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# California State Senate

## EDUCATION



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## AGENDA

Wednesday, April 12, 2023  
9 a m -- 1021 O Street Room 2100

### MEASURES HEARD IN FILE ORDER

- |     |        |            |   |
|-----|--------|------------|---|
| 1.  | SB 88  | Skinner    | Pupil transportation: driver qualifications.  |
| 2.  | SB 321 | Ashby      | Literacy. libraries: third grade pupils: access and participation.  |
| *3. | SB 350 | Ashby      | Pupil attendance: excused absences.   |
| 4.  | SB 328 | Dodd       | Political Reform Act of 1974: contribution limits.  |
| *5. | SB 369 | Nguyen     | Pupil instruction: model curricula: Vietnamese American refugee experience: Cambodia and the Cambodian American refugee experience. |
| 6.  | SB 596 | Portantino | School employees: protection.   |
| 7.  | SB 671 | Portantino | School safety: mandatory interagency cross-reporting.   |
| 8.  | SB 633 | Gonzalez   | California DREAM Loan Program: DREAM grants.  |
| 9.  | SB 715 | Rubio      | Los Angeles Community College District Small Business and Entrepreneurship Center.  |
| 10. | SB 857 | Laird      | Advisory task force: LGBTQ+ pupil needs   |
| 11. | SB 643 | Wilk       | School safety Safe-To-Tell Program.   |
| 12. | SB 791 | McGuire    | Postsecondary education. academic and administrative employees: disclosure of sexual harassment.                                    |
| 13. | SB 856 | Glazer     | California State University students. California Promise: Finish in Four and Through in Two.  |
| 14  | SB 291 | Newman     | Pupil rights: recess.   |
| 15. | SB 760 | Newman     | School facilities: all-gender restrooms.  |

\*Items 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 88	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Skinner		
<b>Version:</b>	March 6, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** Pupil transportation: driver qualifications.

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

### SUMMARY

This bill applies numerous requirements currently applicable to bus drivers to all drivers providing transportation for pupils, including being mandated reporters, clearing tuberculosis risk assessments, and passing a criminal background check. The bill also mandates all vehicles used for pupil transportation for compensation by local educational agencies (LEAs) to be inspected and equipped with a first aid kit and a fire extinguisher.

### BACKGROUND

Existing law:

- 1) Authorizes the governing board of any school district to provide for the transportation of pupils to and from school whenever, in the judgment of the board, the transportation is advisable and good reasons exist therefor. Authorizes the governing board to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or to contract with and pay responsible private parties for the transportation. Authorizes these contracts to be made with the parent or guardian of the pupil being transported. (Education Code (EC) 39800)
- 2) Prohibits transportation allowances from being made by the Superintendent of Public Instruction (SPI) for expenses incurred with respect to field trips or excursions that have an out-of-state destination. Requires a school district that transports pupils, teachers, or other employees of the school district in schoolbuses within the state and to destinations within the state, as specified, to report to the SPI on forms prescribed by him or her the total mileage of schoolbuses used in connection with educational excursions. Requires, in computing the allowance to a school district for regular transportation, a deduction from that allowance in an amount equal to the depreciation of schoolbuses used for the transportation in accordance with rules and regulations adopted by the SPI. (EC 35330)

- 3) Prohibits any school district and any owner or operator of a private school that provides transportation for pupils that owns, leases, or otherwise has possession or control of a 15-passenger van, from, on or after January 1, 2005, authorizing the operation of that van for the purpose of transporting passengers unless the person driving or otherwise operating that van has both of the following:
  - a) A valid class B driver's license issued by the DMV; and
  - b) An endorsement for operating a passenger transportation vehicle issued by the DMV.
- 4) Defines a "15-passenger van" to mean any van manufactured to accommodate 15 passengers, including the driver, regardless of whether that van has been altered to accommodate fewer than 15 passengers. (EC 39800.5)
- 5) Establishes that a schoolbus is any motor vehicle designed, used, or maintained for the transportation of a school pupil at or below the grade 12 level to or from a public or private school or to or from public or private school activities, except the following:
  - a) A motor vehicle of any type carrying only members of the household of its owner;
  - b) A motor truck transporting pupils who are seated only in the passenger compartment, and a passenger vehicle designed for and when actually carrying not more than 10 persons, including the driver, except any vehicle or truck transporting two or more pupils who use wheelchairs;
  - c) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned or operated transit system, only during the time it is on a scheduled run and is available to the general public or on a run scheduled in response to a request from a pupil who uses a wheelchair, or from a parent of the pupil, for transportation to or from nonschool activities. However, the motor vehicle is designed for and actually carries not more than 16 persons and the driver, is available to eligible persons of the general public, and the school does not provide the requested transportation service;
  - d) A school pupil activity bus, as defined;
  - e) A motor vehicle operated by a carrier licensed by the Interstate Commerce Commission that is transporting pupils on a school activity entering or returning to the state from another state or country; and
  - f) A state-owned motor vehicle being operated by a state employee upon the driveways, paths, parking facilities, or grounds, as specified, that are under the control of a state hospital under the jurisdiction of the State Department of Developmental Services where the posted speed limit is not more than 20 miles per hour. (EC 39830 and Vehicle Code (VC) 545)

- 6) Defines a “bus” as vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus. (VC 233)
- 7) Specifies that it is unlawful for any person under the age of 18 years to drive a school bus transporting pupils to or from school. (VC 12516)
- 8) Specifies that no driver of a schoolbus, school pupil activity bus (SPAB), youth bus shall drive more than ten hours within a work period, or after the end of the 16th hour after coming on duty following eight consecutive hours off duty. (Title 13, California Code of Regulations, Section 1212.5)
- 9) Defines “school pupil activity bus (SPAB)” to mean any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th grade level to or from a public or private school activity, or used to transport pupils to or from residential schools, when the pupils are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the pupil or place the pupil on the bus. Defines, “common carrier,” “publicly owned or operated transit system,” and “passenger charter-party carrier” to mean carriers in business for the principal purpose of transporting members of the public on a commercial basis.
- 10) Requires that the driver of a SPAB to be subject to the regulations adopted by the Department of the California Highway Patrol (CHP) governing schoolbus drivers, except that the regulations must not require drivers to duplicate training or schooling that they have otherwise received that is equivalent to that required pursuant to the regulations, and the regulations may not require drivers to take training in first aid. Establishes that a valid certificate to drive a SPAB does not entitle the bearer to drive a schoolbus. (EC 39830.1 and VC 546)
- 11) Requires the California Department of Education (CDE) to develop or approve courses for training SPAB, transit bus, schoolbus, and farm labor vehicle drivers that will provide them with the skills and knowledge necessary to prepare them for certification. Requires the CDE to seek the advice and assistance of the Department of Motor Vehicles (DMV) and the CHP in developing or approving those courses. (EC 40081)

## ANALYSIS

This bill:

- 1) Specifies that its provisions apply to all drivers, whether employed by or contracted with a LEA, providing pupil transportation for compensation and nothing shall be construed to apply to drivers of municipally owned transit systems offering supplementary service.

- 2) Requires a driver who provides transportation services for pupils in a vehicle with a maximum capacity of eight or fewer passengers, excluding the driver, to:
- a) Hold a valid California driver's license for the appropriate class of vehicle.
  - b) Be at least 18 years of age with a minimum of two years of driving experience.
  - c) Pass a criminal background check, as specified.
  - d) Have a satisfactory driving record that includes none of the following:
    - i) Within three years, has committed any violation that results in a conviction assigned a violation point count of two or more.
    - ii) Within three years, has had their driving privilege suspended, revoked, or on probation for any reason involving the unsafe operation of a motor vehicle.
    - iii) Has been determined by the DMV to be a negligent or incompetent operator.
  - e) Not have demonstrated irrational behavior to the extent that a reasonable and prudent person would have reasonable cause to believe that the driver's ability to perform the duties of a driver may be impaired.
  - f) Not have been convicted of any specified offenses listed in the VC.
  - g) Obtain a report showing the driver's current public record as recorded by the DMV and participate in the DMV pull-notice system.
  - h) Comply with drug and alcohol testing pursuant to the VC.
  - i) Be a mandated reporter and comply with the provisions of law as required by the Child Abuse and Neglect Reporting Act.
  - j) Complete a medical examination consistent with the VC.
  - k) Submit and clear a tuberculosis risk assessment.
  - l) Not drive or be on duty for more than 12 hours in the aggregate following eight consecutive hours off duty.
  - m) Complete a minimum of 10 hours of initial training and a minimum of two hours of annual refresher courses in all of the following:
    - i) Pretrip vehicle inspections.
    - ii) Safe loading and unloading of passengers.

- iii) Proper use of seatbelts and child safety restraints.
  - iv) Handling accidents, incidents, and emergency situations.
  - v) Providing proper accommodations for pupils with disabilities.
  - vi) Defensive driving.
  - vii) Operations in inclement weather.
  - viii) Operations at night or under impaired visibility conditions.
- n) Maintain a daily log sheet and complete the daily pretrip inspection of the vehicle being driven that day, which shall include all of the following:
- i) A check of the operability of all lights, initialed by the driver before the vehicle is first driven in service that day.
  - ii) A check for fluid leaks, initialed by the driver before the vehicle is first driven in service that day.
  - iii) A check for the operability of the brakes, initialed by the driver before the vehicle is driven in service that day.
- 3) Specifies that, for vehicles with a maximum capacity of eight or fewer passengers, excluding the driver, only street-legal coupes, sedans, or light-duty vehicles, including vans, minivans, sport utility vehicles, and pickup trucks, shall be used for pupil transportation.
- 4) Requires a driver who provides transportation services for pupils in a vehicle with a capacity of more than eight passengers, excluding the driver, to:
- a) Hold a valid California commercial driver's license for the appropriate class of vehicle, endorsed for passenger transportation pursuant to VC.
  - b) Comply with specified sections above if not already required to.
- 5) Requires an LEA contracting with a private entity to provide pupil transportation to obtain from the private entity a written attestation to all of the following:
- a) That it not have any applicable law violations at the time of applying for the contract.
  - b) That it will maintain compliance with applicable laws for the duration of the contract.
  - c) That it will retain direct control over the manner and means for performance of any individual driver during the duration of the contract.

- 6) Requires any vehicle used to provide pupil transportation for compensation by an LEA to meet both of the following:
  - a) Be inspected every 12 months, or every 50,000 miles, whichever comes first, at a facility licensed by the California Bureau of Automotive Repair to ensure that the vehicle passes a 19-point vehicle inspection, as specified, before allowing the vehicle to be driven. This requirement does not apply to vehicles owned or contracted with a LEA already subject to a statutory inspection program.
  - b) Be equipped with a first aid kit and a fire extinguisher.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Last year, California allocated a record \$680 million for home-to-school transportation so that more kids have a guaranteed ride to and from school each day and to ensure that California is no longer dead last in the nation when it comes to per pupil funding for public school transportation. SB 88, Safe Rides to School, will build on last year's historic funding increase by ensuring that the transportation we provide to public school students is as safe as possible. Currently, bus drivers employed by school districts are mandated to meet high safety standards, but unfortunately, some school districts in recent years have turned to rideshare companies that contract with drivers who aren't required to meet those same high standards. SB 88 will level the playing field and ensure that all people who drive our kids to school meet the same rigorous safety standards that our school district employees are already mandated to meet."
- 2) ***Home-to-School Transportation Overview.*** In California, it is not compulsory for districts to provide transportation services to students. Rather, the governing board of each district has discretion to provide transportation services if they deem it advisable and if good reasons exist. However, federal law mandates that districts must provide transportation to students with disabilities if it is required by their Individualized Education Plan (IEP), as well as to homeless students. In the 1970s, several school districts implemented large transportation programs to comply with court-ordered desegregation requirements.

Based on a 2014 report by the Legislative Analyst's Office (LAO), approximately 12% of California students utilized school buses on a daily basis during the 2011-12 academic year, while up to 50% of students nationally ride the bus to school. The report suggests that this lower rate in California may be due to the fact that an estimated 70% of students live within two miles of their school, compared to 50% nationally.

According to 2009 data, California students use various modes of transportation to travel to and from school, with 54% relying on automobiles, 28% walking or biking, 14% utilizing school buses, and 4% using public transit or other methods. Furthermore, approximately 275 districts, or a quarter of the districts in the state, transport fewer than 10% of their students, while 100 districts transport more than half of their students. The districts that transport a higher proportion of

students are typically smaller, located in rural areas, and enroll a higher percentage of low-income students. Many districts with larger transportation programs report providing such services because their students lack viable alternatives for getting to school, such as living in areas with unsafe conditions or long distances between homes and schools.

Currently, some LEAs contract with third-party private transportation companies to transport specific student populations, primarily students with disabilities and homeless youth. While LEAs that engage in such arrangements may enjoy economies of scale, some stakeholders claim that few state laws govern this type of student transportation.

- 3) ***School transportation safety and school buses.*** Per the National Highway Traffic Safety Administration (NHTSA), school buses are an exceptionally safe mode of transportation for students. According to the NHTSA, students who travel by school bus are approximately 70 times more likely to arrive at school safely compared to those who travel by car. This is due to the fact that school buses are the most regulated vehicles on the road, and their design emphasizes safety and injury prevention. Additionally, stop-arm laws, which are in effect in every state, help safeguard children from other drivers.

The NHTSA's 2021 publication, *The Unedited Summary of School Bus Report*, reveals that school buses are much safer than other forms of transportation. The fatality rate for school buses is only 0.2 fatalities per 100 million vehicle miles traveled (VMT), compared to 1.5 fatalities per 100 million VMT for cars. Between 2010 and the present, school buses have averaged approximately 26,000 crashes each year, resulting in 10 fatalities; of those, 25% were drivers, and 75% were passengers. Frontal crashes account for an average of two passenger deaths each year.

- 4) ***What are the various types of vehicles used to transport students?*** Statute establishes several types of vehicles used to transport students, and the two used most frequently by LEAs include a schoolbus and a SPAB.

A schoolbus includes any motor vehicle designed, used, or maintained for the transportation of a school pupil at or below the grade 12 level to or from a public or private school or to or from public or private school activities, with several exemptions, including: a SPAB; a vehicle designed for and when actually carrying not more than 10 persons, including the driver, except any vehicle transporting two or more pupils who use wheelchairs; or a motor vehicle used by a common carrier, such as a municipal transit system.

A SPAB includes any motor vehicle, other than a schoolbus, operated by a common carrier, or a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th grade level to or from a public or private school activity, and other specified uses. A driver of a SPAB is subject to the regulations adopted by the CHP governing schoolbus drivers, including a requirement to obtain a special driver's certificate. A common



use of SPABs are buses operated by a passenger charter-party carrier used to transport students on field trips.

- 5) ***Driver requirements for transporting public school students.*** There are several categories of Special Driver Certificates issued by the CHP, including school bus driver, and school pupil activity bus driver. The CHP partners with the DMV and the CDE to assist with the testing of school bus driver applicants. Drivers of a schoolbus or a SPAB must meet all of the requirements listed in the table below.

<b>Certificate</b>	<b>Schoolbus</b>	<b>SPAB</b>
Original training	20 hour class, 20 hour behind-the-wheel	15 hour class, 20 hour behind-the-wheel
Renewal training	10 hour per training period class behind-the-wheel or in-service	10 hour per training period class behind-the-wheel or in-service
Written testing	CHP rules and regulations, first aid	CHP rules and regulations
Driving testing	CHP pre-trip behind-the-wheel	CHP pre-trip behind-the-wheel
Commercial licensing	A or B license with Pupil Activity Bus, and School Bus endorsements, which includes Live Scan (background check)	A or B license with Pupil Activity Bus endorsement, which includes Live Scan (background check)
Training verification	CDE	CDE
Instructor	CDE certified	CDE certified

- 6) ***Arguments in support.*** The California School Employees Association writes, "Home-to-school transportation has traditionally been performed by schoolbus drivers, who are heavily regulated by the California Department of Education, the California Department of Motor Vehicles, and the California Highway Patrol. There is a growing trend where Transportation Network Companies (TNCs), commonly known as app-based companies, are contracting with school districts to provide home-to-school transportation and related pupil transportation."

"TNCs are normally regulated by the Public Utilities Commission and Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code. However, Public Utilities Code Section 5353(b) exempts 'Transportation of school pupils conducted by or under contract with the governing board of any school district entered into pursuant to the Education Code' from being regulated under its normal TNCs statutes."

