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California State Senate

EDUCATION



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AGENDA

Wednesday, April 3, 2024
9 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | |
|-----|---------|------------|---|
| 1. | SB 1091 | Menjivar | School facilities: school ground greening projects. |
| *2. | SB 1183 | Hurtado | Community colleges: registered nursing programs. |
| 3. | SB 1248 | Hurtado | Pupil health: extreme weather conditions: physical activity. |
| 4. | SB 1318 | Wahab | Pupil health: suicide prevention policies: pupil mental health crisis. |
| 5. | SB 1491 | Eggman | Postsecondary education: Equity in Higher Education Act. |
| 6. | SB 991 | Gonzalez | School districts: Los Angeles Unified School District: inspector general. |
| 7. | SB 1182 | Gonzalez | Master Plan for Healthy, Sustainable, and Climate-Resilient Schools. |
| 8. | SB 1411 | Ochoa Bogh | Instructional Quality Commission: membership: appointments by the Intersegmental Committee of the Academic Senates. |
| *9. | SB 1412 | Ochoa Bogh | Instructional Quality Commission: qualifications: prohibited communications. |
| 10. | SB 1244 | Newman | Pupil instruction: dual enrollment: College and Career Access Pathways partnerships. |

*Measures on Consent.

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1091	Hearing Date:	April 3, 2024
Author:	Menjivar		
Version:	March 14, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: School facilities: school ground greening projects.

SUMMARY

This bill limits the cost of complying with the requirement to provide an accessible path of travel to a school ground greening project that is on a school district, county office of education, charter school, or community college campus to 20% of the adjusted construction cost of the school ground greening project.

BACKGROUND

Existing law:

- 1) Defines “construction or alteration” for purposes of school facilities projects to include any construction, reconstruction, or alteration of, or addition to, any school building. (Education Code (EC) 17294 and 81130.5)
- 2) Requires the Department of General Services (DGS) to pass upon and approve or reject all plans for the construction or, if the estimated cost exceeds \$100,000, the alteration of any school building. (EC 17295 and 81133)
- 3) Generally requires the governing board of each school and community college district, before adopting construction or alteration plans, to submit the plans to DGS for approval and pay all associated fees. (EC 17295 and 81133)
- 4) Requires construction projects over \$195,358 (cost threshold) to provide “an accessible path of travel” from the building entrance to the project location. (24 California Code of Regulations (CCR) § 11B-202.4)
- 5) Requires that an alteration that affects or could affect the usability or access to an area of a facility that contains a primary function to be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration. Requires that alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. (28 Code of Federal Regulations (CFR) § 35.151)

- 6) Requires, when the adjusted construction cost, as defined, is less than or equal to the current valuation threshold, as defined, the cost of compliance with Section 11B-202.4 of 24 CCR to be limited to 20% of the adjusted construction cost of alterations, structural repairs or additions. When the cost of full compliance with Section 11B-202.4 would exceed 20%, compliance shall be provided to the greatest extent possible without exceeding 20%. (24 CCR § 11B-202.4)
- 7) Prohibits the obligation to provide an accessible path of travel from being evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking. (28 CFR § 35.151)
- 8) Requires, if an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate. (28 CFR § 35.151)
- 9) States that an area that has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area or a different area on the same path of travel are undertaken within three years of the original alteration, the total cost of alterations for the preceding three-year period shall be considered in determining whether the cost threshold has been met. (24 CCR § 11B-202.4)
- 10) 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 charter schools, career technical education facilities, and seismic mitigation.
- 11) Requires the California Department of Education (CDE) to establish standards for use by school districts to ensure that the design and construction of school facilities is educationally appropriate, promotes school safety, and provides school districts with flexibility in designing instructional facilities. (EC 17251(c))
- 12) Requires, the DGS, under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building to ensure that plans and specifications comply with the specified rules and regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. (EC 17280)
- 13) Specifies that, for projects solely for the installation of freestanding, open-sided shade structures included on the Division of the State Architect (DSA) pre-checked designs list where the adjusted construction cost exceeds the valuation threshold for alterations or additions on a school district, county office of

education, charter school, or community college campus shall have the cost of compliance for path of travel improvements limited to 20 %of the adjusted construction cost of the shade structure project.

ANALYSIS

This bill:

- 1) Defines “adjusted construction cost” as all costs directly related to the construction of a project, including labor, material, equipment, services, utilities, contractor financing, contractor overhead and profit, and construction management costs. Adjusted construction cost is not reduced by the value of the components, assemblies, building equipment, or construction not directly associated with accessibility or usability. Adjusted construction cost does not include: project management fees and expenses, architectural and engineering fees, testing and inspection fees, and utility connection or service district fees.
- 2) Defines “school greening project” as a project that uses nature-based solutions and improves pupil or student well-being or learning, or pupil play, and that improves community ecological health and climate resilience. School ground greening projects incorporate nature, including living trees, shrubs, and other plants, natural materials, and basic infrastructure, such as pathways and benches, on school grounds to support pupil and student engagement in the space. A school ground greening project shall be, at a minimum, a project described in any of the following:
 - a) A project to remove impervious pavement such as asphalt or concrete and replace those surfaces with healthy soil, trees, native or climate-adapted plantings, vegetable gardens, or permeable surfaces such as mulch, engineered wood fiber, wood decking, decomposed granite, or pavers.
 - b) A project to plant trees or create schoolyard forests in places that pupils or students can access during the schoolday, designed to shade and protect pupils or students from extreme heat and rising temperatures.
 - c) A project to regenerate and support local ecological systems by planting biodiverse tree and plant species intended to decrease air and water pollution, nurture birds and other beneficial wildlife, and improve local watersheds.
 - d) A project to support outdoor education on school grounds, including native gardens, orchards, vegetable gardens, outdoor classrooms, and other nature-based outdoor learning spaces.
 - e) A multibenefit child-friendly stormwater project on a school ground serving pupils in kindergarten or any of grades 1 to 12, inclusive, designed to manage runoff from the school building. These projects include permeable surfaces, rainwater harvesting, and vegetated swales.

- f) A project to protect and enhance existing natural features such as heritage trees, stream corridors, and other natural areas, and make them accessible to pupils and students during the schoolday by removing fences or adding pathways, decks, stairs, ramps, interpretive signage, and other features needed to improve physical and visual access to nature for learning and play.
- 3) Specifies that the following projects are not considered school ground greening projects:
- a) Projects that do not include any live vegetation.
 - b) Projects that include artificial turf, rubber surfaces, rubber tires, plastic, and other similar materials that get excessively hot or materials that contain chemicals that are toxic to pupils and students and the environment.
 - c) Projects that use trees and other vegetation that are not climate adapted or that are invasive.
 - d) Projects that consist exclusively of sports fields or sports courts.
- 4) Specifies that projects solely for the installation of a school ground greening project where the adjusted construction cost exceeds the valuation threshold for alterations or additions on a school district, county office of education, charter school, or community college campus shall have the cost of compliance for path of travel improvements limited to 20% of the adjusted construction cost of the school ground greening project.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Children, especially those that attend schools in urban areas that are ill equipped to shelter students from extreme heat, are at heightened risk of suffering heat-related illnesses, poor health and learning outcomes, as heat hinders students from engaging in outdoor activities and exercising. The lack of trees and natural areas disproportionately impacts communities of color and communities with the lowest incomes. When nature is absent where children spend their time, they are denied the health and learning benefits afforded to communities with access to more resources. Long term planning and sustained public funding investments are necessary to bring green schoolyards to scale across the state. Additionally, there are policy and institutional barriers that need to be addressed to ensure that those investments are successful in creating green climate resilient school grounds that serve some of the most vulnerable children and communities. SB 1091 takes one step to expand access to school greening projects for all students.”
- 2) ***The Field Act.*** All school facilities must be built in compliance with specified earthquake safety standards, commonly known as the “Field Act.” The Field Act was enacted following a severe earthquake in Long Beach in 1933. The Field Act requires a comprehensive design specification and construction inspection

process for K-12 public school educational facilities. Community college facilities may be constructed in accordance with either the Field Act or the California Building Standards Code.

The Field Act requires the DSA to review the construction plans for school buildings and requires school districts to hire onsite construction inspectors to ensure compliance with the structural safety standards. School and community college construction contracts may only be awarded after DSA approval of the plans and specifications on which the contracts are based.

- 3) ***Plan review for construction projects.*** The DSA reviews plans for public school construction and certain other state-funded building projects to ensure that plans, specifications, and construction comply with the Building Code. The majority of DSA's plan review and construction oversight focuses on new construction and alteration projects for California school and community college districts. DSA's plan review ensures the project's compliance with code requirements related to:
 - a) Structural safety, ensuring that facilities meet the high standards set in the Field Act to withstand an earthquake;
 - b) Fire and life safety, addressing the safety of occupants in buildings, as related to fire resistive building materials, fire alarms, fire suppression equipment, safe occupant egress, and firefighting equipment access;
 - c) Access compliance, ensuring that public schools and state-funded construction projects meet accessibility requirements for people with disabilities; and
 - d) Energy efficiency, including compliance with applicable California Green Building Standards Code requirements for sustainability.

- 4) ***The impact of heat on student health and academic performance.*** As climate change intensifies, students are increasingly burdened by worsening heat waves, wildfires, drought, and other extreme weather-related events that hinder their well-being and academic development, according to a 2023 report from the Sean N. Parker Center for Allergy and Asthma Research at Stanford University and other partners, *Climate Resilient California Schools: Safeguarding Children's Health and Opportunity to Learn in TK-12*. Children are particularly vulnerable to extreme weather conditions because their bodies are more sensitive and less capable of self-regulating temperature. According to a 2023 UCLA Luskin Center for Innovation policy brief, "Children also face a heightened risk of some health conditions, including asthma, when they experience extremely high temperatures. Overheating at schools can lead to hospital emergency department room visits and missed school days. Socially, children have less agency to take care of their needs by retreating to a cool area. And when considering the effects of hot protective sports equipment, heat-absorbing blacktops, and other intensifying factors, children often face particularly heightened heat exposures, and thus risk, at school."

According to a 2022 Legislative Analyst's Office report, *Climate Change Impacts Across California K-12 Education*, climate change has led to students experiencing greater learning loss, poorer academic outcomes, food insecurity, and traumatic mental health problems. Moreover, minority children who live in high-poverty neighborhoods are often exposed to more heat, which contributes to racial disparities in health outcomes. School facilities located in low-income neighborhoods have historically had fewer financial resources to invest in efficient HVAC systems, and may have play areas covered in asphalt without shade, thereby compounding student health risks from worsening climate change.

According to a 2020 Journal of Human Resources article, *Hot Temperature and High Stakes Performance*, hot temperature reduces performance by up to 13% of a standard deviation and leads to persistent impacts on high school graduation status, despite compensatory responses by teachers who selectively upward manipulate grades after hotter exams. According to a 2020 American Economic Journal: Economic Policy article, *Heat and Learning*, students of color and students in lower-income areas are the most affected by heat-driven learning losses, exacerbating racial and income-based achievement gaps. It is estimated that 5% of the nationwide gap in academic achievement between white and Black students is due to heat and air conditioning disparities.

- 5) ***Accessible path of travel required by the Federal Americans with Disabilities Act and the California Building Code.*** The Federal Americans with Disabilities Act (ADA) and the California Building Code require, when alterations or additions are made to existing buildings or facilities, an “accessible path of travel” to the specific area of alteration or addition to be provided. An accessible path of travel is required to include 1) a primary entrance to the building or facility, 2) toilet and bathing facilities serving the area, 3) drinking fountains serving the area, 4) public telephones serving the area, and 5) signs. If the project site already meets the accessible path of travel requirements, no improvements are required to be made.

There are specified circumstances under federal and state law when the full cost of providing an accessible path of travel are not required. Under federal regulations, accessible path of travel costs may be deemed disproportionate—via self-certification—when their costs would exceed 20% of the project cost. Under State Building Code, accessible path of travel costs are automatically limited to 20% of the project costs if the project is less than or equal to the “valuation threshold” (\$200,399 for 2024). When construction costs exceed the valuation threshold, the full costs for providing an accessible path of travel are triggered. However, requests of unreasonable hardship may be submitted to DSA in these instances. These requests are reviewed by DSA on a case-by-case basis, and take into account the nature of the projects, their impact on accessibility, cost estimates, and the financial feasibility of providing a fully accessible path of travel. If approved, the accessible path of travel costs may be as low as 20% of the project costs.

