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# California State Senate

## EDUCATION



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## AGENDA

Wednesday, June 14, 2023  
9 a.m. -- 1021 O Street, Room 2100

## MEASURES HEARD IN FILE ORDER

- |      |         |            |   |
|------|---------|------------|---|
| 1.   | AB 10   | Lowenthal  | Pupils: body-shaming model policy and resources.  |
| *2.  | AB 72   | Boerner    | Coastal resources: research: landslides and erosion: early warning system.  |
| 3.   | AB 95   | Hoover     | Pupil nutrition: pupil meals.   |
| *4.  | AB 226  | Ramos      | University of California: California Native American Graves Protection and Repatriation Act of 2001.                                    |
| 5.   | AB 230  | Reyes      | Menstrual products: Menstrual Equity for All Act of 2021.   |
| 6.   | AB 278  | Reyes      | High Schools: Dream Resource Center Grant Program.  |
| 7.   | AB 247  | Muratsuchi | Education finance: school facilities: Transitional Kindergarten Through Community College Public Education Facilities Bond Act of 2024. |
| *8.  | AB 934  | Muratsuchi | Commission on Teacher Credentialing: public awareness campaign.   |
| *9.  | AB 694  | Gipson     | Teachers: teacher residency apprenticeship programs.  |
| *10. | AB 1251 | Luz Rivas  | Teacher credentialing: computer science instruction: workgroup.   |
| *11. | AB 1352 | Bonta      | Childcare: individualized county childcare subsidy plans.(Urgency)  |
| 12.  | AB 1354 | Mike Fong  | Pupil instruction: Asian Americans and Pacific Islanders.   |
| 13.  | AB 1445 | Arambula   | The Neng Thao Drowning Prevention Safety Act.   |

- |      |         |         |  |
|------|---------|---------|--|
| 14.  | AB 1651 | Sanchez | Pupil health: emergency medical care: epinephrine auto-injectors.                          |
| *15. | AB 1745 | Soria   | Public postsecondary education: veterans: waiver of mandatory systemwide tuition and fees. |

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 10	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Lowenthal		
<b>Version:</b>	May 1, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupils: body-shaming model policy and resources.

### SUMMARY

This bill requires the California Department of Education (CDE) on or before June 30, 2024, to develop and post on its internet website a model policy and resources about body shaming that local educational agencies (LEA) may use to educate staff and pupils about the issue of body shaming.

### BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Requires the CDE to display current information, and periodically update information, on curricula and other resources that specifically address bias-related discrimination, harassment, intimidation, cyber sexual bullying, and bullying on its website. (EC § 234.2)
- 2) Requires the CDE to develop, and post on its website, a model handout describing the policies addressing bias-related discrimination, harassment, intimidation, and bullying in schools. (EC 234.3)
- 3) Requires LEA to adopt procedures for preventing acts of bullying, including cyberbullying, by December 31, 2019. (EC 234.4)
- 4) Requires the Superintendent of Public Instruction to post, and annually update, on the CDE's website and provide to each school district a list of statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying on the basis of religious affiliation, nationality, race, or ethnicity, or perceived religious affiliation, nationality, race, or ethnicity. (EC § 234.5)
- 5) Requires a LEA that serves pupils in grades 7 to 12, inclusive, to adopt at a regularly scheduled board meeting, a policy on pupil suicide prevention, developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. Requires that the policy, at a

minimum, address procedures relating to suicide prevention, intervention, and postvention. (EC § 215)

## ANALYSIS

This bill requires the CDE on or before June 30, 2024, to develop and post on its internet website a model policy and resources about body shaming that LEA's may use to educate staff and pupils about the issue of body shaming. Specifically, this bill:

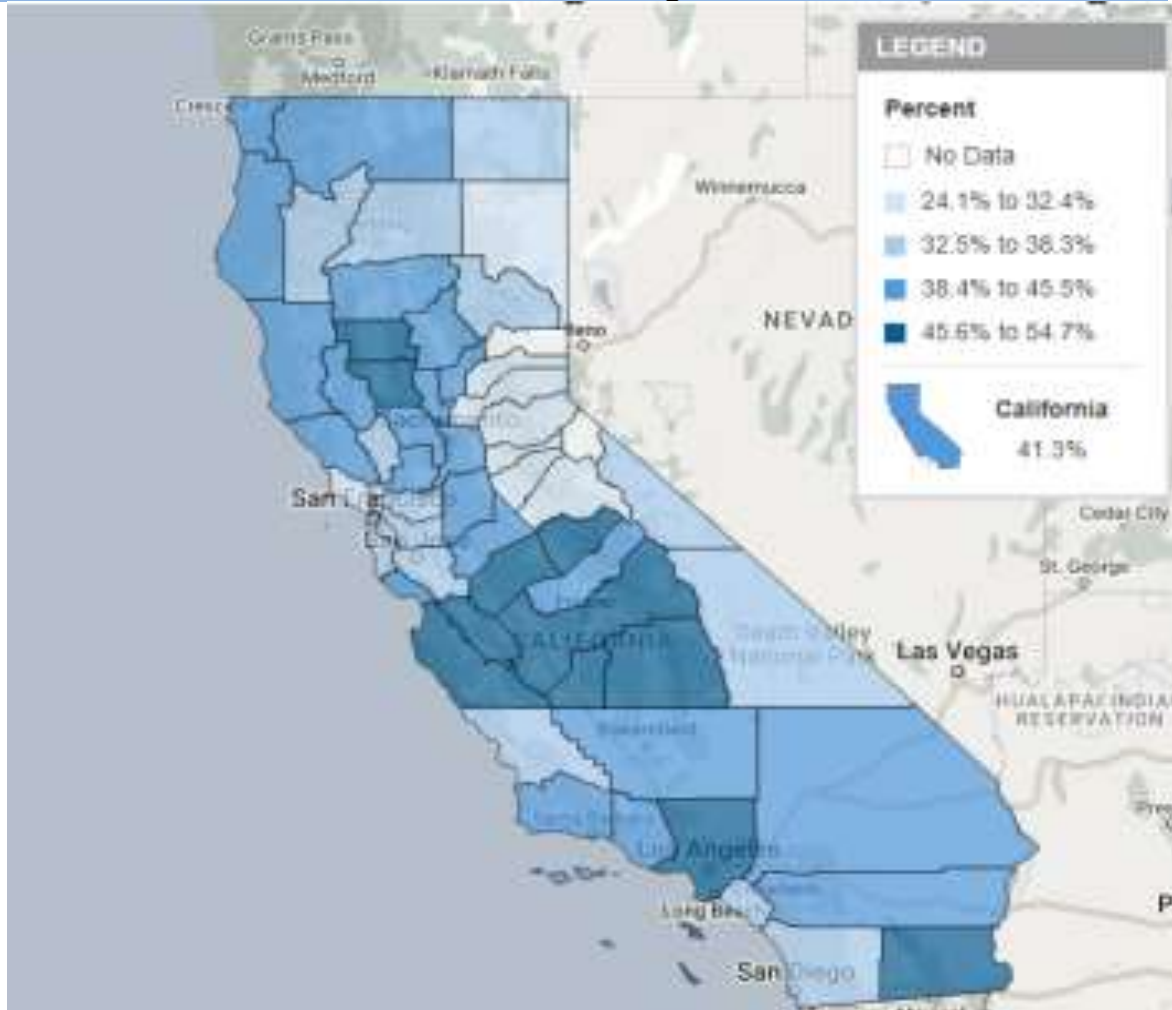
- 1) Requires CDE, on or before June 30, 2024, to develop and post on its internet website a model policy and resources about body shaming that LEA's may use to educate staff and pupils about the issue of body shaming.
- 2) Encourages LEAs to inform teachers, staff, parents, and pupils about the resources developed by the CDE, including, but not limited to, providing information in pupil and employee handbooks and making the information available on each school's internet website.
- 3) "Body shaming" means the action or practice of mocking or stigmatizing a person by making critical comments or observations about the shape, size, or appearance of the person's body.
- 4) "Local educational agency" means a school district, county office of education, or charter school.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author "AB 10 requires the California Department of Education to develop a model policy and resources about body shaming for local educational agencies (LEAs), so that they are adequately equipped to address this issue with students and their parents, in order to reduce instances of body shaming amongst student populations. The bill also encourages LEAs to inform staff, teachers, parents, and students of the resources. While LEAs are required to have policies about how to handle and address bullying, they are not currently required to have resources to address body shaming, which is not always characterized by bullying. Body shaming frequently leads to negative impacts on student mental health, which can cause students to withdraw from their friends, activities, classroom participation, and result in increased absenteeism, sadness, depression, and can even lead to suicidal thoughts and actions. By requiring CDE to develop and make available policies and resources to address this issue, LEAs should be able to reduce instances of body shaming amongst student populations and ensure that teachers, faculty, and parents are prepared to address the topic with students when it does arise."
- 2) **Childhood Obesity.** Childhood obesity is a serious health problem in the United States, affecting 1 in 5 children and adolescents. More than one-third (35%) of U.S. children ages 2-19 are overweight or obese, according to a 2017-2018 survey from the Centers for Disease Control and Prevention. Compared with children at a healthy weight, children with obesity are at higher risk for a range of health

problems, including asthma, high blood pressure, high cholesterol, and type 2 diabetes; they also are more likely to become obese as adults. In addition, childhood obesity is linked to social and emotional difficulties, such as anxiety, depression, stigmatization, bullying, and low self-esteem. Obesity's impact also extends beyond the individual. U.S. medical care costs related to adult obesity have been estimated at about \$190 billion annually; in California, estimates indicate that a 5% reduction in average adult BMI could save more than \$80 billion in obesity-related health costs by 2030.

### **5th Graders Who Are Overweight or Obese: 2019**



*Source: CDE, Physical Fitness Testing Research Files (Jan. 2020).*

In 2019, 41% of 5th graders, 40% of 7th graders, and 38% of 9th graders in California had a BMI or body fat percentage higher than state standards for body composition, figures that have remained relatively stable since 2014. In each grade level, the percentage of boys statewide who are overweight or obese is consistently higher than the percentage of girls. The share of students who are overweight or obese varies widely by region and race/ethnicity. For example, the percentage of 5th graders who were overweight or obese in 2019 ranged from 24% to 55% across counties with data and from less than 5% to more than 75% across school districts. In the same period, 50% of Hispanic/Latino 5th graders

statewide were overweight or obese, compared with fewer than 30% of their Asian and white peers.

- 3) **Effects of Body Shaming and Its Impact on Students.** According to the Merriam-Webster dictionary, “body-shaming” is “the act or practice of subjecting someone to criticism or mockery for supposed bodily faults or imperfections.”

Research shows that much of the discussion on obesity on social media involves “fat shaming”, which often turns into harassment and cyberbullying — especially against women. Recent behavioral science research has documented widespread stigmatization and negative stereotyping of overweight individuals in media and public discourse, and such stigma is detrimental to those struggling with weight issues. The growth of social media offers another way to document public attitudes about obesity, posing whether weight stigma may be exacerbated in user-generated online interactions. In a study published by the National Library of Medicine, researchers in *Obesity in Social Media: A Mixed Methods Analysis* found that “Negative weight-based characterizations in the media have been consistently documented, whereby obese individuals are portrayed as unintelligent and undisciplined architects of their own condition. Furthermore, overweight people are underrepresented in entertainment programs, but those who do appear are portrayed as unattractive, shown engaging in stereotypical eating behavior, and the target of ridicule and derision. The news media also contribute to weight bias by portraying overweight individuals in stigmatizing ways and by focusing primarily on individual-level causes (e.g., diet) and solutions rather than on social or genetic factors. Even in some obesity prevention campaigns, fat shaming continues to be a theme.”

Over the past decade, social media have allowed Internet users to interact with one another on unlimited topics, including health and weight. Recent studies have noted the presence of weight stigma in social media dialogue. On YouTube, for example, personal causes of and responsibility for obesity were dominant themes, and individual-level behavioral changes were often recommended. The user-generated videos frequently contained weight-based teasing and ridicule, and videos with a derogatory stance toward overweight individuals received more views, ratings, and user comments than those without a teasing tone. Researchers further found that “victims of weight-based prejudice are at higher risk for mental health comorbidities, including depression, body dissatisfaction, loneliness, anxiety, and low self-esteem. Weight-based teasing and peer victimization can also contribute to unhealthy behaviors such as disordered eating and decreased physical activity.”

- 4) **Let’s Get Healthy California (LGHC).** In 2012, the California Health and Human Services (CHHS) Agency convened the LGHC Task Force to develop a 10-year plan for improving the health and wellbeing of California. The Task Force brought together a diverse group of leaders from across the state – including representation from state and local government, health systems and insurers, philanthropic organizations, academia, community organizations, and a range of other partners to develop a shared vision.

In 2014, the California Department of Public Health (CDPH) adopted LGHC as the state's health assessment and improvement plan (SHA/SHIP). With the California Health and Human Services (CHHS) Agency spearheading the initiative and CDPH serving as the backbone organization, the LGHC collaborative puts health and equity at the forefront of program and policy planning.

In 2016, CDPH launched LetsGetHealthy.ca.gov, a data dashboard where users can view progress in key areas, to allow anyone to explore data visualizations across the state. In addition to presenting data around key issues, the LGHC website also links that data with strategies and interventions, serving as a valuable tool to inform, connect and empower communities and partners.

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

a) Require CDE, to consult with CHHS and Mental Health Services Oversight and Accountability in the development of the resources.

6) **Improving School Climate.** All LEAs are required to address school climate as one of the key priorities within their Local Control and Accountability Plan (LCAP), as informed by measures such as suspension and expulsion rates, as well as surveys of students, parents and teachers on the sense of safety and school connectedness. The behavioral health module of the California Healthy Kids Survey includes questions on body image and disordered eating, as well as social isolation, responses to trauma, and self-harm behavior. Although body shaming and other factors influencing body image among children and youth are important, many other forms of peer behavior contribute to negative outcomes and mental health issues.

7) **Related Legislation**

*AB 34* (Ramos) Chapter 282, Statutes of 2019, requires LEAs, commencing with the 2020-21 school year, to provide specified bullying and harassment prevention information in a prominent location on their existing website.

*AB 630* (Hueso, 2011) would have expressed the intent of the Legislature to encourage school districts, at their discretion, to establish programs to be integrated into the regular curriculum during National Bullying Prevention Month and throughout the year, to reduce bullying through training with appropriate activities and best practice methodologies involving collaboration among pupils and school staff. *This bill was held in Assembly Education Committee.*

## SUPPORT

California Teachers Association  
Highlands Community Charter and Technical Schools  
Long Beach Unified School District

## OPPOSITION

None Received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 72	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Boerner		
<b>Version:</b>	May 17, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Coastal resources: research: landslides and erosion: early warning system

### SUMMARY

This bill provides an extension of one year to the Scripps Institution of Oceanography at the University of California, San Diego (UCSD) for the purpose of conducting research on coastal cliff landslides and erosion in the County of San Diego and extends by one year the deadline to report its recommendations to the Legislature. The bill additionally increases the number of eligible research sites from two to three.

### BACKGROUND

Existing law:

- 1) Under the California Constitution, establishes the University of California (UC) as a public trust to be administered by the Regents of the UC with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university, and such competitive bidding procedures as may be made applicable to the university for construction contracts, selling real property, and purchasing materials, goods and services. (Constitution of California, Article IX, Section 9)
- 2) Declares the UC as the primary state-supported academic agency for research. (Education Code (EC) § 66010.4 (c))
- 3) Requires, upon appropriation by the Legislature, the Scripps Institute at UCSD to conduct research on coastal cliff landslides and erosion in the County of San Diego and to report to the Legislature recommendations for developing a coastal cliff landslide and erosion early warning system based on available research. (EC § 92685)

### ANALYSIS

This bill:

- 1) Extends deadline from January 1, 2025, to January 1, 2026, for the Scripps Institute at UCSD to conduct research on coastal cliff landslides and erosion in San Diego County.

- 2) Extends deadline from March 15, 2025, to March 30, 2026, for the Scripps Institute to provide a report to the Legislature with recommendations for developing a coastal cliff landslide and erosion early warning system based on available research. The bill extends the repeal date for this reporting requirement by one year.
- 3) Requires the inclusion of real-time measurements and the identification and analysis of specific conditions for a third site, San Elijo State Beach in Cardiff area of the City of Encinitas, as a condition for receiving funding for that purpose.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, in 2021, AB 66 directed the Scripps Institution of Oceanography to conduct research on coastal cliff landslides and erosion at Beacons Beach in the City of Encinitas and the City of Del Mar both in San Diego County. Due to delays in the local permitting process, Scripps researchers were not able to monitor or install the sensors needed for data collection at Beacons Beach for one year. Scripps is requesting a one-year extension to complete the full data collection and provide recommendations for the state to develop an early warning system for bluff collapse to keep our beaches and beach-goers safe.
- 2) **Scripps Institute of Oceanography.** The Scripps Institute of Oceanography at UCSD studies oceans, the atmosphere, Earth, and other planets. They receive funding from a variety of sources, including the Department of Defense, National Science Foundation, National Aeronautics and Space Administration, and National Oceanographic and Atmospheric Administration. The institute hosts a research unit that specifically studies the natural and anthropological processes contributing to the formation and erosion of coastlines. Existing law requires the Scripps Institute conduct research that will lead to the development of an early warning system to help address coastal cliff and bluff failure in San Diego County. It further requires the institute to complete its research and report its findings to the Legislature by the specified dates. Lastly, current law exempts UC Regents, acting in good faith, for civil liability for any harm resulting from measurements, predictions, or warnings regarding bluff failure, cliff landslides, or erosion. It excludes omissions constituting gross negligence from the exemption.