"SB 88 fills this unregulated space by requiring all drivers to meet the same requirements and standards that schoolbus drivers are already required to meet. Under SB 88, all pupil drivers would be required to have a satisfactory driving record, comply with drug and alcohol testing, be a mandated child abuse and neglect reporter, complete a medical examination, and clear a tuberculosis

assessment, among other provisions that ensure safety and fitness of duty for the job. The bill requires minimum hours of training on various safety components such as pre-trip inspection, proper loading and unloading of passengers, defensive driving, and operations of a vehicle in inclement weather or under impaired visibility conditions. It also requires the vehicles being used to transport pupils to be in safe working condition with an annual inspection by a state-licensed facility and to be equipped with first-aid kits and fire extinguishers in case of emergencies.”

- 7) ***Arguments in opposition.*** HopSkipDrive writes, “In Section 39875(e), the legislative declaration states that, ‘The Public Utilities Commission does not regulate transportation network companies when the transportation of pupils is due to or based on a contract entered into with the governing board of a school district pursuant to the Education Code.’ This represents a fundamental misunderstanding. HopSkipDrive does operate pursuant to the CPUC regulations in this circumstance, and we would be supportive of an amendment to clarify that those regulations do apply to these types of services.”

“SB 88 seems to be trying to find a solution to a problem that doesn’t exist, and is incompatible with the existing regulations, which would cause operational issues that would force HopSkipDrive to shut down service. The bill is designed to sound like it promotes safety, but in reality, it creates additional operational inconsistencies that would lead to fewer transportation options for students in California, especially for vulnerable youth.”

- 8) ***Committee amendments to achieve parity with existing school bus driver requirements.*** As stated in the findings and declarations of this bill, schoolbus drivers and school buses are regulated by the CDE, the DMV, and the CHP. It is the intent of this measure that there be parity in law that applies equally to all drivers. To that end, the sponsors of this bill have stated that their goal is for the laws that apply to schoolbus drivers to mirror the laws that apply to other individuals providing pupil transportation services.

The following ***Committee amendments*** are recommended to ensure that the requirements included in this bill mirror those currently applicable to school bus drivers:

- a) Amend subdivision (a) of Section 39877 to increase the vehicle threshold to a maximum capacity of ten or fewer persons, including the driver (to be consistent with VC 233).
- b) Amend paragraph 2 of subdivision (a) of Section 39877 to strike the two year driving requirement (to be consistent with VC 12516).
- c) Amend paragraph 12 of subdivision (a) of Section 39877 to raise the drive time limit to no more than 10 hours within a work period, or after the end of the 16<sup>th</sup> hour after coming on duty following 8 consecutive hours off duty (to be consistent with Title 13, California Code of Regulations, Section 1212.5).

- d) Add new paragraph 12 of subdivision (a) of Section 39877 to require drivers to hold a valid and current first aid certificate issued by the American Red Cross or by an organization whose first aid training program is at least equivalent to the American Red Cross' first aid training program, as determined by the Emergency Medical Services Authority (to accommodate an author amendment with which Committee staff concurs).
  - e) Amend Section 39878 to increase the vehicle threshold to a maximum capacity of more than ten persons, including the driver (to be consistent with VC 233).
- 9) ***This bill will be discussed further in the Senate Public Safety Committee.*** Staff notes that this bill is double-referred and would go to the Senate Public Safety Committee next. Much of the likely impact and effectiveness of this bill from a law enforcement and student safety perspective falls within that committee's jurisdiction and expertise. For example, is random drug and alcohol testing the most effective solution for overseeing TNC drivers or are live telematics systems, used by HopSkipDrive, governed under the California Public Utilities Commission, more effective? Are medical exams, typically required for commercial drivers operating heavy machinery, necessary for all school drivers? Is there currently an avenue for non-commercial drivers to submit medical exam results to the DMV?

## SUPPORT

California School Employees Association (sponsor)  
 State Superintendent of Public Instruction Tony Thurmond (co-sponsor)  
 California Federation of Teachers (co-sponsor)  
 California Labor Federation (co-sponsor)  
 Sheet Metal, Air, Rail and Transportation Workers (co-sponsor)  
 American Federation of State, County and Municipal Employees  
 California Association of School Transportation Officials  
 California Nurses Association  
 National Nurses United

## OPPOSITION

Association of California School Administrators  
 California Association of Suburban School Districts  
 California School Boards Association  
 Central Valley Education Coalition  
 Farmworker Institute of Education & Leadership Development  
 HopSkipDrive  
 Riverside County Office of Education  
 San Lorenzo Unified School District

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair  
2023 - 2024 Regular

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<b>Bill No:</b>	SB 321	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Ashby		
<b>Version:</b>	April 10, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Literacy: libraries: third grade pupils: access and participation.

### SUMMARY

This bill a) establishes the Local Public Library Partnership Program, to be administered by the State Librarian; b) requires the State Librarian to coordinate with each local public library to ensure each student is issued a student success card by 3<sup>rd</sup> grade; c) authorizes local educational agencies (LEAs) to disclose student information to the State Librarian for the purpose of administering this bill; d) requires the State Librarian to ensure partnerships are developed between local public libraries and LEAs; and, e) requires the State Librarian to annually report to the Legislature on progress in issuing student success cards and increasing students' access to a library.

### BACKGROUND

Existing law:

#### *Libraries*

- 1) Establishes within the California Department of Education (CDE) a California State Library division, whose chief is to be a technically trained librarian known as the "State Librarian." (Education Code § 19301, § 19302)
- 2) Requires the State Librarian to employ a consultant to provide technical assistance to public libraries in the development and enhancement of library services to children and youth. (EC § 19320.5)
- 3) Requires the State Librarian to establish the Reading Initiative Program to, among other things, develop a list of recommended books that supplement the state-recommended English language arts curriculum framework and develop a method for recognizing students who participate in the program. (EC § 19336)
- 4) Provides the following definitions:
  - a) "Public library" means a library, or two or more libraries, that is operated by a single public jurisdiction and that serves its residents free of charge.
  - b) "School library" means an organized collection of printed and audiovisual materials that satisfies specified criteria. (EC § 18710)

*Directory of student information*

- 5) Defines “directory information” as one or more of the following items: student’s name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student. (EC § 49061)
- 6) Prohibits a school district from permitting access to student records to a person without written parental consent or under judicial order with exceptions, consistent with federal regulations:
  - a) Access to the records relevant to the legitimate educational interests of the requester shall be permitted to specified people and entities, including the following:
    - i) School officials and employees, and members of an attendance review board.
    - ii) Officials and employees of other schools where the student intends to enroll.
    - iii) Parents, and students who are at least 16 years of age or have completed 10<sup>th</sup> grade.
    - iv) District attorneys, probation officers, judges, and county placement agencies.
  - b) School districts may release information from student records to specified people and entities, including the following:
    - i) Appropriate people in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a student or other people.
    - ii) Agencies or organizations in connection with the application of a student for, or receipt of, financial aid.
    - iii) A county elections official, for the purpose of identifying students eligible to register to vote, or for conducting programs to offer students an opportunity to register to vote.
    - iv) Organizations conducting studies for, or on behalf of, educational agencies or institutions for specified purposes. (EC § 49076)
- 7) Prohibits a person, persons, agency, or organization permitted access to student records from permitting access to any information obtained from those records by another person, persons, agency, or organization, except for allowable exceptions

contained within the federal Family Educational Rights and Privacy Act (FERPA) and state law and implementing regulations, without the written consent of the student's parent. (EC § 49076, and Title 34 of the Code of Federal Regulations, § 99.1 et seq.)

*Federal privacy rights*

- 8) Protects the privacy of student education records in federal law through FERPA, which applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. (United States Code, Title 20 § 1232g; Code of Federal Regulation, Title 34, Part 99)

**ANALYSIS**

This bill establishes the Local Public Library Partnership Program under the administration of the State Librarian for purposes of ensuring that, by third grade, all students have access to a local public library. Specifically, this bill:

*State Librarian*

- 1) Requires the State Librarian to offer resources to assist each local public library to find student success card dispensing strategies that work best for their communities.
- 2) Requires the State Librarian to coordinate with each local public library to determine the most effective means to ensure each student in each LEA is issued a student success card by third grade, including but not limited to, by working with a school administrator or school librarian.
- 3) Requires the State Librarian, by January 1, 2026, to ensure that partnerships between local public libraries and LEAs have been established to enable each student enrolled at a schoolsite of each LEA to be issued a student success card by third grade.
- 4) Requires the State Librarian, by January 1, 2029, and by each January 1 thereafter, to report to the Legislature all of the following information:
  - a) The number of third grade students who have been issued a student success card.
  - b) The number of third grade students who received local public library access as a result of the partnerships developed pursuant to this bill.
  - c) The number of new summer readers each local public library received during the summer months each year.
  - d) Any measurable increases to the use of other library resources as a result of the partnerships developed pursuant to this bill.

*Access to student information*

- 5) Authorizes an LEA to disclose directory information, consistent with federal law, to the State Librarian for the purpose of administering this bill, and prohibits the information from being used for any other purpose or given or transferred to any other person or agency.

*General provisions*

- 6) Provides that nothing in this bill is to be construed to prohibit a local public library from partnering with a LEA to issue student success cards to K-12 students.
- 7) Provides the following definitions:
  - a) "Local public library" means a public library formed pursuant to this part that is located within the elementary school attendance area in which a schoolsite of a LEA is located.

If no public library is located within the elementary school attendance area in which a schoolsite of a LEA is located, the closest public library formed pursuant to this part that is within the elementary or unified school district in which a schoolsite is located shall be considered the local public library.

If no public library is located within the elementary or unified school district in which a schoolsite of a LEA is located, the closest public library formed pursuant to this part that is within the county in which a schoolsite is located shall be considered the local public library.

- b) "Student success card" means a card issued by a local public library that provides access to library services, including, but not limited to, all of the following:
      - i) Age-appropriate online research and learning resources maintained by local public libraries and the California State Library.
      - ii) Online tutoring.
      - iii) Age-appropriate digital content from the California State Library's K-12 Online Resources Project.
  - 8) States findings and declarations relative to the benefits of early literacy and of students having access to libraries.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** The author states, "According to the National Center for Education Statistics, California ranks lowest in the nation for third-grade reading levels. Half of our third-graders, including two-thirds of Black students and 61% of Latino students, currently do not read at grade level. Third-grade is a crucial pivot

point in a child's education – it is the time when students shift from learning to read and begin reading to learn. SB 321 would help ensure that all children, regardless of socioeconomic status, can succeed in school and life through education

“During my tenure as a Sacramento City Councilwoman, I established a partnership between a low-performing school in my council district and the Sacramento Public Library. Librarians presented students with information about their local library, and students received library cards through the program. That same year, summer reading rates skyrocketed for participating students. The pilot program was so successful that the Sacramento Library, in partnership with the County Office of Education, expanded it to five additional schools across the region. It is vital that we expand literacy programs with proven success statewide and give our students the resources they need to succeed.”

- 2) ***The pandemic's effects on early literacy.*** On October 4, 2022, the CDE released test scores of all students in grades 3 - 8 and 11 for the first time since before the COVID-19 pandemic. **The test results show a substantial decline in student learning in both English language arts/literacy and mathematics between the 2018–19 and 2021–22 academic years.** (Note that there was a 6 percent decline in the number of students who were tested in 2021-22, which could mean that comparisons are being made of test scores of very different populations pre-pandemic and now.) According to a November 4, 2022 report by Policy Analysis for California Education (PACE), research has “consistently shown that student learning is behind where it would have been in the absence of the pandemic. Researchers have raised concerns about the differential impact on low-income students, students of color, and students learning English.” Also according to this report, “the percentage of students meeting or exceeding ELA standards has declined for every grade, but the worst decline is in third grade. For third graders in 2021–22, the proportion of students meeting or exceeding standards declined by 6.4 percentage points, compared with a decline of 2 - 5 percentage points for the other tested grades. ... This impact on ELA development in the primary grades is concerning given the importance of literacy for academic development. A large body of prior research has identified literacy by the third grade as a critical gateway for students' future academic and life success. If students are unable to regain this loss, they may experience delays in other reading-related skill building, making it difficult to access future academic content and learning.”  
<https://edpolicyinca.org/newsroom/california-test-scores-show-devastating-impact-pandemic-student-learning>

- 3) ***Access to student information.*** This bill authorizes an LEA to disclose directory information, consistent with federal law, to the State Librarian for the purpose of administering this bill, and prohibits the information from being used for any other purpose or given or transferred to any other person or agency.

Existing law defines “directory information” as one or more of the following items: student’s name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.



This bill requires the State Librarian to coordinate with each local public library to determine the most effective means to ensure each student in each LEA is issued a student success card by third grade. Local public libraries do not have access to information about which students attend schools within each library's jurisdiction, or which students are in third grade or younger.

This bill authorizes schools to disclose directory information, consistent with federal law, to the State Librarian for the purpose of administering this bill – presumably the names of students in third grade and below, and which schools those students attend, as federal law authorizes the release of *relevant* directory information.

While this bill does not specifically prescribe how the State Librarian is to use the directory information, the bill does require the State Librarian to a) coordinate with each local public library to determine the most effective means to ensure each student in each LEA is issued a student success card by third grade; b) ensure that partnerships between local public libraries and LEAs have been established to enable each student enrolled at a schoolsite of each LEA to be issued a student success card by third grade; and, c) report on the number of third grade students who have been issued a student success card and the number of third grade students who received local public library access as a result of the partnerships developed pursuant to this bill.

- 4) ***Existing local partnerships.*** Two examples of existing partnerships between school districts and local libraries include:
  - a) A partnership between Sacramento Public Library and local school districts enables students to use their student identification as a public library card to access Sacramento Public Library's collection and resources for free. Students can borrow up to 30 ebooks or audiobooks, receive free online tutoring in English or Spanish, and access tools and primary sources (academic journals, newspapers, and subject-specific information) to help with school assignments.
  - b) In January 2021, the Santa Ana Public Library and the Santa Ana Unified School District partnered to provide a Student Success Library Card to every student in the school district. According to the City of Santa Ana's website, student ID cards can be used as Student Success Library Cards. Students can check out up to five books at a time from the Main Library or Newhope Library. Students have access to the library's online databases, e-books, e-audiobooks, video streaming, and e-magazines. Additionally, students can check out DVDs and CDs. These Student Success Library Cards will not incur overdue fees, will have a grace allowance of up to five lost or damaged books, and will not expire until the student graduates from high school or turns 19 years of age.
- 5) ***State Library resources for schools.*** The State Library's California K-12 Online Content Project offers free access to online educational content that is aligned with the state curricular standards. This library database contains an organized collection of information that indexes edited, published, often scholarly material that is collected for an educational use. Importantly, library databases contain information that has been vetted and is trustworthy.

<https://www.library.ca.gov/services/to-public/k-12-online-content-project/>

**6) *Prior legislation.***

SB 34 (Umberg) Chapter 297, Statutes of 2022, in its early versions, required the CDE to administer a competitive grant program to award one-time grant funding to LEAs, library districts, and public libraries for the purpose of providing every public school student with a student success card. The bill was subsequently amended to relate to public contracts.

**SUPPORT**

California Catholic Conference  
California Library Association  
California School Library 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 350	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Ashby		
<b>Version:</b>	April 10, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil attendance: excused absences.

### SUMMARY

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.

### BACKGROUND

Existing Law

*Education Code (EDC)*

- 1) Clarifies that excused absences are deemed to be absences in computing average daily attendance (ADA) and shall not generate state apportionment payments. (EDC § 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:
  - 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; 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. (EDC § 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. (EDC § 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. (EDC § 48200)

## ANALYSIS

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. Specifically, this bill:

- 1) Expands the timeframe a student can attend a funeral, and adds grieving, to the list of excused absences from school, that a pupil can be excused from school for no longer than five days to attend a funeral or grieve the death of either an immediate family member or person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family regardless of location.
- 2) Adds, to the list of excused absences from school, that a pupil is excused from school to receive the following services or to participate in a program, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has been killed due to an act of force committed by another person, or has died of any other cause.
  - a) Access services from a victim services organization or agency.
  - b) To access grief support services.
  - c) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Too many young people are asked to return to school after the loss of a loved one or a traumatic event prior to having time to process and address their grief and mental health. While no amount of time

can replace the hole created by the loss of a family member, SB350 gives students a full school week of excused absences, as opposed to a single day, before asking them to return to a classroom.”

