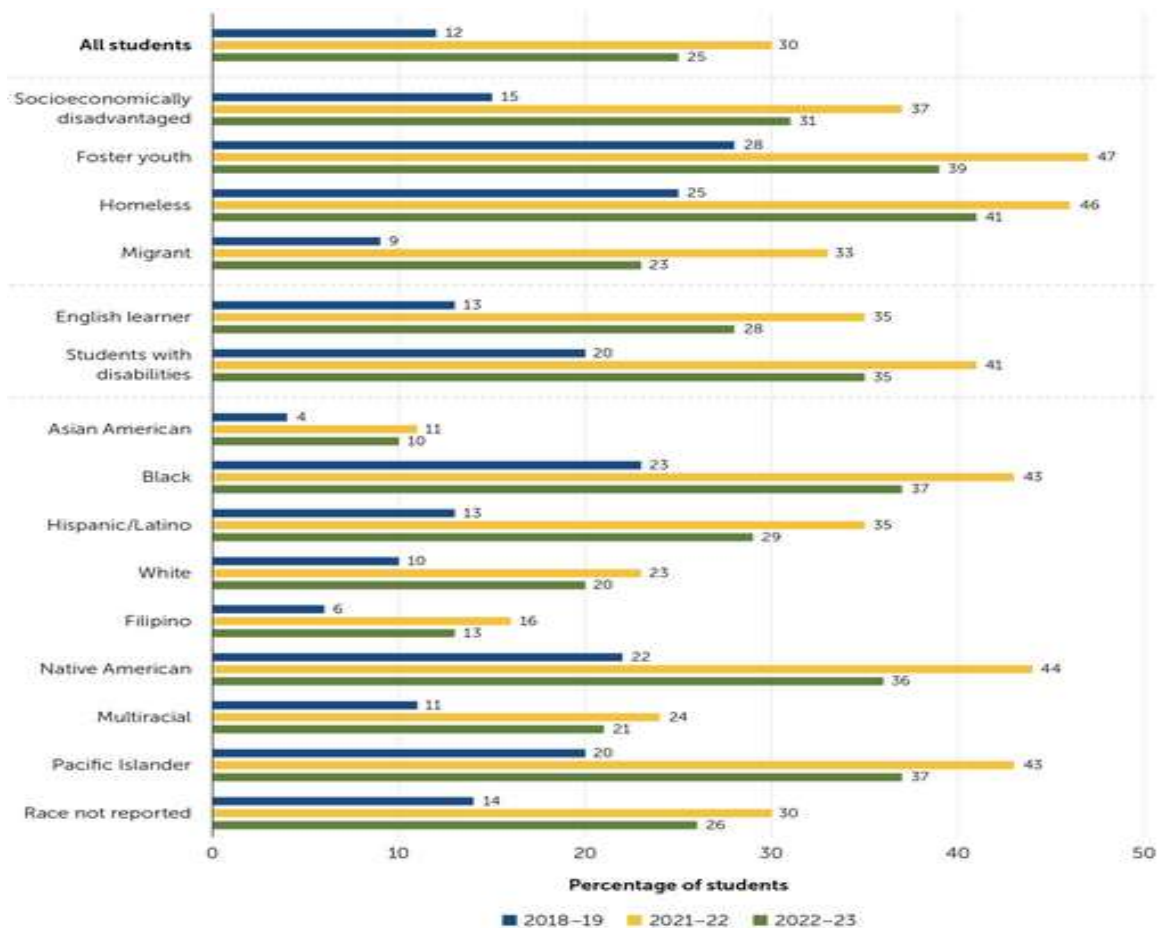
In a report released by PACE, *Unpacking California's Chronic Absence Crisis Through 2022-23: Seven Key Facts*, chronic absence rates increased from 12 percent (702,531 students) in 2018-19 to a high of 30 percent (1,799,734) in 2021-22. In 2022-23, there was a decrease of 5 percentage points to a chronic absenteeism rate of 25 percent (1,486,302 students). Although this modest



decrease is a hopeful sign, rates are still much higher than they were prior to the pandemic.