The statutory deadline for the institute to finish its research and provide recommendations for the establishment of a coastal cliff landslide and erosion early warning system is extended by one year under this measure. The bill attempts to expand the scope of liability protections to a third location, by designating San Elijo State Beach in Cardiff, as a research site.

- 3) **Related Budget activity.** The 2021 Budget Act provided \$2.5 million one-time funding for the Scripps Institution of Oceanography at UCSD to conduct a study on coastal cliff landslides and erosion.

- 4) **Related and Prior legislation.**
- 5) AB 66 (Boerner- Horvath, Statutes of 2021, Chapter 456) required, upon an appropriation by the Legislature, the UCSD's Scripps Institution of Oceanography, conduct research on coastal cliff landslides and erosion in San Diego County. AB 66 required the completion of research by January 1, 2025 and a report to the Legislature by March 15, 2025.

**SUPPORT**

None received

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 95	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Hoover		
<b>Version:</b>	May 1, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil nutrition: pupil meals.

### SUMMARY

This bill clarifies that a school may sell an additional meal to a pupil after that pupil has already received a nutritiously adequate meal that qualifies for federal reimbursement.

### BACKGROUND

Existing Law:

*Education Code (EC)*

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

Summer Option, or the state meal program, or do so at its own expense. (EC § 49550)

- 5) Requires every public school to post the school district's nutrition and physical activity policies, in public view within all school cafeterias or other central eating areas. (EC § 49432)

## ANALYSIS

This bill clarifies that a school may sell an additional meal to a pupil after that pupil has already received a nutritiously adequate meal that qualifies for federal reimbursement.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "In the state of California our public schools provide nutritious meal options for students free of charge with the goal of ensuring that all students have access to healthy and satisfying meals so they can focus on their education without being distracted by hunger. AB 95 builds upon the Universal Meals program by authorizing schools to sell a second entrée to students at breakfast or lunch, after the student receives their reimbursable meal. As one can imagine, sometimes one serving at breakfast or lunch may not be enough for the growing 8th grader or a young-student athlete, particularly given the amount of time before they may eat again. This bill would ensure that any student who is still hungry can have access to food with ample nutrition without being turned away."
- 2) **Meal Reimbursement Rates.** School meal reimbursement, by both the federal government and the state, varies each year. In order to receive reimbursement, schools must follow certain meal service options determined by the United States Department of Agriculture (USDA). Depending on the age range of the students served, a full meal consists of a specified amount of fruits, vegetables, grains, meat/meat alternatives, and milk. Most schools throughout the state participate in "offer versus serve," which allows a student to pick three of the aforementioned five components in order for the school to receive full reimbursement for that student's meal.

### National School Lunch Program

Description	Free	Free+8 cents*	Reduced-Price	Reduced-Price+8 cents*	Paid	Paid+8cents*
Agencies that served less than 60% free/reduced-price lunches in 2021–22	\$4.33	\$4.41	\$3.93	\$4.01	\$0.77	\$0.85
Agencies that served 60% or more free/reduced-price lunches in 2021–22	\$4.35	\$4.43	\$3.95	\$4.03	\$0.79	\$0.87
Commodity Value	\$0.4300	\$0.4300	\$0.4300	\$0.4300	\$0.4300	\$0.4300

**Note:** Payments listed for free and reduced-price lunches include both section 4 and section 11 funds of the National School Lunch Act.

The current federal school lunch reimbursement rates are \$4.41 for free lunch and \$4.01 for reduced-priced lunch. Schools that serve more than 60% low-income students receive \$0.02 more for both free and reduced-priced lunches. The state school lunch reimbursement rate is \$0.8950 for both free and reduced-priced lunches.

- 3) ***Meals Service Options: USDA Meal Programs or Competitive Food.*** The California Department of Education, Nutrition Services Division administers many of the USDA meal programs at the state level:
- a) *The National School Lunch Program (NSLP).* The NSLP is a federally assisted meal program operating in public and nonprofit private schools and residential childcare institutions. It provides nutritionally balanced, low-cost or free lunches to children each school day.
  - b) *The School Breakfast Program (SBP).* The SBP provides reimbursement to states to operate nonprofit breakfast programs in schools and residential childcare institutions. The Food and Nutrition Service of the USDA administers the SBP at the federal level.
  - c) *The Child and Adult Care Food Program (CACFP).* The CACFP is a federal program that provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating childcare centers, daycare homes, and adult daycare centers. The CACFP also provides reimbursements for meals served to children and youth participating in afterschool programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in daycare facilities.
  - d) *The Summer Food Service Program (SFSP).* The SFSP is a federally-funded, state-administered program. The SFSP reimburses program operators who serve free healthy meals and snacks to children and teens in low-income areas.
  - e) *The Seamless Summer Option (SSO).* Schools participating in the NSLP or SBP are eligible to apply for the SSO. This option allows public schools to combine features of the School Nutrition Programs and the SFSP along with reduced paperwork requirements, making it easier for schools to feed children during the traditional summer vacation periods and, for year-round schools, long school vacation periods.

All public non-charter schools participating in the NSLP or SBP must follow state and federal requirements for competitive foods and beverages. All charter or private schools participating in the NSLP or SBP must follow only the federal requirements.

*This bill would require schools to provide a federally reimbursed meal service option before selling an entrée from that meal service, which is then a competitive food.*

- 4) **Competitive Foods.** Competitive foods and beverages, also known as “Smart Snacks,” are those that are sold, to students on the school campus during the school day, and outside of the federally reimbursable meal programs.

*Since these foods and beverages are offered outside federally reimbursable meal programs, schools are not reimbursed for these meals. Examples of how these foods and beverages are sold may occur in student stores, fundraisers, or á la carte items the school food service department sells. Students purchasing these food and beverage items, typically pay cash to acquire those items.*

Competitive food and beverage requirements in California began in 1976 with rules that govern food and beverage sales by student organizations. Since 2001, due to awareness of the obesity epidemic, there have been numerous state laws passed which currently shape the competitive foods environment in California schools for all foods and beverages sold to students. In July 2014, schools implemented the USDA competitive food regulations called Smart Snacks in School (SSIS). In January 2016, California passed Senate Bill 1169 (McGuire) Chapter 280, Statutes of 2016, which streamlines state competitive food rules with the federal SSIS rule. Today's rules encompass a comprehensive approach to food and beverage sales by all groups or individuals during the school day and throughout the school campus.

- 5) ***Solving For Food Insecurity Among Students: Universal Meals.*** Beginning the 2022-23 school year, the state required school districts and charter schools to provide two free meals per day to all students, regardless of free meal eligibility. The state reimburses school districts and charter schools for the cost of the meal, up to the federal free meal reimbursement rates for all students who are not eligible for federal free meals.

*The committee may wish to consider whether this bill, which would allow schools to offer competitive foods once their federally reimbursed meal has been provided , potentially creates the same disparity between students that Universal Meals addressed as only student who will be able to get more food are students with money.*

## 6) **Related Legislation**

SB 348 (Skinner, 2023) a) requires charter schools to provide two meals, rather than one, beginning the 2024-25 school year; b) requires a local educational agency (LEA), county superintendent of schools, or charter school to serve breakfast meals on each four-hour schoolday, as specified; c) requires the CDE to submit a waiver to the USDA to allow school to serve meals to student in non-congregate setting on short days; d) Permits a LEA, county Office of Education (COE), or charter school to choose to participate in a state or federal reimbursement program or competitive foods, as specified; e) Requires the CDE to conduct a survey to make a recommendation on the appropriate amount of time that is adequate for a pupil to eat school meals; f) requires CDE, in collaboration with the Department of Social Services (DSS) to maximize participation in the federal Summer Electronic Benefit Transfer For Children (SEBTC), as specified; g) Requires CDE, in conjunction with specified stakeholders, to develop nutrition requirements, as specified.

*AB 1178* (L.Rivas, 2023) requires, contingent on appropriation, the CDE to reimburse with state funds federal summer meal program operators for meals served to the guardian of a student receiving a meal from a summer meal program.

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

*AB 558* (Nazarian), Chapter 905, Statutes of 2022, requires, by July 1, 2023, the CDE, in consultation with the State Department of Social Services, to develop guidance for LEAs that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at a LEA schoolsite.

**SUPPORT**

None Received

**OPPOSITION**

None Received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 226	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Ramos		
<b>Version:</b>	March 20, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** University of California: California Native American Graves Protection and Repatriation Act of 2001.

### SUMMARY

This bill strongly urges, by June 30, 2024, and annually thereafter, the University of California (UC) to report each campus's progress towards completing repatriation of Native American remains and cultural items. The bill also strongly urges the UC Office of the President to provide funding to support each institution's efforts towards repatriation. Lastly, UC is strongly urged to prohibit use of any Native American human remains or cultural items for purpose of teaching or research at UC.

### BACKGROUND

Existing law:

*Federal law*

- 1) Creates the Native American Graves Protection and Repatriation Act ( NAGPRA) of 1990, which, in part:
  - a) Requires federal agencies, museums, and institutions, which includes UC campuses, to repatriate "cultural items" to lineal descendants and culturally-affiliated Indian tribes and Native Hawaiian organizations, as provided;
  - b) Defines cultural items to include human remains, funerary objects, sacred objects, and objects of cultural patrimony, as specified;
  - c) Declares that the Secretary of the Interior may assess civil penalties on museums that fail to comply;
  - d) Establishes procedures for the inadvertent discovery or planned excavation of Native American cultural items on federal or tribal lands;
  - e) Makes it a criminal offense to traffic in Native American human remains without right of possession or in Native American cultural items obtained in violation of the Act, as provided; and,

- f) Establishes penalties for trafficking in remains or cultural items, including up to 12 months imprisonment and a \$100,000 fine for first offender violations. (Public Law 101- 601; 25 U.S.C. 3001-3013)

*State law:*

- 2) Creates the California Native American Graves Protection and Repatriation Act (state NAGPRA), which, in part:
  - a) States that it is the intent of Legislature to, among other things, apply the state's repatriation policy consistently with the federal NAGPRA while considering the unique history of California towards California Indian tribes and facilitate the implementation of the federal NAGPRA with respect to publicly funded agencies and museums in California.
  - b) Requires any public agency or museum (includes UC campuses) that has possession or control over collections of California Native American human remains or associated funerary objects to complete a review of their inventories of all these remains and associated funerary objects in accordance with the requirements specified in the act.
  - c) Requires agencies and museums to consult with affiliated California Indian tribes on any protocols to be used in the inventory process prior to new or additional inventory work being conducted.
  - d) Requires an agency or museum receiving a repatriation request for human remains and cultural items to follow the criteria specified in the act.
  - e) Further requires the UC, as a condition for using state funds for the handling or maintenance of Native American human remains and cultural items, to establish a systemwide NAGPRA Implementation and Oversight Committee, and for any campus subject to the federal NAGPRA to establish a campus implementation committee and:
    - i) Requires the UC Regents to establish a systemwide NAGPRA Implementation and Oversight Committee with membership as specified.
    - ii) Requires UC, in consultation with the California Native American Tribes, to adopt and implement certain policies and procedures to better implement the federal NAGPRA and to timely submit the policies and procedures to the Native American Heritage Commission for review and comment.
    - iii) Requires that UC ensure that each campus committee utilize the specified policies and procedures adopted and also adopt procedures to support appeals and dispute resolutions in cases where a tribe disagrees with a campus determination regarding repatriation or disposition of human remains or cultural items.

- iv) Authorizes a UC campus to adopt policies to supplement the systemwide policies adopted, under certain conditions and in consultation with California Native American tribes.
  - v) Requires each campus that is subject to the federal NAGPRA to establish a NAGPRA implementation committee, with membership as specified. The act provides that claims for repatriation or claims of any violation of the policies and procedures adopted are to be submitted to the campus committee for determination.
  - vi) Requires the California State Auditor to conduct an audit regarding the UC's compliance with the federal NAGPRA and the state NAGPRA and report its findings to the Legislature commencing in 2019 and again in 2021. (Health and Safety Code Section 8010 et.al and Section 8024 – 8028.5)
- 3) Establishes the UC, a public trust to be administered by the Regents of the UC and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services (Article IX, Section (9)(a) of the California Constitution).
- 4) Grants the UC Regents regulatory authority over the UC. (EC § 92440, et seq.)

## ANALYSIS

This bill:

- 1) Urges the UC, by June 30, 2024, and annually thereafter, to report each institution's progress towards completing repatriation according to the state NAGPRA of 2001.
- 2) Urges the UC Office of the President to provide available funding to sufficiently support each institution's efforts towards completing repatriation according to the state NAGPRA of 2001.
- 3) Urges the UC to prohibit use of any Native American human remains or cultural items for purposes of teaching or research at the UC.
- 4) Defines, for purposes of this measure, the following terms:
  - a) "Act" Means the California Native American Graves Protection and Repatriation Act of 2001.
  - b) "Institution" means a campus of the UC.

**STAFF COMMENTS**

- 1) **Need for the bill.** According to the author, “the UC system is not compliant with NAGPRA of 1990 and the 2001 California counterpart, CalNAGPRA.” The author states that, “the State Auditor has conducted two audits on this issue and in the most recent [audit] has found that although some improvements have been made, the UC system has not taken adequate action to ensure a timely return of Native American remains and cultural items.” Further, the author states, “AB 226 builds upon the work of the legislature when it comes to properly repatriating Native American remains and cultural items in the University of California system.”

Lastly, the author contends that, “this bill is vital to preserve tribal culture and ensure Native American tribes have the opportunities to pay honor and respect to our ancestors and elders, including those who have come before, and to the tribal members that continue to create pathways for future generations.”

- 2) **Current requirements.** This bill would impose new duties on UC regarding the care, preservation and repatriation of Native American human remains and cultural items, in addition to the conditions outlined in current law. Existing law established by AB 2836 (Gloria, Chapter 823, Statutes of 2018) requires that the UC Regents establish a systemwide NAGPRA Implementation and an Oversight committee and that each campus subject to the federal NAGPRA establish a campus specific implementation committee in order to implement the federal and State NAGPRA laws. It also requires UC to adopt and implement systemwide policies and procedures in consultation with California tribes, and submit them to the Native American Heritage Commission for review and comment. Campuses may adopt supplementary policies if they determine that individual circumstances are not adequately addressed by systemwide policies.
- 3) **Related Audit Report.** The California State Auditor (Auditor) released its second report of the UC’s compliance with federal and state NAGPRA on November 17, 2022. It states that, although the university has made progress since its 2020 audit, it must take extra steps to ensure the timely return of Native American remains and cultural items. The auditor noted that UC Berkeley, Riverside, Santa Barbara and San Diego continue to maintain large collections and that some of them have failed to conduct a comprehensive review of all human remains and cultural items in their control.

The auditor concluded, among other things, that UC Office of the President (UCOP) has not yet established that campuses have the appropriate guidance to return their collections, including newly discovered collections, in a timely and consistent manner. For tribes attempting to regain their ancestors, the lack of uniformity has caused frustration and complication. In addition, colleges have not begun consultations with tribes as mandated by the state NAGPRA. In other instances, the UCOP-required repatriation implementation plans had not been finalized, and the UCOP had not formally committed to providing sustainable funding for repatriation-related activities.

The auditor made two sets of recommendations, one aimed at the Legislature and the other directed towards the Regents. First, the auditor suggests legislative action amending state law to require UC to regularly report on its campuses' progress toward completion of repatriation, to require UCOP to provide adequate funding to support campuses' repatriation efforts, and to review state NAGPRA to allow individuals with other types of educational backgrounds to qualify for committee membership.

Audit recommendations directed at UC, propose that the system issue guidance on partner entities for item repatriation, establish a uniform process that campuses must adhere to when consulting with tribes regarding university inventories, have full-time repatriation coordinators, and submit detailed repatriation plans with budget for review. UC issued a response to the audit recommendations and agreed to accept all of them.

The provisions in this bill codify two of the three auditor recommendations issued to the Legislature, specifically to report on progress and provide sufficient funds to support repatriation efforts.