- 2) **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 that LEA’s ADA, ultimately reducing their overall funding. While each absence may be insignificant relative to overall funding levels, in the aggregate, absences impact overall funding. Under current law, all absences, whether excused or unexcused, reduce overall ADA.
- 3) **Unexcused Absences Trigger Truancy Provisions.** While excused and unexcused absences may be treated the same for funding purposes, they are not treated the same for attendance purposes. A student 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 to receive services or to attend a funeral or grieve, this bill could reduce the number of unexcused absences and therefore reduce the number of trancies.
- 4) **Chronic Absenteeism.** The table below represents the chronic absentee data from the 2018-19 and 2021-22 school year (SY). The data shows significant differences amongst racial/ethnic groups, both in terms of comparing the percentages of absences designated as excused vs unexcused, and in the overall average number of absences. The data shows that while unexcused and excused among race and ethnicity have primarily decreased slightly across the board, the amount of average days absent has increased by 6.9% statewide.

Race/Ethnicity	Avg. Days Absent		Excused %		Unexcused%	
	2018-19 SY	2021-22 SY	2018-19 SY	2021-22 SY	2018-19 SY	2021-22 SY
African American	13.2%	22.3%	38.1%	35.5%	52.7%	48.2%
American Indian or Alaska Native	13.6%	23.4%	45.2%	42%	43.9%	42.9%
Asian	6.2%	9.6%	66.3%	65.6%	31%	28.4%
Filipino	7.3%	11.2%	64.2%	67.5%	32.1%	26.3%
Hispanic or Latino	10.3%	18.3%	51.1%	49.2%	42.7%	40.2%
Pacific Islander	12.3%	21.4%	49.1%	47.7%	44.9%	42.2%
White	9.1%	14.3%	64%	58.8%	29.4%	32.7%
Two or More Races	9.3%	14.9%	58.4%	56.8%	33.5%	33.5%
Not Reported	10.3	16.7%	50.8%	50.1%	38%	38.6%
Statewide	9.8%	16.7%	54.1%	51.3%	39.5%	38.6%

**NOTE:** As a result of the statewide physical school closures that occurred in February/March 2020 due to the COVID-19 pandemic, the California Department of Education (CDE) has determined that the 2019–20 absenteeism data

*are not valid and reliable for the 2019–20 academic year; therefore, the CDE has not processed this data and are unavailable for public release (Source: CDE – Data Quest).*

For the first time in November of 2020, the CDE released, statewide absenteeism data that provides information about the types of reasons students are absent. This data is disaggregated by race/ethnicity, gender, program subgroup, and grade span for multiple academic years. The reports also include filters that allow the data to be viewed along a variety of dimensions, including by school type (charter and non-charter schools), for alternative and traditional schools, for chronically absent and non-chronically absent students, and by gender.

According to the CDE, the absentee by reason report categories are: excused absences, unexcused absences, absences due to out-of-school suspension, and incomplete independent study absences. Even if a student has excused absences, they are considered chronically absent if they miss 10 percent of the days they were expected to attend school.”

5) ***Related Legislation.***

*AB 1949* (Low), Chapter 767, Statutes of 2022 requires private employers with five or more employees and public sector employers to provide employees with at least 30 days of service up to five unpaid days of bereavement leave upon the death of a family member.

*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, require, 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 average daily attendance.

**SUPPORT**

California for Safety and Justice (sponsor)  
Anti Recidivism Coalition  
California Catholic Conference

California State Association of Psychiatrists  
Catron Academy Learning Institute  
Communities United for Restorative Youth Justice  
Crime Survivors for Safety and Justice  
Generation Up  
John Burton Advocates for Youth  
National Association of Social Workers, California Chapter

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** SB 328  
**Author:** Dodd  
**Version:** April 10, 2023  
**Urgency:** No  
**Consultant:** Lynn Lorber

**Hearing Date:** April 12, 2023

**Fiscal:** Yes

**Subject:** Political Reform Act of 1974: contribution limits.

### SUMMARY

This bill applies the existing contribution limitations for state elective offices to candidates for school district, community college district, or other special district elections.

### BACKGROUND

Existing law:

- 1) Establishes the Fair Political Practices Commission (FPPC) and makes it responsible for the impartial, effective administration and implementation of the Political Reform Act of 1974 (PRA). (Government Code § 83100 et seq.)
- 2) Authorizes a special district, school district, or community college district to limit campaign contributions in elections to district offices. (Election Code § 10544; Education Code § 35177 and § 72029)
- 3) Establishes, beginning January 2021, the following contribution limits for *state elective office* (other than from a small contributor committee or political party committee), and requires the FPPC to adjust the contribution limitations every other year:
  - a) \$3,000 per election for elective state office (not statewide elective office).
  - b) \$5,000 per election for statewide elective office (except a candidate for Governor).
  - c) \$20,000 per election for a candidate for Governor.
  - d) \$3,000 per election for local elective office (except when a local government imposes its own limit on contributions). (Government Code § 85301 and § 85316)
- 4) Authorizes a county or city, by ordinance or resolution, to impose a limit on contributions to a candidate for *elective county or city office* that is different than limits for state offices. Existing law also authorizes the limitation to be imposed by



means of a county or city initiative measure. (Government Code § 85702.5)

## ANALYSIS

This bill applies the existing contribution limitations for state elective offices to candidates for school district, community college district, or other special district elections. Specifically, this bill:

- 1) Applies the existing contribution limitations on candidates seeking state elective offices (such as the State Senate or State Assembly) to candidates seeking local elective offices to a school district, community college district, or other special district.
- 2) Modifies the existing authority for a county or city to impose (by ordinance, resolution or initiative measure) a limit on contributions for elective county or city office that is different than limits for state offices, to clarify that a *local government agency* may impose a different limit and that a local initiative measure may be pursued by a local government agency that is authorized to enact ordinances by initiative. This bill also clarifies that a *county or city's* limit on contributions that is in effect on January 1, 2021, is deemed to be the contribution limit.
- 3) For a local government *other than a county or city* (such as a school district), deems a local government's limit on contributions for elective local office that is in effect on January 1, 2025, to be the contribution limit. This allows time for the development of their own contribution limits before the provisions of this bill would apply.
- 4) Specifies that this bill applies to contributions to candidates for school district, community college district, or other special district elections made on or after the effective date of this bill.
- 5) Makes various corresponding and technical changes, such as removing from the Education Code the authority for school boards, community college boards, and a special district board to limit campaign contributions, while leaving similar provisions intact in the Government Code; and, changing terminology from "county or city" to "local" or "local government agency."

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Too often, we're seeing eye-popping amounts donated to candidates for smaller community offices. These well-financed campaigns favor the wealthy at the exclusion of grassroots candidates. Placing reasonable limits on the money in these races will help ensure fairness in local elections while encouraging a more diverse field that is more reflective of our communities. No candidate for local office needs contributions larger than those for a Senate or Assembly district."
- 2) ***State contribution limits don't apply to local governments with their own limits or to school board elections.*** The existing contribution limits that apply to candidates for elective state office were enacted via Proposition 34 on the

November, 2000 ballot through passage of SB 1223 (Burton) Chapter 102, Statutes of 2000. While Proposition 34 established new campaign contribution limits for elections to *state* office, it did not contain contribution limits for elections to *local* office. Subsequent legislation in 2020 established a contribution limit for elective county or city office at the level for a candidate for elective state office, but did not impose a limit for candidates for school districts, community college districts, or other special districts.

This bill applies the existing contribution limitations for state elective offices to candidates seeking local elective offices that do not have their own limits as of January 1, 2021, and to elections for school districts, community college districts, and other special districts that don't have their own limits in place before January 1, 2025.

The limits on contributions by individuals contained in Proposition 34 ranged from \$3,000 (for candidates for Assembly and Senate) to \$20,000 per election (for candidates for Governor), and are required to be adjusted for inflation every two years. For 2023 and 2024, these limits range from \$5,500 per election for candidates for Assembly and Senate to \$36,400 for candidates for Governor.

- 3) ***Local Campaign Ordinances.*** Under existing law, local government agencies have the ability to adopt campaign ordinances that apply to elections within their jurisdictions. Aside from some restrictions in the PRA, local government agencies generally have had a significant amount of latitude when developing local campaign finance ordinances that apply to elections in those agencies' jurisdictions.

The FPPC's website currently includes campaign finance ordinances from 23 counties, 160 cities, and three special districts. The campaign ordinances adopted by local governments in California vary significantly in terms of their scope. In some cases, the ordinances include campaign contribution limits, reporting and disclosure requirements that supplement the requirements of the PRA, and voluntary public financing of local campaigns, among other provisions.

According to a 2016 report prepared by California Common Cause, approximately 23 percent of cities and 28 percent of counties in the state have adopted local campaign contribution limits. Of the 124 local jurisdictions identified in the report as having adopted local campaign contribution limits, only one (Alameda County) has a limit on campaign contributions from individuals that is higher than the \$4,700 per election limit for state offices; more than 90 percent of the cities that have adopted contribution limits have limits of \$1,000 or less.

- 4) ***What about candidates to county boards of education?*** This bill specifically applies to contributions to candidates for school district, community college district, or other special district elections. *While it appears that this bill would also apply to elections for county boards of education, the author may wish to clarify such moving forward.*
- 5) ***Heard by the Senate Elections Committee.*** This bill was heard and passed by the Senate Elections and Constitutional Amendments Committee on March 21, 2023,

where is passed on a 6-0 vote.

**6) *Prior legislation.***

AB 1089 (Mullin, 2017) would have imposed default contribution limits for all levels of local government (including school districts and special districts). AB 1089 was held on the Assembly Appropriations Committee's suspense file.

AB 2523 (Mullin, 2016) was substantially similar to AB 1089. AB 2523 failed passage on the Senate Floor.

**SUPPORT**

League of Women Voters 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 369	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Nguyen		
<b>Version:</b>	March 21, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil instruction: model curricula: Vietnamese American refugee experience: Cambodia and the Cambodian American refugee experience.

### SUMMARY

This bill specifies that the model curriculum related to the Vietnamese American refugee experience include the period from the Vietnam War and the Fall of Saigon in 1975 to the year 2000 and modifies the model curriculum on the Cambodian Genocide to instead focus on Cambodian culture, history, heritage, and the Cambodian American refugee experience by September 1, 2024.

### BACKGROUND

Existing Law

*Education Code (EDC)*

- 1) Requires the CDE no later than March 1, 2022, in collaboration with, and subject to the approval of the executive director of the State Board of Education (SBE), to enter into a contract with a COE or a consortium of COEs for the purposes of developing a model curriculum related to the Vietnamese American refugee experience by September 1, 2024. (EDC § 33540.2 (a))
- 2) Requires the CDE no later than March 1, 2022, in collaboration with, and subject to the approval of, the executive director of the SBE, to enter into a contract with a COE or a consortium of COEs for the purposes of developing a model curriculum related to the Cambodian Genocide by September 1, 2024. (EDC § 33540.4 (a))
- 3) Requires the COE or consortium of COEs shall consult with, but is not limited to consulting with, survivors of the Cambodian Genocide, representatives of LEAs, members of the commission, and teachers, including teachers who have relevant experience or educational backgrounds in the study and teaching of the Cambodian genocide. (EDC § 33540.4 (b))
- 4) Specifies the model curriculum related to the Cambodian Genocide must include the incorporation of writings or other media that represent all perspectives of the Cambodian genocide, including oral testimony by survivors, to ensure quality standards and materials for this area of study, as specified. (EDC § 33540.4 (c))

- 5) Encourages, beginning in the school year following the completion of the model curriculum, each LEA, charter school, or COE maintaining kindergarten or any of grades 1 to 12, inclusive to offer to pupils a course of study relative to the Cambodian Genocide. (EDC § 33540.4 (h))
- 6) Specifies that if a LEA, COE, charter school that elects to offer a course of study in the Cambodian Genocide, then they must offer that course as an elective in the social sciences or world history and make that course available in at least one year during a pupil's enrollment in grades 7 to 12. (EDC § 33540.4 (h))

## ANALYSIS

This bill specifies that the model curriculum related to the Vietnamese American refugee experience include the period from the Vietnam War and the Fall of Saigon in 1975 to the year 2000 and modifies the model curriculum on the Cambodian Genocide to instead focus on Cambodian culture, history, heritage, and the Cambodian American refugee experience by September 1, 2024. Specifically, this bill:

### *Vietnamese American Refugee Experience Model Curriculum*

- 1) Specifies that the model curriculum related to the Vietnamese American refugee experience include the period from the Vietnam War and the Fall of Saigon in 1975 to the year 2000.

### *Cambodian Culture, History, Heritage and the Cambodian American Refugee Experience Model Curriculum rather than Cambodian Genocide Model Curriculum.*

- 2) Modifies the model curriculum on the Cambodian Genocide to instead focus on Cambodian culture, history, heritage, and the Cambodian American refugee experience by September 1, 2024.
  - a) Requires, the COE or consortium of COEs must ensure the inclusion of a myriad of voices and perspectives in the development of the model curriculum and shall provide stakeholders' active engagement and participation across the state, in, but is not limited to, town halls, community forums, and other forms of input.
  - b) Requires the COE or consortium of COEs to consult with, but is not limited to Cambodian Americans that span generations and have diverse social backgrounds, including educators, scholars, students, and artistic, creative, cultural, and religious groups, rather than survivors of the Cambodian genocide, representatives of local educational agencies, members of the commission, and teachers, including teachers who have relevant experience or educational backgrounds in the study and teaching of the Cambodian Genocide.
  - c) Specifies the model curriculum must include the incorporation of tangible and intangible expressions, including, but not limited to, writings, media, other artistic, cultural, and historical artifacts, multigenerational storytelling, and oral history that represent Cambodian culture, history, heritage, and the Cambodian American refugee experience, rather than the incorporation of writings or other

media that represent all perspectives of the Cambodian Genocide, including oral testimony by survivors as specified, to ensure quality standards and materials for this area of study.

- d) Specifies the model curriculum shall be open source and accessible to educators across the state and shall include curriculum and online instructional modules appropriate for use with pupils in kindergarten and any of grades 1 to 12, inclusive.
- 3) Makes conforming changes.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "SB 369 will offer the Cambodian and Cambodian-American community within California an opportunity to share their history and experiences through an accurate lens and provide students and educators with more historical and social context. The history of Cambodia and its people is a rich and diverse one that involves social and religious points of interest such as Angkor Wat but also includes an unfortunate struggle under European colonialism, a transition from a monarchy to a despotic communist regime before finally achieving democracy and holding accountable the many figures and leaders who committed atrocities against the Cambodian people.
- 2) ***How Curriculum, Standards, Frameworks, and Model Curricula Are Created and Adopted.*** The Legislature has vested the Instructional Quality Commission (IQC) and SBE with the authority to develop and adopt state curriculum and instructional materials. The IQC develops curriculum frameworks in each subject by convening expert panels, developing drafts, and holding public hearings to solicit input. Changes are frequently made in response to public comment. The frameworks are then adopted by the SBE in a public meeting. The SBE also adopts, in a public process, instructional materials aligned to those frameworks for grades K-8. School district governing boards and charter schools then adopt instructional materials aligned to these standards and frameworks. This process occurs on a regular schedule which gives schools a predictable timetable to plan and budget for changes to the curriculum. Local adoption of new curricula involves significant local cost and investment of resources professional development.

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

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

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

- 3) **Model Curricula Projects.** AB 167 (Committee on Budget) Chapter 252, Statutes of 2021 required the CDE in collaboration with, and subject to the approval of, the executive director of the SBE, enter into contracts with COE or a consortium of COEs to develop model curriculum related to following:

- a) Vietnamese American Refugee Experience Model Curriculum;
- b) Cambodian Genocide Model Curriculum;
- c) Hmong History and Cultural Studies Model Curriculum; and
- d) Native American Studies Model Curriculum.

Work on these projects began in 2022 and will conclude September 2025. The model curriculum related to the Vietnamese American Refugee experience, Cambodian Genocide, and Hmong History and Cultural Studies, according to the provision of AB 167, are to be completed by September 1, 2024 and September 1, 2025 for the model curriculum related to Native American studies.

The CDE has entered into contract with a consortium of COEs to fulfill its statutory obligation. The Orange County Department of Education (OCDOE) has been tasked with developing model curriculum related to the Vietnamese American Refugee Experience Model Curriculum, Cambodian Genocide Model Curriculum, and Hmong History and Cultural Studies Model Curriculum. The Humboldt COE, San Diego COE have been tasked to jointly develop the model curriculum related to Native American Studies Model Curriculum.