This bill limits the accessible path of travel costs to a school ground greening project, as defined, that is on a school district, county office of education, charter

school, or community college campus to 20% of the project costs. In effect, this bill is akin to automatically providing DSA approval for unreasonable hardship from providing accessible path of travel for school districts doing schoolyard greening projects—but without regard to the nature or cost of the projects, the accessible path of travel costs, or the amount of local funding that an LEA may have access to.

- 6) ***The tradeoffs between school greening and ensuring accessibility for students with disabilities.*** Greening schoolyards and ensuring accessibility for students with disabilities are important objectives, but implementing both at the same time presents tradeoffs. This bill aims to promote school greening projects by reducing the expenses associated with the necessary path of travel enhancements these projects typically require. However, it should be noted that existing path of travel requirements serve the purpose of guaranteeing equal access to the educational environment for students with disabilities, a demographic historically underserved. The committee should consider several tradeoffs when evaluating this bill, including the following:
- a) *Space Allocation*—Greening schoolyards often involves adding vegetation, gardens, and natural play areas, which may reduce the amount of space available for accessible pathways, ramps, and specialized equipment for students with disabilities. To address this tradeoff, schools may need to carefully prioritize the placement of green features and accessibility infrastructure. This might involve strategic placement of greenery around accessible pathways, ensuring that both goals are met without compromising one another.
 - b) *Terrain and Surface*—Natural elements like grass, trees, and uneven terrain can enhance the aesthetic and environmental benefits of schoolyards. However, these features may pose challenges for students with mobility impairments or those using mobility aids. Maintaining a balance between natural features and smooth, accessible surfaces can be challenging.
 - c) *Safety and Risk Management*—Greening schoolyards might introduce new safety considerations, such as potential allergens from plants, tripping hazards from roots or uneven ground, and wildlife encounters. Ensuring accessibility involves mitigating these risks while still providing an environment that fosters exploration and learning.
 - d) *Inclusive Design*—Striking a balance between green spaces and accessibility often involves adopting principles of inclusive design. This means considering the diverse needs of all students, including those with disabilities, from the initial planning stages. This might include providing sensory-rich experiences, integrating wheelchair-accessible raised beds for gardening, or installing inclusive play equipment that accommodates various physical abilities. Engaging students, parents, teachers, and disability advocacy groups in the design process can help ensure that the final product reflects a wide range of perspectives and addresses the unique needs of all students.

- 7) **Arguments in support.** Green Schoolyards America, sponsor of this bill, writes, “In California, over 10,000 public schools serve almost 5.9 million PK-12 students on approximately 130,000 acres of public land. Most of that land is paved and lacks tree canopy in places children spend their time during the school day, so millions of PK-12 students are exposed to unhealthy high temperatures on a regular basis. These harsh conditions will get worse due to climate change. This is a problem for all schools in California, because children are more vulnerable to heat than adults, and the situation creates a significant, disproportionate burden on school communities with the lowest income and in communities of color. Adding shade trees and creating nature-rich outdoor learning spaces will not only address issues related to extreme heat and other environmental problems, but it will also be an opportunity to address some of California’s stark inequalities related to access to green space, hands-on educational resources, and health and wellbeing.”
- 8) **Arguments of concern.** Disability Rights California writes, “Our core concern with this bill is that it subverts the way that the law provides for the built environment to become accessible over time. The Americans with Disabilities Act (ADA) and existing state law specify that school facilities built before the implementation of those laws do not need to be made accessible right away. However, new construction projects are required to be built accessible from the onset of the project. And to the extent pre-existing facilities are renovated, accessibility including an accessible and the path of travel must be provided. The intent behind existing law was to ensure accessibility to be provided over time. SB 1091 unfortunately delays or jeopardizes provisions regarding accessibility improvements that had already existed for years.

“This bill walks back state requirements about how much accessibility work needs to be done. The way the bill is structured reduces the amount in which accessibility upgrades need to be funded. And there is no time limit regarding those reductions, meaning that greening renovations could be made for decades into the future without triggering the requirement of full accessibility.”

SUPPORT

Green Schoolyards America (co-sponsor)
 Trust for Public Land (co-sponsor)
 A Voice for Choice Advocacy
 Angelenos for Green Schools
 California Environmental Voters
 Canopy
 Growing Together
 Inclusion Outdoors
 Living Classroom
 Los Angeles County Office of Education
 Los Angeles Neighborhood Land Trust
 Non Toxic Schools
 Pogo Park

Strategic Energy Innovations
Ten Strands
UndauntedK12
One individual

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1183	Hearing Date:	April 3, 2024
Author:	Hurtado		
Version:	February 14, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Community colleges: registered nursing programs.

SUMMARY

This bill adds *living in a medically underserved area or population* as a factor for consideration in the multicriteria screening tool used for admission into an impacted registered nursing program at a California Community College (CCC). It also extends the sunset date by five years for provisions relating to admission procedures.

BACKGROUND

Existing law:

- 1) Authorizes a CCC registered nursing program, if it determines that the number of applicants to the program exceeds its capacity, to admit students to the program using a multicriteria screening process, a random selection process, or a blended combination of random selection and a multicriteria screening process, as specified. (Education Code (EC) § 78261.3)
- 2) Requires a CCC that elects to use a multicriteria screening process to evaluate applicants to apply those measures in accordance with all of the following:
 - a) The criteria applied in a multicriteria screening process will include, but are not limited to:
 - i) Academic degrees or diplomas held by an applicant.
 - ii) Grade-point average in relevant coursework.
 - iii) Any relevant work or volunteer experience.
 - iv) Life experiences or special circumstances of the applicants as defined.
 - v) Proficiency in advanced-level coursework in languages other than English, as defined.
 - b) Additional criteria such as a personal interview, a personal statement, a letter of recommendation, or a number of repetitions of prerequisite classes may be included but are not required.

- c) Additional criteria may include the use of a diagnostic test. (EC § 78261.5(a) and (b))
- 3) Sunsets these provisions relating to admission to community college nursing programs on January 1, 2025. (EC § 78261.5(e))
- 4) It further requires that the CCC Chancellor report annually to the Legislature and the Governor on students admitted to community college registered nursing programs through a multicriteria screening process, as provided. (EC § 78261.3 and § 78261.5)

ANALYSIS

This bill:

- 1) Adds *living in a medically underserved area or population*, as designated by the federal health resources and services administration, to the list of life experiences or special circumstances specified for consideration in a multicriteria screening tool used for admission into an impacted registered nursing program at a CCC.
- 2) Extends the sunset date relating to admission procedures by five years, from January 1, 2025, to January 1, 2030.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 1183 seeks to address disparities in access to nursing education by acknowledging and accommodating the unique circumstances faced by individuals residing in medically underserved areas or populations, while also ensuring continued access to nursing education opportunities beyond the existing sunset date. I've had the privilege of hearing the stories of individuals whose dreams of becoming nurses have been hindered by systemic barriers. Through conversations with aspiring nurses from medically underserved areas, I've come to understand the challenges they face—limited access to quality healthcare, educational resources, and opportunities for advancement. We're opening doors that were once closed, paving the way for a more diverse and inclusive healthcare workforce that reflects the communities it serves. Extending the provisions until 2030 is more than just a legislative decision; it's a commitment to the future of healthcare in California. It's a promise to generations of aspiring nurses that their dreams are valid and achievable, regardless of where they come from or the challenges they've overcome. With SB 1183, we're not just addressing healthcare workforce shortages; we're building a brighter, more equitable future for all Californians.”
- 2) ***Enrollment management.*** When more applicants qualify for admission than there are enrollment slots, CCC nursing programs must decide which applicants to admit. Current law allows a college to admit students through a random selection process or a multicriteria screening process. CCCs that elect to use a

multi-criteria screening process to evaluate applicants must do so based specified criteria. Those criteria relate to the academic performance, work or volunteer experience, foreign language skills, life experiences, and special circumstances of the applicant. This evaluative screening process is meant to reduce program attrition rates at the CCCs while maintaining diversity. In the coming year, the requirement to use specified criteria to evaluate applicants will expire. This bill proposes an extension of the sunset date.

3) ***Medically underserved area or population designated by a federal agency.***

This bill proposes the inclusion of living in a medically underserved area or population as a factor in the evaluation process. These students may offer a unique perspective based on where they live and experience accessing health care that could help serve communities lacking adequate health care. Underserved areas are to be identified using the federal health resources and services administration's designations for medically underserved areas or populations. This federal agency holds data on geographic areas and populations that lack access to primary care services. Its purpose, as stated on their official website, is to provide equitable health care to the nation's highest-need communities.

4) ***Related legislation.***

SB 895 (Roth, 2024) would require the CCC Chancellor's office to develop, until January 1, 2031, a CCC Baccalaureate Degree in Nursing Pilot Program that authorizes 15 CCC districts selected by the CCC Chancellor's office to offer a Bachelor of Science in Nursing degree. The bill further requires the Legislative Analyst's Office to conduct and submit to the legislature an evaluation of the pilot program, as specified. SB 895 is scheduled to be heard in this committee on April 10, 2023.

SUPPORT

College of the Sequoias (sponsor)
Adventist Health System West
Altura Centers for Health
American Nurses Association/California
San Jose-Evergreen Community College District
West Hills College District

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1248	Hearing Date:	April 3, 2024
Author:	Hurtado		
Version:	March 19, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil health: extreme weather conditions: physical activity.

SUMMARY

This bill, upon appropriation, would require the California Department of Education (CDE) on or before January 1, 2026 to establish guidelines specifying temperature thresholds or index ratings that trigger modifications to physical activities during extreme weather conditions and requires local education agencies (LEA), county offices of education (COE), and charter schools to develop policies that adhere to the guidelines developed by the CDE.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the California Interscholastic Federation (CIF), in consultation with the CDE, to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness in order to better protect student athletes participating in athletics. (EC § 35179.8)
- 2) Requires an LEA or charter school that elects to offer any interscholastic athletic program, the governing board of the school district, or the governing body of the charter school shall ensure that there is a written emergency action plan in place that describes the location and procedures to be followed in the event of sudden cardiac arrest, heat illness, and other medical emergencies related to the athletic program's activities or events. (EC § 35179.4.)
- 3) Requires a high school coach, among other qualifications, to receive a certification in CPR and first aid, including, but not limited to, a basic understanding of the signs and symptoms of concussions and heat illness and the appropriate response to concussions and heat illness. Concussion or heat illness training may be fulfilled through entities offering free, online, or other training courses. "Heat illness" includes cramps, syncope, exhaustion, and exertional heat stroke. (EC § 35179.1 et. seq)
- 4) Requires each high school sports coach to complete a coaching education program developed by their school district or the CIF that meets the guidelines outlined in the California High School Coaching Education and Training Program (CHSCTP). (EC § 49032)

ANALYSIS

This bill:

- 1) States that implementation of this section is subject to an appropriation being made for purposes of this section in the annual Budget Act or another statute.
- 2) Requires, upon appropriation, the CDE, in consultation with relevant stakeholders and experts, to establish guidelines specifying temperature thresholds or index ratings that trigger modifications to physical activities during extreme weather conditions and must consider relevant factors, including, but not limited to, humidity, pupil ages, duration of exposure, and available mitigation measures by January 1, 2026.
- 3) Requires each LEA to develop, adopt, and implement a weather policy by July 1, 2026, and specifies that the policy adopted incorporate the standardized guidelines developed by the CDE in addition to specifying the measures to be taken during extreme weather conditions, including, but not limited to, all of the following:
 - a) Clear criteria for determining when weather conditions are considered extreme weather conditions and warrant modification or cessation of outdoor physical activities.
 - b) Procedures for monitoring weather forecasts and alerts to anticipate extreme weather conditions.
 - c) Protocols for communicating with staff, pupils, and parents or guardians regarding changes to outdoor activities due to extreme weather conditions.
 - d) Designation of indoor alternative activities that can be safely conducted during extreme weather conditions.
 - e) Training for staff members on recognizing signs of weather-related distress in pupils and appropriate response measures.
 - f) Coordination with local emergency management agencies and authorities to ensure timely access to weather-related information and resources.
- 4) Requires the CDE to establish a reporting requirement for LEAs related to extreme weather conditions, and for each LEA to keep a record of their adherence to the weather policy during extreme weather condition.
- 5) Defines “extreme weather” to mean occurrences of unusually severe weather or climate conditions, including, but not limited to, periods of extreme heat, wildfires, excessive precipitation, and floods that may pose significant harm to pupils.
- 6) Defines “local educational agency” to mean a school district, county office of education, or charter school.

