

Vice-Chair
Ochoa Bogh, Rosilicie

Members
Cortese, Dave
Glazer, Steven M.
McGuire, Mike
Smallwood-Cuevas, Lola
Wilk, Scott

California State Senate

EDUCATION



JOSH NEWMAN
CHAIR

Staff Director
Lynn Lorber

Principal Consultant
Olga Lilia Ramirez
Ian Johnson
Kordell Hampton

Committee Assistant
Maria Velez
Irma Kam

1021 O Street, Room 6740
(916) 651-4105
FAX: (916) 324-0917

AGENDA

Wednesday, June 7, 2023
9 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | |
|------|---------|-------------|---|
| 1. | SR 38 | Durazo | Nonviolence Movement Curriculum Framework. |
| *2. | AB 87 | Quirk-Silva | Pupils: Section 504 plans: meetings and team meetings. |
| *3. | AB 446 | Quirk-Silva | Pupil instruction: handwriting. |
| *4. | AB 497 | Quirk-Silva | Special education: braille instructional aide: notice of teacher credentialing programs. |
| *5. | AB 723 | Quirk-Silva | Pupil placement: special education: foster children: nonpublic, nonsectarian schools or agencies: school of origin. |
| *6. | AB 1555 | Quirk-Silva | Transitional kindergarten: teacher assignments: qualification requirements. |
| *7. | AB 245 | McKinnor | High school athletics: California High School Coaching Education and Training Program: emergency action plan. |
| *8. | AB 1151 | McKinnor | Community colleges: civic centers: uses: insurance. |
| 9. | AB 264 | Ting | Community colleges: Lunar New Year holiday. |
| *10. | AB 275 | Ward | School governance: governing boards: pupil members: compensation. |
| *11. | AB 634 | Ward | Community colleges: career development and college preparation courses. |
| 12. | AB 285 | Luz Rivas | Pupil instruction: science requirements: climate change. |
| *13. | AB 358 | Addis | Community college districts: student housing. |
| 14. | AB 370 | Addis | Pupil instruction: State Seal of Biliteracy. |
| *15. | AB 368 | Holden | College and Career Access Pathways partnerships. |

*16.	AB 373	Gipson	Intersession programs: foster children and homeless youth: priority access.
*17.	AB 417	Bennett	County boards of education: pupil members.
*18.	AB 611	Weber	Special education: nonpublic, nonsectarian schools or agencies: change in certification status: parental notification.
19.	AB 721	Valencia	School districts: budgets: public hearings: notice.
20.	AB 760	Wilson	California State University and University of California: records: affirmed name and gender identification.
*21.	AB 872	Education	Elementary and secondary education: omnibus bill.
*22.	AB 1071	Hoover	Teen dating violence prevention education: online information and resources.
*23.	AB 1165	McCarty	Pupil discipline: racist bullying, harassment, or intimidation: restorative justice practice.
*24.	AB 1173	Ta	College and career fairs.
*25.	AB 1326	Megan Dahle	School district board vacancies: internet website notifications.
*26.	AB 1342	Megan Dahle	California College Promise: fee waiver eligibility.
*27.	AB 1541	Mike Fong	Community colleges: governing board membership: student members.
*28.	ACR 18	Mike Fong	School curriculum: Asian American history and contributions.

***Measures on consent.**

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: SR 38

Hearing Date: June 7, 2023

Author: Durazo

Version: May 4, 2023

Urgency:

Fiscal:

Consultant: Kordell Hampton

Subject: Nonviolence Movement Curriculum Framework.

SUMMARY

This resolution encourages each local education agency (LEAs) to include in its curriculum the study of the events of the Civil Rights Movement; the principles of nonviolence that Dr. Martin Luther King, Jr.; and the tactics and strategies of nonviolent resistance that were championed in response to such Jim Crow laws of that era.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the State Board of Education (SBE) to include information designed to instruct pupils on Dr. Martin Luther King, Jr., the civil rights movement, and contributions made by ethnic minority groups to the history of the United States in the area of history-social sciences (H-SS) for use in kindergarten and grades 1 to 8. (EC 60200.6)

ANALYSIS

This resolution encourages each LEAs to include in its curriculum the study of the events of the Civil Rights Movement; the principles of nonviolence that Dr. Martin Luther King, Jr.; and the tactics and strategies of nonviolent resistance that were championed in response to such Jim Crow laws of that era. Specifically, this bill:

- 1) Urges the Instructional Quality Commission (IQC) and SBE to consider and develop content for the next history-social science curriculum framework and adoption on the instruction of the Civil Rights Movement, including the campaigns of the nonviolent movement of America during the period between 1953 and 1973.
- 2) Urges the California Department of Education to immediately begin developing and selecting age-appropriate model curricula available to all local education entities on the instruction of the Civil Rights Movement during the same period.
- 3) Specifies in the next H-SS curriculum framework, adoption, and model curricula should include, at a minimum:

- a) Jim Crow-era laws in the United States, including laws that embodied the “separate but equal” doctrine;
 - b) The leadership, tactics, and strategies of nonviolent resistance to Jim Crow-era laws championed by Dr. Martin Luther King, Jr.;
 - c) The principles of natural rights and natural law, which informed the leadership of Dr. Martin Luther King, Jr.;
 - d) The passage of the Civil Rights Acts of 1957, 1960, and 1964;
 - e) The passage of the Voting Rights Act of 1965;
 - f) Campaigns of the nonviolent movement of America that occurred between 1953 and 1973;
 - g) The impact of the Little Rock Nine beginning in 1957; and
 - h) The Delano Grape Boycott of 1965.
- 4) Makes findings related to the importance of the Civil Rights Movement and the important lesson that can be drawn from Civil Rights leaders such as Dr. Martin Luther King, Jr., Reverend James M. Lawson, Jr., Congressman John Lewis, Cesar E. Chavez, Dolores Huerta, Larry Itliong, and Rabbi Leonard I. Beerman.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Nonviolence must become as relevant today as it was during the nonviolent campaigns of the Civil Rights Movement, which helped push for peaceful social change. By teaching our students about nonviolence principles, it can help this generation become the generation that helps our nation move towards healing, overcome the hate and division among us, and build a just and harmonious community.”
- 2) **Contributions and Essential Lessons from the Civil Rights Movement.** The civil rights movement took place during 1954-1968. The nonviolent protests, motivation, and inspiration ultimately led to the campaign ending up successfully, earning African-Americans the right to participate in politics and becoming less discriminated against and mistreated. Despite the success and the declaration of the civil rights movement, not everyone decided to treat African-American fairly due to their personal beliefs.

The 1950s and '60s were the height of the Civil Rights Movement and the continued struggle for social and racial justice for African Americans in the United States. The Civil War abolished slavery, but it did not end discrimination. African Americans, along with help from many white colleagues, mobilized and began an unprecedented journey for equality.

Montgomery Bus Boycott (1955). This boycott was born after Rosa Parks was arrested for refusing to give up her seat on a bus in Montgomery, Ala., to a white

male passenger. The next day, Dec. 1, 1955, Dr. Martin Luther King, Jr. proposed a citywide boycott against racial segregation on the public transportation system. African Americans stopped using the system and would walk or get rides instead. The boycott continued for 381 days and was very effective. In June 1956, a federal court ruled that the laws to keep buses segregated were unconstitutional, and the U.S. Supreme Court eventually agreed. The Montgomery bus boycott was one of the first major movements that initiated social change during the civil rights movement.

Albany Movement (1961). This movement protested the segregation policies in Albany, Ga. Many groups took part in the Albany movement, including the Student Nonviolent Coordinating Committee (SNCC), the National Association for the Advancement of Colored People (NAACP), local activists, and King's Southern Christian Leadership Conference (SCLC). Dr. Martin Luther King's goal was to offer counsel rather than become a participant, but he was jailed during a demonstration and was given a sentence of 45 days or a fine. He chose jail to push for change but was released three days later.

Birmingham Campaign (1963). The goal of the Birmingham campaign was to end discriminatory economic policies in Alabama city against African American residents. They faced deep financial disparities and violent reprisal when addressing racial issues. The campaign included a boycott of certain businesses that hired only white people or maintained segregated restrooms. Protesters used nonviolent tactics such as marches and sit-ins to get arrested so the city jail would become crowded. Police used dogs and high-pressure water hoses against protesters. This campaign ended successfully when many signs of segregation in Birmingham businesses came down, and public places became accessible to people of all races.

Bloody Sunday (1965). This march went down in history as Bloody Sunday for the violent beatings state troopers inflicted on protesters as they attempted to march peacefully from Selma, Ala., to the state capital, Montgomery—the march aimed to fight African Americans' lack of voting rights. Approximately 600 protesters were to travel from Selma on U.S. Highway 80 to the state capital on March 7, 1965, led by John Lewis, then chairman of the SNCC, and the Rev. Hosea Williams of the SCLC. Police violence against protesters brought the march to a shocking end. Footage of the brutality broadcast nationwide sparked public outrage and boosted support for the Civil Rights Movement.

Major victories from the Civil Rights Movement, including *Brown v. Board of Education*, the Civil Rights Act of 1964, the Voting Rights Act, and the Fair Housing Act, chipped away at the racist power structures that proliferated the southern United States.

- 3) **Civil Rights Movement Included In State Content Standards.** Senate Bill 1 from the fifth Extraordinary Session (SB X5 1) in 2010 established the California Academic Content Standards Commission (Commission) to evaluate the Common Core State Standards for English Language Arts (ELA) and Literacy in History/Social Studies, Science, and Technical Subjects developed by the

Common Core State Standards Initiative for rigor and alignment with the California standards.

United States History and Geography: Continuity and Change in the Twentieth Century	
Overarching Standards	
<ul style="list-style-type: none"> a) Students analyze federal civil and voting rights development (HSS-11.10). b) Students analyze the major social problems and domestic policy issues in contemporary American society (HSS-11.11) c) Students analyze the major political, social, economic, technological, and cultural developments of the 1920s. (HSS-11.5) 	
Standards	
<ul style="list-style-type: none"> a) Examine the roles of civil rights advocates (e.g., A. Philip Randolph, Martin Luther King, Jr., Malcolm X, Thurgood Marshall, James Farmer, Rosa Parks), including the significance of Martin Luther King, Jr.'s "Letter from Birmingham Jail" and "I Have a Dream" speech. b) Discuss the diffusion of the civil rights movement of African Americans from the churches of the rural South and the urban North, including the resistance to racial desegregation in Little Rock and Birmingham, and how the advances influenced the agendas, strategies, and effectiveness of the quests of American Indians, Asian Americans, and Hispanic Americans for civil rights and equal opportunities (HSS 11.10.5) c) Analyze the passage and effects of civil rights and voting rights legislation (e.g., 1964 Civil Rights Act, Voting Rights Act of 1965) and the Twenty-Fourth Amendment, emphasizing equal access to education and the political process. (HSS 11.10.6) d) Discuss the significant domestic policy speeches of Truman, Eisenhower, Kennedy, Johnson, Nixon, Carter, Reagan, Bush, and Clinton (e.g., about education, civil rights, economic policy, and environmental policy) (HSS-11.11.2). e) Analyze the international and domestic events, interests, and philosophies that prompted attacks on civil liberties, including the Palmer Raids, Marcus Garvey's "back-to-Africa" movement, the Ku Klux Klan, and immigration quotas and the responses of organizations such as the American Civil Liberties Union, the National Association for the Advancement of Colored People, and the Anti-Defamation League to those attacks (11.5.2) 	

- 4) **Ethnic Studies Model Curriculum.** In 2018, the SBE approved Ethnic Studies Model Curriculum Guidelines based on AB 2016 (Alejo), Chapter 327, Statutes of 2016. According to the SBE, "the model curriculum focuses on the four ethnic groups at the core of the ethnic studies field. At the same time, this coursework, through its overarching study of the process and impact of the marginalization resulting from systems of power, is relevant and important for students of all

backgrounds. By affirming the identities and contributions of marginalized groups in our society, ethnic studies help students see themselves and each other as part of the narrative of the United States. This helps students see themselves as active agents in the interethnic bridge-building process we call American life.” The model curriculum discusses ways in which the Civil Rights Movement can be embedded within the H-SS Framework.

SUPPORT

Clergy and Laity United for Economic Justice

OPPOSITION

None received.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 87	Hearing Date:	June 7, 2023
Author:	Quirk-Silva		
Version:	March 27, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Ian Johnson		

Subject: Pupils: Section 504 plans: meetings and team meetings.

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

SUMMARY

This bill grants parents, guardians, and local educational agencies (LEAs) the authority to make audio recordings of Section 504 team meetings.

BACKGROUND

Existing law:

- 1) In federal law, establishes the Individuals with Disabilities Education Act (IDEA), in order to ensure that all children with disabilities have a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living, among other purposes. (20 U.S.C. Section 1400)
- 2) In federal law, the Rehabilitation Act of 1973, prohibits an individual with a disability, as defined, from, solely by reason of his or her disability, being excluded from the participation in, being denied the benefits of, or being subjected to discrimination under any program or activity receiving federal financial assistance. (29 U.S.C. Section 794)
- 3) Establishes a right of parents, guardians, and LEAs to audio record the proceedings of individualized education program (IEP) team meetings. (Education Code (EC) 56341.1)
- 4) Requires an LEA to notify the members of the IEP team of its intent to audio record a meeting at least 24 hours prior to the meeting. (EC 53641)
- 5) Prohibits an LEA from recording an IEP team meeting if the parent or guardian objects or refuses to attend the meeting because it will be audio recorded. (EC 53641)
- 6) Finds and declares that:

- a) Under federal law, audio recordings made by an LEA are subject to the federal Family Educational Rights and Privacy Act of 1974 (FERPA) and are subject to the specified federal confidentiality requirements.
- b) Parents or guardians have the right, pursuant to federal regulations, to do all of the following:
 - i) Inspect and review the audio recordings;
 - ii) Request that the audio recordings be amended if the parent or guardian believes that they contain information that is inaccurate, misleading, or in violation of the rights of privacy or other rights of the individual with exceptional needs; and
 - iii) Challenge, in a hearing, information that the parent or guardian believes is inaccurate, misleading, or in violation of the individual's rights of privacy or other rights. (EC 53641.1)
- 7) Defines LEA for purposes of special education law to mean a school district, a county office of education (COE), a nonprofit charter school participating as a member of a special education local plan area (SELPA) or a SELPA. (EC 56026.3)

ANALYSIS

This bill grants parents, guardians, and LEAs the authority to make audio recordings of Section 504 team meetings.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "As a teacher for over 30 years, I understand how information provided to parents can be overwhelming. AB 87 provides parity for the right of parents, guardians and local school districts to record 504 planning meetings as is currently allowed in Individual Education Plan (IEP) meetings. The right for parents, guardians, and local school districts to record 504 Plan meetings is important due to the amount of information presented about the student and their needs. As a parent/guardian, it can be challenging to pay attention, take notes, and formulate questions based on what is discussed. This is especially true because parents and guardians may not be familiar with many of the 'education' terms 504 team members use during 504 meetings."
- 2) ***Section 504 plan overview.*** Section 504 of the Rehabilitation Act of 1973 safeguards individuals with disabilities in the United States from being excluded, denied benefits, or discriminated against solely due to their disabilities in any federally funded program or activity. This provision specifically applies to public schools.

According to Section 504 regulations, public schools must provide a FAPE to eligible students within their jurisdictions who have a physical or mental impairment that significantly restricts one or more major life activities.

To qualify for protection under Section 504, a student must meet one of the following criteria: 1) possess a physical or mental impairment that substantially limits one or more major life activities, 2) have a documented history of such an impairment, or 3) be perceived as having such an impairment. Major life activities encompass functions like walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Unlike IDEA, students are not required to have specific disabling conditions to be eligible. Some students who don't meet the criteria for an IEP under IDEA may qualify for a 504 plan. The process for developing 504 plans is less specific compared to IEPs in several aspects.

The determination of a student's "substantial limitation" must be made on an individual basis. Section 504 mandates that a group of knowledgeable individuals, sometimes formed as a team, utilize information from various sources to make this determination. Unlike the IDEA, there are no specified requirements for the composition of this group. The team is responsible for developing a 504 plan that outlines the necessary services and/or adjustments to the learning environment to adequately meet the child's needs, similar to those provided to other students.

According to the U.S. Department of Education's (USDOE) Office for Civil Rights, in 2017-18 85, 127 students in California had 504 plans. In the same year, 774,665 California students had IEPs, according to the California Department of Education (CDE).

- 3) ***Current law allows for recording IEP team meetings, but does not address Section 504 team meetings.*** Existing state law grants parents, guardians, and LEAs the right to make audio recordings of IEP team meetings. This law additionally mandates that LEAs notify the IEP team members of their intention to record a meeting at least 24 hours in advance and provides conditions under which a parent or guardian can prevent an LEA from recording a meeting. However, both state and federal regulations do not explicitly address the right of parents, guardians, and LEAs to audio record Section 504 team meetings.
- 4) ***Arguments in support.*** Disability Rights California writes, "The California Education Code already permits the audio recording of Individual Education Program (IEP) team meetings in this manner. Cal. Educ. Code § 56341.1(g). But it does not extend this important right to 504 plan meetings. As a result, parents and guardians have no recourse when districts deny their requests to audio record their children's 504 meetings.