Related to the scope of the bill, the OCDOE has been holding meetings for the Cambodian Genocide Model Curriculum since October 7, 2022 and October 11, 2022 for the Vietnamese American Refugee Experience Model Curriculum. The remaining meetings in which the public can participate in regarding the CGMC are below. The last meeting for the Vietnamese American Refugee Experience Model Curriculum took place March 22, 2023. OCDOE encourages persons interested in participating in the writing of the curriculum to join in regard to the Cambodian Genocide Model Curriculum.

Cambodian Genocide Model Curriculum				
Organization	Information Session Date and Time	Listening Session Date and Time	Focus Group Date and Time	Flyer and Registration Link
Southeast Asia Resource Action Center	April 18, 2023 Virtual - Statewide 2:30 PM - 4:30 PM	April 18, 2023 Virtual - Statewide 2:30 PM - 4:30 PM	April 20, 2023 Virtual - Statewide 2:30 PM - 4:30 PM	<a href="#">Click Here</a>

*This bill would require the OCDOE to specify within the Vietnamese American Refugee Experience Model Curriculum, the period from the Vietnam War and the Fall of Saigon in 1975 to the year 2000, which captures the experience of postwar Vietnamese immigrants in the United States. The OCDOE is currently in the process of developing the Vietnamese American Refugee Experience Model Curriculum. This specification would have minimal impact on OCDOE considering that the OCDOE must cover the Vietnamese American refugee experience, the Fall of Saigon in 1975, discussion of the Vietnamese boat people and members of the Republic of Vietnam Armed Forces, the reasons behind the exodus, the hardships faced by the Vietnamese people attempting to flee who were apprehended by the communist government, and the conditions that led to the resettlement of Vietnamese people.*

*This bill would also revise and recast the provisions regarding the Cambodian Genocide Model Curriculum, and instead focus this model curriculum on the Cambodian culture, history, heritage, and the Cambodian American refugee experience. As mentioned above, the OCDOE is currently in the process of developing the Cambodian Genocide Model Curriculum. By expanding the scope of the model curriculum to include the culture, history, heritage, and the Cambodian American refugee experience it may be difficult for the OCDOE to meet the deadline of September 1, 2024 and create additional cost. When AB 167 (Committee on Budget) Chapter 252, Statutes of 2021 was chaptered into law, the Vietnamese American Refugee Experience Model Curriculum, Hmong History and Cultural Studies Model Curriculum, and the Native American Studies Model Curriculum focused on the refugee experience to history and cultural studies. Comparatively, the Cambodian Genocide Model Curriculum was limited to only the Cambodian Genocide.*

*The committee on March 15, 2023, adopted the joint Assembly and Senate curriculum policy of 2023-24 that discourages the introduction of policy bills that propose to require, or require consideration of, modifications to state curriculum frameworks, to require that specified content be taught, or to require the development of new model curricula. This bill does not violate the joint curriculum policy as it modifies model curricula and not a state framework.*

*The committee may wish to consider that, to the extent that this bill may require additional time and resources for OCDOE to develop model curriculum related to the Cambodian culture, history, heritage, and the Cambodian American refugee*



*experience as proposed by this bill, the need to ensure that an ethnic community is accurately captured a model curriculum.*

*The author may wish to consider extending the deadline to provide OCDOE additional time to develop model curriculum related to the Cambodian culture, history, heritage, and the Cambodian American refugee experience.*

#### 4) **Related Legislation.**

AB 1039 (Nguyen and Kalra, 2021) would have extended the deadlines for the Instructional Quality Commission (IQC) to develop and submit, and for the SBE to adopt, modify, or revise, three model curricula relative to: (1) the Vietnamese American refugee experience, (2) the Cambodian genocide, and (3) Hmong history and cultural. *This bill was held in Senate Appropriations Committee.*

AB 167 (Committee on Budget) Chapter 252, Statutes of 2021, among other things, required that the CDE enter into contracts with COE or a consortium of COE for the development of Vietnamese American refugees, Cambodian Genocide, Hmong history and cultural studies by September 1, 2024; and Native American studies by September 1, 2025.

AB 1393 (Weber, 2019) would have added Laotian history and cultural studies to the forthcoming model curriculum in Hmong history and cultural studies. AB 1393 was vetoed by Governor Newsom, who stated:

*While I appreciate the interest in addressing a gap in prior legislation, I remain concerned that the current process is piecemeal and fragmented, as the adoption of the ethnic studies model has displayed. Before we move forward with additional model curricula, I believe a review of the existing process is necessary to support reforms needed so that our schools can provide instruction in a manner that reflects and honors the experiences of all Californians.*

SB 895 (Nguyen) Chapter 686, Statutes of 2018 requires the IQC to develop and submit to the SBE, and requires the SBE to adopt, modify, or revise, the following model curricula: (1) relative to the Vietnamese American refugee experience that includes, but is not limited to, curriculum on the fall of Saigon in 1975, (2) relative to the Cambodian genocide, and (3) in Hmong history and cultural studies.

AB 2016 (Alejo) Chapter 327, Statutes 2016, requires the IQC to develop, and the SBE to adopt, a model curriculum in ethnic studies, as specified. The bill also encourages school districts and charter schools to offer an ethnic studies course based on the model curriculum for students in grades 9-12.

**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 596	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Portantino		
<b>Version:</b>	March 30, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** School employees: protection.

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

### SUMMARY

This bill specifies that a person who subjects a school employee to threats or harassment while the employee is away from a schoolsite or after school hours for reasons related to the employee's course of duties is guilty of a misdemeanor.

### BACKGROUND

Under existing law:

- 1) Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor.
- 2) The penalty for violating #1 above is as follows:
  - a) Upon the first conviction, by a fine of not less than \$500 and not more than \$1,000, or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.
  - b) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding \$1,000. The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.
  - c) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding \$1,000. The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

## ANALYSIS

This bill:

- 1) Specifies that a person who subjects a school employee to threats or harassment while the employee is away from a schoolsite or after school hours for reasons related to the employee's course of duties is guilty of a misdemeanor.
- 2) Defines "harassment" to mean unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the person.
- 3) Defines "code of conduct" to mean a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or email.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Too many teachers are being intimidated and harassed for teaching in accordance with state standards. These incidents do not solely occur while teachers are at their respective school sites; some receive threats in off campus settings, including on social media platforms. Actions that incite fear amongst educators who are adhering to state standards are counterproductive to efforts to foster safe, inclusive and supportive classroom environments. SB 596 will ensure that educators can continue to help their students thrive unencumbered by fear and intimidation."
- 2) ***Violence against educators and school personnel is contributing to the educator workforce shortage.*** While much of the focus on education during the pandemic has involved the effects on children in schools, it is also having a negative impact on teachers, administrators, social workers, psychologists and school staff.

The American Psychological Association (APA) administered an online survey to teachers and other school personnel during the 2020-2021 school year. The sample of 14,966 participants includes 9,370 teachers, 860 administrators, 1,499 school psychologists and social workers and 3,237 other school staff members. Among the survey's troubling findings were the following:

- a) Rates of interest in quitting their careers or transferring schools are troubling and high across the board, ranging from 29% to 34% for school staff, administrators, and mental health personnel. Almost half of all teachers reported they desire or plan to quit or transfer their jobs due to concerns about school climate and school safety.

- b) One-third of surveyed teachers reported they experienced at least one incident of verbal and/or threatening violence from students during COVID (e.g., verbal threats, cyber bullying, intimidation, sexual harassment). Over 40% of school administrators reported verbal or threatening violence from parents during COVID.
- c) Many teachers, administrators, and other school personnel described the violence they face as on-going and pervasive. One educator described their experiences, "I have been physically assaulted multiple times by students in the building and they know that not only is there no one to stop them, but there will be no consequences either. I ended up in the hospital the last time it happened."

Further, a recently published report by the UCLA Center for the Transformation of Schools, "Voices from the Classroom: Developing a Strategy for Teacher Retention and Recruitment," states the following:

"Burnout from stress is the top reason current teachers say they are considering leaving, with political attacks on teachers the next highest-ranking factor. Workload, low pay, student apathy and behavioral issues, and the lack of support from district administrators contribute to the stress felt by teachers."

- 3) ***Arguments in support.*** The California Teachers Association writes, "Our CTA members believe school employees should be safe from aggressive and violent behaviors as well as physical, verbal, and psychological abuse. There are documented increases in the number confrontational activities faced by school employees. We believe all efforts to establish practices and protocols guaranteeing the safety of school employees must be immediate and far-reaching. Such efforts benefit the school community by impacting teacher retention and recruitment and ensuring appropriate conduct within the community-at-large."
- 4) ***This bill will be discussed further in the Senate Public Safety Committee.*** Given the recent rise in concerns related to school climate and safety, broadening protections for the educator workforce has merit. Staff notes that this bill is double-referred and would go to the Senate Public Safety Committee next. The likely impact and effectiveness of this bill from a law enforcement and safety perspective falls within that committee's jurisdiction and expertise.

## SUPPORT

California School Employees Association  
California Teachers Association  
Glendale Teachers Association  
Torrance 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 671	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Portantino		
<b>Version:</b>	March 20, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** School safety: mandatory interagency cross-reporting.

### SUMMARY

This bill requires the School/Law Enforcement Partnership (Partnership), in coordination and collaboration with the statewide school safety cadre, local education agencies (LEA), county offices of education (COE), agencies serving youth, allied agencies, community-based organizations (CBO), and law enforcement agencies to develop a process and framework that would require mandatory interagency cross-reporting between LEAs, COEs, and law enforcement agencies of threats of serious school crimes including, but not necessarily limited to, school shootings, hate crimes, vandalism, drug and alcohol use, and violence, that would trigger immediate intervention.

### 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 (EDC)*

- 1) Establishes the Partnership, comprised of the Superintendent of Public Instruction and the Attorney General, and specifies that the Partnership shall develop programs and policies necessary to help implement the creation of school safety plans, the administration of safe school programs and all training, procedures, and activities, and cooperation with other states and state and federal agencies on matters relating to school safety (EDC § 32262)-
- 2) Requires the Partnership to establish a statewide school safety cadre for the purpose of facilitating interagency coordination and collaboration among school districts, COEs, agencies serving youth, allied agencies, community-based

organizations, and law enforcement agencies to improve school attendance, encourage good citizenship, and to reduce school violence, school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy rates, bullying, including acts that are committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment. (EDC § 32270)

- 3) States it is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the Partnership. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety. (EDC § 32282(b))
- 4) Authorizes the release of student's personal information without parental consent, including, but not limited to, name, address, and telephone number, to appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons. Schools or school districts releasing information pursuant to this subparagraph shall comply with the requirements set forth in the CFR, as specified in # 1. (EDC § 49076 (a)(2)(A))
- 5) Provides that each school district and COE is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive in collaboration with school personnel, law enforcement, and first responders. (EDC § 32281 (a))
- 6) Requires that the comprehensive school safety plans include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EDC § 32282)
- 7) Encourages that, as school safety plans are reviewed, plans be updated to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district employs these professionals. (EDC § 32282.1)
- 8) Requires the comprehensive school safety plan to be submitted annually to the school district or COE for approval and requires a school district or COE to notify the California Department of Education (CDE) by October 15 of every year of any school that is not in compliance. (EDC § 32288)



## ANALYSIS

This bill requires the Partnership, in coordination and collaboration with the statewide school safety cadre, LEA, COE, agencies serving youth, allied agencies, CBO, and law enforcement agencies to develop a process and framework that would require mandatory interagency cross-reporting between LEAs, COEs, and law enforcement agencies of threats of serious school crimes including, but not necessarily limited to, school shootings, hate crimes, vandalism, drug and alcohol use, and violence, that would trigger immediate intervention.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According the author “Keeping our children safe at school needs to be a top priority for all of us. The absence of mandated cross reporting between school districts, offices of education, and law enforcement regarding threats of serious school crimes is very troubling. Our governmental agencies should work together to prevent tragic acts of violence that have become all too common on our campuses.”
- 2) ***School-Law Partnership.*** The Legislature created the Partnership as a collaboration between the CDE and the Department of Justice (DOJ) in 1985. State law requires the Partnership to fulfill several broad duties related to safety plans, including developing policies necessary for implementation, providing all related training, and administering safe school programs. More specifically, the Partnership must sponsor two regional conferences related to school safety, establish a statewide safety cadre to facilitate interagency coordination between law enforcement and educational entities and conduct annual assessments of items such as the effectiveness of training on safe schools and crisis response. In 2002, the Partnership published *Safe Schools: A Planning Guide for Action*, that by the intent of the Legislature, should be used in conjunction with other resources in developing school safety plans. However, when the 2007-08 recession occurred, significant budget cuts to CDE, DOJ, and the elimination Crime and Violence Prevention Center, eliminated the Partnership.

Despite the elimination of the Partnership, state law continues to require CDE and DOJ to assist schools in creating safe environments. CDE and DOJ continue to contract with professional trainers to coordinate statewide workshops for districts and county offices, and the provision of training on bullying prevention is contingent on appropriations. Moreover, in 2021, CDE, DOJ, and many stakeholders published the *Educator's Guide to Comprehensive School Safety Plans*, the first updated version of the 2002 publication *Safe Schools: A Planning Guide for Action*.

*This bill requires the Partnership, in conjunction with stakeholders, as specified, to develop a process and framework that would require mandatory interagency cross-reporting between LEAs, COEs, and law enforcement agencies of threats of severe school crimes. Unfortunately, the Partnership no longer exists.*

- 3) ***Comprehensive School Safety Plan (CCSP)***. LEAs, COEs, and charter schools serving pupils in grades kindergarten through twelve are required to develop and maintain a CSSP designed to address campus risks, prepare for emergencies, and create a safe, secure learning environment for students and school personnel.

The law requires designated stakeholders to annually engage in a systematic planning process to develop strategies and policies to prevent and respond to potential incidents involving emergencies, natural and other disasters, hate crimes, violence, active assailants/intruders, bullying and cyberbullying, discrimination, and harassment, child abuse and neglect, discipline, suspension and expulsion, and other safety aspects

The law requires that each school update and adopt its CSSP by March 1 annually. Before a LEAs, COEs, or charter school adopts their CCSP, the schoolsite council or school safety planning committee must hold a public meeting at the schoolsite to allow members of the public to express an opinion about the school safety plan. The schoolsite council or school safety planning committee must also notify the local mayor and representatives of the following:

- a) The local school employee organization.
- b) The parent organization at the school site, including the parent-teacher association and parent-teacher clubs.
- c) Each teacher organization at the school site.
- d) The Student body government.
- e) All persons who have indicated they want to be notified.

Once the public meeting is held, the CSSP is adopted. LEAs and COEs must annually notify the CDE by October 15 of any schools that have not complied with requirements. Statute also requires the CDE to develop and post on its website best practices for reviewing and approving school safety plans.

*State statute requires LEAs, COEs, and charter schools, in collaboration with, including, but not limited to, first responders and school personnel, to annually develop a CSSP. As part of the CSSP, LEAs, COE, and charter schools are required to include, for example, procedures for conducting tactical responses to criminal incidents, preparing for active shooters and natural disasters, notifying teachers of dangerous pupils, and the safe ingress and egress of pupils, parents, and school employees to and from school. By consulting with local stakeholders, LEAs, COEs, and charter schools can protect their students and use community resources that align with their communities' values and concerns.*

*The author may wish to consider whether it would be appropriate to include a process to receive and respond to school threats as part of LEAs, COEs, and charter schools' CSSP.*

- 4) ***Recent Investments In Improving School Climate.*** Researchers are increasingly finding that restorative practices can be beneficial. Restorative practices have been linked to improved student behavior (e.g., fewer fights and bullying), fewer office referrals, and fewer suspensions and expulsions. According to studies, restorative approaches can also improve school climate outcomes, such as increased student connectedness, enhanced relationships between students and teachers, and improved perceptions of school climate.

In recent years, the Legislature has allocated significant resources specifically designed to improve school climate and reduce exclusionary disciplinary practices. These include significant investments in Multi-Tiered System of Support (MTSS) to encourage LEAs to establish and align schoolwide, data-driven systems of academic and behavioral supports to more effectively meet the needs of California's diverse learners in the most inclusive environment.