- 7) Defines “Physical activity” includes, but is not limited to, physical education classes, outdoor sports, athletic practices, and recreational activities conducted by a LEA
- 8) Makes findings and declarations related to the need to establish uniform guidelines and requirements for public schools in order to ensure the protection of pupils from physical activity during extreme weather conditions.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “I first want to express my utmost admiration for the family of Yahushua Robinson, the twelve year student who lost his life due to heat related illness during on-campus physical education, for lending their emotional strength and compassion for others in this process to help ensure that no other family has to experience this pain.”

“Unfortunately, we presently find ourselves in a time where the realities of climate change are becoming increasingly evident. Extreme weather patterns, from scorching heat to freezing temperatures, relentless droughts to torrential rains and floods, are reshaping our lives in profound ways. Studies have unequivocally shown that our environment is undergoing drastic shifts in weather patterns, posing significant threats to our overall health and safety. No student should ever face the risk of losing their life due to extreme weather conditions while on campus. It is our collective responsibility as a state and as a community to ensure the safety and well-being of our pupils by taking comprehensive action. This includes implementing statewide plans that prioritize preparedness and minimize exposure to the most harmful effects of climate change.”

“SB 1248, Yahushua’s Law, requires the Department of Education to establish uniform standards that guide schools and school districts in developing tailored extreme weather plans for, meeting their specific needs while maintaining a consistent statewide standard for student protection. By taking proactive measures and implementing comprehensive guidelines, we can better protect our students and mitigate the impacts of climate change on their safety and well-being.”

- 2) ***Extreme Weather Conditions.*** California's climate will become hotter, drier, and more variable, increasing the risk of wildfires, droughts, floods, biodiversity loss, and rising sea levels. The economic cost of these losses by 2050 will exceed \$100 billion annually. Global temperatures are rising, with nine of the ten hottest years recorded in the last decade. By 2025, California's statewide average temperature is predicted to increase by 1.9°F, and by 2050, by 4.6°F. Populations in wealthier parts of the state along the coast are at greater risk for health-related issues due to inadequate built environments for warmer temperatures. Urban areas have higher temperatures due to the urban heat island effect, increasing health risks associated with extreme heat. Strategies such as shading, green spaces, and better building and paving materials can mitigate the urban heat island effect.
- 3) ***How Does Weather Impact Student Learning and Physical Activity?*** Climate change is making wildfires and heat waves more frequent, which will result in schools responding to more climate-driven emergencies and public health issues. Extreme weather conditions will harm student learning, schools, and district budgets.

This will cause school closures to increase, leading to a shift between in-person and remote learning. According to the Legislative Analyst Office (LAO), from 2017-18 and 2019-20, more than 1,600 schools were closed annually due to wildfires, affecting around 950,000 students. In some areas of the state, flooding could also disrupt the ability of educators and students to attend school, impacting school facilities on a short- or long-term basis. Such closures can disrupt education services, school meals, childcare, and other services, leading to food insecurity, learning loss, and poorer academic outcomes.

Under the existing law, LEAs are required to provide physical education and recess to students. However, these opportunities can also expose students to extreme heat, which may lead to heat illness and other related health issues. In January 2005, the California Board of Education approved the Physical Education Model Content Standards for California Public Schools: Kindergarten through Grade Twelve. These standards define the knowledge and skills that students should acquire through a quality physical education program. The third and fourth standards require students to participate safely in moderate to vigorous physical activity in atypical conditions, and also provide alternative physical activities that can be performed if one's physical fitness program is disrupted due to inclement weather, travel from home or school, or minor injury.

- 4) ***Guidance for Schools on Sports and Strenuous Activities During Extreme Heat.*** The CDE provides resources and guidance for schools on their website regarding sports and other strenuous activities.

Like other states, California's geography makes it prone to hot temperatures, with little chance of rain. This exposes various cities and deserts to extreme heat, which can have a significant impact on the body, causing nausea, unconsciousness, dehydration, and strokes. Therefore, the CDE has compiled a list of resources to aid LEAs, COE, and charter schools in dealing with extreme heat. Additionally, last year, AB 1653 (Sanchez, Chapter 589, Statutes of 2023) was passed by the Legislature, requiring the CDE to develop guidelines, procedures, and safety standards for monitoring the safety of practice and play when Wet Bulb Globe Thermometer (WBGT) readings reach specified levels. The governing boards of the school district or the charter school's governing body must also ensure a written emergency action plan that describes the location and procedures to be followed in the event of heat illness related to the athletic program's activities or events. These guidelines and procedures must be developed before July 1, 2024.

The committee may wish to consider the existing work being conducted between CIF and CDE regarding heat illness and safety and to the extent that this bill contributes, expands, or impedes the work already being conducted.

Additionally, the CIF sets training requirements for coaches. The purpose of the CIF Coaching Education Program is to enhance student-athletes experience by assuring their coaches meet a minimum level of professional training which include:

Primary Requirements. The prior requirements for coaching high school sports in California:

- A General Coaching Education Course;
- A Concussion Course;
- Sudden Cardiac Arrest Course;
- Heat Acclimatization Course; and
- First Aid and CPR Certification.

Courses to meet these requirements are posted on CIF's website. Training is provided by the National Federation of State High School Associations (NFSH), Human Kinetics Coach Education (HKCE), and the American Society of Exercise Physiologists (ASEP) websites.

5) **Committee Amendments.** *Committee staff recommends, and the author has agreed to accept, the following amendments:*

- a) Remove the California Department of Health and Human Services, as a required agency to consult with while developing extreme weather condition guidelines.

6) **Related Legislation.**

AB 2800 (Chu, Chapter 21, Statutes of 2018) added requirements to the CHSCTP for training on understanding the signs and symptoms of heat illness and the appropriate response.

AB 1653 (Sanchez, Chapter 589, Statutes of 2023) requires the CIF, in consultation with the CDE, to develop guidelines, procedures, and safety standards for monitoring the safety of practice and play when WBGT readings reach specified levels, no later than July 1, 2024; and requires the governing board of the school district or the governing body of the charter school to ensure that there is a written emergency action plan in place that describes the location and procedures to be followed in the event of heat illness related to the athletic program's activities or events.

AB 2741 (Miller, Chapter 744, Statutes of 1998) established the 1998 California High School Coaching and Education Program to be administered by school districts and to emphasize, among other things, sport psychology, sport pedagogy, sports physiology, CPR, and first aid.

SUPPORT

Bold Enterprises LLC
 California Black Women's Collective Empowerment Institute
 Familias Empoderadas del Valle Central
 National Action Network
 The Black Student Advocate
 Ventura County Alumnae Chapter of Delta Sigma Theta Sorority
 2 Individuals

OPPOSITION

None received

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1318	Hearing Date:	April 3, 2024
Author:	Wahab		
Version:	March 19, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil health: suicide prevention policies: pupil mental health crisis.

SUMMARY

This bill would require, on or before July 1, 2026, a local educational agencies (LEA) to adopt a mental health crisis intervention protocol in the event of a pupil having a mental health crisis, as defined, including the process by which staff and external agencies are deployed to address a pupil mental health crisis, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the governing board of an LEA that serves pupils in grades 7 to 12 to adopt, before the 2017-18 school year, procedures relating to suicide prevention, intervention, and postvention in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. (EC § 215(a))
- 2) Requires the governing board of an LEA that serve pupils in Kindergarten and grades 1 to 6 to adopt, before the 2020-21 school year, a policy on pupil suicide prevention in kindergarten in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. (EC § 215 (a)(2)(A))
- 3) Requires, beginning July 1, 2019, a public school, including a charter school, or a private school, that issue identification cards to pupils grades 7 to 12 to include information to the National Suicide Prevention Lifeline, Crisis Text Line, and local suicide prevention hotline. (EC § 215.5)
- 4) Require the California Department of Education (CDE) to identify one or more evidence-based online training programs that a LEA can use to train school staff and pupils as part of the LEAs policy on pupil suicide prevention. (EC § 216)

ANALYSIS

This bill:

- 1) Requires a LEAs, on or before July 1, 2026, to adopt a policy that establishes a crisis intervention protocol in the event a pupil experiences a mental health crisis that includes all of the following while prioritizing the use of school mental health professionals when addressing a pupil mental health crisis:
 - a) A process by which staff and external agencies are deployed to address a pupil's mental health crisis and prioritizes the use of school mental health professionals when addressing a pupil's mental health crisis.
 - i) Specifies if a school mental health professional is not available, the protocol may identify a school employee who has completed training related to youth behavioral health to provide interim care and a warm handoff to a mental health professional.
 - ii) Specifies that if a trained school employee is not available to address the pupil's mental health crisis, the protocol shall identify one or more community-based organizations, mobile crisis units, 988 services, or other qualified mental health professionals who shall be contacted in the event of a pupil mental health crisis.
 - b) Limits involvement and notification of law enforcement, including peace officers and school resource officers, to situations in which a pupil's life is in imminent danger and their needs cannot be addressed by a mental health professional.
 - c) A process to inform the parent or guardian of the pupil experiencing the mental health crisis, including the process for assessing whether the pupil is endangered by parental notification and requires that notification to the pupil if the parent or guardian of the pupil is informed.
- 2) Requires the governing board or body of a LEA, when the governing board or body reviews its policy on pupil suicide prevention, to discuss whether funding should be redirected to hiring a school mental health professional if the LEA does not have a school mental health professional or contract with a mental health professional.
- 3) Defines "Local educational agency" means a county office of education, school district, state special school, or charter school.
- 4) Defines "Mental health professional" means an individual with a behavioral health license, and may include an intern, community health worker, peer counselor, or wellness coach.
- 5) Defines "Pupil mental health crisis" means any of the following:
 - a) A pupil who is exhibiting suicidal thoughts or behaviors.
 - b) A pupil who has completed a suicide risk assessment and is determined to be at risk of suicide.
 - c) A pupil who is attempting to physically harm themselves or others.

- 6) Defines “School mental health professional” means a school employee with a clear or preliminary pupil personnel services credential, or school nurse services credential, or a licensed or associate therapist, social worker, or psychologist.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The rising suicide rate among California’s children is unprecedented, and it is time to take action. In the first year of the pandemic, intentional self-harm among children aged 13-18 increased by 91%, and without making substantial changes to our youth suicide prevention policies, this statistic will not improve. SB 1318 is a strong step to provide children with the professional mental health support they need in times of crisis. The bill clarifies that the involvement of law enforcement officers, including resource officers, should be the final step to protect a child’s life, and that connection with mental health professionals should be the first. SB 1318 is a lifeline for our most vulnerable youth.”
- 2) ***Mental Health Crisis Among Students.*** Mental health problems can significantly impact various aspects of a student's life. They can reduce the quality of life, academic achievement, and physical health. Additionally, these issues can negatively affect relationships with friends and family members. Furthermore, students may face long-term consequences, including a negative impact on their future employment, earning potential, and overall health.

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

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

- 3) ***CDE Youth Behavioral Health Programs.*** Pursuant to SB 14 (Portantino, Chapter 672, Statutes of 2021) the CDE was required to recommend, by January 1, 2023, best practices and identify evidence-based and evidence-informed training programs for schools to address youth behavioral health, including, but not necessarily limited to, staff and pupil training.

On the CDE's [website](#), the department has identified the Youth Mental Health First Aid (YMHFA) a research-based curriculum created upon the medical first aid model. It is designed to provide parents, family members, caregivers, teachers, school staff, neighbors, and other caring adults with skills to help a school-age child or youth who may be experiencing emotional distress, the onset of a mental illness, addiction challenge or who may be in crisis. YMHFA participants learn to recognize signs and symptoms of children and youth in emotional distress, initiate and offer help, and connect the youth to professional care through a five-step action plan.