4) **Prior and related legislation.**

SB 61 (Dodd, 2023), similar to this bill, codifies portions of the audit recommendations related to NAGPRA compliance. Specifically, it requires, as a condition for the use of state funds to handle and maintain Native American human remains and cultural items, that the UCOP comply with various requirements regarding the repatriation of Native American human and cultural items, including issue guidance on partner entities for item repatriation, establish a uniform process that campuses must adhere to when consulting with tribes regarding university inventories, have full-time repatriation coordinators, and submit detailed repatriation plans with budgets for review. SB 61 and this bill focus on different recommendations; as such, the bills do not appear to establish conflicting policies. SB 61 was passed by this committee with a vote of 7 to 0 and has been referred to the Assembly Committee on Higher Education.

AB 1662 (Ramos, Chapter 112, Statutes 2019) expands the membership of the UC system wide NAGPRA Implementation, and Oversight Committee, from two to three voting members from a tribe located in California thereby increasing the committee's overall membership to eight individuals.

AB 2836 (Gloria, Chapter 823, Statutes of 2018) required the UC Regents to establish and support a system-wide NAGPRA Implementation and Oversight Committee, and for any campus subject to the federal NAGPRA to establish a campus implementation committee.

AB 978 (Steinberg, Chapter 818, Statutes of 2001) enacted the California NAGPRA to establish a process for repatriating Native American human remains and cultural items that are currently in the possession of any state or local agency or any museum that receives state funds.

**SUPPORT**

Santa Ynez Band of Chumash Indians (Sponsor)  
California Faculty Association  
Generation Up

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 230	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Reyes		
<b>Version:</b>	March 27, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Menstrual products: Menstrual Equity for All Act of 2021.

### SUMMARY

This bill expands the grade range in which a public school's women's and all-gender restrooms, and in at least one men's restroom, must stock menstrual products to any combination of classes from grades 6 to 12 to grades 3 to 12, beginning the 2024-25 school year.

### BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) On or before the start of the 2022–23 school year, a public school, including a school operated by a local education agency (LEA), COE, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school's restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom. (EC § 35292.6)
- 2) States that it is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses. (EC § 221.5 (a))
- 3) Requires every public and private school maintaining any combination of classes from kindergarten to grade 12, inclusive, to comply with all of the following:
  - a) Every restroom shall at all times be maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
  - b) The school shall keep all restrooms open during school hours when pupils are not in classes, and shall keep a sufficient number of restrooms open during school hours when pupils are in classes. (EC § 35292.5(a))

## ANALYSIS

This bill expands the grade range in which a public school's women's and all-gender restrooms, and in at least one men's restroom, must stock menstrual products to any combination of classes from grades 6 to 12 to grades 3 to 12, beginning the 2024-25 school year. Specifically, this bill:

### *General Provisions*

- 1) Requires on or before the 2024-25 school year, a public school, including a school operated by a LEA, COE, or charter school, maintaining any combination of classes from grades 3 to 12, inclusive, shall stock the school's restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and at least one men's restroom.
- 2) Prohibits a public school from charging students for any menstrual products.
- 3) Requires these schools to post a notice regarding these requirements in a prominent and conspicuous location in every restroom required to stock menstrual products that include the text of this requirement and contact information, including an email address and telephone number for a designated individual responsible for maintaining the requisite supply of menstrual products.
- 4) Defines "menstrual products" to mean "menstrual pads and tampons for use in connection with the menstrual cycle."

### *Findings and Declarations*

- 5) Finds and declares California's strides in increasing access to menstrual products by establishing the Menstrual Equity for All Act of 2021. However, it missed a population of pupils in grades 3 to 5 that may start their periods early.
- 6) States it is the intent of the Legislature to promote period equity through adequate access to menstrual products in schools also serving grades 3 to 5.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author " AB 230 expands on the Menstrual Equity for All Act of 2021 by requiring public schools serving third through fifth grades to adequately stock restrooms with menstrual products. The Menstrual Equity for All Act of 2021 was enacted to expand access to menstrual products in public schools serving sixth through twelfth grades across California. Currently, there are over 2,400 schools serving third through fifth grade students that are not required to make menstrual products available to their students. AB 230 will continue California's progress toward period equity by expanding availability of free menstrual products to younger students in need."
- 2) **Menstrual Equity for All Act of 2021.** In 2021, Governor Gavin Newsom signed AB 367 (C. Garcia) Chapter 664, Statutes of 2021, the Menstrual Equity for All Act



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

One in four women and girls in the U.S. struggle to pay for them. This lack of access to these products among school-aged female students directly impacts the quality of their education and well-being. A 2021 study by the University of Pennsylvania found that 80% of female students have missed all or part of a class or know someone who had to miss class because they did not have access to menstrual hygiene products. Beyond impacting education, period poverty, the inability to afford and lack of access to menstrual and sanitary products can worsen the social stigma around menstruation and affect students' mental and physical health. Roughly 68% of students who experienced monthly poverty reported moderate to severe depression. Furthermore, researchers found that 50% of students who could not afford to buy disposable products to stretch their dollars did not change them out every four to eight hours as the Food and Drug Administration recommended. This increases the risk of a rare but deadly reaction known as "Toxic Shock Syndrome" (TSS) and other bacterial infections.

According to the author, AB 367 sought to ensure that "students have equal access to education and are empowered to reach their full potential, irrespective of their gender or economic status."

- 3) ***Age of Onset of Menstruation.*** According to a report from the Centers for Disease Control and Prevention (CDC) reports that among women aged 15 to 44 in the United States between 2013 and 2017, 10% reached menarche by age 10, 53% by age 12, and 90% by age 14. Students aged 10 are typically enrolled in the 5th grade.

*This bill builds on AB 367 by expanding the Menstrual Equity for All Act of 2021 to include grades 3, 4, and 5.*

- 4) ***Adolescent Experience Relating to Menstruation and School.*** A 2019 Harris Interactive poll of 2,000 teens aged 13 to 19 in the United States commissioned by the nonprofit organization PERIOD and a menstrual products company found:
- Two-thirds of teens have felt stressed due to limited access to period products.
  - 20% have struggled to afford period products or could not purchase them at all.
  - 61% have worn a tampon or pad for more than 4 hours because they did not have enough access to period products (which puts them at risk of infection and TSS).

- 84% have either missed class time or know someone who missed it because they could not access period products.
  - 25% have missed class because of insufficient access to period products.
  - 83% think lack of access to period products is an issue that is not discussed enough.
  - 66% do not want to be at school during their period.
  - 69% feel embarrassed when they have to bring period products to the bathroom.
  - The majority (51%) of students feel their school does not care about them if they do not provide free period products in their bathrooms.
  - 51% have missed at least part of a class or class period due to menstruation symptoms such as cramps.
- 5) ***Dangers of TSS.*** While some pupils who menstruate may choose to reduce the cost of menstrual products by reducing the time between changing the product, this choice can have deathly health consequences caused by TSS. In 1980, the Center for Disease Control established a close association between incidents of TSS and tampon use. The potentially fatal disease causes fever, shock, low blood pressure, skin rashes, and liver and kidney abnormalities. In 1982 the Federal Drug Administration required that menstrual tampon packages contain a brief statement alerting consumers to the dangers of TSS, including the risk to all women using tampons during their menstrual period, especially the reported higher risks to women under 30 years of age and teenage girls. The package warnings also included the incidence of TSS of 6 to 17 per 100,000 menstruating women and girls per year and the risk of death from contracting TSS.
- 6) **Related Legislation**

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

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

*SB 760* (Newman, 2023) This bill would require, on or before January 1, 2025, each LEA, COE, and charter school, including charter schools operating in a school district facility, to maintain any combination of classes from kindergarten to grade 12, inclusive, to provide at least one all-gender restroom for pupil use at each of its schoolsites.

**SUPPORT**

Office of Lieutenant Governor Eleni Kounalakis (Co-Sponsor)  
American Association of University Women - California  
American College of Obstetricians and Gynecologists District 1X  
California Academy of Family Physicians  
California Alternative Payment Program Association  
California Association of School Counselors  
California Federation of Teachers  
California Nurse Midwives Association  
California Teachers Association  
County of Santa Clara  
Health Access California  
Naral Pro-Choice California  
National Association of Social Workers, California Chapter  
2 Individual

**OPPOSITION**

1 Individual

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 278	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Reyes		
<b>Version:</b>	March 16, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** High Schools: Dream Resource Center Grant Program.

### SUMMARY

This bill establishes the Dream Resource Center Grant program, administered by the California Department of Education (CDE), for purposes of creating Dream Resource Centers at schoolsites that service high school students.

### BACKGROUND

Existing law:

- 1) Encourages the California Community Colleges (CCC), the California State University (CSU), and the University of California (UC) to establish Dream Resource Centers on each of their respective campuses. (Education Code (EC) § 66021.8)
- 2) Requires that the CCC and the CSU, and requests that the UC, designate a Dreamer Resource Liaison on each of their respective campuses beginning with the 2020-21 academic year. (EC § 66021.8)
- 3) Exempts specified California nonresidents from paying nonresident tuition at UC, CSU, and CCC, also known as the AB 540 nonresident tuition waiver, if they meet all of the following:
  - a) Attended or attained credits at a California high school, an adult school, a CCC campus, or a combination of these entities, for the equivalent of three or more years; or completed three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of such elementary and secondary schools;
  - b) Graduated from a California high school or attained an equivalent degree; attained a CCC associate degree; or fulfilled the minimum transfer requirements from a CCC campus to a UC or CSU campus;
  - c) Registered or attended an accredited California higher education institution beginning after fall of the 2001-02 academic year; and,

- d) If a person without lawful immigration status has filed an affidavit stating that the student has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to so do. (EC 68130.5.)
- 4) Establishes the California DREAM Act to provide state financial aid, including the Cal Grant Program and the CCC California College Promise Grant, and institutional financial aid to students who qualify for the aforementioned exemption from non-resident tuition. (EC § 69508.5)
- 5) Establishes the California DREAM Loan Program intended to provide low-interest loans to DREAM Act students who are accessing the Cal Grant Program and attending UC and CSU. These students are not eligible for federal student loans. Requires the state, the UC, and the CSU to share in the costs of launching the program. (EC § 70030-70039)
- 6) Requires the governing boards of a school district and charter school to ensure a student receiving information completion and submission of the Free Application For Federal Student Aid or the California Dream Act application before the student enters grade 12. (EC § 51225.7)

## ANALYSIS

This bill:

- 1) Establishes the Dream Resource Center grant program, to be administered by the CDE for a period of four years, at high school sites to provide students, including undocumented students, with resources that include, but are not limited to, all of the following:
  - a) Financial aid support.
  - b) Social services support.
  - c) State-funded immigration legal services.
  - d) Academic opportunities.
  - e) Parent and family workshops.
- 2) Authorizes a school district, including those that have already established a Dream Resource Center at school sites, to apply for funds for one or more school sites within the school district and requires an application demonstrate the need for a Dream Resource Center or the need for supplemental funding for school sites that have already established a Dream Resource Center.
- 3) Requires that CDE perform all of the following functions in the administration of the Dream Resource Center Grant program:
  - a) Review applications and award grants based off of a tiered point system that prioritizes applications for funding as follows:

- i) School districts with a large number of school sites in need be given points based off of demonstrated need, as determined by CDE.
  - ii) School districts in underserved areas, including those in rural areas, be given additional points to ensure school districts across the state are given fair opportunities for funding.
  - iii) Award no more than 5 percent of the total funding to supplementing the funding of existing Dream Resource Centers.
- b) Identify data to be collected by grant recipients.
- c) Identify how collect data is to be reported by grant recipients.
- 4) Requires a grant recipient to use the grant for either of the following purposes:
  - a) To create a Dream Resource Center that provides students with the specified resources. School sites may choose to have the Dream Resource Center solely supported by the school site or can choose to be supported through memorandums of understanding between the school site and community based organizations or institutions of higher education.
  - b) To supplement, but not supplant, funding for an existing Dream Resource Center that provides students with the specified resources.
- 5) Requires CDE, by June 1, 2026, to submit a report to the appropriate policy committees of the Legislature detailing the success, best practices, barriers or constraints, and outcomes of Dream Resource Centers funded with grants as specified in the bill and requires that the report include data required in the bill.
- 6) Makes the bill's provisions contingent upon an appropriation by the legislature for its purposes in the annual budget Act or other statute.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "AB 278 will establish the Dream Resource Center grant program to create and support Dream Centers across California. Dream Centers provide essential resources such as financial aid assistance and access to legal services to help students, especially those coming from undocumented and immigrant backgrounds, reach their educational and professional goals. Dream Centers have had notable success in our colleges and universities following previous legislation requiring liaisons to be present on campuses. Dream Centers have also been established in a few high schools in Los Angeles Unified School District. In our high schools, Dream Centers have served as a lifeline for students and their families. California is home to many first generation and immigrant students, many of whom have to navigate a complex immigration and education system without proper guidance or support. Students

have to stay up to date on both federal and state policies in order to maneuver through our immigration process. For example, recent changes to the Deferred Action for Childhood Arrivals (DACA) Program have led to a new generation of students without DACA protections or work authorizations. This is too much for students to handle on their own. California must act to provide students with the opportunity to succeed and build upon the success of existing Dream Centers. By giving students the tools and resources needed to succeed statewide, many students will reach new higher educational and professional opportunities. AB 278 will provide access to resources, stability and hope to our students.”

- 2) **Eligible schools.** This bill creates a competitive grant process whereby school districts may apply on behalf of one or multiple school sites to support an existing center or establish one. The grant selection process prioritizes school districts in underserved areas, including rural locations and school districts with a large number of sites that can demonstrate need. CDE is ultimately responsible for determining grant awardees. Because the applicant pool is limited to school districts, charter schools are not considered eligible entities under this measure. According to the Charter School Association, charter schools serve 12 percent of California’s K–12 public school population and equivalent amounts of undocumented students and English learners as traditional public schools. *The author may wish to consider making charter schools eligible applicants for the program.*
- 3) **Many public higher education institutions have centers.** Each UC, a majority of campuses at CSU, and some community colleges have designated centers that support undocumented students. Statute encourages the establishment of these centers and requires that public higher education institutions designate an individual on campus who is knowledgeable in financial aid and other support services to assist students. Services on each campus vary and can range from having a designated center that is independent, sharing a space, and/or having a point of contact. This bill attempts to establish similar support and resources at high school sites.
- 4) **State resources for undocumented students.** State law, established by AB 540 and expanded upon by other legislation, allows non-resident students who meet certain qualifications to pay in-state tuition. These students may include undocumented students, students who are US citizens but who are not CA residents, and dependent students whose parents are not CA residents. The California Dream Act, established by SB 131 (Cedillo, Chapter 604, Statutes of 2011) allows AB 540 students to apply for and receive private scholarships funded through public universities, state-administered financial aid, University grants, community college fee waivers, and Cal Grants. Current law additionally establishes a loan program, known as the Dream loan, for those students attending a participating UC or CSU. Students apply for these awards using the California Dream application rather than the general FAFSA form. Lastly, prior budget actions in 2019 and 2020 provided ongoing funding to support immigrant legal services at CSU and community colleges.
- 5) **Deferred Action for Childhood Arrivals (DACA) program.** DACA is a federal process that defers removal action of an individual for a specified number of

years. It allows those who entered the country as children eligible to have work authorization. Some students with DACA status participate in state work-study programs in college. A person can be eligible for both the exemption established by AB 540 and DACA status or just either one. The state and federal programs are independent of each other. The program has recently (October 2022) stalled, a court order prevents the Department of Homeland Security from approving initial DACA requests, but can continue processing DACA renewals. Ensuring that students receive accurate and up to date information could be a critical component for their academic success and transition into career or college.

6) **Related legislation.**

AB 1645 (Blanca Rubio and Reyes, Chapter 788, Statutes of 2019) requires the CCC and CSU, and requests the UC, to designate a Dreamer Resource Liaison who is knowledgeable in financial aid and other support services to assist students who qualify for the exemption from paying nonresident tuition established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001). It also encourages the establishment of Dream Resource Centers on each campus, as specified.

AB 2477 (Rubio, 2018) would have required the CSU and encouraged the UC, to designate a Dream resource Liaison who is knowledgeable in financial aid and other services for students who meet requirements of the AB 540 nonresident tuition waiver. AB 2477 was vetoed by Governor Brown whose message read, in part:

**“As I stated in the veto of AB 2009 of 2016, all of our higher education institutions ought to be well-versed in the rights and opportunities available to undocumented students. I further called on our system higher education leaders to ensure that relevant campus personnel can ably fulfill these duties.**

**UC and CSU have complied by either creating designated physical spaces on campus called Dream Resource Centers, or provided such information through existing student support programs. This bill is not necessary.”**

SB 247 (Lara, 2016) would have authorized the governing board of a school district or county office of education, the governing board of a CCC district, and the trustees of the CSU, and encouraged the UC Regents to establish on campus Dream Centers for the purposes of providing educational support services for undocumented students. SB 247 bill was approved by this committee but was subsequently amended to relate to operating requirements on buses.

