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# California State Senate

## EDUCATION



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## AGENDA

Wednesday, June 28, 2023  
9 a.m. -- 1021 O Street, Room 2100

### MEASURES HEARD IN FILE ORDER

- |      |         |             |   |
|------|---------|-------------|---|
| 1.   | AB 91   | Alvarez     | Community colleges: exemption from nonresident tuition fee: San Diego and Imperial Counties Community Colleges Association. |
| *2.  | AB 322  | Mathis      | Veteran and California National Guard Supplemental Orientation Act of 2023.   |
| *3.  | AB 384  | Calderon    | School facilities: recommended interior temperatures: inventory of heating and cooling systems.                             |
| *4.  | AB 461  | Ramos       | Student safety: fentanyl test strips.   |
| *5.  | AB 569  | Garcia      | California State University: Cybersecurity Regional Alliances and Multistakeholder Partnerships Pilot Program.              |
| *6.  | AB 1479 | Garcia      | Pupil health: social-emotional, behavioral, and mental health supports.   |
| 7.   | AB 579  | Ting        | Schoolbuses: zero-emission vehicles.  |
| 8.   | AB 603  | Cervantes   | Public postsecondary education: diversity: report.  |
| 9.   | AB 888  | Cervantes   | Student financial aid: immigrants seeking asylum.   |
| *10. | AB 715  | Megan Dahle | Rural Education Task Force.   |
| 11.  | AB 1722 | Megan Dahle | Pupil health: credentialed school nurses, registered nurses, and licensed vocational nurses.                                |
| 12.  | AB 915  | Arambula    | Pupil health: drug education: opioid overdose certification and training program.   |
| 13.  | AB 1123 | Addis       | California State University: employees: paid parental leave of absence.   |

14.	AB 1178	Luz Rivas	School nutrition: guardian meal reimbursement.
*15.	AB 1327	Weber	Interscholastic athletics: California Interscholastic Federation: racial discrimination or harassment.
16.	AB 1400	Bryan	Student financial aid: College Access Tax Credit Fund: community college student transfers: Historically Black Colleges and Universities.
*17.	AB 1517	Gallagher	Special education: special education local plan areas: local plans.
*18.	AB 1524	Lowenthal	Postsecondary education: on-campus access to drug testing devices and antitampering devices.
*19.	AB 1642	Gipson	School facilities: master plan for green schoolyards: recommendations.
20.	AB 1695	Gipson	Career technical education: Nursing Pathway Pilot Program.
*21.	AB 1653	Sanchez	Interscholastic athletic programs: emergency action plans: heat illness: guidelines.
22.	AB 1749	McCarty	Student Transfer Achievement Reform Act: University of California.

\*Measures on consent.

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 91	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Alvarez		
<b>Version:</b>	March 13, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Community colleges: exemption from nonresident tuition fee: San Diego and Imperial Counties Community Colleges Association.

### SUMMARY

This bill authorizes, until January 1, 2029, a community college that is a member of the San Diego and Imperial Counties Community Colleges Associations (SDICCCA) to waive non-resident tuition fees and claim apportionment for a limited number of low-income students that reside in Mexico within 45 miles of the California-Mexico border.

### BACKGROUND

Existing law:

- 1) Authorizes the California Community Colleges (CCC) Board of Governors (BOG) to enter into an interstate attendance agreement with any statewide public agency of another state that is responsible for public institutions of postsecondary education providing the first two years of college instruction, and that is an agency of a state that is a member of Western Interstate Commission for Higher Education (WICHE). (Education Code (EC) § 66801)
- 2) Authorizes a community college district (CCD) to admit non-resident students and requires that these students be charged a tuition fee that is twice the amount of the fee established for in-state resident students, with certain specified exemptions. State statute prescribes a formula for the calculation of the non-resident fee. State law requires the non-resident tuition fee be increased to a level that is three times the amount of the fee established for in-state resident students. (EC § 76140)
- 3) Prohibits non-resident students from being reported as full-time equivalent student (FTES) for state apportionment purposes, except where: (1) the CCD has fewer than 1,500 FTES and is within 10 miles of another state and has a reciprocity agreement with that state or participates in WICHE; or, (2) if a CCD has between 1,501 and 3,000 FTES and is within 10 miles of another state and has a reciprocity agreement with that state or participates in WICHE, they can claim up to 100 FTES for state apportionment purposes. (EC § 76140(h)(i))
- 4) Exempts no more than 200 students in any academic year from paying non-resident tuition fees if they attend the Lake Tahoe Community College (LTCC) and reside in specified communities in the State of Nevada, and; (2) permits the

LTCC District to count these persons as resident FTES for purposes of determining California apportionment funding. (EC § 76140 (a)(6))

- 5) Provides that specified nonresident students exempted from paying nonresident tuition may be reported as resident FTES for purposes of state apportionment. These students are required to pay one and one-half the amount of resident fees. (EC § 76140(j))

## ANALYSIS

This bill:

- 1) Exempts, until January 1, 2029, from the nonresident tuition fee a student who meets the following criteria:
  - a) Is a nonresident, low-income student who is a resident of Mexico.
  - b) Registers for lower division courses at a SDICCCA college.
  - c) Has residence within 45 miles of the California-Mexico border for at least one year immediately before seeking a fee exemption.
- 2) Requires a governing board of a CCD with a college SDICCCA in, as a condition of its students receiving an exemption approve rules and regulations that accomplish the following:
  - a) Determine a student's residence classification.
  - b) Establish procedures for an appeal and review of the residence classification.
  - c) Determine whether a student is low-income.
- 3) Limits exemptions established by the bill to 150 full-time equivalent students at each SDICCCA college in any academic year.
- 4) Authorizes SDICCCA community colleges to claim state apportionment funding for eligible nonresident students.
- 5) Requires, by January 1, 2028, that the SDICCCA submit a report to the Legislature, as prescribed, that includes but is not limited to, the demographics, attendance rate, and class completion rate of students receiving an exemption.
- 6) Defines for purposes of this bill "SDICCCA College," to mean a community college that is a member of the San Diego and Imperial Counties Community College Associations.
- 7) States that it is the Legislature's intent to increase the pathways by which nonresident students who reside near the California-Mexico border and who

might otherwise experience financial hardships can attend community colleges near the border.

- 8) Sunsets the bill's provisions on January 1, 2029.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Passing Assembly Bill 91 would provide more students with a pathway to enter the local workforce, where they would contribute to San Diego County's thriving economy and ensure that the region remains an international player for years to come. Both Texas and Arizona have long recognized the economic benefits of facilitating cross-border education, and it is time California does too."
- 2) **Resident and Nonresident Tuition Fees.** For the 2022-23 academic year, resident tuition fees for CCC are \$46 per credit. A full course load is defined as between 12 and 15 credits per semester, equating to tuition fees annually of between \$1,104 and \$1,380, respectively.

For the 2022-23 academic year, nonresident tuition fees for CCC are \$346 per credit. A full course load is defined as between 12 and 15 credits per semester, equating to tuition fees annually of between \$10,104 and \$10,380, respectively. This bill would allow colleges to charge the eligible students the lower resident tuition rate.

- 3) **Modeled after Lake Tahoe Basin exemption.** Between 1988 and 2011, California and Nevada operated under a "Good Neighbor Policy" that met the requirements of EC § 76140(j) and allowed LTCC to provide a waiver of nonresident tuition for Nevada and claim the adjusted apportionment. In 2011, the Nevada Board of Regents voted to end the Good Neighbor Policy, meaning that Nevada residents of the Tahoe Basin were required to pay the full nonresident tuition to attend LTCC.

The Legislature approved SB 605 (Gaines, Chapter 657, Statutes of 2015) to annually exempt up to 200 Nevada residents that reside in specified communities in the Basin from paying non-resident fees and authorizes LTCC to count these students as resident full-time equivalent students for purposes of apportionment funding. Under these provisions, Nevada residents in the Lake Tahoe Basin pay \$93/unit (quarter units). Following the passage of SB 605, the CCC BOG entered into an agreement with the Nevada System of Higher Education. The agreement provided reciprocity for California Basin students to attend Western Nevada College and pay resident fees. SB 605 and the agreement were set to expire on July 1, 2022. Subsequent legislation, SB 436 (Dahle, Chapter 573, Statutes of 2021) made the Nevada resident exemption established by SB 605 permanent.

This bill attempts to provide a similar nonresident fee exemption for students that reside within 45 miles of California's southern border in Mexico by annually exempting up to 150 full-time equivalent students from paying higher nonresident fees at the specified community colleges. These students can count as a resident full-time student for purposes of state apportionment funding under this bill.

- 4) **Parity with the Lake Tahoe Basin program.** Current law requires nonresident students who benefit from the Lake Tahoe Basin exemption to pay a modified rate if a college reports these students as resident FTES for purposes of claiming state apportionment. This modified rate is 1.5 times (\$69 per credit) that of resident tuition fees, but still significantly less than the nonresident \$346 per credit fee. This bill does not require the new student group to pay a modified rate as a condition of claiming state apportionment for these students. The author's office argues that unlike the Lake Tahoe Basin program, this bill limits the benefit to low-income students, and ensuring that students pay the lower resident tuition fee rate is critical to the success of the pilot program. *However, given that it is a condition imposed on the Lake Tahoe Basin program for which this bill is modeled, the committee may consider whether the same modified tuition fee policy should be applied to the proposed pilot program.*
- 5) **What do other border states do?** According to the National Conference of State Legislatures (NCSL), other states have in-state tuition agreements for Mexican students living within a specified mile radius of the border; these states include:
- a) The State of Texas has the Mexican Citizens with Financial Need-Border Nations Waiver. This waiver permits a small number of individuals with financial need, who are citizens of México, to enroll in any public institution of higher education in Texas, while paying the resident tuition rate. The Texas Legislature appropriates the funds for the waivers.
  - b) The State of New Mexico has the Descubre Program for Mexican Students. This Program offers new students with Mexican citizenship the Descubre Tuition Rate, which is 1.5 times the in-state tuition rate. The eligibility requirements: a) Mexican citizenship; b) Admission to New Mexico State University (NMSU); c) Enrollment in 15 new Las Cruces credits per semester; and, d) Meeting satisfactory academic progress to continue receiving the Descubre Tuition Rate each semester. The NMSU Board of Regents approves the fiscal appropriations for the Program.
  - c) The State of Arizona has Gatos MX Tuition Discount. Through agreements with the States of Baja California, Chihuahua, Sinaloa, and Sonora in México, qualified new incoming first-year students who are residents of said states, are eligible for the Gatos MX Discount. The Discount is a partial tuition scholarship and places 2023-2024 tuition at \$19,800 per academic year (which is approximately 50% of out-of-state tuition). Students must meet a variety of specified eligibility requirements, including, but not limited to the following: a) Be first-year undergraduate admits to the University of Arizona; and, b) Will graduate high school from one of following states: i) Baja California; ii) Chihuahua; iii) Sinaloa; and, iv) Sonora. The Arizona Board of Regents approves the fiscal appropriations for the Discount.

This bill seems to be more in line with Texas policy in that a small number of low-income students may pay the resident rate.

- 6) **California-Baja region.** According to information provided by the author's office, Southern California and California-Baja operate as one megaregion with over 140,000 daily border crossings. Living on one side of the border while studying, working or spending most of the time on the other side has been a part of everyday life for decades. A 2022 University of San Diego report, *The CaliBaja Regional Economy*, identifies the Cali Baja region as the largest integrated economic zone along the U.S.-Mexico border. The region is composed of San Diego and Imperial County, and the Baja California cities of Tijuana, Tecate, and Mexicali for a total regional GDP of \$250 billion and an estimated \$70 billion in cross border trade flows.
  
- 7) **Amendments.** In order to clarify which colleges are authorized to issue the proposed nonresident fee exemption ***staff recommends that the bill be amended as follows:***
  - a) Delete references to the San Diego and Imperial Counties Community Colleges Association from the bill and replace them with references to the applicable colleges: Cuyamaca Community College, Grossmont Community College, Imperial Valley Community College, MiraCosta Community College, Palomar Community College, San Diego City Community College, San Diego Mesa Community College, San Diego Miramar Community College, or Southwestern College.
  
  - b) Amend EC 76140 (a)(8)(A)(ii) in the bill as follows" (ii) Registers for lower division courses at a ~~SDICCCA college~~ *Cuyamaca Community College, Grossmont Community College, Imperial Valley Community College, MiraCosta Community College, Palomar Community College, San Diego City Community College, San Diego Mesa Community College, San Diego Miramar, Community College, or Southwestern College.*
  
  - c) Amend EC 76140 (a)(8)(B)(i) in the bill as follows: "~~The San Diego and Imperial Counties Community Colleges Association shall adopt rules and regulations.~~ *The governing boards of the specified community colleges shall adopt uniform policies that accomplish all of the following:*"
  
  - d) Delete and recast provisions in EC § 76140 (a)(8)(B)(ii) in the bill, so that as condition of a student receiving an exemption pursuant to the bill, the governing boards of the specified community colleges are required to collaborate with each other to ensure the adoption of a uniform policy.
  
  - e) Amend EC 76140 (a)(8)(D) in the bill to require that, instead of the Association submitting a report to the Legislature as indicated, the governing boards of the specified community colleges jointly submit the report.
  
- 8) **Prior and related legislation**

SB 705 (Hueso, 2021) would have required the California Department of Education and the California Workforce Development Board, in consultation with the California-Mexico Border Relations Council, to jointly form a study group of subject matter experts in specified fields to analyze unique challenges and opportunities arising from the presence of a large binational student population and workforce on both sides of the California-Mexico border. SB 705 died in the Assembly Appropriations Committee.

**SUPPORT**

California Community Colleges Chancellor's Office  
City of San Diego  
Comite Civico Del Valle, Inc.  
Community College League of California  
Faculty Association of California Community Colleges  
Los Amigos De LA Comunidad, Inc.  
San Diego Community College 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 322	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Mathis		
<b>Version:</b>	March 23, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Veteran and California National Guard Supplemental Orientation Act of 2023.

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

### SUMMARY

This bill requires that each California State University (CSU) and California Community College (CCC) campus and requests that each University of California (UC) include in transfer and first-year student orientation specified information for students who are veterans and their dependents.

### BACKGROUND

Existing law:

- 1) Authorizes the CSU and the CCC, and encourages the UC to coordinate services for qualified students who are veterans or members of the military by clearly designating Military and Veterans Offices and individuals to provide specified services to qualified students. Current law defines "qualified student" as a student who is any of the following: an active-duty member of the Armed Forces of the United States, the California National Guard, a reserve component of the Armed Forces of the United States, a veteran of the Armed Forces of the United States, and/or a family member of a person (as described above) who is a legal dependent under 28 years of age or living in the household of that person and eligible to be claimed as a dependent on federal or state tax returns. (Education Code (EC) § 69785)
- 2) Requires CSU, and requests UC, to provide educational and preventive information about cyberbullying to students at all campuses of their respective segments as a part of established campus orientations. (EC § 66302.5)
- 3) Requires the governing board of each CCC district and the CSU, and requests UC, to provide, as part of established campus orientations, educational and preventive information about sexual violence to students at all campuses of their respective segments. It additionally requires that this information and the specified sexual harassment information be provided during the regular orientation for incoming students. (EC § 67385.7)
- 4) Declares that:

- a) Comprehensive information about acquaintance rape and other kinds of sexual assaults should be provided at all new student orientation programs and at any campus program that students are required to attend.
  - b) Colleges should provide special sexual assault seminars for all athletic coaches and administrators and members of athletic teams. These seminars should take place during a student athlete orientation program or prior to the first team meeting. Seminars should use the campus media, newspapers, radio, and television to heighten awareness of campus violence and its prevention. (EC § 67390)
- 5) Establishes that it is the intent of the Legislature that credit card and debt education and counseling sessions become a regular part of campus orientation of new students. (EC § 99030)

## ANALYSIS

This bill:

- 1) Establishes the Veteran and California National Guard Supplemental Orientation Act 2023 and requires, by the 2025-26 academic year, each campus of the CSU and the CCC and requests each UC campus to include within first-year student and transfer student orientations the location and contact information of the campus point of contact for students who are veterans of the Armed Forces of the United States and members of the California State Guard and the California National Guard, and their dependents.
- 2) By the 2025-26 academic year, requires each CSU and CCC campus and requests each UC campus point of contact develop a document that includes, at a minimum, information on policies, resources, and services, including but not limited to counseling, for students who are military veterans and their dependents.
- 3) By the 2025-26 academic year, requires that each CSU and CCC campus and request that each UC campus point of contact make the specified document available in hard copy form at the location of the campus point of contact and post the document, along with other information available to students and their dependents, on the campus's internet website.

## STAFF COMMENTS

- 1) **Need for the bill:** According to the author, "There is currently no obligation for universities or colleges to include any information for incoming students regarding veteran's benefits or campus veteran-specific activities.

Over the past decade, the State Legislature has required that universities and colleges within California include certain information during student orientation to ensure the safety, health, wellbeing and academic success of the incoming

students, including information on sexual violence, cyberbullying, and CalFresh – amongst others. Similarly, the Student Equity and Achievement Program established the statewide goal to boost achievement for all students and ensure equal educational opportunities and to promote student success for all students, regardless of race, gender, age, disability, or economic circumstances.

However, although many universities and colleges currently offer useful and potentially lifesaving veteran services, including staff, facilities and materials that assist with housing resources, disability accommodation, financial aid, peer mentoring, access to counselors and tutoring; many veterans and National Guard members are either unaware of these facilities, are not provided with practical information on how to access the available resources, or are not encouraged to use the services within student orientation. This critical oversight means that veterans and National Guard members are often required to seek out the services or ask for help themselves, which unfortunately commonly results in many veterans and National Guard members not receiving the assistance or resources available to them and struggling unnecessarily.”

The author further asserts, “AB 322 will ensure that each veteran and member of the National Guard is provided with information on the available resources and services, such as counselling, that the educational institution has to offer and receive the support, information and tools necessary to succeed.”

- 2) **Existing efforts to support student veterans.** There is acknowledgement among colleges of the re-entry challenges many student veterans face and the need to expand support services to help veterans successfully integrate into college life. Every CSU campus has a center focused on meeting the needs of students who have served or are serving in the military and their families through Veterans Resource Centers. Currently, mandatory fee waivers are available to dependents or survivors of disabled or deceased California veterans. At the CCCs, 114 of California’s 116 community colleges have a veteran’s resource center. These centers not only provide academic programs and career training for returning veterans but also provide assistance with transitioning to life after military service. Many centers have counselors versed in GI Bill requirements and track how veterans are progressing toward reaching benchmarks in their educational plans. This bill seeks to ensure that veterans and their dependents are aware of programming and services to meet the specific needs of this emerging student population.
- 3) **Orientation.** This bill expands the number of state-mandated disclosures that universities must provide to incoming students as part of their orientation process (outlined in the background of this analysis). The Committee may wish to consider at what point information becomes overprescribed.

## SUPPORT

American Legion, Department of California  
Amvets, Department of California  
California State Commanders Veterans Council  
California Teachers Association

Military Officers Association of America, California Council of Chapters  
Vietnam Veterans of America, California State Council

**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 384  
**Author:** Calderon  
**Version:** April 17, 2023  
**Urgency:** No  
**Consultant:** Ian Johnson

**Hearing Date:** June 28, 2023

**Fiscal:** Yes

**Subject:** School facilities: recommended interior temperatures: inventory of heating and cooling systems.

### SUMMARY

This bill requires the California Department of Education (CDE) to conduct a research study on recommended indoor air temperature ranges and temperature control standards for public schools and an inventory of heating and cooling systems, and to submit a report to the Legislature by January 1, 2026.

### BACKGROUND

Existing law:

- 1) Defines “good repair” to mean a school facility that is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to a school facility inspection and evaluation instrument developed by the Office of Public School Construction (OPSC) and approved by the State Board of Education (SBE) or a local evaluation instrument that meets the same criteria, and requires the evaluation instrument to include mechanical systems, including heating, ventilation, and air-conditioning systems, that are functional and unobstructed, appear to supply adequate amount of air to all classrooms, work spaces, and facilities, and maintain interior temperatures within normally acceptable ranges. (Education Code (EC) 17002(d))
- 2) Requires the CDE to establish standards for use by school districts to ensure that the design and construction of school facilities is educationally appropriate, promotes school safety, and provides school districts with flexibility in designing instructional facilities. (EC 17251(c))
- 3) Requires, the Department of General Services (DGS), under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building to ensure that plans and specifications comply with the specified rules and regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. (EC 17280)
- 4) Requires, as a condition of child care licensure, a comfortable temperature for children to be maintained at all times. Requires the licensee to maintain the

temperature in rooms that children occupy between a minimum of 68°Fahrenheit (F) and a maximum of 85°F. Requires, in areas of extreme heat, the maximum to be 20°F less than the outside temperature. (California Code of Regulations, Title 22, §101239)

## ANALYSIS

This bill:

- 1) Requires, in conducting the study, the CDE to review data, including, but not limited to, safe and healthy minimum and maximum air temperature in public school facilities, disaggregated by pupil age, and location of the schoolsite.
- 2) Requires, by January 1, 2026, the CDE to submit a report on the findings and recommendations of the study to the Legislature.
- 3) Requires the CDE to develop policy recommendations for safe indoor air temperature standards for elementary and secondary public school facilities based on the aforementioned study findings and statewide inventory. Requires the CDE to also develop policy recommendations that will address how to ensure that public school facilities can maintain a recommended safe indoor air temperature range. Requires the policy recommendations to be flexible and allow schools to phase into the recommended safe indoor air temperature range. Requires, in developing these policy recommendations, the CDE to consider state climate goals, the Extreme Heat Plan, regional temperature differences, and various methods for maintaining indoor air temperatures that take into account specific factors.
- 4) Requires, by January 1, 2027, the CDE to submit the policy recommendations to the Legislature.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “As climate change intensifies, millions of school-age children are burdened by worsening extreme weather-related events, such as heat waves, wildfires, and drought. School facilities located in low-income neighborhoods have historically been underfunded, making climate resilient infrastructure upgrades especially difficult. While public schools play an integral role in educating California’s students, it is imperative that students are provided a healthy learning environment. Not only is there is a lack of consensus regarding safe indoor temperature ranges, there is also a lack of data tracking which schools have adequate heating and cooling interventions.

To maximize learning and health, Assembly Bill 384 requires the California Department of Education (CDE) to conduct a study to determine recommended safe indoor temperature ranges for K-12 public school classrooms. This bill also tasks CDE with tracking and updating information related to heating and cooling management in schools through a statewide database. This bill will help ensure students are attending schools that are both functional and comfortable.”

- 2) ***Heat impact on students and their academic performance.*** As climate change intensifies, students are increasingly burdened by worsening heat waves, wildfires, drought, and other extreme weather-related events that hinder their well-being and academic development, according to a 2023 report from the Sean N. Parker Center for Allergy and Asthma Research at Stanford University and other partners, *Climate Resilient California Schools: Safeguarding Children's Health and Opportunity to Learn in TK-12*. Children are particularly vulnerable to extreme weather conditions because their bodies are more sensitive and less capable of self-regulating temperature.

According to a 2022 Legislative Analyst Office report, *Climate Change Impacts Across California K-12 Education*, climate change has led to students experiencing greater learning loss, poorer academic outcomes, food insecurity, and traumatic mental health problems. Moreover, minority children who live in high-poverty neighborhoods are often exposed to more heat, which contributes to racial disparities in health outcomes. School facilities located in low-income neighborhoods have historically had fewer financial resources to invest in efficient HVAC systems, thereby compounding student health risks from worsening climate change.

Indoor temperatures in California public schools are not currently subject to any upper limits in existing law, and schools are not required to have air conditioning or other cooling systems. Indoor classrooms that cannot maintain healthy temperatures exacerbate existing inequities in student and health outcomes (Patel, 2023). According to a 2020 Journal of Human Resources article, *Hot Temperature and High Stakes Performance*, hot temperature reduces performance by up to 13% of a standard deviation and leads to persistent impacts on high school graduation status, despite compensatory responses by teachers who selectively upward manipulate grades after hotter exams. According to a 2020 American Economic Journal: Economic Policy article, *Heat and Learning*, students of color and students in lower-income areas are the most affected by heat-driven learning losses, exacerbating racial and income-based achievement gaps. It is estimated that 5% of the nationwide gap in academic achievement between white and Black students is due to heat and air conditioning disparities.

- 3) ***California lacks an inventory of public school facilities, including heating and cooling devices.*** While the state has general information on the number of K-12 schools (10,521 schools, including alternative schools), there is not an inventory on the number of school buildings within a schoolsite or the types of facilities in those buildings (e.g., gymnasiums, multipurpose rooms, etc.). Beginning in 2008, school districts applying for state bond funds must complete an informational worksheet on the project. Data on the number of new facilities and the types of facilities constructed since 2008 is available, but is not comprehensive. California does not maintain a statewide database for tracking which schools have air conditioning, appropriately shaded schoolyards, and other heat interventions, according to the 2019 American Society of Civil Engineers Report Card for California's Infrastructure. According to a 2020 Public Policy Institute of California (PPIC) report, *Improving K-12 School Facilities in California*, not every California school has adequate access to indoor cooling, making it

impossible to universally maintain temperatures ideal for teachers to educate and students to learn.

**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 461	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Ramos		
<b>Version:</b>	June 15, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Student safety: fentanyl test strips.

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

### SUMMARY

This bill requires the governing board of each community college district (CCD) and the Trustees of the California State University (CSU), and requests the Regents of the University of California (UC), to stock fentanyl test strips in the campus health center and distribute the test strips through the campus health center.

### BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges under the administration of the Board of Governors, as one of the segments of public postsecondary education in California. Existing law provides that the community colleges be comprised of CCDs. (Education Code (EC) § 70900)
- 2) Establishes that CCDs are under the control of a board of trustees, known as the governing board, who have the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. Existing law authorizes CCDs to establish policies for and the approval of courses of instruction and educational programs. (EC § 70902)
- 3) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Trustees the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and § 89000 et. seq.)
- 4) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services. (California Constitution, Article IX, § (9))

- 5) Provides that no provision of the Donahue Higher Education Act shall apply to the UC unless the UC Regents adopt the provision. (EC § 67400)
- 6) Requires the governing board of each CCD and the Trustees of the CSU, and requests the Regents of the UC, in collaboration with campus-based and community-based recovery advocacy organizations, to provide as part of established campus orientations educational and preventive information provided by the State Department of Public Health about opioid overdose and the use and location of opioid overdose reversal medication to students at all campuses of their respective segments. (EC § 67384)
- 7) Requires the governing board of each CCD and the Trustees of the CSU, and requests the Regents of the UC, to require that each campus health center located on a campus within their respective segments apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication, and to participate in the Naloxone Distribution Project administered by the State Department of Health Care Services. Existing law requires a campus health center, upon approval for use of the statewide standing order and participation in the Naloxone Distribution Project, to distribute a federally approved opioid overdose reversal medication obtained through the Naloxone Distribution Project in accordance with its terms and conditions. (EC § 67384)

## ANALYSIS

This bill:

- 1) Requires the governing board of each CCD and the Trustees of the CSU, and requests the Regents of the UC, to stock fentanyl test strips in the campus health center and distribute the test strips through the campus health center.
- 2) Requires written instructions on how to properly use the fentanyl test strips to be distributed with the test strips.
- 3) Expands the existing requirement for campus orientations to provide specified information about opioid overdose to specifically include information about the use and location of fentanyl test strips.
- 4) Requires the governing board of each CCD and the Trustees of the CSU, and requests the Regents of the UC, to notify students of the presence and location of fentanyl test strips through a method such as email.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 461 aims to reduce fentanyl-related overdose deaths in all of California’s public universities and colleges by requiring [CSU] and California Community College as well as requesting the [UC] campuses to provide fentanyl testing strips to students. This is a preventative measure to ensure our students safety and prevent further deaths due to overdoses. No parent should have to receive a call that their child has died due

to a fentanyl related overdose and this bill is aimed at trying to prevent that.”

- 2) ***Statewide Standing Order for Naloxone.*** Naloxone can help reduce opioid overdose deaths in California, but many organizations find it challenging to obtain the required standing order to get naloxone from healthcare providers. The California Department of Public Health (CDPH) issued the standing order in 2017 to address this need and support equitable naloxone access. The standing order:
- a) Allow community organizations and other entities in California that are not currently working with a physician to distribute naloxone to a person at risk of an opioid-related overdose or to a family member, friend, or another person in a position to assist; and
  - b) Allow for the administration of naloxone by a family member, friend, or other person to a person experiencing or reasonably suspected of experiencing an opioid overdose.

Among the organizations and entities that can distribute naloxone under the order are colleges and universities. An individual at risk of experiencing an overdose or someone who can assist an individual at risk is allowed to do so. Under the statewide standing order, staff of community organizations and other entities distributing naloxone must be trained. They are also required to provide training to individuals who receive naloxone from them. Colleges and other organizations may apply to use the statewide standing order if they meet certain conditions.

A separate distribution program administered through the Department of Health Care Services allows universities and colleges to apply for and obtain naloxone at no cost to the institution.

Committee staff notes that the Governor’s proposed 2023-24 budget includes funding to support innovative approaches to make fentanyl test strips and naloxone more widely available.

- 3) ***How are fentanyl test strips used?*** According to CDPH’s website, fentanyl test strips are a harm reduction strategy. Anyone can purchase and use fentanyl test strips, which cost approximately \$1 each and can be purchased from several vendors and businesses. Free or low-cost fentanyl test strips are available to individuals at California’s syringe services programs through the California Harm Reduction Supplies Clearinghouse.

Also according to CDPH’s website, in order to use the strips, testers dissolve a small amount of substance in water, and then dip the test strip into the liquid for 15 seconds. Because the test strips are highly sensitive, a minimal amount of drug residue is sufficient to obtain a result. The test strip is then set on a flat surface until results appear, typically within 5 minutes.

- 4) ***Fiscal impact.*** According to the Assembly Committee on Appropriations, this bill would impose:

- a) Unknown, but potentially significant, General Fund costs to UCs to comply with this bill.
  - i) Minor costs to add educational and preventive information provided by CDPH and provide information about the location of fentanyl test strips as part of established campus orientations at each of UC's nine campuses.
  - ii) Minor costs to notify students of the presence and location of fentanyl test strips through a method such as email at each of UC's nine campuses.
  - iii) Potentially significant costs to purchase fentanyl test strips at each of UC's nine campus health centers. Campus health centers can purchase fentanyl test strips through various sources. This bill does not prescribe how many strips a campus health center must have on hand, therefore, it is difficult to predict the amount of test strips a center will need to purchase. UC Santa Barbara currently provides test strips and projects it will need to purchase between 10,000 and 20,000 strips this year. If each campus purchased 15,000 strips annually at \$1 per strip, costs would total \$135,000 annually across all campuses.
- b) Unknown, but potentially significant, General Fund costs to CSUs to comply with this bill.
  - i) Minor costs to add educational and preventive information provided by CDPH and provide information about the location of fentanyl test strips as part of established campus orientations at each of CSU's 23 campuses.
  - ii) Minor costs to notify students of the presence and location of fentanyl test strips through a method such as email at each of CSU's 23 campuses.
  - iii) Potentially significant costs to purchase fentanyl test strips at each of CSU's 23 campus health centers. According to CSU, several campuses already provide fentanyl test strips to their students through a variety of sources. For example, CSU Chico receives the kits for free through a program with Butte County. If each campus purchased 15,000 annually at \$1 per strip, costs would total \$345,000 annually across all campuses.
- c) Unknown, but potentially significant, Proposition 98 General Fund costs to CCCs to comply with this bill.
  - i) Minor costs to add educational and preventive information provided by CDPH and provide information about the location of fentanyl test strips as part of established campus orientations at each of the 115

community college campuses.

- ii) Minor costs to notify students of the presence and location of fentanyl test strips through a method such as email at each of 115 campuses.
- iii) Potentially significant costs to purchase fentanyl test strips at each of the community colleges 92 campus health centers. If each campus purchased 15,000 annually at \$1 per strip, costs would total about \$1.4 million annually across all campuses.

#### 5) ***Related legislation***

AB 1524 (Lowenthal, 2023) requires the CSU and each CCD, and encourages the UC, independent institutions, and private postsecondary education institutions, to stock an adequate supply of drug testing devices and anti-tampering devices, free of cost and at least one designated location on each campus. AB 1524 is scheduled to be heard by this committee on June 28.

### **SUPPORT**

Generation Up (Sponsor)

Arcadia Police Officers' Association

Burbank Police Officers' Association

California Association of Christian Colleges and Universities

California Coalition of School Safety Professionals

California Faculty Association

California Reserve Peace Officers Association

California Teachers Association

Claremont Police Officers Association

Corona Police Officers Association

Culver City Police Officers' Association

Deputy Sheriffs' Association of Monterey County

Emergency Nurses Association, California State Council

Faculty Association of California Community Colleges

Fullerton Police Officers' Association

Los Angeles School Police Officers Association

Murrieta Police Officers' Association

National Association of Social Workers, California Chapter

Newport Beach Police Association

Novato Police Officers Association

Palos Verdes Police Officers Association

Placer County Deputy Sheriffs' Association

Pomona Police Officers' Association

Prosecutors Alliance California

Riverside Police Officers Association

Riverside Sheriffs' Association

Santa Ana Police Officers Association

Upland Police Officers Association

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 569	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Garcia		
<b>Version:</b>	March 16, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** California State University: Cybersecurity Regional Alliances and Multistakeholder Partnerships Pilot Program.

### SUMMARY

This bill requires the California State University (CSU) Chancellor's office, on or before July 1, 2028, to submit a report to the Legislature on the Cybersecurity Regional Alliances and Multistakeholder Partnerships pilot program, as provided.

### BACKGROUND

- 1) Establishes the Cybersecurity Regional Alliances and Multistakeholder Partnerships Pilot Program in order to address the cybersecurity workforce gap by doing all of the following:
  - a) Stimulating cybersecurity education and workforce development by bringing together stakeholders in the cybersecurity ecosystem.
  - b) Aligning the cybersecurity workforce needs of employers with the education and training provided by institutions of higher education.
  - c) Increasing the pipeline of students pursuing cybersecurity careers.
  - d) Developing the cybersecurity workforce to meet industry needs within local or regional economies. (Education Code (EC) § 89270)
- 2) Requires that on or before March 1, 2023, the CSU Chancellor's develop an application process, selection process, and criteria for CSU campuses seeking to participate in the pilot program, with preference given to CSU campuses that have or are developing regional pipeline programs in cybersecurity with the California Community Colleges (CCC). (EC § 89270)
- 3) Requires the CSU Chancellor's office to select any number of campuses to participate in the pilot program. (EC § 89270)
- 4) Requires that each selected CSU campus do all of the following:
  - a) Create a pilot program with goals and metrics.

- b) Develop strategies and tactics for building successful regional alliances and multistakeholder partnerships.
  - c) Measure the impact and results of its pilot program and annually share the impact and results with the CSU Chancellor's office. (EC § 89270)
- 5) Requires the office of the CSU Chancellor's office to annually report the impact and results from each selected campus's pilot program to the Legislature. (EC § 89270)

## ANALYSIS

This bill:

- 1) Requires, on or before July 1, 2028, the CSU Chancellor's office to submit a comprehensive report on the Cybersecurity Regional Alliances and Multistakeholder Partnerships Pilot Program to the Legislature and requires that the report include all of the following information:
- a) Recommendations on how to improve the pilot program.
  - b) Data on enrollment in the pilot program.
  - c) Data on how many different groups of people have been served by the pilot program.
  - d) Data on the number of veterans that have participated in the pilot program.
  - e) Recommendations on how to recruit more veterans to participate in the pilot program.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "cybersecurity and privacy issues are quickly moving to the forefront of homeland security, state priorities, and state-federal policies. State legislatures have taken major action to bolster the cybersecurity of their infrastructure amid new and increasing threats. Some measures have sought to increase cybersecurity investments from the public and private sector, or create or expand state agency authorities to better deal with cyber threats. These investments should also include developing a well-trained workforce to meet the demand for cybersecurity experts. Veterans and transitioning military personnel who served and protected the nation are very well positioned to transition into these open cybersecurity jobs."
- 2) **Adds reporting requirements to the existing program.** The 2022 Budget Act provided \$4 million in one-time General Fund to create the Cybersecurity Regional Alliances and Multistakeholder Partnerships Pilot Program. The CSU is to award grants to campuses that take steps through educational programs and partnerships with employers to develop a cybersecurity workforce. Committee



staff understands that CSU is in the process of implementing the program and identifying a campus lead. As noted in the background of this analysis, current law requires the CSU Chancellor's Office to annually report the impact and results from each selected campus's pilot program to the Legislature. This bill requires the chancellor's office to report different information, including veteran-related information and to provide the Legislature with recommendations about how to improve the program.

**SUPPORT**

California Chamber of Commerce

**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 1479	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Garcia		
<b>Version:</b>	April 17, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil health: social-emotional, behavioral, and mental health supports.

### SUMMARY

This bill, upon appropriation, establishes the Pupil Social-Emotional, Behavioral, and Mental Health Program for the California Department of Education (CDE) to provide eligible local education agencies (LEAs) grants to provide Model Tier 1 support services, as specified, to pupils and families.

### BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Requires the governing board of a school district to give diligent care to pupils' health and physical development and authorizes the district to employ properly certified persons for the work. (EC § 49400)
- 2) Requires the CDE, by January 1, 2023, to recommend best practices, and identify evidence-based and evidence-informed training programs for schools to address youth behavioral health, including staff and student training, contingent upon an appropriation for this purpose. (EC 49428.15)
- 3) Requires schools to notify students and parents at least twice during the school year on how to access student mental health services on campus or in the community, and authorizes schools to apply to their respective county for a grant from the county's allocation of Mental Health Services Act funds to provide these services. (EC 49428)
- 4) Specifies that the minimum requirements for the services credential with a specialization in pupil personnel services (PPS) are a bachelor degree or higher degree, a fifth year of study, and any specialized and professional preparation that the Commission on Teacher Credentialing (CTC) requires, including completion of a CTC-approved program of supervised field experience that includes direct classroom contact, jointly sponsored by a school district and a college or university. The services credential with a specialization in PPS authorizes the holder to perform, at all grade levels, the PPS designated on the credential, which may include, but need not be limited to, school counseling, school psychology, child welfare, attendance services, and school social work. (EC 44266)

**ANALYSIS**

This bill, upon appropriation, establishes the Pupil Social-Emotional, Behavioral, and Mental Health Program for the CDE to provide eligible LEAs grants to provide Model Tier 1 support services, as specified, to pupils and families. Specifically, this bill:

*The Pupil Social-Emotional, Behavioral, and Mental Health Program*

- 1) Requires the CDE, upon appropriation, to provide eligible local educational agencies with an allocation of moneys to provide Multitured Systems of Support (MTSS) Model Tier 1 Support accessible to pupils and families.
- 2) Specifies all LEA are deemed eligible, but reserves priority for LEAs with a 55% or more unduplicated English Learners (EL), foster youth, and free-and-reduced, and who have a plan approved by the department to provide Model Tier 1 Support accessible to pupils.
- 3) Requires the CDE, upon appropriation, within 90 days of receipt of funding for the program to publish a streamlined application form for eligible LEA to submit a plan to provide MTSS Model Tier 1 Support to pupils for three consecutive school years.
- 4) Requires, upon appropriation, eligible LEAs to submit applications within 30 days of the streamlined application publishing and to be approved, denied, or returned by the CDE to LEA with a request for information within 30 days from receipt of the application.
- 5) Specifies that services may be developed by school employees with an approved plan or by community-based organizations with experienced paraprofessionals after furnishing to the LEA a full set of fingerprints and passing a criminal record background check.
- 6) Encourages LEAs with an approved plan to contract with community-based organizations to deliver support to families at schoolsites.
- 7) Makes findings and declarations related to increasing mental health needs among students and the benefit of providing MTSS Tier 1 services to students and families.

*Definitions*

- 8) "Evidence-based" means using research that is available and has been tested for efficacy and effectiveness intended to best fit the population served.
- 9) "Evidence-based, Tier 1 social-emotional, behavioral, and mental health supports" include, but are not limited to, all of the following:
  - a) Providing support to pupils and families to address social-emotional and mental health concerns.

- b) Workshops and seminars for parents and families to provide social-emotional preventive interventions, including positive parenting tools.
  - c) Facilitating collaboration and coordination between school and community-based providers to support pupils and families to obtain access to behavioral and mental health supports in school.
  - d) Providing families with referrals to clinical care in order to support pupils' mental health needs within the community, as needed.
  - e) Facilitating behavioral training programs for school staff, including, but not limited to, behavior management strategies, mental health support training, trauma-informed practices, and professional self-care such as Mindfulness-Based Stress Reduction (MBSR), Community Approach to Learning Mindfully (CALM), and Cultivating Awareness and Resilience in Education (CARE).
- 10) "Local educational agency" means a county office of education, school district, or charter school.
- 11) "Model Tier 1 Support" means a coordinated and holistic approach that leverages evidence-based, Tier 1 social-emotional, behavioral, and mental health supports for all pupils, including pupils with a history of trauma.
- 12) "Tier 1" means supports that include, but are not limited to, activities that promote good mental health and help prevent mental health concerns, prevention and early intervention services for pupils that are higher risk for mental health concerns, short term care, positive behaviors and relationships, social-emotional learning, coping skills for stress and anxiety, peer support, success coaching for pupils, short-term crisis intervention and deescalation, screening, and initiating and facilitating referrals to community-based services for more intensive clinical treatment as required.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Our children are in crisis—we need a directed and streamlined process so that LEAs may be able to provide Tier 1 preventative social-emotional, behavioral, and mental supports today. AB 1479 aims to fill gaps in existing efforts/initiatives by increasing on-site access to preventative services, creating a streamlined and targeted grant process for LEAs, and allowing paraprofessionals to provide such preventative services to address the increasing mental health clinician workforce shortages."
- 2) ***Increasing occurrences of pupil mental health issues.*** According to a Pew Research Center analysis of data from the 2017 National Survey on Drug Use and Health 2017, 3.2 million teens aged 12-17 said they had at least one depressive episode within the past 12 months. This is up by 1.2 million from the same National Survey on Drug Use and Health survey in 2007. One-in-five (2.4 million) teenage girls reported experiencing one depressive episode in 2017, compared to 845,000 teenage boys. According to data from the Centers for Disease Control and Prevention, 13 percent of students in grades 9-12 in California in 2017 reported

experiencing at least one depressive episode within the last 12 months. Thirty-two percent felt sad or hopeless almost every day for two or more weeks, so they stopped doing some usual activities within the past year, compared to 31 percent for the United States. Seventeen percent of pupils in grades 9-12 reported considering suicide attempts, while 9 percent reported they attempted suicide at least once within the past 12 months. Data from the Office of Statewide Health Planning and Development confirm this trend. In 2019, emergency rooms throughout California treated 84,584 young patients ages 13 to 21 who had a primary diagnosis involving mental health. That is up from 59,705 in 2012, a 42 percent increase.

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

## California MTSS FRAMEWORK

The California MTSS Framework includes 5 Domains and 11 Features. The needs of the Whole Child are successfully met when ALL Domains and Features are effectively implemented with fidelity.



### Whole Child Domain



### Essential Domains and Features to Support the Whole Child



In 2015, Assembly Bill 104 (Committee on Budget), Chapter 13, Statutes of 2015, appropriated \$10,000,000 for developing, aligning, and improving academic and behavioral support systems. The CDE conducted a competitive grant process and awarded the funds to the Orange County Department of Education (OCDE) for their Scaling Up MTSS Statewide (SUMS) proposal, which included the Butte County Office of Education (Butte COE) as a rural partner. In 2016, an additional \$20,000,000, appropriated by SB 828 (Committee on Budget), Chapter 29, Statutes 2016, augmented the original grant award. The Budget Act of 2018

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

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

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

*This bill attempts to create a grant program to help LEAs provide MTSS Model Tier 1 services to students and families. While the bill allows all LEAs to be eligible as long as they have a plan, it is unclear what that plan must entail. The committee may wish to consider, at a minimum, establishing criteria for an LEAs plan to include.*

- 4) **Children and Youth Behavioral Health Initiative (CYBHI).** The CYBHI, under the California Department of Health and Human Services (CalHHS) announced in July 2021 a \$4.7 billion investment to enhance, expand and redesign the systems that support behavioral health for children and youth. The goal of CYBHI is to reimagine mental health and emotional well-being for ALL children, youth, and families in California by delivering equitable, appropriate, timely, and accessible behavioral health services and supports



In January 2023, CalHHS produced a report detailing its progress as the initiative is set to launch in 2024. According to the report, "The CYBHI is designed to meet the needs of young people, families and other stakeholders. We are engaging in extensive outreach, interviews and listening sessions to ensure that our work is shaped by their voices, insights and experiences."

*The committee may wish to consider how this bill interacts with current investments made by the Legislature to address the social-emotional health of students.*

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

- a) Require CDE to identify criteria for evaluating applicants and awarding grants within 90 days of receiving funding for the program.
- b) Require the LEA that applied for grant funds to certify in their plan that it has consulted with the applicant LEA including but not limited to the local county mental health department, community-based organizations, and other relevant providers in program planning and service delivery to pupils and families before awarding grants.

6) **Related Legislation**

AB 2124 (C. Garcia, 2022) would have required the Superintendent of Public Instruction to develop, administer, and award the Pupil Peer Support Training Program grant competitively for LEAs serving pupils in grades 9 to 12 to establish a peer support training program. Governor Newsom vetoed this bill with the following message:

*Peer support programs are valuable, which is why the 2022 Budget Act funded a similar program. AB 178 allocated \$10 million for the School-Based Peer Mental Health Demonstration Project. This grant program will provide competitive grants to high schools to develop peer-to-peer support programs. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.*

AB 552 (Quirk-Silva, 2022) would have authorized a county behavioral health agency (CHBA) and the governing board or governing body of a LEA to enter into an Integrated School-Based Behavioral Health Partnership Program (Partnership Program), as established by this bill, to provide prevention and early intervention, and access to, behavioral health and substance use disorder services for pupils at schoolsites. Governor Newsom vetoed this bill with the following message:

*While I share the author's goal of addressing the mental health needs of children and youth, the partnership programs proposed under this bill would duplicate requirements for school-based behavioral health services being developed pursuant to the Children and Youth's Behavioral Health Initiative (CYBHI), which take effect in 2024. Implementation of the CYBHI's statewide all-payer fee schedule will provide a solution to the issue that this bill attempts to address. Additionally, I am concerned that this bill could create significant one-time and ongoing costs in the millions of dollars for the departments that would play a role in implementing these programs.*

*AB 2221* (C. Garcia, 2020) would have required school districts to establish a peer support training program at each high school. *This bill was held in the Assembly Education Committee.*

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

**SUPPORT**

Aspire Public Schools (Sponsor)  
Alliance College-Ready Public Schools  
California Charter Schools Association  
Comite Civico Del Valle, INC  
KIPP Bay Area Public Schools  
Kipp Socal Public Schools  
Los Amigos De LA Comunidad, Inc.  
Office of The Riverside County Superintendent of Schools

**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 579  
**Author:** Ting  
**Version:** June 19, 2023  
**Urgency:** No  
**Consultant:** Ian Johnson

**Hearing Date:** June 28, 2023

**Fiscal:** Yes

**Subject:** Schoolbuses: zero-emission vehicles.

### SUMMARY

This bill requires that, commencing January 1, 2035, all newly purchased or contracted schoolbuses of a local educational agency (LEA) be zero-emission vehicles, with specified exceptions.

### BACKGROUND

Existing law:

- 1) Defines a "schoolbus" as a motor vehicle designed, used, or maintained for the transportation of any school pupil at 6 or below the 12th grade level to or from a public or private school or to or from public or private school activities.
- 2) Defines a "frontier school district" as a school district that meets either of the following:
  - a) The total number of pupils in average daily attendance at all of the schools served by the school district is fewer than 600.
  - b) Each county in which a school operated by the school district is located has a total population density fewer than 10 persons per square mile.
- 3) Requires the California Highway Patrol to inspect every schoolbus at least once each school year to ascertain whether its construction, design, equipment, and color comply with all provisions of law.
- 4) Requires all diesel-fueled schoolbuses with a Gross Vehicle Weight Rating (GVWR) over 14,000 pounds to have a Level 3 PM filter, the highest level verified retrofit, or an original equipment manufactured particulate matter (PM) filter that most commonly comes installed on 2007 model year and newer engines. Prohibits, as of January 1, 2012, schoolbuses manufactured before April 1, 1977, to operate in California. Requires recordkeeping to demonstrate compliance in lieu of a report.
- 5) Authorizes the governing board of any school district to provide for the transportation of pupils to and from school whenever in the judgment of the board the transportation is advisable and good reasons exist therefor. Authorizes the

governing board to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or to contract with and pay responsible private parties for the transportation. Authorizes these contracts to be made with the parent or guardian of the pupil being transported.

- 6) Requires, in order to procure the service at the lowest possible figure consistent with proper and satisfactory service, the governing board to, whenever an expenditure of more than \$10,000 is involved, secure bids pursuant to the Public Contract Code whenever it is contemplated that a contract may be made with a person or corporation other than a common carrier or a municipally owned transit system or a parent or guardian of the pupils to be transported. Authorizes the governing board to award the contract for the service to those that are not the lowest bidder.
- 7) Requires, if a continuing contract for the furnishing of transportation of pupils in school districts to and from school is made it must be made for a term not to exceed five years. Authorizes a contract to be renewable at the option of the school district and the party contracting to provide transportation services, jointly, at the end of the term of the contract. Requires the contract as renewed to include all of the terms and conditions of the previous contract, including any provisions increasing rates based on increased costs.

## ANALYSIS

This bill:

- 1) Requires LEAs to have all newly purchased or contracted schoolbuses be zero-emission vehicles commencing January 1, 2035, where feasible.
- 2) Authorizes LEAs to request a one-time extension with the California Air Resources Board (CARB), in consultation with the State Energy Resources Conservation and Development (Energy) Commission, for no more than five years if the LEA determines that the purchase or contracting of a zero-emission schoolbus is not feasible due to both terrain and route constraints.
- 3) From January 1, 2040 to January 1, 2045, authorizes a frontier school district to request an annual extension with CARB, in consultation with the Energy Commission, if the frontier school district determines that the purchase or contracting of a zero-emission schoolbus is not feasible due to both terrain and route constraints.
- 4) Authorizes a continuing contract to be made for the lease or rental of schoolbuses, and requires that contract not to exceed 15 years, except that if a lease or rental contract provides that the district may exercise an option either to purchase the buses or to cancel the lease at the end of each annual period during the period of the contract, the contract may be made for a term not to exceed 20 years.