YMHFA also clarifies "that its training is **not** intended for staff with a mental health background such as school psychologists, social workers, clinicians, etc., due to its basic nature. The ideal audience includes teachers, administrators, nurses, counselors, and any other credentialed staff, classified staff (school secretaries, registrars, yard supervisors, campus monitors, bus drivers, lunch staff, janitors, aides, after school staff, etc.), parents, youth employers, and other community partners that have contact with students."

- 4) ***Pupil Personal Service (PPS) Credential.*** PPS credential holders may work with individual students, groups of students, or families to provide the services authorized by their credentials to address the needs of all students by providing a comprehensive PPS program. PPS credential covers services for individuals who serve as counselors, school psychologists, school social workers, and school child welfare and attendance regulators. Holders of these credentials perform, including, but not limited to, the following duties:

School Counseling: Develop, plan, implement, and evaluate a school counseling and guidance program that includes academic, career, personal, and social development; advocate for the high academic achievement and social development of all students; provide schoolwide prevention and intervention strategies and counseling services; and provide consultation, training, and staff development to teachers and parents regarding students' needs.

School Social Work: Assess home, school, personal, and community factors that may affect a student's learning; identify and provide intervention strategies for children and their families, including counseling, case management, and crisis intervention; consult with teachers, administrators, and other school staff regarding social and emotional needs of students; and coordinate family, school, and community resources on behalf of students.

School Psychology: Provide services that enhance academic performance; design strategies and programs to address problems of adjustment; consult with other educators and parents on issues of social development and behavioral and academic difficulties; conduct psycho-educational assessment for purposes of identifying special needs; provide psychological counseling for individuals, groups, and families; and coordinate intervention strategies for management of individuals and schoolwide crises.

Child Welfare and Attendance: Access appropriate services from both public and private providers, including law enforcement and social services; provide staff development to school personnel regarding state and federal laws pertaining to

due process and child welfare and attendance laws, address school policies and procedures that inhibit academic success, implement strategies to improve student attendance; participate in schoolwide reform efforts; and promote understanding and appreciation of those factors that affect the attendance of culturally-diverse student populations.

This bill would prioritize school employees, who hold a PPS credential, to interact with youth experiencing a mental health crisis before engaging community based organizations and law enforcement, in that order, as specified.

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

California Community Schools Partnership Program (CSSP).

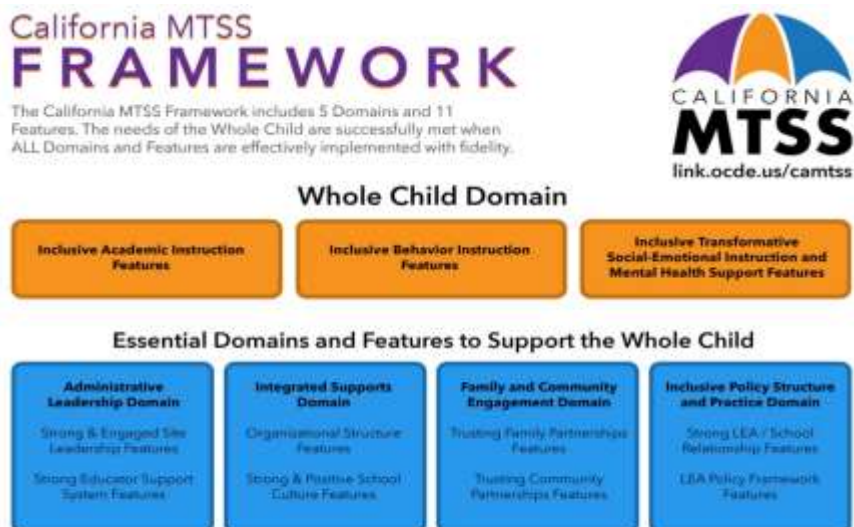
A community school is a public school that serves students from pre-kindergarten through grade twelve, and it has partnerships with the local community to support improved academic outcomes, whole-child engagement, and family development.

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

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

Multitiered Systems of Support (MTSS).

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



In 2015, Assembly Bill 104 (Committee on Budget, Chapter 13, Statutes of 2015), appropriated \$10,000,000 for developing, aligning, and improving academic and behavioral support systems. The CDE conducted a competitive grant process and awarded the funds to the Orange County Department of Education (OCDE) for their Scaling Up MTSS Statewide (SUMS) proposal, which included the Butte County Office of Education (Butte COE) as a rural partner. In 2016, an additional \$20,000,000, appropriated by SB 828 (Committee on Budget, Chapter 29, Statutes 2016), augmented the original grant award. The Budget Act of 2018 authorized an additional \$15,000,000, appropriated by AB 1808 (Committee on Budget, Chapter 32, Statutes of 2018), and SB 840 (Budget Act of 2018, Chapter 29, Statutes of 2018). This phase of the grant focuses on improving the school climate statewide. The total \$95,000,000 awarded to date is to encourage LEAs to establish and align schoolwide, data-driven academic and behavioral support systems to more effectively meet the needs of California's diverse learners in the most inclusive environment.

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

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

Children and Youth Behavioral Health Initiative (CYBHI).

Established as part of the Budget Act of 2021, the CYBHI is a multiyear, multi-department package of investments that seeks to reimagine the systems, regardless of payer, that support behavioral health for all California's children, youth, and their families. Efforts will focus on promoting social and emotional well-being, preventing behavioral health challenges, and providing equitable, appropriate, timely, and accessible services for emerging and existing behavioral health (mental health and

substance use) needs for children and youth ages 0-25. CYBHI is grounded in focusing on equity; centering efforts around children and youth voices, strengths, needs, priorities, and experiences; driving transformative systems change; and using ongoing learning as the basis for change and improvement in outcomes for children and youth.



In January 2024, the California Department of Health Care Services (DHCS), in partnership with Kooth and Brightline, is launching two behavioral health virtual services platforms for children, youth, and families. Launching as a part of the state's CalHOPE program, with funding from the CYBHI a \$4.6 billion investment in youth behavioral health, the web- and app-based platforms will offer all California residents, regardless of insurance coverage, free one on one support with a live coach, a library of multimedia resources, wellness exercises, and peer communities moderated by trained behavioral health professionals to ensure the appropriateness of content and the safety of all users. These new CalHOPE platforms will complement existing services offered by health plans, counties, and schools by providing additional care options and resources for parents and caregivers, children, youth, and young adults in California.

This bill stipulates that the governing board or body of a LEA, when the governing board or body reviews its policy on pupil suicide prevention, is required to discuss whether funding should be redirected to hiring a school mental health professional if the LEA does not have a school mental health professional or contract with a mental health professional.

- 6) **Committee Amendments.** *Committee staff recommends, and the author has agreed to accept, the following amendments:*
- Redefine "Mental health professional" to mean any individual licensed by the California Board of Behavioral Sciences or the California Board of Psychology and any intern or associate working towards licensure, and may include a peer counselor, certified wellness coach, and community health workers trained in behavioral health conditions.
 - Replace "youth mental health crisis" with "youth suicide crisis", to match the intent of the bill.
 - Clarify "school mental health professional" to mean a school employee with a clear or preliminary pupil personnel services credential with a specialization in

school counseling, school social work, or school psychology or a credentialed school nurse or a licensed or associate therapist, social worker, or psychologist under the supervision of a school employee with a pupil personnel services or administrative services credential.

d) Makes technical changes.

7) **Related Legislation.**

AB 309 (Gabriel, Chapter 662, Statutes of 2021) requires the CDE to develop model pupil mental health referral protocols, in consultation with relevant stakeholders, subject to the availability of funding for this purpose.

AB 2639 (Berman, Chapter 437, Statutes of 2018) requires the CDE to identify and make available an online training program in suicide prevention that an LEA can use to train school staff and pupils, consistent with the LEA's policy on suicide prevention.

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

SB 224 (Portantino, Chapter 675, Statutes of 2021) requires LEAs and charter schools that offer courses in health education to students in middle school or high school to include in those courses instruction in mental health that meets specified requirements, and requires the CDE, by January 1, 2024, to develop a plan to increase mental health instruction in California public schools.

SB 14 (Portantino, Chapter 672, Statutes of 2021) requires a student's absence related to pupil mental or behavioral health to count as an excused absence for school attendance reporting and, subject to appropriation, requires the CDE, by January 1, 2023, to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address youth behavioral health, including staff and student training.

SUPPORT

Santa Clara County Office of Education (sponsor)
California Association of School Psychologists
California County Superintendents
California Federation of Teachers
California State Association of Psychiatrists
California Teachers Association
Generation Up
National Association of Pediatric Nurse Practitioners
Steinberg Institute

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1491	Hearing Date:	April 3, 2024
Author:	Eggman		
Version:	April 1, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Postsecondary education: Equity in Higher Education Act.

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

SUMMARY

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

BACKGROUND

Existing *federal* law:

- 1) Establishes Title IX, providing that, in part, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." Enforcement of compliance is initiated upon the filing of a complaint alleging a violation of Title IX. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)
- 2) Provides for various exemptions from these provisions, including for fraternities and sororities, military institutions, traditional male or female institutions, and institutions controlled by religious organizations. (Title 20 of the United States Code, § 1681)

- 3) Provides that an institution will be considered to be controlled by a religious organization for purposes of a Title IX religious exemption to the extent application of Title IX provisions would not be consistent with its religious tenets, if one or more of the following conditions applies to the institution:
 - a) The educational institution is a school or department of divinity.
 - b) The educational institution requires its faculty, students, or employees to be members of, or otherwise engage in religious practices of, or espouse a personal belief in, the religion of the organization by which it claims to be controlled.
 - c) The educational institution, in its charter or catalog, or other official publication, contains an explicit statement that it is controlled by a religious organization or an organ thereof, or is committed to the doctrines or practices of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.
 - d) The educational institution has a doctrinal statement or a statement of religious practices, along with a statement that members of the institution community must engage in the religious practices of, or espouse a personal belief in, the religion, its practices, or the doctrinal statement or statement of religious practices.
 - e) The educational institution has a published institutional mission that is approved by the governing body of an educational institution and that includes, refers to, or is predicated upon religious tenets, beliefs, or teachings.
 - f) Other evidence sufficient to establish that an educational institution is controlled by a religious organization. (Code of Federal Regulations, Title 34, § 106.12)

Existing *state* law:

- 4) Establishes the Equity in Higher Education Act (Act) to prohibit a person from being subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the statutory definition of hate crimes, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. (Education Code (EC) § 66270)
- 5) Exempts from the Act an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization. (EC § 66271)
- 6) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (EC § 67400)

Policies

- 7) Requests the Trustees of the CSU, the Regents of the UC, and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior within their respective segments of public postsecondary education. Existing law states Legislative intent that rules and regulations governing student conduct be published, at a minimum, on the website of each public postsecondary educational campus and as part of any printed material covering those rules and regulations within the respective public postsecondary education system. (EC § 66302)

Campus point of contact

- 8) Requests the CSU Trustees, the UC Regents, and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students at the respective campus. Existing law requires, at a minimum, the name and contact information of that designated employee to be published on the website for the respective campus and be included in any printed and Internet-based campus directories. (EC § 66271.2)

Title IX coordinator (not confidential employees)

- 9) Requires UC, CSU, CCCs, private postsecondary educational institutions, and independent institutions of higher education that receive state financial assistance, in order to receive state financial assistance, to implement, and at all times comply with, specified requirements at each campus of the institution, including but not limited to:
 - a) Designate at least one employee of the institution to coordinate its efforts to comply with and carry out its responsibilities under California's Equity in Higher Education Act. Existing law requires the employee to have adequate training on what constitutes sexual harassment and on trauma-informed investigatory and hearing practices, and shall understand how the institution's grievance procedures operate.
 - b) Requires the institution, if a complainant requests confidentiality which could preclude a meaningful investigation or potential discipline, to take the request seriously while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. Existing law requires the institution to generally grant the request.
 - c) Requires the institution, if it determines that it can honor the student's request for confidentiality, to still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant.
 - d) Requires the institution, if it determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, to inform the complainant prior to making this disclosure or initiating the investigation. Existing

law requires the institution, in the event the complainant requests that the institution inform the respondent that the student asked the institution not to investigate or seek discipline, to honor this request. (EC § 66281.8)

