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# California State Senate

## EDUCATION



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## AGENDA

Wednesday, April 26, 2023  
9 a.m. -- 1021 O Street, Room 2200  
(Please note room change)

## SPECIAL ORDER OF BUSINESS

1. SB 739 Alvarado-Gil School accountability: charter schools: renewal.

## MEASURES HEARD IN FILE ORDER

- 2 SB 380 Limón Early learning and care: rate reform.
- 3 SB 394 Gonzalez Master Plan for Healthy, Sustainable, and Climate-Resilient Schools.
- 4 SB 426 Niello Charter schools: flex-based instruction.
- 5 SB 480 Portantino School districts: pilot programs: Korean Meister high school system.
- 6 SB 767 Rubio Elementary education: kindergarten.
- 7 SB 872 Min Pupil attendance: class size: report.
- 8 SB 629 Cortese Community colleges: fee waivers.
- \*9 SB 354 Ochoa Bogh Special education: inclusive education: universal design for learning: inclusive practices.
- \*10 SB 886 Education Postsecondary education.

## FOR VOTE ONLY

- 11 SB 342 Seyarto Pupil instruction: history-social science curriculum framework: financial literacy.

\*Consent items.

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 739	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Alvarado-Gil		
<b>Version:</b>	March 21, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** School accountability: charter schools: renewal

### SUMMARY

This bill would require all charter schools whose term expires between January 1, 2024 and June 30, 2027 to have their term extended by an additional two years and indefinitely allow charter schools to submit verified data as part of the charter renewal process.

### BACKGROUND

Existing law:

- 1) Establishes the Charter Schools Act of 1992 which authorizes a school district governing board or county board of education to approve or deny a petition for a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning, increased learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving, holding charter schools accountable for meeting measurable pupil outcomes, and providing the schools with a method to change from rule-based to performance-based accountability systems.
- 2) Establishes a process for the submission of a petition for the establishment of a charter school. Authorizes a petition, identifying a single charter school to operate within the geographical boundaries of the school district, to be submitted to the school district. Authorizes, if the governing board of a school district denies a petition for the establishment of a charter school, the petitioner to elect to submit the petition to the county board of education. Authorizes, if the county board of education denies the charter, the petitioner to submit the petition to the State Board of Education (SBE) only if the petitioner demonstrates that the school district governing board or county board of education abused its discretion in denying the charter school. Authorizes a school that serves a countywide purpose to submit the charter petition directly to the county office of education.
- 3) Requires, upon renewal, a charter school to be identified as either low performing, middle performing or high performing based on the California School Dashboard (Dashboard) data. Requires that low performing charter schools be denied, however, the school may be renewed for a two year period if the authorizer is presented with verified data that meet specified criteria and the

authorizer finds it compelling. Authorizes middle performing charter schools to be renewed for five years. Authorizes high performing charter schools to be renewed for between five and seven years.

- 4) Defines “verified data” as data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data shall include measures of postsecondary outcomes. Requires the SBE, by January 1, 2021, to establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose. Allows the SBE to reconsider the criteria upon adopting a pupil-level academic growth measure for English language arts and mathematics.
- 5) Requires a chartering authority to consider pupil performance schoolwide and among all subgroups of pupils when making the decision on whether to renew a charter school, and requires the chartering authority to consider verified data for this decision until January 1, 2026.
- 6) Authorizes a charter to be granted by a chartering authority under designated provisions for a period not to exceed five years, except that all charter schools whose term expires on or between January 1, 2022, and June 30, 2025, inclusive, shall have their term extended by two years.

## ANALYSIS

This bill:

- 1) Clarifies that a chartering authority is only required to consider “verified data” if it is provided by the charter school.
- 2) Requires a chartering authority to consider “verified data” only if provided by the charter school and indefinitely extends the operation of this requirement.
- 3) Requires all charter schools whose term expires on or between January 1, 2024, and June 30, 2027, inclusive, to have their term extended by an additional two years.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 739 would extend the current terms of charter schools by two years to accommodate the gap in student data caused by the pandemic, and to reflect the state’s priority to focus efforts on supporting students in recovering from pandemic impacts within a stable learning environment. Under this bill, charter schools would remain accountable during this time through ongoing authorizer oversight and participation in the state’s broader accountability system.

“Results from the 2021-22 California Assessment of Student Performance and Progress (CAASPP) confirm that the pandemic had a profound impact on student learning. Students not only lost ground in math and reading; their mental, physical, and social-emotional well-being also suffered immensely.

“Under current law, charter schools are required to be renewed periodically based on specific metrics of school performance on the Dashboard over time. As the education sector continues to address the challenges and setbacks caused by the pandemic, policymakers and school leaders must focus the spotlight on student improvement.

“The data gaps and testing suspensions caused by the pandemic upended our system, especially for high-stakes accountability such as charter renewals. The data necessary to implement the statutory framework for charter renewal decisions simply do not exist.

“Subjecting charter schools to a renewal process based on a system fractured by the pandemic is misaligned to the state’s commitment to continuous evaluation and improvement. To support the nearly 700,000 students that attend charter public schools, many of whom are low-income, it is vital that the state should only resume charter renewals based only on assessment of post-pandemic data and improvement of comparable and valid Dashboard indicators over time. Absent reliable data, benchmarks, and comparability, the renewal process will be fraught with uncertainty for students, families, and teachers alike.

“Pandemic-related data delays upend the statutory construct for charter renewals, and coupled with the immediate need to focus on pandemic recovery, an extension of charter renewal terms is necessary.”

- 2) ***Background on charter schools.*** Charter schools are public schools that provide instruction in any combination of grades kindergarten through 12. In 1992, the state enacted legislation allowing charter schools in California to offer parents an alternative to traditional public schools and encourage local leaders to experiment with new educational programs. Except where specifically noted otherwise, California law exempts charter schools from many of the statutes and regulations that apply to school districts. Generally, all charter schools must (1) provide nonsectarian instruction, (2) charge no tuition, and (3) admit all interested students up to school capacity. To both open and continue operating, a charter school must have an approved charter setting forth a comprehensive vision for the school.

There are over 1,000 charter schools in California with an enrollment of around 700,000 pupils. Most charter schools are small, compared to traditional public schools, and located in urban areas. The median charter school enrolls about 250 students, whereas the median traditional public school enrolls about 525 students. Together, nine Bay Area counties, Los Angeles County, and San Diego County account for more than 60 percent of all charter schools and charter school enrollment in the state.

Charter schools can be conversions of existing public schools or new startup schools. About 15 percent of charter schools are conversions, with the remaining 85 percent being startups. Of these, about 80 percent offer traditional, classroom-based instruction and 20 percent offer some form of independent study, such as distance learning or home study.

- 3) ***Recent changes to the charter renewal process.*** Since inception of the California Charter Schools Act of 1992, charter schools have been required by law to renew their charter term by seeking approval from the entity that originally approved the charter petition for a period not to exceed five years. As part of the state's transition to a new standards-based assessment, the SBE suspended the calculation of the Academic Performance Index (API) in March 2014, and the Legislature later repealed the requirement for the API to be calculated.

In determining whether or not to grant a charter renewal, a charter authorizer must consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor. Several factors for determining pupil academic achievement were based on the old API, rendering them inoperative for charter renewals for several years.

In 2019, AB 1505, (O'Donnell) Chapter 486, Statutes of 2019 established charter school renewal criteria based on state and local indicators under the state's K-12 accountability system—specifically the evaluation rubric as displayed by the Dashboard.

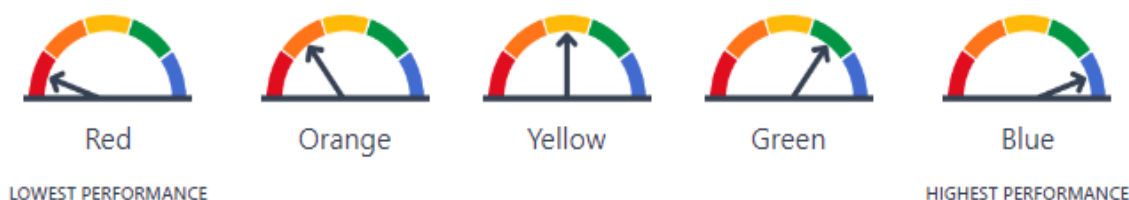
While updating the charter renewal criteria was long overdue, using the state's accountability system as the basis for determining whether a charter school will be renewed or forced to close down was a significant departure from how the school accountability system had been characterized previously. Since its inception, the stated goal of the school accountability system had been to use a more comprehensive set of student performance measures in a way that is focused on innovation, continuous improvement, and support.

- 4) ***Alternative schools can apply for a unique designation under the state's school accountability system.*** In recognition that student outcomes for alternative schools and traditional schools may not be comparable, existing law required the Superintendent of Public Instruction (SPI), with approval of the SBE, to develop a separate accountability system for alternative schools. In June 2017, the SBE approved criteria for alternative schools to apply for participation in the Dashboard Alternative School Status (DASS) program. Schools are identified as alternative through one of two methods—the school is defined as an alternative school in statute or the school serves high-risk students even though not explicitly required to do so by law. Schools serving high-risk students applying for the DASS program must have an unduplicated pupil count of at least 70 percent of the school's total enrollment and be comprised of specified high-risk student groups. The SBE approved high-risk student groups are not codified in statute even though they are used to determine DASS eligibility by the Department of Education.
- 5) ***The California School Dashboard.*** California's accountability and continuous improvement system is called the Dashboard. It provides information about how districts and schools are meeting the needs of California's diverse student population based on multiple measures. The Dashboard shows performance of districts, schools, and student groups on a set of state and local measures that assist in identifying strengths, weaknesses, and areas in need of improvement.

Performance data for each measure on the Dashboard is based on two factors: (1) current data on the measure, and (2) improvement or lack of improvement from prior year results. The calculations are done for each measure and intersect on a five-by-five grid, with current year data levels displayed in the left column, while the difference between current year and prior year data levels are displayed in the top row. The performance level, or color, is determined by the point at which these two levels intersect.

Level	Declined Significantly	Declined	Maintained	Increased	Increased Significantly
Very High	Yellow	Green	Blue	Blue	Blue
High	Orange	Yellow	Green	Green	Blue
Medium	Orange	Orange	Yellow	Green	Green
Low	Red	Orange	Orange	Yellow	Yellow
Very Low	Red	Red	Red	Orange	Yellow

In the example above, the district's current year data is at the "high" level and it maintained, meaning there was no significant increase or decrease in results from the prior year. "High" and "Maintained" meet for an overall performance level of green. As shown below, red is the lowest performance level, then orange, then yellow, then green, and blue is the highest.



- 6) ***Data from the Dashboard is used to place charter schools into one of three student performance categories.*** Charter schools that are up for renewal, who are not identified as Dashboard Alternative Schools Status (DASS), are

evaluated on student outcomes over the prior two years. To evaluate their performance, overall schoolwide performance, academic achievement of student groups, and state and local indicators are used, along with other data.

Based on the data, non-DASS charter schools are placed into one of three categories. Staff notes that DASS charter schools have their own renewal criteria and are not eligible to be placed in a performance category. The three performance categories are as follows:

- a) High Performing – Presumptive renewal if the charter school meets the established renewal criteria.
  - b) Middle Performing – These schools will be evaluated using additional data.
  - c) Low Performing – Presumptive non-renewal if the charter school meets the non-renewal criteria. However, the law allows for a second review opportunity.
- 7) ***Other “verified data” is used to evaluate charter school effectiveness until student growth model data is available.*** In the absence of statewide data, charter authorizers are required to consider clear and convincing evidence of measurable increases in academic achievement and strong post-secondary outcomes, demonstrated through “verified data”, when evaluating a petition for renewal. For all renewals under these criteria:
- a) Greater weight is on academic performance.
  - b) The charter renewal shall be for a five-year term, if renewed.
  - c) Use of verified data and postsecondary outcomes sunsets on January 1, 2026.

Statute defines “verified data” as data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced, including measures of postsecondary outcomes. By January 1, 2021, the SBE was required to establish criteria to define verified data and identify an approved list of valid and reliable assessments. The SBE has adopted 14 academic progress indicators and 6 postsecondary indicators—including Measures of Academic Progress by Northwest Evaluation Association, the SAT suite, iReady by Curriculum Associates, and Star Assessments by Renaissance.

Staff notes that the use of verified data was originally intended to serve as an intermediary step until sufficient statewide data became available to implement a student growth model (Growth Model). The Growth Model is a way of measuring the growth of students’ assessment scores year to year based on their statewide assessment scores in English language arts and mathematics. Growth is different from achievement. Achievement—such as a single assessment score—shows how much students know at the time of the assessment. Growth shows how much students’ scores grew from one grade level to the next. In an

accountability system, aggregate student growth can provide a picture of average growth for students within a school, LEA, or student group.

Since 2015, California has invested significant time and effort in developing a student growth model that is valid, reliable, and fair. After conducting a model selection process, the SBE approved a student-level growth model in May 2021. The most recent timeline for release of the Growth Model is shown below. Due to the suspension of statewide assessments in 2019–20 no data is available. Additionally, testing participation in 2020–21 varied due to COVID-19 so the results cannot be used as part of the model.