- 5) Authorizes a continuing contract to be negotiated annually within the contract period when economic factors indicate negotiation is necessary to maintain an equitable pricing structure. Requires renegotiation to be subject to the approval of both contracting parties.
- 6) Makes these provisions effective January 1, 2024.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California has gathered substantial data on the impact of school bus emissions on children and the environment, with some studies noting that bus commutes account for 33% (or one-third) of a child's daily exposure to toxic air pollutants. While the state has made significant investments in grants and incentives to support the widespread adoption of school buses with reduced tailpipe emissions, electric school buses make up only 2% of school bus fleets. A consistent statewide planning goal to obtain zero-emission buses is critical to improving air quality and student health outcomes, especially in communities already disproportionately impacted by severe air pollution. To that end, AB 579 requires that all purchases of new school buses be zero emission by 2035 and extends the maximum length of transportation service and leasing contracts for zero emission buses. AB 579 is a timely and thoughtful approach to building a healthier future for our next generation.”
- 2) ***Schoolbus fleets in California.*** According to a 2022 report from the Legislative Analyst's Office (LAO), *The 2022-23 Budget: Green School Bus Grant*, school districts that operate their own transportation services own about 15,800 schoolbuses, including small (10 people capacity) and large buses (50 or more people capacity). An additional 9,000 buses are owned by contractors. Out of 15,800 schoolbuses owned by districts, 10,200 of them are powered by diesel constituting nearly two-thirds of their fleet. Among other fuel types like gasoline, compressed natural gas, propane, and diesel, electric buses remain the least common as there are only a few hundred schoolbuses used statewide.
- 3) ***Diesel bus emissions can have harmful health effects.*** Diesel buses emit several pollutants that can have negative effects on human health. According to a 2005 study, “Characterizing the Range of Children's Air Pollutant Exposure During School Bus Commutes, minimizing commute times, using the cleanest buses for the longest routes, and reducing bus caravanning and idling time will reduce children's exposure to bus-related pollutants.” The 2022 LAO report lists the most concerning pollutants to be nitrogen oxides and PM. Nitrogen oxides can irritate the human respiratory tract and can increase the risk of asthma and other respiratory diseases, and PM refers to tiny solid particles and liquid droplets that can become embedded in the lungs or bloodstream. Sustained exposure can cause breathing problems and lung damage. According to CARB, in 1998, California identified diesel PM as a toxic air contaminant based on its potential to cause cancer. Other agencies, such as the National Toxicology Program, the U.S. Environmental Protection Agency, and the National Institute of Occupational Safety and Health have concluded that exposure to diesel exhaust likely causes cancer.

- 4) ***The 2022-23 state budget includes additional funding for greening school bus fleets.*** The 2022-23 state budget includes \$1.5 billion one-time Proposition 98 General Fund, available over five years, to support greening school bus fleets through programs that will be operated by the CARB and the Energy Commission. This is part of a larger \$6.1 billion package to accelerate the state's transition to Zero-Emission Vehicles.
- 5) ***Arguments in support.*** The Advanced Energy United, sponsor of the bill, states, "AB 579 will accelerate the transition to clean and safe school transportation, so all school districts statewide have the ability to reap significant public health, environmental, and economic benefits for their communities. Expanding electric school bus adoption over the next decade will free up funding for more school districts to put back into the classroom by substantially reducing maintenance and fuel costs by thousands of dollars annually. AB 579 also extends the amount of time school districts can lease electric school buses, allowing schools to maximize longer-term savings from longer lease terms."

California already has a range of programs and finance tools—including the California Energy Commission's School Bus Replacement program, and Air Resources Board's Clean Truck and Bus Vouchers (HVIP) program—in place to defray the costs of transitioning to electric school buses. Additionally, the FY 2022-2023 budget provides \$1.5 billion to the CEC and CARB to help school districts purchase electric school buses and construct charging stations.

AB 579 focuses and speeds the progress already being made by these core programs and existing investments by providing a practical, consistent, and achievable goal for all schools to drive towards. This bill's 2035 purchasing goal leaves more than enough time for school districts to make the planning decisions necessary to adopt cleaner vehicles. It also makes a one-time five-year hardship extension available in the event of extenuating range and terrain constraints impacting a school or local education agency's ability to purchase or lease a zero-emission school bus."

- 6) ***Arguments in opposition.*** The Association of California School Administrators states, "The Association of California School Administrators, states, "AB 579 creates a statewide purchase mandate with no exceptions, no funding, and no assurances that zero-emission vehicles will even have the ability to drive the miles and routes necessary to transport students to school. Districts that are trying to transition to zero-emission vehicles are facing a myriad of issues including the inability to install vehicle chargers due to grid constraints, lack of replacement parts necessary for routine maintenance, and buses that do not have capacity to travel the distance needed to complete routes. AB 579 will put districts in the position of not being able to transport their most vulnerable student populations as required by law or utilizing outside contractors to get kids to school."
- 7) ***Committee amendment.*** As currently drafted, only frontier school districts can apply for an annual extension from January 1, 2040 to January 1, 2045. Existing law defines a frontier school district as a district in which either (1) the total

number of pupils in average daily attendance at all of the schools served by the school district is fewer than 600, or (2) each county in which a school operated by the school district is located has a total population density fewer than 10 persons per square mile. It is unclear why county offices of education and charter schools meeting the definition of a frontier school district are not able to request this extension. If it is the desire of the Committee to pass this measure, ***staff recommends*** amending the bill to specify that any LEA meeting the definition of a frontier school is authorized to request this annual extension.

## **SUPPORT**

Generation Up (co-sponsor)  
California Electric Transportation Coalition  
California Environmental Voters  
California Medical Association  
California Public Interest Research Group  
Ceres  
Climate Reality Project - Silicon Valley Chapter  
Democrats of Rossmoor  
First Student  
National Express  
Sacramento Area Congregations Together  
Sustainable Rossmoor  
World Resources Institute

## **OPPOSITION**

Association of California School Administrators  
California Association of School Business Officials  
California School Boards Association  
Small School Districts 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 603	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Cervantes		
<b>Version:</b>	March 2, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Public postsecondary education: diversity: report.

### SUMMARY

This bill requires, on or before July 1 of each year, the Board of Governors of the California Community Colleges (CCC) and the California State University (CSU) Trustees, and requests the University of California (UC) Regents publish a report on the diversity of the student body and the governing board of their respective segments.

### BACKGROUND

Existing law:

- 1) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the 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) Stipulates no provision of the Donahue Higher Education Act shall apply to the UC unless the UC Regents adopts the provision. (EC § 67400)
- 3) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and 89030 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)

### ANALYSIS

This bill:

- 1) Requires, on or before July 1 of each year, the CCC Board of Governors and the CSU trustees, and requests the UC Regents publish a report on the diversity of the student body and the governing board of their respective segments.

- 2) Requires that the report include the race and ethnicity of the student body and the governing board for purposes of determining how representative the governing board is of the student body.
- 3) Requires that the report be posted on the internet website of the respective segment.
- 4) Requires that the published report be submitted to the Legislature, as prescribed.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, ““California’s public higher education system is the largest and among the most diverse in the entire nation. Seventy-eight percent of California’s public college students are racially and ethnically diverse, with forty-five percent of students identifying as Latino, five percent identifying as Black, seventeen percent identifying as Asian American, Native Hawaiian, and Pacific Islander, seven percent identifying as Native Indian and Alaska Native, and four percent identifying with two or more races. Unfortunately, the diversity in race, ethnicity, gender, and sexual orientation and gender expression in the student bodies are not fully reflected in the decision-making bodies of the Board of Regents of the University of California, the Board of Trustees of the California State University, and the Board of Governors of the California Community Colleges.

Assembly Bill 603 would require the CCC Board of Governors and CSU Board of Trustees, and request the UC Board of Regents, to provide the Legislature with an annual report on the diversity of their governing boards and how they compare to the diversity of the student bodies that they serve. Let me be clear that this bill will not take any concrete steps to change the makeup of these governing boards, or impose appointment requirements on the Governor. AB 603 would simply provide the public and the Legislature with more transparency on the diversity of each of the governing boards of each of the segments of California’s public higher education system and its student bodies.”

- 2) **Governing board membership is public information.** The websites of all three governing bodies list and provide information on their members:

*CSU Board of Trustees:* Existing law requires 25 trustees for the CSU, all of whom are full voting members. There are five ex officio members: the Governor, Lieutenant Governor, Speaker of the Assembly, State Superintendent of Public Instruction, and the Chancellor. Sixteen trustees are appointed by the governor, *confirmed by the State Senate*, and serve eight-year terms. Trustees confirmed by the Senate remain on the Board until a replacement is named or 60 days after their term expires, whichever comes first. <https://www.calstate.edu/csu-system/board-of-trustees/meet-the-board-of-trustees>.

*Community College Board of Governors:* Current law requires 18 voting members for the CCC Board of Governors. Twelve members are appointed by the Governor, confirmed by the State Senate, and serve six-year terms. Two of the twelve members are required to be current or former elected members of

local community college district governing boards. Current law also requires that of the 18 members, two be students, two be faculty members, one be a classified employee, and the Lieutenant Governor. <https://www.cccco.edu/About-Us/Board-of-Governors/Members>.

*UC Board of Regents:* Current law, requires 26 Regents for the UC, all of whom have a vote. Eighteen are appointed by the governor, confirmed by the State Senate, and serve 12 year terms. One member is student appointed by the Regents, and there are seven ex officio members: the Governor, Lieutenant Governor, Speaker of the Assembly, Superintendent of Public Instruction, president and vice president of the Alumni Associations of UC, and the UC president. In addition, two faculty members sit on the board as non-voting members. <https://regents.universityofcalifornia.edu/about/members-and-advisors/>).

*It is unclear how the race or ethnicity of individual board members can be reported on if it is not disclosed voluntarily or whether privacy concerns would surface given the size of each board.*

- 3) **Student diversity data.** Each of the three segments collects data on the diversity of their population aggregated by gender and ethnicity/race. This information is also accessible on each systems website. The ethnic diversity of the student population of the three public higher education institutions for the fall of 2022 was as follows:

Segment Population	Campus Population Demographics
California Community Colleges Total Student Population: 1,285,731	<ul style="list-style-type: none"> <li>African –American – 38,326 or 5.49%</li> <li>American Indian/Alaskan Native – 2,359 or 0.34%</li> <li>Asian – 70,356 or 10.10%</li> <li>Filipino – 15,943 or 2.28%</li> <li>Hispanic – 360,650 or 51.66%</li> <li>Pacific Islander –2,453 or 0.35%</li> <li>White Non-Hispanic –152,298 or 21.85%</li> <li>Two or more races (Multi-ethnicity) – 54,455 or 4.24%</li> </ul>
California State University: Total Student Population:	<ul style="list-style-type: none"> <li>African –American – 19,139 or 4.03%</li> <li>American Indian/Alaskan Native – 908 or 0.19%</li> <li>Asian –77,568 or 16.34%</li> </ul>



474,601	<ul style="list-style-type: none"> <li>• Hispanic – 223,854 or 47.16%</li> <li>• Native Hawaiian and other Pacific Islanders – 1,503 or 0.32%</li> <li>• White Non-Hispanic – 100,701 or 21.21%</li> <li>• Two or more races (Multi-ethnicity) – 20,115 or 4.2%</li> </ul>
University of California: Total Student Population: 294,309	<ul style="list-style-type: none"> <li>• African –American – 13,377 or 4.5%</li> <li>• American Indian/Alaskan Native – 1,564 or 0.5%</li> <li>• Asian – 94,779 or 32.2%</li> <li>• Hispanic – 66,065 or 22.5%</li> <li>• Pacific Islander –784 or 0.3%</li> <li>• White Non-Hispanic – 665,240 or 22.2%</li> </ul>

Source: The CCC Data Mart, CSU enrollment dashboard, and the UC Data Center.

## SUPPORT

Campaign for College Opportunity

## 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 888	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Cervantes		
<b>Version:</b>	March 16, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Student financial aid: immigrants seeking asylum.

### SUMMARY

This bill extends eligibility for the Cal Grant Program to students who are noncitizens that have filed a designated application for asylum, to the same extent as citizens and other eligible noncitizens, as provided under existing law.

### BACKGROUND

Existing law:

#### *Financial aid and Fees*

- 1) Authorizes the Cal Grant program, administered by the California Student Aid Commission (Commission), to provide grants to financially needy students to attend a college or university. Cal Grant programs include both the entitlement and the competitive Cal Grant awards. The program consists of the Cal Grant A, Cal Grant B, and Cal Grant C programs and eligibility is based upon financial need, GPA, California residency and other criteria. (Education Code (EC) § 69430 - 69433)
- 2) Requires, Among other things, to be eligible to receive a Cal Grant award a student be a citizen of the United States, or an *eligible noncitizen* of which include those granted asylum, as defined for purposes of financial aid programs under Title IV of the federal Higher Education Act of 1965 (20 U.S.C. Secs. 1070 et seq). (EC § 69433.9)
- 3) Establishes the requirements for determining residency for purposes of paying the lower-cost “in-state” student fees at the California Community Colleges (CCC), the California State University (CSU) and the University of California (UC), which generally includes a demonstration that the student has resided in California for more than one year immediately preceding the residence determination date and undertaken other specified actions such as registering to vote or registering one’s car in California. (EC § 68017)

#### *AB 540 Nonresident Tuition Exemption*

- 4) Exempts California nonresident students, via AB 540 (Firebaugh), Chapter 814,

Statutes of 2001, regardless of citizenship status (also referred as AB 540 student), from paying nonresident tuition at California public colleges and universities who meet all of the following requirements who have graduated from a California high school (or the equivalent) and either:

- a) Satisfaction of the requirements of either (i) or (ii):
  - i) A total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time attendance or attainment of credits at any of the following:
    - (1) California high schools.
    - (2) California high schools established by the State Board of Education.
    - (3) California adult schools established by any of the following entities:
      - (a) A county office of education.
      - (b) A unified school district or high school district.
      - (c) The Department of Corrections and Rehabilitation.
    - (4) Campuses of the CCC.
    - (5) A combination of those schools set forth in (1) to (4), inclusive.
  - ii) Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.
- b) Satisfaction of any of the following:
  - i) Graduation from a California high school or attainment of the equivalent.
  - ii) Attainment of an associate degree from a campus of the CCC.
  - iii) Fulfillment of the minimum transfer requirements established for UC or CSU for students transferring from a campus of the CCC. (EC Section 68130.5)

*Other exemptions based on visa status*

- 5) Exempts certain individuals from paying nonresident tuition at the CCCs including students with Special Immigrant Visas and refugees admitted to the

United States under a specified federal statute. (EC § 68075.5(a), 68130.5 and 68122.)

- 6) Exempts students who are victims of trafficking, domestic violence, and other serious crimes who have been granted a "T" or "U" visa under specified federal law from paying nonresident tuition to the same extent as refugees. (EC § 68122.)

## ANALYSIS

This bill:

- 1) Extends eligibility for the Cal Grant Program to students who are noncitizens that have filed the designated application for asylum, to the same extent as citizens and other eligible noncitizens, as provided under existing law.
- 2) Makes all for the following finding and declarations:
  - a) Despite California's commitment to financial aid and college affordability, many immigrants are not eligible for the aid that they need to fund their expenses in college. Among these immigrants are asylum seekers who have filed for asylum and are awaiting an interview date.
  - b) Many pending asylees in California may be admitted to a college or a university, but they are not eligible for federal funding until they are granted asylum status. As a result, these students, who have fled persecution, are unable to attend college due to a lack of financial resources, and therefore, it is the intent of the Legislature to enact legislation to expand eligibility for Cal Grant Program awards to pending-status immigrants, such as pending asylees who are registered with the Department of Homeland Security, allowing them to receive a Cal Grant Program award that covers expenses at accredited California institutions of higher education.
- 3) Makes other technical changes.

## STAFF COMMENTS

- 1) **Need for the bill.** "Asylum seekers are individuals who have fled their home countries due to a 'well-founded fear' of persecution and are seeking protection in the United States. Throughout the years, immigration courts in California have had among the largest asylum caseloads in the United States. In particular, California has experienced a recent influx of asylum seekers from both Afghanistan and Ukraine as security conditions in those two countries have deteriorated. Among these asylum seekers are prospective college students and individuals who were attending university in their home countries who now wish to attend a California university to begin to making a new life for themselves, but are unable to do so because of the significant costs. Because of their unique immigration status as pending asylees, these individuals are not eligible for Cal Grant financial aid under existing law if they have been in California for less than

three years. Assembly Bill 888 would create a new pathway for pending asylum seekers to be eligible for Cal Grant aid if they possess a valid employment authorization document and Social Security number.”

- 2) **Eligible noncitizens and financial aid benefits.** Under current law, certain non-U.S. citizens are eligible for postsecondary educational benefits including the Cal Grant and federal financial aid programs. Among the classes of persons who meet the noncitizen criteria include, persons granted asylum, lawful permanent residents, refugee and others. The group of students addressed in this bill are pending asylees who have applied and are awaiting to be granted asylum. This bill establishes that asylum seekers would receive access to the Cal Grant program to the same extent as citizens and other eligible noncitizens. An eligible noncitizen would be eligible to apply for Cal Grants only to the extent that they meet statutory California residency requirements (one-year), as is the requirement for the general population. Eligible noncitizens are required to meet all deadlines and rules for financial aid as is required of the general student population. These same standard/requirements would apply to pending asylum seekers.
- 3) **Could asylum seekers qualify for Cal Grant under AB 540?** Under current law, asylum seekers could be eligible for the Cal Grant if they meet requirements established by AB 540 for nonresident students and apply for aid using the California Dream Act application. This pathway requires that a student attend or attain credits at a California high school or community college campus for the equivalent of three or more years. Under the proposed measure, asylum seekers, however, could be eligible for Cal Grant awards, to the same extent that the general student population would be. This bill essentially carves a new pathway for accessing Cal Grant in a manner that is less cumbersome especially with regard to meeting requirements for time spent in a California educational institution. The proposed change in eligibility for the Cal Grant program only applies to those with pending asylum status and not to other groups who fall under the AB 540 umbrella.
- 4) **What is asylum?** Asylum is a protection granted to foreign nationals already in the United States or at the border who are unable or unwilling to return to their home country, and cannot obtain protection in that country, due to past persecution or a well-founded fear of being persecuted in the future on account of race, religion, nationality, membership in a particular social group, or political opinion. A person granted asylum is protected from being returned to their home country and after one year, an asylee may apply for lawful permanent resident status and ultimately citizenship.
- 5) **Implementation challenges.** Verifying that an individual has applied for ayslym may pose implementation challenges for the Commission. Additionally, the 2022 Budget Act included the Cal Grant Reform Act (Act) subject to state General Fund availability over the multi-year forecasts beginning in fiscal year 2024-25. The Act would be triggered in 2024-25 if the state determines in spring 2024 that sufficient General Fund is available to support these actions over a multiyear period. If “triggered on” the Act will restructure the Cal Grant program. Making changes to Cal Grant eligibility in an anticipation of such a significant reform may

also pose challenges. *The author may wish to consider working with the Commission to ensure that implementation is feasible. The author may also wish to consider delaying the bill's implementation date.*

- 6) Prior legislation. SB 296 (Allen, 2019) which was vetoed by the Governor, was substantially similar to this measure. The Governor's veto message stated:

***“This bill expands Cal Grant program eligibility to include specified students who have filed an application for asylum and meet other requirements, including all other Cal Grant program eligibility requirements.***

***California has progressively expanded access to financial aid and non-resident tuition for immigrant and refugee students, including in the 2019 Budget Act. This year's budget also invests in legal supports and shelter funding to assist asylum seekers, including a family reunification pilot. This proposal would impose costs on the General Fund that must be weighed in the annual budget process.”***

## **SUPPORT**

uAspire (Sponsor)  
Association of Independent California Colleges & Universities  
California Undocumented Higher Education Coalition  
Hispanas Organized for Political Equality  
University of California Student Association

## **OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 715	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Megan Dahle		
<b>Version:</b>	May 18, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Rural Education Task Force.

### SUMMARY

This bill established the Rural Education Task Force, as specified, within the California Department of Education (CDE) to provide assistance and advice to the State Superintendent of Public Instruction (SPI) on the needs and challenges of very rural schools that serve pupils in kindergarten and grades 1 to 12.

### BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Defines a “necessary small school” as an elementary school with an average daily attendance (ADA) of less than 97 pupils, excluding pupils in grades seven and eight, in a school district to which any of the following applies:
  - a) If as many as five pupils in grades kindergarten to eight, excluding pupils attending a junior high school, in the elementary school with an ADA of less than 97 pupils would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary schools;
  - b) If as many as 15 pupils in grades kindergarten to eight, excluding pupils attending a junior high school, in the elementary school with an ADA of less than 97 pupils would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary schools;
  - c) If as many as 15 pupils residing in a school district with more than 2,500 and fewer than 5,001 ADA and attending kindergarten and grades 1 to 8, inclusive, excluding pupils attending the 7<sup>th</sup> and 8<sup>th</sup> grades of a junior high school, in the elementary school with an ADA of less than 97 pupils would be required to travel more than 30 miles one way from a point on a well-traveled road nearest their home to the nearest public elementary school; and
  - d) If topographical or other conditions exist in a school district that would impose unusual hardships if the number of miles specified above were required to be traveled, or if during the fiscal year the roads that would be traveled have been

impassable for more than an average of two weeks per year for the preceding five years, the governing board of the school district may, on or before April 1, request the SPI, in writing, for an exemption from these requirements or for a reduction in the miles required. The request must be accompanied by a statement of the conditions upon which the request is based, providing the information in a form required by the SPI. Requires the SPI to cause an investigation to be made and to either grant the request to the extent he or she deems necessary or deny the request. (EC 42283)

- 2) Defines “frontier school district” to mean a school district that meets either of the following conditions:
  - a) The total number of pupils in ADA at all of the schools served by the school district is fewer than 600; or
  - b) Each county in which a school is operated by the school district has a population density of fewer than 10 persons per square mile. (EC 94)
- 3) Establishes a funding allowance for school districts with fewer than 2,501 units of ADA for each necessary small school. The funding allowance is based on a combination of ADA and the number of full-time teachers for the elementary schools and is in lieu of the per-pupil base grant amount that the school would otherwise generate from the Local Control Funding Formula (LCFF). (EC 42284)

## ANALYSIS

This bill established the Rural Education Task Force, as specified within the CDE, to provide assistance and advice to the SPI on the needs and challenges of very rural schools that serve pupils in kindergarten and grades 1 to 12. Specifically, this bill:

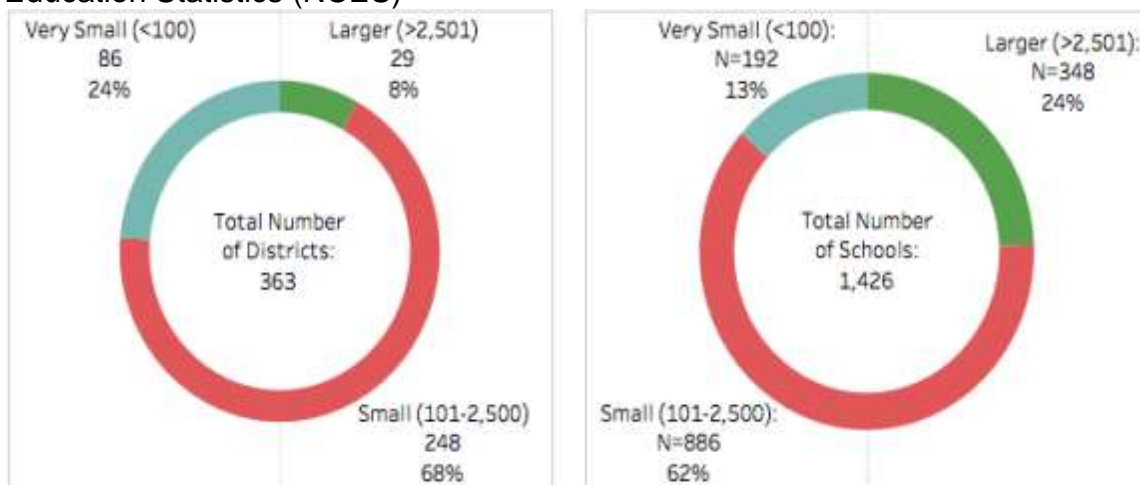
- 1) This bill establishes the Rural Education Task Force with the following members within the CDE to provide assistance and advice to the SPI on the needs and challenges of very rural schools that serve schools that serve pupils in kindergarten and grades 1 to 12 inclusive, including, but not limited to, transportation costs, facilities, special education, and qualified staffing.
  - a) Representative from local education agencies (LEAs), as a majority of its members.
  - b) Administrators.
  - c) Principals and other school leaders.
  - d) Parents.
  - e) Members of governing boards of school districts.
  - f) Members of county boards of education.
  - g) Specialized instructional support personnel and paraprofessionals.



- h) Representatives of chartering authorities of charter schools.
  - i) Charter school leaders.
- 2) Defines “Task force” means the Rural Education Task Force as established in this bill.
  - 3) Defines “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, “Creating the Rural Education Task Force would provide a critical voice and expertise to California’s smallest rural school districts which have unique needs. California is the most diverse state in the union. One size does not fit all. There is a vast difference between large, urban school districts and small rural school districts. It is important to ensure educational needs are met for all students in our state. The Rural Education Task Force would be a step in the right direction for ensuring rural school districts’ needs are considered when making policies which impact transportation costs, facilities, special education, and qualified staffing. This is in keeping with the Department of Education’s Belief & Purpose Statement which says: California will provide a world-class education for all students, from early childhood to adulthood. The Department of Education serves our state by innovating and collaborating with educators, schools, parents, and community partners. Together, as a team, we prepare students to live, work, and thrive in a multicultural, multilingual, and highly connected world.”
- 2) **Small Districts, Big Challenges.** California has 363 school districts (1,426 schools and 337,251 students) categorized as rural by the National Center for Education Statistics (NCES)



Number of rural school districts and schools in California by enrollment size (2014). Source: National Center for Education Statistics (NCES)

The overwhelming majority (91%) of California’s rural school districts enroll below 2,500 students. Nearly a quarter (24%) are “very small,” enrolling fewer than 100

students. The counties of Tulare (27), Kern (23), Humboldt (19), Siskiyou (19), Fresno (17), and Shasta (17) have the most rural school districts in California.