AB 1366 (Lopez, 2016) would have encouraged high schools, CCCs, CSU, and UC to designate a Dream Resource Liaison on each of their campuses and authorized the governing boards of each segment to accept private funds to establish and operate centers. AB 1366 was approved by this committee, but it subsequently died on Senate inactive file.



AB 2009 (Lopez, 2016) would have required the CCCs, CSU and encouraged UC to designate a Dream Resource Liaison at each of their respective campuses and authorizes the governing boards of each segment to accept private funds to establish and operate a Dream Resource Center. AB 2009 I was ultimately vetoed by Governor Brown whose message read, in penitent part:

***“Rather than reinforcing state law with an additional law, I am calling upon university of California president Janet Napolitano and California State University President Time White to ensure that relevant campus personnel can ably fulfill these duties, and I will requires incoming California Community Colleges Chancellor Eloy Oakley to help our 113 community college campuses dot the same.”***

## **SUPPORT**

Coalition for Humane Immigrant Rights (Sponsor)  
Association of California School Administrators  
California Immigrant Policy Center  
California Student Aid Commission  
California Undocumented Higher Education Coalition  
Immigrants Rising  
National Association of Social Workers, California Chapter  
NextGen California

## **OPPOSITION**

California Charter Schools Association

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair  
2023 - 2024 Regular

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<b>Bill No:</b>	AB 247	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Muratsuchi		
<b>Version:</b>	May 18, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** Education finance: school facilities: Transitional Kindergarten Through Community College Public Education Facilities Bond Act of 2024.

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

### SUMMARY

This bill makes changes to the existing School Facility Program (SFP) and places the Transitional Kindergarten-Community Colleges Public Education Facilities Bond Act on an unspecified 2024 statewide ballot.

### BACKGROUND

Existing law establishes the 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.

The last statewide general obligation bond, Proposition 51, was approved by voters in November 2016. Proposition 51 authorized a total of \$9 billion in state general obligation bond funds—\$7 billion for K-12 education facilities and \$2 billion for community college facilities. Of the \$7 billion for K-12 education, \$3 billion is for new construction, \$3 billion is for modernization, and \$1 billion is for charter schools and vocational education facilities.

### ANALYSIS

This bill:

- 1) Establishes the Transitional Kindergarten Through Community College Public Education Facilities Bond Act of 2024. Authorizes bonds in the total amount of \$14 billion, to be issued and sold. Requires the bonds, when sold, issued, and delivered, to be and constitute a valid and binding obligation of the State of California, and pledges the full faith and credit of the State of California for the punctual payment of the principal of, and interest on, the bonds as the principal and interest become due and payable.

- 2) Requires the proceeds from the sale of bonds issued and sold to be allocated in accordance with the following schedule:
  - a) The amount of \_\_\_\_ dollars for new construction of school facilities of applicant school districts. Of the amount allocated, requires up to 10% to be available to small school districts;
  - b) The amount of \_\_\_\_ dollars for the modernization of school facilities. Of the amount allocated, requires up to 10% to be available to small school districts;
  - c) The amount of \_\_\_\_ dollars for the replacement of facilities that are at least 50 years old;
  - d) The amount of \_\_\_\_ dollars for the remediation of lead in water;
  - e) The amount of \_\_\_\_ dollars for providing school facilities to charter schools;
  - f) The amount of \_\_\_\_ dollars for facilities for career technical education programs; and
  - g) The amount of \_\_\_\_ dollars for projects to address climate change impacts on school facilities.
- 3) Requires this act to take effect upon the adoption by the voters of the Transitional Kindergarten Through Community College Public Education Facilities Bond Act of 2024.
- 4) Requires this act to be submitted to the voters at the \_\_\_\_ 2024, statewide \_\_\_\_ election.
- 5) Requires the California Department of Education (CDE) to process all applications received on and after \_\_\_\_ within 90 days of receipt of the application and presented to the State Allocation Board (SAB) within 120 days of receipt of the application.
- 6) Establishes a fund in the State Treasury, to be known as the 2024 State School Facilities Fund. Requires all money in the fund, including any money deposited in the fund from any source whatsoever, to be continuously appropriated without regard to fiscal years for expenditure.
- 7) Requires, for projects funded with bonds approved by voters after January 1, 2024, an applicant to submit the following information to the CDE once for each school in the school district:
  - a) The year each building at the school that is currently used for instructional purposes was constructed;

- b) The square footage of each building that is currently used for instructional purposes;
  - c) The year, if any, each building that is currently used for instructional purposes was last modernized;
  - d) The pupil capacity of the school;
  - e) The age and number of portable buildings at the school; and
  - f) Whether the school has a cafeteria or multipurpose room, a library, or a gymnasium.
- 8) Requires, for purposes of determining the points used to compute the adjustments applied for new construction or modernization grants, the CDE to compute the sum of the following point computations applicable to each school district:
- a) Requires, for each school district, the CDE to divide the district's gross bonding capacity by the district's total enrollment, as specified.
  - b) Requires, for each school district, the CDE identify each district's unduplicated pupil percentage as determined for purposes of the Local Control Funding Formula (LCFF).
  - c) Requires a school district that has a pupil enrollment of 200 pupils or fewer to receive one point.
  - d) Requires the CDE to draft regulations for consideration by the SAB to further clarify the requirements of this section.
- 9) Requires, for a school district with an enrollment of 2,500 or less, an adjustment in enrollment projections to not result in a loss of ongoing eligibility to that school district for a period of five years from the date of the approval of eligibility by the SAB.
- 10) Requires the SAB to adjust a school district's required local contribution and the school district's associated state contribution for a new construction or modernization grant, as specified.
- 11) Authorizes a grant for new construction or modernization to be used for the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology, including schoolsite-based infrastructure necessary to provide access to broadband internet within the schoolsite. Authorizes a grant for new construction to be used for seismic mitigation purposes and for related design, study, and testing costs.
- 12) Authorizes a grant for modernization to be used to remediate any water outlet used for drinking or preparing food with lead levels in excess of 15 parts per billion (ppb), and the control, management, or abatement of lead.

- 13) States that a school district that has a school facility located on a military installation that is the recipient of a federal grant for facilities modernization that requires a local matching share is eligible to receive an apportionment for the modernization of a permanent or portable building that is at least 10 years old, or is at least 10 years old after the date of the previous modernization apportionment under this chapter.
- 14) Authorizes that a school district eligible for a SFP grant receive a supplemental grant for expanding an existing gymnasium, multipurpose room, library, or school kitchen, if the facility is 60% or less than the CDE's recommended size needed to serve the enrollment of the school, or constructing a new gymnasium, multipurpose room, library, or school kitchen if the site is lacking one or more of the specified facilities.
- 15) Requires a school district to be eligible to receive a modernization apportionment to demolish and construct a building or buildings on an existing schoolsite if the building or buildings to be replaced are at least 50 years old, and the school district provides a cost-benefit analysis that indicates the total cost to modernize the building or buildings is at least 50% of the current replacement cost.
- 16) Requires, for health and safety projects for school facilities that are determined by the CDE to pose an unacceptable risk of injury to occupants in the event of a seismic event, a school district to demonstrate to the satisfaction of the SBE that, due to unusual circumstances that are beyond the control of the school district, excessive costs needed to be incurred in the construction of school facilities, and that the facilities are needed to ensure the health and safety of pupils if the health and safety of pupils is at risk.
- 17) Requires the SAB, when adopting regulations to specify a method for determining required levels of local efforts to obtain matching funds for financial hardship applications, to include whether the total bonding capacity, as defined, is \$15 million or less, in which case, the school district shall be deemed eligible for financial hardship.
- 18) Authorizes the SAB to provide assistance for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms and any work associated with placing them on a site, to school districts and county offices of education (COE) impacted by a natural disaster for which the Governor has declared a state of emergency. Requires the allocated funds to supplement funding from insurance or any other local, state, or federal government disaster assistance. Further authorizes the SAB to provide any other assistance to a school district or COE determined by the SAB to be impacted by a natural disaster.
- 19) Requires, with funds made available for this purpose, the SAB to provide a grant to test for lead in water outlets used for drinking or preparing food on schoolsites serving kindergarten or any of grades 1 to 12, inclusive, that were constructed before January 1, 2010, and for the remediation of any water outlets with lead levels in excess of 15 ppb. Requires a school district that applies for funding to

test lead levels in water outlets used for drinking or preparing food to be required to test all outlets on the schoolsite, except outlets that have been tested or replaced since January 1, 2010. Authorizes a school district to request a grant for the replacement of a water outlet used for drinking or preparing food if the test results indicate lead levels for that water outlet exceed 15 ppb.

- 20) Requires the SAB to accept a preliminary application from, and make a preliminary apportionment to, a small school district for new construction or modernization grants, as specified. Authorizes, if requested, the SAB to provide a preliminary apportionment of a project and construction management grant equal to 5% of the state share of the preliminary apportionment. Defines a "small school district" to mean a school district with an enrollment of fewer than 2,501 pupils.
- 21) Establishes the 2024 Charter School Facilities Account within the 2024 State School Facilities Fund. Requires the proceeds of bonds, as specified and if approved by the voters at the \_\_\_\_ 2024, statewide \_\_\_\_ election, to be deposited into the 2024 Charter School Facilities Account for purposes of this article.
- 22) Requires the State School Building Finance Committee, composed of the Governor, the Controller, the Treasurer, the Director of Finance, and the Superintendent of Public Instruction (SPI), or their designated representatives, to serve thereon without compensation, and a majority of whom to constitute a quorum, to continue in existence to act as the committee, as defined, for purposes of this chapter. Requires the Treasurer to serve as chairperson of the committee. Requires two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker of the Assembly, to meet with and provide advice to the committee to the extent that the advisory participation is not incompatible with their respective positions as Members of the Legislature. Requires, for purposes of this chapter, the Members of the Legislature to constitute an interim investigating committee on the subject of this chapter and, as that committee, to have the powers granted to, and duties imposed upon, those committees by the Joint Rules of the Senate and the Assembly. Requires the Director of Finance to provide assistance to the committee as it may require. Requires the Attorney General to be the legal adviser of the committee.
- 23) Establishes the 2024 California Community College Capital Outlay Bond Fund in the State Treasury for deposit of funds from the proceeds of bonds issued and sold for the purposes of this chapter.
- 24) Requires, from the proceeds of bonds issued and sold the sum of \_\_\_\_ dollars to be deposited in the 2024 California Community College Capital Outlay Bond Fund for purposes of this chapter.
- 25) Authorizes proceeds from the sale of bonds issued and sold to be used to fund construction on existing campuses, including the construction of buildings and the acquisition of related fixtures; construction of intersegmental facilities; the renovation and reconstruction of facilities; site acquisition; the equipping of new,

renovated, or reconstructed facilities. Requires the equipment to have an average useful life of 10 years; and to provide funds for the payment of preconstruction costs, including, but not limited to, preliminary plans and working drawings for facilities of the California Community Colleges (CCC).

- 26) States that the provisions of this act are severable. Requires if any provision of this act or its application is held invalid, that invalidity to not affect other provisions or applications that can be given effect without the invalid provision or application.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “As a former school board member, and a parent of a child in public schools, I appreciate how integral a school’s physical environment is to a student’s achievement and motivation. AB 247 will provide much needed funds to repair and upgrade our schools. The School Facility Program is a partnership between the state, school districts and developers. Voters have historically supported bonds as the state’s commitment for our children’s schools. I believe that they will again with this proposal.”
- 2) ***History of the School Facilities Program.*** The construction and rehabilitation of public K-12 facilities are funded by a combination of state and local general obligation (GO) bonds, developer’s fees and local assessments such as Mello-Roos community facilities districts.

State bond funds are allocated pursuant to the SFP and administered by the Office of Public School Construction (OPSC) under the direction of the SAB, a ten member body comprised of the Department of Finance, the Director of the Department of General Services (DGS), the SPI, three Senators, three Assemblymembers, and a Governor’s appointee. Under the SFP, the New Construction program requires a 50% match from local educational agencies (LEAs), unless the LEA qualifies for financial hardship, which pays up to 100% of project costs. Modernization funds are awarded at 60% with a 40% match. Since the inception of the SFP in 1998, voters have approved \$54 billion in state GO bonds for K-12 schools.

The last bond passed by voters, Proposition 51 on the November 2016 statewide ballot, provided \$9 billion for K-12 and CCC facilities through the following allocations:

- a) \$7 billion for K-12 facilities allocated as follows:
  - b) \$3 billion for new construction projects;
  - c) \$3 billion for modernization projects;
  - d) \$500 million for career technical education (CTE) facilities; and
  - e) \$500 million for charter school facilities.

- f) \$2 billion for CCC facilities.
- 3) ***Previous informational hearing.*** On February 18, 2015, this Committee held a joint informational hearing with the Budget Subcommittee on Education titled *K-12 School Facility Program: History, Current Status, and Future Options*. Among other things, the Committee heard testimony from several participants about the need to simplify the current program processes and regulations, the need for a “one-stop-shop” to assist in navigating the program, and the need for greater flexibility in design of school facilities as well as the use of funding to incentivize and support joint use projects and community schools. Additionally, while the state’s growing debt service is of concern, it was unclear whether local districts have the capacity to generate sufficient revenue at the local level to meet their ongoing facility needs for deferred maintenance, modernization and new construction.
- 4) ***Related SFP budget activity and status of funds remaining.*** Prior to the passage of Proposition 51 and amid concerns about the complexity and structure of the SFP, former Governor Brown called for the state to establish a new school facilities program. The 2016-17 Governor’s Budget stated the following:

“The existing school facilities program is overly complex, creating costs for school districts to navigate a process that can involve as many as ten different state agencies. The program creates an incentive for districts to build new schools when they already have the capacity to absorb enrollment growth, and allocates funding on a first-come, first-served basis, giving districts with dedicated facilities personnel a substantial advantage. Finally, the existing program does not give districts enough flexibility to design school facility plans to reflect local needs. The inherent problems with the current program, along with billions of dollars in long-term liabilities created by the issuance of state debt, is no longer sustainable.”

Further, the 2022-23 State Budget allocates all remaining state bond authority remaining in the SFP and appropriates about \$4.3 billion one-time General Fund to support new construction and modernization programs.

According to the OPSC, as of the February 2023 meeting of the SAB, about \$614.7 million remains in General Fund authority and about \$700 million remains in bond authority in the SFP for the 2022-23 fiscal year.

- 5) ***The voters rejected a substantially similar measure.*** In 2020, Proposition 13, the \$15 billion school construction bond that went before voters on the March 3 ballot, failed passage with only 47 percent voter support. As currently drafted, this measure is substantially similar to Proposition 13.

Supporters of Proposition 13 claim that the specific circumstances surrounding the bond—potential confusion with Proposition 13 of 1978, tax fatigue, and the COVID-19 pandemic—are to blame for its failure. Supporters do not believe that the measure’s result is an indication of changing voter sentiment regarding



school bonds, interest in investing in education generally, or a fundamental flaw with the SFP.

Opponents of Proposition 13, such as the Howard Jarvis Taxpayers Association, appear to interpret the measure's defeat differently. Because the measure would have raised the cap on how much school districts can raise through property taxes, the opponents were able to argue that the measure itself would have raised property taxes. However, the measure would not have raised property taxes upon being approved. Only after school districts subsequently passed their own local construction bonds and received matching funds from the state would property taxes be increased at the local level.

- 6) ***Arguments in support.*** The Coalition for Adequate School Housing (CASH) states, "Existing state bond funds and recent general fund appropriations for school facilities are already fully committed, and there is no funding available to provide the state match for new construction and modernization project applications submitted today. School districts—and most importantly, students—are being forced to wait several years for the state funding for which their shovel-ready projects qualify. The list of Applications Received Beyond Bond Authority as of January 31, 2023, published by the Office of Public School Construction (OPSC), contains \$3.3 billion, and the agency receives on average \$1.5 billion worth in applications per year for new construction and modernization projects alone.

AB 247 would provide critical resources for renovation and upgrades of aging classrooms, construction of new classrooms to accommodate the growth occurring throughout the state, and help local education agencies implement new mandates such as universal school meals, universal transitional kindergarten, and extended learning opportunities."

- 7) ***Prior legislation.***

SB 22 (Glazer, 2021) makes changes to the existing SFP and places the Public Preschool, K-12, and College Health and Safety Bond Act on the ballot for statewide elections in 2022.

AB 48 (O'Donnell) Chapter 530, Statutes of 2019, was substantially similar to this bill. However, the measure was not adopted by the voters at the March 3, 2020 statewide primary election and its provisions did not take effect.

AB 13 (Eggman, 2019) would have placed the Higher Education Facilities Bond Act of 2020 on the November 3, 2020, statewide general election. The bill proposed \$2 billion for University of California (UC) facilities, \$2 billion for California State University (CSU) facilities and \$3 billion for new CSU campuses. The bill was held in the Assembly Higher Education Committee.