1 <sup>st</sup> Year of Testing	2 <sup>nd</sup> Year of Testing	3 <sup>rd</sup> Year of Testing	Release of Growth Data
2016–17	2017–18	2018–19	[growth model calculation adopted in May 2021 - historical data released in September 2021]
2017–18	2018–19	Not applicable	n/a - Missing third year of data
2018–19	Not applicable	Not applicable	n/a - Missing 2 years of data
Not applicable	Not applicable	2021–2022	n/a - Missing 2 years of data
Not applicable	2021–22	2022–2023	n/a - Missing third year of data
2021–22	2022–23	2023–2024	<b>Fall 2024</b>
2022–23	2023–24	2024–2025	<b>Fall 2025</b>

This bill proposes to require charter school authorizers to consider verified data in perpetuity, but only if the charter school elects to provide it as part of their renewal petition. Given that the Growth Model data will be released by Fall 2024 it is unclear why allowing the verified data requirement to sunset would be problematic.

8) ***The COVID-19 pandemic caused a two-year suspension of the Dashboard, which has delayed implementation of the new charter renewal process.***

Since the initial implementation of AB 1505 in 2020, provisions related to the determination of performance categories for charter schools have been on hold due to the global COVID-19 pandemic crises. Specifically, the U.S. Department of Education and the State waived the requirements to report state indicators on the Dashboard in 2020 and 2021 that would have been used in the charter school renewal process.

Due to the suspension of the Dashboard in 2020 and 2021, charter schools were not able to be placed into performance categories. As a result, charter schools whose term expires on or between January 1, 2022 and June 30, 2025 will have their terms extended by two years. These schools will now have terms expiring on or between January 1, 2024 and June 30, 2027—seven years after their initial charter approval or most recent charter renewal.



This bill proposes to extend the terms of these charter schools for another two years. These schools would have terms expiring on or between January 1, 2026 and June 30, 2029—nine years after their initial charter approval or most recent charter renewal.

- 9) ***When should the Dashboard and charter performance category data be deemed usable for charter renewal purposes?*** Central to evaluating the necessity for this bill is a clear understanding of the data that is available for charter schools seeking renewal between January 1, 2024 and June 30, 2027. The 2022 Dashboard results are the first available student performance metrics coming out of the pandemic. Because there is no ability for CDE to look back at 2021 data to assess year-over-year changes, the 2022 Dashboard does not include colors, has been characterized as “status-only”, and cannot be used to place charter schools into performance categories in 2022.

The 2023 Dashboard will be the first year in which the use of colors, using two years of data, will be reported. The CDE reports that the 2023 Dashboard will be published in December 2023. From this data, charter schools will be placed into performance categories in March 2024.

10) ***Committee amendments.***

- a) *Reduce the proposed charter school extension for charter schools whose term expires on or between January 1, 2024, and June 30, 2027, inclusive, from two years to one year.* A one-year extension is sufficient for charter schools currently set to expire as early as January 1, 2024 to have Dashboard data from 2022 and 2023 (released December 2022 and December 2023, respectively) and their charter performance category (released March 2024) in time for submitting their renewal petition.
- b) *Strike all proposed changes related to verified data.* It is premature to extend the use of verified data in perpetuity and CDE has confirmed that the Growth Model will be ready for release by Fall 2024.

## **SUPPORT**

California Charter Schools Association (Sponsor)  
 Achieve Charter Schools  
 Alder Grove Charter School  
 Alta Public Schools  
 Apex Academy  
 APLUS+  
 Aspire Public Schools  
 Aveson Schools  
 Bella Mente Montessori Academy  
 Birmingham Community Charter High School  
 Bruce Dennis, Trustee, Riverside County Board of Education  
 Bullis Charter School  
 California Asian Pacific Chamber of Commerce  
 California Connections Academy

California Creative Learning Academy  
California Hispanic Chambers of Commerce  
California Pacific Charter Schools  
Camino Nuevo Charter Academy  
Center for Advanced Learning  
Chime Institute  
Citizens of The World Charter School  
Clovis Global Academy  
Collegiate Charter High School of Los Angeles  
Discovery Charter Preparatory School  
Ednovate  
Edward B. Cole SR Academy  
Eel River Charter School  
El Sol Science and Arts Academy  
Eleanor Roosevelt Community Learning Center  
Environmental Charter Schools  
Equitas Academy Charter Schools  
Excel Academy Charter School  
Excelsior Charter Schools  
Extera Public Schools  
Gateway Community Charters  
Girls Athletic Leadership Schools Los Angeles  
Global Education Collaborative  
Goethe International Charter School  
Granada Hills Charter High School  
Green DOT Public Schools California  
Guajome Schools  
Hawking Steam Charter School  
High Tech High  
High Tech Los Angeles  
HJ Sims  
Icef Public Schools  
Ilead Charter Schools  
Ingenium Schools  
Innovations Academy  
Integrity Charter School  
Ivy Academia Entrepreneurial Charter School  
Ivy Bound Academy Charter Middle School  
JCS Inc. Family of Schools  
John Muir Charter Schools  
Julia Lee Performing Arts Academy  
Kavod Charter School  
Kid Street Learning Center Charter School  
KIPP Bay Area Public Schools  
KIPP Norcal  
KIPP Socal Public Schools  
LA Coalition for Excellent Public Schools  
LA Verne Elementary Preparatory Academy  
Larchmont Charter School  
Lashon Academy

Leadership Public Schools  
Learn4life  
Lighthouse Community Public Schools  
Los Angeles Academy of Arts and Enterprise  
Los Angeles College Prep Academy  
Los Angeles Leadership Academy  
Magnolia Public Schools  
Meadows Arts and Technology Elementary School  
Method Schools  
Montague Charter Academy  
Multicultural Learning Center  
Museum School  
New Horizons Charter Academy  
New Los Angeles Charter Schools  
New West Charter  
North Valley Military Institute  
Orange County Academy of Sciences and Arts  
Palisades Charter High School  
Para Los Niños  
Pathways Charter School  
Puente Charter School  
Reach Leadership Steam Academy  
Renaissance Arts Academy  
River Charter School  
Rocklin Academy Family of Schools  
Sage Oak Charter Schools  
Samueli Academy  
San Diego Cooperative Charter Schools  
San Jose Charter Academy  
Scholarship Prep Charter School  
Sebastopol Independent Charter  
Sherman Thomas Charter School  
Sherwood Montessori  
Small School Districts Association  
Springs Charter Schools  
Stem Prep Schools  
Sycamore Academy of Science and Cultural Arts  
Sycamore Creek Community Charter School  
Synergy Academies  
The Accelerated Schools  
The Classical Academies  
The Language Academy of Sacramento  
The O'Farrell Charter Schools  
The School of Arts and Enterprise  
Tree of Life Charter School  
Valley Charter School  
Vaughn Next Century Learning Center  
Vibrant Minds Charter School  
Village Charter Academy  
Vista Charter Public Schools

Vox Collegiate of Los Angeles  
Woodward Learning Academy  
YPI Charter Schools

**OPPOSITION**

Alameda County Office of Education  
Association of California School Administrators  
California Federation of Teachers  
California School Employees Association  
California Teachers Association  
San Diego Unified School District

**-- END --**

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** SB 380  
**Author:** Limón  
**Version:** April 18, 2023  
**Urgency:** No  
**Consultant:** Lynn Lorber

**Hearing Date:** April 26, 2023

**Fiscal:** Yes

**Subject:** Early learning and care: rate reform

### SUMMARY

This bill 1) increases reimbursements to state preschools and alternative payment providers; 2) requires the California Department of Social Services (DSS), in collaboration with the California Department of Education (CDE), to develop and implement an alternative methodology for calculating subsidy payment rates for child care services and state preschool program services; 3) requires DSS, in consultation with CDE, to develop an equitable sliding scale for the payment of family fees; and, 4) prohibits family fees from being collected until the new equitable sliding scale is established and implemented.

### BACKGROUND

Existing law:

#### *Reimbursement rates*

- 1) Requires DSS and CDE to implement a reimbursement system plan that establishes reasonable standards and assigned reimbursement rates, which vary with the length of the program year and the hours of service. (Education Code (EC) § 8242 and Welfare and Institutions Code (WIC) § 10280)
- 2) Requires the reimbursement rates for full-day state preschool to be adjusted by the following reimbursement factors:
  - a) Prior to January 1, 2022, providers serving children between 4 to 6.5 hours per day, the reimbursement factor is 75 percent of the Standard Reimbursement Rate (SRR; see # 4 below).
  - b) Prior to January 1, 2022, providers serving children between 6.5 to 10.5 hours per day, the reimbursement factor is 100 percent of the SRR.
  - c) For providers serving children for 10.5 hours or more per day, the reimbursement factor is 118 percent of the SRR. (EC § 8245)
- 3) Requires the reimbursement rates for state preschool contracting agencies, for the 2022–23 fiscal year only, to be reimbursed 100 percent of the contract maximum

reimbursable amount or net reimbursable program costs, whichever is less. (EC § 8245.5)

- 4) Establishes, beginning July 1, 2021, the SRR to be \$12,888 and requires, beginning with the 2022-23 fiscal year, that the SRR be increased by the cost-of-living adjustment granted by the Legislature. (WIC § 10280(b))
- 5) Requires the cost of child care services for recipients of the California Work Opportunity and Responsibility to Kids Program (CalWORKs) be governed by regional market rates and defines “regional market rate” as care costing no more than 1.5 market standard deviations above the mean cost of care for that region. (WIC § 10374.5(a))
- 6) Establishes, beginning January 1, 2022, the Regional Market Rate (RMR) ceilings at the greater of: the 75th percentile of the 2018 RMR survey for that region; or, the RMR ceiling that existed in that region on December 31, 2021. (WIC § 10374.5(b)(2))
- 7) Requires, beginning January 1, 2022, contractors who, as of December 31, 2021, received the SRR to be reimbursed at the greater of the following: the 75th percentile of the 2018 RMR survey; or, the contract per-child reimbursement amount as of December 31, 2021. (WIC § 10280(c)(1))
- 8) Requires the Governor and the Child Care Providers Union to establish a Joint Labor Management Committee (JLMC) to develop recommendations for a single reimbursement rate structure that addresses quality standards for equity and accessibility while supporting positive learning and developmental outcomes for children. (WIC § 10280.2(a))
- 9) Requires DSS, in consultation with CDE, to convene a working group separate from the JLMC to assess the methodology for establishing reimbursement rates and the existing quality standards for child care and development and preschool programs, as specified. (WIC § 10280.2(b))

#### *Family fees*

- 10) Requires parent fees paid for the state preschool program to be used to pay reasonable and necessary costs for providing additional services and further specifies how parent fees for all state subsidized early childhood services and state preschool can be used and assessed by the Superintendent of Public Instruction (SPI) in conjunction with DSS, as specified. (EC § 8242 and § 8252 et seq.)
- 11) Requires DSS, in consultation with CDE, to establish a fee schedule for families using preschool and child care and development services, and requires families to be assessed a single flat monthly fee for all state-subsidized services based on income, certified family need for full-time or part-time care, and enrollment (families fees shall not be based on actual attendance). (WIC § 10290)
- 12) Requires DSS to design the new family fee schedule based on the most recent census data available on state median family income in the past 12 months,

adjusted for family size, and prohibits the revised fees from exceeding 10 percent of the family's monthly income. (WIC § 10290)

- 13) Prohibits family fees from being collected for the 2021-22 and 2022-23 fiscal years, and, further, requires, during the 2022-23 fiscal year, contractors to reimburse subsidized child care providers for the full amount of the certificate or voucher without deducting family fees. (WIC § 10290)

## ANALYSIS

This bill:

### *Reimbursement rate*

- 1) Extends a portion of covid-era relief by requiring:
- a) State preschool program contracting agencies to be reimbursed 100 percent of the contract maximum reimbursable amount or net reimbursable program costs, whichever is less.
  - b) State preschool family child care home education network providers to be reimbursed based on the maximum certified hours of care for all families, regardless of attendance.
  - c) Alternative payment program providers, including license-exempt providers, to be reimbursed based on the maximum certified hours of care, regardless of attendance.

### *New alternative methodology*

- 2) Requires DSS, in collaboration with CDE, to develop and implement an alternative methodology for calculating subsidy payment rates for child care services and state preschool program services, in accordance with both of the following:
- a) Require the alternative methodology to build on the recommendations of the working group and be aligned with the recommendations of the Joint Labor Management Committee (see comment # 6).
  - b) Require the alternative methodology to use a cost estimation model that includes all of the following:
    - i) Program models will meet the current statutory and regulatory requirements for each program.
    - ii) Staff salaries and benefits.
    - iii) Training and professional development.
    - iv) Curricula and supplies.

- v) Group size and ratios.
  - vi) Enrollment levels.
  - vii) Facilities and other costs.
  - viii) Family engagement.
- 3) Requires DSS to develop an interim transition plan, if necessary, to implement the alternative methodology by increasing the various rates from their current level to the alternative methodology level over time as funds are appropriated for these purposes in the annual Budget Act.
  - 4) Requires DSS to fully implement the alternative methodology beginning in the 2027–28 fiscal year, and requires CDE to implement the alternative methodology (for state preschool programs) once it has adopted the alternative methodology.
  - 5) Sunsets the current reimbursement system once the alternative methodology has been adopted by DSS and CDE.
  - 6) Requires any funding provided in the Budget Act of 2023 to increase reimbursement rates to be distributed using the interim transition plan, if it has been developed, until the alternative methodology is adopted.
  - 7) Requires funding and subsidy payments to be based on enrollment of certified children with the contract rates set using the alternative methodology.
  - 8) Requires DSS to review and update the alternative methodology every three years.
  - 9) Requires DSS to seek preapproval from the United States Department of Health and Human Services to amend the state's current Child Care and Development Fund State Plan to change its current methodology for determining child care and development and preschool subsidy payment rates to an alternative methodology.