In a research article published by the University of California Berkeley Center for Cities and Schools, *Small Districts, Big Challenges: Barriers to Planning and Funding School Facilities in California's Rural and Small Public School Districts*, "A number of challenges emerge most prominently in this literature. Rural and small districts face a number of issues with their current facilities, from the age of the buildings and a lack of modern technology infrastructure, to a lack of energy efficiency and environmental considerations (which can compound and increase districts costs), as well as presence of health hazards due to the buildings. These challenges are not unique to rural/small districts but seem often to be more pronounced in them as smaller districts are frequently described as having lower bonding capacities to raise funds for capital projects."

The literature continues, "An oft-cited challenge for small/rural districts is difficulty recruiting and retaining qualified teachers because these districts generally cannot offer competitive salaries. Very small administrative staff structure; in rural districts the superintendent is often the only administrator and the only chief executive in the community, managing potentially the largest employer in the community. As "jacks of all trades," superintendents in these districts have to play a larger role in both financing and managing facilities construction projects, which is often well beyond their training. The issue of consolidation comes up as small school districts consolidate in order to reach supposed economies of scale for educational quality (in part to address curricular and staffing limitations)"

The research article further analyzes the facility needs, transportation and staffing issues, school spending, and more.

- 3) ***Differentiated Assistance for Small School Districts.*** Schools that serve a small and geographically isolated student population can qualify for funding under the School District Necessary Small Schools (NSS) program. NSS funding is provided in lieu of the LCFF base grant funding. A full-time teacher or full-time equivalent certificated employee (whichever is less) provides the ADA allowance for elementary schools, while a full-time equivalent certificated employee provides the NSS allowance for high schools.

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

AB 2364 (Megan Dahle, 2022) would have established the Rural Education Task Force in state government. AB 2364 is substantially similar to AB 715. *This bill was held by the Assembly Appropriations Committee.*

AB 2337 (Megan Dahle), Chapter 83, Statutes of 2022, defines a "frontier school district" as a school district with a total ADA at all of its schools of fewer than 600 students, or is in a county in which the total population density is fewer than 10 people per square mile.

*SB 1321* (Monning), Chapter 664, Statutes of 2018, expands eligibility for the necessary small schools funding allowance to include specified schools in districts with ADA of up to 5,000.

**SUPPORT**

California Teachers Association  
Small School Districts Association

**OPPOSITION**

None Received

**-- END --**

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** AB 1722  
**Author:** Megan Dahle  
**Version:** June 20, 2023  
**Urgency:** No  
**Consultant:** Ian Johnson

**Hearing Date:** June 28, 2023

**Fiscal:** Yes

**Subject:** Pupil health: credentialed school nurses, registered nurses, and licensed vocational nurses.

### SUMMARY

This bill authorizes a local educational agency (LEA) to employ a licensed vocational nurse (LVN) who is supervised by a credentialed school nurse (CSN) employed by a different LEA until January 1, 2029.

### BACKGROUND

Existing law:

- 1) Defines a school nurse as a Registered Nurse (RN) currently licensed under the Nursing Practices Act, and who has completed the additional educational requirements for, and possesses a current credential in, school nursing. (Education Code (EC) 49426)
- 2) Specifies the qualifications for a school nurse to be a valid certificate of registration issued by the Board of Nurse Examiners of the State of California or the California Board of Nursing Education and Nurse Registration and a health and development credential, a standard designated services credential with a specialization in health, or a services credential with a specialization in health. Specifies the services credential with a specialization in health authorizing service as a school nurse shall not authorize teaching services unless the holder also completes the requirements for a special class authorization in health in a program that is approved by the Commission on Teacher Credentialing (CTC). Specifies on and after January 1, 1981, the qualifications for a nurse shall also include proof satisfactory to the school district that the nurse has acquired training in child abuse and neglect detection. (EC 44877)
- 3) During the kindergarten year or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, the pupil's vision shall be appraised by the school nurse or other authorized person. The appraisal shall include tests for visual acuity, including near vision, and color vision; however, color vision shall be appraised once and only on male pupils, and the results of the appraisal shall be entered in the health record of the pupil. Color vision appraisal need not begin until the male pupil has reached the first grade. A pupil's vision may be appraised by using an eye chart or any other scientifically validated photoscreening test. Photoscreening tests must be

performed under an agreement with, or the supervision of, an optometrist or ophthalmologist, by the school nurse or a trained individual who meets requirements established by the department. Requires the California Department of Education (CDE) to adopt guidelines to implement this section, including training requirements and a method of testing for near vision. (EC 49455)

- 4) Requires the governing board of any school district to provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and must be given only by duly qualified supervisors of health employed by the district; or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the CTC; or by contract with an agency duly authorized to perform those services by the county superintendent of schools of the county in which the district is located, under guidelines established by the State Board of Education (SBE); or accredited schools or colleges of optometry, osteopathic medicine, or medicine. (EC 49452)
- 5) Requires the qualifications for an audiometrist working under the direction of health services personnel to be a valid certificate or license issued by, or valid registration with, the California state agency authorized by law to issue the certificate or license, or to effect the registration, required for performance of the service. (EC 44879)
- 6) Requires the CDE, by January 1, 2022, to appoint a state school nurse consultant to be housed within the CDE. The state school nurse consultant shall be a school nurse with a services credential with a specialization in health for a school nurse issued by the CTC, who has a minimum of five years of experience in school health program management. The state school nurse consultant must work with LEAs and school nurses to promote quality school nursing services and school health programs that address the broad health needs of pupils. The state school nurse consultant, in performing the duties of the position, must collaborate with the State Department of Public Health, the State Department of Health Care Services, the Governor's Office of Emergency Services, and the Board of Registered Nursing. (EC 49420)

## ANALYSIS

This bill:

- 1) Requires an LVN hired under the authority of this bill to be supervised by a CSN who is employed as a school nurse at the same LEA or at another LEA.
- 2) Requires partnering LEAs to establish a written agreement on the duties of the CSN and LVN, the communication policy, indemnification requirements, the financial arrangement between the LEAs, and the additional compensation for the CSN to act as a supervisor.

- 3) Authorizes an LEA to hire an LVN according to this agreement only if a diligent search, including job announcements, contacting job placement centers, and advertising, has been conducted for a suitable CSN.
- 4) Clarifies that this authorization shall not be interpreted to allow an LVN to go beyond the approved scope of practice.
- 5) Encourages county offices of education (COEs) to establish networks of CSNs for LEAs that are not able to hire a CSN; and encourages COEs to provide mentoring opportunities for LVNs.
- 6) States that the LEA employing a CSN pursuant to this measure and the supervising CSN shall have indemnification for the supervisorial liability from the LEA employing the LVN.
- 7) Includes appropriately trained RNs and LVNs under the supervision of a CSN, on the list of authorized school personnel to complete vision and hearing screenings.
- 8) Requires, if an LEA uses this authority, the LEA to report its use of that authority to the CDE.
- 9) Requires, on or before January 1, 2028, the CDE to submit a report to the Legislature containing a list of the LEAs that have used this authority.
- 10) Specifies that the existing requirement for a school nurse or other authorized person to appraise the vision of specified pupils to also include tests for far vision.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “We have had a shortage of school nurses in California for years. The recent pandemic has highlighted this crisis, bringing the problem to the forefront of my conversations nearly every day. Our statewide nursing and school nurses shortage preceded COVID-19, but it has accelerated over the past several years as qualified medical professionals retire, experience burn out, battle high cost of living, lack of housing, lower wages and scarce credentialing programs.

A school nurse in California is required to be a registered nurse (RN) and earn a credential in addition to their nursing degree. The credentialing process, which is similar to what teachers go through, can take up to two years (there are only a few schools available) and cost more than \$10,000. These factors, along with others contribute to the existing and continued shortage of RN’s and in turn, school nurses throughout California. And adding insult to injury, rural schools are more likely to lack nursing support than those located in cities, towns, or suburbs.

One school district I represent has gone without a school nurse for 3 years and others share a health clerk who is contracted for 2 hours a week. As a result, the reality for our students means going without a school nurse and/or school staff

without medical training are the ones applying bandages, dispensing medication, managing allergies, asthma, monitoring blood glucose levels, and handling medical emergencies. AB 1722 seeks to provide the option for a school district to hire an LVN under the required supervision of a credentialed school nurse with guard rails to keep everyone in their scope of practice.”

- 2) ***The shortage of school nurses.*** By 2030, California is anticipated to have the most severe nursing shortage alongside Florida and Texas. It is estimated that for the 2018-2019 school year, there were about 2,700 school nurses employed and about 6.2 million students enrolled in California. This equates to about 2,300 students potentially needing care from each school nurse. Some rural counties reported no school nurses at all. The American Academy of Pediatrics recommends one school nurse to 750 students in a healthy population and one school nurse to 225 students when accounting for pupils who require daily professional health services.

These numbers are not new as it has been many years since every school in the state had a nurse of its own to conduct on-campus health screenings, review immunization records, tend to students’ minor medical needs and perform other duties intended to keep students healthy. The role of school nurses has become more critical due to the pandemic, with schools required to follow an extensive list of health and safety protocols.

In analyzing the potential causes of the school nurse shortage, it should be noted that the average salary for a nurse in California is \$113,250. Meanwhile, the average salary for a school nurse in Los Angeles Unified was less than \$80,000 in 2019, according to the district. In Fresno Unified, a school nurse is currently paid between \$56,000 and \$91,000 for 185 days of work, according to the district. School nurses often work fewer days than nurses working in hospitals and clinics, but they have to accept a lower annual salary and must take additional classes and pay more fees to get the job, which requires a School Nurse Services Credential.

- 3) ***Credentialed school nursing requirements.*** Under current law a school nurse is required to have a Bachelor of Science (BS) in nursing, be an RN, and hold a school nurse credential. A preliminary credential is issued for five years and an individual qualifies for a clear credential after successfully completing two years of service as a school nurse and by completing a CTC-approved school nurse program. School nursing certificates require an additional 15-30 units of education above a BS. Requirements from the CTC make the school nursing credential standards based, thereby allowing schools the ability to offer the credential in a variety of formats.
- 4) ***Registered nurses and licensed vocational nurses.*** According to the Legislative Analyst’s Office, all RNs in the state must have a license issued by the California Board of Registered Nursing (BRN). To obtain a license, students must complete a number of steps, including graduating from an approved nursing program and passing the national licensing examination. In California, there are four types of prelicensure educational programs available to persons seeking to become a RN. All four types are generally full-time programs, and each

combines classroom instruction and “hands-on” training in a lab with clinical placement in a hospital or other health facility. The first two options are for students to enroll in either an associate degree in nursing (ADN) program at a two-year college, or a four-year bachelor’s degree in nursing (BSN) program at a university. In addition, individuals who are already LVNs may choose to enroll in an accelerated nursing program at a two-year college. Finally, students that already hold a bachelor’s or higher degree in a non-nursing field are eligible to apply for an entry-level master’s (ELM) program at a university.

LVNs are licensed by the California Board of Vocational Nursing and Psychiatric Technicians (BVNPT). To obtain a license, students must pass the licensure exam and either graduate from an accredited Vocational Nursing Program or complete the equivalent education and experience. LVN’s skills are developed in medical-surgical, maternity and pediatric nursing. LVN’s practice under the direction of a physician or a RN and only LVNs and RNs are allowed to use the title “nurse.” According to the BVNPT, there are currently approximately 130,000 LVNs in California.

According to the CTC, there are currently 5,696 CSNs in California. In 2020-21, the CTC issued 426 school nurse credentials. The CTC has issued roughly the same number of school nurse credentials in each of the last four years.

- 5) **Arguments in support.** The Association of California School Administrators writes, “California is facing a statewide shortage of school nurses. The Commission on Teacher Credentialing (CTC) reports decreasing numbers of Clear School Nurse Credentials both issued and renewed in 2021-22 compared to the year prior, and currently only 5 universities are authorized by the CTC to offer the Clear School Nurse Services Credential pathway, none of which are north of Sacramento. This means the entire state of California is reliant on only five universities for its supply of clear credentialed school nurses, and fewer existing school nurses are renewing their credential.

AB 1722 would offer short-term relief to address the acute need for nurses serving our schools. California’s nurse-to-student ratio is approximately 1 nurse to 2,410 students; much higher than the National Association of School Nurses’ recommendation of 1 nurse for every 750 students. The bill also has guardrails ensuring communication policies and supervisory roles are in place between the LVN and CSN, and that diligent staff searches are performed prior to any such agreement.”

- 6) **Arguments in opposition.** The California Teachers Association (CTA) writes, “CTA appreciates the amendments taken to Assembly Bill 1722 but as our members reviewed the bill in print this past weekend, they continue to have concerns as to how the current version could be used to circumvent the progress being made by local education chapters who have successfully bargained for increased salaries and positions not just for credential school nurses, but for credentialed counselors, psychologists, and social workers as well. We very much appreciate the addition of a sunset date, but our members believe restricting the provisions of AB 1722 specifically to rural counties of a certain size provides a more immediate solution for rural counties and prevents larger LEAs



from utilizing the provisions of AB 1722 to hire lower salaried employees. Additionally, our members believe the search records required to be retained by an LEA must contain salary ranges being offered in order to substantiate the validity of the employment offer.”

- 7) ***Committee Amendments.*** To address the outstanding concerns from CTA related to ensuring LEAs substantiate that a diligent search for a suitable CSN is conducted each year prior to hiring an LVN pursuant to this bill, staff recommends amending this bill as follows:
- a) Require LEAs to seek approval from their governing board prior to hiring an LVN under the supervision of a CSN, including a declaration that the LEA has made a diligent effort to recruit a CSN, the effort was not successful, and hiring an LVN is necessary to fulfill a critical need.
  - b) Require the LEA to certify to CDE, upon penalty of perjury, that a diligent recruitment effort to hire a CSN was made.
  - c) Specify that the salary or salary range advertised as part of the CSN recruitment efforts be included in the records that are required to be retained by the employing agency.

## **SUPPORT**

Association of California School Administrators  
California School Boards Association  
Small School Districts Association

## **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 915	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Arambula		
<b>Version:</b>	June 19, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Pupil health: drug education: opioid overdose certification and training program.

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

### SUMMARY

This bill requires any local education agency (LEA), county office of education (COE), and charter school that voluntarily determines to make naloxone hydrochloride (naloxone) or another opioid antagonist available on campus to be placed in appropriate location, as specified, and requires the California Department of Public Health (CDPH) to create a certificate training program for students in grades 9-12 to gain skills in how to identify and respond to an opioid overdose.

### BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Permits school nurses or trained personnel who have volunteered to provide emergency naloxone or another opioid antagonist, by nasal spray or by auto-injector, to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EC § 49414.3(a))
- 2) Requires the Superintendent of Public Instruction (SPI) to establish and revise, every five years or sooner, minimum training standards for administering naloxone or another opioid antagonist as specified. The California Department of Education (CDE) shall maintain a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils. (EC § 49414.3(e))
- 3) Requires an LEA, COE, or charter school electing to utilize naloxone or another opioid antagonist for emergency aid to ensure that each employee who volunteers is provided defense and indemnification by the LEA, COE, or charter school for any civil liability. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EC 49414.3(i))

Civil Code (CIV)

- 4) Permits a licensed health care provider who is authorized by law to prescribe an opioid antagonist may issue standing orders for the distribution of an opioid antagonist to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose. (CIV § 1747.22(c))
- 5) A person who is prescribed or possesses an opioid antagonist pursuant to a standing order shall receive the training provided by an opioid overdose prevention and treatment training program. (CIV § 1747.22(d))
- 6) An opioid overdose prevention and treatment training program is any program operated by a local health jurisdiction or that is registered by a local health jurisdiction to train individuals to prevent, recognize, and respond to an opiate overdose, and that provides, at a minimum, training as specified. (CIV 1714.22(a)(2))

## ANALYSIS

This bill requires any LEA, COE, and charter school that voluntarily determines to make naloxone or another opioid antagonist available on campus to be placed in appropriate location, as specified, and requires the CDPH to create a certificate training program for students in grades 9-12 to gain skills in how to identify and respond to an opioid overdose. Specifically, this bill:

### *Naloxone: Widely Known and Easily Accessible Locations On School Campuses*

- 1) Requires any LEA, COE, and charter school serving pupils in any of grades 9 to 12 that voluntarily determines to make naloxone or another opioid antagonist available on campus to be placed in at least one of the following locations on campus that is widely known and easily accessible, both during school hours and after school hours:
  - a) School nurse's office.
  - b) Athletic trainer's office.
  - c) Front office.
  - d) Performing arts auditorium.
  - e) Library.
  - f) Cafeteria.
  - g) Athletic gym.
- 2) Makes findings and declarations related to the importance of having all pupils, faculty, and staff aware of the location of naloxone on school campuses and understand how to identify the signs of an overdose and respond using an opioid antagonist medication.

*CDPH Certification Training Program*

- 3) Requires the CDPH to establish by March 1, 2025, a certification training program for public high school pupils in grades 9 to 12, inclusive, to gain skills in how to identify and respond to an opioid overdose, including by administering naloxone and allows high school to voluntarily determine whether or not to host the program on their campuses.
- 4) Requires the CDPH to collaborate with local, state, and national organizations, which may include community health centers, community health experts, and nonprofits with related expertise, to provide pupils working toward their certificate with integrated, comprehensive, accurate, and unbiased educational materials on opioid and drug overdose prevention, opioid and drug safety, and stigma reduction.
- 5) Requires the training program to include instruction from appropriately trained instructors from local, state, and national organizations, which may include community health centers, community health experts, nonprofits with related expertise, and school staff. Instructors whom the school does not employ shall undergo state-approved background checks.
- 6) Specifies the training program related to administering naloxone to include, but is not limited to:
  - a) Informational videos, graphics, or in-person training on what to do and how to respond during a drug or opioid overdose.
  - b) Information on recognizing signs of a drug or opioid overdose.
  - c) Information on how to respond in an emergency involving a drug or opioid overdose.
  - d) Resource materials related to drug and opioid use or prevention for appropriate use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds, pupils with disabilities, and English learners.
- 7) Requires the CDPH, on an annual basis, to determine the efficacy of program training resources and program drug and opioid prevention informational efforts, collect data on the number of pupils participating in the program and share this information with the Legislature.

**STAFF COMMENTS**

- 1) **Need for the bill.** According to the author, "The fentanyl and opioid crisis is a state and nationwide public health emergency that has taken the lives of so many young people. Fentanyl prevention, education, and training on how to assist someone who is experiencing an opioid overdose is lifesaving. According to CDPH, in 2021 there were 7,175 deaths because of an opioid overdose. The state can take a leadership role to better inform people of how to treat those who undergo a potentially fatal overdose. AB 915 will establish a certification-training program for

young people in grades 9-12. It will outline key methods on how to support a peer experiencing an opioid overdose, with the use of Naloxone nasal sprays. Through comprehensive and evidence-based certification training, students can prepare and learn ways to support their peers experiencing a drug-related overdose.”

- 2) **Statewide Standing Order for Naloxone.** Naloxone can help reduce opioid overdose deaths in California, but many organizations find it challenging to obtain the required standing order to get naloxone from healthcare providers. According to CDPH, of the 6,843 opioid-related overdose deaths in 2021, 5,722 were related to fentanyl. CDPH issued the standing order in 2017 to address this need and support equitable naloxone access. The standing order:
- a) Allow community organizations and other entities in California that are not currently working with a physician to distribute naloxone to a person at risk of an opioid-related overdose or to a family member, friend, or another person in a position to assist; and
  - b) Allow for the administration of naloxone by a family member, friend, or other person to a person experiencing or reasonably suspected of experiencing an opioid overdose.

Among the organizations and entities that can distribute naloxone under the order are colleges and universities. An individual at risk of experiencing an overdose or someone who can assist an individual at risk is allowed to do so. Under the statewide standing order, staff of community organizations and other entities distributing naloxone must be trained. They are also required to provide training to individuals who receive naloxone from them. Colleges and other organizations may apply to use the statewide standing order if they meet certain conditions.

A separate distribution program administered through The Department of Health Care Services (DHCS) allows universities and colleges to apply for and obtain naloxone at no cost to the institution. According to the CDPH website, since October 2018, their Naloxone Distribution Project (NDP) has distributed over 1 million units of naloxone and recorded over 57,000 overdose reversals.

- 3) **Addressing Fentanyl Among California Youth.** According to the CDPH, fentanyl-related overdose deaths increased 625 percent among ages 10-19 from 2018 to 2020. In 2021, there were 224 fentanyl-related overdose deaths among teens ages 15–19 in California. According to AB 1748 (Mayes) Chapter 557, Statutes of 2016, among other things, the SPI must establish minimum training standards for school employees who volunteer to administer naloxone or another opioid antagonist. In addition to setting minimum training standards, the CDE must maintain on its website a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils.

In conjunction with the CDPH, the CDE provides LEAs with resources and information that they can readily share with parents and students to help keep them safe. The shareable Fentanyl Awareness and Prevention toolkit page offer information about the risks of fentanyl and how to prevent teen use and overdoses. In addition to the toolkit, the CDPH’s Substance and Addiction Prevention branch

provides resources for parents, guardians, caretakers, educators, schools, and youth-serving providers.

- 4) **Local Action to Address Fentanyl.** LEAs and COEs have also adjusted to address this growing crisis. For example, the Lake County Office of Education and Washington Unified School District in West Sacramento recently implemented a local school naloxone policy consistent with state statutes. San Diego Unified School District created its naloxone toolkit to aid other LEAs and inform parents and guardians.

Some California school districts have opted to make Naloxone available. Several incidents of overdoses have occurred in the state's largest school district, Los Angeles Unified, including at least one death in 2022. In response, the district plans to stock naloxone in over 1,400 elementary, middle, and high schools. Throughout the San Diego Unified School District, which is the second-largest school system in the state, naloxone is available in classrooms grades six through 12. Since 2020, Elk Grove Unified School District, a large district in Northern California, has provided naloxone to school security officers and their supervisors. Naloxone was made available at all county high schools in Los Angeles County by the Palos Verdes Peninsula Unified School District, which trained all its registered nurses to administer it.

*There is no precedent in state law to allow students to administer medication. Students could administer naloxone under these circumstances, which represents a significant departure from the current practice. There is no precedent in state law to allow students to administer medication to other students. The committee may wish to consider whether it is appropriate to have young people trained to administer naloxone.*

- 5) **Health Education Framework.** The health education standards shape the direction of health education instruction for children and youths in California's public schools: they provide LEAs with fundamental tools for developing health education curricula and improving student attainment in this area, and they help ensure that all students in kindergarten through high school receive high-quality health education instruction, providing students with the knowledge, skills, and confidence to lead healthy lives. Health education has undergone a paradigm shift over the last 15 years. Data from national and state surveys, including the California Healthy Kids Survey, indicated that although youths knew what was harmful to their health, they did not have the skills to avoid risky behaviors. To ensure students not only knew about the harms of drugs, alcohol, and tobacco but also learned how to prevent and recognize these behaviors, the State Board of Education adopted a revised health education curriculum in 2019. The framework aims to achieve the following goals through different grades.

a) Kindergarten

- i) Ability to explain why medicines are used and why they can be helpful or harmful.

- ii) Recognize medicines should be taken only under the supervision of a trusted adult; that some household products are harmful if ingested or inhaled; and that tobacco smoke is harmful to health and should be avoided.

b) Grade 2

- i) Distinguish between helpful and harmful substances (including alcohol, tobacco, and other drugs).
- ii) Explain why household products are harmful if ingested or inhaled; that a drug is a chemical that changes how the body and brain work; why it is dangerous to taste, swallow, sniff, or play with unknown substances; why it is important to follow the medical recommendations for prescription and nonprescription medicines.
- iii) Identify rules for taking medicine at school and at home and refusal skills when confronted or pressured to use alcohol, tobacco, or other drugs.

c) Grade 4

- i) Describe the harmful short- and long-term effects of alcohol, tobacco, and other drugs, including inhalants.
- ii) Explain the differences between medicines and illicit drugs and why individual reactions to alcohol and drug use may vary.
- iii) Identify family and school rules about alcohol, tobacco, and drug use; ways to cope with situations involving alcohol, tobacco, and other drugs.

d) Grade 6

- i) Explain short- and long-term effects of alcohol, tobacco, inhalant, and other drug use, including social, legal, and economic implications; the dangers of secondhand smoke; the stages of drug dependence and addiction and the effects of drugs on the adolescent brain.
- ii) Identify positive alternatives to alcohol, tobacco, and other drug use; the benefits of a tobacco-free environment; and the effects of alcohol, tobacco, and other drug use on physical activity, including athletic performance.
- iii) Differentiate between the use and misuse of prescription and nonprescription medicines.

e) Grades 7-8

- i) Describe the harmful short- and long-term effects of alcohol, tobacco, and other drugs, including steroids, performance-enhancing drugs and inhalants; the relationship between using alcohol, tobacco, and other drugs and engaging in other risky behaviors; the consequences of using alcohol, tobacco, and other drugs during pregnancy, including fetal alcohol spectrum disorders.
  - ii) Explain the dangers of drug dependence and addiction; the short- and long-term consequences of using alcohol and other drugs to cope with problems; why most youths do not use alcohol, tobacco, or other drugs; school policies and community laws related to the use, possession, and sale of alcohol, tobacco, and illegal drugs.
  - iii) Analyze the harmful effects of using diet pills without physician supervision.
- f) Grades 9-12
- i) Describe the health benefits of abstaining from or discontinuing use of alcohol, tobacco, and other drugs; the use and abuse of prescription and nonprescription medicines and illegal substances.
  - ii) Explain the impact of alcohol, tobacco, and other drug use on brain chemistry, brain function, and behavior; the connection between alcohol and tobacco use and the risk of oral cancer; the impact of alcohol and other drug use on vehicle crashes, injuries, violence, and risky sexual behavior.
  - iii) Identify the social and legal implications of using and abusing alcohol, tobacco, and other drugs.
  - iv) Analyze the consequences for the mother and child of using alcohol, tobacco, and other drugs during pregnancy—including fetal alcohol spectrum disorders and other birth defects; the consequences of binge drinking and its relationship to cancer; to liver, pancreatic, and cardiovascular diseases; and to a variety of gastrointestinal problems, neurological disorders, and reproductive system disorders.
  - v) Clarify myths regarding the scope of alcohol, tobacco, and other drug use among adolescents.