SB 14 (Glazer, 2019) would have placed the Higher Education Facilities Bond Act of 2020 on the March 3, 2020 statewide primary election. The bill proposes \$4 billion each for UC and CSU facilities. The bill failed passage on the Assembly Floor.

AB 1088 (O'Donnell, 2015) would have placed the Kindergarten-University Public Education Facilities Bond Act on an unspecified ballot. The author held the bill in the Assembly Appropriations Committee.

AB 148 (Holden, 2015) would have placed the K–14 School Investment Bond Act of 2016 with unspecified dollar amounts on the November 8, 2016 statewide ballot. The bill was held in the Assembly Appropriations Committee suspense file.

AB 1433 (Gray, 2015) would have placed the Recommitment to Higher Education Bond Act of 2016 with unspecified amounts for higher education facilities on the November 8, 2016 statewide general election. The bill was held in the Assembly Appropriations Committee suspense file.

SB 114 (Liu, 2015) would have placed the Kindergarten through Grade 12 Public Education Facilities Bond Act of 2016 with unspecified dollar amounts on the November 8, 2016 ballot. The bill failed passage on the Senate Floor.

AB 2235 (Buchanan, 2014) would have authorized the Kindergarten-University Public Education Facilities Bond Act of 2014 to provide for the issuance of \$4.3 billion in G.O. bonds for construction and modernization of school facilities, to become effective only if approved by voters at the November 4, 2014, statewide general election. The bill also made changes to the SFP. The bill was held on the Senate Floor by the author.

AB 41 (Buchanan, 2013) expressed the Legislature's intent to place a Kindergarten-University facilities bond on the 2014 ballot. The bill was held by the author in the Assembly Education Committee.

SB 45 (Corbett, 2013) expressed the Legislature's intent to place a Kindergarten-University facilities bond on the next statewide general election. The bill was held by the author in the Senate Rules Committee.

SB 301 (Liu, 2013) expressed the Legislature's intent to place a Kindergarten-University facilities bond on the 2014 ballot. The bill was held by the author in the Senate Rules Committee.

AB 331 (Brownley, 2011) expressed the Legislature's intent to place a Kindergarten-University facilities bond on the 2012 ballot. The bill was held in the Assembly Appropriations Committee.

AB 822 (Block, 2011) would have placed a higher education facilities bond on the November 2012 ballot. The bill was held in the Assembly Appropriations Committee.

AB 220 (Brownley, 2009) would have placed a \$6.1 billion Kindergarten-University facilities bond on the November 2010 ballot. The bill was held in the Senate Appropriations Committee.

SB 271 (Ducheny, 2009) would have placed an \$8.6 billion higher education facilities bond on the November 2010 ballot. The bill was held in the Senate Appropriations Committee.

**SUPPORT**

Association of California Construction Managers  
Association of California School Administrators  
Bonny Doon Union Elementary School District  
California Association of School Business Officials  
California Association of Suburban School Districts  
California Building Industry Association  
California Community Colleges Chancellor's Office  
California County Superintendents  
California IT in Education  
Central Valley Education Coalition  
Coalition for Adequate School Housing  
Community College Facility Coalition  
Corona-Norco Unified School District  
County School Facilities Consortium  
Del Mar Union School District  
Downey Unified School District  
Dublin Unified School District  
Fontana Unified School District  
Fullerton Joint Union High School District  
Golden Valley Unified School District  
Hayward Unified School District  
Hillsborough City School District  
International Interior Design Association Northern California Chapter  
International Interior Design Association Southern California Chapter  
Irvine Unified School District  
Jurupa Unified School District  
Kenwood School District  
Kern County Superintendent of Schools Office  
KYA Services  
Laguna Beach Unified School District  
Long Beach Unified School District  
Los Angeles County Superintendent of Schools, Dr. Debra Duardo  
Los Angeles Unified School District  
Mendocino Unified School District  
Montecito Union School District  
Northern Humboldt Union High School District  
Nuestro Elementary School  
Oakland Unified School District  
Office of The Riverside County Superintendent of Schools  
Orange County Department of Education  
Pasadena Area Community College District  
Patterson Joint Unified School District  
Progressive Surface Solutions  
Riverside Community College District

Riverside County Public K-12 School District Superintendents  
Sacramento County Office of Education  
San Bernardino County District Advocates for Better Schools  
San Diego Unified School District  
San Francisco Unified School District  
School Employers Association of California  
School Energy Coalition  
Schools For Sound Finance  
SitelogIQ  
Small School Districts Association  
Snowline Joint Unified School District  
State Building & Construction Trades Council of California  
State Superintendent of Public Instruction Tony Thurmond  
Sunnyvale School District  
TLCD Architecture  
TLS Choice  
Trane Technologies  
Vallecito Union School District  
Van Pelt Construction Services  
Wheatland Union High School District  
Winters Joint Unified School District  
Yolo County Office of Education

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** AB 934

**Hearing Date:** June 14, 2023

**Author:** Muratsuchi

**Version:** May 1, 2023

**Urgency:** No

**Fiscal:** Yes

**Consultant:** Ian Johnson

**Subject:** Commission on Teacher Credentialing: public awareness campaign.

### SUMMARY

This bill requires the Commission on Teacher Credentialing (CTC), subject to an appropriation of no more than \$900,000, to develop a public awareness campaign relating to teacher recruitment, as specified.

### BACKGROUND

Existing law:

- 1) Establishes the minimum requirements for the preliminary multiple subject, single subject, or education specialist teaching credential as all of the following:
  - a) A baccalaureate degree or higher degree from a regionally accredited institution of higher education;
  - b) Demonstration of basic skills proficiency; and
  - c) Satisfactory completion of a program of professional preparation that has been accredited by the Committee on Accreditation on the basis of standards of program quality and effectiveness that have been adopted by the CTC.
- 2) Requires the CTC to award the following types of credentials to applicants whose preparation and competence satisfy its standards:
  - a) Basic teaching credentials for teaching in kindergarten, or any of grades 1 to 12, inclusive, in public schools in the state.
  - b) Credentials for teaching adult education classes and vocational education classes.
  - c) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The CTC may grant credentials to any candidate who concurrently meets the CTC's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.

- d) Credentials for school services, for positions including, but not necessarily limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.
- 3) Authorizes the CTC to issue single subject teaching credentials in agriculture, art, biological sciences, business, chemistry, dance, English, geosciences, health science, home economics, industrial and technology education (ITE), mathematics, music, physics, physical education, science (various subjects), social science, theater, and world languages (English language development and languages other than English).
- 4) Authorizes the CTC to issue credentials for teaching specialties, including bilingual education, early childhood education, and special education (education specialist). Requires education specialist teaching credentials to be based upon a baccalaureate degree from an accredited institution, completion of a program of professional preparation, and standards that the CTC may establish.

## ANALYSIS

This bill:

- 1) Requires the CTC, subject to an appropriation of no more than \$900,000, to contract with a public relations organization, or other organization with similar expertise, to develop a public awareness campaign relating to teacher recruitment.
- 2) Requires that the focus of this campaign be to highlight the value and benefits of educational careers in California's public prekindergarten through grade 12 schools.
- 3) Requires the campaign to recognize the value of the contributions made by public school teachers and to encourage individuals to enter the teaching profession.
- 4) Requires the campaign to include information about the available high quality teacher credentialing pathways and financial supports available.
- 5) Authorizes the CTC to develop and distribute statewide public service announcements relating to teacher recruitment and outreach to high school and college students.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California is experiencing a severe school workforce crisis among both certificated and classified employees. This workforce crisis is exacerbated by the lack of interest in college students pursuing a career in teaching. Most districts have found teachers to be in short supply, especially for math, science, special education, and bilingual education. Most districts are filling hiring needs with teachers on substandard credentials

and permits, reflecting a statewide trend of increasing reliance on underprepared teachers. AB 934 will support the state's numerous efforts to recruit and retain high quality teachers, by building public awareness about the exciting and meaningful career of teaching. This public relations campaign will further raise awareness about careers in teaching and the financial supports available to prospective teachers, thereby increasing the supply of teachers in the coming years."

- 2) **Recent budget activity.** The Governor's proposed 2022-23 budget included \$900,000 from the General Fund for the CTC to contract for public outreach to highlight the value and benefits of educational careers in California's prekindergarten through grade 12 schools. This budget proposal was not ultimately funded in the 2022-23 budget.
- 3) **Learning Policy Institute (LPI) report.** The LPI's 2016 report, "Addressing California's Emerging Teacher Shortage: An Analysis of Sources and Solutions" included the following summary: "After many years of teacher layoffs in California, school districts around the state are hiring again. With the influx of new K-12 funding, districts are looking to lower student-teacher ratios and reinstate classes and programs that were reduced or eliminated during the Great Recession. However, mounting evidence indicates that teacher supply has not kept pace with the increased demand." The report included the following findings:
  - a) Enrollment in educator preparation programs has dropped by more than 70 percent over the last decade.
  - b) In 2014-15, provisional and short-term permits nearly tripled from the number issued two years earlier, growing from about 850 to more than 2,400.
  - c) The number of teachers hired on substandard permits and credentials nearly doubled in the last two years, to more than 7,700 comprising a third of all the new credentials issued in 2014-15.
  - d) Estimated teacher hires for the 2015-16 school year increased by 25 percent from the previous year while enrollment in the University of California and the California State University teacher education programs increased by only about 3.8 percent.

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

- 4) **Legislative Analyst Office (LAO) assessment.** As part of the Proposition 98 Education Analysis for the 2016-17 Governor's Budget released in February 2016, the LAO included a section on teacher workforce trends in which it examined evidence for teacher shortages in specific areas, identified and assessed past policy responses to these shortages, and raised issues for the Legislature to consider going forward in terms of new policy responses. In the report, the LAO indicated that the statewide teacher market will help alleviate

existing shortages over time and that the shortages may decrease without direct state action. However, the LAO noted there are perennial staffing difficulties in specific areas, such as special education, math, and science, for which they encouraged the Legislature to address with narrowly tailored policies rather than with broad statewide policies.

- 5) ***Already weak teaching pipeline further damaged by COVID-19 education disruptions.*** A March 2021 report by the LPI raised concerns about the effects of the COVID-19 pandemic on the teacher shortage in California:
- a) Teacher shortages remain a critical problem. Most districts have found teachers to be in short supply, especially for math, science, special education, and bilingual education. Shortages are especially concerning as a return to in-person instruction will require even more teachers to accommodate physical distancing requirements. Most districts are filling hiring needs with teachers on substandard credentials and permits, reflecting a statewide trend of increasing reliance on underprepared teachers.
  - b) Teacher pipeline problems are exacerbated by teacher testing policies and inadequate financial aid for completing preparation. Many districts attributed shortages to having a limited pool of fully credentialed applicants, with more than half reporting that testing requirements and lack of financial support for teacher education pose barriers to entry into teaching.
  - c) Teacher workload and burnout are major concerns. The transition to online and hybrid learning models has had a steep learning curve and poses ongoing challenges that have been a primary contributor to some teachers' decisions to retire earlier than previously planned. With district leaders estimating that teacher workloads have at least doubled, many were concerned that the stressors of managing the challenges of the pandemic on top of the challenges of an increased workload could lead to teacher burnout and increased turnover rates.
  - d) Growing retirements and resignations further reduce supply. In some districts, retirements and resignations are contributing to shortages, while in others, these retirements and resignations offset the need for anticipated layoffs due to expected budget cuts this school year. District leaders anticipate higher retirement rates next year, which could exacerbate teacher shortages.

## SUPPORT

Children Now

## OPPOSITION

None received



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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** AB 694

**Hearing Date:** June 14, 2023

**Author:** Gipson

**Version:** March 27, 2023

**Urgency:** No

**Fiscal:** Yes

**Consultant:** Ian Johnson

**Subject:** Teachers: teacher residency apprenticeship programs.

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

### SUMMARY

This bill authorizes the establishment of a Teacher Residency Apprenticeship Program, to address shortages in the educator workforce, expand the pipeline into the teaching profession, and grow a diverse, local pathway into teaching.

### BACKGROUND

Existing law:

- 1) Establishes the Teacher Residency Grant Program, funded until June 30, 2026, to provide funding to programs that partner with one or more teacher preparation programs accredited by the Commission on Teacher Credentialing (CTC).
- 2) Requires prospective teachers, as part of the Teacher Residency Grant Program, to teach at least one-half time alongside a teacher of record, who is designated as the experienced mentor teacher, for at least one full school year while engaging in initial preparation coursework.
- 3) Requires grants allocated to be up to twenty thousand dollars (\$20,000) per teacher candidate in the residency program of the jurisdiction of the grant recipient, matched by that grant recipient on a dollar-for-dollar basis. Grant program funding shall be used for, but is not limited to, any of the following: teacher preparation costs, stipends for mentor teachers, stipends for teacher candidates, and mentoring and beginning teacher induction costs following initial preparation.
- 4) Requires grant recipients to do all of the following:
  - a) Ensure that candidates are prepared to earn a preliminary teaching credential that will authorize the candidate to teach special education, bilingual education, science, technology, engineering, or mathematics upon completion of the program.

- b) Ensure that candidates are provided instruction in all of the following:
    - i) Teaching the content area or areas in which the teacher will become certified to teach;
    - ii) Planning, curriculum development, and assessment;
    - iii) Learning and child development;
    - iv) Management of the classroom environment;
    - v) Use of culturally responsive practices, supports for language development, and supports for serving pupils with disabilities; and
    - vi) Professional responsibilities, including interaction with families and colleagues.
  - c) Prepare candidates to teach at the same grant recipient in which they will work and learn the instructional initiatives and curriculum of the grant recipient.
  - d) Group teacher candidates in cohorts to facilitate professional collaboration among residents, and place candidates in teaching schools or professional development programs that are organized to support a high-quality teacher learning experience in a supportive work environment.
- 5) Requires, when selecting grant recipients, the CTC to do both of the following:
- a) Require applicants to demonstrate a need for special education, bilingual education, science, technology, engineering, or mathematics, teachers and to propose to establish a new, or expand an existing, teacher residency program in a school within the jurisdiction of the sponsoring grant applicant; and
  - b) Give priority consideration to grant applicants with one or more schools that exhibit one or more of the following characteristics:
    - i) A school where 50% or more of the enrolled pupils are eligible for free and reduced-price meals;
    - ii) A school where at least 5% of the teachers are misassigned, as determined by the CTC, or working on a short-term staffing permit, a provisional intern permit, or a waiver;
    - iii) A school that is located in either a rural location or a densely populated region; or
    - iv) A school with a cumulative voluntary teacher attrition rate that exceeded 20% over the three preceding school years.

- 6) Requires a candidate in a teacher residency program to agree in writing to either (1) work as an education specialist serving a caseload of pupils who receive special education services in a special education setting or (2) be placed in a bilingual education, science, technology, engineering, or mathematics (STEM) assignment, in a school within the grant recipient that sponsored the candidate for a period of at least four school years beginning with the school year that begins after the candidate successfully completes the initial year of preparation and obtains a preliminary teaching credential. A candidate who fails to earn a preliminary credential or complete the period of the placement is required to reimburse the sponsoring grant recipient the amount of grant funding invested in the candidate's residency training. Requires the amount to be reimbursed to be adjusted proportionately to reflect the service provided if the candidate taught at least one year, but less than four years, at the sponsoring grant recipient. Requires a candidate to have five school years to complete the four-school-year teaching commitment.

## ANALYSIS

This bill:

- 1) Requires the CTC to submit the California Teacher Residency Grant Program standards for approval as a registered apprenticeship program through the U.S. Department of Labor and the California Department of Apprenticeship Standards (DAS).
- 2) Requires the CTC to act as the sponsoring authority for purposes of the state's application for U.S. Department of Labor grant funding.
- 3) Authorizes a local education agency (LEA), in partnership with an institution of higher education that has an approved Teacher Residency Program or is seeking approval to establish a Teacher Residency Program from the CTC, to also seek approval from the California (DAS) as a registered apprenticeship program.
- 4) Authorizes a Teacher Residency Apprenticeship Program to register with the California (DAS) and the U.S. Department of Labor as a registered apprenticeship program.
- 5) Authorizes Teacher Residency Apprenticeship Programs to expand, strengthen, or improve access to existing Teacher Residency Programs that support either of the following:
  - a) Designated shortage fields, including, but not limited to, special education, bilingual education, science, computer science, technology, engineering, mathematics, transitional kindergarten, or kindergarten, school counselors, and any other fields identified by the CTC based on an annual analysis of state and regional hiring and vacancy data; or
  - b) Local efforts to recruit, develop support systems for, provide outreach and communication strategies to, and retain a diverse teacher workforce that reflects a LEA community's diversity.