#### *Family fees*

- 10) Requires DSS, in consultation with CDE, to develop an equitable sliding scale for the payment of family fees.
- 11) Prohibits family fees from being collected until the new equitable sliding scale is established and implemented.

#### *General*

- 12) States legislative intent that this bill implement the recommendations of the workgroup to create a new reimbursement rate structure for child care and development and preschool programs.



## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 380 will help child care providers and families by transitioning providers to a single cost-based reimbursement rate, suspending family fees until an equitable sliding scale for family fees is established, and funding providers using an enrollment-based contract earning mechanism. This bill is a key opportunity to prioritize and support California’s youngest children and their families.

“California must make a multi-year commitment to adopting rate reform and provide an immediate down payment to address California’s child care crisis. Suspending family fees is an efficient anti-poverty solution that has already proven successful during the pandemic. It is time for the legislature and this administration to fix the child care crisis and transform child care and early learning in California to ensure young children and families can thrive.”

- 2) ***Increases rates now.*** This bill extends a portion of covid-era relief by requiring that
  - a) state preschool program contracting agencies be reimbursed 100 percent of the contract maximum reimbursable amount or net reimbursable program costs, whichever is less; b) state preschool family child care home education network providers be reimbursed based on the maximum certified hours of care for all families, regardless of attendance; and, c) alternative payment program providers, including license-exempt providers, to be reimbursed based on the maximum certified hours of care, regardless of attendance.

Covid-era hold harmless policies and additional financial relief are set to expire June 30, 2023. Beginning July 1, 2023, rates will once again be based on attendance rather than enrollment or contract maximums.

- 3) ***Establishes new way to calculate rates.*** Providers of early learning and care are reimbursed either based on the RMR or SRR: alternative payment programs are reimbursed using the RMR while child care programs and preschool programs that contract directly with DSS or CDE are reimbursed using the SRR.

The RMR varies based on the county in which the child is served. The RMR Survey measures a sample of prices charged by licensed child care providers and paid by parents within a given child care market region. The RMR survey is administered every two to three years, and provides “rate ceilings” based on provider setting and the age of the child for all 58 California counties. The rate ceiling is the highest payment a provider can receive from the state for the care of a child. Beginning in 2022, the RMR was set to the 75th percentile of the 2018 RMR survey for that region; or, the RMR ceiling that existed in that region on December 31, 2021.

The SRR is set in statute (currently \$12,888 plus a cost-of-living adjustment) and has typically been adjusted for factors such as the age of the child or disability status, but not on geographic cost factors.

Neither the RMR nor the SRR fully account for the actual cost of providing care to children. This bill requires the development and implementation of an alternative

methodology for calculating subsidy payment rates develop alternative method. This bill requires funding and reimbursements to be based on enrollment (not attendance) of certified children with the contract rates set using the alternative methodology.

- 4) **Family Fees.** The federal Child Care and Development Fund (CCDF) is an aggregate of several funding sources that is distributed in block grants by the federal government to the states. States receiving CCDF funds must prepare and submit to the federal government a plan detailing how these funds will be allocated and expended. States are also required to establish a sliding fee scale for families that receive child care services supported by federal funds. As such, some parents pay a fee to help cover the costs of needed care. These family fees are assessed based on income and family size, but cannot be based on the cost of care or amount of subsidy payment that a family receives. Current law permits, at the state's discretion, family fees to be waived for families who meet certain criteria, including families that have an income at or below the federal poverty level (currently \$24,860 for a family of three).

Prior to 2021, families with children enrolled in subsidized child care or state preschool were required to pay a fee to the providers. Existing law prohibits family fees from being collected for the 2021-22 and 2022-23 fiscal years, due to the pandemic.

Although family fees are being waived for 2022–23, state preschool contractors are still required to calculate and assess the applicable family fee at initial certification and recertification as usual. According to CDE, this requirement is to ensure that contractors report the correct family fee amount(s) that are being waived and that families are aware of the updated fee that will be applicable July 1, 2023. Under the 2023 schedule these fees can range from \$0-\$700 per month depending on the above criteria.

This bill requires the development of an equitable sliding scale for the payment of family fees and prohibits the collection of family fees until a new sliding scale is implemented.

- 5) **Temporary relief in the Budget expiring.** In response to the COVID-19 pandemic, the 2020-2021 and 2021-22 Budget Acts made numerous investments in child care and state preschool by utilizing state and federal funds to provide: temporary emergency vouchers; cleaning supplies and personal protective equipment; temporary supplemental rates to providers; one-time funding for infrastructure grants for the building of new facilities or renovation, repair, or expansion of existing facilities; a suspension of family fee contributions for subsidized child care; and increased reimbursement flexibility for providers accepting vouchers. The 2022-23 Budget Act through AB 210 (Committee on Budget), Chapter 62, Statutes of 2022 also continued some of the investments made during the height of the pandemic, including, but not limited to: providing child care providers with additional stipends; increasing subsidized child care program access to 145,000 slots; and continuing the hold harmless policies for both contract and voucher based care providers; and family fee waivers for state subsidized child care programs and state preschool programs through June 30, 2023. Beginning on July 1<sup>st</sup>, 2023 these provisions will

cease and all providers will go back to pre-pandemic reimbursement policies.

6) ***Rate and Quality Workgroup, and Joint Labor Management Committee.***

Existing law requires the Governor and the Child Care Providers Union to establish a JLMC to develop recommendations for a single reimbursement rate structure that addresses quality standards for equity and accessibility while supporting positive learning and developmental outcomes for children.

Existing law requires DSS, in consultation with CDE, to convene a working group separate from the JLMC, to assess the methodology for establishing reimbursement rates and the existing quality standards for child care and development and preschool programs, as specified.

In 2022, DSS, in consultation with CDE, convened a working group to assess the methodology for establishing reimbursement rates and existing quality standards for subsidized child care and preschool programs. The Rate and Quality Workgroup recommendations relating to specified topics were provided to the JLMC, the Department of Finance, and the Joint Legislative Budget Committee in August 2022. [https://cdss.ca.gov/Portals/9/CalWORKs/CCT/CCDD/Rate%20and%20Quality%20Stakeholder%20Workgroup%20Report\\_August%202022\\_FINAL%20ADA%20\(2\).pdf?ver=2022-08-24-081240-333](https://cdss.ca.gov/Portals/9/CalWORKs/CCT/CCDD/Rate%20and%20Quality%20Stakeholder%20Workgroup%20Report_August%202022_FINAL%20ADA%20(2).pdf?ver=2022-08-24-081240-333)

The Rate and Quality JLMC Joint Presentation for a Single Rate Structure Alternative Methodology proposal summary dated November 14, 2022, in part, states “This document summarizes the parties’ agreed upon approach to a single rate structure (inclusive of the agreed upon alternative methodology) and offers metrics for assisting with determining base rate setting. The single rate structure includes: a) an alternative methodology that considers a cost estimation model; b) base rates; c) incentives/enhancement rate setting metrics; and, d) evaluation of the rate structure. ... The alternative methodology will include a cost model. The single rate structure will be used to establish a base rate for different program settings.” Additionally, the proposal’s base rate metrics will include current state and federal requirements, equity, cost estimation and process metrics.

<https://cdss.ca.gov/Portals/9/CalWORKs/CCT/CCDD/2022.11.14%20Single%20Rate%20Proposal.pdf>

The Governor’s 2023 Budget proposal acknowledged the above workgroup activities and noted “the state will rely on the presented approach as it continues to develop a single rate structure... [and] will continue to work with CCPU to negotiate a successor agreement to the current agreement expiring June 30, 2023.”

7) ***Related legislation.***

AB 596 (Reyes, 2023) is nearly identical to this bill, and is scheduled to be heard by the Assembly Education Committee on April 26, 2023.

8) ***Prior legislation.***

AB 92 (Reyes, 2022) would have made changes to the amount of family fees collected for preschool and child care and development services and would have

prohibited providers from absorbing any reduction in pay due to waivers in family fees. AB 92 was vetoed by the Governor, whose veto message read:

***The author's advocacy for California's working families is commendable. Like the author, expanding access to high quality early learning and care programs for babies and toddlers is a priority of my Administration. That's why the 2022 Budget Act included significant investments in preschool and child care including family fee waivers for the 2022-23 fiscal year, an income threshold increase for the State preschool program from 85 percent to 100 percent of state median income, and funding to allow providers to stay open even if enrollment is down due to COVID-19.***

***While the intent of this bill is consistent with our previous budget actions, it creates costs in the tens of millions of dollars not currently accounted for in the state's fiscal plan. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.***

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

SB 246 (Leyva, 2021) would have required DSS to establish a single reimbursement rate for early learning and care programs, including variation for regional costs and quality adjustment factors. SB 246 was held in the Assembly Education Committee.

SB 174 (Leyva, 2019) would have required that specified providers of subsidized child care be reimbursed based upon an updated RMR as of January 1, 2021; would have established the "Quality Counts California Pilot Reimbursement Program," to provide higher reimbursement rates to alternative payment program providers for meeting certain quality standards; and, would have made the enactment of the bill contingent upon the enactment of related legislation, as specified. SB 174 was held in the Assembly Appropriations Committee.

## **SUPPORT**

Child Care Resource Center (Co-Sponsor)  
Children Now (Co-Sponsor)  
Everychild California (Co-Sponsor)  
Parent Voices California (Co-Sponsor)  
California Alternative Payment Program Association  
California Catholic Conference  
California Family Child Care Network

Catalyst California  
Child Care Alliance of Los Angeles  
City of Goleta  
Coalition of California Welfare Rights Organizations  
Crystal Stairs, INC.  
Early Care and Education Consortium  
Early Edge California  
Edvoice  
Everychild Foundation  
Family Violence Appellate Project  
First 5 Riverside County  
Friends Committee on Legislation of California  
Grace Institute - End Child Poverty in Ca  
John Burton Advocates for Youth  
Kern County Superintendent of Schools Office  
Kidango  
KinderCare Learning Companies  
Los Angeles County Office of Education  
Low Income Investment Fund  
National Women's Political Caucus of California  
National Women's Political Caucus - Pomona/inland Empire  
Oakland Starting Smart and Strong  
Our Family Coalition  
Silicon Valley Community Foundation  
YMCA of San Diego County

**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 394	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Gonzalez		
<b>Version:</b>	March 13, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** Master Plan for Healthy, Sustainable, and Climate-Resilient Schools

### SUMMARY

This bill requires the California Energy Commission (CEC), upon appropriation by the Legislature, to convene a group of agencies and stakeholders to develop a master plan for healthy, sustainable, and climate-resilient schools.

### BACKGROUND

Existing law:

- 1) Establishes a goal of doubling energy efficiency savings from existing building end uses by January 1, 2030. Existing law requires the CEC to establish annual targets for statewide energy efficiency savings and demand reduction to achieve this goal.
- 2) Establishes the School Energy Efficiency Stimulus Program (also known as the California Schools Healthy Air, Plumbing, and Efficiency Program – CalSHAPE), which provides grants to local educational agencies (LEAs) to fund appliance, plumbing, and HVAC upgrades at schools using ratepayer energy efficiency incentives. Existing law designates the CEC as the third-party administrator of CalSHAPE grants and sunsets the program on January 1, 2027.
- 3) Established the Clean Energy Job Creation Program and allocates Proposition 39 revenues to fund energy efficient retrofits and clean energy installations as well as related improvements and repairs that contribute to reduced operating costs and provide certain non-energy benefits, including improved health and safety conditions in public schools. The program also allocated funds to the State Energy Conservation Assistance Account Education Subaccount (ECAA-Ed) to provide LEAs with no-interest revolving loans to fund energy efficiency and renewable energy projects.
- 4) Establishes the School Facility Program (SFP) under which the state provides general obligation bond funding for various school construction projects, including new construction, modernization, joint-use facilities, and programs to specifically address the construction needs of overcrowded schools, charter schools, career technical education facilities, and seismic mitigation.

**ANALYSIS**

This bill:

- 1) Requires the CEC to work with various stakeholders, including, but not limited to the California Department of Education (CDE), Division of the State Architect, Office of Public School Construction, and Natural Resources Agency to develop a master plan for healthy, sustainable, and climate-resilient schools. This bill specifies that development of this master plan must be completed by November 1, 2024, and its development will be contingent upon receipt of an appropriation by the Legislature.
- 2) Specifies groups and entities with whom state agencies must engage to develop the master plan, including, but not limited to a selection of stakeholders from different geographic locations prone to climate hazards, stakeholders from diverse demographic backgrounds, and stakeholders from communities with high populations of K-12 students that are socioeconomically disadvantaged, English learners, pupils of color, and students with disabilities.
- 3) Specifies the contents that must be included in the master plan, including, the following:
  - a) Recommendations and strategies for how to align investments in public school buildings, including any potential school bond monies and federal decarbonization funding, with state building decarbonization goals and climate adaptation needs.
  - b) An inventory of the state's existing K-12 buildings and grounds that includes a variety of features, including age and fuel source for all building systems and recommendations for systems to track and analyze inventory data for planning and investments.
  - c) An assessment of a representative sample of the state's public school buildings and grounds for emissions reductions potential, climate hazards, grid reliability, and climate adaptation potential.
  - d) Recommendations on how LEAs can leverage building decarbonization and climate resilience investments to support high-road job opportunities, including labor agreements with unionized workforces and workforce development for the local community and students.
- 4) Requires the CEC to contract with a nongovernmental entity to review research, data and coordinate the development of the master plan.
- 5) Requires the completed master plan to be published on specified public agency websites and submitted to the governor and relevant policy committees of the Legislature electronically.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, “California’s K-12 students are served by over 1,000 school districts that utilize more than 10,000 facilities, comprising 125,000 acres of grounds, and 730 million square feet of buildings. The students who attend these schools each day are increasingly burdened by climate-related threats such as extreme heat, flooding, wildfire smoke, and other hazards that can harm their health and hinder their ability to learn. A recent report from the Legislative Analyst’s Office showed that, as climate change continues to drive extreme weather events and other disruptions, students will face learning loss, food insecurity, and traumatic mental health impacts that are likely to affect their ability to learn and result in diminished academic outcomes.