## 6) Related Legislation

*AB 19* (Patterson, 2023) would require each public school operated by an LEA, COE, or charter school to maintain at least two doses of naloxone hydrochloride or another opioid antagonist for purposes of those authorizations. *This bill is currently in Senate Appropriations Committee.*

*SB 10* (Cortese, 2023) would require LEAs and COEs to include strategies for the prevention and treatment of an opioid overdose in their school safety plans and



requires the California Department of Education (CDE) to develop training materials on the use of emergency opioid antagonists for school personnel, and safety materials for parents, guardians, and pupils in conjunction with the California Health and Human Services Agency (CalHHS). *This bill is currently in Assembly Education Committee.*

SB 472 (Hurtado, 2023) would require each campus of a public school operated by an LEA, COE, or charter school to maintain at least two doses on its campus, and distribute, naloxone hydrochloride or another opioid antagonist pursuant to the standing order for naloxone and requires LEAs, COEs, and charter school to report to the DHCS for failure to distribute naloxone. *This bill was held in Senate Appropriations.*

SB 234 (Portantino, 2023) would require schools kindergarten to 12 grade, institutions of higher education, stadiums, concert venues, and amusement parks, at all times, to maintain unexpired doses of naloxone or any other opioid antagonist on its premise, ensure that at least two employees are aware of the location of the naloxone or other opioid antagonist, and expand community colleges ability to administer naloxone. SB 234 also provides civil protections to a person who helps administer naloxone or another opioid antagonist on a college campus stadium, concert venue, or amusement park to a person who appears to be experiencing an opioid overdose. *This bill is currently in Assembly Education Committee.*

AB 1748 (Mayes) Chapter 557, Statutes of 2016, authorizes LEAs to provide an emergency opioid antagonist to school nurses or trained personnel and authorizes a school nurse or trained personnel to administer an opioid antagonist to a person suffering from an opioid overdose.

## SUPPORT

Generation Up (Co-Sponsor)  
Alameda County Office of Education  
County Health Executives Association of California

## OPPOSITION

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1123	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Addis		
<b>Version:</b>	February 15, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** California State University: employees: paid parental leave of absence

### SUMMARY

This bill requires the California State University (CSU) trustees to grant to an employee a one-semester leave of absence with pay following the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care placement of the child by the employee.

### BACKGROUND

Existing law:

- 1) Establishes the Donahoe Higher Education Act, setting forth the mission of the University of California (UC), the CSU, and the California Community Colleges (CCC). (Education Code (EC) Section 66010, et seq.)
- 2) 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 Sections 66606 and 89500, et seq.)
- 3) Requires the CSU Trustees to grant pregnancy leave without pay to female permanent employees for a period not exceeding one year, as determined by the employee except when the employee has notified the trustees as to the period of the leave of absence, any change in the length of the leave is not effective unless approved by the CSU Trustees. (EC Section 89519)
- 4) Makes it an unlawful employment practice, under the California Family Rights Act (CFRA), for an employer, of five or more employees, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid, job-protected leave during any 12-month period to:
  - a) Care for a child born to, adopted by, or placed for foster care with the employee;
  - b) Care for the employee's child, parent, grandparent, grandchild, siblings, spouse, or domestic partner who has a serious health condition, as defined;

- c) Address an employee's own serious health condition rendering them unable to perform the functions of their job; or
  - d) Leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States. (Government Code (GOV) Section 12945.2)
- 5) Establishes the Paid Family Leave (PFL) program as a partial wage-replacement plan funded through employee payroll deductions and entitles eligible employees with up to eight weeks of wage replacement benefits to take time off work to care for a seriously ill child, spouse, parent, grandparent, grandchild, sibling, or domestic partner, to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption, or to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the individual's spouse, domestic partner, child, or parent in the Armed Forces of the United States. (Unemployment Insurance Code (UIC) Section 3301)
- 6) Provides that PFL does not provide job protection or return to work rights nor does it require continued health coverage during the leave. However, PFL can be taken concurrently with CFRA, for eligible employees, and thus entitle employees to these protections. (UIC Sections 2655 and 3301)

## ANALYSIS

This bill:

- 1) Mandates that the CSU Trustees will grant to an employee a leave of absence with pay for one semester of an academic year, or equivalent duration, in a one-year period, following the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.
- 2) Stipulates that, for purposes of this measure, "employee" or "higher education employee" means any employee, including student employees whose employment is contingent on their status as students, of the Regents of the UC, the Board of Directors for the College of Law, San Francisco, or the Trustees of the CSU. Stipulates that managerial and confidential employees and employees whose principal place of employment is outside the State of California at a worksite with 100 or fewer employees are excluded from coverage. (GOV Section 3562)
- 3) Requires the leave of absence shall be taken without interruption unless otherwise agreed to by mutual consent between the employee and an appropriate administrator. Only working days shall be charged against the leave of absence.
- 4) Specifies that, if the provisions of this measure conflict with the provisions of a memorandum of understanding (MOU) reached as specified, the MOU shall be

controlling without further legislative action, except that, if those provisions of a MOU require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “CSU faculty and employees play a critical role in our state by educating and supporting California’s future. Ensuring that they have the right to paid parental leave is long overdue. AB 1123 affirms and solidifies California’s commitment to supporting parents and the well-being of families.”

Further, the author contends that paid parental leave, “enables workers to take time away from work to recover from childbirth and care for a new baby, is associated with decreased low-birth-weight births and infant mortality, increased breastfeeding, and improved maternal mental health. In 2018, the American College of Obstetricians and Gynecologists (ACOG) endorsed at least six weeks of fully paid leave for all new mothers to reduce high rates of maternal mortality in the United States. According to the National Partnership for Women & Families, providing 12 weeks of paid parental leave on a national scale would lead to 600 fewer infant deaths per year, according to conservative estimates.”

Additionally, the author contends that, “participation in paid leave programs has been associated with better health outcomes for children in elementary school, especially among children from low-income families.”

Lastly, the author states, “AB 1123 would eliminate inequalities for all women employed at the CSU, but most especially women of color. Paid leave confers economic as well as health benefits. Availability of paid leave increases household income, decreases risk of poverty, and reduces some forms of material hardship, especially among less-educated and low-income single mothers. (This is in addition to the fact that access to paid leave itself is also a marker of the underlying racial segregation of labor markets that also directly contribute to racial differences in wages.) Importantly, these health and labor market benefits are largely associated with paid, but not unpaid, leave.”

- 2) ***Parental leave is within the mandatory scope of the Higher Education Employer-Employee Relations Act.*** California’s Higher Education Employee-Employer Relations Act (HEERA) is the law that governs labor relations between public institutions of higher education and their employees. Under HEERA, terms and conditions of employment, such as wages, hours, and working conditions are considered to be within the mandatory scope of bargaining or scope of representation. Matters that are not within the scope of representation include: “consideration of the merits, necessity, or organization of any service, activity, or program established by statute or regulations adopted by the trustees, except for the terms and conditions of employment of employees who may be affected thereby.”

The Public Employer-Employee Relations Board (PERB) is responsible for enforcing HEERA. PERB has issued thousands of decisions regarding what

matters are within the scope of HEERA, which generally are those matters that: (1) are reasonably related to wages, hours, or conditions of employment, (2) areas where management and employees are likely to conflict, and (3) areas that would not significantly abridge the employer's freedom to exercise managerial choices.

- 3) ***Background on contract negotiations.*** In December 2021, the CSU and California Faculty Association (CFA) reached a tentative agreement on a new contract for 2022-2024. On February 3, 2022, the contract was ratified and is in effect until June 30, 2024. Among other things, the contract calls for a 4% general salary increase retroactive to July 1, 2021. Regarding leaves of absence with pay, the collective bargaining agreement provides the following:

23.4 A bargaining unit employee shall be entitled to a maximum of 30 days of parental leave for the reasons specified in provision 22.10 of this Agreement. Such leave shall be taken consecutively, unless mutually agreed otherwise by the employee and the appropriate administrator. This leave shall commence within a 135 day period beginning 60 days prior to the anticipated arrival date of a new child and ending 75 days after the arrival of a new child. Such leave shall be charged only for workdays in such a period of time and may be used for reason of the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

23.5 A paid parental leave granted in accordance with provision 23.4 runs concurrently with other parental, pregnancy disability and/or family care and medical leave provisions of Article 22, Leaves of Absence Without Pay, and may be supplemented in accordance with the provisions of Article 24, Sick Leave, of this Agreement. Normally, 15 days of earned sick leave may be charged. A physician's verification of disability shall be required for the use of earned sick leave pursuant to this provision in excess of 15 days.

- 4) ***Parental support workgroup.*** The 2022-24 contract did not change the parental leave policy (providing 30 paid parental leave days) but it did, however, establish a Parental Support Workgroup. On December 17, 2021, CFA and the CSU signed a MOU agreeing to form this workgroup to review parental support for faculty, at the CSU and other higher education institutions, along with leave utilization and trends within the CSU. The workgroup was directed to create a report of their findings and that report was supposed to be given to the Academic Senate, the Board of Trustees, and the Chancellor within six months of the first meeting. Additionally, the MOU included a provision that the parties further agree that the CSU may increase the number of paid parental leave days provided in the collective bargaining agreement at any time.

The workgroup held its first meeting on June 6, 2022 and the report was expected by December 2022, however, to this day, no report has been released and both the report and the workgroup appear to have stalled.

- 5) ***Arguments in support.*** According to the CFA, sponsors of this measure, “the existing parental leave policy at the CSU provides for a maximum of 30 days of parental leave for its employees. This policy is woefully inadequate and uncompetitive for today’s workplace. It does not allow enough time for parent/child bonding, and it may not be enough time for the body to heal following childbirth. It simply is a health and safety issue for our faculty members that needs to be addressed appropriately.”

Further, the CFA states, “AB 1123 would remedy this situation by requiring the CSU to provide employees a minimum of a full semester or two quarters of paid parental leave. A minimum would benefit students in many ways; if faculty are provided a semester off, there is less manipulation of schedules and pressure on faculty to find others to take over their workload. Much of that burden falls on faculty and adds to the stress soon-to-be parents are already facing. In addition, providing for adequate parental leave will improve career advancement and will create greater equity for women faculty and particularly women faculty of color.”

- 6) ***Arguments in opposition.*** According to the CSU Office of the Chancellor, “while we agree with the author’s goal of providing paid parental leave for the birth of a child or the placement of a child in connection with the adoption or foster care by the employee, the CSU believes these discussions should occur through the collective bargaining process rather than through legislation. We also recognize that the general parameters of the generous leave options available to CSU employees may not fit the needs of all employees. This is reflected in the negotiated language used in our collective bargaining agreements which allow for equitable adjustments or flexibility in the application of these benefits.”

The CSU contends that, “the proposed significant expansion in both duration of leave time (from 6 to 16 weeks) and the number of eligible employees will have a fiscal impact to the system, as the bill is estimated to cost the CSU and its campuses \$21.9 million annually. If more employees choose to utilize the benefit under this bill, the financial impact will be greater. If the Legislature statutorily requires a specified amount of paid parental leave for CSU employees, it will set a precedent for other represented employee groups to seek similar benefits outside of the collective bargaining process. This could encourage legislation in many areas within the collective bargaining realm and create significant cost pressures on the state for reimbursable mandates.”

## 7) ***Prior Legislation***

AB 2464 (Cristina Garcia) of 2022, which was vetoed by the Governor, was similar in nature to this measure. The Governor’s veto message stated:

***“This bill requires the California State University (CSU) system to grant an employee a leave of absence with pay for one semester of an academic year, or an equivalent duration in a one-year period, following the birth of a child or in connection with the adoption or foster care placement of a child by an employee.***

***The CSU Board of Trustees recently ratified a collective bargaining agreement with the California Faculty Association (CFA) that maintained existing parental leave benefits. As part of their negotiations, the CSU and CFA signed a memorandum of understanding establishing a parental support workgroup, charged with reviewing parental support for faculty and making suggestions to relevant leaders. The report is anticipated to be delivered in December 2022. Notably, the MOU states "that the CSU may increase the numbers of paid parental leave days ... at any time." It is my expectation that CSU will seriously consider these recommendations and take appropriate action.***

***While I share the goal of supporting working parents employed at our nation's largest and most diverse public university system, this bill creates an estimated \$24 million in ongoing General Fund cost pressures not accounted for in the state budget. Further, as the MOU and workgroup illustrate, potential changes to CSU's parental leave policy are more appropriately addressed through the collective bargaining process, which best enables labor and management interest-holders to collaboratively decide issues that impact the system and the people who power it."***

## **SUPPORT**

California Faculty Association (Sponsor)  
Academic Senate of the California State University  
California Labor Federation  
California State University Employees Union  
California Teachers Association

## **OPPOSITION**

California State University

**-- END --**

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1178	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Luz Rivas		
<b>Version:</b>	May 18, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** School nutrition: guardian meal reimbursement.

### SUMMARY

Upon appropriation, this bill requires the California Department of Education (CDE) to establish a state reimbursement process for federal summer meal program operators to serve a meal to guardians of eligible pupils in a federal summer meal program.

### 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

Upon appropriation, this bill requires the CDE to establish a state reimbursement process for federal summer meal program operators to serve a meal to guardians of eligible pupils in a federal summer meal program. Specifically, this bill:

### *General Provision*

- 1) Requires, upon appropriation, the CDE to establish a process for state reimbursement adjusted for inflation, upon appropriation, for federal summer meal program operators for meals served to guardians of eligible pupils receiving a meal pursuant to a summer meal program.
- 2) Requires, upon appropriation, the guardian of an eligible student to be present at the summer meal program site in order for the summer meal program operator to receive state-funded reimbursement for the meal served to a guardian unless noncongregate rules are applied.
- 3) Requires, upon appropriation, the CDE to develop and post on its website, for summer meal program operators participating in the federal Summer Seamless Option or the Summer Food Service Program on how to serve guardians a meal at summer meal program sites.
- 4) Requires, upon appropriation, participating in the summer meal program operators to report to the CDE the number of meals served to guardians by meal site no later than 30 days after the end of summer meal site operations.
- 5) Requires, upon appropriation, the CDE to apply for a waiver of federal law if necessary to secure federal reimbursement for meals served to guardians.
- 6) Specifies that an appropriation to create a state reimbursement process for federal summer meal program operators for meals served to guardians of eligible pupils receiving a meal pursuant to a summer meal program shall come from the General fund and must be equal to the estimated number of reimbursable guardian meals provided under this section multiplied by the federal National School Lunch Program or School Breakfast Program meal reimbursement rate for qualified pupil meals under the summer meal program.

### *Definitions*

- 7) "Eligible pupil" means a pupil who meets the criteria for a meal pursuant to a federal summer meal program.

- 8) “Guardian” means a parent, step-parent, grandparent, guardian, or other adult family member or caretaker who is caring for an eligible pupil.
- 9) “Summer meal program” includes, but is not necessarily limited to, the federal Summer Food Service Program and the Seamless Summer Option component of the federal National School Lunch Program.
- 10) “Summer meal program operators” include, but are not necessarily limited to, a school district, county office of education, charter school, government organization, or nonprofit entity participating in a summer meal program.

#### *Findings and Declarations*

- 11) Makes findings and declarations to enable summer meal program sites to offer nourishing meals to caregivers who bring their children to summer meal sites.

#### **STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, “In the 2022-23 school year, California became the first state to implement a statewide Universal Meals Program to provide free nutritiously adequate breakfast and lunch for all students throughout the school year. A recent SacBee article chronicled, Sara Goncalves, a teacher aide at A.M. Winn Elementary, in the Sacramento City Unified School District. Goncalves notes that the universal meal program provides some much-needed financial relief for her since she is on a strict budget. She has two daughters that utilize the universal meal programs where she is able to save \$150 in her grocery bill per week. Unfortunately, Goncalves knows that for many students in food insecure households, these are the only meals they will have.

During the summer months, students become increasingly vulnerable to hunger. When school is not in session, free breakfast and lunch meals are not provided to students. The United States Department of Agriculture (USDA) supplements meals for children through their Summer Food Service Program (SFSP), a voluntary program for schools, libraries, community based organizations, faith based institutions, and government agencies to host and provide free meals to children ages 18 and under.

According to studies from the Institute for Policy and Research, one in four households with children in California are food insecure. California Department of Education estimates that over 269,000 K-12 students experienced homelessness in 2019. If these students are experiencing homelessness or on the brink of homelessness, it is likely that everyone in these households are food insecure and facing hunger.

SFSP mandates that only children and teens ages 18 and younger are eligible to receive free, reimbursable meals. This program does not allow for parents or caregivers to utilize the program and share a meal with their children. AB 1178 seeks to combat hunger during summer so parents or caregivers and children can eat together during the summer meal program.”

2) ***Meals Service Options: United State Department of Agriculture (USDA) Meal Programs.*** The CDE, 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.

*In particular, a pupil would have to be eligible in either the SFSP or SSO program in order for a guardian to receive a meal from a summer meal program operator.*

3) ***Non-congregate setting under the SFSP and the SSO.*** On February 28, 2023, the USDA provided guidance and instructions on implementing the SFSP and the SSO non-congregate meal service for the summer of 2023. On April 20, 2023, the USDA issued additional guidance providing additional options about the administration and operation of non-congregate meal service in rural areas during summer. Although the USDA issued further guidance, the CDE's application process for the non-congregate meal service pilot during the summer 2023 **has not changed.**

Non-congregate meal service in the summer meal programs is limited to rural areas in which congregate meal services are not available. Sites participating in non-congregate feeding must still meet all other program requirements, including establishing area eligibility.

The USDA has not yet issued regulations regarding non-congregate feeding. As such, non-congregate feeding for summer 2023 is being treated as a pilot program. The USDA anticipates releasing regulations by December 2023 for implementation in summer 2024.

- 4) ***Summer Electronic Benefits Transfer For Children (SEBTC).*** The SEBTC program offers an opportunity to reduce summer hunger by providing additional resources to purchase food during the summer months for families whose children are certified to receive free or reduced-price school meals during the school year. SEBTC is a complement to the Summer Nutrition Programs (which support summer meal programs in low-income communities that are frequently combined with educational, enrichment, and recreational activities) and can help reduce food insecurity for low-income families, particularly in rural or other areas with limited access to summer meals.

As part of its efforts to end child hunger, the USDA's Food and Nutrition Service division (FNS) created the SEBTC demonstration to study the use of SNAP and WIC electronic benefits transfer (EBT) technology in providing food assistance to low-income children during the summer by providing their families with more resources to use at food stores. The small-scale "proof-of-concept" demonstrations of the EBT-based approaches began in the summer of 2011 in two states for the WIC model (Michigan and Texas) and three states for the SNAP model (Connecticut, Missouri, and Oregon), serving 2,500 children in summer 2011. This model has been proven to decrease food insecurity among children through the Summer EBT demonstration projects and has grown significantly in other states since its inception. On Dec. 23, 2022, Congress authorized SEBTC as a permanent, nationwide program. According to the USDA's FNS website, they are "quickly developing more guidance on SEBTC, and [...] look forward to working with our partners in states and local communities as we implement this program." On Dec. 23, 2022, Congress authorized SEBTC as a permanent nationwide program on June 7<sup>th</sup>. FNS release a memorandum detailing their new guidance on SEBTC benefits.

*The author may wish to consider if information regarding the SEBTC program should be distributed to guardians whose children are eligible for the SFSP or the SSO program.*

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

AB 95 (Hoover, 2023) 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. *This bill is on the Senate Floor.*

AB 348 (Skinner, 2023) requires the California Department of Education (CDE), in collaboration with the California Department of Social Services (CDSS) to maximize participation in the federal Summer Electronic Benefit Transfer For Children (SEBTC) and requires CDSS, upon an appropriation by the Legislature, to provide to a pupil who qualifies for federal SEBTC an additional eighty dollars (\$80) per month in the form of EBT benefits. This bill also requires charter schools to provide two meals, rather than one, beginning the 2024-25 school year and

requires the county superintendent of schools, local educational agency (LEA), or charter school to serve breakfast meals on each four-hour schoolday. *This bill is in Assembly Education Committee.*

AB 1871 (Bonta) Chapter 480, Statutes of 2018, requires charter schools, commencing with the 2019-20 school year, to provide each low-income pupil with one nutritionally adequate free or reduced-price meal during each schoolday.

SB 138 (McGuire) Chapter 724, Statutes of 2017, requires the CDE, in consultation with the State Department of Health Care Services, to develop and implement a process to use Medi-Cal data to directly certify children whose families meet the income criteria into the school meal program; requires school districts and COEs with high poverty schools and high poverty charter schools currently participating in the breakfast or lunch program to provide breakfast and lunch free of charge to all students at those schools; and, authorized a school district, COE, or charter school to opt-out due to fiscal hardship.

## **SUPPORT**

California Food and Farming Network  
California School Employees Association  
Center for Ecoliteracy  
Community Action Partnership of Orange County  
Food Bank of Contra Costa and Solano  
Food for People, the Food Bank for Humboldt County  
Food Share  
Foodbank of Santa Barbara County  
Glide  
GRACE- End Child Poverty in California  
Hunger Action Los Angeles  
Los Angeles Regional Food Bank  
National Association of Social Workers, California Chapter  
Nourish California  
Sacramento Food Bank & Family Services  
San Diego Food Bank  
San Diego Hunger Coalition  
Second Harvest Food Bank of Orange County  
Second Harvest Food Bank of Santa Cruz County  
Second Harvest of Silicon Valley  
The Gubbio Project  
The Office of Kat Taylor  
1 Individual

## **OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1327	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Weber		
<b>Version:</b>	May 1, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Kordell Hampton		

**Subject:** Interscholastic athletics: California Interscholastic Federation: racial discrimination or harassment.

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

### SUMMARY

This bill requires the California Department of Education (CDE) to develop a standardized incident form to track racial discrimination or harassment that occurs at high school sporting games or sporting events, as specified, and requires each local educational agency (LEA) that participates in the California Interscholastic Federation (CIF) shall post on their internet website the standardized incident form developed by the CDE.

### BACKGROUND

*Existing Law:*

*Education Code (EC)*

- 1) Provides that the CIF is a voluntary organization comprising of school and school-related personnel responsible for administering interscholastic athletic activities in secondary schools. (EC § 33353 (a))
- 2) Specifies the CIF shall report to the appropriate policy committees of the Legislature and the Governor on its evaluation and accountability activities undertaken on or before January 1, 2023, and on or before January 1 every seven years thereafter. This report shall include, but not be limited to, the goals and objectives of the CIF and the status of all of the following:
  - a) The governing structure of the CIF and the effectiveness of that governance structure in providing leadership for interscholastic athletics in secondary schools.
  - b) Methods to facilitate communication with agencies, organizations, and public entities whose functions and interests interface with the CIF.
  - c) The quality of coaching and officiating, including, but not limited to, professional development for coaches and athletic administrators and parent education programs.

- d) Gender equity in interscholastic athletics, including, but not limited to, the number of male and female pupils participating in interscholastic athletics in secondary schools and action taken by the CIF to ensure compliance with Title IX of the federal Education Amendments of 1972. (20 U.S.C. Sec. 1681 et seq.)
  - e) Health and safety of pupils, coaches, officials, and spectators.
  - f) The economic viability of interscholastic athletics in secondary schools, including, but not limited to, the promotion and marketing of interscholastic athletics.
  - g) New and continuing programs available to pupil athletes.
  - h) Awareness and understanding of emerging issues related to interscholastic athletics in secondary schools. (EC § 33353 (b))
- 3) States, subject to funds being appropriated for this purpose in the annual Budget Act, the CIF is encouraged to establish a statewide panel that includes, at a minimum, the following members: school administrators, school board members, coaches of secondary school athletics, teachers, parents, athletic directors, representatives of higher education, pupils participating in athletics at the secondary school level, and a representative of the State Department of Education. (EC § 35179.2)
- 4) Requires each high school sports coach to complete a coaching education program developed by their school district or the CIF that meets the guidelines outlined in the California High School Coaching Education and Training Program (CHSCTP). (EC § 49032)

## ANALYSIS

This bill requires the CDE to develop a standardized incident form to track racial discrimination or harassment that occurs at high school sporting games or sporting events, as specified, and requires each LEA that participates in the CIF shall post on their internet website the standardized incident form developed by the CDE. Specifically, this bill.

- 1) Requires CDE, on or before January 1, 2025, to develop in consultation with relevant stakeholders a standardized incident form to track racial discrimination or harassment that occurs at high school sporting games or sporting events and annually report the information from completed incident forms as statewide totals on their internet website.
- 2) Specifies the standardized incident form must include a category for the basis of the complaint and information on how to report a hate incident or hate crime through the Civil Rights Department's CA vs. Hate Resource Line and Network.

- 3) Require each LEA, on or before April 1, 2025, that participates in the CIF to post on their internet website the standardized incident form developed by the CDE and include information on how to submit a completed incident form to the LEA.
- 4) Requires an LEA that participates in the CIF, to, upon request of the CDE, submit information related to any completed standardized incident forms received by the LEA.
- 5) Specifies during the years the CIF is not required to submit a report to the Legislature and the Governor to make itself available for hearings upon request of the appropriate policy committees of the Legislature.
- 6) Includes CIF's mandatory report to the appropriate policy committees of the Legislature and the Governor on its evaluation and accountability of high school athletics, the health, and safety of pupils, coaches, officials, and spectators, including, but not limited to, racial discrimination or harassment.
- 7) Defines "local educational agency" to mean school district, county office of education, or charter school.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "In California, during a penalty kick period at a soccer game at Oak Ridge High School in 2022, a Black student from Buchanan High School received monkey or ape noises from a student at the opposing school; students from Coronado High School threw tortillas at basketball players from Orange Glen, a predominantly Latino School; a Latina student from Buchanan High School was barked at by a student at the opposing school; during a girls' playoff basketball game against McClatchy High School, Oak Ridge fans directed racial and body-shaming jeers at McClatchy's Asian American players; and players from Cathedral Catholic High School in San Diego was placed on a two year probation after images were shared depicting shirts that read "Catholics vs. Convicts III" prior to playing Lincoln High School, a predominantly low-income, majority-minority high school. Despite taking a more subdued form, unconscious or aversive racism hurts minority student-athletes in high school sports in at least one major way: it marginalizes their academic, social, and psychological well-being. By reporting these incidents, CDE and CIF can better inform the legislature to the issues so that the legislature can take action to address the root causes."
- 2) ***The California Interscholastic Federation.*** The CIF, founded in 1914, is a voluntary organization of 1,615 public, public charter, and private high schools aligned into ten geographical sections to govern education-based athletics in grades 9 through 12.