Recent state budgets have included numerous investments related to student supports and school climate, including but not limited to:

- \$50 million to the Orange County Office of Education for support of MTSS efforts, including grants to LEAs to “provide ongoing training and support in the use of trauma screening tools and mental health service referrals, and school climate surveys;”
- \$100 million in competitive grants to LEAs to increase the number of teachers available to serve California state preschool and transitional kindergarten pupils and to provide teachers with training in inclusive practices, culturally responsive instruction, supporting dual language learners, enhancing social-emotional learning, implementing trauma-informed and restorative practices, and mitigating implicit biases to eliminate exclusionary discipline;
- \$3 billion in Community School grants, to establish and expand community schools, defined to include “Collaborative leadership and practices for educators and administrators, including professional development to transform school culture and climate, that centers on pupil learning and supports mental and behavioral health, trauma-informed care, social-emotional learning, and restorative justice;”
- \$1.5 billion for an Educator Effectiveness Block Grant for LEAs to provide professional learning for educators in a range of areas, including “practices to create a positive school climate, including, but not limited to, restorative justice, training around implicit bias, providing positive behavioral supports, multitiered systems of support, transforming a schoolsite’s culture to one that values diverse cultural and ethnic backgrounds, and preventing discrimination, harassment, bullying, and intimidation based on actual or perceived characteristics, including disability, gender, gender identity, gender expression, language, nationality, race or ethnicity, religion, or sexual orientation;”
- \$6 million for training LEAs on interpreting data from their local school climate surveys of pupils, families, and educators to inform continuous improvement

efforts and better assess community needs stemming from the COVID-19 pandemic and distance learning; and for the CDE to develop an optional trauma-informed practice module to be used with school climate surveys.

5) ***Committee Amendment.*** *The committee staff recommends, and the author has agreed to, the following amendments:*

- a) Strike the contents of this bill; and
- b) Recast the provisions to instead require LEAs, COEs, and charter schools to add, as part of their school safety plan, procedures to assess, and respond, to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at a school, at a school sponsored event, or on a schoolbus.

*This bill now requires LEAs, COEs, and charter schools to add as part of their school safety plan a procedure to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted on their property, at a school-sponsored event, or on a school bus.*

6) ***Related Legislation.***

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

AB 1747 (Rodriguez) Chapter 806, Statutes 2018, Requires charter schools to develop a school safety plan, including procedures for conducting tactical responses to criminal incidents; requires comprehensive school safety plans to include procedures for conducting tactical responses to criminal incidents; increases the CDE's responsibilities relating to school safety plans; and requires schoolsite councils to also consult with the fire department and other first responder entities in the writing and development of the comprehensive school safety plan.

AB 2598 (Weber) Chapter 914, Statutes of 2022 which required the CDE to develop and post on its website by June 1, 2024, evidence-based best practices for restorative justice practices for local LEAs to implement to improve campus culture and climate.

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

**SUPPORT**

Glendale Police Department (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 633	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Gonzalez		
<b>Version:</b>	February 16, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** California DREAM Loan Program: DREAM grants.

### SUMMARY

This bill authorizes, commencing with the 2024-25 academic year, a California State University (CSU) or University of California (UC) campus that participates in the DREAM Loan program to award DREAM grants to eligible students, as defined, if that campus has unawarded funds in the institution's DREAM Loan revolving fund.

### BACKGROUND

Existing law:

- 1) Authorizes, beginning January 1, 2013, AB 540 students to be eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. (EC § 66021.6.)
- 2) Authorizes, beginning January 1, 2013, AB 540 students attending University of California (UC), CSU(CSU), or the California Community Colleges (CCC) to be eligible to receive a scholarship derived from nonstate funds, as received by the respective segment for the purpose of scholarships. (EC § 66021.7)
- 3) Establishes the DREAM Loan Program at UC and CSU campuses that elect to participate in the program. Under the program, an AB 540 student meeting specified requirements, including demonstrating financial need, may obtain a loan of up to \$4,000 per academic year, up to a maximum of \$20,000. The repayment term for the loan is 10 years, and repayment commences following a six-month grace period beginning when the student graduates or ceases to maintain at least half-time enrollment. Eligibility for deferment or forbearance of loan repayments is consistent with the federal direct student loan program. (EC § 70033)
- 4) Requires the annual Budget Act to allocate funding to participating institutions based on the number of AB 540 students who applied for state financial aid in the prior academic year. Participating institutions must at least match the state allocation using the institution's discretionary funds. Both the state and local funding is deposited into a DREAM revolving fund. Loan repayments are also deposited into the revolving fund and are intended to reduce the annual state and campus contributions equally. (EC § 70035)

- 5) Requires, by January 1, 2020, a UC and the CSU campuses participating in the state DREAM Loan Program to adopt procedures allowing a borrower to select an income-based repayment plan for the repayment of a DREAM Loan. (EC § 70034 (d))

## ANALYSIS

This bill:

- 1) Authorizes, commencing with the 2024-25 academic year, a CSU or UC campus that participates in the DREAM Loan program to award DREAM grants to eligible students if that campus has unawarded funds in the institution's DREAM Loan revolving fund that were new state, institutional matching, or loan repayment funds deposited during the previous academic year.
- 2) Requires DREAM grants be provided during the academic year immediately following the academic year in which there was an unawarded DREAM revolving fund balance.
- 3) Requires the amount of the DREAM grant offered to an individual student to be determined by the institution, not to exceed the student's financial need and prohibits a DREAM grant awarded to these provisions from counting towards the annual or aggregate borrowing limits established for the DREAM Loan program.
- 4) Defines "Grant-eligible student" to mean a student who has applied for financial aid using the application established by the California Student Aid Commission known as the DREAM Act Application and has been previously awarded a Cal Grant, Middle Class Scholarship, or institutional need-based financial aid.
- 5) Makes each DREAM Loan participating campus responsible for awarding DREAM grants to grant-eligible students.
- 6) State's that it is the intent of the Legislature to establish a DREAM grant program.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the UC, the demand among undocumented students for the DREAM Loan has not kept pace with the amounts appropriated for the program. In addition to the State's \$2.5 million in funding, the UC and CSU provide funds to replenish the DREAM loan fund balance. It is estimated that more than \$10 million in funding is going unused in the program from multiple years of funding exceeding the demand for DREAM loans. However, hundreds of students who lack work authorization need funding to stay in school. The UC now has three consecutive freshman classes that are ineligible to receive DACA and work authorization. These students have limited access to career-relevant and sustainable work opportunities during college and after graduation and on top of that, many of these students do not qualify for critical safety net programs like CalFresh.

The author states, "With SB 633, the state has the opportunity to expand the DREAM Loan Program by providing public higher education institutions with the ability to repurpose unused funds that would help provide financial assistance to undocumented students. A DREAM grant will help offset the total cost of attendance for UC and CSU undergraduates and provide subsidies to graduate student fellowships."

- 2) **California DREAM Loan program.** Existing law establishes the California DREAM Loan Program, a voluntary campus-based student loan program, patterned after the Federal Direct Loan Program. Both the State and the university contribute (1:1 match) to the loan fund until the program becomes self-sustaining. This program serves undocumented AB 540 students at UC and CSU who, under the terms of the California Dream Act, became eligible for state and institutional grant programs but are ineligible for federal student loan programs. A student can borrow up to \$4,000 annually not to exceed \$40,000 in the aggregate. During the 2020-2021 academic year, 464 CSU students received an average award of \$3,162 for undergraduates and \$3,322 for graduates. In 2020-22 academic year, 946 UC recipients received an average award of \$3,307. According to UC's data, the average DREAM loan balance at the time of repayment for students who borrowed over a period of 4 years is \$12,790. This is less than the average federal student loan debt load held by California graduates.
- 3) **DREAM grant awards.** Under the bill's provisions, a campus may establish a grant program with unused DREAM loan funds. Each participating institution would determine the amount of a student's DREAM grant. This amount cannot exceed the student's remaining financial need related to total cost of college attendance. It appears that awards would be decided annually based on availability of funds. The bill does not preclude a DREAM Loan recipient from receiving a grant. However, it is unclear if loan recipients who must repay the amount borrowed would have preferential consideration for a grant.
- 4) **Who is eligible for a DREAM grant?** To be eligible for a DREAM grant, a student must have an unmet financial need, have applied for financial aid through the DREAM Act Application, and have been awarded a Cal Grant, Middle Class Scholarship, or institutional need-based financial aid. DREAM Act applicants are undocumented students who qualify for the AB 540 nonresident tuition waiver. Nonresidents residing in California who have attended or earned the equivalent number of credits at a California high school or California community college campus for a minimum of three years as defined are eligible for AB 540 nonresident tuition exemption. DREAM grants would only be available at CSU or UC campuses that participate in the DREAM Loan program. According to the author's office, there are approximately 14,000 to 17,000 undocumented students attending UCs and CSU.
- 5) **Preference given to undergraduates in DREAM Loan program.** Under the DREAM Loan policy, undergraduate programs are to receive priority for loan funds over graduate programs. For consistency and parity with the DREAM loan program, **staff recommends that the bill be amended** so that priority be given to grants for instructional programs.



**SUPPORT**

University of California (sponsor)  
California Student Aid Commission  
National Association of Social Workers, California Chapter

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** SB 715

**Hearing Date:** April 12, 2023

**Author:** Rubio

**Version:** March 23, 2023

**Urgency:** No

**Fiscal:** Yes

**Consultant:** Ian Johnson

**Subject:** Los Angeles Community College District Small Business and Entrepreneurship Center.

### SUMMARY

This bill would establish the Los Angeles Community College District (LACCD) Small Business and Entrepreneurship Center (Center) at East Los Angeles College to promote and support entrepreneurship education and the job-creation potential of regional small businesses.

### BACKGROUND

Existing law:

- 1) Specifies the mission and functions of public and independent higher education institutions, under which the mission of the California Community Colleges (CCCs) is to offer academic and vocational instruction at the lower division level and grant associate degrees. The CCCs are also required to offer remedial instruction, English as a Second Language instruction, and adult noncredit instruction, and other student support services. The CCCs may conduct institutional research concerning student learning and retention to facilitate their mission. (Education Code (EC) § 66010.4)
- 2) Establishes the CCCs under the administration of the Board of Governors as one of the segments of public postsecondary education in California. The CCCs are comprised of districts. (EC § 70900)
- 3) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more CCCs, within its district, as specified. (EC § 70902)

### ANALYSIS

This bill:

- 1) Establishes the LACCD Center at East Los Angeles College.
- 2) Specifies that the mission of the Center is to promote and support entrepreneurship education and microbusiness development at CCCs and to support the growth and job-creation potential of regional small businesses

through greater access to business education, mentors, and networking opportunities.

- 3) Requires the center to do all of the following:
  - a) Serve as a resource for the community through events and workshops on entrepreneurship education and access to small business development resources with the understanding that at its core, formal entrepreneurship training and access to entrepreneurship resources is an economic justice and equity issue.
  - b) Build a clear management and entrepreneurship pathway that leads to high-demand certificates, degrees, careers, and business development opportunities.
  - c) Enhance partnerships with business and nonprofit organizations that encourage the development of an entrepreneurship ecosystem for students to connect, both inside and outside the college environment.
  - d) Establish student resources and support on campus to blend the importance of academic and entrepreneurial development.
  - e) Partner with local, state, and federal governments, regional small businesses, and regional entities to support the local small business and entrepreneurial ecosystem.
  - f) Develop and sustain an annual regional entrepreneurship and small business resource fair to impart technical assistance and essential business skills for business growth, management improvement, increased productivity, and innovation.
  - g) Support local small businesses and entrepreneurs through startup microgrants, informational tools, networking and convening opportunities, and access to resources that enhance growth.
  - h) Partner with existing technical assistance and entrepreneur development organizations, including the Los Angeles Area Chamber of Commerce and other public or private agencies that have a record of programming, workshops, and development programs.
  - i) Manage center overhead and operational expenses, including website development, office furnishings, and product prototype equipment and materials.
- 4) Requires the Center, when building clear management and entrepreneurship pathways, to consult with relevant faculty and administrative groups of the CCCs.
- 5) Appropriates \$2.5 million General Fund, which may be encumbered for up to a five-year period, in 2023-24 for the development and initial operation of the center.

- 6) Allows the funding appropriation to be used for any of the following purposes:
- a) To establish internships and work-study opportunities for students to engage in entrepreneurship resources, activities, and other learning opportunities
  - b) Student business and entrepreneur boot camps, workshops, seminars, annual business fairs, and membership subscriptions to business organizations that will provide discounted membership rates to participants and business incorporation fees as one-time business startup costs.
  - c) Micro-grants for under-resourced, underrepresented, and disadvantaged students seeking to start or grow a microbusiness.
  - d) To develop management and entrepreneurship education curricula for community colleges.
  - e) Faculty professional development, faculty open education resource course development, and workshop material development.
  - f) Business resource fairs to establish workforce and business partnerships to meet regional entrepreneurship needs.
  - g) Outreach, recruitment, and marketing and branding materials.
  - h) Guest speaker honoraria to serve as a resource for local and regional small businesses to enhance their productivity and growth.
  - i) Staffing and startup operating costs for the center and the establishment of a small business regional advisory council.
- 7) Requires the LACCD to prepare a summary report by January 1, 2028 that includes an evaluation of the Center in accomplishing its mission, recommendations for improving the programs offered, and an accounting of how the funds appropriated accomplished the purposes of the Center.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California is home to 4.1 million small businesses, representing 99.8% of all businesses in the state and employing 7.2 million people or 48.5% of the private workforce. It is worth noting that more than 700,000 establishments closed in the second quarter of 2020 and we have continued to deal with the aftermath of the COVID-19 pandemic. Our communities are struggling. We must continue to take action to strengthen our local economy by expanding opportunities for small businesses, which is why SB 715 is critical. This bill establishes the Small Business and Entrepreneur Center at the East Los Angeles College; it will further promote and support entrepreneurship education and micro-business development at California

Community Colleges. Furthermore, the bill will support the growth and job-creation of regional small businesses through greater access to business education and training. The center will help remove barriers to small business sustainability, open doors for our disadvantaged communities and revitalize the local and regional economy.”

- 2) **CCC Mission.** The Master Plan for Higher Education and state statute differentiate the mission and functions of public institutions of higher education. The CCCs are designated to bear the most extensive responsibility for lower-division undergraduate instruction. The CCCs’ three primary mission areas are leading to associate degrees and university transfer, career technical education, and basic skills. As a secondary function, the community colleges may conduct institutional research concerning student learning and retention as is needed to facilitate their educational missions. This bill appropriately limits the responsibility of the Center to fit within CCCs’ core functions of workforce training and building pathways that lead to certificates and degrees. Additionally, the Center is charged with hosting business resource fairs to establish workforce and business partnerships to meet regional entrepreneurship needs.
- 3) **Why East Los Angeles College?** According to the East Los Angeles College, “At the core of East Los Angeles College’s mission and goals is ‘to empower students to achieve their educational goals, to expand their individual potential, and to successfully pursue their aspirations for a better future for themselves, their community and the world,’ which aligns with building the skills needs of 21st-century employers and businesses. As one of the top largest community colleges in the State of California, the Small Business and Entrepreneurship Center at ELAC bill (SB 715) is critically needed to enhance a robust ecosystem approach to small business capacity building, a critical tactic for economic development in underserved areas of the County of Los Angeles. Moreover, the unincorporated community of East Los Angeles presents one of the densest communities, with diverse commercial and retail corridors, growing consumer markets, and prime areas for investment opportunities. Senate bill 715 if funded, would provide a small business and entrepreneurship hub to build talent and innovation that drives productivity gains and economic growth, and creates jobs, wealth, and opportunity in our underserved communities in East Los Angeles.”
- 4) **Similar budget activity included in last year’s state budget.** The 2023-24 state budget included a \$5 million General Fund appropriation to the CCC Board of Governors for allocation to the LACCD for the development and initial operations of the California Center for Climate Change Education, located at West Los Angeles College. The mission of this center is to promote climate change education at the CCCs and establish opportunities for students to engage in hands-on internships and other learning opportunities. This center is required to consult with relevant faculty and administrative groups of the CCC, the California State University, and the University of California when developing clear climate change pathways. The LACCD is required to prepare a summary report on this center by January 1, 2027.

**SUPPORT**

Los Angeles Community College District (sponsor)  
Asian Youth Center  
Los Angeles Area Chamber of Commerce  
Los Angeles County Economic Development Corporation

**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 857	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Laird		
<b>Version:</b>	March 22, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Advisory task force: LGBTQ+ pupil needs.

### SUMMARY

This bill would require the State Superintendent of Public Instruction (SPI), on or before July 1, 2024, to convene an advisory task force (Task Force) to identify the statewide needs of lesbian, gay, bisexual, transgender, queer, questioning, and plus (LGBTQ+) pupils and report its findings to the Legislature, the SPI, and Governor by January 1, 2026.