Exemption from Title IX and/or the Equity in Higher Education Act

- 10) Provides an exemption from the provisions of California's Equity in Higher Education Act for an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization. (EC § 66271)
- 11) Requires, beginning with the 2017–18 school year, each postsecondary educational institution in this state that claims a religious exemption from Title IX and/or the Act to disclose to current and prospective students, faculty members, and employees the basis for claiming or having the exemption and the scope of the allowable activities provided by the exemption. Existing law requires the disclosure to be made in all of the following ways:
 - a) Displayed in a prominent location of the campus or school site, as specified.
 - b) Included in written materials sent to prospective students seeking admission to the institution.
 - c) Provided as part of orientation programs conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.
 - d) Provided to each faculty member, member of the administrative staff, and member of the support staff at the beginning of the first quarter or semester of each school year (and to each new employee upon hire).
 - e) Included in any publication of the institution that sets forth the comprehensive rules, regulations, procedures and standards of conduct for the institution. (EC § 66290.1)
- 12) Submit to CSAC copies of all materials submitted to, and received from, a state or federal agency concerning the granting of an exemption from Title IX. (EC § 66290.2)
- 13) Requires CSAC to collect the information from exempt institutions and post and maintain a list on its website of the institutions that have claimed the exemption from Title IX with their respective bases for claiming or having the exemption. (EC § 66290.2)

LAO report

- 14) Encourages the LAO to conduct an assessment of the CCCs, CSU, and UC systems with respect to the quality of life at those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students at the campuses of each of those institutions. Existing law encourages the LAO, if an assessment is performed, to use existing data and other information available to the general public, and is not

required to conduct new data collection or research specifically to contribute toward any assessment. Existing law requires LAO to make recommendations to each of those institutions based on that assessment, and publish a summary of the recommendations on its website. (EC § 66271.3)

Definitions

- 15) Defines “sexual orientation” as heterosexuality, homosexuality, or bisexuality. (EC § 66262.7)

ANALYSIS

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

Policies

- 1) Modifies existing law to *require* rather than request the CSU Trustees and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior within their respective segments of public postsecondary education.

Campus point of contact

- 2) Modifies existing law to *require* rather than request the CSU Trustees and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students at the respective campus.
- 3) Expands the list of people to be supported to also include asexual, pansexual, gender-nonconforming, intersex, and two-spirit faculty, staff, and students.

Confidential employee

- 4) Requires the designated point of contact at each campus pursuant to #2 above to be a confidential employees (and specifically be exempt from the responsibilities of

required reporting of alleged sexual harassment).

- 5) Prohibits the designated employee from disclosing confidential information provided to them by staff, faculty, or students about any alleged act of sexual harassment, sexual violence, or discrimination without the prior written consent of the person who provided the information to the designated employee.
- 6) Excludes notice to or the providing of services by the designated employee from being considered “actual or constructive notice” to the CSU, UC, or CCC alleging acts sexual harassment, sexual violence or discrimination (for purposes of investigations under Title IX).

Religious exemption from Title IX and/or the Equity in Higher Education Act

- 7) Requires CSAC, beginning with the 2026–27 school year, to provide a written notice to students who receive state financial aid regarding whether their postsecondary educational institution has a religious exception on file with CSAC.
- 8) Requires the written notice to inform students of their right to report discrimination to the United States Department of Education Office of Civil Rights and the contact information (telephone number, office location, and email address) of the federal Office of Civil Rights.

LAO report

- 9) Modifies existing law to *require* rather than encourage LAO to conduct an assessment of the CCCs, CSU, and UC systems with respect to the quality of life at those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students at the campuses of each of those institutions.
- 10) Expands the assessment to also include pansexual, gender-nonconforming, intersex, and two-spirit faculty, staff, and students.
- 11) Requires rather than encourages LAO to use existing data and other information available to the general public, and deletes the existing provision that precludes LAO from being required to conduct new data collection or research specifically to contribute toward any assessment.
- 12) Requires the assessment to be conducted by September 1, 2026, and by each September 1 thereafter. This bill requires the LAO, by January 1, 2027, and by January 1 every three years thereafter, to submit a report to the Legislature that includes a copy of the assessment and recommendations.
- 13) Requires rather than requests the CCC and CSU to share existing data or research to contribute toward any assessment conducted by the LAO.

Definition

- 14) Modifies the existing definition of “sexual orientation” to clarify it is a person’s physical, emotional, and romantic attraction to other people, and expands the definition to also include asexuality and pansexuality.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “This bill makes important changes to the education code, making it more inclusive and closer to the spirit of the law. Institutions of Higher Education need to be able to provide and better protect the rights of LGBTQ+ students and faculty. This bill compels the transparency of private colleges by written notice and gives public colleges a more active role in providing resources to LGBTQ+ students.”
- 2) ***Recent report on how postsecondary education institutions address sexual discrimination.*** Throughout 2023, staff from the Assembly Higher Education Committee and this committee hosted fact-finding briefings with representatives from the CCC, CSU, UC and various California Independent Colleges and Universities to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report that provides a synopsis of the information gleaned from the briefings and a compilation of legislative proposals for how the State can partner with higher education institutions to prevent and address discrimination in all its forms on college and university campuses throughout California.
https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf

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

This bill is one of several in a package of bills that address some of the recommendations in this report, specifically to require CSAC to inform students who are receiving financial aid if their postsecondary education institution has an exemption from Title IX on file, and generally the recommendation to require each campus to hire at least one confidential advocate and be housed in an independent office.

- 3) ***Point of contact on each campus?*** Existing law *requests* the CSU Trustees, the UC Regents, and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students at the respective campus. This bill *requires* each CSU and community college campus to designate a point of contact.

According to the author, all 10 UC campuses have a designated point of contact, but only 25 percent of community college campuses and 17 percent of CSU campuses have complied with this request.

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

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

California does not have a requirement for campuses to employ confidential employees and therefore, each public higher education system is endowed with the authority to employ a confidential advocate as part of the institution’s response to discriminatory events.

According to the author, students are often unaware that a campus LGBT+ coordinator may be a mandatory reporter rather than a confidential employee, and that the coordinator may be required to report information divulged to that employee, even if the student expressed a desire for the information to remain confidential.

While some community colleges and each campus of the CSU and UC employ confidential advocates, those employees are not necessarily tasked with being the point of contact for LGBT+ students, faculty and staff. This bill requires each CSU and community college campus to identify a point of contact, as a confidential employee, for LGBT+ students, faculty and staff.

- 5) **Which California institutions are exempt from Title IX and/or the Equity in Higher Education Act?** There are many similarities and overlap between Title IX and the Act. However, California law includes a broader definition of sexual harassment, provides more specific protections such as for students who are LGBT+, requires institutions to adopt specific procedures to prevent sexual harassment, and requires institutions to publish information about grievance procedures. The state also conditions the receipt of any state financial assistance or student financial aid on compliance with state law.

According to CSAC’s website, the following California institutions of higher education have filed an exemption from Title IX and/or the Act:

Name of institution	Equity in Higher Education Act	Title IX
Azusa Pacific University	X	
Biola University	X	X

California Baptist University	X	
Concordia University	X	
Fresno Pacific	X	X
Hope International University	X	
John Paul the Great Catholic University	X	X
La Sierra University	X	
Life Pacific College	X	X
Loma Linda University	X	
Pacific Union College	X	X
Pepperdine University	X	
Providence Christian College	X	
San Diego Christian College	X	
Simpson University	X	X
The Master's University	X	X
Thomas Aquinas College	X	
Vanguard University of Southern California	X	X
Westmont College	X	
William Jessup University	X	X

According to the author, students are often unaware that their college or university is exempt from Title IX and that students are unaware they may not be protected or have recourse from sexual harassment. Additionally, institutions may be exempt from Title IX *and* from the Act; students need to be aware of their rights at their institutions and any recourse they may have to file a complaint.

Current law requires exempt institutions to notify current and prospective students, and CSAC is required to post a list of exempt institutions on its website. *This bill further requires CSAC, beginning with the 2026–27 school year, to provide a written notice to students who receive state financial aid regarding whether their postsecondary educational institution has a religious exception on file and inform students of their right to report discrimination to the United States Department of Education Office of Civil Rights and the contact information (telephone number, office location and email address) of the federal Office of Civil Rights.*

- 6) **LAO reporting.** Existing law encourages LAO to conduct an assessment of the CCCs, CSU, and UC systems with respect to the quality of life at those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students at the campuses of each of those institutions. This bill requires rather than encourages LAO to conduct this assessment, as LAO has not conducted such an assessment to date. Additionally, this bill deletes the existing provision that precludes LAO from being required to conduct new data collection or research specifically to contribute toward any assessment.

The committee may wish to consider whether data currently exists to conduct this assessment, and whether LAO has the capacity to conduct new data collection/research and conduct the assessment as required by this bill. The Legislature has imposed several reporting requirements on LAO in the absence of a higher education coordinating body.

7) Related legislation.

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

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

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

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

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

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

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

Higher Education Committee.

AB 1905 (Addis, 2024) prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint where a final determination has been made or the employee resigned. AB 1905 is pending in the Assembly Higher Education Committee.

SB 1166 (Dodd, 2024) (1) expands the scope of a currently-required CSU report containing a summation of the activities undertaken by each campus and by the systemwide Title IX office to also include outcomes of appeals, a list of personnel who are exempt from being a “responsible employee,” and a yet-to-be-developed annual report that compiles campus-based evaluations of how sex discrimination is addressed on campuses; and, (2) requests the UC and requires each community college district to also submit this report. SB 1166 is scheduled to be heard in this committee on April 10.

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

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

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

SUPPORT

APLA Health
Courage California
Equality California
PRC
Still Bisexual
Transgender Health & Wellness Center

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 991	Hearing Date:	April 3, 2024
Author:	Gonzalez		
Version:	January 31, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: School districts: Los Angeles Unified School District: inspector general

SUMMARY

This bill requires the office of the inspector general (OIG) of the Los Angeles Unified School District (LAUSD) to submit a report to the Legislature upon request rather than annually, as specified, and removes the sunset date, extending the authority of the OIG of LAUSD indefinitely.

BACKGROUND

Existing Law

Education Code (EC)

- 1) Authorizes the LAUSD's OIG until January 1, 2015, to conduct audits and investigations, as specified, including the ability to subpoena witnesses, administer oaths or affirmations, take testimony, and compel the production of all information and documentary evidence deemed material and relevant and that reasonably relate to the inquiry or investigation undertaken by the Inspector General when there is reasonable suspicion that a law, regulation, rule, or district policy has been violated or is being violated. (EC § 35400 (a))
- 2) Defines "reasonable suspicion" to mean specific and articulable facts causing the Inspector General and would cause a reasonable officer in a like position to suspect that a material violation of law, regulation or policy has occurred or is occurring. (EC § 35400 (a))
- 3) Provides that the first instance of false sworn testimony to the Inspector General is a misdemeanor punishable by up to six months in jail or a fine of up to \$5,000 or both; and that each subsequent violation shall be punishable by up to 12 months in jail or a fine of up to \$10,000 or both. (EC § 35400 (d))
- 4) Requires the Inspector General to submit annual reports to the Legislature and a final cumulative report by December 1, 2024, on all of the following:
 - a) The use and effectiveness of the subpoena power in the successful completion of the Inspector General's duties;
 - b) Any instance in which the subpoena was quashed; and

- c) Any instance in which the local district attorney or Attorney General declined to investigate further or to prosecute a referred case. (EC § 35400 (e))
- 5) A person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a public school employee or applicant for employment with a public school employer for having made a protected disclosure is subject to a fine not to exceed ten thousand dollars (\$10,000) and imprisonment in the county jail for a period not to exceed one year. Any public school employee, officer, or administrator who intentionally engages in that conduct shall also be subject to discipline by the public school employer. (EC § 44114)

California Constitution

- 6) All laws of a general nature have uniform operation. A local or special statute is invalid in any case if a general statute can be made applicable. (Cal. Const. Art. IV § 16)

ANALYSIS

This bill:

- 1) Requires the OIG of the LAUSD to submit a report to the Legislature upon request rather than annually and removes the sunset date, extending the authority of the OIG of the LAUSD indefinitely.
- 2) Requires the Inspector General to be appointed By the Board of Education of the LAUSD for a term of three years.
- 3) Requires audits, investigations, inspections, and reviews conducted by the OIG shall conform to the Principles and Standards for OIG, published by the Association of Inspectors General.
- 4) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances concerning the LAUSD.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “LAUSD is the second largest school district in the nation; serving over 540,000 students in a district that covers 710 square miles and serves portions of 25 cities. For close to 25 years, the LAUSD Office of Inspector General (OIG) has demonstrated its efficacy as an auditing and oversight tool for the district, and has shown that its unique authority can deter fraud and save the district millions of dollars annually. Unfortunately, the OIG’s authority to investigate, audit, and subpoena witnesses is set to sunset on January 1, 2025. SB 991 (Gonzalez) will remove the 2025 sunset date, and allow the LAUSD OIG to continue its transparent oversight responsibilities and protect the programs and funding of California’s largest school district.”