While each CIF section has autonomy from the state and has its governance structure, section control and oversight are by school representatives from that geographical region. These representatives include school board members, superintendents, principals, teachers, coaches, and athletic directors from each high school who come together to carry out the CIF's mission outlined in the CIF Constitution and Bylaws. The CIF Constitution and Bylaws are the product of the



CIF elected representatives who serve on the CIF Federated Council and Executive Committee.

The elected members of the Federated Council consist of school and district representatives elected from the 10 CIF Sections (see above). State council membership voting is weighted to reflect the number of schools and students served by the respective CIF sections. Additionally, voting members of the Federate Council include representatives from the CDE; California School Boards Association; Association of California School Administrators; California Association for Health, Physical Education, Recreation and Dance; California Coaches Association, California Athletic Directors Association, California Association of Private Schools, California Association of Directors of Activities and California School Superintendents.

- 3) **CIF's Complaint Form.** On its website, the CIF offers a complaint form for unsportsmanlike behavior resulting from discrimination or harassment at an interscholastic event. A complaint can be submitted if an interscholastic event is characterized by unsportsmanlike conduct based on discrimination or harassment. The CIF recommends, "Whenever possible, that the complainant speaks with his/her/their school administrator or the school district's local compliance coordinator regarding his/her/their complaint. The school site/school should investigate complaints of poor sportsmanship based on discrimination or harassment in a prompt and thorough manner." The form includes the collection of basic information (name, contact information), identification of the basis of the complaint (harassment or discrimination based on gender, race/ethnicity, religion, disability, etc.), and instructions on how to file a complaint.

*This bill requires the CDE to develop a standardized incident form to track racial discrimination or harassment at high school sporting games or sporting events. However, it should be noted that while CDE oversees Kindergarten through 12 education in the state, it does not govern interscholastic sports.*

*Further, while the LEA is responsible for, upon request from CDE, must share the completed incident form with the department, it is unclear how CIF is meant to fully report on racial discrimination or harassment of pupils, coaches, officials, and spectators without access to the incident forms.*

- 4) **Actionable Item?** What proceeds next is unclear once the incident form is completed and submitted to the LEA. For the purposes of this bill, the incident forms serve as data references for racial discrimination and harassment of pupils, coaches, officials, and spectators.

*In the last few years, there have been numerous incidents of racial harassment and race-based name-calling during high school sports nationwide. According to the National Association for the Advancement of Colored People, "over the past year alone, alleged incidents of abuse by fans and students have been reported in California, Tennessee, Michigan, Vermont, Massachusetts, Pennsylvania, Oklahoma, Maryland, and New York, among other states. In California specifically, a Black student from [Buchanan High School](#) received monkey/ape noises from a student at the opposing school during a penalty kick period at a soccer game at*

*Oak Ridge High School in 2022.” However, incidents beyond racial harassment occur in high school sports, such as bullying and hazing.*

*The committee may wish to consider whether a policy should be adopted at CIF membership schools regarding sportsmanship among pupils, coaches, officials, and spectators related to racial harassment, bullying, and hazing to provide better direction when these incidents happen.*

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

- a) Allow the department to share the completed incident forms with the California Interscholastic Federation it has collected from an LEA for the purpose of assisting the California Interscholastic Federation with their report to the appropriate policy committees of the Legislature and the Governor.
- b) Clarifies that any information in completed incident forms shall be afforded the same public records disclosure exemptions as are afforded to school districts under the California Public Records Act, in order to protect the confidentiality of pupil and school personnel records and information.

6) **Related Legislation.**

*AB 245 (McKinnor, 2023) would add to the CHSCTP by July 1, 2024, training in recognizing and responding to the signs and symptoms of concussions, heart illness, and cardiac arrest. This bill is on the Senate Floor.*

*AB 1653 (Sanchez, 2023) would require a school district or charter school that elects to offer any interscholastic athletic program to include, as part of their emergency action plan, a procedure in case a student-athlete suffers from a heat stroke. This bill is in Senate Appropriations Committee.*

## SUPPORT

California Teachers Association  
California-Hawaii State Conference of the NAACP  
San Diego Unified School District

## OPPOSITION

None Received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1400	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Bryan		
<b>Version:</b>	June 19, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgallia Ramirez		

**Subject:** Student financial aid: College Access Tax Credit Fund: community college student transfers: Historically Black Colleges and Universities.

**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 re-purposes the College Access Tax Credit Fund (CATC), which was established to supplement Cal Grant awards for students enrolled at California-based colleges, to instead be used to cover college costs for California Community College (CCC) students seeking to transfer to a historically black colleges and universities (HBCU) located outside of California, as defined.

### BACKGROUND

Existing law:

*Federal law*

- 1) Defines the term "HBCU" (specifying it as part B institutions) as a school of higher learning that was accredited and established before 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation, except that any branch campus of a southern institution of higher education that prior to September 30, 1986, received a grant as an institution with special needs, as specified, and was formally recognized by the National Center for Education Statistics (NCES) as a HBCU, but was determined not to be a part B institution on or after October 17, 1986, shall, from July 18, 1988, be considered a part B institution (Section 322(a) of the Higher Education Act of 1965, as amended. (HEA); 20 U.S.C., Section 1061)
- 2) Authorizes the HBCUs program and the Historically Black Graduate Institutions (HBGI) program, both of which award grants to eligible institutions to assist them in strengthening their academic, administrative, and fiscal capabilities. These programs are typically funded through annual discretionary appropriations. (HEA, Title III-B)

- 3) Stipulates that in order to be eligible to participate in either the HBCU or HBGI program, per (2) above, entities must meet the following requirements:
  - a) Be legally authorized by the State in which it is located.
  - b) Be at least a junior or community college.
  - c) Provide an educational program for which it awards a bachelor's degree.
  - d) Be accredited or preaccredited by a nationally recognized accrediting agency or association. (Title 34, Subtitle B, Chapter VI, Part 608, Subpart A, Section 608.2(a), Code of Federal Regulations (CFR))
- 4) Lists the specific institutions of higher education that have been deemed a HBCU, per (1) above. (Title 34, Subtitle B, Chapter VI, Part 608, Subpart A, Section 608.2(b), CFR)

*State law*

- 5) Establishes the California Student Aid Commission (Commission) for the purpose of administering specified student financial aid programs (Education Code (EC) Section 69510, et seq.)
- 6) Establishes the Cal Grant program, administered by the Commission, to provide grants to financially needy students to attend a college or university. The Cal Grant programs include both the entitlement and the competitive Cal Grant awards. The program consists of the Cal Grant A, Cal Grant B, and Cal Grant C programs, and eligibility is based upon financial need, grade point average (GPA), California residency, and other criteria. Maximum award amounts for California State University and University of California are established in the annual Budget Act and have traditionally covered all systemwide tuition and fees. Supplemental Cal Grant awards programs are available to students with dependent child(ren) and former and current foster youth attending CSU, UC, or a CCC to assist with non-tuition costs such as living expenses. (EC Sections 69430 – 69433 and Sections 69465 - 69470)
- 7) Allows, for taxable years beginning on or after January 1, 2017, and before January 1, 2028, a CATC against the “net tax,” as specified, in an amount equal to 50% of the amount contributed by a taxpayer to the CATC Fund, as allocated and certified by the California Educational Facilities Authority (CEFA). Limits the maximum aggregate amount of credit that may be allocated and certified by CEFA to \$500 million. Provides that any unused credits may be carried forward for up to six years and creates the CATC Fund as a special fund in the State Treasury, and allocates revenues as follows:
  - a) First to the General Fund in an amount equal to the aggregate amount of credits allowed, as specified.

- b) Second, upon appropriation, to the Department of Insurance, Franchise Tax Board (FTB), CEFA, State Controller, and the commission for reimbursement of all administrative costs incurred in connection with the CATC and CATC Fund.
- c) Third, upon appropriation, to CEFA for outreach purpose to inform taxpayers about the CATC Fund and the credits allowed.
- d) Fourth, continuous appropriation of remaining revenue to CSAC for purposes of awarding Cal Grants, as specified. (Revenue and Taxation Code Section 17053.87)

## ANALYSIS

This bill repurposes the CATC Fund, which was established to supplement Cal Grant awards for students enrolled at California-based colleges, to instead be used to cover college costs for CCC students seeking to transfer to an HBCU located outside of California. Specifically, it:

- 1) Sunsets provisions that establish the CATC Fund for purposes of supplementing other moneys appropriated for the Cal Grant Program.
- 2) Requires that moneys allocated to the Commission from the CATC Fund, as prescribed, be made available for the purpose of making awards for participating students.
- 3) Commencing with the 2024–25 award year, authorizes the Commission to make disbursements of awards for the specified allocation directly to partnered HBCUs for postsecondary costs of their participating students and requires that the awards:
  - a) Be limited to one award per participating student.
  - b) Not exceed \$5,000, as determined by the commission based on the availability of moneys allocated to the commission and the financial need of the student.
  - c) Are payable only to the extent that moneys are available from the fund.
- 4) Requires the Commission to inform each recipient that the award is a one-time grant, and in making awards, give priority to students with the greatest unmet financial need who do not exceed the maximum household income and asset level for an applicant for a Cal Grant B award.
- 5) Requires a participating student to file a statement of intent form stating that the student will enroll at a partnered HBCU and return to California after graduation from a partnered HBCU.

- 6) Authorizes the commission to make disbursements in any fiscal year in which it determines there are sufficient funds and provides that if the Commission determines it would be in the best interest of the program, it can roll over moneys for disbursement in future fiscal years.
- 7) Requires, if, after making disbursements as prescribed in the bill, moneys remain in the fund, those moneys remain in the fund for allocation in future fiscal years.
- 8) Authorizes the Commission to adopt regulations for purposes of implementing and administering the bill's provisions.
- 9) Defines various terms for purposes of the bill, including:
  - a) "Fund" means the College Access Tax Credit Fund established pursuant to Section 17053.87 of the Revenue and Taxation Code.
  - b) "HBCUs" means the colleges and universities listed as "Historically Black Colleges and Universities" by the NCES.
  - c) "Participating students" means students who have completed the associate degree for transfer pathway and qualify to receive an award pursuant to this section.
  - d) "Partnered HBCUs" means HBCUs that satisfy both of the following:
    - i) Have an associate degree for transfer memoranda of understanding on file with the chancellor's office.
    - ii) Satisfy a three-year student loan cohort default and not have a graduation rate of less than 30 percent, as specified in current law for Cal Grant eligibility.
  - e) "Postsecondary costs" means any costs of attendance for participating students at partnered HBCUs.
- 10) Makes various findings and declarations relating to the CATC Fund program not meeting its goal of providing meaningful award increases to Cal Grant B recipients, and the bill's provisions would target its resources on a smaller student population, thereby facilitating substantive increases to program funded grants.
- 11) Makes conforming changes to the tax code.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The many programs established under the California Student Aid Commission (CSAC) and by other legislation seek to provide pathways to higher education that are responsive to the unique backgrounds and barriers faced by California students, such as the California Chafee Grant for Foster Youth, the Law Enforcement Personnel Dependents

Grant Program (LEPD), the California Dream Act, and others. Decades of studies show the persistent social and economic barriers Black students face resulting in overall lower academic performance and educational attainment than their peers as well as the long-term effects of lower income and less professional stability and growth. Attendance at an HBCU is one of the clear positive influences on these academic and professional outcomes for Black students. They provide culturally responsive, racially sensitive environments where they can fully engage with confidence.

Today, in part due to changes in Federal tax law, the College Access Tax Credit (CATC) as currently structured provides only \$1.50 to each eligible student. AB 1400 would allocate this existing funding stream in a more targeted fashion, providing meaningful financial support (a \$5,000 award per eligible student) to Californians transferring from Community College to HBCUs. By refocusing this support on students committed to returning to California after graduation, we will help build a valuable educational and economic pipeline from California to HBCUs nationwide – and back to California.”

- 2) **Historically Black Colleges and Universities.** There are no HBCUs in California. According to NCES, HBCUs are institutions that were established prior to 1964 with the principal mission of educating Black individuals. These institutions were founded and developed in an environment of legal segregation and, by providing access to higher education, they have contributed substantially to the progress Black Americans made in improving their status.

HBCUs include public and private institutions that vary in size and degree programs and are located primarily in the South and on the East Coast. Specifically, per the NCES, as of 2022, there are over 100 HBCUs located in 19 states, the District of Columbia, and the U.S. Virgin Islands. Of the over 100 HBCUs, at least 50 are public institutions and at least 49 are private nonprofit institutions.

Although HBCUs were originally founded to educate Black students, they enroll students of other races as well. The composition of HBCUs has changed over time. In 2020, non-Black students made up 24% of enrollment at HBCUs, compared with 15% in 1976.

- 3) **California Community College Transfer Agreements.** In November of 2013, the El Camino Community College District initiated a pilot program to explore the possibility of formalizing transfer pathway agreements between HBCU institutions and the CCC system, using Associate Degrees for Transfer, as the framework to support the agreements. The pilot represented the CCC system’s first attempt beyond the CSU system to forge new partnerships using ADTs as articulation at the degree-level, and representative of lower-division transfer preparation fulfillment in both general education and major preparation. Before ADTs, the CCC system’s relationship with HBCUs comprised of individual college efforts using traditional course-to-course articulation methods. The pilot has grown over the span of several years; the name has changed to the California Community Colleges Transfer Guarantee to HBCUs Program.

The objective of the CCC Transfer Guarantee to HBCUs Program is the development of transfer pathways that will facilitate a smooth transition for students from all of the CCC to partnered HBCUs. These pathways will simplify the transfer process and reduce students' need to take unnecessary courses, thereby shortening the time to degree completion and saving student costs.

According to the CCC Chancellor's Office, 39 HBCUs have MOUs in place with the CCC. All of these institutions are regionally accredited by an agency recognized by the United State Department of Education. While data for academic year 2022–23 is still being collected, the most recent data shows how many California students with ADTs transferred to participating HBCUs: 93 in 2019–2020, 73 in 2020–21, and 60 in 2021–2022.

- 4) **The College Access Tax Credit.** CATC allows taxpayers to make charitable contributions to provide financial aid to postsecondary students receiving a Cal Grant B award from the Commission. Cal Grant B eligibility is limited to in-state colleges. At its height, the program generated \$5.9 million total and provided about \$25 per student. However, after decreases to the tax credit's revenue to \$412,000 annually due to federal tax changes, the Commission reports the program provides \$1.50 per student. About 289,000 students receive a Cal Grant B. This bill grants priority to low income students who meet the income threshold set in Cal Grant B, students who exceed that limit may qualify for an award, but are last in line.
- 5) **Things to consider.** *This bill attempts to reallocate a pre-existing fund that was initially created to provide additional financial aid to low-income students enrolled in California-based colleges and universities. Although the CATC Fund has experienced a reduction in its funding, which has resulted in its inability to effectively serve the number of students eligible for the benefit, the committee may wish to consider whether funding out-of-state college costs is the appropriate use of those funds. Could a similar objective be achieved while retaining and supporting students within the state?*

*Only one other program, aimed at foster youth, permits students to use their awards outside of California (most recipients stay in California). However, that program additionally receives federal funding and was not established for that sole purpose. The program established in this bill would be the only grant aid program established for students leaving the state with no in-state option. The state has no oversight or consumer protection control over colleges operating outside of this state. If it is the desire of the committee to move this policy forward, it may wish to consider the conditions that the state should impose on any out-of-state college to qualify for state financial aid funding.*

- 6) **Amendments.** The following amendments are intended to strengthen criteria around institutional quality, college enrollment, and the statement of intent to return to California:
  - In order to ensure and codify an additional measure of institutional quality, **staff recommends that the bill be amended to** modify the definition of



“Partnered HBCUs” so that, in addition to satisfying the requirements prescribed in the bill, a Partnered HBCU must be regionally accredited by an agency recognized by the United States Department of Education in order to be considered a Partnered HBCU.

- Under the bill's provisions, it is implied that a student be enrolled in a Partnered HBCU, but not explicitly stated. **Staff recommends that the bill be amended to** modify the definition of “participating students” to clarify that a student must be enrolled in one of the HBCUs with an MOU as part of the “California Community College HBCU Transfer Guarantee” program to qualify to receive an award.
- This bill requires participating students to file a statement of intent form stating that they will return to California and enroll at a Partnered HBCU. The bill is silent on what happens if the student does not return to the state or enroll. As such, **staff recommends amending the bill to** specify that an award recipient (pursuant to the bill's provisions) who does not enroll in an eligible program within one academic year of earning their Associate Degree for Transfer or return to California within two academic years of earning their baccalaureate degree shall agree to repay the state the total funds received.

## SUPPORT

California Student Aid Commission (Sponsor)  
 African American Male Education Network & Development  
 California Community Colleges, Chancellor's Office  
 California Faculty Association  
 Campaign for College Opportunity  
 Cerritos College  
 Citrus Community College District  
 College of the Desert  
 Community College League of California  
 Cosumnes River College  
 Foothill-De Anza Community College District  
 Greater Sacramento Urban League  
 Initiate Justice  
 Monterey Peninsula College  
 Norco College  
 Office of Lieutenant Governor Eleni Kounalakis  
 Pasadena Area Community College District  
 Public Advocates Inc.  
 San Diego City College President's Office  
 San Diego College of Continuing Education  
 Student Senate for California Community Colleges  
 The Education Trust - West  
 The Institute for College Access & Success  
 uAspire  
 Umoja Community Education Foundation

**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 1517  
**Author:** Gallagher  
**Version:** May 1, 2023  
**Urgency:** No  
**Consultant:** Ian Johnson

**Hearing Date:** June 28, 2023

**Fiscal:** Yes

**Subject:** Special education: special education local plan areas: local plans.

### SUMMARY

This bill requires a Special Education Local Plan Area (SELPA) administrator to be: (1) included in their local educational agency's (LEA's) differentiated assistance (DA) team, and (2) consulted in their LEA's Local Control and Accountability Plan (LCAP) development process, as specified.

### BACKGROUND

Existing law:

- 1) Requires each SELPA to administer local plans and the allocation of state and federal special education funds. (Education Code (EC) 56195)
- 2) Requires the governing boards of school districts to submit local plans to the Superintendent of Public Instruction (SPI), either as single or multi-district SELPAs, or to join with the county offices of education (COE) to submit a plan. (EC 56195.1)
- 3) Requires each SELPA submitting a local plan to the SPI to ensure, in conformity with federal law and regulations, that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies.
- 4) Requires that multidistrict local plans specify the roles and responsibilities of participating LEAs and the administrator of the SELPA, and include copies of joint powers agreements or contractual agreements, and requires that the governance and administration of the local plan reflect a regular schedule of consultations with teachers, administrators, and parent members of the community advisory community (CAC). (EC 56205)
- 5) Requires that each local plan submitted to the SPI contain:
  - a) An annual budget plan with descriptions of specified expenditures;
  - b) An annual service plan describing the services to be provided by each LEA; and
  - c) An annual assurances support plan. (EC 56205)

- 6) Requires, commencing July 1, 2027, each SELPA's local plan to include an annual assurances support plan, for the purpose of demonstrating how the SELPA and its participating agencies are coordinating to assure effective outcomes for students with disabilities.
- 7) Requires the California Department of Education (CDE) to develop a template for the annual assurances support plan by July 1, 2026.
- 8) Requires the annual assurances support plan to include all of the following elements:
  - a) A description of how the governing board of the SELPA has determined that the SELPA will support participating agencies in achieving the goals, actions, and services identified in their LCAPs;
  - b) A description of how the governing board of the SELPA has determined that the SELPA will connect its participating agencies in need of technical assistance to the system of support (SOS); and
  - c) A brief description of the services, technical assistance, and support the governing board of the SELPA has determined it will provide. (EC 56122)
- 9) Requires the superintendent of a school district to consult with its SELPA administrator or administrators to determine that specific actions for individuals with exceptional needs are included in the LCAP or annual update to the LCAP, and are consistent with strategies included in the annual assurances support plan for the education of individuals with exceptional needs. (EC 52062)
- 10) Requires, by January 31, 2025, the State Board of Education (SBE) to adopt an Individuals with Disabilities Education Act (IDEA) Addendum to the LCAP relating to improvements in services for individuals with exceptional needs.
- 11) Requires LEAs, by July 1, 2025, to complete the IDEA Addendum when they are identified as in need of an improvement plan under federal law.
- 12) Requires LEAs to develop the IDEA Addendum in conjunction with, and attached to, the LCAP and annual update to the LCAP and be updated annually.
- 13) Requires the CDE to develop a process to design the template for the IDEA Addendum that meets specified objectives.
- 14) Requires LEAs to submit the IDEA Addendum to the CDE within 15 days of adoption by the governing board of a school district, county board of education, or governing body of a charter school. (EC 52064.3)

**ANALYSIS**

This bill:

- 1) Requires that, before the governing board of a school district considers the adoption or an annual update of an LCAP, and when the school district is determined to be in need of DA for performance of students with disabilities, the superintendent of the school district consult with their SELPA administrator to determine which specific actions are needed to support outcomes on the California School Dashboard.
- 2) Requires that, when students with disabilities are the identified subgroup that qualifies an LEA for DA, the county superintendent of schools consult with and include their SELPA administrator or administrators as part of the expert technical assistance team.
- 3) Requires the annual assurances support plan to include:
  - a) A description of how the governing board of the SELPA has determined that the SELPA will connect its participating agencies in need of technical assistance to the statewide SOS and to also include a description of how it will include technical assistance offered through the special education resource leads;
  - b) A description of how the governing board of the SELPA has determined the technical assistance, direct services, monitoring activities, and professional development the SELPA will provide its participating agencies to support improved outcomes for students with disabilities is in alignment with the SOS; and
  - c) A description of how the governing board of the SELPA has determined it will recruit, maintain, and support an active CAC, including involvement in an advisory manner of the development of all sections of the local plan and participation in the LCAPs of their respective member agencies.
- 4) Requires each SELPA submitting a local plan to the SPI to ensure that the plan provides technical assistance to its member LEAs to support monitoring activities as directed by the CDE. Requires that the description of technical assistance provided to member LEAs include how the SELPA will:
  - a) Conduct professional development addressing any identified area for improvement by the CDE;
  - b) Participate, in collaboration with COEs, in DA activities for students with disabilities;
  - c) Participate in activities designed to improve LEA performance on the California School Dashboard for students with disabilities;

- d) Under the direction of the CDE, provide leadership and coordination of compliance and improvement monitoring activities for LEAs in need of universal, targeted, and intensive supports;
- e) Coordinate, review, provide feedback, and certify individualized education plan (IEP) implementation monitoring, as required by the CDE; and
- f) Coordinate, review, provide feedback, and certify the California Longitudinal Pupil Achievement Data System (CALPADS) special education data, as required by the CDE.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Including SELPAs as part of the technical assistance team for LEAs when students with disabilities are involved ensures all students, regardless of their abilities, have access to a high quality education. This bill will also increase transparency and accountability by requiring the timely implementation of the Annual Assurances Support plan. This will provide a more comprehensive and effective approach to serving California’s students with disabilities.

SELPAs are dedicated to the belief that all students can learn and that students with special needs must be guaranteed equal opportunity to become contributing members of society. Unfortunately, the legislature has delayed the support plan from taking effect in the last three legislative sessions (2017-2018, 2019-2020, & 2021-2022) and pushed these delays through four budget trailer bills in four of the last six years. It is time the legislature prioritizes the support plan’s implementation to help deliver high quality education to the lowest performing subgroup on the CA School Dashboard.

We also need to consider how the COVID19 pandemic has created an educational crisis for all students in our state, especially on students with disabilities. This is evidenced by the increase in SWD student count, low performance on dashboard indicators, and significant chronic absenteeism of our most vulnerable population. Denying SELPAs the opportunity to be part of the expert technical assistance team supporting LEAs to improve outcomes would be a disservice to our students with disabilities. It is critical we act now in order to stop the crisis in its tracks and start the recovery process. The changes proposed in the bill are a small but key addition to the work already being done in each school district.”

- 2) ***What are SELPAs?*** Since 1977, all school districts and COEs have been required to form regional consortia of sufficient size and scope to provide for all special education service needs of children residing within the region’s boundaries. These consortia are known as SELPAs. SELPAs were conceived in California’s 1974 *California Master Plan for Special Education* for the purpose of facilitating collaboration among LEAs and COEs that would ensure sufficient economies of scale to adequately provide services for students with an IEP. Each SELPA develops a local plan including its budget and service plans.

LEAs are required to belong to a SELPA. Multi-district SELPAs are governed by a board composed of the member LEAs. If LEAs are of sufficient size and service scope, they may serve as their own SELPA. According to WestEd, more than 90% of California LEAs, serving approximately 60% of California students with an IEP, belong to a multi-district SELPA. As of the 2019-20 academic year, California had 136 SELPAs: 83 multi-district SELPAs, 47 single-district SELPAs, 5 statewide charter SELPAs, and one SELPA serving only students in Los Angeles County court schools.