“While the condition of our school facilities plays an integral part in the mission of educating California’s students, the State currently has no mechanism for assessing its school facilities’ sustainability, and no cohesive strategy to make school buildings and grounds climate-resilient to protect the health and safety of students. It is abundantly clear that for California to meet its climate goals and ensure the educational opportunities of students there must be a comprehensive policy and implementation road map.

“SB 394 will address the lack of guidance and planning around school facilities and sustainability by requiring the California Energy Commission to collaborate with various state agencies and education stakeholders to develop a Master Plan for Healthy, Sustainable, and Climate-Resilient Schools. The Master Plan will provide the State and the public with substantive guidance to ensure California’s school facilities will be resilient in the face of continuing climate change and its acute impacts on the health and wellbeing of our students. A cohesive plan will also position California to take full advantage of forthcoming grants and incentives for de-carbonization and climate adaptation under the federal Infrastructure Investment and Jobs Act and Inflation Reduction Act.”

- 2) ***LEAs have diverse and unique energy and climate challenges.*** California’s K-12 facilities include approximately 12,800 schools with more than 714 million square feet of space, making LEAs the largest category of building in the public building sector. Unlike other commercial end users, government buildings generally aren’t able to use energy savings to reinvest in more capital improvements, which leads public buildings to require regular cycles of investment to update facilities and replace less efficient appliances. While some districts may seek local and state bond or tax funding to make these updates, other districts may seek monies and tax incentives from the recently enacted Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA).

This bill seeks to establish a master plan that may help provide LEAs with guidance about the types of building decarbonization and climate resilience investments that can provide benefits for LEAs. However, the diversity of size, condition, and location of California’s LEAs creates challenges for providing guidance that meaningfully addresses an LEA’s needs. While some LEAs may be seeking to make major investments in fuel switching, electric vehicle (EV)



charging, and on-site clean energy generation, other LEAs may need new HVAC systems and water filtration. LEAs with sufficient resources may have little difficulties in taking advantage of new funding opportunities as they arise; however, smaller LEAs and LEAs with limited support resources may require additional guidance and technical assistance to identify the best opportunities for their specific considerations and submit successful applications.

- 3) ***CEC has administered energy efficiency programs supporting LEAs with goals similar to the master plan required by this bill.*** While the CEC has not established a master plan addressing K-12 buildings' climate adaptation needs, the CEC has administered multiple programs aimed at providing incentives to improve energy efficiency, water savings, and non-energy benefits associated with clean energy and appliance installations in LEA facilities. Following the passage of Proposition 39 in 2012, the CEC administered the Clean Energy and Jobs Creation Program. Between 2013 and 2020, the CEC approved 2,108 applications from 1,739 LEAs for a total \$1.53 billion in funding. As part of the program, the CEC also approved 42 loans from the ECAA-Ed program totaling \$64.6 million. Following an extension and revision of the Proposition 39 program in 2017, the program expanded to include the School Bus Replacement Program. As part of this program, the CEC awarded \$74.7 million for replacement electric buses and \$14.1 million for electric bus charging infrastructure.

This bill requires the master plan to include various components that are similar to the goals of the Clean Energy and Job Creation Program. For example, this bill requires the master plan to include recommendations on how schools can obtain sufficient technical assistance to leverage investments in building decarbonization and climate resilience and encourage workforce development and high-road jobs. During its administration of the Clean Energy and Job Creation Program, the CEC established the Bright Schools Program to provide \$3.3 million for technical assistance to help LEAs identify opportunities for energy savings and submit successful funding applications. As part of its administration of the School Bus Replacement Program, the CEC leveraged \$1 million in Clean Transportation Program (CTP) monies to develop and implement an automotive instructor training program for school districts to provide instruction on operating, maintaining, and managing electric buses. This training curriculum was created by a local community college and provided to school districts that received electric buses through the School Bus Replacement Program.

- 4) ***Arguments in support.*** The California Federation of Teachers writes, "A master plan process will provide a critical opportunity for communication and coordination across State, County, and local agencies to clarify goals, identify approaches that meet the unique needs of school facilities, and reduce barriers that could otherwise slow or misdirect implementation of State climate programs. A master plan will also help position California schools to fully leverage funding opportunities under the Federal Infrastructure Investment and Jobs Act and the Inflation Reduction Act – which could bring billions to California over the next 10 years – an especially important aim in light of the State's budget challenges."

- 5) ***Arguments in opposition.*** The Western Electrical Contractors Association writes, “WECA does not oppose the Mater Plan but opposes requirements in the bill that mandate the plan includes ‘recommendations to ensure that local educational agencies have access to sufficient technical assistance, professional learning, training programs, and pipelines of sustainability and climate resilience personnel to implement decarbonization and adaptation plans that include high road labor standards, project labor agreements with unionized workforces...’ WECA believes project labor agreements are discriminatory and increases the cost of construction.”
- 6) ***Committee amendments from the Senate Committee on Energy, Utilities, and Communications to be taken in this Committee.*** As currently written, this bill requires the CEC to start meetings to develop the master plan within a month of the bill’s enactment, and the bill requires the CEC to complete the master plan within nine months. It may not be feasible for the CEC to complete the scope of stakeholder consultations and data analysis required by this bill within that time frame. Additionally, this bill requires the CEC to develop an inventory of all K-12 buildings and grounds in the state and an analysis of data based on specified samples of LEA buildings. These analyses appear to be duplicative and may result in overly burdensome reporting and collection duties for the CEC and LEAs.

The author accepted the following amendments when this bill was heard in the Senate Committee on Energy, Utilities, and Communications which, due to time constraints, will be taken in this Committee:

- a) Extend this bill’s deadlines for the start of stakeholder meetings and completion of the master plan to March 2024 and March 2025, respectively.
- b) Delete the requirement that the CEC establish an inventory of K-12 buildings and instead require a representative assessment based on existing data and voluntarily reported data.

## SUPPORT

California Federation of Teachers (co-sponsor)  
 Generation Up (co-sponsor)  
 Undauntedk12 (co-sponsor)  
 1000 Grandmothers for Future Generations  
 Alliance for A Better Community  
 Alliance of Nurses for Healthy Environments  
 American Academy of Pediatrics, California  
 Association for Environmental and Outdoor Education  
 California Climate Voters  
 California Green New Deal Coalition  
 California Labor for Climate Jobs  
 California Nurses for Environmental Health and Justice  
 California State Council of Service Employees International Union  
 California State PTA

Central California Asthma Collaborative  
Children Now  
Climate Action Campaign  
Climate Health Now  
Climate Reality Project, Los Angeles Chapter  
Climate Reality Project, San Fernando Valley  
Collective Resilience  
Education Justice Academy  
Fossil Free California  
Green Schoolyards America  
Greenpeace USA  
Jobs With Justice  
Jobs With Justice San Francisco  
Labor Network for Sustainability  
Let's Green Ca!  
Long Beach Alliance for Clean Energy  
Menlo Spark  
Natural Resources Defense Council  
New Buildings Institute  
NextGen California  
Oil & Gas Action Network  
Oil Change International  
Our Turn  
PODER  
Rewiring America  
Santa Clara County Office of Education  
Schools for Climate Action  
Sierra Club California  
Strategic Energy Innovations  
Ten Strands  
Terraverde Energy  
The Climate Center  
Tree People  
UC Berkeley's Center for Cities and Schools  
UFCW Western States Council  
UPTE-CWA 9119

**OPPOSITION**

Western Electrical Contractors Association

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 426	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Niello		
<b>Version:</b>	April 17, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Ian Johnson		

**Subject:** Charter schools: flex-based instruction

### SUMMARY

This bill would replace the term “nonclassroom-based instruction” with “flex-based instruction” throughout existing law and expand the description of flex-based instruction.

### BACKGROUND

Existing law:

- 1) Establishes the Charter Schools Act of 1992 which authorizes a school district governing board or county board of education to approve or deny a petition for a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning, increased learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving, holding charter schools accountable for meeting measurable pupil outcomes, and providing the schools with a method to change from rule-based to performance-based accountability systems.
- 2) Prohibits the authorization and establishment of new nonclassroom-based (NCB) charter schools between January 1, 2020 and January 1, 2025.
- 3) Authorizes a charter school to receive funding for NCB instruction only if a determination for funding is made by the State Board of Education (SBE). Requires the determination for funding to be subject to any conditions or limitations the SBE may prescribe. Requires the SBE to adopt regulations that define and establish general rules governing NCB instruction that apply to all charter schools and to the process for determining funding of NCB instruction by charter schools offering NCB instruction. Defines NCB instruction to include, but not be limited to, independent study, home study, work study, and distance and computer-based education.
- 4) Requires the SBE to adopt regulations setting forth criteria for the determination of funding for NCB instruction, at a minimum the regulation to specify that the NCB instruction is conducted for the instructional benefit of the pupil and is substantially dedicated to that function. Requires the SBE to consider, among other factors it deems appropriate, the amount of the charter school’s total budget expended on certificated employee salaries and benefits and on

schoolsites, and the teacher-to-pupil ratio in the school. Requires, for the 2003-04 fiscal year and each fiscal year thereafter, the amount of funding determined by the SBE to not be more than 70 percent of the unadjusted amount to which a charter school would otherwise be entitled, unless the SBE determines that a greater or lesser amount is appropriate.

## ANALYSIS

This bill:

- 1) Replaces the term “nonclassroom-based instruction” with “flex-based instruction” throughout existing law.
- 2) Expands the description of flex-based instruction to include, but not be limited to, part-time classroom instruction, personalized learning, hybrid, career-focused, college-ready, adult reengagement, constructivist, content-focused, and synchronous or asynchronous distance and computer-based education, or any combination of these types of instruction.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 426 would help clearly name and define one segment of the education system without changing any existing laws regarding the current funding determination process, nor the designation in which students are physically present for less than 80 percent of their time in the classroom. The term flex-based instruction is being proposed to replace the outdated and confusing nonclassroom-based term to foster a clearer, more positive and accurate representation of the unifying and distinguishing characteristic of the array of innovative instructional models within the segment.

COVID highlighted the need for changes in education delivery to be more flexible and adaptable, and the realization that many students are more successful in a flexible learning environment as opposed to the traditional classroom-only setting. A more flexible and personalized learning environment has proven beneficial for many low income, minority, special needs, and other disadvantaged students, especially those at risk of dropping out and credit deficient.”

- 2) ***Background on charter schools.*** Charter schools are public schools that provide instruction in any combination of grades kindergarten through 12. In 1992, the state enacted legislation allowing charter schools in California to offer parents an alternative to traditional public schools and encourage local leaders to experiment with new educational programs. Except where specifically noted otherwise, California law exempts charter schools from many of the statutes and regulations that apply to school districts. Generally, all charter schools must (1) provide nonsectarian instruction, (2) charge no tuition, and (3) admit all interested students up to school capacity. To both open and continue operating, a charter school must have an approved charter setting forth a comprehensive vision for the school.

There are over 1,000 charter schools in California with an enrollment of around 700,000 pupils. Most charter schools are small, compared to traditional public schools, and located in urban areas. The median charter school enrolls about 250 students, whereas the median traditional public school enrolls about 525 students. Together, nine Bay Area counties, Los Angeles County, and San Diego County account for more than 60 percent of all charter schools and charter school enrollment in the state.

Charter schools can be conversions of existing public schools or new startup schools. About 15 percent of charter schools are conversions, with the remaining 85 percent being startups. Of these, about 80 percent offer traditional, classroom-based instruction and 20 percent offer some form of independent study, such as distance learning or home study.

- 3) ***What is nonclassroom-based instruction?*** NCB instruction includes computer-based instruction using software modules, teacher-directed independent study, and traditional home school parents who enroll their children in independent study charter school programs.

An NCB charter school is defined as a school with less than 80 percent of its total average daily attendance (ADA) that is classroom based, in which instruction takes place in a classroom setting. As of April 2021, there were 304 charter schools considered to be NCB. Of that number, 105 charter schools self-identified as providing exclusively virtual or primarily virtual instruction.

Existing law defines charter school NCB instruction as instruction that does not meet the requirements of classroom-based instruction. Those requirements are:

- a) Charter school pupils are engaged in required educational activities and are under the immediate supervision and control of a certificated teacher;
  - b) At least 80 percent of the instructional time offered by the charter school is at the schoolsite (defined as a facility that is used primarily for classroom instruction); and
  - c) Pupil attendance at the schoolsite is required for at least 80 percent of the minimum instructional time.
- 4) ***Funding determination.*** As noted earlier in this analysis, NCB charter schools are required to obtain a funding determination that is approved by the SBE. This funding determination establishes the percentage of funding the NCB charter school will receive compared to all other traditional classroom based schools. Most charter schools apply for a 100 percent NCB funding determination. To do so, they must meet the following criteria:
- a) Spend at least 40 percent of total public revenue on instructional certificated salary and benefits;
  - b) Spend at least 80 percent of total public revenue on instruction related services; and,

- c) Not exceed a 25:1 pupil to teacher ratio.