2) ***Los Angeles Unified School District – Office of the Inspector General.***

In August 1998, the Board began the process of establishing a department within the LAUSD whose mission would be to detect and prevent fraud, waste and abuse in District operations and programs. The Board combined auditors and investigators and adopted the name Office of the Inspector General. Granted the OIG power to (i) subpoena witnesses, (ii) administer oaths or affirmations, (iii) take testimony, and (iv) compel the production of all information and documentary evidence deemed material and relevant. Provided confidentiality of (i) every investigation, including all investigative files and work-product and (ii) the identity of the individual or individuals involved. Imposed penalties for (i) any disclosure of information by the inspector general or that office that was acquired pursuant to a subpoena, and (ii) any person that, after the administration of an oath or affirmation, states or affirms as true any material matter that he/she knows to be false. The OIG is comprised of auditors, investigators and other professional staff who have the authority to examine all functions within the LAUSD and those of private entities that do business with the LAUSD. The Audit Unit conducts audits and evaluations that cover a wide range of programs, processes, functions, areas, and topics. The Investigations Unit investigates allegations of improper or illegal activities by LAUSD employees, contractors, or other entities doing business with the LAUSD. The OIG also takes a proactive role by performing due diligence reviews to help reduce the risk of doing business, improve contract and employment decisions, and to promote greater accountability and effectiveness.

Whistleblower Protections

An employee of the LAUSD is prohibited from using their official authority or influence, either directly or indirectly, to interfere with an individual's right to provide information. Furthermore, they are not allowed to engage in any acts of retaliation, threats, coercion, or similar actions against an individual who provides such information or refuses to obey an illegal order.

These protections currently exist in Education Code.

Audit Standards and Investigations

According to the OIG webpage, “the audit unit conducts its audits in accordance with Generally Accepted Government Auditing Standards, Statements on Standards for Attestation Engagements and the Federal Acquisition Regulations. The investigation unit conducts its investigations in accordance with the Principles and Standards for Offices of Inspectors General.”

This bill codifies LAUSD’s OIG existing use of guidance produced by the Association of Inspectors General to conduct audits, investigations, inspections, and reviews.

3) ***Committee Amendments.*** *Committee staff recommends, and the author has agreed to accept, the following amendments:*

a) Require the OIG to submit a report to the legislature annually.

- b) Specifies that the inspector general, who is appointed by the LAUSD board of education for a term of three years, be subject to the terms of their employment contract.

4) Related Legislation.

AB 2806 (Wilk, 2016) establishes conditions under which the inspector general of the LAUSD may audit or investigate a charter school, if directed by the governing board to an evaluation of the school, and makes related changes. *This bill was pulled by the author in Assembly Education committee.*

AB 1825 (Nazarian, Chapter 208, Statutes 2014) extended the sunset date of the LAUSD's OIG by 10 years, from January 1, 2015, to January 1, 2025.

SB 1260 (Hayden, Chapter 295, Statutes of 1999) established the LAUSD's OIG until January 1, 2001.

SB 1360 (Hayden, Chapter 750, Statutes of 2000) extended the authorization of LAUSD's OIG to conduct hearings, administer oaths, and subpoena witnesses and records from January 1, 2001 to January 1, 2005.

AB 2425 (Richman, Chapter 462, Statutes of 2002) extended the authorization of LAUSD's OIG to conduct hearings, administer oaths, and subpoena witnesses and records from January 1, 2005 to January 1, 2015, and authorizes the LAUSD Inspector General to perform audits, as specified.

SUPPORT

Los Angeles Unified School District (Sponsor)

OPPOSITION

California Charter Schools Association

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1182	Hearing Date:	April 3, 2024
Author:	Gonzalez		
Version:	February 14, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

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

SUMMARY

This bill requires the California Energy Commission (CEC) 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 (DSA), Office of Public School Construction (OPSC), and Natural Resources Agency (NRA) to develop a master plan for healthy, sustainable, and climate-resilient schools by March 31, 2026.
- 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 moneys and federal decarbonization funding, with state building decarbonization goals and climate adaptation needs.
 - b) An assessment of a representative sample 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. This bill requires the master plan steering team to use existing data on school building performance to inform the plan.
 - 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 of \$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.*** A coalition of over 30 organizations writes, "The California K-12 school system infrastructure covers 730 million square feet and sits on over 125,000 acres of land, requiring significant energy to operate and emitting carbon and other greenhouse gasses in the process. Our schools must adapt, mitigate, and educate in order to meet these linked challenges. It is clear that California needs a broad vision and clear multi-directional communication across state, county, and local agencies – goals we can accomplish through what SB 1182 sets out to achieve: the creation of a master plan for healthy, sustainable, climate-resilient California schools.

"A master plan will ensure that every dollar we spend to build and maintain school facilities – some \$7 billion each year, including state and local outlays – is

aligned with our legally-required GHG reduction targets, and the latest climate Scoping Plan Update for California which requires cutting emissions by 48% this decade to reach carbon neutrality by 2045. A master plan will also provide leverage for California schools to capitalize on extraordinary financing opportunities in the federal Inflation Reduction Act and Infrastructure Investment and Jobs Act.”

SUPPORT

California Federation of Teachers (co-sponsor)
California Labor for Climate Jobs (co-sponsor)
UndauntedK12 (co-sponsor)
A Voice for Choice Advocacy
A. O. Smith Corporation
Alameda County Office of Education
Alliance for A Better Community
American Academy of Pediatrics, California
Association for Environmental and Outdoor Education
Building Decarbonization Coalition
California Alliance for Clean Air in Schools
California Environmental Voters
California State PTA
Center for Cities and Schools, UC Berkeley
Center for Ecoliteracy
Children Now
Cleaneearth4kids.org
Climate Action Campaign
Climate Action Pathways for Schools
Climate Health Now
CMTA Engineers
Coalition for Adequate School Housing
Education Justice Academy
Generation Up
Green Schools National Network
Green Schoolyards America
Jobs with Justice San Francisco
Labor Network for Sustainability
Los Angeles County Office of Education
Menlo Spark
National Resources Defense Council
New Buildings Institute
NextGen California
Non Toxic Schools
Our Turn
Rewiring America
San Francisco Bay Area Physicians for Social Responsibility
School Energy Coalition
Sierra Club California
Smart, Sheet Metal Workers' Local Union No. 104
State Building and Construction Trades Council

Strategic Energy Innovations
Ten Strands
Terraverde Energy
Tree People
UC Santa Barbara

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1411	Hearing Date:	April 3, 2024
Author:	Ochoa Bogh		
Version:	February 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Instructional Quality Commission: membership: appointments by the Intersegmental Committee of the Academic Senates.

SUMMARY

This bill adds to the Instructional Quality Commission (IQC), 6 public members appointed by the Intersegmental Committee of the Academic Senates (ICAS) as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Declares that in the state government, the IQC must consist of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 13 public members appointed by the state board upon the recommendation of the Superintendent or the members of the state board. (EC 33530(a))
- 2) States at least 7 of the 13 public members appointed by the State Board of Education (SBE) shall be persons who, because they have taught, written, or lectured on the subject matter fields in the course of public or private employment, have become recognized authorities or experienced practitioners in those fields. (EC 33530(b))
- 3) States that it is the intent of the Legislature to encourage the state board to consider appointing a pupil to the IQC who has been enrolled in a California high school for a minimum of two consecutive years and is in good standing. (EC 33530 (d))

ANALYSIS

This bill:

- 1) Adds 6 public members appointed by the ICAS to the IQC.
- 2) Specifies that the ICAS appointments must consist of the following:

- a) Two faculty subject matter experts from the California Community Colleges (CCC).
- b) Two faculty subject matter experts from the California State University (CSU).
- c) Two faculty subject matter experts from the University of California (UC).

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 1411 would add six members to the SBE’s IQC – two members from each of California’s public university systems appointed by the Intersegmental Committee on Academic Senates (ICAS). The ICAS is an organization comprising faculty leaders from the academic senates of the California Community Colleges, University of California, and California State University. The ICAS brings California’s university systems together as a forum for discussions of higher education concerns, advising high school students in preparation for college, and providing K-12 partners with the tools to prepare incoming college students. SB 1411 will increase the pool of subject matter experts who may serve on the SMCs. These higher education professionals will improve committee diversity and provide insight to members regarding K-12 curriculum and course content requirements that must be provided for students who are preparing to apply to colleges and universities. Adding six members to the IQC will broaden the range of experience and expertise of the commission, thereby ensuring students are optimally prepared for the rigors of college level courses.”
- 2) ***Instructional Quality Commission. 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 SBE then adopts the frameworks 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 adopt instructional materials aligned to these standards and frameworks. This process occurs on a regular schedule, giving 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 and professional development.

These existing processes involve practitioners and experts who have an 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.
- 3) ***Intersegmental Committee of the Academic Senates.*** The ICAS was established by faculty in 1980 as a voluntary organization consisting of representatives of the Academic Senates of the three segments of public higher education in California (CCC, CSU, and UC).

Over the past four decades, ICAS has collaborated on various projects supporting students' success and transfer, such as the development and implementation of the following projects:

- a) Intersegmental General Education Transfer Curriculum (IGETC).
- b) English and mathematics standards for high school graduates.
- c) English as a Second Language (ESL) in Public Higher Education Report.
- d) Recommendations for a new Cal-GETC pathway in response to AB 928 (Berman, Chapter 566, Statutes of 2021).
- e) Work on the California Open Source Digital Library.

Each of the senates appoints five or six senate leaders as representatives to ICAS. ICAS addresses various issues of mutual concern, such as preparing students for postsecondary education, the California Master Plan for Higher Education, access, transfer, articulation, general education, and educational quality and standards. ICAS aims to educate Californians on higher education topics and workforce development while involving K-12 schools in recommending postsecondary student college preparation.

- 4) ***Discrepancies Among High School Graduation and A-G Requirements Put A Burden On Students.*** The A-G requirements and the state's high school graduation requirements do not align. Consequently, students can graduate from California high schools without being eligible for California universities. While many school districts have decided independently to adapt their requirements to match those of CSU and UC through adding local graduation requirements, however, not all have done so.

Courses	Graduation Requirements	A-G Requirements (UC and CSU)
English	Three Courses	Four years of approved courses
Mathematics	Two courses (including Algebra or Mathematics I)	Three years of college-preparatory mathematics (Including the topics covered in elementary and advanced algebra and two- and three-dimensional geometry; a fourth year of math is strongly recommended. A geometry course or an integrated math course with a sufficient amount of geometry content must be completed) (Four years recommended)
Sciences	Two courses (including biological and physical sciences)	Two years of college-preparatory science, in two of these three subjects: biology, chemistry, or physics. One year of approved interdisciplinary or earth and space sciences coursework can meet one year of the requirement.