AB 87 will close this arbitrary loophole and grant parents and guardians the right to record 504 meetings. 504 meetings often cover important topics affecting the rights of qualified students with disabilities, for example the provision of healthcare-related accommodations or whether the school district can pursue expulsion or other disciplinary proceedings. The right to record these

proceedings will create a record and give them more time to process the complicated information conveyed, review the proposed 504 Plan with family, or even consult an educational advocate.”

SUPPORT

Disability Rights California (sponsor)
California Alliance of Child and Family Services
California Parents Union
California State Council on Development Disabilities

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 446	Hearing Date:	June 7, 2023
Author:	Quirk-Silva		
Version:	March 13, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: handwriting.

SUMMARY

This bill further defines handwriting in the adopted course of study for grades 1 to 6 for English, including cursive or joined italics.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the adopted course of study for grades 1 to 6, inclusive, shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:
 - a) English, including knowledge of and appreciation for literature and the language, as well as speaking, reading, listening, spelling, handwriting, and composition skills.
 - b) Mathematics, including concepts, operational skills, and problem-solving.
 - c) Social sciences, drawing upon anthropology, economics, geography, history, political science, psychology, and sociology, are designed to fit the pupils' maturity.
 - d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and the place of humans in ecological systems.
 - e) Visual and performing arts, including instruction in the subjects of dance, music, theatre, and visual arts, aimed at the development of aesthetic appreciation and the skills of creative expression.
 - f) Health, including instruction in the principles and practices of individual, family, and community health.
 - g) Physical education, emphasizing the physical activities for the pupils that may be conducive to health and vigor of body and mind.

- h) Other studies that the governing board may prescribe. (EC § 51210)

ANALYSIS

This bill further defines handwriting in the adopted course of study for grades 1 to 6 for English, including cursive or joined italics.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “As an elementary school teacher for over three decades, cursive writing was always an important part of our curriculum. Writing in cursive has multiple benefits, including better brain development, retention, and learning in children. Writing in cursive helps join the auditory and language centers of the brain. It is also beneficial as an adult; the ability to sign their name in cursive is important for future job applications, writing checks, signing medical forms, obtaining driver's licenses, and voting. However, whether students are taught cursive writing depends on the where they attend school. Every child should be exposed to learning as well as the benefits of cursive writing on their educational development.”
- 2) ***Cursive and Joined Italics Already Included in State Content Standards.*** Senate Bill 1 from the fifth Extraordinary Session (SB X5 1) in 2010 established the California Academic Content Standards Commission (Commission) to evaluate the Common Core State Standards for English Language Arts (ELA) and Literacy in History/Social Studies, Science, and Technical Subjects developed by the Common Core State Standards Initiative for rigor and alignment with the California standards. Cursive and joined italics are included in the ELA and English Language Development (ELD) content standards adopted by the State Board of Education (SBE) in 2010 and modified in 2013.

Conventions of Standard English	
Grade 3	Grade 4
Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.	Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.
a) Explain the function of nouns, pronouns, verbs, adjectives, and adverbs in general and their functions in particular sentences.	a) Use interrogative, relative pronouns (who, whose, whom, which, that), and relative adverbs (where, when, why). CA
b) Form and use regular and irregular plural nouns.	b) Form and use the progressive (e.g., I was walking; I am walking; I will be walking) verb tenses.
c) Use abstract nouns (e.g., childhood).	c) Use modal auxiliaries (e.g., can, may, must) to convey various conditions.
d) Form and use regular and irregular	

<p>verbs.</p> <p>e) Form and use the simple (e.g., I walked; I walk; I will walk) verb tenses.</p> <p>f) Ensure subject-verb and pronoun-antecedent agreement.*</p> <p>g) Form and use comparative and superlative adjectives and adverbs, and choose between them depending on what is to be modified.</p> <p>h) Use coordinating and subordinating conjunctions.</p> <p>i) Produce simple, compound, and complex sentences.</p> <p>j) Write legibly in cursive or joined italics, allowing margins and correct spacing between letters in a word and words in a sentence. CA</p> <p>k) Use reciprocal pronouns correctly. CA</p>	<p>d) Order adjectives within sentences according to conventional patterns (e.g., a small red bag rather than a red small bag).</p> <p>e) Form and use prepositional phrases.</p> <p>f) Produce complete sentences, recognizing and correcting inappropriate fragments and run-ons.*</p> <p>g) Correctly use frequently confused words (e.g., to, too, two; there, their).*</p> <p>h) Write fluidly and legibly in cursive or joined italics. CA</p>
--	--

Note: An asterisk (*) notation indicates the reader should see “Research to Build and Present Knowledge” in *Writing* and “Comprehension and Collaboration” in *Speaking and Listening* for additional standards relevant to gathering, assessing, and applying information from print and digital sources. Standards with California additions appear with a “CA” notation.

As indicated above, in grade 3, students learn to “write legibly in cursive or joined italics, allowing margins and correct spacing between letters in a word and words in a sentence. In grade 4, students should be able to “write fluidly and legibly in cursive or joined italics.”

3) Related Legislation

AB 742 (Quirk-Silva, 2017) would have required that instruction in the skill of handwriting needed as part of the adopted course of study for grades 1 to 6 include education in cursive or joined italics. *This bill was held in the Assembly Appropriations Committee.*

SB X5 1 (Steinberg), Chapter 2, Statutes of 2010, This bill addresses the four Race to the Top policy reform areas of standards and assessments, data systems to support instruction, great teachers and leaders, and turning around the lowest-achieving schools.

SB 1770 (Burton), Chapter 508, Statutes of 2002, encourages school districts to comply with the SBE's ELA Writing Arts Strategies on cursive handwriting standards whereby pupils are expected to write fluidly and legibly and encourages school districts to teach methods of penmanship that may include but are not limited to, the D'Nealian Method and the Palmer Method of penmanship.

SUPPORT

California Parents Union
Los Angeles County Office of Education
Take A Stand Stanislaus

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 497	Hearing Date:	June 7, 2023
Author:	Quirk-Silva		
Version:	February 7, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Ian Johnson		

Subject: Special education: braille instructional aide: notice of teacher credentialing programs.

SUMMARY

This bill requires a local educational agency (LEA) to provide a braille instructional aide with information regarding the California Classified School Employee Teacher Credentialing Program.

BACKGROUND

Existing law:

- 1) Requires, through state and federal law, that children with exceptional needs between the ages of three and 22 be provided with a free and appropriate education, and establishes visual impairment, including blindness, as one of thirteen qualifying disabling conditions. (20 U.S.C. Section 1401)
- 2) Establishes education specialist credentials and an authorization to teach students who are visually impaired, aged birth to age 22, to be issued by the Commission on Teacher Credentialing (CTC), which authorizes holders to provide services either in orientation and mobility.
- 3) Requires that students who are visually impaired be taught by teachers whose professional preparation and credential authorization are specific to that impairment.
- 4) Requires that braille instruction be provided by a teacher who holds an appropriate credential, as determined by the CTC, to teach students who are functionally blind or visually impaired. (Education Code (EC) 56352)
- 5) Requires LEAs to provide opportunities for braille instruction for students who, due to a prognosis of visual deterioration, may be expected to have a need for braille as a reading medium.
- 6) Requires LEAs and Special Education Local Plan Areas (SELPAs) to provide students with opportunities for instruction to master the braille reading and mathematics standards.

- 7) Authorizes an LEA to reinforce braille instruction using a braille instructional aide, under the supervision of a teacher who holds an appropriate credential to teach pupils who are functionally blind or visually impaired. (EC 56351.5)
- 8) Requires that an LEA that employs a braille instructional aide provide the aide with information regarding teaching credential programs, including the Wildman-Keeley-Solis Exemplary Teacher Training Act of 1997 and the Teacher Education Internship Act of 1967. (EC 56351.5)
- 9) Establishes the California Classified School Employee Teacher Credentialing Program for recruiting classified school employees to participate in a program designed to encourage them to enroll in teacher training programs and to provide instructional service as teachers in the public schools. (EC 44393)

ANALYSIS

This bill replaces the requirement that LEAs provide braille instructional aides with information about the Wildman-Keeley-Solis Exemplary Teacher Training Act of 1997 with a requirement that LEAs provide these aides with information about the California Classified School Employee Teacher Credentialing Program.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Over the last two decades, California has been experiencing a severe teacher shortage. Budget cuts and layoffs as a result from the last recession as well as the recent pandemic has contributed to a steep decline in the number of teachers in California. However, the worst teacher shortages are in special education and where a number of teachers have substandard credentials.

We need to continue to fund programs that provide a path for braille instructional aides to become quality teachers through grants as well as academic and personal support and make sure that Local Education Agencies are providing correct information on these programs as they are required in current in law."

- 2) ***Visually impaired students.*** Current law defines "visually impaired" students as those who have a visual impairment that, even with correction, adversely affects a child's educational performance. This term includes both partially seeing and blind children.

The California Department of Education (CDE) reports that as of the 2022-23 school year, there were 2,581 visually impaired students in California aged 0-22 years, representing about 0.3% of all students with disabilities in California. This represents a significant decline over prior years. CDE reports that in the 2006-07 school year, there were 4,697 visually impaired students in the same age range.

Because state assessment scores for students with disabilities are not disaggregated by disability category, there is no published state data about the performance of these students (or any other group of students with disabilities) on state assessments of English language arts, mathematics, or science.

- 3) ***Teacher shortage for visually impaired students.*** Current law establishes Education Specialist Instruction Credentials, which authorize teachers to teach students served in special education programs. These credentials are specific to an area of specialization, such as teaching visually impaired students. The Visual Impairment (VI) specialization authorizes teachers to teach students who are blind, visually impaired, and deaf-blind.

According to the CTC, there are two approved educator preparation programs which offer the VI authorization: California State University (CSU), San Francisco and CSU, Los Angeles.

According to the CTC, of the documents issued by the CTC in 2017-18 which authorize teaching of visually impaired students, 57% were substandard (intern credentials, permits, and waivers), meaning less than half were issued to individuals fully qualified for their positions.

In 2017-18, at CSU, San Francisco 18 candidates completed their preparation program and 11 graduates of that program received their teaching credential. In the same year, at CSU, Los Angeles 19 candidates completed their preparation program and 15 graduates of that program received their teaching credential.

- 4) ***California Classified School Employee Teacher Credentialing Program.*** The California Classified School Employee Teacher Credentialing Program provides financial assistance to classified school employees, such as instructional aides, to pursue teaching credentials. The CTC competitively awards grants of \$4,000 per participant per year for up to five years to LEAs. The Legislature appropriated \$20 million in the 2015-16 budget, \$25 million in the 2016-17 budget, and \$125 million in the 2020-21 budget for this program.

SUPPORT

None received

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 723
Author: Quirk-Silva
Version: March 6, 2023
Urgency: No
Consultant: Ian Johnson

Hearing Date: June 7, 2023

Fiscal: Yes

Subject: Pupil placement: special education: foster children: nonpublic, nonsectarian schools or agencies: school of origin.

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

SUMMARY

Existing law:

- 1) Defines "school of origin" to mean the school that a foster child attended when permanently housed, or the school in which the foster child was last enrolled.
- 2) If the school the foster child attended when permanently housed is different from the school in which the foster child was last enrolled, or if there is some other school that the foster child attended with which the foster child is connected and that the foster child attended within the immediately preceding 15 months, requires the educational liaison, in consultation with, and with the agreement of, the foster child and the person holding the right to make educational decisions for the foster child, to determine, in the best interests of the foster child, the school that is deemed the school of origin.
- 3) Requires that, at the initial detention or placement of a foster child, or any subsequent change in placement of a foster child, the local educational agency (LEA) serving the foster child allow them to continue their education in the school of origin for the duration of the jurisdiction of the court.
- 4) Requires that, if the jurisdiction of the court is terminated before the end of an academic year, the LEA allow a former foster child who is in kindergarten through grade 8 to continue their education in the school of origin through the duration of the academic school year.
- 5) Requires that, if the jurisdiction of the court is terminated while a foster child is in high school, the LEA allow the former foster child to continue his or her education in the school of origin through graduation.
- 6) States the intent of the Legislature that these rights not supersede or exceed other laws governing special education services for eligible foster children.

- 7) Expresses the intent of the Legislature that the role of an NPS and a nonpublic agency (NPA) be maintained and continued as an alternative special education service available to an LEA and parents.
- 8) Requires that a master contract for NPS and NPA services specify the general administrative and financial agreements, including teacher-to-pupil ratios, between the NPS or NPA and the LEA to provide the special education and designated instruction and services, as well as transportation specified in each pupil's individualized education program (IEP). (Education Code (EC) 56366)
- 9) Requires the Superintendent of Public Instruction (SPI), before certifying an NPS, to conduct an onsite review of the facility and program for which the applicant seeks certification.
- 10) Requires the SPI to annually review the certification of each NPS and NPA. Authorizes the SPI to conduct an onsite review as part of the annual review.

ANALYSIS

This bill:

- 1) Defines "school of origin," for a student in foster care who is also an individual with exceptional needs, to include an NPS, for purposes of the following rights:
 - a) The right to remain in the school of origin at the initial detention or placement, or any subsequent change in placement, for the duration of the jurisdiction of the court;
 - b) For students in grades kindergarten through 8th grade, inclusive, the right to remain in the school of origin through the end of the duration of the academic year if the jurisdiction of the court is terminated before the end of an academic year; and
 - c) The right to remain in the school of origin through graduation if the jurisdiction of the court is terminated while a foster child is in high school.
- 2) Requires that an NPS seeking state certification file an application with the SPI which includes, commencing with the 2024-25 school year, assurances that for any pupil served by the school who is a foster child the school agrees to do both of the following:
 - a) Serve as the school of origin of the foster child, pursuant to existing law; and
 - b) Allow the foster child to continue their education in the school, pursuant to existing law.
- 3) Requires an NPS to certify the above assurances in writing to the SPI, commencing in the 2024-25 school year.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Foster youth are entitled to remain at their school of origin. Existing law is not clear that “school of origin” includes non-public schools. AB 723 ensures foster students with disabilities will have better educational outcomes by allowing them to remain at their school of origin.”
- 2) ***School of origin is particularly important for foster youth.*** This bill proposes to clarify whether NPS placements are “schools of origin” for foster youth. Under current law, students in foster care have the right to remain in their school of origin when their residential placement changes. But because state law is not clear, there is sometimes confusion over whether NPSs qualify as the ‘school of origin’ when a student in foster care changes their residential placement. According to Disability Rights California, some school districts have policies that explicitly carve out NPSs from the definition of ‘school of origin.’ This can lead to educational delays and disruptions. Disability Rights California notes that when a student with a disability is prohibited from remaining in their NPS of origin, they often miss school for long periods of time while their IEP teams find a new placement and execute the required contracts.
- 3) ***Non-public schools in California.*** California's non-public, non-sectarian schools are specialized private schools that provide services to public school students with disabilities. They are defined in statute as private, non-sectarian schools that enroll individuals with exceptional needs pursuant to an IEP. The tuition of a student in a NPS is paid by the public LEA that places the student in the school.

Current law requires the following oversight of NPSs by the California Department of Education (CDE), by requiring the SPI to:

- a) Annually review the certification of each NPS and authorizes the SPI to conduct an onsite review as part of the annual review.
- b) Conduct an onsite investigation of an NPS at any time without prior notice if there is substantial reason to believe that there is an immediate danger to the health, safety, or welfare of a child.
- c) Conduct an investigation, which may include an unannounced onsite visit, if the SPI receives evidence of a significant deficiency in the quality of educational services provided, making enrollment in an NPS a condition of placement in a licensed children’s institution, among other requirements.
- d) Reflect violations or noncompliance in the certification status of the NPS, at the discretion of the SPI, pending an approved plan of correction by the NPS. Requires the CDE to retain records of all violations for a period of 10 years.
- e) Monitor the facilities, the educational environment, and the quality of the educational program, including the teaching staff, the credentials

authorizing service, the standards-based core curriculum being employed, and the standards-focused instructional materials used, of an existing certified NPS on a three-year cycle.

- f) Ensure that only those NPSs that provide special education and designated instruction and services using staff who hold a certificate, permit, or other document equivalent to that which staff in a public school are required to hold in the service rendered are eligible to receive certification.
 - g) Authorizes the SPI to revoke or suspend the certification of an NPS for specified reasons, including failure to notify the CDE in writing of any of the following within 45 days of specified occurrences, including failure to notify the SPI in writing within 10 days of the death of a student or any other individual of unnatural causes within the school or agency, and including the circumstances surrounding the death and appropriate preventative measures being taken or recommended.
- 4) ***Arguments in support.*** The California CASA Association writes, “Children and youth in foster care have the right to stay in their school of origin after moving to a new placement to promote school stability and improve educational outcomes. A disproportionate number of foster youth attend NPSs, which serve students with disabilities whose IEP teams have determined that there is no appropriate public education program available to meet their unique needs. AB 723 would clarify state law so that there is no confusion over whether NPSs qualify as the “school of origin” when a foster youth moves.”

SUPPORT

California Court Appointed Special Advocate Association
Seneca Family of Agencies

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1555	Hearing Date:	June 7, 2023
Author:	Quirk-Silva		
Version:	March 30, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Transitional kindergarten: teacher assignments: qualification requirements.

SUMMARY

This bill provides teachers assigned to transitional kindergarten (TK) classrooms a two-year extension to meet specified credentialing requirements.