The vast majority of NCB charter schools receive a 100 percent funding determination, which causes some to speculate about the effectiveness of the analysis performed by the California Department of Education (CDE) and SBE.

- 5) ***Temporary prohibition on new NCB charter schools.*** Existing law provides that from January 1, 2020, to January 1, 2025, inclusive, the approval of the petition for the establishment of a new NCB charter school is prohibited. This prohibition was initially added by Assembly Bill 1505 (O'Donnell), Chaptered 486, Statutes of 2019, which was approved by the Governor on October 3, 2019, and then amended by AB 130 (Committee on Budget), Chaptered 44, Statutes of 2021, which was approved by the Governor on July 9, 2021.

- 6) ***Arguments in support.*** The APLUS+ Personalized Learning Network Association writes, "Charter school education statute itself is very clear as to what distinguishes classroom based instruction from nonclassroom-based instruction (NCB). It is the term "nonclassroom-based instruction" itself that has proven for more than two decades to be confusing, misleading, and problematic for many lawmakers, policymakers, and members of the public who are not intimately familiar with the subtle distinctions of the statutory definition. Classroom based instruction is when a pupil is required be at a school site for 80 percent or more of their instructional minutes under the immediate supervision of an employed credentialed teacher and nonclassroom-based instruction is anything less than 80 percent"

"Yet, the reality is that of the approximately 310 public charter schools within the NCB segment, only 9 percent are online only, according to a recent 2021 California Charter Schools Association report. Such confusion and misunderstanding tragically has led to exclusionary policy decisions through the years that have harmed the nearly 200,000 public school students in this segment. These exclusions include systematic ineligibility of funding support in all state facility subsidy programs and hold harmless provisions even for public schools within this segment that operate one or more school campuses and facilities."

- 7) ***Arguments in opposition.*** The California Teachers Association writes, "Despite assertions to the contrary, the law is not unclear about what constitutes a nonclassroom-based charter school. Any charter school that is not conducting instruction in a classroom at least 80 percent of the time is considered a nonclassroom-based charter school. Education Code 47612.5 (d) (1) points out that "nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education." This is not limiting language and simply provides examples of types of instruction that is not occurring in the classroom."

The educational modalities included in this bill are vague and will be difficult to define and regulate. Words like "personalized learning" or "college-ready" could likely apply to every public school in the State of California, and do not identify

any kind of unique focus for this instructional model or indicate that instruction is not happening in a classroom with other students. This bill will make it more difficult to ensure that students will receive an appropriate education within environments that have not always produced strong educational outcomes for students.”

**SUPPORT**

APLUS+ (sponsor)  
Alder Grove Charter School  
California Charter Schools Association  
Connecting Waters Charter Schools  
Excel Academy Charter School  
Golden Eagle Charter School  
Sage Oak Charter Schools  
Visions in Education, Inc.

**OPPOSITION**

California School Employees Association  
California Teachers Association

**-- END --**



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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 480	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Portantino		
<b>Version:</b>	March 20, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** School districts: pilot programs: Korean Meister high school system

### SUMMARY

This bill requires the California Department of Education (CDE) to select three school districts to voluntarily implement a pilot program at high schools based upon the Korean Meister high school system.

### BACKGROUND

Existing law:

#### *Compulsory education*

- 1) Requires each person between the ages of 6 and 18 years, with exception, to be subject to compulsory full-time education, and requires attendance at the public full-time day school for the full schoolday. (Education Code (EC) § 48200)
- 2) Provides that the minimum schoolday in a high school is 240 minutes, except in an evening high school, an early college high school, a middle college high school, a regional occupational center, an opportunity school and in opportunity classes, a continuation high school, in continuation education classes, in late afternoon or Saturday occupationally organized vocational training programs conducted under a federally approved plan for vocational education, and for students enrolled in a work experience education program. (EC § 46141)

#### *High schools*

- 3) Designates the high schools of the state as four-year high schools, junior high schools, senior high schools, continuation high schools, and evening high schools. Evening high schools may be designated as adult schools. (EC § 53)

#### *Regional occupational centers or programs*

- 4) Authorizes the county superintendent of schools of each county, with the consent of the State Board of Education (SBE), to establish and maintain a regional occupational center, or regional occupational program, in the county to provide education and training in career technical courses. Existing law states legislative intent to provide qualified students with the opportunity to attend a technical school or enroll in a career technical or technical training program, regardless of the

geographical location of their residence in a county or region, and that regional occupational centers and programs provide career technical and occupational instruction related to the attainment of skills so that trainees are prepared for gainful employment in the area for which training was provided, or are upgraded so they have the higher level skills required because of new and changing technologies or so that they are prepared for enrollment in more advanced training programs. (EC § 52301 and § 52300)

*Career technical education (CTE)*

- 5) Requires the Superintendent of Public Instruction (SPI) to coordinate the development, on a cyclical basis, of model curriculum standards for a CTE course of study, requires incorporate the integration of career technical and academic education into the development of curriculum standards for CTE courses, and requires the standards for a CTE course of study to be adopted no later than June 1, 2005. (EC § 51226)
- 6) Defines a “linked learning program” is a program as a multiyear, comprehensive high school program of integrated academic and technical study that is organized around a broad theme, interest area, or industry sector; a program that ensures that all students have curriculum choices that will prepare them for career entry and a full range of postsecondary options, including two- and four-year college, apprenticeship, and formal employment training; and, a program that is comprised of specified components, including an integrated core curriculum that meets the eligibility requirements for admission to the University of California (UC) and the California State University (CSU) and is delivered through project-based learning and other engaging instructional strategies that intentionally bring real-world context and relevance to the curriculum where broad themes, interest areas, and CTE are emphasized. (EC § 52372.5)
- 7) Establishes the California Career Technical Education Incentive Grant Program is hereby established as a state education, economic, and workforce development initiative with the goal of providing pupils in kindergarten and grades 1 to 12, inclusive, with the knowledge and skills necessary to transition to employment and postsecondary education. The purpose of the competitive program is to encourage, maintain, and strengthen the delivery of high-quality CTE programs. (EC § 53070 et seq.)
- 8) Establishes the California Career Pathways Trust is hereby established as a state education and economic and workforce development initiative with the goal of preparing pupils in kindergarten and grades 1 to 12, inclusive, to successfully transition to postsecondary education and training and to employment in high-skill, high-wage, and high-growth or emerging sectors of the state’s economy. (EC § 53010)
- 9) Establishes the Golden State Pathways Program to promote pathways in high-wage, high-skill, high-growth areas that allow students to advance seamlessly from high school to college and career and, provide the workforce needed for economic growth; encourage collaboration between local educational agencies (LEAs), institutions of higher education, local and regional employers, and other relevant

community interest holders to develop, or expand the availability of, innovative college and career pathways that simultaneously align with an LEA's local or regional labor market needs; and, enable more pupils to access postsecondary education opportunities and workforce training opportunities, or to obtain gainful employment in an industry that simultaneously aligns with local, regional, or state labor market needs. (EC § 53020 et seq.)

- 10) Requires the SPI to adopt rules and regulations for cooperative CTE programs and community classrooms, and defines "cooperative CTE programs" to include cooperative agreements between schools and employers to provide students with paid on-the-job experiences, as well as CTE instruction contributing to the student's education and employability. (EC § 52372.1)
- 11) Authorizes the governing board of a district maintaining a high school to provide for the instruction of students in the skills, attitudes, and understanding necessary to succeed in employment by means of courses of work-based learning or work experience education; arrange, approve, coordinate, and award credit for work-based learning or work experience education courses, and for those purposes employ instructors, coordinators, and other necessary personnel; and, provide for the district to purchase liability insurance for students enrolled in programs of study involving work experience, which may include work-based learning, or vocational education at locations off school grounds approved by the governing board, or require students to purchase insurance and to pass on all or a portion of the costs, at the discretion of the governing board, to the district. (EC § 51760)

*Work permits and other employment provisions*

- 12) Authorizes a permit to work to be issued to a minor who is under the age of 18 years and over the age of 14 years who is regularly enrolled in a high school or community college or who has been assigned to a vocational course in a place of employment, and who will work part time as a properly enrolled student in a work experience education course, as specified. (EC § 49113)
- 13) Prohibits a minor having a permit to work and a minor under 18 years of age, who is otherwise required by law to attend school, from being out of school and unemployed for a period longer than 10 consecutive days while the public schools are in session, but shall enroll and attend school. (EC § 49100)
- 14) Prohibits an employer from employing a minor 16 or 17 years of age for more than four hours in any day in which that minor is required by law to attend school for 240 minutes or more, except as follows:
  - a) The minor is employed in personnel attendance occupations, as defined in the Industrial Welfare Commission Minimum Wage Order No. 15, school-approved work experience, or cooperative vocational education programs.
  - b) The minor has been issued a permit to work and is employed in accordance with the provisions of that permit.

- c) If evidence is shown, to the satisfaction of the authority issuing the permit to work, that the schoolwork or the health of the minor is being impaired by the employment, that authority may revoke the permit. (EC § 49116)
- 15) Requires any entity that has a contract with an LEA to ensure that any employee who interacts with students, outside of the immediate supervision and control of the student's parent or guardian or a school employee, has a valid criminal records summary. Existing law requires, when the contracting entity performs the criminal background check, it to immediately provide any subsequent arrest and conviction information it receives to any LEA that it is contracting with pursuant to the subsequent arrest service. (EC § 45125.1)

*College and career indicator*

- 16) Establishes state priorities for purposes of a school district's local control and accountability plan, including student achievement as measured by:
- a) The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the UC and the CSU;
  - b) The percentage of students who have successfully completed courses that satisfy the requirements for CTE sequences or programs of study that align with state board-approved CTE standards and frameworks; and,
  - c) The percentage of students who have successfully completed both types of courses. (EC § 52060)

**ANALYSIS**

This bill:

- 1) Requires the CDE, with the approval of the SBE, to select three geographically diverse school districts to implement, on a voluntary basis, a pilot program at one high school within the school district based upon the Korean Meister high school system.
- 2) Requires CDE and SBE to adopt regulations to implement the pilot programs.
- 3) Notwithstanding any other law.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, "The South Korean Meister high school program dramatically improved the future of students who did not wish to attend a university. With this program student get access to internships at major companies and get valuable work experience before they graduate from high school. In fact, the percentage of students who got a well-paying full time job was over 90 percent from 2013- 2017. With the integration of this pilot program, it will give students who are not sure about their future path an option to get a certificate that demonstrates their ability to enter the labor market, particularly in the tech field. If more programs

like this were in place than the issues regarding our educational system would not be as robust.”

- 2) ***What is the Korean Meister high school system?*** According to information provided by the author, the main intention of Meister high schools is to present hopes and visions for professional vocational high school students to grow into experts in the fields they choose based on their aptitude and interest. “A Meister high school is defined as a high school tailored to industrial demand ... More specifically, it is a high school providing tailored curricula directly connected to the demand of industry for development of professional vocational education. ... They are special purpose high schools nurturing Young Meisters with a link to specialized industrial needs in promising sectors. ... Since the main characteristic of Meister high schools is that they provide a curriculum tailored to industrial demand, they can teach students according to the needs of industry by developing and operating a curriculum based on occupation analysis, exerting significant authority in curriculum and textbook use, and offering classes customized to corporate needs among other things.” [file:///C:/Users/lorberlr/Downloads/C02025\\_fulltext-1.pdf](file:///C:/Users/lorberlr/Downloads/C02025_fulltext-1.pdf)
- 3) ***Career technical education (CTE) and regional occupational centers/programs.*** As noted in the background section of this analysis, the state has established several CTE programs and opportunities. Additionally, schools may establish regional occupational centers or programs (ROC/P). This bill establishes a pilot program in three high schools to accomplish goals that are similar, if not identical, to CTE and ROC/Ps, but without any of the statutory requirements or guidance imposed upon those programs.

The original CTE Model Curriculum Standards were adopted by the SBE on May 11, 2005. The standards, written for grades seven through twelve, specify learning goals in 58 career pathways organized around 15 industry sectors. The CTE standards were subsequently revised based on recommendations of the California State Plan for Career Technical Education, *A Bridge to the Future*, (approved by the SBE in May 2008) and aligned with the Common Core State Standards, Next Generation Science Core Ideas, and the History/Social Science Standards. The newly revised CTE Model Curriculum Standards designed to prepare students to be both Career and College ready were adopted by the SBE on January 16, 2013.

*It is not clear if the pilot program created by this bill will be required to be aligned with the model CTE standards and existing CTE industry sectors. This bill requires CDE to develop regulations to implement the pilot programs; presumably the regulations will prescribe the parameters of the programs.*

- 4) ***Things to consider.*** This bill notwithstanding any other law, which means that the pilot programs established by this bill may not necessary be required to meet existing provisions of the Education Code. Presumably teachers in the pilot programs will be required to be credentialed, schools will be required to offer the full course of study, students will be required to meet state high school graduation requirements, schools will be required to provide meals to students, employers will be required to be fingerprinted, etc. It is likely that the pilot programs will need some flexibility in relation to the required minimum 240 minutes of instruction in high school, as is currently provided for ROC/Ps and other similar programs. *The*

*committee may wish to consider whether all details and parameters of these pilot programs should be left to yet-to-be developed regulations.*

The establishment of new pilot programs is often paired with reporting requirements and/or a sunset date. **Staff recommends an amendment** to add a 10-year sunset on this bill.