		(Computer Science, Engineering, and Applied Science courses can be used as additional science. (Three years recommended)
Social Studies	Three courses (including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics)	Two years of history/social science, including one year of U.S. history or one-half year of United States (U.S.) history and one-half year of civics or American government, and one year of world history, cultures, and geography.
Visual and Performing Arts (VAPA)	One course in either VAPA, world language, or career technical education (CTE).	<ul style="list-style-type: none"> • Two years in the same language required (Three years recommended.) • One year of VAPA
Physical Education (PE)	Two courses	N/A
Ethnic Studies	<p>One semester of Ethnic Studies (Commencing with pupils graduating in the 2029–30 school year)</p> <p>*An ethnic studies course may count toward an A-G requirement, if the course is meets the A-G requirements approved by the UC and CSU. Approved courses include English and a college-preparatory elective</p>	N/A
Electives	N/A	One year

It should be noted that over the years, the Legislature has considered various topics for a new graduation requirement, such as financial literacy, service learning, health, and ethnic studies. Furthermore, the Legislature has authorized computer science to count as a local math graduation requirement (if the course meets the A requirement for mathematics) and expanded the foreign language or visual and performing arts requirement to include a career technical education course. Additionally, some bills have tried to change the number of courses required for specific subjects. The committee should consider whether these measures, including the differences between the state minimum requirements and the CSU/UC requirements, suggest a need to reevaluate the state graduation requirements. This would involve considering the addition of new requirements in existing and new subjects.

According to a 2017 survey, as indicated in a 2021 California Budget and Policy Center report, *Blocked: California Students & Higher Education – Gaps Among*

CSU, UC & High School Requirements Lead to Inequitable Access, nearly half (49%) of school districts reported they did not require students to complete all A-G courses to graduate. Moreover, not all schools even offer the full A-G curriculum. CSU and UC offer three alternatives for students lacking full access to A-G courses: take classes online or in summer school, demonstrate subject proficiency through additional standardized subject tests, or enroll in a community college and then transfer.

The committee should consider including CCC, CSU, and UC faculty members on IQC. This may begin to help bridge the gap between high school course requirements and UC/CSU admission eligibility. Such a step could be beneficial for students who aspire to go to college.

5) ***Related Legislation.***

SB 1412 (Ochoa Bogh, 2024) would prohibit publishers, distributors, and retailers of instructional materials or professional development materials, and their representatives, from being eligible for appointment to the commission or selected to serve on any committee, subcommittee or working group of the commission.

SB 1410 (Ochoa Bogh, 2024, also being heard April 3, 2024, would require the state board, in adopting any revised mathematics curriculum framework on or after January 1, 2025, to include a requirement that grade 8 pupils be offered the opportunity to take an algebra course.

AB 2097 (Berman, 2024), pending a hearing in Assembly Education committee, would require school districts and charter schools maintaining any of grades 9 to 12 to offer computer science education courses, as specified, timeline and, commencing with pupils graduating in the 2030–31 school year, including for pupils enrolled in a charter school, add the completion of a course in computer science to the above-described graduation requirements.

SUPPORT

None received

OPPOSITION

The Education Trust-West

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1412	Hearing Date:	April 3, 2024
Author:	Ochoa Bogh		
Version:	February 16, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Instructional Quality Commission: qualifications: prohibited communications.

SUMMARY

This bill would prohibit publishers, distributors, and retailers of instructional materials or professional development materials, and their representatives, from being eligible for appointment to the Instructional Quality Commission (IQC) or selected to serve on any committee, subcommittee, or working group of the IQC and would codify and expand the existing prohibition on communications between publishers, distributors, and retailers of instructional materials or professional development materials, and their representatives, and members of the IQC, as specified.

BACKGROUND

Existing Law:

California Code of Regulation (CCR)

- 1) Prohibits publishers or their representatives from communicating with facilitators, Instructional material reviewers (IMR), Content Reviewer Experts (CRE), and facilitators, IMRs and CREs during their tenure, from communicating with publishers or their representatives, about anything related to the evaluation or adoption of instructional materials submitted for adoption, other than when publishers are making presentations or public comment in open publicly-noticed meetings, but allows facilitators, IMRs, CREs, and Commissioners to communicate with publishers for technical assistance in using electronic instructional materials and allow publishers or their representatives to communicate with the chairperson, or designee, of the Commission or the chairperson, or designee, of the Subject Matter Committee involved in the adoption during the time set forth for deliberations. When publishers or their representatives, or facilitators, IMRs or CREs, make a prohibited communication, the State Board of Education (SBE) may take corrective action, including disqualification of the publisher, facilitator and IMR/CRE from further participation in the adoption. (CCR Title 5 § 9514 (a))
- 2) Prohibits a publisher from communicating with members of the IQC about anything related to the evaluation or adoption of instructional materials other than during the times for public comment in open publicly noticed meetings or through written submissions addressed to all commissioners in care of the Executive Director of the IQC, between the date set forth in the Schedule of Significant Events when instructional materials are delivered to IMRs, CREs and Learning Resources Display Center (LRDCs) and the date when the SBE takes action to adopt, but allows

publishers or their representatives to communicate with the chairperson, or designee, of the Commission or the chairperson, or designee, of the Subject Matter Committee involved in the adoption during the time set forth for deliberations. When publishers or their representatives, or commissioners make a prohibited communication, the SBE may take corrective action, including disqualification of the publisher and the Commissioner from further participation in the adoption. (CCR Title 5 § 9514 (b))

Education Code (EC)

- 3) Requires the IQC to perform all of the following duties:
 - a) Recommend curriculum frameworks to the SBE.
 - b) Develop criteria for evaluating instructional materials submitted for adoption so that the materials adopted shall adequately cover the subjects in the indicated grade or grades and comply with the Fair, Accurate, Inclusive and Respectful (FAIR) Act and consistent with the model instructional materials, as specified.
 - c) Study and evaluate instructional materials submitted for adoption.
 - d) Recommend instructional materials for adoption to the state board.
 - e) Recommend to the state board policies and activities to assist the department and school districts in the use of the curriculum framework and other available model curriculum materials for the purpose of guiding and strengthening the quality of instruction in public schools.
 - f) Advise and make recommendations to the state board, including, but not limited to, what policies and activities are needed to implement the state's academic content standards, and bring the state's curriculum frameworks, instructional materials, professional development programs, pupil assessments, and academic accountability systems into alignment with those standards. (EC § 60204
- 4) Declares that in the state government, the IQC must consist of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 13 public members appointed by the state board upon the recommendation of the Superintendent or the members of the SBE with at least 7 of the 13 public members who, because they have taught, written, or lectured on the subject matter fields in the course of public or private employment, have become recognized authorities or experienced practitioners in those fields. (EC § 33530)

ANALYSIS

This bill:

- 1) Prohibits publishers, distributors, and retailers of instructional materials or professional development materials, and their representatives, from being eligible for appointment to the commission or selected to serve on any committee, subcommittee, or working group of the IQC, including, but not limited to, Curriculum Framework and Evaluation Committees, Subject Matter Expertise Committees, and curriculum framework writing teams, nor shall they be selected to serve as facilitators, instructional materials reviewers, or content review experts.
- 2) State it is the intent of the Legislature to codify and expand the prohibitions in Section 9514 of Title 5 of the California Code of Regulations.
- 3) Prohibits publishers, distributors, and retailers of instructional materials or professional development materials, and their representatives, from communicating with facilitators, IMRs, or CREs during their tenure, and facilitators, IMRs, and CREs, during their tenure from communicating with publishers, distributors, and retailers of instructional materials or professional development materials, and their representatives, about anything related to the evaluation or adoption of instructional materials submitted for adoption, other than when publishers, distributors, or retailers of instructional materials or professional development materials, or their representatives, are making presentations or providing public comment in open publicly noticed meetings, but allows facilitators, instructional materials reviewers, content review experts, and members of the IQC to contact publishers, distributors, or retailers of instructional materials or professional development materials, or their representatives, for technical assistance in using electronic instructional materials and allows publishers, distributors, and retailers of instructional materials or professional development materials, and their representatives to communicate with the chair of the commission, or the chair's designee, or the chair of the subject matter committee, or the chair's designee, involved in the adoption during the time set forth for deliberations. and allows the SBE to take corrective action, including disqualification of the publisher, facilitator, IMR, or CRE from further participation in the adoption at issue if a publisher, distributor, or retailer of instructional materials or professional development materials, or their representative, or a facilitator, instructional materials reviewer, or content review expert makes a prohibited communication.
- 4) Prohibits publishers, distributors, or retailers of instructional materials or professional development materials, or their representatives, from communicating with members of the commission about anything related to the evaluation or adoption of instructional materials other than during the times for public comment in open publicly noticed meetings or through written submissions addressed to all members of the IQC in care of the executive director of the IQC, between the date set forth in the schedule of significant events when instructional materials are delivered to IMRs, CREs, and learning resources display centers and the date when the SBE takes action to adopt, but allows facilitators, IMRs, CREs, and members of the IQC to contact publishers, distributors, or retailers of instructional materials or professional development materials, or their representatives, for technical assistance in using electronic instructional materials and allows publishers, distributors, and retailers of instructional materials or professional development materials, and their representatives to communicate with the chair of the commission, or the chair's designee, or the chair of the subject matter committee, or the chair's designee,

involved in the adoption during the time set forth for deliberations, and allows the SBE to take corrective action, including disqualification of the publisher and the member of the IQC from further participation in the adoption at issue, if a publisher, distributor, or retailer of instructional materials or professional development materials, or their representative, or members of the IQC make a prohibited communication.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 1412 would codify the Board of Education’s regulations pertaining to prohibited communications, and equally apply these regulations to representatives of organizations that create curricula and instructional materials at the high school level, or provide professional development in the use of such products in grades K-12. This will close a loophole in state regulations that currently only apply to the state approval of materials adopted for K-8 students. By prohibiting communications between representatives of potentially conflicted organizations and various curriculum committees, commissions, and boards, all levels of K-12 curriculum development and materials adoption will be better protected from conflicts of interest.”
- 2) ***Instructional Quality Commission. 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 SBE then adopts the frameworks 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 adopt instructional materials aligned to these standards and frameworks. This process occurs on a regular schedule, giving 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 and professional development.

These existing processes involve practitioners and experts who have an 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.

- 3) ***Appointment To The Instructional Quality Commission.*** The IQC consists of 18 members:
 - a) Thirteen public members appointed by the State Board of Education.
 - b) One public member appointed by the Governor.
 - c) One public member appointed by the Speaker of the Assembly.
 - d) One public member appointed by the Senate Rules Committee.

- e) One State Assembly Member appointed by the Speaker of the Assembly.
- f) One State Senator appointed by the Senate Rules Committee.

Current law also specifies that at least seven of the 13 public members appointed by the State Board shall be recognized authorities in specific subject matter fields and be current K–12 classroom teachers, mentor teachers, or both.

This bill would prohibit publishers, distributors, and retailers of instructional materials or professional development materials, and their representatives, from being eligible for appointment to the commission or selected to serve on any committee, subcommittee, or working group of the IQC, including, but not limited to, Curriculum Framework and Evaluation Committees, Subject Matter Expertise Committees, curriculum framework writing teams, nor be selected to serve as facilitators, instructional materials reviewers, or content review experts.

- 4) **Existing Prohibitions Established in the California Code of Regulations.** Title 5 Section 9514, currently prohibits publishers or their representatives from communicating to members with facilitators, IMRs, and CREs during their tenure and facilitators, IMRs, and CREs during their tenure from communicating about anything related to the evaluation or adoption of instructional materials submitted for adoption, other than when publishers are making presentations or public comment in open, publicly-noticed meetings, but still allows facilitators, IMRs, CREs, and Commissioners to contact publishers for technical assistance in using electronic instructional materials.

Title 5, Section 9514 also stipulates that publishers or their representatives cannot communicate with the IQC about anything related to the evaluation or adoption of instructional materials other than during the times for public comment in open publicly-noticed meetings, or other than through written submissions addressed to all Commissioners in care of the Executive Director of the Commission, between the date set forth in the Schedule of Significant Events when instructional materials are delivered to IMRs, CREs and LRDCs and the date when the SBE takes action to adopt but still allows publishers or their representatives to communicate with the chairperson, or designee, of the IQC or the chairperson, or designee, of the Subject Matter Committee involved in the adoption during the time set forth for deliberations.

If there is any prohibited communication, as specified above, the SBE may take corrective action, including disqualification of the publisher, facilitator, and IMR/CRE from further participation in the adoption.