### BACKGROUND

Existing Law

Education Code (EDC)

- 1) Declares it is the policy of the State of California to afford equal rights and opportunities in the educational institutions of the state of to all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes as specified. (EDC § 200)
- 2) Requires the California Department of Education (CDE), as part of its compliance monitoring, to assess whether local educational agencies (LEAs) have provided information to certificated staff serving grades 7-12 on school site and community resources for LGBTQ students. (EDC § 234.1 (d))
- 3) Requires the CDE to monitor LEAs for adoption of policies prohibiting discrimination, harassment, intimidation, and bullying on the basis of sexual orientation, gender, gender identity, or gender expression. (EDC § 234.1(a))
- 4) Requires the CDE to monitor LEAs for adoption of processes for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying, and establishes complaint procedures. (EDC § 234.1(b))

### ANALYSIS

This bill would require the SPI, on or before July 1, 2024, to convene a Task Force identify the statewide needs of LGBTQ+ pupils and report its findings to the Legislature, the SPI, and Governor by January 1, 2026. Specifically, this bill:

*Scope of the Task Force*

- 1) Require the SPI, on or before July 1, 2024, to convene a Task Force to identify the statewide needs of LGBTQ+ pupils and to assist in implementing supportive policies and initiatives to address LGBTQ+ pupil education, including, but not limited to, all of the following:
  - a) An assessment of pupil mental health and feelings of safety and support within the state.
  - b) The adequacy and availability of inclusive and safe access to school facilities within the state.
  - c) The adequacy and quality of, and access to, inclusive instructional material and school curriculum within the state.
  - d) An assessment of the implementation of the policies and procedures on the prevention of, response to, and oversight of, bullying and harassment within the state to determine the effectiveness of policies and programs.
  - e) The adequacy and availability of inclusive participation in campus activities within the state.

*Task Force Membership*

- 2) Requires the SPI to select 11 members representative of all of the following group with, to the extent practicable, the members representing the geographical, racial, ethnic, socioeconomic, cultural, physical, and educational diversity of California's LGBTQ+ community, and emphasis on identifying at-risk or disadvantaged LGBTQ+ pupils to serve as the high school members of the advisory task force.
  - a) Three pupils identifying as members of the LGBTQ+ community who are enrolled in a California high school;
  - b) One school administrator currently employed by a LEA;
  - c) Two certificated school teachers currently employed by LEA;
  - d) One licensed physician and surgeon, with a preference for one who practices LGBTQ+ affirming care;
  - e) Two mental health professionals, with a preference for those who practice LGBTQ+ affirming care;
  - f) One community LGBTQ+ advocate, with a preference for one with programmatic expertise; and
  - g) One representative from the Office of Health Equity established by the State Department of Public Health.

*Report to the Legislature, the Superintendent, and the Governor.*



- 3) Requires the Task Force, on or before January 1, 2026 to report their findings and recommendations based on the assessment of areas described in #1 to the Legislature, the SPI, and the Governor as specified.
- 4) Specifies that the report may include minority findings and recommendation, at the request of any member of the Task Force.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "Across this nation school campuses have become a battle ground in the fight for LGBTQ+ dignity and humanity. LGBTQ+ students often find themselves caught in the cross fire, lacking the support and resources they need to thrive. A safe and supportive school environment allows LGBTQ+ students to succeed academically and has a significant impact on their overall wellbeing. California continues to lead the nation in supporting LGBTQ+ youth both on and off the campus, through robust policy projections and budget allocations. However, we still have a long way to go. Many school districts lack the resources needed to implement these laws, face hostile local social climates that impede implementation, and lack awareness regarding existing legal requirements and the best ways to meet them. School district administrators cannot address this issue alone they need the input and expertise of all of those involved in creating a thriving environment for LGBTQ+ youth on school grounds in order to succeed. SB 857 brings students, teachers, and administrators together to ensure that authentic voices from the community are involved in discussions about how to create a safe and supportive environment for LGBTQ+ students, while providing the State Department of Education with valuable perspectives to ensure resources are efficiently allocated to implement existing laws and better support LGBTQ+ student needs."
- 2) ***2021 National School Climate Survey by the Gay, Lesbian & Straight Education Network (GLSEN).*** A growing body of research has linked disparities to non-binary students' experiences of violence, harassment, and exclusion in educational settings. LGBTQ+ youth often navigate more hostile school climates than their peers. According to a 2021 National School Climate Survey by the GLSEN, "76.1% of LGBT students were verbally harassed, 31.2% were physically harassed, and 12.5% were physically assaulted due to their sexual orientation." Furthermore, 81.8% of LGBTQ+ students who participated in GLSEN's survey reported feeling unsafe in school because of at least one of their actual or perceived personal characteristics. The relationship between marginalization and mental health in gender minority populations is well documented. In the same survey, over half of LGBTQ+ students (61.6%) reported feeling unsafe in school because of their mental health or emotional disability. Non-binary students' experiences of violence, harassment, and exclusion in educational settings can lead to negative educational experiences, including:

*Chronic Absenteeism:* School-based victimization can impinge on a student's right to an education. Students who are regularly harassed or assaulted during the school day may attempt to avoid these hurtful experiences by not attending school

and may be more likely to miss school than students who do not experience such victimization. We found that experiences of both in-person and online victimization were related to missing days of school. Higher levels of in-person victimization and higher levels of online victimization in school regarding sexual orientation, gender expression, and gender were both associated with more than a two times greater likelihood of missing school in the past month for LGBTQ+ students.

*Difficulty in Reaching Academic Achievement:* Among those who attended school in person, either full-time or combined with online instruction, LGBTQ+ students who reported higher levels of in-person victimization regarding their sexual orientation were nearly twice as likely to report that they did not plan on pursuing their education beyond high school (16.6% vs. 9.4%), and LGBTQ+ students reporting higher levels of victimization based on gender expression or gender were twice as likely (18.3% vs. 8.8% and 18.1% vs. 9.0%, respectively).

*School Discipline:* More than a third (40.7%) of students in this survey reported having been disciplined at school, with most of these students reporting discipline that occurred in school, such as being sent to the principal's office (24.1%), being isolated alone in a classroom or hallway, and receiving detention (20.3%). A smaller portion of LGBTQ+ students reported experiencing disciplinary consequences that prohibited them from attending school, such as out-of-school suspension and expulsion (4.8%).

A link to the report can be found [here](#).

- 3) **CDE: Supporting LBGTQ+ Students.** CDE currently provides instructional guidance, references, and policies on its [website](#) to help LEAs and families support their LGBTQ+ students, such as highlighting the Fair, Accurate, Inclusive, and Respectful (FAIR) Education Act, which prescribes inclusion of the contributions of groups previously excluded in the history of California and the U.S. This section once included men and women and numerous ethnic groups; the expanded language requires the inclusion of the contributions of LGBTQ + Americans to California and U.S. history as well as their roles in contemporary society.

The website also includes training offered by the *American Psychological Association* and the *Trevor Project*, resources for schools such as establishing peer support or Affinity Clubs on campus, links to antibias training to support LBGTQ+ youth, and how to create safe spaces for LBGTQ+ students on campus.

CDE also provides its website resources for families and Community organizations by region. For example, LEAs and families in Monterey, Santa Clara, Santa Cruz, and San Benito can be connected to the Billy DeFrank Lesbian and Gay Community Center, PFLAG, Queer Youth Task Force, and Epicenter Monterey. In another instance, LEAs and families in Riverside, Inyo, Mono, and San Bernardino, can find resources to help their students at the Desert AIDS Project, Joshua's Home, Safe Schools, Desert Cities, and TruEvolution.

Moreover, current law requires CDE, as part of its compliance monitoring, to assess whether local schools have provided information to certificated staff serving

grades 7-12 on school sites and community resources for LGBTQ students. Current law also requires the CDE to monitor local schools to ensure the adoption of policies prohibiting discrimination, harassment, intimidation, and bullying based on sexual orientation, gender, gender identity, or gender expression.

- 4) ***Upcoming Protections: Title IX.*** In May 2016, after several court cases had developed and several states had attempted to create laws restricting transgender students' bathroom use, the U.S. Department of Education (DOE) and the U.S. Department of Justice (DOJ) under the Obama Administration issued a directive instructing public schools across the country to allow transgender students to use the bathroom that matches their gender identity. Jointly, DOE and DOJ clarified that the civil rights of transgender school students were protected under Title IX, which prohibits sex discrimination. In January 2017, the Trump Administration's DOJ and DOE rescinded the previous guidance on federal support for transgender students, indicating they would not pursue federal enforcement of Title IX violations. As part of the Biden Administration, the DOE is proposing regulations to reinstate similar provision that were previously removed.

- 5) ***Related Legislation.***

*AB 827* (O'Donnell) Chapter 562, Statutes of 2015, requires the CDE, as part of its compliance monitoring, to assess whether LEAs have provided information to certificated staff serving grades 7-12 on schoolsite and community resources for LGBTQ students.

*SB 48* (Leno) Chapter 81, Statutes of 2011, (1) adds persons with disabilities, and lesbian, gay, bisexual, and transgender Americans to the list of groups of people whose role and contributions must be accurately portrayed in social science instruction and instructional materials, and (2) prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that reflect adversely upon a person's religion, or sexual orientation.

*AB 5* (Zbur, 2023) would require the CDE, on or before July 1, 2025, to finalize the development of an online training delivery platform and an online training curriculum to support LGBTQ+ cultural competency training for teachers and other certificated employees and require each school serving pupils in grades 7 to 12, inclusive, to use the online training delivery platform and curriculum, or an in-service alternative, to provide at least 4 hours of training at least once every 3 years to teachers and other certificated employees at those schools.

*AB 2240* (Gloria, 2020) would have, required the CDE to create an online training delivery platform and an online training curriculum on schoolsite and community resources for the support of LGBTQ+ pupils and strategies to increase support for LGBTQ+ pupils, as specified, and encourage each school operated by a school district or county office of education and each charter school to use the online training delivery platform and curriculum to provide training at least once every 2 years to teachers and other certificated employees at those schools.

AB 493 (Gloria) Chapter 775, Statutes of 2019, requires that, no later than July 1, 2021, the CDE develop resources or update existing resources for in-service training on schoolsite and community resources for the support of LGBTQ+ students, for use in LEAs and charter schools serving students in grades 7-12. Requires the CDE to periodically provide online trainings on this topic that can be accessed on a statewide basis.

**SUPPORT**

California Association of Student Councils (Co-Sponsor)  
Equality California (Co-Sponsor)  
California Federation of Teachers  
California School-Based Health Alliance  
California Youth Empowerment Network  
Dolores Huerta Foundation  
Los Angeles Unified School District  
Mental Health America of California  
Our Family Coalition  
The Source LGBT+ Center

**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 643	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Wilk		
<b>Version:</b>	February 16, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** School safety: Safe-To-Tell Program.

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

### SUMMARY

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

### BACKGROUND

Existing Law

*Education Code (EDC)*

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

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

## ANALYSIS

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

### *CDE and the Safe-To-Tell Program*

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

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

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

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

#### *Local Educational Agencies*

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

#### *Safe-To-Tell Program Advisory Committee*

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

#### *General Provisions*

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



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

## STAFF COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5) ***Related Legislation.***

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

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

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

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

**SUPPORT**

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

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 791	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	McGuire		
<b>Version:</b>	March 22, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Postsecondary education: academic and administrative employees:  
disclosure of sexual harassment.

**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 governing board of a community college district and the Trustees of the California State University (CSU), and requests the Regents of the University of California (UC), to require an application for appointment to an academic or administrative position to disclose any final administrative or judicial decision determining that the applicant committed sexual harassment.

### 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)

*Appointees and employees*

- 4) Requires the Trustees of the CSU to provide for, by rule, for the government of their appointees and employees, including but not limited to: appointment; classification; terms; duties; pay and overtime pay; uniform and equipment allowances; travel expenses and allowances; rates for housing and lodging; moving expenses; leave of absence; tenure; vacation; holidays; layoff; dismissal; demotion; suspension; sick leave; reinstatement; and employer's contribution to employees', annuitants', and survivors' health benefits plans. (EC § 89500)
- 5) Requires a community college district, prior to making a decision relating to the continued employment of a contract employee, to meet certain requirements including an evaluation of the employee and the governing board's receipt of recommendations of the superintendent or president of the district or community college. (EC § 87607)

*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) Requires the governing board of a community college district and the CSU Trustees, and requests the UC Regents, to require an application for appointment to an academic or administrative position to disclose any final administrative or judicial decision determining that the applicant committed sexual harassment.

- 2) Prohibits a community college district and the CSU Trustees, and requests the UC Regents, from asking an applicant to disclose, orally or in writing, information concerning any final administrative decision or final judicial decision, including any inquiry about an applicable decision on any employment application, until the community college district, Trustees, or Regents have determined that the applicant meets the minimum employment qualifications stated in the notice issued for the position.
- 3) Defines the following terms:
  - a) "Final administrative decision" means a final determination based on the investigative findings of a Title IX compliance coordinator, or other designated investigator, at a college or university on a complaint of sexual harassment.
  - b) "Final judicial decision" means a final determination of a matter submitted to a court that is recorded in a judgment or order of that court.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Recent reports and news have exposed serious incidents of sexual harassment and misconduct against students and faculty across our college campuses. While title IX protections exist to protect our public institutions, bad actors escape the consequences of their egregious actions by moving from one campus to the next. Hiring committees also may not have access to a full scope of complaints at the time of their hiring process. This bill will ensure campuses have access to history of misconduct to ensure they are fully informed when making their hiring decisions to foster an environment of safety and trust across all our state campuses."
- 2) **Context.** Colleges and universities that receive public funds, or whose students receive federal or state financial aid, must adhere to the requirements of Title IX and follow specific procedures to protect students and employees. Audits conducted by the State Auditor, internal investigations, and news reports have shown long-standing weaknesses in how public postsecondary educational institutions, and individual campuses, prevent sexual harassment and handle Title IX complaints. Most notably:
  - a) The most recent Chancellor of CSU, Joseph Castro, was found to have mishandled issues related to a pattern of sexual harassment complaints while serving as President of Fresno State, against a professor who Dr. Castro knew personally. Ultimately, Fresno State reached a settlement agreement with the professor to pay him \$260,000 plus full retirement benefits, with a promise of a letter of recommendation for employment at a university other than CSU. Three weeks after the settlement agreement was finalized, Mr. Castro became Chancellor of the CSU system and its 23 campuses. Mr. Castro subsequently resigned in February 2022, and received a \$400,000 settlement and has retreat rights to be a tenured professor at Cal Poly San Luis Obispo.  
<https://edsources.org/2022/csu-chancellor-joseph-castro-resigns-in-fallout-over->



[his-handling-of-sexual-misconduct-claims/667865cal](#)

- b) The Academic Senate and UCLA administration found a range of discrepancies in university offices' handling of student, faculty and administrative incident reports of discrimination and harassment following a lengthy investigation. The report is authored by the Joint Task Force on Investigatory and Judiciary Processes, which is a committee formed by the Academic Senate and administration to ensure anti-discriminatory investigative conduct at UCLA. The committee was tasked with assessing investigative processes throughout university compliance and non-compliance offices, finding discrepancies in compliance processes and recommending where resources should be allocated for investigations. The investigation was prompted by campuswide dissatisfaction with investigative services, <https://dailybruin.com/2023/01/29/ucla-task-force-finds-inadequate-discrimination-harassment-report-systems>
- c) A professor at UC Davis was placed on leave in January 2021, and ultimately terminated, after UC Davis' Title IX office, which handles sexual assault reports, learned of a civil lawsuit filed in relation to a 2018 police report made with the UC Davis Police Department. The lawsuit alleged that the professor, on multiple occasions beginning in 2010, sexually assaulted a high school student who worked in his laboratory as part of a mentorship program. Meanwhile, an outside investigator, at the request of UC Davis' chancellor, is looking into whether the university handled the sexual assault accusations properly. The university said the external investigation will determine if the sexual assault report was handled properly. <https://www.kcra.com/article/uc-davis-professor-ting-guo-sexual-assault-dismissed/42580553>
- d) Riverside City College's women's basketball coach alleges she has been harassed by members of the football and men's basketball team since filing a lawsuit against the college for Title IX discrimination. <https://www.latimes.com/sports/story/2023-01-16/riverside-city-college-coach-alicia-berber-title-ix-dispute>
- e) In November 2021, students at the California Maritime Academy confronted campus President Thomas Cropper about Long-standing claims of sexual harassment and misconduct, homophobia, transphobia and racism on campus and during training cruises. Independent investigative reports revealed that cadets were reluctant to make formal complaints about misconduct out of fear of retaliation, and females expressed an understanding that it is not a matter of "if" they will experience sexual harassment or assault, but "when" and "how often." A report detailed misconduct on two training cruises on the Golden Bear in summer 2021, including sexual harassment, and cited a "more systemic problem that should be carefully assessed." President Cropper has announced that he plans to retire in August 2023. <https://www.latimes.com/california/story/2022-12-13/csu-maritime-academy-women-trans-nonbinary-harassment>
- f) In 2020, a Chico State professor was found to have had a prohibited relationship with a graduate student whom he supervised, yet was allowed to enter a settlement agreement. The professor was subsequently awarded tenure and in 2021, allegedly made threats against two colleagues who cooperated in the

investigation in 2020. <https://edsource.org/2022/chico-state-professor-disciplined-for-student-affair-allegedly-threatened-colleagues-who-complained/682154>