- 5) **Technical amendment.** Staff recommends an amendment to clarify that the CDE is to develop regulations and SBE is to adopt those regulations.

“(b) The department **shall develop** and the state board shall adopt regulations to implement the pilot programs established pursuant to subdivision (a).”

## **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 767	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Rubio		
<b>Version:</b>	March 22, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Elementary education: kindergarten

### SUMMARY

This bill requires, beginning with the 2024-25 school year, a student to have completed one year of kindergarten before being admitted to the first grade of a public school. This bill, therefore, expands compulsory education to include kindergarten.

### BACKGROUND

Existing law:

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

### ANALYSIS

This bill:

- 1) Requires, beginning with the 2024-25 school year, a student to have completed one year of kindergarten before being admitted to the first grade of a public elementary

school (including a charter school).

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

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “As a public school teacher for 17 years, I have witnessed the detrimental impact on young students who continue to suffer the consequences of not receiving the fundamentals of an early education. The disparities for students are not only physically visible as it pertains to a student’s confidence and participation in class, but also academically measurable. Now more than ever, we must ensure our youngest learners receive critical instruction early on to be prepared both socially and academically. In addition, our teachers are struggling in the classroom and the best way we can support them, is by having students prepared in classroom as they move up each academic grade level. We need to give every child the opportunity to reach their full potential and kindergarten is key.”
- 2) ***How many students currently attend kindergarten?*** Kindergarten is considered a grade level, is factored in the calculation of average daily attendance and is included in the academic content standards, curricular frameworks and instructional materials. However, attendance in kindergarten is not mandatory and compulsory education laws begin at age six. The California Department of Education (CDE) estimates that, pre-COVID, approximately 95% of eligible students attended kindergarten (public and private kindergarten) and approximately 80% of eligible students attended kindergarten at a public school.

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



kindergarteners.

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

- 3) ***Will all five-year olds be required to attend kindergarten?*** No. This bill expands compulsory education laws to require attendance at kindergarten, but does not preclude five-year-olds from attending transitional kindergarten or preclude six-year-olds from attending kindergarten.
- 4) ***Where are five-year olds if not already in kindergarten?*** Children who are too young to be admitted to, or whose parents choose not to enroll their child in, kindergarten may currently be served by other types of early education or care programs, such as state preschool or general child care programs. Those programs differ from kindergarten in which curriculum is offered, staffing ratios, length of program, and other important elements that parents may consider when choosing early education for their children. Currently, attendance in kindergarten is not mandatory; this bill makes kindergarten attendance mandatory. The enrollment of additional students into kindergarten could affect other programs that may currently be serving these children (not an issue if the children are currently enrolled in transitional kindergarten).
- 5) ***Public or private school.*** This bill does not require students to attend kindergarten at a public school; parents would retain the option to enroll their five- or six-year old in kindergarten at a private school, including homeschool.
- 6) ***Fiscal impact.*** According to the Assembly Appropriations Committee's analysis of prior identical legislation, this bill would impose unknown Proposition 98 General Fund costs, beginning in the 2024-25 school year, for increased per student funding to attend kindergarten, potentially in low-hundreds-of-millions of dollars annually. This assumes about 30,000 more children enroll in public kindergarten as a result of this bill. In addition, local educational agencies may experience other increases in local costs as a result of this measure, such as increased facility costs to accommodate additional students.
- 7) ***Prior legislation.***

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

***The learning that happens during the early years of a child's life is critical to their long-term success and happiness. It's why I worked with the Legislature to provide universal access to quality pre-kindergarten education, including transitional kindergarten, the California State Preschool Program, and other state-subsidized early learning programs.***

***Making sure all kids begin their school careers ready to learn on par with their peers is one of the most impactful things we can do to combat societal inequities.***

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

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

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

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

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

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

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

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

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

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

**SUPPORT**

Los Angeles Unified School District (sponsor)  
California Charter Schools Association  
California School Employees Association  
California Teachers Association  
EdVoice  
Los Angeles Area Chamber of Commerce  
San Diego Unified School District

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	SB 872	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Min		
<b>Version:</b>	March 21, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil attendance: class size: report

### SUMMARY

This bill requires the California Department of Education (CDE) to publish a report annually and make it available on its website the raw class size data, as specified.

### BACKGROUND

#### *Existing Law*

California Code of Regulation (CCR)

- 1) To administer the provisions of this chapter and the requirements of Education Code sections 41376 and 41378, the following definitions apply:
  - a) Defines “class” to mean a group of pupils scheduled to report regularly at a particular time to a specific teacher instead of a grade, a broader segment of the school organization.
  - b) Defines “average number of pupils enrolled per class” to mean grades 1, 2, and 3 is the number obtained by dividing the sum of the quotients derived from the “number of pupils enrolled” for all classes in those grades by the number of those quotients.
  - c) Defines “number of pupils enrolled” to mean a class for kindergarten, and Grades 1, 2, or 3 means the sum of the numbers determined by all the active enrollment counts made for the class, divided by the number of such counts made for the class.
  - d) Defines “full-time equivalent classroom teacher” to mean the period of time the duties of a classroom teacher are assigned a classroom teacher equal to the total number of hours designated by a governing board as a regular school day.
  - e) Defines “classroom teacher” to mean an employee of the district in a position requiring certification qualifications whose duties require him to teach in regular day classes in any grade of Grades 4 to 8, inclusive, during the regular school year. (CCR § 15103)

Education Code (EDC)

- 2) Requires the Superintendent of Public Instruction (SPI), in computing apportionments and allowances from the State School Fund for the second principal apportionment, to determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes:
  - a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class.
  - b) The total number of pupils in excess of 33 in each class has an enrollment of over 33.
  - c) The total number of pupils by which the average class size in the district exceeds 31.
  - d) The greater number of pupils as described in (b) or (c) above.
  - e) The SPI must compute the product obtained by multiplying the excess number of pupils calculated by 0.97 and decreasing the average daily attendance (ADA) reported by the resulting product. (EDC § 41378)
- 3) Requires a state school register shall be kept by every teacher in the public elementary schools, except a teacher in:
  - a) A school in which the state school register of each teacher is kept on behalf of the teacher in a central office by an employee of the school district.
  - b) A school in which a central file of individual records of pupil enrollment, absence, and attendance is maintained on forms containing at least the minimum items of information prescribed by the CDE and whose principal submits periodic reports of pupil personnel data to the city or district superintendent of schools, or, if no superintendent is employed in the district, to the county superintendent of schools on forms approved by the CDE. (EDC § 44809 (a))
- 4) Specifies, for grades 1 to 3, inclusive, the Superintendent of a local educational agency (LEA) must determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are more than 30 in each class. (EDC § 41376 (a)(1)(A))
- 5) Specifies for LEAs that do not have any classes with an enrollment over 32 and whose average size for all the classes is 30 or less, there shall be no excess declare and states LEAs that have one or more classes in a lot of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are more than 30 in each class having an enrollment of more than 30. (EDC § 41376 (a)(1)(B))
- 6) Specifies, for grades 4 to 8, inclusive, the Superintendent of an LEA must determine the total number of pupils enrolled, the number of full-time equivalent

classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. (EDC § 41376(a)(2))

- 7) The governing board of each LEA-maintaining elementary school to report for the fiscal year 1964–65 and each year after that, the information required for the determination to be made by the SPI under this section by instructions provided on forms furnished and prescribed by the SP and clarifies that the information reported by the LEA together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. (EDC § 41376 (b))

## ANALYSIS

This bill requires the CDE to publish a report annually and make it available on its website the raw class size data, as specified. Specifically, this bill:

### *California Raw Class Size Data Report*

- 1) Requires the CDE to report and make publically available on its website the “California Raw Class Size Data Report,” to include all of the following data:
  - a) The average number of pupils in each self-contained and departmentalized class for each school site in every LEA from transitional kindergarten through all elementary school grades.
  - b) The average number of pupils in each self-contained and departmentalized class for each school site in every LEA for each middle school grade.
  - c) The average number of pupils in each self-contained and departmentalized class for each school site in every LEA for each high school grade.
- 2) Each LEA must report the required attendance data, already specified in existing law, to the CDE.

### *Finding and Declarations*

- 3) Adds findings and declarations related to the Teaching and Learning International Survey (TALIS) and inaccurate class size data.

### *Definitions*

- 4) Defines “Average number of pupils” as the number of pupils reflected on attendance records in each classroom for four days a month, randomly selected, for each month during the school year, divided by the number of days chosen.
- 5) Defines “LEA” as a school district, county office of education, or charter school

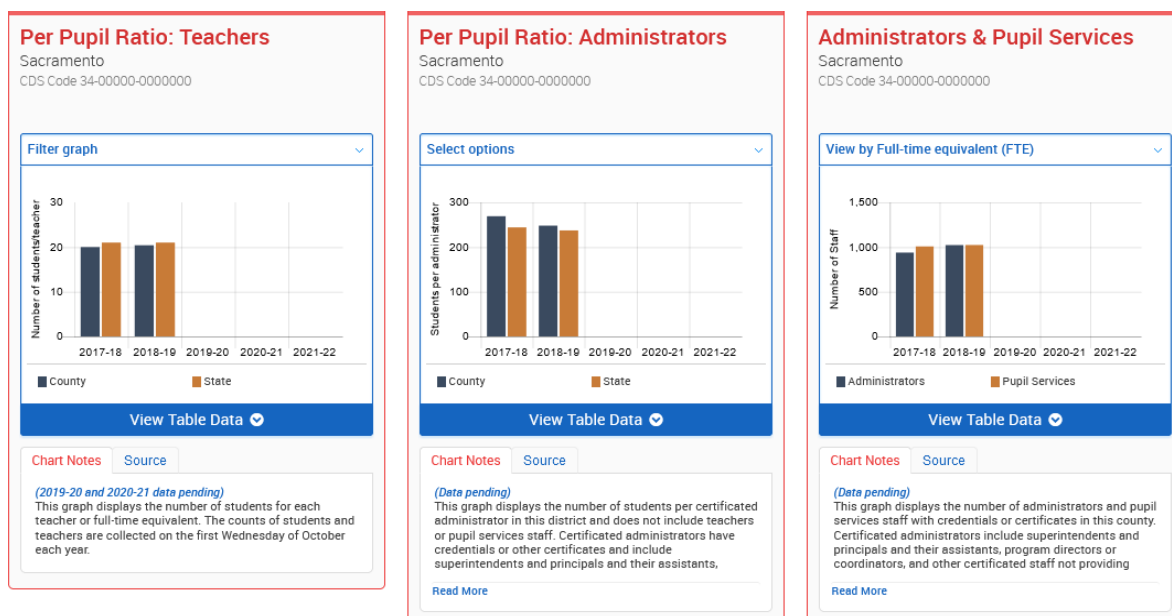
**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, “California’s class sizes are larger than the national average and are negatively impacting our teachers' ability to meet the needs of every student. Currently, the student-to-teacher ratio is used as a proxy for the “class size,” but most class sizes are larger than what the student-to-teacher ratios may show. Current data collection practices include every certificated staff, which deflates the real student-to-teacher ratio. As a result, California class sizes may be larger than we know. To obtain the granular data, parents, policymakers, and accountability models require you to seek out data from every school individually--an arduous task. To make better-informed decisions, the data collection practices must be reworked. SB 872 will ensure that we capture California’s true class sizes by ensuring that the real number of students per teacher in each classroom is reported. Only then will we be able to start addressing our class sizes and developing models to lower them”
- 2) ***CDE: California Longitudinal Pupil Achievement Data System (CALPADS).*** CALPADS provides LEAs with access to longitudinal data and reports on their students. It gives LEAs immediate access to information on new students, enabling the LEAs to place students appropriately and determine whether any assessments are necessary. To meet the requirements of LEAs shall retain and report to CALPADS individual pupil and staff records, including:
  - a) Statewide Student Identifier data;
  - b) Student enrollment and exit data;
  - c) All necessary data to produce required graduation and dropout rates;
  - d) Demographic data;
  - e) Data necessary to comply with the No Child Left Behind Act of 2001; and
  - f) Other data elements deemed necessary by the SPI, with approval of the State Board of Education (SBE), to comply with the federal reporting requirements delineated in the No Child Left Behind Act of 2001 and after review and comment by the convened advisory board.

*While data on CALPADS is not public facing, CDE and Fiscal Crisis and Management Assistance Team/California School Information Services (FCMAT) share similar information to the public through Ed Data, as noted in comment # 3 below.*

- 3) ***Education Data Partnership (ED Data).*** Ed-Data is a partnership of the California Department of Education, EdSource, and the FCMAT designed to offer educators, policymakers, the legislature, parents, and quick public access to timely and comprehensive data about K-12 education in California.

*CDE and FCMAT:* CDE collects, analyzes, and publishes fiscal, demographic, attendance, and student performance data from local educational agencies. CDE staff administer the CALPADS, the longitudinal data system used to collect much of the students and staff data displayed on the Ed-Data website. FCMAT's California School Information Services (CSIS) helps the CDE support and maintain CALPADS. FCMAT administers the Education Data Partnership to provide interactive and accessible financial and demographic information for policymakers at the state and local levels.



Ed Data provides an array of information to the public. This information includes but is not limited to teacher-to-student ratio, administrator-to-student ratio, average teaching experience, pupil personnel services, staff-to-student ratio, foster youth count, cumulative enrollment, and English learners by individual school, LEA, or county level.