BACKGROUND

Existing law:

- 1) Defines TK as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code (EC) 48000)
- 2) Requires local educational agencies (LEAs) offering TK to ensure that credentialed teachers who are first assigned to a TK classroom after July 1, 2015, have, by August 1, 2023, one of the following:
 - a) At least 24 units in early childhood education (ECE), or childhood development, or both;
 - b) Professional experience in a preschool classroom setting, as determined and documented by the LEA employing the teacher, comparable to the 24 units of education; or
 - c) A child development teacher permit, or an ECE specialist credential, issued by the Commission on Teacher Credentialing (CTC). (EC 48000)
- 3) For school districts and charter schools that fail to ensure the teacher requirements in (2) above by August 1, 2023, the Superintendent of Public Instruction (SPI) must withhold from the school district or charter school's entitlement, the amount determined by multiplying:
 - a) The number of teachers not meeting the requirement above;
 - b) The number 24 reduced by the statewide average rate of absence for elementary students in grades 1-8, inclusive, as calculated by the California Department of Education (CDE) or the prior year;

- c) The applicable K-3 local control funding formula (LCFF) base grant per average daily attendance (ADA); and
 - d) The sum of all schooldays on which all teachers not meeting the requirement provided any amount of service in a classroom with TK pupils divided by the total days of instruction for those teachers.
- 4) Authorizes the CTC to issue a one-year emergency specialist teaching permit in ECE that authorizes teaching all subjects in a self-contained TK classroom, provided the applicant meets all of the following conditions:
 - a) Possesses a Bachelor's or higher degree and holds a child development permit at the teacher or higher level, issued by the CTC;
 - b) Satisfies the subject matter requirement by meeting one of the following:
 - i) Commencing July 1, 2022, completes 24 semester units of coursework in child development or ECE at a regionally accredited institution of higher education (IHE);
 - ii) Commencing July 1, 2022, holds a baccalaureate or higher degree conferred by a IHE where the major is in child development, or ECE, or a similar major; and
 - iii) Commencing July 1, 2023, has three or more years of full-time teaching experience in a TK setting, or preschool age early childhood or child development program, or a combination. Experience may include, but shall not be limited to, teaching experience as a lead teacher in a public or private preschool or TK setting, Head Start program, or state-funded preschool program.
 - c) The CTC approves the justification for the emergency permit submitted by the LEA in which the applicant is to be employed, as defined. (EC 44300)
- 5) Authorizes the CTC to renew an emergency specialist permit in ECE for one additional year, provided all of the following conditions are met:
 - a) The applicant verifies current enrollment in a CTC-approved teacher preparation program that will result in a credential authorizing teaching TK;
 - b) The LEA submits a subsequent declaration of need for fully qualified educators based upon a motion adopted by the governing board or body;
 - c) The LEA verifies that the applicant continues to successfully serve in the assignment on the basis of the emergency permit and verifies that continued orientation, mentoring, and support is being provided to the applicant. (EC 44300)
- 6) Requires a school district or charter school that maintains a TK program, as a condition of receiving apportionments for TK, to admit to TK:

- a) In the 2014-15 to the 2021-22 school year, a child who will have their fifth birthday between September 2 and December 2;
 - b) In the 2022-23 school year, a child who will have their fifth birthday between September 2 and February 2;
 - c) In the 2023-24 school year, a child who will have their fifth birthday between September 2 and April 2;
 - d) In the 2024-25 school year, a child who will have their fifth birthday between September 2 and June 2; and
 - e) In the 2025-26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1. (EC 48000)
- 7) Requires LEAs offering TK to maintain an average TK class enrollment of not more than 24 pupils per schoolsite, and commencing with the 2022-23 school year, maintain an average of at least one adult for every 12 pupils for TK classrooms at each schoolsite. (EC 48000)

ANALYSIS

This bill:

- 1) Extends from August 1, 2023, to August 1, 2025 the requirement for a credentialed teacher first assigned to a TK classroom to have one of the following:
 - a) At least 24 units in ECE, or childhood development, or both;
 - b) Professional experience in a preschool classroom setting, as determined by the LEA employing the teacher, comparable to the 24 units of education; or
 - c) A child development teacher permit, or an ECE specialist credential, issued by the CTC.
- 2) Delays the imposition of the penalty imposed on LEAs failing to meet the requirements above until August 1, 2025.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "As an educator for over three decades in California public schools, I understand the time demands that are placed on our teachers. In order for our credentialed teachers to be able to teach transitional kindergarten, they must still obtain an additional credential, which requires 24 credit units (equal to two full time semesters). The deadline to complete the 24 credit units is 2023. Teachers are having a difficult time completing 24 credit units, while also teaching full time as well as all the other

responsibilities they have in their life. Extending the timeline requirements by five years will ease the burden for our already overworked teachers and assist in making sure we are able to retain our current valued teacher workforce."

- 2) ***California schools must offer TK to specified students.*** TK is the initial year of a two-year kindergarten program, and it was introduced in accordance with California's Kindergarten Readiness Act of 2010. This act changed the cutoff date for kindergarten entry, requiring children to turn 5 by September 1 instead of the previous date of December 2. As a result, TK was established for students affected by this change in eligibility. Instead of enrolling in regular kindergarten, children who turn 5 between September 2 and December 2 receive an "age and developmentally appropriate" experience in TK before entering kindergarten the following year.

The expansion of TK was included in the 2021-22 Budget Act, aiming to provide access to TK for all 4-year-olds by 2025-26. Every LEA that offers kindergarten is obligated to provide TK for eligible 4-year-olds, although attendance is not compulsory. The minimum instructional minutes for TK are the same as for kindergarten.

During the 2021-22 school year, TK accommodated older 4-year-olds and younger 5-year-olds who had their fifth birthday after the kindergarten cutoff date (between September 2 and December 2). However, schools are permitted, under certain circumstances, to admit children who turn 5 after December 2 to TK programs, but they cannot claim AveraADA funding until the child reaches 5 years of age. In 2021-22, approximately 89,000 children were enrolled in TK, a decrease from 105,000 in 2018-19.

- 3) ***Teacher credentialing requirements for TK.*** In order to teach TK in California, teachers must hold a Multiple Subject Credential, which authorizes the holder to teach preschool through 8th grade, and to complete 24 units of ECE or child development coursework by August 1, 2023. Teachers may be exempted from the requirement to complete 24 units of ECE of coursework if they began teaching TK prior to July 1, 2015, or they can have the requirement waived if the hiring district deems them to have comparable experience teaching in an early learning classroom.

Beginning with the 2022-23 school year, the CTC is authorized to issue one-year emergency specialist permits to teach TK to teachers who lack a credential if they meet certain criteria. These permits will only be issued at the request of an employing LEA.

The CTC also recently authorized the establishment of a PK-3 Early Childhood Education Specialist Credential, which would authorize the teaching of preschool through third grade, and be an alternate credential that would allow candidates to teach TK. The CTC is planning for IHEs to be prepared to offer teacher preparation programs leading to this credential as early as the fall of 2023. California State University (CSU) campuses plan to offer aspiring and current teachers the opportunity to earn the new credential starting in the 2023-24 academic year. According to the CSU, "the credential will authorize graduates to

teach all subjects in a general education classroom setting and to team teach or to regroup students across classrooms, in pre-kindergarten (PK) through 3rd grade. The English learner (EL) authorization provided through this credential aligns with the EL authorization that is earned upon completion of a single-, multiple-subject, or education specialist, credential program.”

- 4) ***TK expansion will require up to 15,000 teachers.*** According to a 2022 report by the Learning Policy Institute:

“The expansion of TK, which, in California, essentially adds another public school grade, creates a significant new demand for credentialed teachers with early childhood expertise. An LPI analysis estimates that by 2025–26, more than 447,700 children will be eligible for TK, with between 291,000 and 358,000 children enrolled, depending on the rate of uptake. In turn, TK will require an additional 11,900 to 15,600 credentialed teachers with early childhood expertise. The state can draw on existing pools of current Multiple Subject credential holders, current early childhood educators, and new candidates, but most potential TK teachers will require at least some additional preparation.”

TK classrooms are required to meet a 1:12 ratio, therefore, in addition to the teachers identified above, there will be a need for up to 20,000 more adults working in TK classrooms as the second adult, according to the CDE.

The CDE reports that as of November 2022, a total of 1,423 LEAs had submitted reports to the CDE providing information on their progress toward implementation of universal preK, including TK, California State Preschool Program (CSPP), Head Start, and other opportunities. Of these respondents, 594 are charter schools and 829 are school districts. These plans included information on addressing workforce needs, including the following:

- a) 60% of districts and 56% of charters plan to partner with IHEs or the COE to support teachers in completing the requirements to earn a Multiple Subject Teaching Credential;
- b) 46% of districts and 49% of charters intend to provide advising on credential requirements and options for how to meet the requirements;
- c) 21% of districts and 24% of charters intend to apply for a California Classified School Employee Teacher Credentialing Program grant to recruit teachers;
- d) 26% of districts and 30% of charters intend to join an existing intern preparation program to recruit and prepare teachers for their LEA; and
- e) 15% of districts and 20% of charters intend to apply for a California Teacher Residency Grant Program to recruit and prepare individuals with a Bachelor’s degree who want to become teachers.

Based upon the plans submitted, 23% of districts and 26% of charters reported that they have enough Multiple Subject Teaching Credential holders to meet the demand for TK teachers.

- 5) ***The ECE requirement to teach TK has been extended in the past.*** The requirement for TK teachers to have specified qualifications and/or experience in ECE went into effect through the 2014-15 Budget Trailer bill. At that time, the deadline was August 1, 2020. \$15 million was allocated for the TK Stipend Program to local planning councils (LPCs) to provide professional development and educational stipends for teachers in the TK program and the CSPP. The deadline was extended to August 1, 2021 in 2020 due to the pandemic. In 2021, the deadline was extended once again to August 1, 2023 to accommodate the universal TK implementation timeline.

SUPPORT

Alameda County Office of Education
Association of California School Administrators
California Association of School Business Officials
Los Angeles Unified School District
Office of the Riverside County Superintendent of Schools
Orange County Department of Education
Torrance Unified School District

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 245	Hearing Date:	June 7, 2023
Author:	McKinnor		
Version:	May 22, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Kordell Hampton		

Subject: High school athletics: California High School Coaching Education and Training Program: emergency action plan.

SUMMARY

This bill adds to the California High School Coaching Education and Training Program (CHSCTP), by July 1, 2024, training in recognizing and responding to the signs and symptoms of concussions, heart illness, and cardiac arrest.

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 California Interscholastic Federation (CIF) that meets the guidelines outlined in the CHSCTP. (EC § 49032)
- 2) States that the Legislature intends that CHSCTP be administered by school districts 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 heat cramps, heat syncope, heat 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 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 adds to the CHSCTP), by July 1, 2024, training in recognizing and responding to the signs and symptoms of concussions, heart illness, and cardiac arrest. Specifically, this bill:

- 1) States the Legislature intends the CHSCTP, by July 1, 2024, training component to include CPR and first aid, including but not limited to recognizing and responding to the signs and symptoms of concussions, heart illness, and cardiac arrest.
- 2) Requires rehearsal of responding to the signs and symptoms of concussions, heart illness, and cardiac arrest.
- 3) Specifies concussion, heart illness, and cardiac arrest training may be provided by entities offering free, online, or other training courses.
- 4) Requires a LEAs or charter schools emergency action plan related to their interscholastic athletic programs to include a description of the manner and frequency at which procedures for CPR and first aid, including but not limited to recognizing and responding to the signs and symptoms of concussions, heart illness, and cardiac arrest will be rehearsed by July 1, 2024.
- 5) Makes technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The California Interscholastic Federation (CIF) is a nonprofit organization that works in tandem with the state to regulate both private and public high school sports. With over 1,600 membership

schools, the CIF requires that all schools establish an Emergency Action Plan (EAP) so athletic departments and coaches receive training on proper ways to administer aid to an athlete experiencing cardiac arrest or a heat related illness during play. In the past 3 years, over 45 high school athletes have died nationwide during play, 5 of which were California residents. Although the CIF currently requires schools to have an EAP, the CIF does not have the authority to require membership schools practice these action plans, similar to requirements around annual fire or active shooter drills. This rehearsal component is vital to ensuring that California high schools are equipped to respond to athletes experiencing a health emergency in a timely manner, resulting in a higher likelihood of positive health outcomes.”

- 2) ***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/or is approved by their local school board/directors to have contact with students. This applies to all CIF member schools, public and private.”
- 3) ***Training Already Provided By CIF.*** According to CIF’s website, “The purpose of the CIF Coaching Education Program is to enhance student-athlete’s 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 that is 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 primary 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. Trainings are provided by the National Federation of State High School Associations (NFHS), 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.

This bill appears to mirror existing requirements through the State Department of Education, CIF, and National Federation of State High School Associations, in state statute under the CHSCTP.

- 4) **Committee Amendments.** *The committee recommends, and the author has agreed to accept, the following amendments:*
- a) Adds certification in Automated External Defibrillator (AED) in addition to CPR and first aid.
 - b) Clarify other medical emergencies include concussion and heat illness, and require a local educational agency or charter school that offers any interscholastic athletic program to include in their emergency action plan rehearsal in sudden cardiac arrest and other medical emergencies, including concussion and heat illness procedures, in addition to CPR, AED, and first aid.

5) **Related Legislation**

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

AB 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 141 (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

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1151
Author: McKinnor
Version: May 30, 2023
Urgency: No
Consultant: Ian Johnson

Hearing Date: June 7, 2023

Fiscal: No

Subject: Community colleges: civic centers: uses: insurance

SUMMARY

This bill authorizes a community college district (CCD) governing board to allow the use of any civic center or other district property by the community and organizations without charge.

BACKGROUND

Existing law:

- 1) Provides that there is a civic center at each and every community college within the state where the citizens, Camp Fire Girls, Boy Scout troops, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions that in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. (Education Code (EC) Section 82537)
- 2) Authorizes the governing boards of the CCDs to authorize the use, by citizens and organizations, of any other properties under their control, for supervised recreational activities. (EC Section 82537)
- 3) Requires the governing board of a CCD to grant without charge, except as otherwise provided, the use of any college facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes, as specified. (EC Section 82542)
- 4) Authorizes the governing board of a CCD to permit the use, without charge, by organizations, clubs, or associations organized for senior citizens and for cultural activities and general character building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its cultural, character building, or welfare work, are accepted. (EC Section 82542)

- 5) Authorizes the governing board of a CCD to require a person, group, or organization granted the use of community college property for purposes of athletic activities to obtain a certificate of insurance from a liability insurance carrier and to submit that certificate to the district for approval, as provided, and also requires the certificate to evidence a minimum coverage of \$300,000 for liability for injury or damage to property which may arise out of that use of community college property and authorizes the governing board to require more than that minimum coverage, as specified. (EC Section 82548)

ANALYSIS

This bill:

- 1) Provides that there is a civic center at each community college within the state and the governing board of a CCD may authorize the use, by organizations, of any civic center or other properties under their control, as provided.
- 2) Establishes that the governing board of a CCD may grant without charge the use of any college facilities or grounds under its control, as specified, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for athletic activities for youth, charitable purposes, educational purposes, or the civic well-being of the community.
- 3) Authorizes the governing board of a CCD to permit the use of college facilities and grounds, without charge, by organizations, clubs, or associations organized for youth or senior citizens and for cultural activities, without regard to whether membership dues are accepted.
- 4) Requires a CCD to give priority access to the use of college facilities and grounds to organizations, clubs, and associations that serve people from socioeconomically disadvantaged communities.
- 5) Authorizes the governing board of a CCD to require a certificate of insurance for the grant of use for any purpose, and would raise the minimum coverage amount to \$1,000,000.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1151 would give community college governing boards the ability to allow communities to lease out their facilities at a fair market price giving an option for those community groups that are often priced out of surrounding facilities.”
- 2) ***Facilities fee schedule.*** Title 5 regulations authorize CCDs to establish a fee schedule for the use of their facilities that may include: 1) capital direct costs, which can include the estimated costs for maintenance, repair, restoration, and refurbishment for use of the college facilities or grounds, and 2) operational costs, which can include personnel to open or close the facility, personnel at event, and janitorial services. CCDs that elect to charge applicants for all direct costs must calculate a “proportionate share,” based on the annual number of

hours the facility will be in use by the applicant and the CCD. The regulations also specify that the district governing board may elect to discount fees based on the type or category of the applicant, include those with tax-exempt status. Other than this potential exemption, the regulations do not specify the entities that districts are specifically prohibited from recovering direct costs.

The Civic Center Act was enacted in 2014, with a five-year sunset date that was set to expire on January 1, 2020. The Board of Governors adopted regulations in 2015 but also included a five-year sunset. The Civic Center Act was extended for an additional five years through AB 695 (Medina, Chapter 492, Statutes of 2019); however, the Board of Governors did not update its regulations on facilities use based on the new sunset date. These regulations are now currently in the process of being renewed.