- 6) Requires Teacher Residency Apprenticeship Programs to work with one or more CTC-accredited teacher preparation programs and may work with other community partners or nonprofit organizations to develop and implement programs of preparation and mentoring for apprentices who will be supported through program funds and subsequently employed by the LEA.
- 7) Requires Teacher Residency Apprenticeship Programs to supplement and not supplant any funds received by an apprentice through their participation in the California Teacher Residency Grant Program. States that existing and new participants are also eligible for other forms of federal, state, and LEA financial assistance to support the cost of their preparation.
- 8) Requires a Teacher Residency Apprenticeship Program to do all of the following:
  - a) Ensure that apprentices are prepared to earn a preliminary teaching credential, including a PK-3 early childhood education specialist credential, upon completion of the program.
  - b) Ensure that apprentices are provided instruction in all of the following:
    - i) Teaching the content area or areas in which the teacher will become certified to teach;
    - ii) Planning, curriculum development, and assessment;
    - iii) Learning and child development;
    - iv) Management of the classroom environment;
    - v) Use of culturally responsive practices, supports for language development, and supports for serving pupils with disabilities; and
    - vi) Professional responsibilities, including interaction with families and colleagues.
  - c) Provide each apprentice mentoring and beginning teacher induction support following the completion of the initial credential program necessary to obtain a clear credential and ongoing professional development and networking opportunities during the candidate's first years of teaching at no cost to the candidate.
  - d) Prepare apprentices to teach in a school within the jurisdiction of the grant recipient in which they will work and learn the instructional initiatives and curriculum of the grant recipient.
  - e) To the maximum extent feasible, group apprentices in cohorts to facilitate professional collaboration and ensure apprentices are enrolled in a teaching school or professional development program that is organized to

support a high-quality teacher learning experience in a supportive work environment.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “We need innovate strategies to meet several goals related to our teacher shortage. By addressing diversity in the workforce and assisting districts to fill vacancies. One of the many barriers to attaining a teacher credentials is the costs related to obtaining a degree while trying to sustain oneself without an income during student teaching. I believe that creating teacher residency apprenticeship programs can help alleviate one of the many barriers to becoming a credentialed teacher and help districts develop high qualified and experienced educators from their own community.”
- 2) ***Teacher Residency Grant Program.*** For the purposes of the Teacher Residency Grant Programs, a teacher residency program is defined as an LEA-based partnership between an LEA and an institution of higher education (IHE) with a CTC-approved preliminary teacher preparation program, and in which a prospective teacher teaches at least half time alongside a teacher of record, who is designated as the experienced mentor teacher, for at least one full school year while engaging in initial preparation coursework. Grantees may receive up to \$20,000 per participating teacher resident each year.

The Teacher Residency Grant Programs were initially authorized in the 2018-19 Budget Act to support the development, implementation, and expansion of teacher residency programs, with a total of \$75 million for competitive grants. The program requires LEAs to work in partnership with IHEs with CTC-approved programs to offer a teacher residency pathway to earn a teaching credential in special education, STEM, or bilingual education, through 2023.

The 2021-22 Budget Act provided \$350 million through the 2025-26 fiscal year for Teacher Residency Programs including Capacity, Expansion, and Implementation for “designated shortage fields” including special education, bilingual education, science, computer science, technology, engineering, mathematics, transitional kindergarten, or kindergarten, and any other fields identified by the CTC based on an annual analysis of hiring and vacancy data, and/or for recruiting, developing support systems for, providing outreach and communication strategies to, and retaining a diverse teacher workforce that reflects the LEA community’s diversity.

Of the \$350 million, \$25 million is set aside for Teacher Residency Capacity Grants. Grant awards may be up to \$250,000 for eligible LEAs, which is an increase of \$200,000 per grant award from the 2018-19 fiscal year. Teacher Residency Capacity Grants are intended to support a collaborative partnership between eligible LEAs with one or more CTC-approved teacher preparation programs offered by a regionally accredited IHE to expand, strengthen, improve access to, or create a teacher residency program. The remaining \$325 million is set aside for Teacher Residency Expansion and/or Implementation grants.

- 3) ***Registered apprenticeship programs.*** Registered apprenticeship programs (RAPs) are approved through the U.S. Department of Labor and the California (DAS). Teacher apprenticeship programs must meet the requirements of the U.S. Department of Labor, DAS and teacher preparation program requirements established by the CTC.

The two largest sources of funding for RAPs are the US Apprenticeship Building America Grants and the State Apprenticeship Innovation Funding (AIF).

The US Apprenticeship Building America Grants provide funding for apprenticeship programs. The grant application requires the Governor or another chief elected official to provide a commitment letter demonstrating the state's commitment to this grant effort.

The AIF is a funding for apprenticeship programs, defined as apprenticeships associated with the Interagency Advisory Committee on Apprenticeships (IACA). The AIF aims to support IACA apprenticeship program sponsors to sustain and scale their programs and train apprentices. The state has allocated \$175 million over 3 years to support ongoing costs of these programs and classroom training, with \$55 million specifically allocated to Fiscal Year 2022-2023. The intent of the funding is to support both new and existing IACA Apprenticeship programs to grow and scale to meet the needs of more employers and create more earn and learn pathways for job seekers. AIF funding provides both support to run apprenticeship programs and funding to train apprentices. The program provides \$3,500 per active apprentice per year and a \$1,000 completion bonus. Further, the program provides \$8.83 per training hour per apprentice to cover training costs for an Interagency Advisory Committee.

## **SUPPORT**

Children Now (sponsor)  
Association of California School Administrators  
EdVoice

## **OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** AB 1251  
**Author:** Luz Rivas  
**Version:** April 18, 2023  
**Urgency:** No  
**Consultant:** Ian Johnson

**Hearing Date:** June 14, 2023

**Fiscal:** Yes

**Subject:** Teacher credentialing: computer science instruction: workgroup.

### SUMMARY

This bill requires the Commission on Teacher Credentialing (CTC), by July 1, 2024, to convene a workgroup on credentialing for computer science education to make recommendations on strategies to meet workforce demands associated with expansion access to computer science instruction, and to report the findings and recommendations of the workgroup to the Legislature.

### BACKGROUND

Existing law:

- 1) Authorizes the CTC to issue single subject teaching credentials in agriculture, art, biological sciences, business, chemistry, dance, English, geosciences, health science, home economics, industrial and technology education (ITE), mathematics, music, physics, physical education, science (various subjects), social science, theater, and world languages (English language development and languages other than English).
- 2) Through regulation, authorizes holders of credentials in mathematics, business, and ITE, as well as holders of supplementary authorizations in computer science, to teach computer science.
- 3) Requires the Superintendent of Public Instruction (SPI) to convene a computer science strategic implementation advisory panel (panel) to develop recommendations for a computer science strategic implementation plan, and requires the panel to submit recommendations for a strategic plan to the State Board of Education (SBE) by January 15, 2019. Requires the plan to include, at a minimum, recommendations on all of the following:
  - a) Broadening the pool of teachers to teach computer science;
  - b) Defining computer science education principles that meet the needs of students in all grades; and
  - c) Ensuring that all students have access to quality computer science courses.



- 4) Establishes the Computer Science Supplementary Authorization Incentive Grant Program for the purpose of providing one-time grants to local educational agencies (LEAs) to support the preparation of credentialed teachers to earn a supplementary authorization in computer science and provide instruction in computer science coursework.

## ANALYSIS

This bill:

- 1) Requires the CTC, on or before July 1, 2024, to convene a workgroup on credentialing for instruction in computer science to do all of the following:
  - a) Determine which single subject teaching credentials or designated subjects career technical education teaching credentials, if any, should also authorize teaching computer science;
  - b) Determine whether a single subject teaching credential in computer science should be established; and
  - c) Make recommendations on strategies to meet the workforce demands associated with expanding access to computer science instruction to all pupils.
- 2) Requires that at least one-half of the workgroup be composed of current classroom teachers with experience teaching computer science at the secondary level, and to also include representatives from:
  - a) School administration;
  - b) Institutions of higher education involved in the preparation of teachers to teach computer science; and
  - c) Content experts in the field of computer science education.
- 3) Requires the CTC, on or before July 1, 2025, to provide a report of the workgroup's findings and recommendations to the appropriate policy and fiscal committees of the Legislature.
- 4) States that this section remains in effect only until January 1, 2028, and as of that date is repealed.
- 5) Makes the implementation of these requirements contingent upon an appropriation for its purposes in the annual Budget Act or another statute.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California is in the process of potentially losing its position as a global leader in technology if we don't provide our students with computer science instructors to teach them coding,

programming, and keyboarding skills. As a result, it will jeopardize thousands of jobs if we continue failing to properly prepare our students for a digital future. AB 1251 will give teachers with a science credential the option to teach computer science in schools."

- 2) **Computer Science Strategic Implementation Plan.** As discussed above, existing law calls for the SPI to convene a computer science strategic implementation advisory panel to develop recommendations for a computer science strategic implementation plan. The plan, adopted by the State Board of Education in 2019, includes the following vision statement: "California's vision is to ensure that all students develop foundational knowledge and skills in computer science to prepare them for college, careers, and civic engagement."

This plan notes that "to grow K–12 computer science education in California, the state will need to increase the number of teachers qualified to teach computer science. Supporting more educators to teach computer science would involve a multi-pronged approach that attends to credentialing, new teacher recruitment, professional learning for teachers, administrators, and counselors regarding the California computer science standards, and institutional and financial support."

The plan outlines several strategies for improving the availability of computer science instruction, including establishing a grant program to support teachers to complete coursework for the computer science supplementary authorization, with additional incentives for teachers who work in low-income and underserved school districts and rural and urban school districts.

- 3) **Race, gender, and income disparities in computer science course access.**

According to a 2015 report by the Level Playing Field Institute titled, *Path Not Found: Disparities in Access to Computer Science Courses in California High Schools*, access to computer science courses varies considerably. The report found that in California public high schools:

- a) Of the more than half a million high school students in the largest 20 districts, just 1 percent are enrolled in any computer science course.
- b) Nearly 75 percent of schools with the highest percentage of underrepresented students of color offer no computer sciences courses.
- c) African-American and Latino students make up 59 percent of California high school public school students but were just 11 percent of the 2014 AP Computer Science test takers.
- d) Only 4 percent of schools with the highest percentage of low-income students offer AP Computer Science courses.
- e) Only 8 percent of schools with the highest percentage of English Learners offered AP Computer Science courses.

- f) Of the high school students who took the AP computer science exam in 2015, only 26 percent were female, 973 were Latino, and 148 were African American.
- 4) ***What is the subject of computer science in grades K-12?*** Computer Science is a relatively new field of study for K-12 education. The Computer Science Strategic Implementation Panel's draft report notes that there is some confusion over what constitutes computer science instruction in K-12 schools: "computer science is often misconstrued with other technological terminology such as computer literacy, educational technology, digital citizenship, and information technology. These areas focus more on the use of computing systems (e.g., learning to use word processing software). In contrast, computer science calls upon students to understand why and how computing technologies work, and then to build upon that conceptual knowledge by creating computational artifacts."

The state's new computer science standards, adopted in 2018, define computer science education as "the study of computers and algorithmic processes, including their principles, their hardware and software designs, their applications, and their impact on society." According to the International Society for Technology in Education's report, ISTE Standards for Computer Science Education, the field of computer science will continue to rapidly evolve in sometimes unpredictable ways, and as such, plans for teaching computer science will also need the flexibility to continuously adapt.

## **SUPPORT**

California High School District Coalition

## **OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** AB 1352

**Hearing Date:** June 14, 2023

**Author:** Bonta

**Version:** May 18, 2023

**Urgency:** Yes

**Fiscal:** Yes

**Consultant:** Lynn Lorber

**Subject:** Childcare: individualized county childcare subsidy plans.

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

### SUMMARY

This bill, an urgency measure, extends the sunset on provisions related to individualized county childcare subsidy plans for the counties of Alameda, Contra Costa, Fresno, Marin, Monterey, San Benito, San Diego, Santa Clara, Santa Cruz, Solano, and Sonoma by two years, from July 1, 2023, to July 1, 2025.

### BACKGROUND

Existing law:

- 1) Requires families to meet certain criteria in order to be eligible for federal and state subsidized child development services or state preschool, including that a family must be either a current aid recipient, income eligible, homeless, or one whose children are recipients of protective services or have been identified as being abused, or neglected. (Education Code (EC) § 8208 and Welfare & Institutions Code (WIC) § 10271)
- 2) Authorizes the Counties of Alameda, Contra Costa, Fresno, Marin, Monterey, San Benito, San Diego, Santa Clara, Santa Cruz, Solano, and Sonoma to, individually as a pilot project, develop and implement individualized county childcare subsidy plans. Existing law requires the plans to ensure that childcare subsidies received by the above-named counties are used to address local needs, conditions, and priorities of working families in their respective communities. Existing law sunsets these pilot projects on July 1, 2023. (EC § 8273 et seq. and WIC § 10340 et seq.)
- 3) Authorizes the City and County of San Francisco to develop and implement an individualized county childcare subsidy plan. Existing law requires the plan to ensure that childcare subsidies received by the city and county are used to address local needs, conditions, and priorities of working families in the community. Existing law no longer sunsets these provisions, thereby allowing the San Francisco individualized county childcare subsidy plan to exist into

perpetuity. (EC § 8283 et seq. & WIC 10350 et seq.)

- 4) Authorizes the individualized county childcare subsidy plan for the County of San Mateo that was developed as a pilot project to continue in existence and may be implemented in accordance with the provisions of this article. Existing law requires the plan to ensure that childcare subsidies received by the County of San Mateo are used to address local needs, conditions, and priorities of working families in those communities. Existing law no longer sunsets these provisions, thereby allowing the San Mateo individualized county childcare subsidy plan to exist into perpetuity. (EC § 8289 et seq. & WIC § 10360 et seq.)
- 5) Requires the Department of Social Services (DSS) and the California Department of Education (CDE) to review the existing individualized county childcare pilot programs and provide a report to the appropriate policy and fiscal committees of the Legislature on or before June 30, 2022. Existing law requires the report to include recommendations on what flexibilities currently available to individualized county childcare pilot programs should be adopted statewide, and what flexibilities available to individualized county childcare pilot programs are no longer justified given statewide policy changes. (EC § 8282.6)

## ANALYSIS

This bill, an urgency measure, extends the sunset on provisions related to individualized county childcare subsidy plans for the counties of Alameda, Contra Costa, Fresno, Marin, Monterey, San Benito, San Diego, Santa Clara, Santa Cruz, Solano, and Sonoma by two years, from July 1, 2023, to July 1, 2025.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “This bill is critical as the state moves toward full implementation of universal pre-kindergarten. The childcare pilots create a space for ongoing collaboration and innovation between the counties and the state agencies who administer early learning and care programs. The pilots also give state agencies the authority to authorize regulatory flexibility when there is demonstrated need. Without childcare pilots, this collaborative space will disappear and the state agencies will no longer have the same discretion to explore innovative solutions to barriers that prevent children, families, and ELC providers from receiving and providing continuous high-quality early learning and care.”
- 2) ***What are county pilots and how do they help?*** Individualized county child care plans ensure that child care subsidies received by the specified counties are used to address local needs, conditions, and priorities of working families in their respective communities. Participating counties do not receive additional funding for the flexibilities allowed; rather, these counties are able to retain and use more of their funding for subsidized child care, which would otherwise revert to the state’s general fund.

Participating counties are authorized to have local plans to address their child

care needs in ways that supersede state law in specific areas, such as:

- a) Eligibility criteria (allowing eligibility for over-income families).
- b) Fees (allowing lower family fees).
- c) Reimbursement rates (higher rates and adjustment factors).

Counties using these flexibilities must be able to demonstrate their need and that they will increase access to care to reach a greater number of families served.

- 3) ***Report on individualized county childcare subsidy pilot program flexibilities.*** Existing law requires the CDE and the DSS to review the existing individualized county child care subsidy plans and submit a report to the Legislature on or before June 30, 2022. Existing law requires the report to include recommendations on what flexibilities currently available to individualized county childcare pilot programs should be adopted statewide, and what flexibilities available to individualized county childcare pilot programs are no longer justified given statewide policy changes. Committee staff understands that the report has been completed but not yet approved, and therefore the report is not available. As a result, the Legislature is hampered in making any programmatic changes, which warrants extension of the pilot programs.
- 4) ***Are individualized county plans the appropriate remedy?*** The Legislature has authorized 13 counties to have individualized county subsidized child care plans. While allowing counties to preserve funds for child care purposes is reasonable, the issues raised (single statewide income eligibility criteria, reimbursement and fund restrictions) with regard to the state's child care subsidy system are not necessarily unique to those counties, but appear to impact counties statewide. Rather than adding and extending pilots on an individual county basis, the Legislature may wish to consider allowing such flexibility statewide or adjusting statutes more broadly to allow localities to account for high cost areas and unique needs of their communities.
- 5) ***Fiscal impact.*** According to the Assembly Appropriations Committee:
  - a) This bill allows the counties of Alameda, Contra Costa, Fresno, Marin, Monterey, San Benito, San Diego, Santa Clara, Santa Cruz, Solano, and Sonoma to continue to retain potentially millions of dollars of otherwise unspent child care funds that would revert to the General Fund (GF). By allowing the pilots to continue, each county is able to spend a greater share of their existing funds on subsidized childcare, rather than returning the funds to the state. Such reversions are typically redistributed for other child care purposes in subsequent years.
  - b) Estimated annual ongoing GF costs to CDE and DSS of approximately \$150,000 each, until the pilot programs expire, for each to maintain a staff position associated with the various child care pilot programs.