*To the extent that this bill would require CDE to publish on its website, the average number of pupils in each self-contained and departmentalized class for each school site in every local educational agency from transitional kindergarten through high school, seems duplicative as this information, and much more, is already captured on Ed Data.*

While Ed Data provides essential information for parents and guardians, data regarding the 2019-20 and 2020-21 school years remain pending. The inclusion of the 2019-20 school year data is underway.

- 4) **Governor's 2023-24 Budget Proposal.** In the Governor's 2023-24 budget, a proposed allocation of \$2.5 million in non-Proposition 98 General Fund and 15 positions for data support to help meet state and federal data and accountability reporting requirements.



**SUPPORT**

California Teachers Association  
Support Public Housing CA

**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 629	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Cortese		
<b>Version:</b>	April 17, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Community colleges: fee waivers

### SUMMARY

This bill authorizes a community college (CC) district's governing board to adopt a policy that uses local unrestricted general funds to provide fee waivers to students with the greatest financial need, when other fee waivers are not provided to those students if the CC district complies with specified requirements. The bill further requires that the CC district certify annually to the California Community Colleges Chancellor's Office (CCCCO) that it has met all of the compliance requirements.

### BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges (CCC), under the administration of the Board of Governors (BOG) of the CCCs, as one of the segments of public postsecondary education in this state. Existing law requires CC districts to charge students an enrollment fee of \$46 per unit per semester. (Education Code (EC) § 76300)
- 2) Requires a waiver of enrollment fees (BOG fee waiver/Promise waiver) for students who meet specified income requirements. (EC § 76300)
- 3) Additionally provides for waiver of fees for certain types of students, including students enrolled in specified public benefit programs, homeless students, dependents or surviving spouses of law enforcement or California National Guard members and children of military veterans that were killed in action or have service connected disability. (EC § 66025.3.)
- 4) Creates the California College Promise, established by AB 19 (Santiago, Chapter 735, statutes of 2017), to be administered by the Chancellor of the CCC and requires the Chancellor to distribute funding, upon appropriation by the Legislature, to, among other things, waive some or all of the fees for up to two academic years for first-time students who are enrolled in 12 or more semester units or the equivalent at the college, and who complete and submit either a Free Application for Federal Student Aid or a California Dream Act application. (EC § 76396 – 76396.4)

- 5) Authorizes temporarily, until July 1, 2028, the San Mateo County CC District, among other things, to adopt a policy that uses local unrestricted general funds to provide fee waivers to students with the greatest financial need when other fee waivers are not provided to those students, and to provide assistance to students for the total cost of attendance. Existing law further requires the San Mateo CC district to submit a report by March 1, 2026 regarding implementation of the pilot program. (EC § 76302)
- 6) Requires each CC districts to establish a basic needs center on campus and designate a staff person as the coordinator of the center for purposes of making basic needs services, resources and staff available to students. Existing law further defines basic needs services and resources to include but is not limited to, housing, food, clothing, feminine hygiene, technology, diapers childcare, and mental health resources and services. (EC § 66023.5)

## ANALYSIS

- 1) Authorizes a CC district's governing board to adopt a policy that uses local unrestricted general funds to provide fee waivers to students with the greatest financial need, as determined by the CC district, when other fee waivers are not provided to those students if the CC district complies with all of the following:
  - a) The CC district ensures that 100 percent of its students complete a Free Application for Federal Student Aid or California Dream Act application, to maximize the amount of student financial assistance is received to address their total cost of attendance.
  - b) The CC district has established a fully staffed Basic Needs Center, and is making measureable progress towards reducing student food and housing insecurity.
  - c) The CC district has prepared a fiscal impact statement, including a three-year projection of fiscal impact of the fee waiver on the CC district. The bill requires that the fiscal impact statement be presented at a public meeting of the CC district's governing board and made available to public and the CCCCCO as part of the required certification.
  - d) The CC district's governing board receives authorization from the CCCCCO.
- 2) Requires, by October 10, 2024 and annually thereafter, the CC district certify to the CCCCCO that it has complied with all of the compliance requirements.
- 3) Requires, by December 31, 2024 and annually thereafter, the CCCCCO to verify the information submitted by a CC district and authorize the CC district's governing board to adopt a policy that uses local unrestricted general funds to provide fee waivers to students with the greatest financial need.

- 4) Allows a CC district that receives authorization from the CCCCCO to use local unrestricted general funds for purposes of the bill only for students who reside within the boundary of the CC district.
- 5) Authorizes the BOG of the CCCs adopt regulations to implement the bill's provision and set additional guidelines.

## STAFF COMMENTS

- 1) **Need for the bill.** This bill is sponsored by the West Valley-Mission Community College District. According to the author, this bill would grant the West Valley-Mission CC District with the discretion to waive specific fees and reduce cost barriers to students pursuing higher education in a high cost region.
- 2) **Existing fee waivers.** Enrollment fees at CCCs are the lowest in the nation, and waived for almost half of students (43 percent) under the Promise (BOG) fee waiver policy. The BOG fee waiver was renamed as the California College Promise Grant (not to be confused with the separate California College Promise program (AB 19)), and waives fees for any CCC student who demonstrates financial need. A full-time or part-time CCC student who meets the specified income standards may qualify and may receive the waiver for as long as they are eligible to take courses; there is no minimum unit requirement and the fee waiver is applied to any course for which a student must pay the enrollment fee. Current law additionally requires fees to be waived for surviving dependents of certain military service members and first responders. Student Success Completion Grant on top of Cal Grant B and C award paid to CCC students the completion grant provides eligible full-time students financial assistances to help offset the total cost of community college. Despite the availability of these resources and others, the West Valley-Mission CC District argues in their letter of support, that many of their students remain on the sidelines due to skyrocketing costs associated with their education.
- 3) **Basic aid districts.** A small number of CC districts referred to as basic aid districts including West Valley-Mission CC District are "self-supporting" and do not receive state apportionment because local property tax revenues and student fees provide sufficient funding to cover their general apportionment funding without additional state dollars. In exchange, basic aid districts keep their excess local revenue and use it for educational programs and services at their discretion. Existing law temporarily authorizes the San Mateo County CC District similar flexibility to help students cover college costs and support the implementation of the California College Promise program (AB 19). This bill seeks to provide all basic aid districts with greater degree of discretion for use of its local funds to provide fee waivers to students who reside within the boundary of the CC district. It is unclear why a bill is necessary since it appears that colleges may currently possess this authority by way of offering institutional aid such as scholarships or grants. According to information obtain from the CCCCCO in response SB 893 (Becker, Chapter 937, Statutes of 2022), any district can use local unrestricted general funds to 1) create local promise programs that are supported or augmented by California College Promise program (AB 19) dollars and 2) support the implementation of the California College Promise program (AB 19).

Despite this information, this is the second basic aid district to seek permission from the legislature for this purpose, the first being San Mateo County CC District.

- 4) **Too soon?** As mentioned, the establishment of SB 893 (Becker, Chapter 937, Statutes of 2022) initiated a pilot program for San Mateo County CC District, that allows the district to, among other things, provide fee waivers to students with the greatest financial need, utilizing local unrestricted general funds when other fee waivers are not available, and to provide students with assistance for the total cost of attendance until July 1, 2028. It further requires the San Mateo CC District to report on the pilot program's implementation by March 1, 2026. This bill would essentially expand a similar authority statewide prior to the completion of the pilot program's evaluation. Is it prudent to expand a similar fiscal flexibility prior to receipt of a statutorily mandated report?
- 5) **Compliance requirements.** Unlike SB 893, this bill requires CC districts to comply with various requirements and certify that those requirements have been met prior to exercising its new fiscal authority. A CC district must ensure that 100 percent of its students complete the appropriate financial aid form, establish a fully staffed basic needs center, present a fiscal impact statement and receive authorization from the CCCCCO. Staff notes that the establishment of basic needs centers and coordinator position at CCCs are required under current law. It appears that the intent of the proposed requirements is to ensure districts proactively support students in accessing financial aid opportunities and in addressing student food and housing insecurity prior to any further expansion of aid programs. Ensuring that students with the highest level of need are provided with adequate support is consistent with state policies around financial aid.
- 6) **Related and prior legislation.**

SB 893 (Becker, Chapter 937, Statutes of 2022) authorized, until July 1, 2028, San Mateo County CC District to use their unrestricted general funds to establish a tuition fee waiver and to provide financial assistance for the total cost of attendance for qualifying students.

## SUPPORT

San José – Evergreen Community College District  
West Valley-Mission Community College District (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 354	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Ochoa Bogh		
<b>Version:</b>	March 16, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** Special education: inclusive education: universal design for learning: inclusive practices

### SUMMARY

This bill: (1) requires the Commission on Teacher Credentialing (CTC) to revise its administrative services credential standards and performance expectations with a focus on inclusive learning environments, and (2) requires the California Department of Education (CDE), in consultation with the CTC, to develop and disseminate guidance on the ways in which inclusive classrooms may be staffed.

### BACKGROUND

Existing law:

- 1) Requires local educational agencies (LEAs) to ensure the following to address the Least Restrictive Environment (LRE) for individuals with exceptional needs, such that:
  - a) To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
  - b) Special classes, separate schooling, or other removal of individuals with exceptional needs from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- 2) Requires that, in accordance with federal law, a free appropriate public education be available to individuals with exceptional needs.
- 3) Requires that every individual with exceptional needs who is eligible to receive special education instruction and related services receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her.
- 4) Establishes the Inclusive Early Education Expansion Program for the purpose of increasing access to inclusive early care and education programs. Authorizes competitive grants to increase access to subsidized inclusive early care and

education programs for children up to five years of age, including those defined as “children with exceptional needs” in low-income and high-need communities.

- 5) Appropriates \$15 million one-time General Fund to the CDE for allocation to two specified county offices of education to support the Supporting Inclusive Practices project, for purposes of increasing opportunities for pupils with disabilities to meaningfully participate in the least restrictive environment, as appropriate, and improving LEA’s outcomes on performance indicators as mandated by federal law and the outcomes measured by the California School Dashboard.

## ANALYSIS

This bill:

- 1) Defines “inclusive practices” to mean evidence-based approaches to education based on a proactive design of learning environments, social-emotional supports, and instruction to address learner variability and identified barriers. Inclusive practices includes the structural, professional development, and leadership drivers that recognize and value the diversity of all pupils, and equip support staff, teachers, and administrators with the knowledge and resources to provide effective instruction to diverse learners. Inclusive practices ensure the active engagement of all pupils in their school community in every aspect of pupil life.
- 2) Requires the CTC, on or before January 1, 2025, to revise its administrative services credential standards and performance expectations to include and strengthen preparation for inclusion with a focus on inclusive learning environments, Universal Design for Learning (UDL), as defined, multi-tiered system of supports strategies (MTSS), effects of mindsets and culture, and the promotion of equitable environments, that includes an overview of the Americans with Disabilities Act, Section 504 of the federal Rehabilitation Act of 1973, the Individuals with Disabilities Education Act (IDEA), individualized education programs (IEPs), child find requirements, and effective general education inclusive classroom practices.
- 3) Requires administrator preparation programs to ensure that faculty are prepared in inclusive practices, UDL, MTSS, co-teaching, the history of disability and justice, and other evidence-based and high-leverage practices.
- 4) Requires, subject to an appropriation for this purpose, the CDE, in consultation with the CTC, to, by March 31, 2025, develop and disseminate joint guidance clarifying the ways in which inclusive classrooms and placements may be staffed under current law, as specified.
- 5) Requires, by March 31, 2025, the CDE, in consultation with the CTC, to submit a report to the appropriate fiscal and policy committees of the Legislature on recommendations for statutory or regulatory changes necessary to eliminate barriers to the staffing of inclusive placements.
- 6) States that for children who are deaf, hard of hearing, blind, visually impaired, or deaf-blind, inclusive practices and strategies to improve pupil outcomes shall mean placement in settings that provide full access to language. States that placement

settings that provide full access to language for deaf, hard of hearing, blind, visually impaired, or deaf-blind children shall be considered by the team implementing the IEP to serve as the LRE for the child. States that for purposes of this section, the LRE may include, but not necessarily be limited to, the California Schools for the Deaf, the California School for the Blind, or nonprofit organizations, including, but not limited to certified, nonpublic, nonsectarian schools (NPS) or agencies (NPAs) which specialize in serving deaf, hard of hearing, blind, visually impaired, or deaf-blind infants and children.

- 7) Requires that, in implementing the section, any discussion of deaf, hard of hearing, blind, visually impaired, or deaf-blind pupils in the LEA setting, including for generalization trainings or UDL, ensure the input and participation of the deaf, hard of hearing, blind, visually impaired, or deaf-blind communities.

#### STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “It is critical to improve outcomes for students with disabilities, who are far-too-often left behind. SB 354 will ensure that students with disabilities can thrive and develop relationships with their school and community by implementing meaningful, evidence-based inclusive practices in California schools.”
- 2) **What is least restrictive environment/inclusion?** The terms LRE, inclusion, and mainstreaming are often used interchangeably. LRE is defined in federal law to mean “to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled,” and that the use of “special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

There are multiple definitions of “inclusion,” but most include the following elements:

- a) Students with disabilities are educated in general education settings with appropriate supports.
- b) Students with disabilities participate in other school programs as full members of the school community.
- c) School staff support universal access to education.
- d) School staff are provided the knowledge, resources, and support to effectively teach all pupils.

Mainstreaming generally refers to the practice of placing students with disabilities, who otherwise are educated in separate settings, in the general education setting for specified periods of time or for specific activities.