- 3) ***Arguments in support.*** The Los Angeles CCD writes, “Community colleges are currently required to offer the use of non-educational facilities to a variety of organizations using a “fair rental value” methodology that is outdated and often cost-prohibitive to community-based organizations, such as nonprofit youth athletic leagues. Furthermore, the current statute only permits governing boards of community colleges to enter lease agreements with specified types of organizations that are not affiliated with the colleges. The LACCD supports the intent of the bill that will make the use of the noneducational facilities affordable to nonprofit, community-based organizations, particularly in low-income and urban areas where greenspace is limited.”

“AB 1151 would update the education code and raise the minimum requirement for liability coverage for external entities using non-educational facilities from \$300,000 to the current practice and policy of \$1 million. Current liability requirements have not been updated since 1990, and the low coverage amount is not sufficient for most if not all, existing campus policies. This adjustment would ensure that both the community colleges and the external entities are fully covered for the use of the facilities.”

SUPPORT

US Youth Soccer Association

OPPOSITION

None received

-- END --

264
SENATE COMMITTEE ON EDUCATION
Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	AB 264	Hearing Date:	June 7, 2023
Author:	Ting		
Version:	January 19, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Lynn Lorber		

Subject: Community colleges: Lunar New Year holiday.

SUMMARY

This bill authorizes a community college to close to observe Lunar New Year, as specified.

BACKGROUND

Existing law:

- 1) Requires community colleges to continue in session or close on specified holidays as follows:
 - a) Requires community colleges to close on January 1st, the third Monday in January, known as "Dr. Martin Luther King, Jr. Day," February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.
 - b) Requires community colleges to close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday; requires community colleges to continue in session on all legal holidays other than those designated in statute, and requires community colleges to hold proper exercises commemorating the day. (Education Code (EC) § 79020)
- 2) Authorizes community colleges to be closed, in addition to the holidays prescribed above, on:
 - a) The fourth Friday in September, known as "Native American Day," if the governing board agrees to close the community college for that purpose.
 - b) March 31, known as "Cesar Chavez Day," if the governing board agrees to close the community college for that purpose.

- c) April 24, known as “Genocide Remembrance Day,” if the governing board agrees to close the community college for that purpose. (EC § 79020 and § 88203)
- 3) Authorizes Glendale Community College, in addition to the optional holidays listed above, to be closed on April 24, known as “Armenian Genocide Remembrance Day,” if the governing board agrees to close the community college for that purpose. (EC § 79020 and § 88203)
- 4) Requires the California Community Colleges (CCCs) to provide at least 175 days of instruction. (California Code of Regulations, Title 5, § 55701)
- 5) Recognizes the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, known as “Lunar New Year” and as a state holiday, authorizing eligible state employees to elect to receive eight hours of holiday credit for the date corresponding with Lunar New Year in lieu of receiving eight hours of personal credit, as specified. (Government Code § 6700 and § 19853)

ANALYSIS

This bill:

- 1) Authorizes a community college to replace closing on February 12, Lincoln Day, or the third Monday in February, Washington Day, with the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, known as “Lunar New Year,” if the governing board of the community college district agrees to close the community college for that purpose.
- 2) Requires the community college to observe Lunar New Year on a preceding or following weekday when Lunar New Year falls on another holiday.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “there are over 6 million Asian Americans in California and nearly two-thirds of Asian Americans celebrate Lunar New Year. In order to promote cultural understanding and acceptance, AB 264 would provide community colleges the flexibility to observe Lunar New Year as a holiday. Lunar New Year is officially recognized as a state holiday in California, and the Legislature should give community colleges the ability to recognize Lunar New Year as a school holiday.”
- 2) ***Days that community colleges are closed.*** The state has prescribed specified holidays. Existing law requires community colleges to close on specified holidays, and authorizes community colleges to close on additional holidays or days of recognition. The days that community colleges are required to be closed do not completely correspond with designated state holidays; for example, Lunar New Year is a designated state holiday but not specified as a day that community colleges must close, or are even authorized to close. Since Lunar New Year is a

state holiday, the Governor could issue an executive proclamation to require community colleges to close for Lunar New Year, but would necessitate annual action to do via executive proclamation. This bill authorizes, but does not require, community colleges to close on Lunar New Year.

- 3) **Academic Calendars.** As noted in the Assembly Higher Education Committee analysis, the adoption of the academic calendar is based on an array of factors including the collective bargaining agreements between faculty and staff, the minimum days of instruction required by the California Code of Regulations, and the federal requirements for units of credit. Therefore, for each holiday that is adopted, an additional academic day must be added to the calendar. This bill creatively empowers community college districts to swap the currently mandated holidays of either Lincoln Day (February 12) or Washington Day (the third Monday in February), with the day each year that corresponds with Lunar New Year. As a result, community colleges would not necessarily need to adjust their academic calendars to close for Lunar New Year.
- 4) **Technical amendment.** Two distinct sections of the Education Code (EC) authorize community colleges to close on specified days; however, this bill amends only one of those sections. **Staff recommends an amendment** to add the provisions of this bill to EC section 88203.

1) **Prior legislation**

AB 2596 (Low) Chapter 792, Statutes of 2022, recognized the Lunar Year as a state holiday and authorizes state employees, with specified exceptions, to elect to receive eight hours of holiday credit for the Lunar New Year in lieu of receiving eight hours of personal holiday credit, as specified.

AB 1801 (Nazarian) Chapter 761, Statutes of 2022, added April 24, known as “Genocide Remembrance Day,” to the list of state holidays. Additionally, this bill authorizes state employees to elect to take time off with pay in recognition of “Genocide Remembrance Day,” as specified, and authorizes community colleges and public schools to close on April 24, known as “Genocide Remembrance Day,” as specified.

AB 1655 (Jones-Sawyer) Chapter 753, Statutes of 2022, added June 19, known as “Juneteenth,” to the list of state holidays and authorizes state employees to elect to take time off with pay in recognition of Juneteenth, as specified.

AB 1872 (Low, 2022) would have made the day of a statewide general election in even-numbered years a state holiday, and eliminates Washington Day (sometimes referred to as Presidents’ Day) as a holiday in those years. AB 1872 was held in the Assembly Appropriations Committee.

SB 383 (Stone, 2017) would have required state employees be given time off with pay for the day after Thanksgiving, or for Yom Kippur, whichever day is chosen by the employee and recognizes Yom Kippur as a state holiday. SB 383 failed passage in the Senate Governmental Organization Committee.

AB 674 (Low, 2017) would have made the first Tuesday after the first Monday in November of each year in which a statewide or national election is held as a state holiday. AB 674 was held in the Assembly Appropriations Committee.

SUPPORT

None received

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 275

Hearing Date: June 7, 2023

Author: Ward

Version: May 31, 2023

Urgency: No

Fiscal: No

Consultant: Kordell Hampton

Subject: School governance: governing boards: pupil members: compensation.

SUMMARY

Permits a governing board of a school district, county board of education, and charter school governing board to award a pupil member elective course credit or financial compensation, or both while serving as a pupil member.

BACKGROUND

Existing Law:

Education Code (EC)

Governing Boards of a School District

- 1) Clarifies pupil members are not entitled to compensation but are entitled to mileage allowance to the same extent as regular members while serving on a school district governing board. (EC 35012 § (d)(8))
- 2) Authorizes pupils in a school district that maintains one or more high schools to petition the governing board to appoint one or more pupil members to the governing board. (EC 35012 § (d)(1))
- 3) Requires the petition signed by at least 500 high school pupils enrolled in the district or 10% of the number of high school pupils enrolled in the district, whichever is less. (EC 35012 § (d)(2))
- 4) Requires each pupil member to have the right to attend all meetings of the school district's governing board, except executive sessions. (EDC 35012 § (d)(9)(A))
- 5) Requires a pupil member to also receive all materials other board members receive between open meetings, except for materials pertaining to closed sessions. (EC 35012 § (d)(9)(B))

County Boards of Education

- 6) Clarifies pupil members are not entitled to compensation but are entitled to mileage allowance to the same extent as regular members while serving on a county board of education. (EC § 1000(b)(8))

- 7) Authorizes pupils in a school district that maintains one or more high schools to petition the governing board to appoint one or more pupil members to the county board of education. (EC § 1000(b)(1))
- 8) Requires the petition signed by at least 500 high school pupils enrolled in the district or 10% of the number of high school pupils enrolled in the county, whichever is less. (EC § 1000(b)(2))
- 9) Requires each pupil member to have the right to attend all county board meetings, except executive sessions. (EC § 1000(b)(9)(A))
- 10) Requires a pupil member to also receive all materials other board members receive between open meetings, except for materials pertaining to closed sessions. (EC § 1000(b)(9)(B))

ANALYSIS

Permits a governing board of a school district, county board of education, and charter school governing board to award a pupil member elective course credit or financial compensation, or both while serving as a pupil member. Specifically, this bill:

Definitions

- 1) Defines “pupil members” means a pupil board member appointed to the governing board of a school district or county board of education through the student petition process.

Governing Boards of a School District and County Board of Education

- 2) Permits a local governing board and county board of education to award a pupil member in either or both of the following:
 - a) Elective course credit based on the number of equivalent daily instructional minutes for the pupil member’s services provided;
 - b) Monthly financial compensation as determined by the local governing board or the county board of education.
- 3) Specifies that a pupil member of a local governing board or county board of education, in the same manner as a regular member, who does not attend all meetings held in any month may receive, as compensation for the pupil member’s services, an amount not greater than the maximum amount allowed, as applicable, divided by the number of meetings held and multiplied by the number of meetings attended.
- 4) Specifies that a pupil member of a local governing board or county board of education, in the same manner as a regular member, may be paid for any meeting when absent if the board, by resolution duly adopted and included in its minutes, finds that at the time of the meeting, the member is performing services outside the

meeting on behalf of the board, the member was ill or on jury duty, or the absence was due to a hardship considered acceptable by the board.

- 5) Defines “regular member” means a board member elected or selected to the governing board of a school district or a county board of education, as specified.

Charter School Governing Board

- 6) Permits the governing board of a charter school or entity managing multiple charter schools to award a pupil member in either or both of the following:
 - a) Elective course credit based on the number of equivalent daily instructional minutes for the pupil member’s services provided;
 - b) Monthly financial compensation as determined by the local governing board or the county board of education.
- 7) Defines “regular member” means a governing body member nominated or appointed to the governing board of the charter school or entity managing multiple charter schools, as specified.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Student board members play a crucial role in representing the student voice and sharing student perspectives with school district and county boards of education. Yet, despite their important responsibilities, current law prohibits them from receiving compensation for their work.

This lack of compensation can create a barrier for many students, particularly those from low-income families, to participate in this important leadership opportunity. By allowing school district boards and county boards of education to provide compensation by offering a stipend to student board members for their work, AB 275 will increase accessibility and empower more students to participate.

Compensating student board members sends a clear message that their time and work are valued and respected. It recognizes their dedication to representing the student voice in discussions and helping find solutions to issues that directly impact them. AB 275 is a critical step towards ensuring that all students have the opportunity to participate as student board members and receive compensation for their work.”

- 2) ***California Task Force on K-12 Civic Learning (Task Force).*** In 2014, the Chief Justice of California and the State Superintendent of Public Instruction formed the Task Force to craft a set of recommendations to improve civic learning in our schools to address the need to revitalize civic learning in our state. To this end, the Task Force makes the following system-wide recommendations to improve civic learning in every district, in every school, and for every child:
 - a) Revise the California History-Social Science Content Standards and accompanying curriculum frameworks to emphasize civic learning, starting in

kindergarten, so all students acquire the civic knowledge, skills, and values they need to succeed in college, career, and civic life.

- b) Integrate civic learning into state assessment and accountability systems for students, schools, and districts. Civic knowledge, skills, values, and whether students receive learning opportunities that promote these outcomes must be assessed and linked to revised California History-Social Science Content Standards and relevant Common Core State Standards. This will enable periodic reporting to the legislature and the public on the state of students' civic learning.
- c) Improve professional learning experiences for teachers and administrators to help them implement civic learning in schools. Connect professional learning in civics to Common Core State Standards professional learning experiences.
- d) Develop an articulated instruction sequence in civic learning across K-12, pegged to revised standards. At each grade level, civic learning should draw on the research-based and include action-oriented, project-based work that develops digital literacy.
- e) Establish a communication mechanism so community stakeholders can connect with teachers and students on civic education and engagement. Students must leave the school building to practice civic engagement, and civic leaders must come into schools to engage students.
- f) Provide incentives for local school districts to fund civic learning in Local Control Accountability Plans under the new Local Control Funding Formula (LCFF).

Current law requires the governing board of a school district, county board of education, and governing body of a charter school, to include a student board member if a petition signed by a specified number of high school students is brought before the governing board.

3) **How Are Board Members Compensated Currently?**

School District Governing Boards		County Boards of Education	
School District ADA	Compensation	Countywide ADA	Compensation
250,000+	Salary set forth by the local city charter law or applicable rules and regulations and as determined by a local compensation review committee	750,000+	Not to exceed \$600 a month
60,000+	Not to exceed \$1,500 a month	140,000-749,999	Not to exceed \$400 a month

25,000+	Not to exceed \$750 a month	60,000-139,999	Not to exceed \$300 a month
10,000+	Not to exceed \$400 a month	30,000-59,999	Not to exceed \$200 a month
1,001-10,000	Not to exceed \$240 a month	1,000-29,999	Not to exceed \$160 a month
151-10,000	Not to exceed \$120 a month		
Less than 150	Not to exceed \$60 a month		

NOTE: Average Daily Attendance (ADA) is based on a school district in which the average daily attendance for the prior school year (EC § 35120 & 1090). On an annual basis, a school district governing board and a county board of education may increase the compensation of individual board members beyond the limits, not exceeding 5%, based on the present monthly compensation rate.

This bill would authorize regular (adult, nonstudent) school district governing board members and members of county boards of education to approve financial compensation for pupil board members. The amount of the financial compensation would be determined by the governing board. This proposal does not specify a total amount or cap for pupil compensation. Although there is variance between individual governing boards, most board members spend a significant amount of time each month attending meetings and other events related to the staff and personnel of the schools they oversee. Given this time commitment, some student board members note they cannot serve as governing board members, attend high school, and hold part-time jobs. Many students rely on the income of a part-time job to support their families and themselves, and the current lack of financial compensation for serving on a governing board is seen by some as a barrier to serving as a pupil member.

4) **Related Legislation**

AB 417 (Bennett) of the 2023-24 Session would authorize a pupil who is enrolled in a high school that is under the jurisdiction of the county board of education to be selected to serve as a member of the county board of education if no petition is submitted to select a pupil.

AB 824 (Bennett) Chapter 669, Statutes of 2021, authorizes a pupil petition requesting that a county board of education or the governing body of a charter school appoint one or more pupil board members to be submitted to a board or body operating one or more high schools.

AB 709 (Bonta) Chapter 437, Statutes of 2019, requires pupil members of a school district's governing board to be appointed to subcommittees like other board members, among other requirements.

SB 126 (Leyva) Chapter 3, Statutes of 2019 requires a charter school and an entity managing a charter school to be subject to the Ralph M. Brown Act or the Bagley-Keene Open Meeting Act; the California Public Records Act; Government Code 1090; and, the Political Reform Act.

AB 261 (Thurmond) Chapter 257, Statutes of 2017, provides that a pupil member of the governing board of a school district shall have preferential voting rights.

SB 468 (Leyva) Chapter 283, Statutes of 2017, modifies the existing requirement that school district governing boards provide the student board member with materials presented to the board members to specify that the student members are to receive all open meeting materials at the same time the materials are presented to the board members, and requires governing boards to invite the student member to staff briefings provided to board members or provide a separate briefing within the same timeframe as the briefing of board members.

SB 532 (Leyva) Chapter 317, Statutes of 2015, requires a majority vote of all voting board members on a motion to eliminate the nonvoting or preferential voting pupil member position from the governing board of a school district and requires the motion to be listed as a public agenda item for a meeting of the governing board of the school district before the motion being voted upon.

SUPPORT

San Diego Unified School District (Co-Sponsor)
California Association of Student Councils
Courage California
Generation Up
Long Beach Unified School District
San Diego County Office of Education

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 634	Hearing Date:	June 7, 2023
Author:	Ward		
Version:	February 9, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Community colleges: career development and college preparation courses.

SUMMARY

This bill requires the Board of Governors (BOG) of the California Community Colleges (CCCs) to adopt regulations allowing the funding determination for career development and college preparation (CDCP) courses to be calculated based on either ongoing attendance counts or a census date count, as specified.