Each SELPA must have an administrative unit that serves as the legal entity receiving and distributing funds on behalf of the SELPA. Each SELPA is also required to have CAC to provide families and other local stakeholders the opportunity to provide input on special education programs and services.

SELPAs are the direct recipients of all state and federal special education funding. In turn, SELPAs allocate some or all of the funding to member LEAs based on an allocation plan developed by the SELPA's governing board.

- 3) ***Special Education Governance and Accountability Study.*** The *California Special Education Governance and Accountability (SEGA) Study*, published by WestEd in 2021, found that “although students with an IEP are included in and addressed through the general education governance and accountability structures — for example, as a specific student group on the Dashboard and for eligibility for differentiated assistance — California also has both separate and overlapping special education governance and accountability structures.”

Two primary parts of the accountability systems impacting students with disabilities are the California Schools Dashboard and the federally-required State Performance Plan (SPP). While some of the indicators used in the two systems are similar, they are often not identical. For example, the Dashboard and the SPP use different metrics (in the case of the SPP indicators, determined by the federal government) and use different calculations to determine student graduation rates.

The SEGA study noted that “while California currently requires collaboration between SELPAs and COEs on member LEAs’ LCAPs, “the disconnect between the varied plans that address special education (LCAP, SEP, SELPA local plan) may lead to disjointed ownership and responsibility for improving outcomes for students with an IEP.”

- 4) ***SEGA study recommendations.*** Among many recommendations, the SEGA study recommended that the state:
- a) Align improvement planning requirements and supports provided through the Statewide SOS across general and special education;
  - b) Increase transparency and alignment of the state’s general and special education accountability, monitoring, and technical assistance structures;

- c) Amplify the voices of special education stakeholders, including families, in all governance and accountability structures;
  - d) Continue to provide Statewide SOS resources and to support inclusive practices for students with an IEP, for both general education and special education audiences;
  - e) Collect data on how resources and supports are accessed by LEAs and distributed by technical assistance providers. Provide guidance to technical assistance providers on making supports available to the LEAs based on need and to LEAs on how to access resources and supports; and
  - f) Encourage COEs, charter school authorizers, and the state to include special education expertise and support in LCAP improvement planning supports and differentiated assistance for LEAs, charter schools, and COEs. Build the expertise of local leaders to plan for and direct inclusive preschool and transitional kindergarten programs.
- 5) ***SELPA Resource Lead Agency System.*** The 2018 Budget Act appropriated \$10 million for the California Collaborative for Educational Excellence (CCEE) and the CDE to select at least three SELPAs or a consortia of SELPAs to serve as special education resource leads to work with lead agencies and other COEs to improve pupil outcomes as part of the California Statewide System of Support.
- To further develop California's Statewide SOS, the SELPA Resource Leads will consist of two types of statewide special education leads: SELPA Systems Improvement Leads and SELPA Content Leads. The purpose of the SELPA System Improvement Leads (SIL) Project is to work collaboratively within the Statewide SOS to build the capacity of SELPAs and LEAs with a common goal to improve outcomes for students with disabilities.
- 6) ***Arguments in support.*** The SELPA Administrators of California writes, “For over forty years, SELPAs have collaborated with the California Department of Education to offer programs, services, and assistance to SWDs. California’s continued investment in and reliance on SELPAs demonstrate confidence in the quality and effectiveness of the support SELPAs provide. However, there is currently no statutory requirement that SELPAs be consulted in determining actions needed to support SWDs.

AB 1517 would guarantee the interests of SWDs are sufficiently represented by specifically requiring SELPAs to be a part of the technical assistance team supporting their member LEAs. The Annual Assurances Support Plan will require SELPAs and participating agencies to demonstrate how they are coordinating for purposes of assuring effective outcomes for SWDs. The goal of the plan is to help districts and county offices benefit from the experience of other local agencies, while also increasing transparency and accountability. Under existing law, the Annual Assurances Support Plan requirement will not take effect until July 1, 2027. However, AB 1517 would implement this important update by July 1, 2025.



While there has been significant progress in educational outcomes of SWDs, SELPAs can contribute and advocate more effectively for SWDs as part of technical assistance teams. We stand with codifying the technical assistance SELPAs provide LEAs, and with prompt implementation of the Annual Assurances Support Plan.”

**SUPPORT**

SELPA Administrators of California (sponsor)  
Antelope Valley SELPA  
Beverly Hills Unified School District  
Butte County SELPA  
California School Boards Association  
Coalition for Adequate Funding for Special Education  
Culver City Unified School District  
East San Gabriel Valley SELPA  
East San Gabriel Valley SELPA Community Advisory Committee  
East Valley SELPA  
Foothill SELPA  
San Mateo County SELPA  
Santa Barbara County Special Education Local Plan Area  
Solano County SELPA  
Tehama County Special Education Local Plan Area  
Tri-City SELPA  
Ventura County SELPA  
Yolo County SELPA  
Yuba County SELPA

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1524	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Lowenthal		
<b>Version:</b>	June 19, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Postsecondary education: on-campus access to drug testing devices and antitampering devices.

### SUMMARY

This bill requires the California State University (CSU) and each community college district (CCD) and encourages the University of California (UC), independent institutions, and private postsecondary education institutions, to stock an adequate supply of drug testing devices and anti-tampering devices, free of cost and at least one designated location on each campus.

### BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges under the administration of the Board of Governors, as one of the segments of public postsecondary education in California. Existing law provides that the community colleges be comprised of CCDs. (Education Code (EC) § 70900)
- 2) Establishes that CCDs are under the control of a board of trustees, known as the governing board, who have the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. Existing law authorizes CCDs to establish policies for and the approval of courses of instruction and educational programs. (EC § 70902)
- 3) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Trustees the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and § 89000 et. seq.)
- 4) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services. (California Constitution, Article IX, § (9))

- 5) Provides that no provision of the Donahue Higher Education Act shall apply to the UC unless the UC Regents adopt the provision. (EC § 67400)
- 6) Defines “pubic higher education” as each campus and branch of the California community colleges, the CSU, and the UC, and defines the “independent institutions of higher education” as those non-public higher education institutions that grant undergraduate degrees and/or graduate degrees, are identified as a nonprofit corporation in California, and are accredited by an agency recognized by the United States Department of Education. (EC § 66010 (a) and (b))
- 7) Defines “private postsecondary education institutions” as a private entity with a physical presence in this state that offers postsecondary education to the public and charges tuition. (EC § 94858)

## ANALYSIS

This bill:

- 1) Requires the CSU and each CCD to stock an adequate supply of drug testing devices and anti-tampering devices, available and accessible, free of cost, on at least one designated and accessible location on each campus.
- 2) Requires that a location’s accessibility be determined by considering at least all of the following factors:
  - a) Hours of operation, relative to hours that students are on campus;
  - b) Proximity to high-traffic areas on campus;
  - c) Accessibility by students of all genders and regardless of physical abilities;
  - d) Privacy, including whether accessing the drug testing devices and anti-tampering devices would require interaction with campus staff or other students; and,
  - e) Safety.
- 3) Authorizes a location of the supply of drug testing devices and anti-tampering devices to include student centers, libraries, wellness or health centers, pantries, and study rooms.
- 4) Requires the CSU and each CCD to post a notice in a prominent and conspicuous location in all restrooms regarding the supply of drug testing devices and anti-tampering devices.
- 5) Encourages the UC, independent institutions of higher education, and private postsecondary education institutions to stock an adequate supply of drug testing devices and anti-tampering devices, available and accessible, free of cost, on at least one designated and accessible location on each campus.

- 6) Further encourages UC, independent institutions of higher education, and private postsecondary education institutions to post a notice regarding the drug testing devices and anti-tampering devices in a prominent and conspicuous location in all restrooms.
- 7) Specifies that this bill does not prevent a campus from providing more than one location where people may access drug testing devices and anti-tampering devices.
- 8) Defines “anti-tampering devices” as covers, lids, and other devices designed to prevent an individual from tampering with or adding controlled substances to a drink.
- 9) Defines “drug testing devices” as test strips, stickers, or straws, and other devices designed to detect the presence of controlled substances in a drink.
- 10) Defines “controlled substances” to include, but not limited to:
  - a) Flunitazepam;
  - b) Ketamine; and
  - c) Gamma hydroxybutyric acid, which is also known by other names, including, but not limited to, GHB, gamma hydroxyl butyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium oxybutyrate.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The underreported epidemic of drink spiking continues to plague California and the world. Unfortunately, drink spiking is often used to facilitate the commission of other crimes, such as sexual assault and rape. While anyone can have their drink spiked, the targets of this act are all too often women. Although drink spiking can be perpetrated in almost any setting, a common location for this activity to take place is on college campuses, in settings such as parties and other events. AB 1524 is a commonsense measure to protect individuals from being unknowingly drugged by requiring Community Colleges and California State Universities and encouraging University of California campuses to offer students free drug testing and anti-tampering devices, such as test strips, that can detect the presence of controlled substances and anti-tampering devices, such as lids, that can help prevent someone’s drink from being drugged. These devices are simple, preventative measures that can protect someone from being drugged and becoming the victim of another crime, such as sexual assault or rape.”
- 2) ***Drug testing devices.*** The drug-testing devices cited in this bill are to detect the presence in drinks of the three most common “date rape” drugs. Drug testing kits generally call for putting a drop of one’s drink on a sticker or dunking a test strip into a drink; a particular color will appear if drugs are detected. It appears to committee staff that the most common testing kits only provide results for GHB

and Ketamine; a separate test is needed to test for Rohypnol. Colleges and universities may need to purchase more than one type of device to comply with this bill.

3) ***Fiscal impact.*** According to the Assembly Committee on Appropriations, this bill would impose:

- a) Ongoing General Fund costs to UC and CSU, potentially in the tens of thousands of dollars annually, to stock the drug testing devices, add notifications to bathrooms, and designate a location and distribute the devices. Costs would depend on the number of drug testing devices needed.
- b) Ongoing Proposition 98 General Fund costs to CCDs, likely in the low hundreds of thousands of dollars annually statewide, to stock the drug testing devices, add notifications to bathrooms, designate a location and distribute the devices. Costs would depend on the number of drug testing devices needed.

4) ***Related legislation***

AB 461 (Ramos, 2023) requires the community colleges and the CSU, and request the UC, to provide fentanyl test strips through the campus health centers on campus. AB 461 is scheduled to be heard by this committee on June 28.

## **SUPPORT**

California Association of Christian Colleges and Universities  
California Faculty Association  
Faculty Association of California Community Colleges

## **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 1642	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	Gipson		
<b>Version:</b>	March 20, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** School facilities: master plan for green schoolyards: recommendations.

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

### SUMMARY

This bill requires the California Department of Education (CDE) and the Natural Resources Agency to facilitate an interagency and stakeholder engagement process to develop recommendations for a master plan for green schoolyards.

### BACKGROUND

Existing law:

- 1) Requires the governing board of any school district to meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new school facilities and schoolsites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code (EC) Section 35275)
- 2) Makes findings and declarations that school gardens provide an interactive, hands-on learning environment in which pupils learn composting and waste management techniques, fundamental concepts about nutrition and obesity prevention, and the cultural and historical aspects of our food supply. School gardens also foster a better understanding and appreciation of where food comes from, how food travels from the farm to the table, and the important role of agriculture in the state, national, and global economy. (EC 51795)
- 3) Establishes the Instructional School Gardens Program, administered by the CDE for the promotion, creation, and support of instructional school gardens through the allocation of grants, and through technical assistance provided, to school districts, charter schools, or county offices of education (COEs). (EC 51796)
- 4) Prohibits a local governing board from siting a school located on land that was previously a hazardous waste disposal site, that contains pipelines that carry hazardous substances, or that is near an airport runway or freeway, other busy traffic corridors and railyards that have the potential to expose students and school staff to hazardous air emissions. (EC 17213 and 17215)

- 5) Requires the California Environmental Protection Agency (CalEPA) to identify disadvantaged communities for investment opportunities. Requires these communities to be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following:
  - a) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation; or
  - b) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment. (Health and Safety Code 39711)

## ANALYSIS

This bill:

- 1) Requires the CDE and the Natural Resources Agency, in consultation with the Division of the State Architect (DSA), the Office of Public School Construction (OPSC), and any other appropriate state entities, as determined by the CDE and the Natural Resources Agency, to facilitate an interagency and stakeholder engagement process to develop, on or before December 1, 2024, recommendations for a master plan for green schoolyards.
- 2) Requires the CDE and the Natural Resources Agency to, on or before December 1, 2024, report to the appropriate policy and fiscal committees of the Legislature on the recommendations for a master plan for green schoolyards.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Reimagining our playgrounds can change the way our children experience the outdoors and enhance their learning and social development. With this bill, we can modify grim blacktop ‘playgrounds,’ by turning them into vibrant, verdant areas of play. AB 1642 aims to create green playgrounds, which promote healthy play for children as well as provide our communities with a way to reduce the high temperatures that are caused by asphalt playgrounds. Access to nature has been proven to affect health, happiness, and prosperity. It is time to think about our communities and how we can change them in ways that will transform the lives of students, families, teachers, and the whole community.”
- 2) ***Heat impact on students and their academic performance.*** As climate change intensifies, students are increasingly burdened by worsening heat waves, wildfires, drought, and other extreme weather-related events that hinder their well-being and academic development, according to a 2023 report from the Sean N. Parker Center for Allergy and Asthma Research at Stanford University and other partners, *Climate Resilient California Schools: Safeguarding Children’s*

*Health and Opportunity to Learn in TK-12.* Children are particularly vulnerable to extreme weather conditions because their bodies are more sensitive and less capable of self-regulating temperature.

According to a 2022 Legislative Analyst Office report, *Climate Change Impacts Across California K-12 Education*, climate change has led to students experiencing greater learning loss, poorer academic outcomes, food insecurity, and traumatic mental health problems. Moreover, minority children who live in high-poverty neighborhoods are often exposed to more heat, which contributes to racial disparities in health outcomes. School facilities located in low-income neighborhoods have historically had fewer financial resources to invest in efficient HVAC systems, thereby compounding student health risks from worsening climate change.

Indoor temperatures in California public schools are not currently subject to any upper limits in existing law, and schools are not required to have air conditioning or other cooling systems. Indoor classrooms that cannot maintain healthy temperatures exacerbate existing inequities in student and health outcomes (Patel, 2023). According to a 2020 Journal of Human Resources article, *Hot Temperature and High Stakes Performance*, hot temperature reduces performance by up to 13% of a standard deviation and leads to persistent impacts on high school graduation status, despite compensatory responses by teachers who selectively upward manipulate grades after hotter exams. According to a 2020 American Economic Journal: Economic Policy article, *Heat and Learning*, students of color and students in lower-income areas are the most affected by heat-driven learning losses, exacerbating racial and income-based achievement gaps. It is estimated that 5% of the nationwide gap in academic achievement between white and black students is due to heat and air conditioning disparities.

- 3) ***School garden programs.*** Existing law encourages schools to establish school garden programs. The Green Schoolyards grant program, a component of CalFire's Urban and Community Forestry Program, is designed to assist with planning and implementing projects to plant trees that, when mature, will cover at least 30% of each school property, shading areas used most often by students during the school day. Priority for these grants is being given to districts and schools in under-served communities with the highest poverty levels, hottest climates, and least existing tree cover. Non-profit child care facilities that receive state or federal funding are also eligible for these grant funds. The 2022-23 Budget included \$150 million over two years for Green Schoolyard grants (\$117 million in 2022-23 and \$33 million in 2023-24).

In 1995, the CDE launched the Garden in Every School initiative and collaborates with entities that support school gardens, including public and private agricultural agencies, waste management agencies, health agencies and others.

In 2006, AB 1535 (Nunez), Chapter 437, Statutes of 2006, provided \$15 million for a grant program administered by the State Superintendent of Public Instruction (SPI). Kindergarten through grade 8 schoolsites were eligible to



receive a maximum of \$2,500 and high schools were eligible to receive a maximum of \$5,000. Funds were used for instructional school garden equipment or supplies and professional development for teachers, garden volunteers and food service staff. According to the CDE, approximately 3,500 schoolsites received grants.

Existing law also requires a local governing board to evaluate methods for coordinating and planning new schoolsites and parks in the community. Many new schools are now constructed adjacent to a city park.

- 4) ***Arguments in support.*** The Trust for Public Land writes, "Climate change impacts on our K-12 schools and students have received increasing attention from scientists, universities and the California legislature as reports of dangerous 165-degree surface temperatures are becoming too common as the planet continues to heat up. Extreme heat is now harming our students and making their playgrounds and campuses unsafe. Most of our public schools were built in the decades following WWII and are in dangerous disrepair, covered in heat absorbing asphalt, offer no tree canopy or green spaces and are 'climate liabilities' to our communities and children."

## **SUPPORT**

Association of California School Administrators

## **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 1695  
**Author:** Gipson  
**Version:** April 18, 2023  
**Urgency:** No  
**Consultant:** Ian Johnson

**Hearing Date:** June 28, 2023

**Fiscal:** Yes

**Subject:** Career technical education: Nursing Pathway Pilot Program.

### SUMMARY

This bill establishes the Nursing Pathway Pilot Program in high schools to create pathways toward associate degrees in nursing at California Community Colleges (CCCs).

### BACKGROUND

Existing law:

- 1) Establishes the mission and function of the CCC, which, in part is to: 1) offer academic and vocational instruction at the lower division level for both younger and older students, including those persons returning to school; 2) authorizes the CCC to grant the associate in arts and the associate in science degrees; 3) requires the CCC to offer English as a Second Language instruction, adult noncredit instruction, and support services which help students succeed at the postsecondary level; and, 4) advance California's economic growth and global competitiveness through education, training, and services that contribute to continuous workforce improvement. (Education Code (EC) Section 66010.4)
- 2) Establishes the CCC under the administration of the Board of Governors (BOG); and, specifies that the CCC consist of community college districts. (EC Section 70900)
- 3) Requires the CCC BOG to provide leadership and direction in the continuing development of the CCC as an integral and effective element in the structure of public higher education in the state. The work of the BOG must at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the CCC. (EC Section 70901)
- 4) Stipulates, until January 1, 2025, that if a community college registered nursing program determines that the number of applicants to that program exceeds its capacity, the nursing program may admit students through specified methods.
- 5) Authorizes the K-12 component of the Strong Workforce Program (SWP) to create, support, or expand high-quality career technical education (CTE) programs at the K-12 level that are aligned with the workforce development efforts occurring through the SWP, and authorizes, commencing with the 2018-

19 fiscal year, and subject to an annual appropriation, \$150 million to be apportioned annually by the California Community Colleges Chancellor's Office (CCCCO) to local consortia. (EC 88827)

## ANALYSIS

This bill:

- 1) Establishes the Nursing Pathway Pilot Program until January 1, 2032.
- 2) Requires, subject to an appropriation, the Superintendent of Public Instruction (SPI) to allocate funding for the development of career pathways toward an associate degree in nursing at community college schoolsites, serving students in grades 9-12, subject to an appropriation of one-time funds for this purpose.
- 3) Requires the SPI to allocate funds to pilot local educational agencies (LEAs) on the basis of an equal amount per average daily attendance (ADA) based upon 2022-2023 figures, authorizes the funds to be encumbered through the 2026-2027 fiscal year, and requires funds to be subject to annual audits.
- 4) Requires the SPI to select the LEAs through a competitive application process by no later than July 1, 2024, based on an applicant's demonstrated ability with a CCC to provide all of the following:
  - a) Professional development for teachers, administrators, and paraprofessional staff or other classified employees involved in the direct instruction of pupils in the nursing profession, the employment opportunities that a career in nursing offers, the educational requirements for various nursing degrees, and age-appropriate instruction on basic direct patient health care principles;
  - b) The ability for pupils to earn credits towards an associate degree in nursing program at any CCC; and,
  - c) The inclusion of a signed statement of support from a community college.
- 5) Authorizes a pilot LEA to use the funds received for any of the following:
  - a) Professional development for teachers, administrators, and paraprofessional staff or other classified employees involved in the direct instruction of pupils on the nursing profession, the employment opportunities that a career in nursing offers, the educational requirements for various nursing degrees, and age-appropriate instruction on basic direct patient health care principles;
  - b) Instructional materials aligned to the applicable science curriculum framework adopted by the State Board of Education (SBE) and addressing the nursing profession; and,

- c) Age-appropriate hands-on instruction in hospitals, clinics, or other health care facilities.
- 6) Requires that a student enrolled in a pilot program earn credits toward an associate degree in nursing at any CCC. Credits are required to be applied upon the student's successful admission to the nursing program.
- 7) Requires that a student who completes a pilot program be granted preferential enrollment status toward an associate degree in any CCC, subject to the establishment of additional capacity in community college nursing programs above and beyond the level in place for the 2024-2025 academic year (AY).
- 8) Requires the CCC BOG to adopt policies to implement the requirements of this section.
- 9) Requires the California Department of Education (CDE), by January 1, 2028, to submit a report on the pilot program to the Legislature.

#### STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California is facing a nursing shortage crisis, and we must address it at the root. This pilot program proposal is not a short-term band-aid, it is a long-term solution. We must train and retain more nurses here in California to help stop this ever-widening chasm of demand."

The author states that, "this pilot program will be one tool in our belt to address this crisis, and it will empower our youth to fast-track their careers. Nurses are a vital part of the healthcare team, and healthcare systems fall apart without them, so it is crucial to shoring up our supply before this crisis reaches a critical tipping point."

- 2) ***The shortage of school nurses.*** By 2030, California is anticipated to have the most severe nursing shortage alongside Florida and Texas. It is estimated that for the 2018-2019 school year, there were about 2,700 school nurses employed and about 6.2 million students enrolled in California. This equates to about 2,300 students potentially needing care from each school nurse. Some rural counties reported no school nurses at all. The American Academy of Pediatrics recommends one school nurse to 750 students in a healthy population and one school nurse to 225 students when accounting for pupils who require daily professional health services.

These numbers are not new as it has been many years since every school in the state had a nurse of its own to conduct on-campus health screenings, review immunization records, tend to students' minor medical needs and perform other duties intended to keep students healthy. The role of school nurses has become more critical due to the pandemic, with schools required to follow an extensive list of health and safety protocols.

In analyzing the potential causes of the school nurse shortage, it should be noted that the average salary for a nurse in California is \$113,250. Meanwhile, the average salary for a school nurse in Los Angeles Unified was less than \$80,000 in 2019, according to the district. In Fresno Unified, a school nurse is currently paid between \$56,000 and \$91,000 for 185 days of work, according to the district. School nurses often work fewer days than nurses working in hospitals and clinics, but they have to accept a lower annual salary and must take additional classes and pay more fees to get the job, which requires a School Nurse Services Credential.

- 3) ***Existing school nursing credential programs only offered at higher education institutions.*** Currently, there are four school nursing credential programs in California offered in the state: California State University at Fresno, California State University at Sacramento, California State University at Fullerton, and one private program offered at Azusa Pacific University located northeast of Los Angeles. The cost for these credential programs range from \$4,392 to \$19,552. The four school nursing credential programs provide classes such as Advanced Pediatric Health Assessment and Health Promotion, Adolescent Health Care, and Advanced Health Assessment: Ambulatory Pediatrics. The curriculum of these programs are specific to K-12 schools. Aspiring candidates enter the credential programs certified as registered nurses where they learn to work with children in a school environment, provide health and wellness services to a diverse student body, demonstrate professional management skills of data and recordkeeping, and study the formulation and evaluation of health policy.
- 4) ***Arguments in support.*** The United Nurses Associations of California/Union of Health Care Professionals writes, "California faces a severe shortage of nurses, both now and in the future. If present trends continue, the shortage of nurses will only grow in the coming decades. With nursing programs impacted all over the state, it is imperative that we do whatever we can to speed up the training pipeline and get qualified nurses into patient care setting as soon as possible. AB 1695 accomplishes that by allowing high-school students to start earning the credits they need earlier than under current law, and enables them to complete the degree necessary to begin their career earlier. Currently, many potential nursing students are discouraged from entering the field simply because it will take years longer than it should for them to actually embark upon their professional career. Because it takes so long to get into nursing programs due to extended wait lists, this bill will remove some of the barriers facing students. This bill can make a real difference toward addressing the shortage of nurses, by enabling them to enter programs sooner and stay on track for the completion of the degree program. More nurses means more adequate staffing, which in turn leads to better patient outcomes and better health care access for all Californians."
- 5) ***Author amendments.*** The author has proposed, and staff concurs with, amending this bill to require the SPI to consult with the California Board of Registered Nursing and require the California Board of Registered Nursing to approve any nursing course curriculum to ensure alignment with California's Nursing Practice Act.

**SUPPORT**

American Federation of State, County, and Municipal Employees  
California Hospital Association  
California School Nurses Organization  
California Workforce Association  
Los Angeles County Office of Education

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1653	<b>Hearing Date:</b>	June 28, 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:** Interscholastic athletic programs: emergency action plans: heat illness: guidelines.

### SUMMARY

This bill requires the California Interscholastic Federation (CIF), in consultation with the California Department of Education (CDE), to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness, as specified, by July 1, 2024.

### BACKGROUND

Existing Law:

*Education Code (EC)*

- 1) Requires each high school sports coach to complete a coaching education program developed by their school district or the CIF that meets the guidelines outlined in the California High School Coaching Education and Training Program (CHSCTP). (EC § 49032)
- 2) States that the Legislature intends that school districts administer CHSCTP and emphasizes the following components:
  - a) Development of coaching philosophies consistent with school, school district, and governing board of a school district goals.
  - b) Sport psychology: emphasizing communication, reinforcement of pupils' efforts, effective delivery of coaching regarding technique and motivation of the pupil athlete.
  - c) Sport pedagogy: how pupil athletes learn and how to teach sports skills.
  - d) Sport physiology: principles of training, sports fitness, development of a training program, nutrition for athletes, and the harmful effects of using steroids and performance-enhancing dietary supplements by adolescents.
  - e) Sport management: team management, risk management, and working within a school program context.