- g) A different professor at Chico State resigned before he could be disciplined while facing charges of sexual harassment of a student and having a prohibited relationship with a student. The professor was then hired to teach at Cal State East Bay in Hayward. <https://edsource.org/2022/new-batch-of-csu-records-show-professors-disciplined-for-sexual-harassment/676217>
  - h) Seven violations of the UC Policy on Sexual Violence and Sexual Harassment have been reported at UC Santa Cruz between 2016 and 2019. All of the cases investigated found that a faculty or staff member had violated the Sexual Violence and Sexual Harassment policy, which was updated in 2016. <https://www.dailycal.org/2019/02/11/an-institutional-and-pervasive-problem-title-ix-documents-reveal-wave-of-sexual-misconduct-cases-at-uc-santa-cruz>
- 3) **Pending State Audit.** The State Auditor is currently preparing an audit related to the CSU system's handling of sexual harassment complaints involving executives, faculty, and staff at the Chancellor's Office and three campuses (Fresno, San Jose, and Sonoma). The scope of the audit will include a determination of whether CSU has adequate systemwide policies and procedures, a review of CSU's process for investigating alleged sexual harassment, review of systemwide policies on return rights, assessment of policies related to letters of recommendation, and identification of the total number of sexual harassment complaints against employees of the CSU system during the past five years. This audit is expected to be released in June 2023. <https://www.auditor.ca.gov/reports/scope/2022-109>
- 4) **Prior State Audits.** The State Auditor released a report in June 2018 regarding the UC's handling of sexual harassment complaints involving faculty and staff harassers and student victims. This report concludes that "although the university has been aware of issues with its responses to sexual harassment complaints and has taken steps to address them, it must do more to stop, prevent, and remedy sexual harassment at its campuses. Notably, we found that the three campuses we visited—Berkeley, Davis, and Los Angeles—took much longer to discipline faculty in the Academic Senate than they did to discipline staff. On average, the three campuses disciplined staff within 43 days after the conclusion of an investigation compared to 220 days for faculty in the Academic Senate. In addition, the three campuses disciplined faculty inconsistently, especially those faculty who were the subjects of multiple sexual harassment complaints. We also found that the three campuses inconsistently followed Title IX guidance in their informal and formal processes to address sexual harassment complaints. The three campuses frequently exceeded investigation time frames without obtaining approved time extensions and they often did not send all required information to the complainants and respondents. Finally, the university's Office of the President established a systemwide Title IX office (systemwide office) in February 2017 with a goal to implement a consistent and coordinated response systemwide to complaints of sexual harassment. However, to make the systemwide office more effective, the Office of the President needs to define how much consistency it desires and provide the systemwide office the necessary authority to achieve it. We identified three areas

in which the systemwide office should play a central role in the university's efforts to prevent and respond to sexual harassment: setting policy, analyzing applicable data, and overseeing the campuses. Based on feedback from external entities and internal groups, the university has taken steps to improve its response to complaints of sexual harassment, but our audit found that the university needs to take additional steps to fully resolve the concerns that reviewers have raised."

<https://www.auditor.ca.gov/pdfs/reports/2017-125.pdf>

The State Auditor released a report in June 2014 regarding the handling of sexual harassment and sexual violence incidents at the state's public postsecondary institutions. As part of this audit, the State Auditor reviewed the sexual assault policies and procedures at UC Berkeley and UC Los Angeles, CSU Chico, and San Diego State University. The report noted that "staff in key roles of the incident-reporting process receive adequate training on responding to and reporting student incidents of sexual harassment and sexual violence, but other employees including resident advisors and athletic coaches, who may be the first point of contact, do not." The report also noted that "none of the universities provides its sexual harassment policy to all employees at the start of each academic year, nor do they post the policies in certain places where a large number of students can see them such as in residence halls or athletic facilities." As part of the report, the State Auditor included several recommendations, including the recommendation for the universities to review and modify educational programs and provide more training and education to both university employees and incoming students, and the recommendation for the universities to properly distribute and post their policy on sexual harassment.

<https://www.auditor.ca.gov/pdfs/reports/2013-124.pdf>

5) **Updated policies of the CSU.** The CSU Board of Trustees approved new policies in July 2022, to bolster and clarify employment practices.

- a) The CSU now has a systemwide policy governing administrator employees' option to retreat. The policy applies to all administrator appointments made at a CSU campus or the Chancellor's Office which include the option to retreat to a faculty position. The policy is intended to be prospective and does not impact retreats granted prior to its effective dates except on a case-by-case basis in the event of a serious policy violation.

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

The new policy includes the following guidance:

- i) An administrator will be ineligible to exercise the option if there is a finding of misconduct or the administrator is under investigation for misconduct.

- ii) Memorialization of terms of the retreat will be placed in the administrative appointment letter.
  - iii) There must be consultation with the tenured faculty in the respective department to which the individual would potentially return. Viewing Employment Policy Governing Administrator Employees' Option to Retreat (policystat.com)
- b) The CSU now has a systemwide policy governing the provision of employee references. The Employment Policy Governing the Provision of Employee References outlines the principles and procedures guiding the provision of references. Under the policy, the CSU will not provide positive letters of reference, verbal or written, for any current or former employee who has engaged in significant misconduct that resulted in non-retention, is currently under investigation for misconduct or violation of university policy, or has had their retirement benefits rescinded under the Public Employees' Pension Reform Act due to criminal misconduct associated with their official duties. The policy further provides guidance on references requested by third parties, employment verification for current or former employees, personal references and references within the CSU. <https://calstate.policystat.com/policy/12142918/latest/>
- 6) ***How will it work?*** While the bill requires an applicant to disclose any previous allegations of sexual harassment that have been substantiated, it does not specify how this would be accomplished. *Should a standardized form be created by community college districts and the CSU and UC systems, or could the existing applications for employment be amended to include a disclosure section? Would this be left to the local district or campus discretion?*
- 7) ***Double-referral.*** The extent or level of detail of the allegations that would have to be disclosed on an application is unclear. It is also unclear if this information would be used solely as a background check for hiring purposes or if it could somehow result in the public release of the information. The bill has been double-referred to the Senate Judiciary Committee, which typically covers, among other policy issues, privacy, confidentiality and consumer protection. The author may wish to consider addressing these issues as the bill moves forward.
- 8) ***Related legislation.***
- SB 808 (Dodd, 2023) requires the rules adopted by the CSU Board of Trustees relating to tenure, layoff, dismissal, demotion, suspension, and reinstatement of academic and administrative employees to a) require specific personnel to approve sexual harassment settlements; b) require a report on the number of sexual harassment complaints and disposition of those cases; and, c) prohibit retreat rights for specified personnel who violate CSU or campus Title IX policies. SB 808 is pending in the Senate Judiciary Committee.

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

9) *Prior legislation.*

SB 1439 (Block, 2016) was nearly identical to this bill. SB 1439 was vetoed by Governor Brown, whose veto message read:

***While I understand the desire to mitigate risk, governing boards-who are the fiduciaries of these institutions-should be responsible for setting hiring standards, including the disclosure of prior bad conduct.***

**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 856	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Glazer		
<b>Version:</b>	February 17, 2023		
<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 the Finish in Four and Through in Two program and requires each participating California State University (CSU) campus to automatically enroll *all* incoming first-time students in the program, with the option for students to opt out. This bill further requires that a participating campus maintain at least 5 percent of each incoming class in the program, and that at least 70 percent of those participating undergraduates students be either low-income students, first-generation, or underrepresented students in higher education.

### 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 freshman 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 the Finish in Four and Through in Two program.
- 2) Requires, commencing with the 2024-25 academic year, at least 5 percent of each incoming class at each participating CSU campus be participants in the Finish in Four and Through in Two program, and at least 70 percent of those

participating students be either low-income students, first-generation students, or students from communities that are underrepresented in higher education.

- 3) Requires, commencing with the 2024-25 academic year, incoming first-time students at each participating CSU campuses to opt out of, rather than self-select into, the Finish in Four and Through in Two program thereby automatically enrolling those students.

## 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 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. In addition, equity gaps remain to be stubborn and closing them is key to creating a diverse workforce that is representative of all Californians. Increasing student participation in the California Promise program will provide spots to students who identify as low-income, first-generation and underrepresented and ensure they have the tools needed to graduate. This bill will work in concert with CSU's Graduation Initiative 2025 to eliminate these 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 and participation.** Existing law, established by Senate Bill 412 (Glazer, Chapter. 436, Statutes. 2016), requires that the CSU Trustees develop and implement California Promise programs on at least eight campuses for non-transfer students and at least 20 campuses for qualifying transfer students. Each participating campus commits to help 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 advisement. California Promise students must complete 30 units per academic year and maintain minimum grade point average requirements. According to CSU's 2021 report to the legislature on the program, participation has grown since 2017 with 16 campuses offering a four-year pledge plan and 22 campuses offering a two-year pledge plan. Over the last four years, more than 30,000 CSU students have 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.

As noted in the report, the program is limited to students who are California residents and who are either low-income and or Pell eligible, first-generation college students or from underrepresented communities, or have completed an Associate Degree for Transfer. Campuses can open the program to other students to ensure the provided benefits reflect the demographics of a campus



and are made available on an equitable basis. 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. By requiring each campus to automatically enroll all incoming first-time students on an annual basis, implementation of the bill's provisions could result in a major increase in program participation rates. Once enrolled a student may opt out of the program and campuses are required to retain a portion those students in addition to ensuring that a majority of those are from underserved groups. This is a change from current practice where students self-select into California Promise.

The Committee may wish to consider:

- *Given that California Promise students receive priority registration, how would the bill's provisions be applied considering the number of students who will be automatically enrolled? How will priority be determined when many students have the same benefit?*
- *Could this bill result in the redirection of advising and support services away from students who are not enrolled in the program or who are unable to maintain their enrollment?*

- 3) **Higher two-year graduation rates.** Data from the CSU show, 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. The higher graduation rates also hold across students groups by first-generation status, Pell status, and race/ethnicity. Four-year graduation rates for first-time students were unavailable at the time the CSU report was prepared.
- 4) **Other systemwide efforts 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 freshman to 70 percent and 40 percent, respectively as well as boost 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 graduations 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 can use California Promise to fulfill GI objectives, but it is not currently required. *The Committee may wish to consider whether allocating campus resources toward expanding participation in a particular program, such as the California Promise program, will affect a campus's capacity to implement*

*campus-specific tactics or promote the state supported Graduation Initiative and its specific goals.*

- 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 with summer/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 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. This bill seeks to amplify the California Promise as a means for addressing equity gaps at CSU.

6) **Related and prior legislation.**

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 Newsome 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**

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 291	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Newman		
<b>Version:</b>	February 2, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil rights: recess.

### SUMMARY

This bill, commencing the 2024-25 school year, would require a local educational agency (LEA), County Office Education (COE), charter school to provide recess for at least 30 minutes and prohibit school staff from restricting a pupil's recess, as specified.

### BACKGROUND

Existing Law

*Education Code (EDC)*

- 1) Authorizes the governing board of a school district to adopt reasonable rules and regulations to authorize a teacher to restrict for disciplinary purposes the time a pupil under his or her supervision is allowed for recess. (EDC § 44807.5)
- 2) Provides that the minimum schoolday in kindergartens and in grades 1 to 8, inclusive, in elementary schools, is exclusive of noon intermissions and, except in kindergartens, exclusive of recesses. (EDC § 46115)
- 3) Requires all elementary students to receive a minimum of 200 minutes of physical education instruction every ten school days. (EDC § 51223)
- 4) Requires all pupils in grades 1-8, except as specified, to attend physical education for a total period of time of not less than 400 minutes each 10 schooldays. Any pupil may be excused from physical education classes during one of grades 10, 11, or 12 for not to exceed 24 clock hours in order to participate in automobile driver training. Such pupil who is excused from physical education classes to enroll in driver training shall attend upon a minimum of 7,000 minutes of physical education instruction during such school year. (EDC § 51222)
- 5) Requires every teacher in the public schools to hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to

maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. (EDC § 44807)

- 6) Requires each LEA and charter school to offer for each fiscal year, at a minimum, the following number of instructional minutes:
  - a) To pupils in kindergarten, 36,000 minutes.
  - b) To pupils in grades 1 to 3, inclusive, 50,400 minutes.
  - c) To pupils in grades 4 to 8, inclusive, 54,000 minutes.
  - d) To pupils in grades 9 to 12, inclusive, 64,800 minutes. (EDC § 46207 and 47612.5)

## ANALYSIS

This bill, commencing the 2024-25 school year, would require a LEA, COE, and Charter school, to provide recess for at least 30 minutes and prohibit school staff from restricting a pupil's recess, as specified. Specifically, this bill:

### *General Provisions*

- 1) Requires an LEA, commencing the 2024-25 school year, serving pupils in kindergarten or any of grades 1 to 8, inclusive, to provide at least 30 minutes of recess.
- 2) Specifies that if outdoor space is not sufficient, due to weather, recess may be held indoors if the space is sufficient to facilitate physical activity and play.
- 3) Ensures that recess shall comply with a pupil's individualized education program or 504 Plan.
- 4) Prohibits a member of the school's staff from denying a pupil their recess, unless that pupil's participation poses an immediate threat to the physical safety of the pupil or to the physical safety of one or more of the pupil's peers.
- 5) Clarifies that if a pupil's recess is denied due to posing an immediate threat or to the physical safety of others, school staff members shall make all reasonable efforts to resolve such threats and minimize exclusion from recess to the greatest extent practicable.

### *Definitions*

- 6) "Recess" means a period of time during the schoolday, separate and distinct from physical education courses and meal times, when pupils are given supervised and unstructured time for physical activity, play, organized games, or social engagement with peers.
- 7) "Local educational agency" means an LEA, COE, or charter school.

## STAFF COMMENTS

- 1) ***Need for the bill.*** “As California finally emerges from the pandemic and its impacts, we are seeing some of the lingering effects on children’s social-emotional development play out in the form of behavioral disruptions which have become increasingly prevalent in classrooms. As schools and students seek to recover from COVID-related educational disruptions, the benefits of the unstructured play and peer-to-peer social interactions offered by recess are more important now than ever.
- 2) ***Children Now’s 2022 California Children’s Report Card.*** In January 2022, Children Now’s 2022 California Children’s Report Card gave the state a D+ in addressing the dramatic uptick in young people’s mental health needs. Schools are not equipped to handle these emergent needs through individual interventions like counseling, but they can pursue a healing agenda for the whole school through play. In 2013, the American Academy of Pediatrics (AAP) issued a formal statement declaring the importance of a quality recess. The AAP’s statement declares, Recess is a necessary break in the day for optimizing a child’s social, emotional, physical, and cognitive development. In essence, recess should be considered a child’s personal time, and it should not be withheld for academic or punitive reasons. The Centers for Disease Control and Prevention along with the Society of Health and Physical Educators note in a 2017 report that, “Recess can help students increase their daily physical activity and contribute to getting the recommended 60 minutes of physical activity each day. Recess also is an essential part of students’ school experience that contributes to their normal growth and development. Recess helps students practice social skills positively engage in classroom activities, and enhance cognitive performance.”
- 3) ***Physical Education (PE).*** PE contributes significantly to every student’s health and well-being, and it is an instructional priority for California schools. Every student, regardless of disability, ethnicity, gender, native language, race, religion, or sexual orientation, is entitled to a high-quality PE program. PE is an integral part of the overall education program for every student and provides one of the few opportunities students have to develop the skills, knowledge, and confidence necessary to lead a physically active lifestyle. A high-quality PE program promotes an active lifestyle, improved health, motor skill development, and better cognitive performance.