BACKGROUND

Existing law:

- 1) Requires the CCC BOG develop criteria and standards for the purpose of making the annual budget request for the CCC to the Governor and the Legislature, and for the purpose of allocating the state general apportionment revenues. Stipulates the BOG shall develop the criteria and standards within the following statewide minimum requirements:
 - a) The calculations of each community college district's (CCDs) revenue level for each fiscal year shall be based on the level of general apportionment revenues, state and local, the community college district received for the prior year plus any amount attributed to a deficit from the adopted standards to be developed pursuant to this section, with revenue adjustments being made for increases or decreases in full-time equivalent students (FTES), for equalization of funding per credit FTES, for necessary alignment of funding per FTES between credit and noncredit programs, for inflation, and for other purposes authorized by law; and,
 - b) Commencing with the 2006–07 fiscal year, the funding mechanism developed shall recognize the need for CCDs to receive an annual allocation based on the number of colleges and comprehensive centers in the community college district. In addition to this basic allocation, the marginal amount of credit revenue allocated per FTES shall be funded at a rate not less than \$4,367, as adjusted for the change in the cost of living in subsequent annual budget acts. (Education Code (EC) Section 84750.5)

- 2) Funds noncredit instruction, except for CDCP courses, at an established rate per FTES and adjusts the rate annually for the change in the cost of living. (EC Section 84750.5(d)(3))
- 3) Provides that CDCP courses, which are also noncredit, shall be funded at the same level as the credit rate, as established pursuant to all of (1) above. (EC Section 84750(d)(4)(A)(ii))
- 4) Stipulates that the following courses and classes, for which no credit is given, and that are offered in a sequence of courses leading to a certificate of completion, that lead to improved employability or job placement opportunities, or to a certificate of competency in a recognized career field by providing a transition to college-level coursework, completion of an associate of arts degree, or for transfer to a four-year degree program, and that meet funding criteria established by the CCC BOG, shall be eligible for funding, as CDCP courses, at the credit rate as established in (3) above:
 - a) Classes and courses in elementary and secondary basic skills;
 - b) Classes and courses for students, eligible for educational services in workforce preparation classes, in the basic skills of speaking, listening, reading, writing, mathematics, decisionmaking, and problem-solving skills that are necessary to participate in job-specific technical training;
 - c) Short-term vocational programs with high-employment potential, as determined by the chancellor in consultation with the Employment Development Department utilizing job demand data provided by that department; and,
 - d) Classes and courses in English as a second language (ESL) and vocational ESL. (EC Section 84760.5)

To note, CCDs offering courses described above, but not eligible for funding at the credit rate are eligible for funding at the noncredit rate per (2) above.

- 5) Encourages CCDs to expedite the development of targeted credit or noncredit short-term workforce training programs, in accordance with all of the following:
 - a) Short-term workforce training programs that focus on economic recovery and result in job placement;
 - b) Short-term workforce training programs that focus on the reskilling and upskilling of individuals; and,
 - c) Short-term workforce training programs that have at least one proven employer partner, demonstrate job vacancies, and submit verification to the chancellor's office.
- 6) Specifies that verification includes the projected number of individuals served, completion rates, and job placement rates. Further, states Legislative intent that,

where possible, short-term noncredit workforce training programs should be utilized to be responsive to the workforce training needs of employers, with the ability to transition to credit or noncredit courses and programs upon successful completion of a program established. Colleges are encouraged to develop workforce training that utilizes competency-based approaches, and applies credit for prior learning where possible. (EC Section 88821)

- 7) Requires districts to compute FTES units for credit courses scheduled coterminously with the term by multiplying the student contact hours of active enrollment as of Monday of the week nearest to one-fifth of the length of the term (the census date) by the term length multiplier, and dividing by 525. (Title 5, California Code of Regulations (CCR) Section 58003.1(b))
- 8) Requires districts to compute FTES units for credit courses scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the college's primary term, or scheduled during the summer or other intersession, by multiplying the daily student contact hours of active enrollment as of the census days nearest to one fifth of the length of the course by the number of days the course is scheduled to meet, and dividing by 525. (Title 5, CCR Section 58003(c))
- 9) Authorizes a district, in lieu of applying (6) or (7) above, to use positive attendance count, i.e. to compute FTES units for any credit course by dividing the actual student contact hours of attendance by 525. (Title 5, CCR Section 58003(g))
- 10) Requires that the FTES units, for any noncredit course, except for distance education courses, or for any open-exit, open-entry course, be determined using a positive attendance count. (Title 5, CCR Section 58006)

ANALYSIS

This bill:

- 1) Authorizes a CCC to claim state attendance funding based on census day attendance accounting rules for a student enrolled in an enhanced noncredit course, including a distance education course, at a CCC that is not an open-entry, open-exit courses.
- 2) Specifies a CCC may continue to claim state attendance funding using positive attendance accounting if a CCC chooses.
- 3) Requires the CCC BOG to adopt regulations to implement this change no later than May 31, 2024.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Under current law, community college CDCP courses are funded based on positive attendance. In contrast,

community college credit courses are funded based on a census date, which recognizes that there are up-front costs to offering a course regardless of whether or not all students show up daily.”

The author states, “While CDCP noncredit courses and credit courses receive the same funding per full-time student, CDCP noncredit courses generate less funding than credit courses because of attendance recording requirements.”

Further, the author contends that, “AB 634 will align funding for noncredit CDCP courses by authorizing the attendance of those courses to be taken according to a census date rather than on positive attendance. This measure will accurately compensate community colleges for courses that are essential to California's workforce and minority communities.”

- 2) ***Background on credit, noncredit, and CDCP.*** According to the Legislative Analyst's Office, community colleges in general, fulfill their mission of offering the first two years of college instruction in academic and vocational subjects through credit instruction, whereas they use noncredit instruction to address much of their precollegiate adult education mission. Regulations, however, permit colleges to offer some precollegiate instruction on a credit basis, including some ESL, secondary English and math courses, and many vocational education courses.

Though CCC credit and noncredit instruction overlap, they differ in certain ways. For example, credit courses may be in any academic or vocational subject, whereas noncredit instruction is limited to ten categories. Additionally, noncredit courses may be open-entry, open-exit. Students are charged enrollment fees only for credit courses, and the state funds some noncredit courses at a lower rate than credit courses and calculates attendance differently.

Credit instruction, which all CCCs offer, accounts for 94% of FTES enrollment and noncredit instruction accounts for 5%. To note, the remaining 1% is tutoring. As aforementioned, state law permits CCCs to offer noncredit courses in ten instructional areas. Four of these instructional areas are eligible for the CDCP designation: elementary and secondary education, ESL, short-term vocational programs, and workforce preparation (such as communication skills). In addition to being in an eligible instructional area, a course must be offered as part of a sequence of related courses leading to a noncredit certificate (such as certificates in basic reading skills and healthcare careers preparation) to qualify as CDCP.

The state provides CCCs funding for instructing CCC students at three different rates. For the 2020-21 academic year, the rate are as follows: (a) \$3,381 for noncredit courses per-student; (b) \$5,622 for enhanced noncredit courses per student, also known as “career development and college preparation” courses; and (c) \$4,009 for credit courses per student, with additional funding of up to \$1,648 based on student demographics and student achievement. Noncredit courses typically are pre-collegiate-level courses in basic math and English skills and English as a second language. Enhanced noncredit courses typically are pre-collegiate-level courses in short-term vocational programs and other

programs leading to certificates or transfer. Credit courses are collegiate-level courses that lead to an associate's degree or transfer to a four-year university.

3) ***Funding calculations depend on attendance accounting procedure used.***

One of the main components for calculating community college funding is determining the number of FTES. The FTES represents the number of enrolled students whom attend 15 hours each week during the semester (or a group of students who, together, attend 15 hours each week). In an academic year, these hypothetical full-time students generate 525 student contact hours each. Even though not all students are full-time and not all classes are scheduled for the same number of weeks, FTES provides a unit of measure applicable to all classes and calendar types and is used for funding calculations only.

The way in which FTES is calculated depends on the course section, as the attendance accounting procedures can vary. The meeting schedule of the course section determines the procedure. Typically, attendance is determined on a weekly census basis, meaning student attendance is measured on a single census date in the term. For courses that are irregularly scheduled, including noncredit courses, a positive attendance basis is used, meaning the actual hours that students attend must be tracked and reported.

4) **Prior legislation**

AB 1727 (Weber, 2019) was virtually identical to this measure. The bill was vetoed by Governor Newsom, who stated:

“This bill requires the Board of Governors of the California Community Colleges to adopt regulations that authorize the use of a census date attendance accounting method to compute full-time equivalent students for certain noncredit courses known as Career Development and College Preparation courses. This bill changes how enrollment in these courses is tracked and would likely increase costs by tens of millions of dollars. For this reason, I am unable to sign this bill.”

SUPPORT

San Diego Community College District (sponsor)
 Contra Costa Community College District
 Kern Community College District
 Los Angeles College Faculty Guild
 Peralta Community College District
 Yuba Community College District

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 285	Hearing Date:	June 7, 2023
Author:	Luz Rivas		
Version:	January 24, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: science requirements: climate change.

SUMMARY

This bill modifies the course of study for science, in grades 1 to 6 and 7 to 12, to include content regarding causes and effects of, and methods to mitigate and adapt to, climate change and requires that appropriate coursework be offered to students no later than the 2024-25 school year.

BACKGROUND

Existing law:

Education Code (EC)

- 1) Requires the Instructional Quality Commission (IQC) to ensure that environmental principles and concepts (EP&Cs) are integrated into the academic content standards and curriculum frameworks in the subjects of English language arts, science, history-social science, health, and, to the extent practicable, mathematics whenever those standards and frameworks are revised. (EC § 51227.3.)

Public Resources Code (PRC)

- 2) Establishes the Office of Education and the Environment (OEE) of the Department of Resources Recycling and Recovery (DRRR) and requires it, in cooperation with the California Department of Education (CDE) and the State Board of Education (SBE), to develop and implement a unified education strategy on the environment for elementary and secondary schools in the state. (PRC § 71300)
- 3) Requires, as part of the unified education strategy, the OEE, in cooperation with the Secretary for Environmental Protection, the Natural Resources Agency (NRA), the CDE, and the SBE, to develop EP&Cs for elementary and secondary school students. (PRC § 71301)
- 4) Requires OEE to provide technical assistance to state agencies involved in integrating the environmental principles and concepts in programs they operate and in integrating the environmental principles and concepts into state curriculum standards, frameworks, and instructional materials. (PRC § 71301 (c)(3))

- 5) Requires that the EP&Cs include but not be limited to, concepts relating to the following topics:
 - a) Air;
 - b) Climate change;
 - c) Energy;
 - d) Environmental justice;
 - e) Environmental sustainability;
 - f) Fish and wildlife resources;
 - g) Forestry;
 - h) Integrated pest management;
 - i) Oceans;
 - j) Pollution prevention;
 - k) Public health and the environment;
 - l) Resource conservation, waste reduction, and recycling;
 - m) Toxics and hazardous waste; and
 - n) Water. (PRC § 71301 (d))
- 6) As determined appropriate by the Superintendent of Public Instruction (SPI), CDE shall incorporate into publications that provide examples of curriculum resources for teacher use and those materials developed by the office that provides information on the education principles for the environment. (PRC § 71303)

ANALYSIS

This bill modifies the course of study for science, in grades 1 to 6 and 7 to 12, to include content regarding causes and effects of, and methods to mitigate and adapt to, climate change and requires that appropriate coursework be offered to students no later than the 2024-25 school year.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Climate change is no longer a future problem waiting for us to act upon – it is already here. Extreme climate events are wreaking havoc across the globe and escalating in severity each year. Millennials and Generation Z have already mobilized as key leaders in climate and environmental activism because they know their generations will have to live with

the consequences of a changed climate. Several countries, such as Italy and New Zealand, are preparing their youth for the new climate realities affecting the planet by educating them on climate change. This legislation will cultivate a new generation of climate policy leaders in California as we educate, help prepare, and give our next generation the tools to shape their futures in the wake of our current climate crisis.”

- 2) ***Environmental Literacy Task Force (ELTF) - 2015.*** In 2015 former SPI Tom Torlakson published *Educating Every California Student In, About, and For the Environment*. The Blueprint contains a set of guiding principles and six critical strategies with corresponding recommendations that will support the ultimate goal of environmental literacy for all California students. It is intended to guide state-level work to foster environmental literacy. It can also serve as a guide for local efforts led by local educational agencies (LEAs), American Indian Education Centers, environmental education stakeholders, and other community organizations in implementing changes that will improve environmental literacy at the local level. To achieve this vision, the Task Force recommends six key strategies. Each strategy contributes to developing an integrated, well-funded, and effective statewide approach to achieving environmental literacy for every student. The Task Force recommends the following six overarching strategies.
 - a) Integrate environmental literacy efforts into existing and future education initiatives.
 - b) Strengthen partnership and collaboration among key stakeholders.
 - c) Leverage the SPI's influence and build public awareness.
 - d) Implement changes to relevant state law and policy.
 - e) Ensure strong implementation through capacity building and continuous improvement.
 - f) Develop a coherent strategy for funding environmental literacy.
- 3) ***The 2016 Science Framework.*** According to the CDE, “content related to climate change appears in a number of the state curriculum frameworks. Every grade level has been integrated with the EP&Cs at the performance expectation and instructional segment groupings.” The CDE notes that climate change is spread throughout the Science Framework at all grade levels, from specific standards to an understanding that science-literate students are better climate stewards. There are at least two instructional segments in grades K-8 that directly discuss climate change, and each high school course deals with at least three or more if the course follows the recommended course outlines in the Framework.

California Next Generation Science Standards (CA NGSS). The SBE adoption of new California science standards began in 2013. Adoption of the CA NGSS involved a two-year process. Former SPI Tom Torlakson convened a Science Expert Panel (SEP) to recommend new science content standards for California public schools based upon the nationally developed CA NGSS. On September 4,

2013, the SBE adopted the CA NGSS and Appendices A-M. On November 6, 2013, the SBE approved the SEP-recommended Integrated Learning Progression model as the preferred model for middle grades 6 through 8. At the same November meeting, the SBE approved a recommendation by the SPI to reconvene the SEP to develop as an alternative model a “discipline-specific model” for the grade span of 6 through 8 based on the model shown in Appendix K. A statewide plan to implement the CA NGSS was approved by the SBE on November 13, 2014. SB 300 Hancock (Chapter 480, Statutes of 2013) called for revising the Science Framework to align with the CA NGSS. This was incorporated into the 2016 Science Curriculum Framework.

- 4) ***Incorporating Climate Change Education Into Various Subjects.*** SB 720 (Allen), Chapter 374, Statutes of 2018, revised provisions relating to the education principles for the environment by, among other things, (1) renaming them the environmental principles and concepts; (2) revising the process for, and entities involved in, updating the environmental principles and concepts; and (3) requiring the IQC to ensure that the environmental principles and concepts are integrated into content standards and curriculum frameworks whenever those standards and frameworks are revised.

Subject	Framework State Date	Framework SBE Adoption Date	Instructional Materials State Date	Instructional Materials SBE Adoption Date
World Languages	2018	July 2020	2019	November 2021
California Arts Education	2018	July 2020	2019	November 2021
Mathematics	2019	November 2021	2020	November 2023
Physical Education	2021	July 2024	There are no SBE-adopted instructional materials for physical education.	n/a
English Language Arts/ English Language Development	2022	July 2025	2025	November 2027
Health Education	2024	July 2027	2027	November 2029
History-Social Science	2023	July 2026	2026	November 2028
Science	2025	July 2028	2028	November 2030

SB 720 specifies that the IQC must ensure that the environmental principles and concepts are integrated into the content standards and curriculum frameworks in the subjects of English language arts, science, history-social science, health, and, to the extent practicable, mathematics whenever those standards and frameworks are revised. SB 720 further stipulates that the environmental principles and concepts developed should also be incorporated into criteria set for textbook adoption as the SBE deems appropriate. Above are the scheduled revisions for each subject's framework.

5) ***California Regional Environmental Education Community (CREEC) Network.***

The CREEC Network is a program of the CDE which fosters regional partnerships to promote environmental education and environmental literacy by providing teachers with access to high-quality professional learning opportunities and education resources. Along with statewide sponsors and partners, each of the 11 California CREEC Regions provides professional learning opportunities and resources to educators and fosters communications among schools and organizations interested in supporting the environmental literacy of California's teachers and students.

6) **Related Legislation**

AB 1939 (L. Rivas, 2022) would have added content on the causes and effects of, and methods to mitigate and adapt to, climate change to the course of study in the subject of science for grades 1 to 6 and grades 7 to 12, requires that appropriate coursework be offered to students no later than the 2023-24 school year. *This bill was held in Senate Education Committee.*

SB 720 (Allen), Chapter 374, Statutes of 2018 revised provisions relating to the education principles for the environment by, among other things, (1) renaming them the environmental principles and concepts; (2) revising the process for and entities involved in, updating the environmental principles and concepts; and (3) requiring the IQC to ensure that the environmental principles and concepts are integrated into content.

AB 1548 (Pavley), Chapter 665, Statutes of 2003, established the OEE within the California Environmental Protection Agency and required it to develop environmental education principles and a model curriculum.

SB 300 (Hancock), Chapter 480, Statutes of 2013, requires the SBE to consider adopting a revised curriculum framework and evaluation criteria for instructional materials based on the Next Generation of Science Standards.

SUPPORT

California Federation of Teachers AFL-CIO
Los Angeles County Office of Education
Midpeninsula Regional Open Space District

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 358

Hearing Date: June 7, 2023

Author: Addis

Version: February 1, 2023

Urgency: No

Fiscal: Yes

Consultant: Ian Johnson

Subject: Community college districts: student housing.

SUMMARY

This bill exempts California Community College (CCC) district student housing plans from requiring approval from the Department of General Services' (DGS) Division of the State Architect (DSA).