**SUPPORT**

Santa Clara County Office of Education (Sponsor)  
Alameda County Board of Supervisors  
Alameda County Office of Education

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1354	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Mike Fong		
<b>Version:</b>	April 3, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil instruction: Asian Americans and Pacific Islanders.

### SUMMARY

This bill requires, in the next revision of the history-social science curriculum framework (H-SS Framework), the Instructional Quality Commission (IQC) to consider the historical, social, economic, and political contributions of, and examples of racism, discrimination, and violence perpetrated against, Asian Americans, Native Hawaiians, and Pacific Islanders in the United States.

### BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Requires the California Department Education (CDE) no later than March 1, 2022, in collaboration with, and subject to the approval of the executive director of the State Board of Education (SBE), to enter into a contract with a COE or a consortium of county office of education (COEs) for the purposes of developing a model curriculum related to the Vietnamese American refugee experience by September 1, 2024. (EC § 33540.2 (a))
- 2) Requires the CDE no later than March 1, 2022, in collaboration with, and subject to the approval of, the executive director of the SBE, to enter into a contract with a COE or a consortium of COEs for the purposes of developing a model curriculum related to the Cambodian Genocide by September 1, 2024. (EC § 33540.4 (a))
- 3) Requires the CDE no later than March 1, 2022, in collaboration with, and subject to the approval of, the executive director of the SBE, to enter into a contract with a COE or a consortium of COEs for the purposes of developing a model curriculum related to the Hmong history and cultural studies by September 1, 2024. (EC § 33540.6 (a))
- 4) The Legislature encourages the instruction to include instruction on World War II and the role of Filipinos in that war, consisting of an accurate history of the contributions of the Filipino American veterans who fought courageously in the United States Army for freedom and democracy in World War II under the leadership of General Douglas MacArthur. (EC 51221.3 (c)(1))



- 5) The Legislature encourages instruction in the area of social sciences, which may include instruction on the Vietnam War, including the “Secret War” in Laos and the role of Southeast Asians in that war. (EC 51221.4)

## ANALYSIS

This bill requires, in the next revision of the H-SS Framework, the IQC to consider the historical, social, economic, and political contributions of, and examples of racism, discrimination, and violence perpetrated against, Asian Americans, Native Hawaiians, and Pacific Islanders in the United States.

- 1) Requires when the H-SS Framework is next revised, on or after January 1, 2024, the IQC shall consider providing for inclusion, in that curriculum framework, related evaluation criteria, and accompanying instructional materials, of instruction on both of the following:
  - a) The historical, social, economic, and political contributions of Asian Americans, Native Hawaiians, and Pacific Islanders in the United States.
  - b) Examples of racism, discrimination, and violence perpetrated against Asian Americans, Native Hawaiians, and Pacific Islanders in the United States, including, but not limited to, hate crimes committed during the COVID-19 pandemic.
- 2) Finds and Declares Asian Americans have made rich contributions to the history of the state and the country and have made significant individual and community contributions to the economic, cultural, social, and political development of the country and how educating pupils on the history of Asian Americans in the country can help prevent and decrease discrimination and violence perpetrated against the Asian American community.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author “Xenophobia is at an all-time high. The COVID-19 pandemic has spurred blame against people of Chinese descent but has resulted in verbal and physical attacks against people of all Asian descent. Education of our youth is key to preventing recurrence of sentiments that Asians are foreigners and do not belong in the United States. AB 1354 will update our curriculum frameworks to include a more comprehensive perspective of the contributions of Asian Americans, Native Hawaiians and Pacific Islanders in the United States and the harm caused to this community due to anti-Asian sentiments throughout history.”
- 2) ***How Curriculum, Standards, Frameworks, and Model Curricula Are Created and Adopted.*** The Legislature has vested the Instructional Quality Commission (IQC) and SBE with authority to develop and adopt state curricula 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 comments. 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 costs and investment of resources in 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.

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

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

*The committee on March 15, 2023, adopted the joint Assembly and Senate curriculum policy of 2023-24 that discourages the introduction of policy bills that propose to require, or require consideration of, modifications to state curriculum frameworks to require that specified content be taught or to require the development of new model curricula.*

*This bill does not violate the joint curriculum policy as it requires the IQC to consider the historical, social, economic, and political contributions of, and examples of racism, discrimination, and violence perpetrated against, Asian Americans, Native Hawaiians, and Pacific Islanders in the United States.*

- 3) ***Asian American and Pacific Islander (AAPI) Experiences During COVID-19.*** People of AAPI descent have been the targets of a disturbing rise in racially motivated hate crimes across the United States over the past year. Investigations of these crimes have linked their growth to discrimination connected with the COVID-19 pandemic. The pandemic, combined with these hate crimes, has had powerful repercussions for AAPI communities and the education of AAPI students. An emerging body of data suggests that, for some AAPI families, these factors have created a reluctance to return their students to school as more districts offer in-person instruction, according to the California School Board Association (CSBA) research and policy brief, Asian American and Pacific Islander Students in Focus: Experiences During the COVID-19 Pandemic.

The brief found that hate crimes against Asian Americans, fueled by discrimination surrounding COVID-19, have dramatically escalated since 2020 and have included instances of verbal and physical assault. Anti-AAPI hate crimes increased by 145

percent in 16 of the United States' most significant cities in 2020. The cities with the most reported incidents between 2019 and 2020 were New York City, NY; Los Angeles, CA; and Boston, MA. Stop AAPI Hate, a coalition addressing anti-Asian discrimination during the COVID-19 pandemic has received nearly 6,603 firsthand reports of anti-AAPI hate over the past year. The number of words has significantly increased over the past three months, with 36 percent of the total reports occurring in 2021 alone. California accounted for 40 percent of self-reported hate crimes to Stop AAPI Hate between March 2020 and 2021. In Los Angeles County alone, 245 self-reported incidences of hate crimes were directed at the AAPI community through October of last year. When looking at anti-AAPI hate crimes reported to the police, the numbers are lower, but the percentage increases are striking in three of California's largest cities. From 2019 to 2020, AAPI hate crimes reported to the police increased 114 percent in Los Angeles, 150 percent in San Jose, and 50 percent in San Francisco in the same timeframe.

- 4) **H-SS Framework: Asian American History.** The H-SS Science Framework for California Public Schools: Kindergarten through Grade Twelve was adopted by the SBE on July 14, 2016. Various chapters of the framework highlight Asian American History and contributions.

For example, chapter six, which focuses on students in grade 3, “may compare how Asian Lunar New Year is celebrated in their local communities and how it connects people today to traditions from the past. These types of classroom discussions and fun activities will help build a greater sense of community and understanding.”

Chapter seven, which focuses on student in fourth grade, explore how “different groups of immigrants decide to move to California. What were their experiences like when they settled in California? How were they treated when they arrived in California?” This includes the Chinese, Japanese, Koreans, Filipinos, South Asians (predominantly Sikhs), and other immigrants of the second half of the nineteenth century and the early decades of the twentieth. Students also explore the push-and-pull factors for California's dramatic population increase in recent times, such as the state's location in the Pacific Basin, the 1965 Immigration Act, which brought a new wave of Asian immigrants from Korea, India, Vietnam, Laos, and Cambodia, in addition to traditional Asian groups of Chinese, Japanese, and Filipinos, the 1980 Refugee Act, the reputation of social and cultural freedom in the cities of San Francisco and Los Angeles, and the state's historical ability to absorb new laborers in its diversified economy.

Additional content can be found throughout the H-SS Framework in chapters related to students in grades 6-12.

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

a) Vietnamese American Refugee Experience Model Curriculum;

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

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

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

- 6) ***Ethnic Studies Model Curriculum: Asian American History and Contribution.*** The Ethnic Studies Model Curriculum, adopted by the SBE in 2021, contains several model lessons in Asian American and Pacific Islander Studies. Each lesson identifies themes, disciplinary areas, ethnic studies values, and principles alignment, and content standards alignment (primarily in history-social science and English language arts). The lessons also identify connections to the H-SS Framework adopted by the SBE in 2016 and in some cases the curriculum frameworks in English Language Arts/English Language Development and Visual and Performing Arts.

The 2016 H-SS Framework also delves into this interdisciplinary field by analyzing the history and culture of a single, historically racialized group in the United States, including a course on African American, Asian American, or Chicana/o and Latina/o history. The courses focus on the historic struggle of communities of color, taking into account the intersectionality of identity (gender, class, sexuality, among others), to challenge racism, discrimination, and oppression and interrogate the systems that continue to perpetuate inequality. The courses call for an in-depth comparative study of the history, politics, culture, contributions, challenges, and current status of two or more racial or ethnic groups in the United States. The H-SS Framework encourages

## 7) **Related Legislation**

SB 1363 (Nielsen, 2022) would have encouraged schools to adopt a course of study related to AAPI History for grades 1-6 and 7-12 within the social sciences area. *This bill was held in Assembly Education Committee.*

SB 369 (Ngyuyen, 2023) specifies that the model curriculum related to the Vietnamese American refugee experience include the period from the Vietnam War and the Fall of Saigon in 1975 to the year 2000 and modifies the model

curriculum on the Cambodian Genocide to instead focus on Cambodian culture, history, heritage, and the Cambodian American refugee experience by September 1, 2024.

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

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

**SUPPORT**

AAPI Equity Alliance  
API Equality-LA  
Asian Americans Advancing Justice-Southern California  
Asian Pacific Islander American Public Affairs Association Community  
Education Foundation  
California Association for Bilingual Education  
California Faculty Association  
Center for Asian Americans United for Self Empowerment  
Chinatown Service Center  
Chinese for Affirmative Action  
Empowering Pacific Islander Communities  
Faith and Community Empowerment  
Foundation for Asian American Visibility  
Los Angeles County Office of Education  
South Asian Network  
Stop AAPI Hate  
Torrance Unified School District

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1445	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Arambula		
<b>Version:</b>	May 1, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Kordell Hampton		

**Subject:** The Neng Thao Drowning Prevention Safety Act.

### SUMMARY

This bill authorizes a public elementary school, upon receipt of information materials related to water safety and drowning prevention from a local, state, or national drowning or injury prevention organization, to share those materials with parents, legal guardians, or caregivers beginning the 2024-25 school year.

### BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) If a school district or charter school elects to sponsor or host, in or around a swimming pool, an on-campus event that is not part of an interscholastic athletic program, the school district or charter school shall require at least one adult with a valid certification of cardiopulmonary resuscitation (CPR) training to be present throughout the duration of the event. The presence of an adult with cardiopulmonary resuscitation training, as mandated by the California Interscholastic Federation coaching education program requirements, would satisfy this paragraph. (EC 35179.6 § (b)(2))

*Health and Safety Code (HSC)*

- 2) Requires the Department of Public Health (DPH) to have supervision of sanitation, healthfulness, and safety of public swimming pools. (HSC §116035)
- 3) Defines “public swimming pool” to mean any public swimming pool, bathhouse, public swimming and bathing place, and all related appurtenances. (HSC §116025)
- 4) Requires lifeguard service to be provided for any public swimming pool that is of wholly artificial construction and which charges a direct fee for use. “Direct fee” is defined as a separately stated fee or charge for using a public swimming pool to the exclusion of any other service, facility, or amenity. All other public swimming pools require lifeguard service to either be provided or to have signs clearly indicating that the service is not provided. (HSC §116045)

- 5) Requires persons providing aquatic instruction, including, but not limited to, swimming instruction, water safety instruction, water contact activities, and competitive aquatic sports, at a public swimming pool to possess current certificates from an American Red Cross or YMCA of the U.S.A. lifeguard training program, or have equivalent qualifications as determined by DPH. Additionally, it requires these persons to be certified in standard first aid and cardiopulmonary resuscitation (CPR). (HSC §116033)

## ANALYSIS

This bill authorizes a public elementary school, upon receipt of information materials related to water safety and drowning prevention from a local, state, or national drowning or injury prevention organization, to share those materials with parents, legal guardians, or caregivers beginning the 2024-25 school year. Specifically, this bill:

- 1) Authorizes a local, state, or national drowning or injury prevention organization affiliated with one or more drowning prevention organizations to provide informational materials, in electronic or hardcopy form, to a public elementary school regarding the following topics:
  - a) The role that water safety education courses and swimming lessons play in drowning prevention and saving lives.
  - b) Local water safety and swimming skills programs in the county and communities served by the school, including free or reduced-price programs, and how to access information about age-appropriate public or private water safety courses and swimming skills programs that result in a certificate indicating successful completion.
  - c) Contact information of the organization to receive further water safety education information.
- 2) Requires that the informational materials related to water safety and drowning prevention, shall not be used to solicit funding or resources for the organization.
- 3) Permits a public elementary school beginning the 2024–25 school year, upon receipt of the informational materials related to water safety and drowning prevention, to provide those materials to parents, legal guardians, or caregivers of pupils in kindergarten to grade 3, inclusive, at the time the pupil enrolls at the school and the beginning of each school year.
- 4) Requires a local, state, or national drowning or injury prevention organization affiliated with one or more drowning prevention organizations, upon request by the public elementary school, to translate the informational materials related to water safety and drowning prevention in the three most commonly spoken languages associated with the population attending the school
- 5) Defines “water safety” to mean “age-appropriate education intended to promote safety in, on, and around bodies of water, including residential and public pools and spas, home water sources such as bathtubs, and open bodies of water such

as lakes, rivers, canals, and the ocean, and to reduce the risk of injury or drowning.”

- 6) Includes findings and declarations related to water safety education and drowning prevention.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1445 is known as “The Neng Thao Drowning Prevention Act” in honor of a young constituent. Neng Thao was an 18-year-old Senior, preparing to graduate with honors as valedictorian of Edison High School in Fresno, when he tragically drowned in a local river in front of family members in May 2017. His death impacted not only his family, but also the community he was becoming a leader in. It is in Neng Thao’s honor that I hope AB 1445 builds a coalition committed to drowning prevention. AB 1445 emphasizes how crucial it is that everyone has the skills and knowledge to stay safe in the water. AB 1445 creates a means of connecting all California elementary school children and their parents and caregivers with water safety knowledge. This bill authorizes specified organizations to provide informational materials to public elementary schools on water safety and how to access swim lessons locally. By increasing awareness of swim.”
- 2) ***Drowning Among Adolescence.*** According to the American Academy of Pediatrics. Drowning is the third leading cause of unintentional injury–related death among US children and adolescents 5 through 19 years of age. In 2018, almost 900 US children and youth under 20 years died of drowning, and more than 7,200 were seen at a hospital emergency department for a drowning event, with 35% of those children either hospitalized or transferred for further care. The rate of drowning death varies with age, sex, and race; those at the most significant risk are toddlers and male adolescents.
- 3) ***Department of Developmental Services (DDS): Pool Safety.*** According to the DSS, drowning is a leading cause of injury-related deaths among children under five in California. Drowning takes the lives of more California toddlers than any other kind of accident. Children who survive a “near drowning” often suffer permanent brain damage from lack of oxygen. Children one to four years old are at most significant risk. According to the Client Development and Evaluation Report (CDER) at the DDS, 472 children in the home of a parent or guardian nearly drowned in December 2022. DSS provides a safety guide for home swimming pools and spas to ensure child safety and gives tips on providing adult supervision and safety barriers. Posters can be found on their [website](#) in multiple languages, including drowning prevention videos and ad public services announcements

In 2006, California passed the Swimming Pool and Spa Safety Act, which requires new and remodeled pools and spas to provide at least one safety feature from a list of eligible features, adds mesh fences and swimming pool alarms to the list of enumerated drowning prevention safety features, and requires remodeled pools and spas to cover drains with an anti-entrapment grate. California has continued to build on pool safety standards through legislation such as SB 442 (Newman) Chaptered 670, statutes of 2017, which requires two of seven safety barriers to



keep children from accessing pools, and AB 1020 (Emmerson) Chapter 267, Statutes of 2009 which established the United States Consumer Product Safety Act that improved pool safety equipment.

*This bill extends safety protections by allowing public elementary schools to provide parents, legal guardians, or caregivers with water safety and drowning prevention materials from a local, state, or national drowning or injury prevention organization affiliated with one or more drowning prevention organizations.*

- 4) **Committee Amendment.** *The committee recommends and the agreed to the following amendments:*
- a) Authorize all public schools, rather than public elementary schools, upon receipt of information materials related to water safety and drowning prevention from a local, state, or national drowning or injury prevention organization, to share those materials with parents, legal guardians, or caregivers

5) **Related Legislation**

AB 2650 (Arambula, 2022) was substantially similar to this bill as it required, rather than authorized a public elementary school, upon receipt of information materials related to water safety and drowning prevention from a local, state, or national drowning or injury prevention organization, to share those materials with parents, legal guardians, or caregivers.