This bill would codify this regulation into statute, and expand to include distributors, and retailers of instructional materials or professional development materials, and their representatives, in addition to publishers and their representatives, from communicating with the IQC, as specified.

- 5) **Related Legislation.**

SB 1411 (Ochoa Bogh, 2024) adds to the IQC, 6 public members appointed by the Intersegmental Committee of the Academic Senates (ICAS) as specified. *This bill is set to be heard April 3, 2024.*

SB 1410 (Ochoa Bogh, 2024) would require the state board, in adopting any revised mathematics curriculum framework on or after January 1, 2025, to include a requirement that grade 8 pupils be offered the opportunity to take an algebra course. *Pending hearing in this committee.*

AB 2097 (Berman, 2024) would require school districts and charter schools maintaining any of grades 9 to 12 to offer computer science education courses, as specified, timeline and, commencing with pupils graduating in the 2030–31 school year, including for pupils enrolled in a charter school, add the completion of a course in computer science to the above-described graduation requirements. *Pending a hearing in Assembly Education Committee.*

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 1244	Hearing Date:	April 3, 2024
Author:	Newman		
Version:	February 15, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Pupil instruction: dual enrollment: College and Career Access Pathways partnerships.

SUMMARY

This bill authorizes a California Community College (CCC) district to enter into a College and Career Access Pathway (CCAP) partnership with a K-12 local educational agency (LEA) located within the service area of another CCC district under specified circumstances.

BACKGROUND

Existing law:

- 1) Authorizes a student to undertake courses at a CCC if the governing board of a school district, upon recommendation of the principal of the student's high school and with parental consent, determines a student would benefit from advanced or vocational coursework. The student may attend the CCC during any session or term as a special part-time or full-time student and take one or more courses of instruction offered at the CCC. Provides methods for parents to petition for students to attend community college courses and methods for appeals in case of a denial. Includes criteria for allocating attendance and funding for high school students who attend courses at the community college.
- 2) Stipulates that summer courses may be offered if a student has met specified conditions and if the principal has not recommended summer session attendance to more than 5% of the student's grade population in the previous year. All physical education courses must adhere to the 5% threshold, and the following courses are exempt:
 - a) Courses which are part of a CCAP and meet specified criteria;
 - b) Courses which are lower division, college-level courses that are either a college-level course that are part of the Intersegmental General Education Transfer Curriculum (IGETC) or apply towards the general education requirements of the California State University (CSU); and
 - c) Courses which are a college-level occupational course, as defined. (Education Code (EC) 48800)

- 3) Authorizes the governing board of a CCC district to enter into a CCAP partnership with the governing board of a K-12 LEA for the purpose of offering or expanding dual enrollment opportunities for pupils who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness. (EC 76004)
- 4) Requires that the CCAP partnership agreement be approved by the respective governing boards of the CCC district and the K-12 LEA governing body. Requires the governing boards or body to:
 - a) Consult with and consider the input of the appropriate local workforce development board in order to determine to what extent the career technical education pathways are aligned with regional and statewide employment needs; and,
 - b) Present, take comments from the public on, and approve or disapprove of the CCAP partnership agreement at an open public meeting of the governing board of the district or governing body of the charter school. (EC 76004)
- 5) Requires the California Community Colleges Chancellors Office (CCCCO) to report to the California Department of Education (CDE) and Legislature annually on the amount of full-time equivalent students (FTES) claimed by each CCC district for high school pupils enrolled in non-credit, non-degree applicable, and degree applicable courses; and provides that, for purposes of receiving state apportionments, CCC districts may only include high school students within the CCC district's report on FTES if the students are enrolled in courses that are open to the general public, as specified. Additionally, requires the governing board of a CCC district to assign a low enrollment priority to special part-time or full-time students in order to ensure that these students do not displace regularly admitted community college students. (EC 76001 and 76002)
- 6) Requires the Chancellor, on or before May 1 of each year, to prepare a summary report that includes an evaluation of the CCAP partnerships, an assessment of the growth of special admits system wide and by campus, and recommendations for improving the CCAP partnerships, as specified. Requires the report to be transmitted to the Legislature, the CDE and the Superintendent of Public Instruction (SPI). Requires the Chancellor to annually collect specified data from the CCC and school districts participating in a CCAP partnership. Requires the data to include:
 - a) The total number of high school pupils by schoolsite enrolled in each CCAP partnership, aggregated by gender and ethnicity, and reported in compliance with all applicable state and federal privacy laws.
 - b) The total number of community college courses by course category and type and by schoolsite enrolled in by CCAP partnership participants.

- c) The total number and percentage of successful course completions, by course category and type and by schoolsite, of CCAP partnership participants.
 - d) The total number of FTES generated by CCAP partnership community college district participants.
 - e) The total number of FTES served online generated by CCAP partnership community college district participants. (EC 76004)
- 7) Establishes Middle College High Schools (MCHS). Requires each MCHS to be structured as a broad-based, comprehensive instructional program focusing on college preparatory and school-to-work curricula, career education, work experience, community service, and support and motivational activities. Authorizes the specific design of a MCHS to vary depending on the circumstances of the community college or school district. Requires the basic elements of the MCHS to include, but not be limited to, the following:
- a) A curriculum that focuses on college and career preparation;
 - b) A reduced adult-student ratio;
 - c) Flexible scheduling to allow for work internships, community service experience; and
 - d) Opportunities for experiential internships, work apprenticeships, and community service. (EC 11300)
- 8) States that Early College High Schools (ECHS) are small, autonomous schools that blend high school and college into a coherent educational program. In ECHS, pupils begin taking college courses as soon as they demonstrate readiness, and the college credit earned may be applied toward completing an associate or bachelor's degree, transferring to a four-year university, or obtaining a skills certificate. (EC 11302)
- 9) Establishes the Golden State Pathways Program, a competitive grant program to:
- a) 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;
 - b) 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;
 - c) Enable more students 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; and

- d) Support the continued development of a skilled and educated workforce, with an emphasis on addressing areas of acute statewide need. (EC 53020-53025)
- 10) Requires the CDE, in consultation with the office of the Chancellor, to, beginning on or before January 1, 2023, administer a competitive grant program to do all of the following:
- a) Enable more LEAs to establish either middle college or ECHS that provide pupils with access to obtain college credits while enrolled in high school;
 - b) Provide incentives for LEAs to establish dual enrollment course opportunities, as specified; and

Enable LEAs with existing MCHS ,ECHS or CCAP partnerships to couple robust pupil advising and success supports with dual enrollment opportunities and establish outreach campaigns to promote dual enrollment for new or existing middle college or ECHS or CCAP partnerships. Requires, for LEAs with CCAP partnerships, outreach to be focused toward families and pupils who may not be college bound or who are underrepresented in higher education. (EC 41585)

ANALYSIS

This bill would authorize a CCC district to enter into a CCAP partnership with a K-12 LEA within the service area of another CCC district if the CCC district in the service area of the K-12 LEA has declined a request from the K-12 LEA, or has failed to take action within 60 calendar days of a request by the K-12 LEA to either enter into a CCAP partnership or to approve another CCC district to enter into a CCAP partnership to offer those courses.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Dual enrollment programs allow high school students to take college courses and earn college credits while still attending high school. These programs, also known as College and Career Access Pathway (CCAP) programs, are intended to expand access to college-level learning and help students accelerate the time it takes to complete college upon graduation from high school.

“Allowing high school students to experience college-level courses helps them prepare for the academic requirements of college, while allowing them to get a head start on obtaining college credits. Dual enrollment programs have been found to have a positive impact on students’ degree attainment, their high school academics, and their college completion rates.

“Under current law, however, community college districts are prohibited from entering into College and Career Access Pathway partnerships with schools located in the service area of another community college district unless there is an agreement in place between the two community college districts which authorizes such a partnership.

“This jurisdictional limitation has resulted in situations across the state where schools seeking dual enrollment partnerships with neighboring districts have been prevented from doing so because the governing community college district arbitrarily denies the requested approval or simply fails to take action, which has the same effect.

“This bill will ensure that students are not denied quality dual enrollment opportunities due to the requirement in current law that gives local community college districts effective veto power over a school district’s request to enter into a dual enrollment relationship with a neighboring community college, where such a partnership may not be possible with the community college in which the school is located.”

- 2) **Concurrent enrollment.** Concurrent enrollment provides pupils the opportunity to enroll in college courses and earn college credit while still enrolled in high school. Generally, a pupil is allowed to concurrently enroll in a community college as a “special-admit” while still attending high school, if the pupil’s school district determines that the pupil would benefit from “advanced scholastic or vocational work.” Special-admit students have typically been advanced pupils wanting to take more challenging coursework or pupils who come from high schools where Advanced Placement or honors courses are not widely available. Additionally, programs such as MCHS and ECHS use concurrent enrollment to offer instructional programs for at-risk pupils that focus on college preparatory curricula. These programs are developed through partnerships between a school district and a community college.
- 3) **College and Career Access Pathways program.** The CCAP program allows for partnerships between school and community college districts such that high school students dual-enroll in up to 15 community college units per term; students may enroll in no more than four courses per term. The goals of CCAP are to develop seamless pathways from high school to community college for career technical or general education transfer, improve high school graduation rates, or help high school students achieve college and career readiness. Courses must be part of an academic program defined in a CCAP agreement and meet criteria for both a high school diploma and an Associate of Arts or other credentials.

Unlike other concurrent enrollment options, CCAP offers dual enrollment as a pathway, rather than a series of disconnected individual courses, and provides greater flexibility in the delivery of courses at the high school campus.

- 4) **Other concurrent enrollment options.** Beyond the CCAP, community college districts have several statutorily authorized means by which apportionments can be claimed for minors enrolled by the district. These include:

- a) *Special part-time full-time students.* School district governing boards can recommend students who would benefit from advanced scholastic or vocational work for attendance at a community college upon recommendation of the principal. The number of students who can be recommended for summer session enrollments is capped at five percent of the students in each grade. CCC can claim state funding for these students only if the course is open and advertised to the general public. Under this authority, students are limited to enrolling in a maximum of 11 units per semester and must be assigned low enrollment priority by the college to avoid displacement of adults.
 - b) *Early College High Schools and Middle College High Schools.* ECHS are designed for young people who are underrepresented in postsecondary education, including students who have not had access to the academic preparation needed to meet college readiness standards, students for whom the cost of college is prohibitive, students of color, first generation college-goers, and English language learners. MCHS is a collaborative program that enables high-potential, “at-risk” students to obtain a high school education while concurrently receiving direct access to college courses and services. High school students attend classes at a CCC and earn credit toward a high school diploma while having the opportunity to concurrently take college courses and to receive more intensive counseling and administrative attention. These programs are subject to the same conditions that exist for special admit students, with the exception that MCHS students are exempt from the low enrollment priority provisions for classes necessary for completion of their programs.
 - c) *College Promise Partnership Act.* SB 650 (Lowenthal, Chapter 633, Statutes of 2011) authorized a partnership between the Long Beach community college and school district to provide a seamless bridge to college for students who were not already college bound and to reduce the time needed for advanced students to complete programs. These students are exempted from the requirements applicable to special admit students that they must be recommended by the school principal. The community college is eligible to receive state funding for these students but is prohibited from receiving apportionment for instructional activity for which the school district received apportionment. Formerly set to sunset on January 1, 2018, this partnership was extended indefinitely by AB 1533 (O’Donnell, Chapter 762, Statutes of 2017).
- 5) **CCAP Legislative Report.** In 2021, the CCCCO released its legislative report on the CCAP program. Dual enrollment is growing overall and in terms of student participation; however, the number of community colleges participating in CCAP remains limited. The CCCCO estimates that 37.5% of students participating in dual enrollment as all special admits were in CCAP partnerships.

SUPPORT

California High School District Coalition (sponsor)

Antelope Valley Union High School District
California Chamber of Commerce
California Charter Schools Association
Campaign for College Opportunity
Campbell Union High School District
Centinela Valley Union High School District
Children Now
EdVoice
Fullerton Joint Union High School District
Kern County Superintendent of Schools Office
Liberty Union High School District
Murrieta Valley Unified School District
San Benito High School District
Tulare Joint Union High School District
Wheatland Union High School District

OPPOSITION

None received

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