BACKGROUND

Existing law:

- 1) Requires the DGS, under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of, or addition to, any school building, if not exempted under Section 81133, to ensure that plans and specifications comply with specified rules and regulations and building standards published in Title 24 of the California Code of 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. (Education Code (EC) Section 81130)
- 2) Defines "school building" as any building used, or designed to be used, for community college purposes and constructed by the state, by any city, county, or city and county, by any district of any kind within the state, by any regional occupational center or program created by or authorized to act by an agreement under joint exercise of power, or by the United States government, or any agency thereof. (EC Section 81050)
- 3) Exempts community college employee housing from the Field Act; and, defines "residential housing" to mean any building used as a personal residence by a teacher or employee of a community college district (CCD), with the teacher's or employee's family, if applicable. (EC Section 81050.5)
- 4) Requires each school building constructed, reconstructed, modified, or expanded after July 1, 2006, on a community college campus to be built according to the Field Act, as defined in Section 81130.3, or according to the California Building Standards Code, as adopted by the California Building Standards Commission. (EC Section 81052)

- 5) Prohibits contracts to be awarded for the construction of elementary school, secondary school, or CCD buildings and facilities until the DGS has issued written approval stating that the plans and specifications comply with the intent of specified provisions in the Government Code, when funds from the state, county, municipalities, or other political subdivisions are used. (Government Code (GOV) Section 4454)
- 6) Exempts community college employee housing from the Field Act; and, defines “residential housing” to mean any building used as a personal residence by a teacher or employee of a CCD, with the teacher’s or employee’s family, if applicable. (GOV Section 4454.5)

ANALYSIS

This bill:

- 1) Excludes any CCC district building used as a residence for students attending a CCC campus from having to receive approval from the DGS DSA.
- 2) Adds to the definition of “residential housing” any building used as a residence for students attending a campus of a CCC district.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, although some students may qualify for traditional affordable housing, students themselves are not designated as a special needs population and are not included in the Regional Housing Needs Assessment, which quantifies the need for housing within each jurisdiction during specified planning periods.

The author contends that because of the exclusion of students from the Assessment, students suffer from lack of protections from the state or their local governments. Further, the author states that, “campuses themselves however, suffer from increasing on-campus housing shortages, leading to escalating housing costs and extensive waiting lists.” The author states, “this is especially the case at the California Community Colleges, which originally did not provide housing as they catered to ‘commuter’ students. As a result, many community colleges are scrambling to erect housing amongst a dire landscape, all while experiencing limited land availability, high costs, and long completion days.”

Lastly, the author states, “this bill helps eliminate inequities experienced by underrepresented individuals in higher education by allowing community colleges to more quickly accommodate student-housing needs. If CCC are the engine for upward social mobility, we must address housing insecurity issues.”

- 2) ***Efforts to address student housing in California.*** In 2021, the Legislature and the Governor appropriated \$2 billion over three years in housing grants among the CCC, the California State University (CSU) and the University of California (UC). Despite these investments, there is still a lack of information on student housing insecurity and respective subgroups, no coordination and data sharing

with the Administration and Legislature, and bureaucratic hurdles to approving housing production, especially for community colleges.

Further, there is no government entity aside from the public university segments that oversees student housing, creating a disjointed system and limited knowledge of student housing insecurity at the state level. The \$2 billion and the applications for student housing are currently managed by the Department of Finance, which does not have a housing sub-department or staff. Meanwhile, the Housing and Community Development Department does not weigh in on student housing, even though students are a significant at-risk group that experience homelessness. Students are not designated as a “special needs population,” and do not qualify for the Regional Housing Needs Allocation.

According to data provided by the author, students who face housing insecurity are less likely to engage seriously with their college experience and less likely to complete their course of study. In a 2022 CCC conducted survey, 65% of CCC campuses indicated they were collecting data on student housing and food insecurity. A large percentage indicated they were partnering with community resources that provide housing assistance and access to food distribution programs. However, only 16% of the colleges surveyed provided emergency housing assistance; only 36% said they offered a place for students to store their belongings throughout the day.

- 3) **Field Act Overview.** The Field Act was established in 1933 following a devastating earthquake in Long Beach, California. This earthquake caused 120 fatalities and severely damaged or made unsafe 230 school buildings. The Field Act granted authority to the State Architect to create a statewide building code aimed at ensuring the safety of all buildings, particularly schools, against earthquakes. Over time, the Field Act has been strengthened, and California's public schools and community college buildings are widely recognized as the safest public structures in the state. When the DSA confirms that project plans comply with the required building codes and the Field Act, the school district can proceed with the construction.

However, it's important to note that the Field Act exclusively applies to school facilities, including those located on a CCC campus. As explained by the Seismic Safety Commission, the Field Act's purpose is to safeguard the lives of children and staff in public schools from injury or death during earthquakes, as well as protect the public's investment in school buildings. One of the Field Act's many requirements is obtaining DSA approval for the architectural designs of any campus building.

Under current state legislation, the Field Act solely affects the CCC as the only public higher education segment subject to its regulations. The CSU and UC adhere to local ordinances concerning seismic activity and maintain their own policies, without being subject to the Field Act.

- 4) **The Division of the State Architect.** The DSA, in part, provides design and construction oversight for K–12 schools, community colleges, and various other state-owned and state-leased facilities to ensure that they comply with all

structural, accessibility, and fire and life safety codes. To promote consistent knowledge and application of the California Building Codes, as well as information for successful plan review and construction of projects under DSA's jurisdiction, DSA offers classes through its DSA Academy.

- 5) ***Arguments in support.*** According to several CCC districts, "Community colleges are subject to the same building standards for primary and secondary schools. However, this has the unintended consequence of long bureaucratic construction procedures, a problem that uniquely exists at the CCCs and not at the CSU or UC." Further, they state, "...building projects that exceed \$100,000 are required to go through DGS and DSA in addition to housing compliance standards, which results in increased cost of housing. This therefore creates barriers to building safe and affordable housing."

Further, they write, "...the ability to bypass approval from DGS and DSA on residential housing for CCC students allows community colleges to more easily accommodate its housing needs. This will put CCC on equal footing with CSU and UC colleges across the state and help students with housing insecurity."

SUPPORT

Antelope Valley Community College District
 Association of California Community College Administrators
 California Apartment Association
 California Chamber of Commerce
 California Community Colleges Chancellor's Office
 Chabot Las Positas Community College District
 College of the Canyons
 College of the Redwoods
 Community College Facility Coalition
 Community College League of California
 Contra Costa Community College District
 Kern Community College District
 Monterey Peninsula Community College District
 Public Advocates
 Rio Hondo College
 San Bernardino Community College District
 San Diego Community College District
 San Jose Chamber of Commerce
 San Jose-Evergreen Community College District
 Santa Barbara City College
 Santa Monica Community College District
 Southwestern Community College District
 Student Senate for California Community Colleges
 Ventura County Community College District
 Yuba Community College District

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 370

Hearing Date: June 7, 2023

Author: Addis

Version: May 30, 2023

Urgency: No

Fiscal: Yes

Consultant: Olgalilia Ramirez

Subject: Pupil instruction: State Seal of Biliteracy.

SUMMARY

This bill modifies the criteria for demonstrating proficiency in English and a language other than English for purposes of earning the State Seal of Biliteracy (SSB).

BACKGROUND

Existing law:

- 1) Specifies that the SSB certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets all of the following criteria:
 - a) Completing all English language arts requirements for graduation with an overall grade point average (GPA) of 2.0 or above in those classes.
 - b) Passing the California Assessment of Student Performance and Progress (CAASPP) for English language arts, or any successor test, administered in grade 11, at or above the “standard met” achievement level or at the achievement level determined by the Superintendent for any successor test.
 - c) Proficiency in one or more languages other than English, demonstrated through one of the following methods:
 - i) Passing a world language Advanced Placement examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher.
 - ii) Successful completion of a four-year high school course of study in a world language, attaining an overall GPA of 3.0 or above, and oral proficiency in the language comparable to that required in current law.
 - iii) If no Advanced Placement examination or off-the-shelf language test exists and the school district can certify to the Superintendent that the test meets the rigor of a four-year high school course of study in that world language, passing a school district language

examination that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher. If a school district offers a language examination in a language in which an Advanced Placement examination or off-the-shelf language test exists, the school district language examination shall be approved by the Superintendent for the purpose of determining proficiency in a language other than English.

- (1) A pupil who seeks to qualify for the SSB through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, shall pass an assessment on the modalities that characterize communication in that language at the proficient level or higher.
- iv) Passing the SAT II world language examination with a score of 600 or higher. (Education Code (EC) § 51461)
- 2) Requires the Superintendent to prepare and deliver to participating school districts an appropriate insignia to be affixed to the diploma or transcript of the pupil indicating that the pupil has been awarded an SSB by the Superintendent. (EC § 51462)
- 3) Requires a participating school district to maintain appropriate records to identify pupils who have earned an SSB. (EC § 51463)

ANALYSIS

This bill modifies the criteria for demonstrating proficiency in English and a language other than English for purposes of earning the SSB. Specifically, it:

- 1) For students demonstrating proficiency in English:
 - a) Raises the overall grade point average (GPA) in courses in English language arts which are required for graduation from a 2.0 to a 3.0 and allows completion of one or more English language arts courses at a community college or an accredited four-year university with a grade equivalent to a at least a GPA of 3.0 to be used to satisfy one or more course requirements in English language arts.
 - b) Adds the following means of demonstrating proficiency in English:
 - i) Passing an English Advanced Placement examination with a score of 3 or high or an English International Baccalaureate examination with a score of 4 or higher.
 - ii) Achieving a score of 600 or higher on the Evidence-Based Reading and Writing section of the SAT.

- 2) For students demonstrating proficiency in one or more languages other than English:
 - a) Adds the following means of demonstrating proficiency in a language other than English:
 - i) Passing a world language ACTFL Writing Proficiency Test (WPT) and an Oral Proficiency Interview (OPI) with scores of Intermediate Mid or higher.
 - ii) Successful completion of a four-year course of study of content in a world language at a higher level than high school attaining an overall GPA average of 3.0 or above in that course of study, and oral proficiency in that course of study, and oral proficiency in the language comparable to that required for demonstration of English proficiency and allows either or both of the following to satisfy requirements:
 - (1) Successful completion of high school level courses completed in another country in a language other than English with the equivalent to a 3.0 GPA or above and oral proficiency in the language comparable to that requirement for demonstration of English proficiency, as verified through a transcript.
 - (2) Completion of one or more language courses at a community college or an accredited four-year university with a grade equivalent to a 3.0 GPA or above and oral proficiency in the language comparable to that required for demonstration of English proficiency, as verified through a transcript.
- 3) For a student who is an English learner demonstrating proficiency:
 - a) Changes references to students whose primary language is other than English to *English learner* and requires that a student attain a score of Level 4 only on the *oral* language section of the English Language Proficiency Assessments for California (ELPAC), instead of a level 4 in *all domains* of the assessment (listening, speaking, reading, writing).
 - b) Modifies language to conform to criteria established by the bill for demonstrating proficiency in English and for demonstrating proficiency in one or more languages other than English.
- 4) Eliminates flexibilities provided to students on track to graduate in 2020 or 2021 who were seeking to earn the SSB during the COVID-19 pandemic school disruptions.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Obtaining the State Seal of Biliteracy should be achievable for multilingual students from all primary-language backgrounds. AB 370 addresses this equity issue by updating the criteria required to obtain the State Seal of Biliteracy in order to make it attainable for all students, while creating a clear path for all participating Local Educational Agencies to implement. Balancing this benchmark is a step in the right direction when it comes to equitable education.”
- 2) **State Seal of Biliteracy is a popular option for students.** SSB was established in 2011 with the goal of encouraging students to study language, to certify master of two or more languages, which in turn would provide employers and universities with a method of identifying prospective employees or students biliteracy skills. The SSB, established by AB 815 (Brownley, Chapter 618, Statutes of 2011), became effective January 1, 2012. In its first year, more than 10,000 graduating high school students across California earned recognition for achieving proficiency in multiple languages. According to the California Department of Education, in 2022 over 72,000 insignias were awarded to qualifying students in high schools across the state, which is significant increase from the number of seals awarded in the first year.
- 3) **Expands ways to earn the State Seal of Biliteracy.** The SSB program recognizes high school graduates who have attained a high level of proficiency in speaking, reading, and writing one or more languages in addition to English. The SSB is awarded by the State Superintendent of Public Instruction in accordance with specified criteria. This bill is attempting to modify current law in order to expand options for demonstrating English proficiency and proficiency in a world language when awarding SSB, including passing other assessments and earning credit at a postsecondary institution. A primary issue the bill aims to address is students who may not have had a CAASPP test administered to them in grade 11, are ineligible for SSB despite satisfying other measures. This bill decouples the English course and CAASPP test requirements, allowing students to demonstrate English proficiency through either option, as well as by additional measures, including completion of a course in English language arts at an accredited four-year university. The criteria for establishing world language proficiency are also expanded. Passing with at least a 3.0 GPA in a high school-level non-English language course in another country is included on this extended list.
- 4) **Increases English language arts grade requirement.** In addition to expanding assessment and course options, this measure raises the English language arts GPA threshold from a 2.0 to 3.0. Attainment of a 3.0 GPA in English language arts is a higher standard than what is required for high school graduation or qualifying for admission into the California State University. According to bill sponsors, the higher benchmark is necessary to maintain a certain level of rigor as a standalone requirement and establish consistency with the GPA required to show proficiency in a world language for SSB. This abrupt change is unlikely to harm students presently pursuing SSB, given that passing the CAASPP test remains a choice for demonstrating proficiency in English language arts.

- 5) **Eliminates duplicative requirements for English learners (EL).** As noted in the Assembly Education Committee analysis, ELs required to demonstrate some forms of proficiency more than once. To earn the SSB under current law, students in grades 9 to 12 whose primary language is not English must score a level 4 on the ELPAC in all four domains of the test: reading, writing, listening, and speaking. They are also required to demonstrate proficiency in English language arts, which also includes reading and writing. This means that under current law these students must demonstrate proficiency in these domains more than once, while non-ELs must do so only one time.

This bill proposes to eliminate this duplication by requiring that ELs show proficiency only on the oral language portions of the ELPAC. Listening and speaking are currently scored as one composite “oral language” score.

- 6) **Benefits of biliteracy.** Attaining proficiency in multiple languages holds numerous benefits to students and the state in general. A wide range of languages are spoken in California, indicating the diverse population of students across the state. Research shows the advantages of biliteracy programs in pre-school through grade for both English learners and native English speakers. For example, according to research published by the National Academies of Science, Engineering and Mathematics’ in 2017 concludes, among other things, that:

- a) Children given the opportunity to develop competence in two or more languages early in life benefit from their capacity to communicate in more than one language and may show enhancement of certain cognitive skills, as well as improved academic outcomes in school.
- b) The cognitive, communicative, cultural, and economic benefits of knowing English and another language are most likely to occur when individuals have high levels of linguistic and functional competence in both languages, including speaking, listening, reading, and writing in both. This is most likely to occur if development of the home language is maintained throughout the preschool and school years as dual language learners learn English.

- 7) **Clarifying amendments.** This bill authorizes passage of a course from any accredited four-year university one measure of language proficiency in English and other language. To provide further clarity on which types of universities, ***staff recommends that the bill be amended as follows:***

- ***EC Section 51461(a)(1)(A).*** Completion of all English language arts requirements for graduation with an overall grade point average of 3.0 or above in those classes. Completion of one or more English language arts courses at a California public higher education institution or an independent institution of higher education, as defined in EC Section 66010 (a) and (b), with a grade equivalent to a grade point average of 3.0 or above may also be used to satisfy one or more course requirements of this subparagraph.

- **EC Section 51461 (a)(2)(B)(ii).** Completion of one or more world language courses at a California public higher education institution or an independent institution of higher education, as defined in EC Section 66010 (a) and (b), with a grade equivalent to a grade point average of 3.0 or above and oral proficiency in the language comparable to that required pursuant to subparagraph (A), as verified through a transcript.

8) **Related Legislation**

AB 130 (Committee on Budget, Chapter 44, Statutes of 2021), authorizes the State Superintendent of Public Instruction to use specified assessments to determine whether a student obtained the achievement level on a grade 11 English language arts for the purposes of establishing proficiency in English language arts to earn the SSB.

SB 98 (Committee on Budget and Fiscal Review), Chapter 24, Statutes of 2020, authorized the State Superintendent of Public Instruction to provide alternatives to demonstrating attainment of a high level of proficiency in one or more languages in addition to English for those pupils on track to graduate in 2020 or 2021 and who were unable to take the assessments identified in existing law, or who did not receive a letter grade in ELA.

AB 1142 (Medina, Chapter 208, Statutes of 2017) updated the criteria used to determine eligibility for the SSB to reflect new state assessments in English language development and English language arts, and to authorize the SSB for pupils who seek to qualify through a language that is not characterized by listening, speaking, or reading, or for which there is no written system.

AB 24 (Eggman, Chapter 604, Statutes of 2017) established a State Seal of Civic Engagement to be affixed to the diploma of qualifying high school graduates based on demonstrating excellence in civics education and participation.

AB 815 (Brownley, Chapter 618, Statutes of 2011) established the SSB to recognize high school graduates who attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English.

SUPPORT

Californians Together (Sponsor)
Association of California School Administrators
California Association for Bilingual Education
California Teachers Association
Los Angeles County Office of Education

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 368
Author: Holden
Version: May 1, 2023
Urgency: No
Consultant: Ian Johnson

Hearing Date: June 7, 2023

Fiscal: Yes

Subject: College and Career Access Pathways partnerships.