- 3) **LRE is an existing federal indicator for special education accountability purposes.** The federal IDEA requires the US Department of Education to monitor states' implementation of IDEA. Each state is required to develop and submit a State Performance Plan (SPP). The SPP is a six-year plan that includes 17 measures, or indicators, that are related to either IDEA compliance or student performance. Within the SPP, states must set rigorous and measurable annual targets for each of the 17 indicators. States must report their progress in relation to these targets in an annual update—the Annual Performance Report.

Indicator 5a measures least restrictive environment as the percent of children with disabilities, ages 6-22, served inside the regular classroom for at least 80 percent of the day. This is the standard used to assess the level of “inclusion” being achieved by school districts and the state overall for students with disabilities within general education.

- 4) **Inclusion rates in California are among the lowest in the nation.** The inclusion of students with disabilities in general education classroom settings is an important predictor of positive outcomes. Students with disabilities who spend at least 80 percent of the school day in general education classrooms have fewer absences, higher academic performance, higher rates of grade progression and on-time graduation, and higher rates of college attendance and employment. It is for these reasons that LRE is a federal special education enforcement indicator.

While each student's unique LRE is determined by their IEP team, state and federal law require that student placements maximize opportunities for students to interact with their peers without disabilities. However, in 2017–18, California had one of the lowest inclusion rates in the country—56 percent compared to a national average of 63.4 percent.

- 5) **Barriers to inclusion.** The 2015 report by the Statewide Special Education Task Force on Special Education, titled One System: Reforming Education to Serve All Students, noted that “a structural, institutional, philosophical, and habitual divide currently exists in California between general and special education, even though special education has always been defined as part of general education. This divide obstructs the state's ability to create [an] effective, coordinated, coherent system of education.”

The 2018 report, The Segregation of Students with Disabilities, identifies several barriers to inclusion of students with disabilities:

- a) **Organizational Traditions:** “Once school districts have made financial and personnel investments in creating or maintaining segregated settings and allocating teachers and other staff in small teacher-student ratios, there is an organizational tendency to maintain the status quo.”
- b) **Organizational and Workforce Capacity:** “When schools have a clear vision for including all students with disabilities, they work to develop schoolwide structures that support educators and empower them to succeed in instructing students with disabilities through collaboration.”

- c) Attitudes and Beliefs: “The driving force behind a student’s educational experience might be an understanding of roles and the attitudes that educators have about adult responsibilities and expectations for student outcomes.”
- d) Readiness for inclusion: “Decisions to move students to less restrictive placements are often based on the perceived readiness of the student to learn grade level material.”
- e) The LRE Continuum: “The LRE continuum places a burden of fitting in or being able to access the classroom on the student who is seen as having deficits, rather than encouraging schools to create systems designed to benefit all students in the community and make access by those with disabilities more seamless.”

Other barriers commonly identified by participants in the CDE’s Supporting Inclusive Practices project include misconceptions about staffing of inclusive classrooms, lack of appropriate instructional materials for use in inclusive classrooms, and licensing and fiscal barriers in early education settings.

- 6) **Districts with extraordinarily high outcomes for students with disabilities have inclusion, teacher collaboration, and support in common.** The 2015 Statewide Task Force on Special Education report highlighted research showing that school districts “beating the odds” regarding the performance of students with disabilities had several elements in common:
  - a) A commitment to including students with disabilities in general education classrooms and ensuring access to the content in the core curriculum.
  - b) A focus on collaboration between general education and special education teachers.
  - c) Continuous assessment and the use of Response to Intervention strategies to address students’ needs and monitor their progress.
  - d) Targeted professional learning opportunities for their teachers and administrators.
  - e) The utilization of explicit direct instruction teaching methods.
- 7) **Similar bill vetoed last year.** SB 1113 (Ochoa Bogh, 2022) was similar to this bill. The bill was vetoed by the Governor Newsom, who stated:

***“This bill requires the California Department of Education (CDE) and the Commission on Teacher Credentialing (CTC) to develop guidance on staffing inclusive classrooms and make recommendations for changes necessary to eliminate barriers to staffing inclusive placements. It also requires the CDE to train the members of the Instructional Quality Commission on the principles and strategies of universal design for learning. Finally, it requires the CTC to update the standards and performance expectations for the administrative services credential to include explicit elements related to inclusion.*”**

***I commend the author's dedication to supporting inclusion for all students. Serving students with disabilities in inclusive settings is an essential strategy for improving the academic achievement of these and all students, and one that my administration is committed to advancing. In fact, working with legislative partners we have provided \$32 million over the past few years to directly support educators in implementing inclusive practices through a number of systemic investments, including recent investments to expand the Supporting Inclusive Practices Project. Portions of this bill are either subject to an appropriation or are duplicative of other efforts, and therefore add unnecessary cost pressures to future budgets. However, the concept related to the administrative services credential has merit. I encourage the author to work with the Commission on Teacher Credentialing to consider incorporating Universal Design for Learning during its next comprehensive update of the administrative services credential."***

## **SUPPORT**

SELPA Administrators of California (sponsor)  
 Antelope Valley SELPA  
 Association of California School Administrators  
 Benicia Unified School District  
 Beverly Hills Unified School District  
 California Alliance of Child and Family Services  
 Coalition for Adequate Funding for Special Education  
 Culver City Unified School District  
 Dixon Unified School District  
 East San Gabriel Valley SELPA  
 East San Gabriel Valley SELPA Community Advisory Committee  
 Fairfield-Suisun Unified School District  
 Fresno County SELPA  
 Greater Anaheim SELPA  
 Monterey County SELPA  
 North Region Special Education Plan Area  
 Office of The Riverside County Superintendent of Schools  
 San Luis Obispo County SELPA District  
 Santa Barbara County Special Education Local Plan Area  
 Solano County Special Education Local Plan Area  
 South East Consortium SELPA  
 Travis Unified School District  
 Tri-City SELPA  
 Vacaville Unified School District  
 West Contra Costa USD SELPA  
 Whittier Area Cooperative SELPA  
 Yolo County SELPA

## **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 886	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Committee on Education		
<b>Version:</b>	April 17, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Postsecondary education

### SUMMARY

This bill makes non-controversial, technical and conforming changes to various provisions of the Education Code (EC).

### BACKGROUND

Existing law:

- 1) Requires the governing board of every community college district, the Trustees of the California State University (CSU), and, if appropriate resolutions are adopted, the Regents of the University of California (UC) and the Board of Directors of the College of the Law, San Francisco to adopt regulations providing for the withholding of institutional services from students or former students who have been notified in writing, as specified, that they are in default on a loan or loans under the Federal Family Education Loan Program. Existing law requires the Student Aid Commission (Commission) to give notice of the default to all institutions through which the individual acquired the loan or loans. (EC § 66022)
- 2) Establishes various provisions relating to the Online Education Initiative Consortium, defined as the efforts to expand the delivery of community college courses through technology, as provided. (EC § 66770)
- 3) Establishes the Cash for College Program under the administration of the Student Aid Commission, and authorizes the Commission to allocate funds for support of local Cash for College projects designed to accomplish prescribed goals relating to encouraging application for student financial aid. Existing law establishes the Cash for College Fund and continuously appropriates certain moneys in that fund for purposes of the program. Existing law requires the commission to allocate funds to regional coordinating organizations, as defined, to plan, coordinate, or conduct Cash for College workshop series within specific regions in the state. (EC § 69551)
- 4) Authorizes the Commission to establish an auxiliary organization for the purpose of providing operational and administrative services for the participation by the Commission in the Federal Family Education Loan Program, or for other activities approved by the Commission and determined by the Commission, as provided. Existing law requires the Commission to report specified information to

the Legislature on April 1 of each year, with respect to the auxiliary organization. (EC § 69522 and 69529.5)

- 5) Establishes the Assumption Program of Loans for Education, administered by the Commission, under which any person enrolled in a participating institution of postsecondary education, or any person who agrees to participate in a teacher trainee or teacher internship program, is eligible to enter into an agreement for loan assumption, to be redeemed pursuant to a prescribed procedure upon becoming employed as a teacher if the teacher satisfies certain conditions. Existing law requires the Commission to report annually to the Legislature specified information regarding the program's participants, on the basis of sex, age, and ethnicity. (EC § 69615 and 69615.4)
- 6) Establishes the Graduate Assumption Program of Loans for Education, administered by the Commission, under which any person enrolled in a participating institution of postsecondary education who meets certain requirements is eligible to enter into an agreement for loan assumption, as provided, to be redeemed pursuant to a prescribed procedure upon becoming employed at one or more accredited California colleges or universities after obtaining a graduate degree. Existing law requires the Commission to report annually to the Legislature on the program, as specified. (EC § 69618 and 69618.8)
- 7) Establishes the Public Interest Attorney Loan Repayment Program, under the administration of the Commission, as a student loan repayment program for licensed attorneys who practice or agree to practice in public interest areas of the law, as defined and who meet other designated criteria. Existing law requires the Commission to submit an annual written report to the Legislature regarding the program, as provided. (EC § 69746 and 69746.5)
- 8) Establishes the State Nursing Assumption Program of Loans for Education, administered by the Commission, whereby eligible postsecondary education students may enter into loan repayment agreements with the Commission, with specified terms, in exchange for serving as nursing faculty in a registered nursing program at an accredited California college or university. Existing law requires the Commission to report annually to the Legislature on the program, as specified. (EC § 70108)
- 9) Establishes the CSU under the administration of the Trustees of the CSU. Existing law authorizes, upon a favorable vote of 2/3 of the students voting in a CSU campus election, as provided, the trustees to require each student attending the campus to pay a building and operating fee not to exceed \$40 per academic year for the purpose of financing, operating, and constructing a student body center. Existing law authorizes the chief fiscal officer of the CSU campus to expend funds collected from this fee for this purpose only upon the submission of an appropriate claim schedule by an elected representative of the student body or that elected representative's appointee. (EC § 89304)

**ANALYSIS**

This bill makes non-controversial, technical and conforming changes to various provisions of the EC. Specifically, it:

- 1) Removes a number of mandated reports that the Commission is statutorily required to complete and submit but are no longer applicable.
- 2) Removes references to California Community Colleges (CCC) Online Education Initiative Consortium and is replaced with "California Virtual Campus."
- 3) Clarifies that an organization, including high schools and community-based organizations, that is not part of a regional coordinating organization, but has a written partnership agreement with the Commission or a regional coordinating organization, may offer free local and regional workshops through the Cash for College Program.
- 4) Authorizes the chief fiscal officer of a CSU campus to expend funds collected for constructing a student body center when an appropriate claim schedule is approved, rather than only upon submission of a claim schedule by an individual student body representative.
- 5) Makes other technical changes.

**STAFF COMMENTS**

- 1) **Non-controversial provisions.** This bill is the annual higher education omnibus clean-up bill and proposes technical, non-controversial amendments to existing law.

By tradition, if any affected agency, stakeholder group, the Department of Finance, or any of the four legislative caucuses objects to a provision in the bill or one that is being considered, that particular provision cannot be included.

- 2) **Rationale for inclusion in the omnibus bill.** This omnibus measure makes several changes to the EC, below is the rationale for each change:
  - a) *Removing reporting requirements.* The bill removes a number of mandated reports that the Commission is statutorily required to produce and submit but are no longer applicable due to program defunding or dissolution. The following programs have been defunded Federal Family Education Loan Program, Assumption Program of Loans for Education, Graduate Assumption Program of Loans for Education, Public Interest Attorney Loan Repayment Program and the State Nursing Assumption Program of Loans for Education. The remaining reporting requirement provision is linked to EdFund, which the Commission has effectively dissolved.
  - b) *Changes to clarify Cash for College partnerships.* During the pandemic, the Commission worked to include more partners, particularly community

based organizations, in hosting Cash for College workshops. Currently, the relevant EC language speaks to partnerships with Regional Coordinating Organizations and their networks, but the Commission has also worked with other organizations in areas where Regional Coordinating Organizations are not in place, as well as high schools, to host Cash for College workshops. Existing law does preclude this form of collaboration, but the bill would provide clarification within the EC that the Commission may work with high schools and community based organizations that are not part of a Regional Coordinating Organization.

- c) *CSU student body center unexpended funds.* This change serves to clarify the existing process for CSU campuses and eliminate an inefficiency in how unexpended funds from student fees that are collected for a student body center are handled. The changes help align the process with California Regulations, which emphasizes a written agreement for auxiliary organizations with the university. The written agreements detail how the funds may be expended rather than necessitating individual claim schedules from the student body organization each time.
- d) *CCC online educational initiative update.* The bill removes references to Online Educational Initiative and replaces it with the California Virtual Campus to reflect updates to CCC's online education efforts.

## **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 342	<b>Hearing Date:</b>	April 26, 2023
<b>Author:</b>	Seyarto		
<b>Version:</b>	February 7, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

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

### SUMMARY

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

### BACKGROUND

Existing Law

*Education Code (EDC)*

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



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

## ANALYSIS

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

## STAFF COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

- 4) **Additional resources provided by the California Department of Education (CDE) on financial literacy.** On CDE’s website, it provides a host of lesson plans, curricula programs, student contests, professional development, research, and

more. These resources span kindergarten through grade twelve (K–12), and many provide customizable support. For example:

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

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

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

5) ***Related Legislation.***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **SUPPORT**

California Association of Collectors  
California Bankers Association  
California Chamber of Commerce  
California Community Banking Network  
California Credit Union League  
California Parents Union  
California Society of Certified Public Accountants  
Los Angeles County Office of Education  
Money Prodigy  
Office of The Riverside County Superintendent of Schools  
Pathways Academy Charter School – Adult Education<sup>2</sup> individuals

## **OPPOSITION**

None received

**-- END --**