***Difference between PE and physical activity (PA)?*** PE is an instructional programs that provides students with the skills and knowledge they need to establish and sustain physical activity as a key component of their lifestyle, as children, adolescents, and adults. The PE model content standards adopted by the State Board of Education involve five overarching standards in kindergarten through grade eight and three overarching standards in grades nine through twelve, including eight required content areas that provide a developmentally appropriate, standards-based sequence of instruction. PA is any bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms. PE programs, recess periods, intramural sports programs, and

athletic programs involve physical activity, but each serves a different purpose. Intramural sports and athletic programs provide opportunities for student learning but are not likely to constitute high-quality, standards-based PE instruction. Recess periods provide students with opportunities for unstructured physical activity time during the school day and also does not constitute PE or instructional minutes.

- 4) ***How Long Is Recess Now?*** This bill would require schools serving grades K-8 to provide at least 30 minutes of recess per day. Currently, recess is typically accessed after lunch is served. Once students finish their lunch, they can then have supervised, but uninstructed free time. It is unknown how many schools provides at least 30 minutes of recess.

It should be noted that while the state does prescribe a minimum amount of instructional minutes and days, it does not dictate the length of a class, lunch, break, passing period, or recess. These periods are determined, and bargained, at the local level. As specified in the bill, recess is a separate and distinct activity from physical education courses and meal times, which may extend the school day by 30 minutes for schools that do not provide 30 minutes of recess.

*The author may wish to consider to how to integrate this requirement into existing practice.*

- 5) **Argument in Support.** According to the California Association for Health, Physical Education, Recreation & Dance "Our association's membership are excited to stand tall in our support for Senate Bill 291, The Pupils Rights: Recess bill. The Center for Disease Control and Prevention (CDC) defines. Recess as a regularly scheduled period in the school day for physical activity and play that is monitored by trained staff or volunteers. During recess, students are encouraged to be physically active and engaged with their peers in activities of their choice, at all grade levels, kindergarten through 12th grade. Recently, numerous LEAs have removed/eliminated recess to increase instructional time. Therefore, CAHPERD supports the legislators and CDC recommendations for a quality based recess"

## SUPPORT

California Association for Health, Physical Education, Recreation & Dance  
California Catholic Conference  
Kaboom!  
Shape Up San Francisco Coalition

## 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 760	<b>Hearing Date:</b>	April 12, 2023
<b>Author:</b>	Newman		
<b>Version:</b>	February 17, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** School facilities: all-gender restrooms.

### SUMMARY

This bill would require, on or before January 1, 2025, each local educational agency (LEA), County Office of Education (COE), and charter school, including charter schools operating in a school district facility, maintaining any combination of classes from kindergarten to grade 12, inclusive, to provide at least one all-gender restroom for pupil use at each of its schoolsites.

### BACKGROUND

Existing Law

*Education Code (EDC)*

- 1) States that it is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses. (EDC § 221.5 (a))
- 2) Requires every public and private school maintaining any combination of classes from kindergarten to grade 12, inclusive, to comply with all of the following:
  - a) Every restroom shall at all times be maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
  - b) The school shall keep all restrooms open during school hours when pupils are not in classes, and shall keep a sufficient number of restrooms open during school hours when pupils are in classes. (EDC § 35292.5(a))
- 3) Authorizes a school to temporarily close a restroom as necessary for pupil safety or as necessary to repair the facility. (EDC § 35292.5(b))
- 4) Requires, on or before the start of the 2022–23 school year, a public school, including a school operated by a LEA, COE, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, to stock the school's restrooms at all times with an adequate supply of menstrual products, available

and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom. (EDC § 35292.6 (a))

- 5) Allows the California Department of Education (CDE) to conduct an annual compliance review. (EDC § 253)

*Health and Safety Code (HSC)*

- 6) Requires all single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency to be identified as all-gender toilet facilities by signage that complies with Title 24 of the California Code of Regulations, and designated for use by no more than one occupant at a time or for family or assisted use. (HSC § 118600(a))

*California Building Code (CBC)*

- 7) Requires a combined circle and triangle symbol to be located at entrances to unisex toilet and bathing facilities. The combined circle and triangle symbol shall consist of a circle symbol  $\frac{1}{4}$  inch (6.4 mm) thick and 12 inches (305 mm) in diameter with a  $\frac{1}{4}$  inch (6.4 mm) thick equilateral triangle symbol superimposed on and geometrically inscribed within the 12-inch (305 mm) diameter of the circle symbol. (CBC § 11B-703.7.2.6.3)

## ANALYSIS

This bill would require, on or before January 1, 2025, each LEA, COE, and charter school, including charter schools operating in a school district facility, maintaining any combination of classes from kindergarten to grade 12, inclusive, to provide at least one all-gender restroom for pupil use at each of its schoolsites. Specifically, this bill:

- 1) Requires each LEA, COE, and charter school, including charter schools operating in a school district facility, as specified, maintaining any combination of classes from kindergarten to grade 12, inclusive, to establish at least one all-gender restroom for pupil use that meets all of the following:
  - a) Has appropriate signage identifying the bathroom facility as being open to all genders in conformity with regulations published by the Department of the State Architect (DSA).
  - b) Is available for pupil use, is unlocked, unobstructed, and easily accessible by any pupil without requesting access from teachers, faculty, or school staff.
  - c) Is stocked with menstrual products in conformity with the Menstrual Equity Act.
  - d) Designate a staff member to serve as a point of contact for implementation.
  - e) Post a notice regarding the requirements of this bill in a prominent and conspicuous location outside at least one all-gender restroom, including contact information for the person designated as a point of contact.

- 2) Clarifies that a LEA, COE, and charter school, including charter schools operating in a school district facility, as specified, may use an existing restroom to satisfy the requirements of this bill.
- 3) Specifies that the requirements, as established by this bill, are subject to the CDE annual compliance review.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author “
- 2) ***Chino Valley Unified School Board.*** In November of 2021, the Chino Valley Unified School Board proposed a measure to restrict the use of restrooms, locker rooms, physical education classes, intramural sports and interscholastic athletic programs to students based on their “biological” gender. Under the school board’s proposal, schools in their district would provide gender-neutral or single-use restrooms or changing areas as well as other alternatives in order to address any student’s privacy concerns in using sex-segregated facilities. State Superintendent of Public Instruction Tony Thurmond issued a stern warning to Chino Valley Unified over its proposed resolution that would have violated existing law that requires schools to allow students to use facilities and participate in school activities with the gender a student identifies with. The proposed measure was struck down by the school board in a 3-2 vote.
- 3) ***2021 National School Climate Survey by the Gay, Lesbian & Straight Education Network (GLSEN).*** A growing body of research has linked disparities to non-binary students' experiences of violence, harassment, and exclusion in educational settings. LGBTQ+ youth often navigate more hostile school climates than their peers. According to a 2021 National School Climate Survey by the GLSEN, "76.1% of LGBT students were verbally harassed, 31.2% were physically harassed, and 12.5% were physically assaulted due to their sexual orientation." Furthermore, 81.8% of LGBTQ+ students who participated in GLSEN's survey reported feeling unsafe in school because of at least one of their actual or perceived personal characteristics. The relationship between marginalization and mental health in gender minority populations is well documented. In the same survey, over half of LGBTQ+ students (61.6%) reported feeling unsafe in school because of their mental health or emotional disability. Non-binary students' experiences of violence, harassment, and exclusion in educational settings can lead to negative educational experiences, including:

*Chronic Absenteeism:* School-based victimization can impinge on a student's right to an education. Students who are regularly harassed or assaulted during the school day may attempt to avoid these hurtful experiences by not attending school and may be more likely to miss school than students who do not experience such victimization. We found that experiences of both in-person and online victimization were related to missing days of school. Higher levels of in-person victimization and higher levels of online victimization in school regarding sexual orientation, gender expression, and gender were both associated with more than a two times greater likelihood of missing school in the past month for LGBTQ+ students.

*Difficulty in Reaching Academic Achievement:* Among those who attended school in person, either full-time or combined with online instruction, LGBTQ+ students who reported higher levels of in-person victimization regarding their sexual orientation were nearly twice as likely to report that they did not plan on pursuing their education beyond high school (16.6% vs. 9.4%), and LGBTQ+ students reporting higher levels of victimization based on gender expression or gender were twice as likely (18.3% vs. 8.8% and 18.1% vs. 9.0%, respectively).

*School Discipline:* More than a third (40.7%) of students in this survey reported having been disciplined at school, with most of these students reporting discipline that occurred in school, such as being sent to the principal's office (24.1%), being isolated alone in a classroom or hallway, and receiving detention (20.3%). A smaller portion of LGBTQ+ students reported experiencing disciplinary consequences that prohibited them from attending school, such as out-of-school suspension and expulsion (4.8%).

A link to the report can be found [here](#).

- 4) ***Safe School Bathrooms Ad Hoc Committee.*** The CDE established the Safe School Bathrooms Ad Hoc Committee in November 2021 in response to the growing concern that students are not safely able to access restrooms at schools. These concerns intensified when a Chino Valley Unified School District school board member introduced a proposal to restrict bathrooms that transgender and gender-nonconforming youth could use. The Committee formed with the goal of a formal recommendation to expand the availability of gender-inclusive bathrooms on California school campuses.

The initial Ad Hoc committee was co-chaired by then-Senator Connie Leyva, and comprised of the California students, parents, school staff, CDE staff, and other stakeholders including the American Civil Liberties Union, Equality California, Senators Newman and Assemblymember Ting.

The Ad Hoc committee transitioned to include only youth members in September consisting of over 30 high school and college students across California. The Safe School Bathrooms Ad Hoc Committee convened their first meeting on March 30, 2022, to begin the recommendation process of expanding the availability of gender-inclusive bathrooms on California school campuses.

*The bill language comes directly from the recommendations of the Safe School Bathrooms Ad Hoc Committee.*

- 5) ***CDE: School Facilities and Transportation Services Division (SFTSD).*** The SFTSD, through CDE's [website](#), provides school facilities best practices and research guidance documents in order to assist with modernization, new construction, and school facility improvements that help optimize learning for K–12 students. SFTSD has explored the growing trend of all-access restroom facilities in K–12 school facility design. The SFTSD makes this work available to all LEAs as guidance on the design and implementation of all-access restrooms.

According to SFTSD “In 2016, Assembly Bill 1732 (Ting) Chapter 818, Statutes of 2016, added Health and Safety Code Section 118600, requiring that all single-user [including schools] toilet facilities be identified as all-gender toilets. Despite the statutory requirement, schools struggle with providing a safe and inclusive experience, especially for transgender and non-binary students. Many schools have begun to move away from single-user toilets in favor of dedicating a segment or segments of their restrooms as multi-user all-gender toilet facilities. The designs of all-access restrooms have been trending in schools throughout the state, the country, and the world, yet there are no current California design standards for these facilities. For LEAs that make the local decision to implement all-access restrooms, this page provides guidance and identifies best practices that will be beneficial to project planning and design in modernization, new construction, and/or facility upgrades.”

The resources and summaries below demonstrate a portion of the SFTSD’s, review of the literature, including current legislative and design trends; as well as student perspectives that articulate the rationale for gender-inclusive restrooms that support student safety, school climate, health, and inclusivity for LGBTQ+ and all youth in K–12 schools:

*Inclusive Restroom Design Guide:* Offers a comprehensive overview, useful graphics, summaries, and diagrams that help with visualizing the implementation of inclusive restrooms in K–12 school facilities, as well as code implications, a case study, and a post-occupancy survey.

*Supporting the Health and Well-Being of Transgender Students:* This article includes research and statistics on the negative health effects, harassment, and discrimination transgender students experience when avoiding or using public restrooms. This article also offers an extensive list of resources for further analysis as well as tables of terminology and resources for school nurses, staff, and families.

*Stalled: Gender-Neutral Public Bathrooms:* This article includes research, history, legislation, trends, and design recommendations for public gender-neutral bathrooms. The authors include background knowledge and perspectives of why many public spaces, including schools, are adopting new policies and designs for more inclusive bathrooms.

*Expanding the Scope of Universal Design: Implications for Gender Identity and Sexual Orientation:* This article focuses on the need for faculty and staff to understand the intersection and interdependence among social identities and consider what steps they can take to apply Universal Design principles in ways that consider multiple aspects of identity in order to provide inclusive educational experiences for all. This article describes reimagining inclusive spaces beyond persons with disabilities, including gender-inclusive, multi-stall restrooms and/or all-gender single-stall restrooms.

Currently there are some schools such as the Los Angeles Unified School District, Oxnard Unified School District, Elk Grove Unified School District, Redlands Unified School District, that have already established an all-gender restrooms.

- 6) **Upcoming Protections:** In May 2016, after several court cases had developed and several states had attempted to create laws restricting transgender students' bathroom use, the U.S. Department of Education (DOE) and the U.S. Department of Justice (DOJ) under the Obama Administration issued a directive instructing public schools across the country to allow transgender students to use the bathroom that matches their gender identity. Jointly, DOE and DOJ clarified that the civil rights of transgender school students were protected under Title IX, which prohibits sex discrimination. In January 2017, the Trump Administration's DOJ and DOE rescinded the previous guidance on federal support for transgender students, indicating they would not pursue federal enforcement of Title IX violations. As part of the Biden Administration, the DOE is proposing regulations to reinstate similar provision that were previously removed.
- 7) **Committee Amendments.** *The committee staff recommends, and the author has agreed to, the following amendments.*
- a) Aligns the implementation date with the beginning of the 2025-26 school year.
  - b) Clarify that the signage identifying the restroom facility as being all-gender is in conformity with Title 24 of the Code of Regulations.
  - c) Specify that an all-gender restroom that is available for pupils and is unlocked, unobstructed, and easily accessible is consistent with existing pupil access to sex-segregated restrooms.
  - d) Clarify that the all-gender restrooms established per this bill are consistent with the Menstrual Equity Act.
  - e) Specify that the all-gender restroom is available during school hours and school functions when students are present.
  - f) Requires the CDE to post guidance on its internet website, including, but not limited, to examples of signage and implementation best practices.
  - g) Clarifies that a student is not required to use an all-gender restroom.
  - h) Adds coauthors.
- 8) **Background on the School Facility Program (SFP).** The construction and rehabilitation of public K-12 facilities are funded by a combination of state and local general obligation (GO) bonds, developer's fees and, local assessments such as Mello-Roos community facilities districts. State bond funds are allocated pursuant to the SFP and administered by the Office of Public School Construction under the direction of the SAB, a ten member body comprised of the Department of Finance, the Director of the Department of General Services, the State Superintendent of Public Instruction, three Senators, three Assemblymembers, and a Governor's appointee. Under the SFP, the New Construction program requires a 50% local match, unless the school district qualifies for financial hardship, which pays up to 100% of project costs.

Modernization funds are awarded at 60% with a 40% match. Since the inception of the SFP in 1998, voters have approved \$54 billion in state GO bonds for K-12 schools.

The last bond passed by voters, Proposition 51 on the November 2016 statewide ballot, provided \$9 billion for K-12 and California Community Colleges facilities. While the full amount of the bond has not been sold, there is a total of \$3.3 billion in applications submitted without funding authority. Of that amount, \$1.94 billion are from applications for modernization funding.

*While this bill specifies that a school may use an existing restroom to meet the requirements of this bill, there may be instances in which a school may need to construct a new restroom. The author may wish to consider the potential cost and time associated with the construction of a new restroom.*

**9) Related Legislation.**

AB 1732 (Ting) Chapter 818, Statutes of 2016, required, commencing on March 1, 2017, businesses, places of public accommodation, or state or local government agencies that offer a single-user toilet facility to be designated as an all-gender toilet facility, as specified, and authorizes an inspector, as specified to inspect for compliance.

AB 1266 (Ammiano) Chapter 85, Statutes 2013, requires a pupil be permitted to participate in sex-segregated school programs, activities, and facilities including athletic teams and competitions, consistent with his/her gender identity, regardless of the gender listed on the pupil's records.

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

**SUPPORT**

State Superintendent of Public Instruction Tony Thurmond (Sponsor)  
Equality California (Co-Sponsor)  
ACLU California Action  
Alliance for Children's Rights  
California Association of Student Councils  
California Federation of Teachers AFL-CIO  
California Teachers Association  
City of West Hollywood  
DAP Health  
Dolores Huerta Foundation  
Ella Baker Center for Human Rights

Genup

Lawyers' Committee for Civil Rights of The San Francisco Bay Area

Naral Pro-choice California

National Association of Social Workers, California Chapter

Oxnard Union High School District

Peace and Freedom Party of California

PFLAG National

Santa Clara County School Boards Association

The Source Lgbt+ Center

Transfamily Support Services

5 Individuals

**OPPOSITION**

3 Individuals

**-- END --**