SUMMARY

This bill makes clarifying changes to College and Career Access Pathways (CCAP) partnerships, including requiring California Community College (CCC) districts to enroll high school pupils in any course that is part of a CCAP partnership offered at a CCC campus, authorizing courses to be offered at the CCC campus or the participating high school campus, and requiring priority enrollment for a pupil seeking to enroll in a CCC course that is required for the pupil's CCAP partnership program.

BACKGROUND

Existing law:

- 1) Authorizes a student to undertake courses at a CCC if the governing board of a school district, upon recommendation of the principal of the student's high school and with parental consent, determines a student would benefit from advanced or vocational coursework. The student may attend the CCC during any session or term as a special part-time or full-time student and take one or more courses of instruction offered at the CCC. Provides methods for parents to petition for students to attend community college courses and methods for appeals in case of a denial. Includes criteria for allocating attendance and funding for high school students who attend courses at the community college.
- 2) Stipulates that summer courses may be offered if a student has met specified conditions and if the principal has not recommended summer session attendance to more than 5% of the student's grade population in the previous year. All physical education courses must adhere to the 5% threshold and the following courses are exempt until January 1, 2027:
 - a) Courses which are part of a CCAP and meet specified criteria;
 - b) Courses which are lower division, college-level courses that are either a college-level course that are part of the Intersegmental General Education Transfer Curriculum or applies towards the general education requirements of the California State University (CSU); and
 - c) Courses which are a college-level occupational course, as defined. (Education Code (EC) 48800)

- 3) Authorizes, until January 1, 2027, the governing board of a CCC district to enter into a CCAP partnership with the governing board of a school district or the governing body of a charter school for the purpose of offering or expanding dual enrollment opportunities for pupils who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness.
- 4) Requires that the CCAP partnership agreement be approved by the respective governing boards of the CCC district and the school district or governing body of the charter school. Requires the governing boards or body to:
 - a) Consult with and consider the input of the appropriate local workforce development board in order to determine to what extent the career technical education pathways are aligned with regional and statewide employment needs; and,
 - b) Present, take comments from the public on, and approve or disapprove of the CCAP partnership agreement at an open public meeting of the governing board of the district or governing body of the charter school.
- 5) Requires the California Community Colleges Chancellors Office (CCCCO) to report to the Department of Finance (DOF) and Legislature annually on the amount of full-time equivalent students (FTES) claimed by each CCC district for high school pupils enrolled in non-credit, non-degree applicable, and degree applicable courses; and provides that, for purposes of receiving state apportionments, CCC districts may only include high school students within the CCC district's report on FTES if the students are enrolled in courses that are open to the general public, as specified. Additionally, requires the governing board of a CCC district to assign a low enrollment priority to special part-time or full-time students in order to ensure that these students do not displace regularly admitted community college students. (EC 76001 and 76002)
- 6) Requires the Chancellor, on or before January 1, 2021, to prepare a summary report that includes an evaluation of the CCAP partnerships, an assessment of the growth of special admits system wide and by campus, and recommendations for improving the CCAP partnerships, as specified. Requires the report to be transmitted to the Legislature, the DOF, and the Superintendent of Public Instruction (SPI). Requires the Chancellor to annually collect specified data from the CCC and school districts participating in a CCAP partnership. Requires the data to include:
 - a) The total number of high school pupils by school site enrolled in each CCAP partnership, disaggregated by gender and ethnicity;
 - b) The total number of CCC courses taken by CCAP partnership participants disaggregated by category, type, and school site;

- c) The total number and percentage of courses successfully completed by CCAP partnership participants disaggregated by course category, type, and school site;
 - d) The total number of FTES generated by the CCAP partnership community college district participants; and,
 - e) The total number of FTES served online by the CCAP partnership college district participants. (EC 76004)
- 7) Establishes Middle College High Schools (MCHS). Requires each MCHS to be structured as a broad-based, comprehensive instructional program focusing on college preparatory and school-to-work curricula, career education, work experience, community service, and support and motivational activities. Authorizes the specific design of a MCHS to vary depending on the circumstances of the community college or school district. Requires the basic elements of the MCHS to include, but not be limited to, the following:
 - a) A curriculum that focuses on college and career preparation;
 - b) A reduced adult-student ratio;
 - c) Flexible scheduling to allow for work internships, community service experience, and
 - d) Opportunities for experiential internships, work apprenticeships, and community service. (EC 11300)
- 8) States that Early College High Schools (ECHS) are small, autonomous schools that blend high school and college into a coherent educational program. In ECHS, pupils begin taking college courses as soon as they demonstrate readiness and the college credit earned may be applied toward completing an associate or bachelor's degree, transferring to a four-year university, or obtaining a skills certificate. (EC 11302)
- 9) Establishes the Golden State Pathways Program, a competitive grant program to:
 - a) Promote pathways in high-wage, high-skill, high-growth areas that allow students to advance seamlessly from high school to college and career and, provide the workforce needed for economic growth;
 - b) Encourage collaboration between local educational agencies (LEAs), institutions of higher education, local and regional employers, and other relevant community interest holders to develop, or expand the availability of, innovative college and career pathways that simultaneously align with an LEA's local or regional labor market needs;

- c) Enable more students to access postsecondary education opportunities and workforce training opportunities, or to obtain gainful employment in an industry that simultaneously aligns with local, regional, or state labor market needs; and
 - d) Support the continued development of a skilled and educated workforce, with an emphasis on addressing areas of acute statewide need. (EC 53020-53025)
- 10) Requires the California Department of Education (CDE), in consultation with the office of the Chancellor, to, beginning on or before January 1, 2023, administer a competitive grant program to do all of the following:
 - a) Enable more LEAs to establish either middle college or ECHS that provide pupils with access to obtain college credits while enrolled in high school;
 - b) Provide incentives for LEAs to establish dual enrollment course opportunities, as specified; and
 - c) Enable LEAs with existing MCHS or ECHS or CCAP partnerships to couple robust pupil advising and success supports with dual enrollment opportunities and establish outreach campaigns to promote dual enrollment for new or existing middle college or ECHS or CCAP partnerships. Requires, for LEAs with CCAP partnerships, outreach to be focused toward families and pupils who may not be college bound or who are underrepresented in higher education. (EC 41585)

ANALYSIS

This bill:

- 1) Requires a CCC to provide priority enrollment for CCC courses to CCAP participants seeking to enroll in a community college course that is required for the participant's CCAP partnership program.
- 2) Clarifies CCAP courses may be offered either at the CCC campus or the participating high school campus.
- 3) Clarifies CCAP participants are exempt from paying CCC fee requirements.
- 4) Clarifies that, by May 1 each year, the CCC chancellor is to submit a report with certain information about the CCAP program to the Legislature, the DOF, and the SPI.
- 5) Defines "underrepresented in higher education" to mean members of groups that have historically comprised a minority of the population of the United States, first-time college students, low-income students, students who are current or former foster youth, homeless students, students with disabilities, and students with dependent children.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “According to the author, “Dual enrollment programs have illustrated the inequities and successes of education. I support dual enrollment and any opportunity to allow greater access to these programs, because it welcomes youth into their careers and higher education in an intentional and thoughtful manner. Dual enrollment removes barriers and increases the likelihood of success for the next generation.”

This bill seeks to clarify common misconceptions regarding elements of CCAP partnership agreements related to 1) the purpose of the partnerships, 2) where CCAP courses may be located, and 3) student fees. In order to address these concerns, the bill proposes the following changes:

- a) ***The purpose of CCAP.*** The purpose of CCAPs is to offer or expand dual enrollment opportunities to students who may not already be college bound or who are underrepresented in higher education. This bill provides a definition for the currently undefined term “underrepresented in higher education” to mean members of groups that have historically comprised a minority of the population of the United States, first-time college students, low-income students, students who are current or former foster youth, homeless students or students at risk of being homeless, students with disabilities, students with dependent children, and undocumented students.
- b) ***Location of CCAP courses.*** This bill authorizes CCAP courses to be offered either at the CCC campus or the participating high school campus.
- c) ***Fees.*** This bill states that the governing board of a community college district participating in a CCAP partnership agreement are required to exempt students seeking to enroll in a community college course required for the pupil’s CCAP partnership program from the CCC fee requirements.
- 2) ***Concurrent enrollment.*** Concurrent enrollment provides pupils the opportunity to enroll in college courses and earn college credit while still enrolled in high school. Generally, a pupil is allowed to concurrently enroll in a community college as a “special-admit” while still attending high school, if the pupil’s school district determines that the pupil would benefit from “advanced scholastic or vocational work.” Special-admit students have typically been advanced pupils wanting to take more challenging coursework or pupils who come from high schools where Advanced Placement or honors courses are not widely available. Additionally, programs such as middle college high schools and ECHS use concurrent enrollment to offer instructional programs for at-risk pupils that focus on college preparatory curricula. These programs are developed through partnerships between a school district and a community college.
- 3) ***College and Career Access Pathways program.*** The CCAP program allows for partnerships between school and community college districts such that high school students dual-enroll in up to 15 community college units per term;

students may enroll in no more than four courses per term. The goals of CCAP are to develop seamless pathways from high school to community college for career technical or general education transfer, improve high school graduation rates, or help high school students achieve college and career readiness. Courses must be part of an academic program defined in a CCAP agreement and meet criteria for both a high school diploma and an Associate of Arts or other credentials.

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

- 4) ***Other concurrent enrollment options.*** Beyond the CCAP, community college districts have several statutorily authorized means by which apportionments can be claimed for minors enrolled by the district. These include:
- a) *Special part-time full-time students.* School district governing boards can recommend students who would benefit from advanced scholastic or vocational work for attendance at a community college upon recommendation of the principal. The number of students who can be recommended for summer session enrollments is capped at five percent of the students in each grade. CCC can claim state funding for these students only if the course is open and advertised to the general public. Under this authority, students are limited to enrolling in a maximum of 11 units per semester and must be assigned low enrollment priority by the college to avoid displacement of adults.
 - b) *Early College High Schools and Middle College High Schools.* ECHS are designed for young people who are underrepresented in postsecondary education, including students who have not had access to the academic preparation needed to meet college readiness standards, students for whom the cost of college is prohibitive, students of color, first generation college-goers, and English language learners. MCHS is a collaborative program that enables high-potential, "at-risk" students to obtain a high school education while concurrently receiving direct access to college courses and services. High school students attend classes at a CCC and earn credit toward a high school diploma while having the opportunity to concurrently take college courses and to receive more intensive counseling and administrative attention. These programs are subject to the same conditions that exist for special admit students, with the exception that MCHS students are exempt from the low enrollment priority provisions for classes necessary for completion of their programs.
 - c) *College Promise Partnership Act.* SB 650 (Lowenthal, Chapter 633, Statutes of 2011) authorized a partnership between the Long Beach community college and school district to provide a seamless bridge to college for students who were not already college bound and to reduce the time needed for advanced students to complete programs. These students are exempted from the requirements applicable to special admit students that they must be recommended by the school principal. The

community college is eligible to receive state funding for these students but is prohibited from receiving apportionment for instructional activity for which the school district received apportionment. Formerly set to sunset on January 1, 2018, this partnership was extended indefinitely by AB 1533 (O'Donnell, Chapter 762, Statutes of 2017).

- 5) **CCAP Legislative Report.** In 2021, the CCCCO released its legislative report on the CCAP program. Dual enrollment is growing overall and in terms of student participation; however, the number of community colleges participating in CCAP remains limited. The CCCCO estimates that 37.5% of students participating in dual enrollment as all special admits were in CCAP partnerships.

SUPPORT

Hispanas Organized for Political Equality (co-sponsor)
The Education Trust - West (co-sponsor)
California Charter Schools Association
California Community Colleges, Chancellor's Office
Campaign for College Opportunity
Long Beach Community College District
Los Angeles Unified School District
Pasadena Area Community College District

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 373
Author: Gipson
Version: May 22, 2023
Urgency: No
Consultant: Lynn Lorber

Hearing Date: June 7, 2023

Fiscal: No

Subject: Intersession programs: foster children and homeless youth: priority access.

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

SUMMARY

This bill requires a local educational agency (LEA) that operates an intersession program to grant priority access to a homeless child or youth.

BACKGROUND

Existing law:

- 1) Requires educators, county placing agencies, care providers, advocates, and the juvenile courts to work together to maintain stable school placements and to ensure that each student in foster care is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all students, including, but not necessarily limited to, interscholastic sports administered by the California Interscholastic Federation. Existing law requires, in all instances, educational and school placement decisions to be based on the best interests of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress. (Education Code (EC) § 48850)
- 2) Requires that a foster child who changes residences pursuant to a court order or decision of a child welfare worker or a homeless child or youth to be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (EC § 48850)
- 3) Requires, pursuant to the federal McKinney-Vento Homeless Assistance Act (United States Code, Title 42, § 11301 et seq.), public schools, including charter schools, and county offices of education to immediately enroll a homeless child or youth seeking enrollment. (EC § 48850)
- 4) Requires each LEA to designate a staff person as the educational liaison for foster children, and requires the educational liaison to do both of the following:

- a) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children.
 - b) Assist foster children when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records, and grades. (EC § 48853.5)
- 5) Provides that a foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker, has the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information. (EC § 48853.5)
- 6) Requires, at the initial detention or placement, or any subsequent change in placement of a foster child, the LEA serving the foster child to allow the foster child to continue the foster child's education in the school of origin for the duration of the jurisdiction of the court. (EC § 48853.5)
- 7) Establishes the After School Education and Safety Program (ASES) to create incentives for establishing locally driven before and after school enrichment programs both during schooldays and summer, intersession, or vacation days that partner public schools and communities to provide academic and literacy support and safe, constructive alternatives for youth. (EC § 8482)
- 8) Authorizes ASES programs to operate during any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year, and establishes priorities for enrollment of students in an after school program as follows:
- a) First priority shall go to students who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act, at the time that they apply for enrollment or at any time during the school year, to students who are identified by the program as being in foster care, and to students who are eligible for free or reduced-price meals.
 - b) For programs serving middle and junior high school students, second priority shall go to students who attend daily. (EC § 8483)
- 9) Defines "expanded learning" as before school, after school, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. Existing law defines "summer/supplemental grant" as funding to operate any program in excess of 180 regular schooldays or during any combination of summer, intersession, or vacation periods. (EC § 8482.1)
- 10) Establishes the Expanded Learning Opportunities Program and allocates funding to school districts and charter schools based upon their unduplicated pupil count

to provide access to no less than 9 hours of combined in-person instructional time and expanded learning opportunities per instructional day on schooldays, and no less than 9 hours of expanded learning opportunities per day for at least 30 non-schooldays during intersessional periods. (EC § 46120)

ANALYSIS

This bill requires a LEA that operates an intersession program to grant priority access to a homeless child or youth. Specifically, this bill:

- 1) Requires a LEA, if it operates an intersession program, to grant priority access to a homeless child or youth.
- 2) Requires, if the homeless youth will be moving during an intersession period, the student's parent, guardian, or educational rights holder, or the unaccompanied homeless youth if there is no parent, guardian, or educational rights holder, to determine which school the students attends for the intersession period, if applicable.
- 3) Includes the following definitions:
 - a) "Intersession program" means an expanded learning program offered by a LEA on non-schooldays, including, but not limited to, summer school. An intersession program does not include an extended school year program for individuals with exceptional needs.
 - b) "Local educational agency" means a school district, county office of education, or charter school.
 - c) "Unaccompanied homeless youth" has the same meaning as "unaccompanied youth" in Section 11434a(2) of Title 42 of the United States Code, which includes:
 - i) Individuals who lack a fixed, regular, and adequate nighttime residence;
 - ii) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - iii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - iv) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

- v) migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described above.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “For too long, children suffering from homelessness and those going through the foster system have not been given the correct amount of attention to help ensure their success in school. During the pandemic, the issues that faced these students were only exacerbated and highlighted as they fell further behind because of the lack of resources and services available to them. It is fair to state that all students had to deal with some level of mental and educational fatigue, but these more vulnerable students oftentimes did not have opportunities to succeed as their peers have. We must give these students sufficient opportunities moving forward so they can have the skills required to flourish now and as they grow into young adulthood and then early in their careers. The majority of foster youth enrolled in California public schools are students of color - these students are the future of our communities and their struggles cannot be overlooked. This bill serves as a simple, but impactful piece of legislation that will embolden our most vulnerable populations in our California school system to a life of success and opportunity.”
- 2) ***Practical effect.*** Existing law gives first priority for enrollment in an after school program to students who are homeless, in foster care, or eligible for free- or reduced-price meals. This bill gives first priority for enrollment in an intersession program, defined as an expanded learning program offered on non-school days (such as summer school), to students who are homeless.

SUPPORT

California Alliance of Child and Family Services (Co-Sponsor)
 Children's Institute (Co-Sponsor)
 Sycamores (Co-Sponsor)
 Aspiranet
 California Coalition for Youth
 California Court Appointed Special Advocate Association
 California Teachers Association
 Children Now
 County of Santa Clara
 National Association of Social Workers, California Chapter
 Office of The Riverside County Superintendent of Schools
 Seneca Family of Agencies

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 417
Author: Bennett
Version: February 2, 2023
Urgency: No
Consultant: Kordell Hampton

Hearing Date: June 7, 2023

Fiscal: No

Subject: County boards of education: pupil members.