Schools that serve socioeconomically disadvantaged (SED) students tend to have higher rates of chronic absenteeism. Only 2 percent of the most affluent schools (those serving 0–24 percent SED students) experience extreme levels of chronic absence. In comparison, 60 percent of schools serving 75 percent or more SED students have extreme levels of chronic absence. Due to the challenges posed by the pandemic, SED students are significantly behind their non-SED peers in academic performance. Chronic absence is also high among particular student populations, although all have experienced modest decreases in the last year. Students who are involved in the foster care system, are experiencing homelessness, and have been identified as having a disability have extraordinarily high levels of chronic absenteeism. In addition, Native American, Black, and Pacific Islander students have exceptionally high rates of chronic absence. For these populations, chronic absenteeism both reflects and exacerbates inequities. These high rates can reflect challenges facing students and families in the community (e.g., lack of access to health care, unreliable transportation, housing, and food insecurity, etc.) and within the school (e.g., bullying, unwelcoming school climate, biased disciplinary or attendance practices, or lack of a meaningful and culturally relevant curriculum). Such difficulties can affect students’ learning ability and cause them to fall farther behind because they miss invaluable instruction.

**Chronic Absenteeism Rates By Student Group and Year**



The reasons behind chronic absenteeism are complex; hence addressing this issue requires a multifaceted approach. This approach should involve services that meet their basic needs, create a safe and welcoming school environment, and provide engaging and challenging learning opportunities. Furthermore, partnerships with community organizations and public agencies are crucial to tackle the barriers and challenges to school attendance that may be beyond the capacity of educators.

#### 5) **Related Legislation.**

AB 2771 (Maienschein, 2024) requires the California Department of Education (CDE) to post information on its website about methods of reducing chronic absenteeism by the beginning of the 2026-27 school year.

AB 1939 (Maienschein, 2024) this bill would require each county school attendance review board and each local school attendance review board to, at least annually, consult with specified pupils for the purpose of soliciting input that will assist board members in gaining a better understanding of, and proposing interventions for, pupil attendance challenges and behavioral challenges.

AB 1884 (Ward, 2024) Authorizes a student's excused absence for purposes of spending time with a member of their immediate family who is an active duty member of the military and has been called to duty for, is on leave from, or has immediately returned from deployment, without requiring that the deployment be to a combat zone or combat support position.

AB 1503 (Lee, Chapter 846, Statutes of 2023) extends the excused absence provision for a student to attend a religious retreat from four hours or a half-day to one full day.

SB 350 (Ashby, Chapter 601, Statutes of 2023) adds, to the list of excused absences from school, that a pupil can be excused from school 1) the ability to miss school to receive victim services, grief support services, or attend safety planning, as specified; and 2) to attend a funeral or to grieve for no longer than five days, as specified.

SB 955 (Leyva, Chapter 921, Statutes of 2022) permits students in grades 6 – 12 to have one excused absence per year to participate in a civic or political event.

SB 14 (Portantino, Chapter 672, Statutes of 2021) includes, among other things, "for the benefit of the behavioral health of the pupil" within the "illness" category for excused absences for purposes of school attendance.

AB 516 (M. Dahle, Chapter 281, Statutes of 2021) added participation in a cultural ceremony or event to the list of reasons that a pupil must be excused from school.

AB 2289 (Weber and Gonzalez Fletcher, Chapter 942, Statutes of 2018) requires, among other things, parenting pupils to be excused from school without a doctor's note for the purpose of caring for their sick children or attending their children's medical appointments.

AB 1593 (Obernolte and Alejo, Chapter 92, Statutes of 2016) permits a pupil's attendance at his or her naturalization ceremony to become a United States citizen to be deemed an excused absence for purposes of computing ADA.

**SUPPORT**

None received

**OPPOSITION**

None received

**-- END --**