AB 2977 (Mullin) Chapter 478, Statutes of 2006 requires new and remodeled pools and spas to provide at least one safety feature from a list of eligible features, adds mesh fences and swimming pool alarms to the list of enumerated drowning prevention safety features, and requires remodeled pools and spas to cover drains with an anti-entrapment grate.

AB 1766 (Maienschein) Chapter 270, Statue of 2018, this bill requires every public swimming pool that is required to provide lifeguard services and charge a direct fee, as defined, additionally provide on its premises an Automated External Defibrillator unit.

AB 2009 (Maienschein) Chapter 646, Statutes of 2018, requires school districts or charter schools that choose to offer any interscholastic athletic program 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 sudden cardiac arrest and other medical emergencies related to the athletic program's activities or events. The written emergency action plan must be posted in compliance with the most recent pertinent guidelines of the National Federation of State High School Associations. Further requires the school districts or charter schools to acquire at least one automated external defibrillator (AED) for each school within the school district or the charter school.

AB 1719 (Rodriguez) Chapter 556, Statutes of 2016, requires school districts and charter schools that require a course in health education for graduation from high school to include instruction in performing compression-only CPR. Requires the

California Department of Education to guide the implementation of these provisions, including those who may provide education. Provides that a local agency, entity of state or local government, or other public or private organization that sponsors, authorizes, supports, finances, or supervises, and a public employee who provides or facilitates, the instruction of pupils in compression-only cardiopulmonary resuscitation or the use of an AED pursuant to the bill will not be liable for any civil damages alleged to result from the acts or omissions of an individual who received such instruction.

**SUPPORT**

Youth Leadership Institute (Sponsor)

**OPPOSITION**

California Coalition for Children's Safety and Health  
Drowning Prevention Foundation  
U.S. Swim School Association

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1651	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Sanchez		
<b>Version:</b>	March 30, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil health: emergency medical care: epinephrine auto-injectors.

### SUMMARY

This bill extends the definition of “volunteer” and “trained personnel” to include the holder of an Activity Supervisor Clearance Certificate (ASCC) who may administer an emergency epinephrine auto-injector, as specified, and requires a local educational agency (LEA), county office of education (COE), and charter schools to store epinephrine auto-injectors in an accessible location upon the need for emergency use.

### BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Specifies that before assuming a paid or volunteer position to work with pupils in a pupil activity program sponsored by a school district (including scholastic programs, interscholastic programs, and extracurricular activities when sponsored by a school district or school booster club, such as cheer team, drill team, dance team, or marching band) all noncertificated candidates shall obtain an ASCC from the Commission on Teacher Credentialing (CTC). (EC § 49024)
- 2) Permits each public and private school to designate one or more volunteers to receive initial and annual refresher training, based on specified standards, regarding the storage and emergency use of an epinephrine auto-injector from the school nurse or other qualified person designated by an authorizing physician or surgeon. (EC § 49414(d))
- 3) Requires an LEA, COE, and charter school to provide emergency epinephrine auto-injectors to school nurses or trained volunteers and allows those individuals to utilize epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. (EC § 49414(a))
- 4) Requires an LEA, COE, and charter school to ensure that each employee who volunteers under this section will be provided defense and indemnification by the LEA, COE, or charter school for any civil liability, in accordance with, but not limited to, as specified in Government Code. (EC § 49414(j) and 49414.7(i))

- 5) Authorizes each public and private elementary and secondary school in the state to voluntarily determine, as specified, whether or not to make emergency epinephrine auto-injectors and trained personnel available at its school. (EC § 49414(c))
- 6) Requires the State Superintendent of Public Instruction (SPI) to review, every five years, or sooner as deemed necessary by the SPI, standards of training for the administration of epinephrine auto-injectors. (EC § 49414(e)(1) – (3))

#### Health and Safety Code (HSC)

- 7) Provides that no person who, in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission other than an act or omission constituting gross negligence or willful or wanton misconduct. (HSC § 1799.102)

#### ANALYSIS

This bill extends the definition of “volunteer” and “trained personnel” to include the holder of an ASCC who may administer an emergency epinephrine auto-injector, as specified, and requires an LEA, COE, and charter schools to store epinephrine auto-injectors in an accessible location upon the need for emergency use. Specifically, this bill:

- 1) Requires an LEA, COE, and charter schools to store epinephrine auto-injectors in an accessible location upon the need for emergency use.
- 2) Extends the definition of “volunteer” and “trained personnel” to include the holder of an ASCC who has volunteered to administer an epinephrine auto-injector to a person if the person is suffering, or reasonably believed to be suffering, from anaphylaxis, has been designated by a school, and has received training.
- 3) Requires written material on how to use an epinephrine auto-injector to be publically accessible at the location of the epinephrine auto-injectors.
- 4) Requires an LEA, COE, and charter schools to distribute a notice at least once per school year to all staff on the location of the epinephrine auto-injectors on campus, in addition to a description of the training that the volunteer will receive and a description of the volunteer request,

#### STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1651 will help reduce the likelihood of lethal allergic reactions on school campuses by ensuring that the location of epinephrine auto-injectors (EAls) are known by all staff and by expanding the types of volunteers who can receive training for the use of EAls. Ultimately, the bill will help make campuses safer for students with food allergies and could be the difference in saving a life. No student should feel unsafe on campus, and no parent should have to worry about whether their child’s school has the tools to keep them

safe. By enacting AB 1651, the state can help ensure that our schools will be better equipped to reduce the likelihood of lethal allergic reactions on campus.”

- 2) **Activity Supervisor Clearance Certificate (ASCC).** Administered by the CTC, an ASCC provides non-certificated individuals, prior to starting a paid or non-paid position working with pupils in a student activity program sponsored by a school district or county office of education, verification that the holder has completed the professional fitness review before being placed in a position working with pupils in a student activity program. These school district or county office of education programs may include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities when sponsored by a school district or school booster club, such as cheer team, drill team, dance team, or marching band. The ASCC is not limited to one employing agency but may be used in all California public school districts.

The ASCC may not apply to every volunteer at a school site. There are specific exemptions for volunteer supervisors for breakfast, lunch, or nutritional periods and non-teaching volunteer aides, such as a parent volunteering in a classroom or on a field trip or a community member providing non-instructional services. Further, the ASCC does not authorize a holder to provide instruction or school services to pupils.

Before working with pupils in a student activity program sponsored by an LEA or COE, an ASCC holder must obtain fingerprint clearance through a criminal background check completed by the California Department of Justice and the Federal Bureau of Investigation, as already required by statute.

*This bill would allow ASCC holders, once they have received training, to administer epinephrine auto-injectors to a person if they are suffering, or reasonably believed to be suffering, from anaphylaxis, in addition to and have the same protections as a school employee who volunteers to administer epinephrine auto-injectors or trained personnel.*

- 3) **What is anaphylaxis?** According to the National Institutes of Health, anaphylaxis is a severe, whole-body allergic reaction to a chemical that has become an allergen. The person's immune system becomes sensitized to it after exposure to a substance, such as a bee sting venom. An allergic reaction may occur when the person is exposed to that allergen again. Anaphylaxis happens quickly after the exposure, is severe, and involves the whole body. Tissues in different parts of the body release histamine and other substances. This causes the airways to tighten and leads to other symptoms. Some drugs (such as morphine, x-ray dye, and aspirin) may cause an anaphylactic-like reaction when people are first exposed to them. These reactions are not the same as the immune system response that occurs with true anaphylaxis. However, the symptoms, risk for complications, and treatment are the same for both types of reactions. Hazards include a history of any type of allergic reaction. According to Food Allergy Research & Education (FARE), approximately 25 percent of first-time allergic reactions that require epinephrine happen at school.

- 4) ***Food Allergy Among U.S. Children.*** According to the FARE website, eight foods account for 90 percent of all reactions: milk, eggs, peanuts, tree nuts, soy, wheat, fish, and shellfish. Even trace amounts of a food allergen can cause a reaction. Researchers estimate that up to 15 million Americans have food allergies. This potentially deadly disease affects one in every 13 children (under 18 years of age) in the U.S., equaling roughly two in every classroom. According to a study released in 2013 by the Centers for Disease Control and Prevention, food allergies among children increased by approximately 50 percent between 1997 and 2011. FARE's website states that the economic cost of children's food allergies is nearly \$25 billion annually. Teenagers and young adults with food allergies are at the highest risk of fatal food-induced anaphylaxis. The California School Board Association (CSBA) has a sample policy that addresses students' food allergies and special dietary needs, including the development of guidelines that address things such as strategies for identifying students at risk for allergic reactions, avoidance measures, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction. CSBA notes in the sample policy that it is prohibited to exclude students from school activities or otherwise discriminate against, harass, intimidate, or bully them because of their food allergies.

5) ***Related Legislation***

*AB 1810* (Levine) Chapter 906, Statutes of 2022, authorizes a trained employee volunteer to administer emergency anti-seizure medication to a pupil upon the request of the parent, requires the development of state standards for the training, and requires the parent to provide specified information to the LEA, including a seizure action plan.

*AB 2640* (Valladeres) Chapter 794, Statutes of 2022, required the CDE to create the "California Food Allergy Resource Guide" for voluntary use by LEAs to protect pupils with food allergies.

*AB 346* (Conway) Chapter 52, Statutes of 2010, extended the same authority to a noncertificated candidate who is assuming a paid or volunteer position that is currently granted to a single district or county superintendent to perform criminal background checks; (2) defined a nonteaching volunteer to include parents volunteering in a classroom or on a field trip or a community member providing noninstructional services; and (3) specified the ACCC requirement does not apply to individuals who have already cleared a criminal background check for the school district.

*SB 161* (Huff) Chapter 560, Statutes of 2011, allowed LEAs, COEs, or charter schools to participate in a program to train nonmedical school employees who volunteer to administer emergency anti-seizure medication to students with epilepsy.

**SUPPORT**

Latino Food Allergy Network (Sponsor)  
Allergy & Asthma Network  
AllergyStrong

Asthma and Allergy Foundation of America  
California Academy of Family Physicians  
California Food Allergy Moms  
Food Allergy & Anaphylaxis Connection Team  
Food Allergy & Research Education  
Red Sneakers for Oakley

**OPPOSITION**

California Teachers Association

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1745	<b>Hearing Date:</b>	June 14, 2023
<b>Author:</b>	Soria		
<b>Version:</b>	February 17, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Public postsecondary education: veterans: waiver of mandatory systemwide tuition and fees.

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

### SUMMARY

This bill modifies the annual income metric used to determine eligibility for the tuition waiver program for children of service-injured veterans attending a California Community College (CCC), California State University (CSU) or University of California (UC) campus.

### BACKGROUND

#### *Existing federal law:*

- 1) Establishes educational benefits for the spouse and children of both currently serving members of the Armed Forces of the United States and veterans, in such instances where the service member or veteran is permanently and totally disabled due to a service-connected disability, or died while on active duty or as a result of a service-connected disability. (38 U.S. Code Section 3500, et seq.)

#### *Existing state law:*

- 1) Establishes the UC as a public trust to be administered by the UC Regents; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)
- 2) Establishes the Donahoe Higher Education Act, setting forth the mission of the UC, CSU, and CCCs. (Education Code (EC) § 66010, et seq.)
- 3) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that



the Trustees are responsible for the rule of government of their appointees and employees. (EC § 66606 and 89500, et seq.)

- 4) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts. (EC § 70900)
- 5) The Donahoe Higher Education Act prohibits campuses of those segments from charging mandatory systemwide tuition or fees to specified students who apply for a waiver, including a child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the national poverty level. (EC § 66025.3, et seq.)
- 6) Establishes various educational benefits for dependents of veterans who were killed during military service or are totally disabled, as specified; defines “dependent of a veteran” to include the spouse of a totally disabled veteran; and prohibits a dependent of a veteran from receiving these educational benefits during the time the dependent is entitled to receive specified federal educational benefits or duplicative duplicate assistance from any other government source. (Military and Veterans Code (MVC) Section 890, et seq.)

## ANALYSIS

This bill modifies the annual income metric used to determine eligibility for the tuition waiver program for children of service-injured veterans attending a CCC, CSU or UC campus. Specifically, it:

- 1) Requires that the annual income of the child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability not exceed the *state poverty level*, instead of the *national poverty level*, in order to qualify for the tuition waiver program at a CCC, CSU or UC.
- 2) Defines the “state poverty level” to mean annual household income that is less than the amount calculated for a single person with no dependents as defined in the Revenue and Tax Code.
- 3) Makes other technical changes.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “The burdens and sacrifices made by members of the military have long consequences, sometimes across generations. The spouses and children of military members also experience professional and educational instability, further exacerbated if their military parent is killed or disabled through service. Because of this, federal and state governments offer educational and other benefits in an attempt to offset those conditions and aid veterans and their dependents in their transition to and

success in civilian life. Among other benefits, California offers a college fee waiver benefit to veteran dependents attending a California public college or university. It is a generous benefit, but it is also complicated and sometimes contradictory, providing benefits to children and spouses in some cases, but not others. Under one category of eligibility, the dependent children of service-disabled veterans are subject to an income cap, defined as the federal poverty level. Under that definition, a prospective student working just 20 hours a week in the year before applying for the waiver would render themselves ineligible for the waiver. A better measure is one that reflects California's economy, rather than ruling the children of disabled veterans out because of a national one-size-fits-all rule."

- 2) **Challenges with Federal poverty level metric.** According to information provided by the author's office, children of veterans with a service-connected disability are only eligible for the College Fee Waiver for Dependents program if their annual household income, including parent support, does not exceed the federal poverty level for an individual with no dependents, which is currently around \$15,000 according to the United States Census Bureau. This year, California's minimum wage increased to \$15.50 per hour. A prospective student working 20 hours per week for a year before enrolling in the waiver program would earn around \$16,000 in annual gross income, which would surpass the level disqualifying them from the benefit. In other cases (e.g., childcare subsidies), the state utilizes income numbers as specific as zip codes rather than national indicators to establish need. Under the definition of "extremely low income" under Health and Safety Code 50106, a person in California with an annual income two times that of the "national poverty level" now used to limit eligibility for this program could qualify for subsidized supportive housing.

This bill attempts to realign the annual income metric with one that reflects wages, cost of living and other economic conditions of this state.

- 3) **State poverty level.** This measure proposes a new income cap that is less than the annual household income for a single person with no dependents, as calculated by the California Revenue and Tax Code. According to the Franchise Tax Board website, this amount is \$20,913 for the taxable year 2022.
- 4) **Other tuition waiver programs.** Current law prohibits public postsecondary institutions from applying certain fees to various groups impacted by a tragic event, these waivers include:
  - a) A surviving spouse or child of a deceased person of active law enforcement service.
  - b) A surviving spouse or child of a deceased person of active fire suppression and prevention.
  - c) The dependent of any California resident killed in the September 11, 2001 terrorist attacks.

- d) The dependent of veteran killed or permanently disabled in the line of duty, as specified.
- e) Current and former foster youth.
- f) A wrongfully imprisoned person.

This bill modifies an existing program, which could expand the overall number of individuals eligible for a tuition waiver at a public higher education institution. Tuition costs are a barrier for many individuals with financial hardship, and although this bill raises the income cap, the proposed solution is one that is based on financial need, which is consistent with the original waiver program and other state aid programs.

5) **Fiscal impact.** According to information provided in the Assembly Committee on Appropriations analysis this bill would have the following fiscal impact:

- 1) Ongoing General Fund costs of an unknown amount to UC to begin providing tuition waivers to veteran dependents who earn more than \$14,891 and less than \$20,913 annually. In the 2022-23 academic year, annual resident tuition is \$13,104. If 100 veteran dependents each received a tuition waiver as a result of this bill, costs would be about \$1.3 million.
- 2) Ongoing General Fund costs of an unknown amount to CSU to begin providing tuition waivers to veteran dependents who earn more than \$14,891 and less than \$20,913 annually. In the 2022-23 academic year, annual resident tuition is \$5,742. If 300 veteran dependents each received a tuition waiver as a result of this bill, costs would be \$1.7 million.
- 3) Ongoing Proposition 98 General Fund costs of an unknown amount to CCC to begin providing tuition waivers to veteran dependents who earn more than \$14,891 and less than \$20,913 annually. In the 2022-23 academic year, annual resident tuition is \$1,380. If 700 veteran dependents each received a tuition waiver as a result of this bill, costs would be about \$1 million.

The state would need to reimburse these costs to CCC, if the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate.

6) **Prior legislation.**

AB 1606 (Ramos, 2022) would have made more expansive changes to the college fee waiver program, including a change to the income eligibility threshold that indexed it to "area median income." AB 1606 died in the Assembly Committee on Appropriations.

**SUPPORT**

None received

**OPPOSITION**

None received

**-- END --**