- f) Training: certification in CPR and first aid, including, but not limited to, a basic understanding of the signs and symptoms of concussions and heat illness and the appropriate response to concussions and heat illness. Concussion or heat illness training may be fulfilled through entities offering free, online, or other training courses. “Heat illness” includes cramps, syncope, exhaustion, and exertional heat stroke.
  - g) Knowledge of and adherence to statewide rules and regulations, as well as school regulations, including, but not necessarily limited to, eligibility, gender equity, and discrimination.
  - h) Sound planning and goal setting. (EC § 35179.1(c))
- 3) Specifies that the CHSCTP does not endorse a particular coaching education or training program. (EC § 35179.1)
  - 4) Requires an local educational agency (LEA) or charter school that elects to offer any interscholastic athletic program, the governing board of the school district or the governing body of the charter school shall ensure that there is a written emergency action plan in place that describes the location and procedures to be followed in the event of sudden cardiac arrest and other medical emergencies related to the athletic program’s activities or events. (EC § 35179.4.)

## ANALYSIS

This bill requires the CIF, in consultation with the CDE, to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness, as specified, by July 1, 2024. Specifically, this bill:

- 1) Requires CIF, in consultation with CDE, to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness.no later than July 1, 2024.
- 2) Specifies guidelines developed by CIF must identify the environmental conditions at which a school shall limit and prohibit the practice and play and include information regarding the accurate measurement of environmental heat stress at the site of the athletic activity, including the use of Wet Bulb Globe Temperature (WBGT) to determine ambient temperature, relative humidity, wind speed, and solar radiation from the sun, including sun angle and cloud cover.
- 3) Specifies that the guidelines developed by CIF must identify the environmental conditions at which a school shall have a method to institute whole-body cooling to treat a student-athlete with exertional heat illness, especially heat stroke, that is easily accessible at all practice and contest venues.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Heat illness has become a leading cause of death for our student athletes. Parents and schools need all the tools they can to help ensure student athletes are able to practice and play their sports under



reasonably safe conditions. That's why I've introduced AB 1653, to help provide schools with more tools to be better prepared for emergencies related to heat illness."

- 2) ***What is Heat Illness?*** Heat Illness is a severe medical condition resulting from the body's inability to cope with a particular heat load and includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

*What Happens to the Body.* According to the Department of Industrial Relations, "Humans must maintain their internal body temperature within a few degrees above or below 98.6° F. People suffer from heat illness when their bodies cannot get rid of excess heat and adequately cool. The body loses its "heat balance" because it can not shed heat quickly enough.

The blood vessels get more significant when the body overheats and the heart beats faster and harder. More blood flows to the outer layers of the skin from the internal "core" so that the heat can be released into the cooler outside environment. If this process does not cool the body fast enough, or the outside air is warmer than the skin, the brain triggers sweating to cool the body. Sweat glands in the skin draw water from the bloodstream, making sweat. The sweat evaporates and releases the heat from the body. During an hour of heavy work in hot weather, the body can easily sweat out one quart of water.

Shifting blood to outer body layers (the "shell") causes less blood to go to the brain, muscles, and other organs (the "core"). Prolonged sweating can deplete the body of water and salt, causing dehydration. Muscle cramping may occur because the body loses water and the salts needed for the muscles to work. The physiological strain on the body from heat illness may cause the person to become dehydrated, weak, tired, and confused.

As dehydration worsens, the body can no longer keep its temperature within the normal range, sweating stops and severe heat illness occurs. In heatstroke, the person's body temperature rises rapidly, damaging the brain, muscles, and vital organs, causing death."

*On June 1, 2018, AB 2800 (Chu), Chapter 21, Statutes of 2018 - was signed into law by Governor Brown, which requires coaches, when renewing their CPR/FIRST AID, Concussion and Sudden Cardiac Arrest (SCA) certification that they also complete separate training in the signs and symptoms of heat illness. Information about heat illness (prevention and treatment) can be found on CIF's website.*

*According to CIF's 2022-23 Constitution and Bylaws, "A student-athlete who exhibits signs of heat illness while participating in, or immediately following, an athletic activity must be removed immediately from participating in a practice or game for the remainder of the day. A student-athlete who has been removed from play after displaying signs and symptoms associated with heat illness may not return to play until the athlete is evaluated by a licensed health care provider and receives written clearance to return to play from that health care provider. On a yearly basis, a Heat Illness information sheet shall be signed and returned by all*

*athletes and the athlete's parent(s)/guardian(s)/caregiver before the athlete's initial practice or competition."(Article 50, Bylaw 503(K))*

- 3) **How Wet Bulb Globe Temperature Can Help Prevent Heat Illness.** According to the National Weather Service, "WBGT is a measure of the heat stress in direct sunlight, which takes into account: temperature, humidity, wind speed, sun angle, and cloud cover (solar radiation). This differs from the heat index, which considers temperature and humidity and is calculated for shady areas."

As environmental temperature and humidity increase, there is an increase in the heat stress that is placed on the exercising individual. Exercise in the heat causes athletes to rely on the evaporation of sweat from the skin as the primary method of dissipating heat produced by the working muscles. As humidity increases, the ability to dissipate heat through evaporation is further hindered, thus causing the body to have an increased body temperature, which increases the risk of heat illness.

According to CIF's website, "Coaches should ideally be aware of the Web Bulb Globe Temperature which measures not only temperature and humidity (the "heat index") but also wind speed, sun angle, and cloud cover. The WBGT is the most accurate measure of environmental heat stress. For example, the higher the temperature and humidity, with minimal wind and cloud cover, and with the sun directly overhead at 12 noon, the higher the WBGT and the more difficult for the body to cool itself. Knowing the WBGT using a device or an estimation (go to "Wet Bulb Globe Temperature Monitoring" below) will guide precautions for athletic activity. Athletes with heat illness risk factors should be closely supervised during strenuous activities, especially in hot and/or humid conditions."

- 4) **Training Requirements Currently Set By CIF.** According to CIF's website, "The purpose of the CIF Coaching Education Program is to enhance student-athletes experience by assuring their coaches meet a minimum level of professional training. The program provides strong, pragmatic, and comprehensive instruction for coaches of interscholastic athletics in California consistent with the highest national standards set by the legislature, state Department of Education, California Interscholastic Federation, and National Federation of State High School Associations."

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

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

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

Physiologists (ASEP) websites. In addition to the requirements above, cheer coaches must complete The Cheer and Dance Safety Certification course through the NFHS and USA Cheer.

- 5) ***Who Receives Training?*** Existing law requires each high school sports coach to complete a coaching education program developed by their school district or the CIF that meets the guidelines outlined in the CHSCTP. Additionally, CIF Bylaw 22.B. (9) defines a coach, either paid or unpaid, as “any individual that the school/district is required to approve under California Education Code 33190-33192, 45125.01 and 45125.1.” According to the CIF, “Simply stated, the law applies to anyone who must be fingerprinted and is approved by their local school board/directors to have contact with students. This applies to all CIF member schools, public and private.”

6) **Related Legislation**

*AB 245 (McKinnor, 2023)* would add to the CHSCTP by July 1, 2024, training in recognizing and responding to the signs and symptoms of concussions, heart illness, and cardiac arrest. This bill is currently on the Senate Floor.

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

*AB 2009 (Maienschein)*, Chapter 646, Statutes of 2018, added requirements that a school district or charter school that elects to offer any interscholastic athletic program ensure that there is a written emergency action plan in place and acquire at least one automated external defibrillator (AED) for each school for emergency care in the event of cardiac arrest and other related medical emergencies. The bill also clarified that existing law providing conditional liability protections to those acquiring or using these AEDs would apply.

*AB 1451 (Hayashi)*, Chapter 173, Statutes of 2012, added requirements to the CHSCTP for training on understanding the signs and symptoms of concussions and the appropriate response.

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

**SUPPORT**

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 1749	<b>Hearing Date:</b>	June 28, 2023
<b>Author:</b>	McCarty		
<b>Version:</b>	May 18, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Student Transfer Achievement Reform Act: University of California.

### SUMMARY

This bill expands, commencing with the 2025–2026 academic year (AY), provisions of the Student Transfer Achievement Reform (STAR) Act to additionally require that a student who earns an associate degree for transfer (ADT) be deemed eligible for transfer into a University of California (UC) baccalaureate degree program if they meet certain requirements; requires the UC to guarantee admission with junior status to a California Community College (CCC) student who has earned an ADT, as specified; and, provides that a student admitted to the UC pursuant to this Act is entitled to receive priority over all other CCC transfer students, excluding CCC students who have entered into a transfer agreement between a CCC and the UC before the fall term of the 2025–2026 AY.

### BACKGROUND

Existing law:

- 1) Under the California Constitution, 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) Under the California Constitution, states that the university be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs. (Constitution of California, Article IX, Section 9 (f))
- 3) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (Education Code (EC) § 67400)
- 4) Declares the UC as the primary state-supported academic agency for research. (EC § 66010.4 (c))

- 5) Requires the segments of higher education to develop an intersegmental common core curriculum in general education for the purpose of transfer. This common core curriculum is known as the Intersegmental General Education Transfer Curriculum (IGETC). Any student who completes the IGETC course pattern is deemed to have completed the lower division coursework required for transfer to the UC or the California State University (CSU). (EC § 66720)
- 6) Requests the UC to identify commonalities and differences in similar majors across all UC campuses and provide CCC students with the information in at least the top 20 majors. (EC § 66721.7)
- 7) Requests the UC Regents, on or before March 1 in each year from 2017 to 2022, inclusive, to submit an annual report to the Legislature, on the UC's data on student transfers and to beginning on or before March 1, 2019, in its report to include the same data points, on transfer students with a UC Transfer Pathway. (EC § 66721.9)
- 8) Requires the governing board of each public postsecondary education segment to be accountable for the development and implementation of formal systemwide articulation agreements and transfer agreement programs, including those for general education or a transfer core curriculum, and other appropriate procedures to support and enhance the transfer function. (EC § 66738)
- 9) Requires the Chancellor of CSU, in consultation with the Academic Senate of the CSU, to establish specified components necessary for a clear degree path for transfer students, including specification of a systemwide lower division transfer curriculum for each high-demand baccalaureate major. (EC § 66739.5)
- 10) Establishes the STAR Act, which, in part, requires, commencing with the fall term of the 2011-2012 AY, a student that receives an ADT to be deemed eligible for transfer into a CSU baccalaureate degree program when the student meets specified requirements. Requires a granting of this degree when a student accomplishes both of the following:
  - a) Completes 60 semester or 90 quarter units eligible for transfer to the CSU and that includes the CSU General Education Breadth program for IGETC, and a minimum of 18 semester or 27 quarter units in a major area of emphasis as determined by the district.
  - b) Obtains a minimum grade point average of 2.0. (EC § 66745, et seq.)
- 11) Requires the CSU and UC to jointly establish a singular lower division general education (GE) pathway for transfer admission into both segments, and also requires the CCC to place students who declare a goal of transfer on an ADT pathway for their intended major. Establishes the ADT intersegmental implementation committee to serve as the primary entity charged with oversight of the ADT [also referred to as the STAR Act of 2021]. (EC § 66749.8)
- 12) Requires the CSU Chancellor's Office to implement articulated nursing degree transfer pathways for Associates Degree in Nursing (ADN) students at CCCs

seeking a Bachelor's Degree in Nursing (BSN) at CSU prior to the 2012-2013 AY. (EC § 89267.5)

## ANALYSIS

This bill expands provisions of the STAR Act regarding transfer admissions from a CCC to a CSU to apply to the UC. Specifically, it:

- 1) Deems, commencing with the fall term of the 2025-26 academic year, that a student who earns an ADT is eligible for transfer into a UC baccalaureate program when the student meets both of the following requirements:
  - a) Completion of 60 semester units or 90 quarter units that are eligible for transfer to the UC, including both of the following:
    - i) The singular lower division general education pathway, as specified.
    - ii) A minimum of 18 semester units or 27 quarter units in a major or area of emphasis, as determined by the community college district, and meeting the requirements of an approved transfer model curriculum.
  - b) Obtainment of a minimum grade point average of 3.0.
- 2) Prohibits a community college district from imposing any requirements in addition to the requirements in current law for a student to be eligible for the ADT and subsequent admission to the UC.
- 3) Encourages a community college district to consider the local articulation agreements and together work between the respective faculties from the affected CCC and UC to implement requirements in current law for a student to be eligible for the ADT.
- 4) Requires the UC to guarantee admission with junior status to a community college student who has earned an ADT, as specified, with admission to a program or major and concentration that is similar to the student's ADT or that may be completed with 60 semester units, as specified.
- 5) Requires UC to grant a student priority admission to the student's local UC campus and to a program or major and concentration that is similar to the student's ADT, as determined by the UC campus to which the student is admitted.
- 6) Requires a UC campus to accept transfer model curriculum-aligned ADT in every major and concentration offered by the UC campus that meets the prescribed criteria and requires a UC campus to additionally make every effort to accept transfer model curriculum-aligned ADT in each of the UC concentrations.

- 7) Provides that a student admitted to the UC pursuant to the Act is entitled to receive priority over all other CCC transfer students, excluding CCC students who have entered into a transfer agreement between a CCC and the UC before the fall term of the 2025–2026 AY.
- 8) Provides that admission to UC under the Act does not guarantee admission for a specific major or campus.
- 9) Requires the UC to develop an admissions redirection process for ADT admitted students who apply for admission to the UC but are not accepted into the campus specifically applied to.
- 10) Establishes a 60-semester unit cap for majors requiring 120 semester units, provides flexibility for high-unit majors, and prohibits UC from requiring ADT students transferring to UC to repeat courses that are similar to those taken at the CCC that counted toward their ADT.
- 11) Requires the Legislative Analyst's Office (LAO) in the spring of 2026 to review and report to the Assembly Committee on Higher Education, the Senate Committee on Education, and the respective education finance budget subcommittees of the Assembly and Senate, an update on the implementation of the STAR Act after the inclusion of the UC.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “AB 1749 delivers on a long-standing goal in California: to simplify and streamline transfer paths for hardworking, qualified community college students wishing to attend a UC or a CSU. Creating a universal transfer path will increase economic opportunity and prosperity for all Californians and help our state economy thrive.”
- 2) **Transfer education is a core mission of CCCs.** The provision of quality transfer education is a primary mission of the community colleges. As outlined in the Master Plan for Higher Education and by state statute, the CCCs are designated to have an open admission policy and bear the most extensive responsibility for lower-division undergraduate instruction. Its three primary areas of mission include education leading to associates degrees and university transfer, career technical education, and basic skills.

The transfer function is an essential component of the commitment to access. The UC and CSU are to establish a lower division to upper division ratio of 40:60 in order to provide transfer opportunities into the upper division for community college students. The goal was that UC and CSU would enroll at least one community college transfer student for each two freshmen enrolled. All eligible CCC transfer students are to be provided a place in the upper division and are to be given priority over freshmen in the admissions process.

CCC students have many options, they can earn a traditional Associate of Arts (AA) degree, transfer to a four-year university or upskill for the workforce. Students confront many choices with each variation of options. In 2010, the

Legislature enacted a law requiring CCCs to streamline transfer to CSU and AA degree completion by developing the ADT pathway. Other terminal AA degrees and transfer pathways including UC specific options continue to be offered.

- 3) **ADT benefits for students.** Since the enactment of SB 1440 (Padilla, Chapter 428, Statutes of 2010), the STAR Act, the ADT has made significant strides in streamlining the transfer process for students, and has become a successful pathway to earning a bachelor's degree. Specifically, the Act requires CCC districts to develop and grant a transfer associate degree that deems the student eligible for transfer into the CSU, when the student meets certain course requirements. Completion of an ADT guarantees a student:
- a) Admission with junior status to a CSU campus but not to a specific campus or major.
  - b) No additional lower-division CSU coursework.
  - c) No more than 60-semester units of upper-division CSU coursework to complete a bachelor's degree, in addition to the 60 units completed at community college, results in a 120-unit pathway to a bachelor's degree.
  - d) Priority admission at CSU.

This bill seeks to require UC to extend these benefits to CCC students transferring to a UC campus. However, the California Constitution declares the UC an independent body governed by the UC Regents and retains the authority to manage all academic affairs (as noted in the background of this analysis). It's unclear to what extent UC can be compelled to comply with the provisions of this bill.

- 4) **ADT participation.** Since developing the ADT, the CCC system has also entered into transfer agreements with private nonprofit universities, some of which now also guarantee admission and junior standing to students with an ADT.

As of October 2020, over 280,000 CCC students have earned an ADT and over 40 ADT (now 41) pathways exist at CCC. Since 2012, the percent of students transferring with the ADT grew from 3 percent to 42 percent. In fall 2020, transfer students entering the CSU with an ADT represented nearly half of new community college transfers. More than half of ADT transfer student graduate from the CSU within two years and 83 percent within four years compared to 76 percent who transferred with a traditional associate degree.

- 5) **UC Transfer Admission Programs.** UC has several transfer admission programs for CCC students with more than 60 percent of transfer-students graduating from UC within two years and close to 90 percent in four years. These programs include:
- a) *Transfer Admission Guarantee (TAG).* The TAG program guarantees CCC students admission to a specific major at the UC campus of their choice, provided they meet certain course and GPA requirements. Campuses



offering TAG agreements are Davis, Irvine, Merced, Riverside, Santa Barbara, and Santa Cruz. By submitting a TAG agreement, students can confirm their admission to a particular UC campus and may receive an early review of their academic records, early admission notification, and individual guidance about major preparation and general education coursework. The conditions for a TAG often include major preparation requirements and a requisite GPA in those courses.

- b) *UC Transfer Pathways.* The Transfer Pathways are a common set of major-based preparatory courses offered across all nine UC undergraduate campuses for twenty of the majors most sought after by CCC transfer applicants. As a clear roadmap for prospective transfers, a Transfer Pathway guides CCC students by identifying a single set of CCC courses, aligned with their chosen major, which will transfer to UC campuses. CCC students can follow one of UC's Transfer Pathways to start preparing for their major at a community college and can keep their UC campus options open.
- c) *Pathways+.* Pathways+ is the most recent transfer guarantee policy based on the UC Transfer Pathway majors. CCC students complete one of the UC Transfer Pathways, which includes major-preparatory coursework accepted across all nine UC campuses, as well as a TAG for the major. By completing a UC Transfer Pathway and a campus-based TAG in the same major, Pathways+ students are prepared for competitive admission across all nine of UC's undergraduate campuses, while simultaneously securing guaranteed admission to one of the TAG campuses.
- d) *UC Transfer Pathway (UCTP) Degrees.* The UCTP Associate Degrees in Chemistry and Physics are pilot community college degree programs that build on UC's Pathways+ program.
- e) *Associate Degree for Transfer.* Students who complete an ADT are eligible for transfer admission to UC and are admitted provided they meet other UC admission criteria and GPA requirements.
- f) Other local transfer agreements.

This bill attempts to integrate the ADT pathway with the guarantee of admission within the UC system for the purposes of streamlining CSU and UC transfer admission pathways for community college students.

- 6) **Promising UC Merced pathway aligned with ADT.** The collaboration among regional leaders in the CCC, CSU, and UC systems has resulted in a streamlined pathway to a bachelor's degree for students in the central valley. This initiative is lead by the Central Valley Higher Education Consortium (CVHEC) is aimed at simplifying and streamlining transfer pathways between community colleges and universities. The ultimate goal of this initiative is to create 2+2 pathways that build upon the ADT. This will enable students at any CCC in the region to prepare for transfer and complete a bachelor's degree at either UC Merced or one of the three CSU campuses in the Valley (Stanislaus, Fresno, and

Bakersfield). This development is expected to have a positive impact on the educational attainment of students in the region.

- 7) **Arguments in opposition.** The UC argues, in part, in their opposition letter, “The University enrolls more community college students than any university of its type in the nation. Each year we receive approximately 40,000 transfer applications and, of those, 75 percent gain admission. These students do not only enroll at the University—they succeed, earning degrees and contributing to an educated, upwardly mobile California workforce. The current process through which campuses review applications—called comprehensive review—has allowed campuses to admit students from all walks of life. Nearly half of our transfer students are first generation or low income, and over 30 percent are non-native English speakers. In the last decade, enrollment among students from underrepresented groups has grown much faster than overall enrollment.

The University continues to expand access and ease the transfer process for our transfer students as part of an ongoing effort to evolve and ensure we are operating in the best interest of our students. Between 2014 and 2021, the number of community college applicants to the University increased by a third, and the number of community college students admitted to UC campuses increased by more than that—by 36 percent—during the same period.

Although the University both appreciates and understands the desire to streamline the transfer process, the current language in AB 1749 is not reflective of an approach that prioritizes successful outcomes for transfer students. In fact, AB 1749, if adopted, would harm students by forcing them to take courses they do not need, thus increasing their time to degree and the cost to attain their education. For example, many ADTs require more or different courses than UC campuses currently require for admission into certain majors. This means that students would be taking courses that the ADT requires but that in no way support progress toward their major. This places an unnecessary burden on our students.

In addition, AB 1749 would not allow us to use our comprehensive review process, thus undermining our considerable efforts to foster inclusivity and welcome a student body that reflects the broad composition of the State. We are concerned that guaranteeing admission solely on the basis of the courses students take and what grades they receive, ignores the many other important factors that makes a student who they are. Our current comprehensive review process already considers receipt of an ADT as one of many important factors in evaluating an application. AB 1749 would deprioritize the other factors we consider equally important, such as the student's life experiences and special circumstances, location of the student's college and residence, and experiences that demonstrate unusual promise for leadership. The University of California is prepared to work with the author, Legislature, and other key stakeholders to focus on student-centered approaches to improving transfer. This includes further refining the systemwide proposal developed earlier this year or developing a pilot program at a UC campus that could implement the ADT guarantee on a small scale to determine its impacts to our student body.”

- 8) **Arguments in support.** According to the Campaign for College Opportunity (Campaign), “despite making significant progress over the last decade to improve the transfer process through the ADT, California’s transfer process remains significantly impeded by misalignment between the CSU and UC’s preferred transfer programs, and remains overly complex as a result of the UC’s reliance on separate transfer admission programs rather than utilizing the ADT as a systemwide admission guarantee.”

Further, the Campaign states, that, “by utilizing separate campus by campus transfer admission guarantees via the TAG program, or even program by program transfer agreements via the Pathways Program, community college students are left to navigate a complex maze of costly decision points as they navigate the transfer maze, while also deciding whether their transfer goals are with the CSU or the UC. This misalignment is of particular concern for California’s low income, first generation, Black, and Latinx students. Latinx students represent over half of the students who declare a transfer goal, yet only 35% transfer within four years. Black students declare transfer goals at a much lower rate, only seven percent, and only five percent successfully transfer.”

The Campaign contends that, “there is much progress to celebrate about in our pursuit of a streamlined, simplified transfer pathway that is easy for students to navigate – with the most significant progress occurring when the CCC, CSU, and UC are willing and able to collaborate around shared goals and adopt universally accepted pathways for the purposes of transfer. The most recent example of our public higher education segments coalescing in this way is through the adoption of a singular General Education pathway (Cal-GETC) for the purposes of transfer to both the CSU and UC. The development of Cal-GETC took significant effort from each segments’ faculty representatives, but their efforts to prioritize the student experience will result in less confusion and improved time to degree for students. However, more work remains to simplify transfer. We owe it to our students to ensure that they have a clear roadmap for transfer success, and that community college students are able to utilize the ADT to earn an admissions guarantee to both the CSU and the UC.”

- 9) **Prior legislation**

AB 928 (Berman, Chapter 566, Statutes of 2021), the STAR Act of 2021, in part, required the CSU and UC to jointly establish a singular lower division GE pathway for transfer admission into both segments, and also required the CCC to place students who declare a goal of transfer on an ADT pathway for their intended major.

SB 440 (Padilla, Chapter 720, Statutes of 2013), required, prior to the 2014-2015 AY, a CCC create an ADT in every major that has an existing transfer model curricula (TMC). Specifies that once a TMC is approved by faculty, community colleges use it to design an ADT in that particular major.

AB 2302 (Paul Fong, Chapter 427, Statutes of 2010), made changes to existing law regarding transfer admissions to support the transfer pathway proposed by SB 1440 (Padilla) (as described below).

SB 1440 (Padilla, Chapter 428, Statutes of 2010) created the STAR Act, which, in part, created the ADT; a two-year 60-unit associate degrees for transfer that are fully transferable to CSU. These degrees require completion of: (1) a minimum of 18 units in a major or area of emphasis, as determined by each community college; and, (2) an approved set of general education requirements. Students who earn such a degree are automatically eligible to transfer to the CSU system as an upper-division student in a bachelor's degree program and need only complete two additional years (an additional 60 units) of coursework to earn a bachelor's degree.

## **SUPPORT**

Campaign for College Opportunity (Sponsor)  
African American Male Education Network & Development  
Alliance College-ready Public Schools  
Alliance for A Better Community  
BLU Educational Foundation  
California Community Colleges Chancellor's Office  
California Competes  
California School Employees Association  
California Teachers Association  
College for All Coalition  
Congregations Organized for Prophetic Engagement  
Consejo De Federaciones Mexicanas  
Delores Huerta Foundation  
Hispanas Organized for Political Equality  
Inner City Struggle  
John Burton Advocates for Youth  
Los Angeles United Methodist Urban Foundation  
Para Los Ninos  
Parent Institute for Quality Education  
Partnership for Los Angeles Schools  
Promesa Boyle Heights  
Southern California College Access Network  
Southern California College Attainment Network  
Student Senate for California Community Colleges  
Television Academy Foundation  
The Education Trust - West  
uAspire  
UC Student Association  
Unite-LA  
University of California Student Association  
Young Invincibles

## **OPPOSITION**

University of California  
University of California Academic Senate

**-- END --**