SUMMARY

Clarifies that a pupil enrolled in a high school under the jurisdiction of the county board of education may be selected to serve as a county board of education member.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Clarifies pupil members are not entitled to compensation but to mileage allowance to the same extent as regular members while serving on a county board of education. (EC § 1000(b)(8))
- 2) Authorizes pupils in a school district that maintains one or more high schools to petition the governing board to appoint one or more pupil members to the county board of education. (EC § 1000(b)(1))
- 3) Requires the petition signed by at least 500 high school pupils enrolled in the district or 10% of the number of high school pupils enrolled in the county, whichever is less. (EC § 1000(b)(2))
- 4) Clarifies that a pupil selected to serve as a member of the county board of education shall be enrolled in a high school that is under the jurisdiction of the county board of education, may be less than 18 years of age, and shall be chosen by the pupils enrolled in the high school or high schools of the county by policies and procedures prescribed by the county board of education. (EC § 1000 (b)(7)(A))
- 5) Clarifies, if no petition is submitted to select a pupil who is enrolled in a high school that is under the jurisdiction of the county board of education, a pupil who is enrolled in a high school that is under the jurisdiction of a school district may be selected to serve as a member of the county board of education. (EC § 1000 (b)(7)(B))
- 6) Requires each pupil member to have the right to attend all county board meetings, except executive sessions. (EC § 1000(b)(9)(A))

- 7) Requires a pupil member to receive all materials other board members receive between open meetings, except for materials about closed sessions. (EC § 1000(b)(9)(B))

ANALYSIS

Clarifies that a pupil enrolled in a high school under the jurisdiction of the county board of education and who may be less than 18 years of age may be selected to serve as a member of the county board of education.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 417 clarifies and expands on the provisions of my previous bill AB 824, which allowed high school students to petition for a seat on their local County Boards of Education and Charter School Governing Boards. We have since discovered that the language in AB 824 inadvertently left out a population of students which we intended to include in the original bill. This population of students includes programs that are generally overseen by County Boards of Education, such as special education, community schools, juvenile court schools, and in some cases, charter schools and secondary schools.”
- 2) ***Student Board Members: Eligibility, Roles, and Abilities.*** Student board members enable governance teams to incorporate student voices in their district responsibilities, elevating student perspectives on education policy decisions that they may not have otherwise considered. Students get the opportunity to participate in the governance process of their district meaningfully, learn essential democratic skills, and represent and advocate for their peers. Any student elected to serve as a member of the governing board of a school district must be enrolled in a high school of the school district and chosen by the pupils enrolled in the high school or high schools of the school district.

Student board members are full board members and have the right to attend meetings and receive all available session materials, be appointed to subcommittees, be briefed by staff, and be invited to attend other board functions. School boards may also set the roles and responsibilities of student board members within their bylaws. Examples of these duties may include:

- Making motions on matters upon which the board can act;
- Questioning witnesses during an open session; and
- Attending training and conferences.

Student board members, however, cannot participate in or receive closed-session materials because they often include discussions of sensitive topics such as student discipline or personnel and labor issues.

Student board members can also express their opinions and perspectives through preferential voting. Preferential voting means that student members may formally

express their preference on a motion before a vote by the board. Preferential votes do not count in the final numerical outcome of a motion.

- 3) ***County Offices of Education Are Responsible For Some Alternative Education.*** Current law gives COEs a role in alternative education, which refers to any nontraditional academic program designed for students who require or could benefit from an alternative placement. COEs are responsible for ensuring that students incarcerated at the county level are provided with an educational program. COEs receive direct funding for educating students on probation, referred by probation departments, or mandatorily expelled. All other at-risk students, including nonmandatorily expelled students, students referred by school attendance review boards, students with significant behavior issues, and students with serious academic deficiencies, are funded through school districts.

In 2021, AB 824 (Bennett) Chapter 669, Statutes of 2021, authorized the submittal of a pupil petition requesting that a county board of education or the governing body of a charter school appoint one or more pupil board members. Specifically, AB 824 established a formal process for students at a charter school or attending a high school under the jurisdiction of a county office of education to become a student board member, similar to the petition process of a student requesting to become a student board member at a local governing board.

Current statute stipulates that upon submitting a request to establish a student board member on a county board of education, a pupil shall be chosen by their peers. However, if no petition is submitted to select a pupil, the county board of education may select students. While some COEs oversee high schools under its jurisdiction, the statute explicitly allows county boards of education to select a student from a local high school within the county office of education jurisdiction to become a student board member, but not a student under the direct jurisdiction of a county office of education.

This bill explicitly allows county boards of education to select a student under the jurisdiction of their COE to become a student board member if students selecting their student representative have submitted no petition.

4) **Related Legislation**

AB 824 (Bennett) Chapter 669, Statutes of 2021, authorizes a pupil petition requesting that a COE or the governing body of a charter school appoint one or more pupil board members to be submitted to a board or body operating one or more high schools.

AB 275 (Ward, 2023) Permits a governing board of a school district and a county board of education to award a pupil member elective course credit or financial compensation, or both while serving as a pupil member.

AB 709 (Bonta) Chapter 437, Statutes of 2019, requires pupil members of a school district's governing board to be appointed to subcommittees like other board members, among other requirements.

SB 126 (Leyva) Chapter 3, Statutes of 2019 requires a charter school and an entity managing a charter school to be subject to the Ralph M. Brown Act or the Bagley-Keene Open Meeting Act; the California Public Records Act; Government Code 1090; and, the Political Reform Act.

AB 261 (Thurmond) Chapter 257, Statutes of 2017, provides that a pupil member of the governing board of a school district shall have preferential voting rights.

SB 468 (Leyva) Chapter 283, Statutes of 2017, modifies the existing requirement that school district governing boards provide the student board member with materials presented to the board members to specify that the student members are to receive all open meeting materials at the same time the materials are presented to the board members, and requires governing boards to invite the student member to staff briefings provided to board members or offer a separate briefing within the same timeframe as the briefing of board members.

SB 532 (Leyva) Chapter 317, Statutes of 2015, requires a majority vote of all voting board members on a motion to eliminate the nonvoting or preferential voting pupil member position from the governing board of a school district and requires the motion to be listed as a public agenda item for a meeting of the governing board of the school district before the motion being voted upon.

SUPPORT

California School Board Association (Sponsor)

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 611
Author: Weber
Version: March 28, 2023
Urgency: No
Consultant: Ian Johnson

Hearing Date: June 7, 2023

Fiscal: Yes

Subject: Special education: nonpublic, nonsectarian schools or agencies: change in certification status: parental notification.

SUMMARY

This bill requires that a local education agency (LEA) contracting with a nonpublic, nonsectarian school or agency (NPS/A) inform parents and guardians if there is a change in the NPS/A's certification status, as specified.

BACKGROUND

Existing law:

- 1) Requires an NPS/A that seeks certification to file an application with the Superintendent of Public Instruction (SPI) on forms provided by the California Department of Education (CDE), with specified information. Requires applicant NPS/A to notify the Special Education Local Plan Area (SELPA) in which it is located.
- 2) Requires the SPI to conduct an onsite review of the facility and program for which the applicant seeks certification and within three years of the effective date of the certification.
- 3) Requires the SPI to annually review the certification of each NPS/A.
- 4) Requires the SPI to conduct an investigation of a NPS/A onsite at any time without prior notice if there is substantial reason to believe that there is an immediate danger to the health, safety, or welfare of a child.
- 5) Requires the SPI to monitor the facilities, the educational environment, and the quality of the educational program, including the teaching staff, the credentials authorizing service, the standards-based core curriculum being employed, and the standards-focused instructional materials used, of an existing certified NPS/A on a three-year cycle. (Education Code (EC) 56366.1)
- 6) Authorizes the SPI to suspend or revoke the certification of a NPS/A for specified reasons, including:

- a) Violation of an applicable state or federal rule or regulation, or aiding, abetting, or permitting the violation of an applicable state or federal rule or regulation;
- b) Falsification or intentional misrepresentation of an element of the application, student records, or program presented for certification purposes;
- c) Conduct in the operation or maintenance of the NPS/A that is harmful to the health, welfare, or safety of an individual with exceptional needs; and
- d) Failure to comply with a provision in the master contract with the LEA;
- e) Failure to notify the CDE in writing of any of the following within 45 days of the occurrence of:
 - i) Changes in credentialed, licensed, or registered staff who render special education and related services, ownership, management, or control of the NPS/A;
 - ii) Major modification or relocation of facilities or
 - iii) Significant modification of the NPS/A program.
- f) Failure to implement recommendations and compliance requirements following an onsite review of the NPS/A;
- g) Failure to provide appropriate services, supplies, equipment, or facilities for a student as required in the student's individualized education program (IEP);
- h) Failure to notify the SPI in writing within 10 days of the revocation or suspension of a license or permit, including, but not limited to, a residential care license, business license, or other required license or permit; and
- i) Failure to implement a student's IEP. (EC 56366.4)

ANALYSIS

This bill:

- 1) Requires a contracting LEA and charter school, within 14 days of becoming aware of any change to the certification status of a NPS/A, to notify parents and guardians of pupils who attend the NPS/A of the change in certification status.
- 2) Requires these notices to be maintained and made available for inspection upon request of the CDE.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 611 seeks to expand transparency between LEAs and the families they serve. Parents put their trust in local school districts when they make recommendations to send students to nonpublic contracting schools. Parents and students deserve to have access to all relevant information in order to make meaningful decisions about their children’s education. AB 611 will give families some peace of mind that if the nonpublic school their child is attending has a change in its certification status, that the local district will notify them within two weeks of becoming aware of any change by the state.”
- 2) ***California's NPS/As.*** NPS/As are specialized private, non-sectarian schools that provide services to public school students with disabilities. An LEA pays tuition to an NPS/A to serve students that the LEA is responsible for serving but may not have the capacity to serve within an LEA-run school. According to the CDE, 202 in-state and 47 out-of-state NPS/As served 5,858 and 305 students respectively during the 2022-23 school year. Enrollment in NPS/As declined from 14,258 in 2008 to 6,163 in the 2022-2023 school year.
- 3) ***Existing law related to NPS/As.*** Current law requires the following oversight of NPSs by the CDE, by requiring the SPI to:
 - a) Annually review the certification of each NPS or NPA, and authorizes the SPI to conduct an onsite review as part of the annual review.
 - b) Conduct an onsite investigation of an NPS or an NPA at any time without prior notice if there is substantial reason to believe that there is an immediate danger to the health, safety, or welfare of a child.
 - c) Conduct an investigation, which may include an unannounced onsite visit, if the SPI receives evidence of a significant deficiency in the quality of educational services provided, making enrollment in an NPS a condition of placement in a licensed children’s institution, among other requirements.
 - d) Reflect violations or noncompliance in the certification status of the NPS or NPA, at the discretion of the SPI, pending an approved plan of correction by the NPS or NPA. Requires the CDE to retain records of all violations for a period of 10 years.
 - e) Monitor the facilities, the educational environment, and the quality of the educational program, including the teaching staff, the credentials authorizing service, the standards-based core curriculum being employed, and the standards-focused instructional materials used, of an existing certified NPS or NPA on a three-year cycle.
 - f) Ensure that only those NPSs and NPAs that provide special education and designated instruction and services using staff who hold a certificate, permit, or other document equivalent to that which staff in a public school

are required to hold in the service rendered are eligible to receive certification.

- g) Authorizes the SPI to revoke or suspend the certification of an NPS or an NPA for specified reasons, including failure to notify the CDE in writing of any of the following within 45 days of specified occurrences, including failure to notify the SPI in writing within 10 days of the death of a student or any other individual of unnatural causes within the school or agency, and including the circumstances surrounding the death and appropriate preventative measures being taken or recommended.
- 4) ***Arguments in support.*** California Health Coalition Advocacy writes, “This bill would expand transparency between nonpublic schools and parents and/or guardians of students with exceptional needs in nonpublic schools by requiring LEAs to alert parents and/or guardians via email or mail when a nonpublic school status changes to conditional or suspended or revoked due to a CDE investigation. There have been incidents of the restraint and seclusion of students with exceptional needs which have resulted in a NPS having their certification status changed by the CDE, but parents or guardians are not currently alerted to such changes. It is important that parents and guardians have access to this important information in a timely manner so that they can protect the health and well-being of their children with exceptional needs.”

SUPPORT

California Health Coalition Advocacy

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 721
Author: Valencia
Version: May 22, 2023
Urgency: No
Consultant: Lynn Lorber

Hearing Date: June 7, 2023

Fiscal: Yes

Subject: School districts: budgets: public hearings: notice.

SUMMARY

This bill provides an alternative avenue for school districts to publicly notice their proposed budgets by authorizing school districts to post their proposed budget on the district's website, rather than only posting in a newspaper, and requires the county superintendent of schools to verify that school districts in the county have publicly noticed their proposed budgets.

BACKGROUND

Existing law:

- 1) Requires the governing board of each school district to hold a public hearing on the proposed budget in a school district facility, or some other place conveniently accessible to the residents of the school district, and requires the public hearing to be held any day on or before July 1 of each year, but not less than three working days following availability of the proposed budget for public inspection. (Education Code (EC) § 42103)
- 2) Requires the proposed budget to show expenditures, cash balances, and all revenues as required to be tabulated, and also to include an estimate of those figures, unaudited, for the preceding fiscal year. Existing law also requires any tax statement submitted by the governing board of the school district, any district tax requirement computed for the school year to which the proposed budget is intended to apply, and any recommendations made by the county superintendent of schools to be made available by the school district for public inspection in a facility of the school district or in some other place conveniently accessible to residents of the school district. (EC § 42103)
- 3) Requires the notification of dates and location or locations at which the proposed budget may be inspected by the public and the date, time, and location of the public hearing on the proposed budget to be published by the county superintendent of schools in a newspaper of general circulation in the school district or, if there is no newspaper of general circulation in the school district, in any newspaper of general circulation in the county, at least three days before the availability of the proposed budget for public inspection. Existing law requires the publication of the dates and locations to occur no earlier than 45 days before the final date for the hearing, as specified, but not less than 10 days before the date set for hearing. Existing law

requires the cost of the publication to be a legal and proper charge against the school district for which the publication is made. (EC § 42103)

- 4) Requires the governing board of each school district to accomplish the following on or before July 1 of each year:
 - a) Hold a public hearing on the budget to be adopted for the subsequent fiscal year, and requires the agenda for that hearing to be posted at least 72 hours before the public hearing and include the location where the budget will be available for public inspection.
 - b) Adopt a budget. Existing law requires, not later than five days after that adoption or by July 1, whichever occurs first, the governing board of the school district to file that budget with the county superintendent of schools. Existing law requires the budget and supporting data to be maintained and made available for public review. (EC § 42127)
- 5) Requires the county superintendent of schools to do all of the following:
 - a) Examine the adopted budget to determine whether it complies with the standards and criteria adopted by the State Board of Education, and identify, if necessary, technical corrections that are required to be made to bring the budget into compliance with those standards and criteria;
 - b) Determine whether the adopted budget will allow the school district to meet its financial obligations during the fiscal year and is consistent with a financial plan that will enable the school district to satisfy its multiyear financial commitments. Existing law requires the county superintendent of schools to either conditionally approve or disapprove a budget that does not provide adequate assurance that the school district will meet its current and future obligations and resolve any problems identified in studies, reports, evaluations, or audits;
 - c) Determine whether the adopted budget includes the expenditures necessary to implement the local control and accountability plan (LCAP) or annual update to the LCAP approved by the county superintendent of schools; and,
 - d) Determine whether the adopted budget includes a combined assigned and unassigned ending fund balance that exceeds the minimum recommended reserve for economic uncertainties. (EC § 42127)
- 6) Requires the county superintendent of schools to approve, conditionally approve, or disapprove the adopted budget for each school district on or before September 15. (EC § 42127)

ANALYSIS

This bill provides an alternative avenue for school districts to publicly notice their proposed budgets by authorizing school districts to post their proposed budget on the district's website, rather than only posting in a newspaper, and requires the county

superintendent of schools to verify that school districts in the county have publicly noticed their proposed budgets. Specifically, this bill:

- 1) Requires notification of the dates and location or locations at which the proposed budget may be inspected by the public, and the date, time, and location of the public hearing on the proposed budget to be posted or published at least three days before the availability of the proposed budget for public inspection in accordance with either of the following:
 - a) The notice is posted prominently on the homepage of the internet website of the school district; or,
 - b) The notice is published by the school district or the county superintendent of schools on behalf of the school district, in a newspaper of general circulation in the school district or, if there is no newspaper of general circulation in the school district, in any newspaper of general circulation in the county.
- 2) Requires each county superintendent of schools to verify that the posting or publishing requirement is met for all school districts in their jurisdiction.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 721 is a common sense modernization bill that will amplify the voices of parents and students, while at the same time, save school districts funding. Parents' voices matter. When parents are informed of when and where a school district budget is available for review, it creates opportunities for parents to get involved and potentially be a part of the process and provide input and/or feedback regarding the school district budget. California has invested massive resources in programs and frameworks to support schools, and students and to transform California's education ecosystem. Given the importance of public education and the investments of taxpayers towards education, an open and transparent budget process fosters trust in local communities between the school district and families and helps ensure that public investments are used to support local school and student needs. A transparent, accessible, and inclusive budget process supports better student outcomes, better fiscal outcomes, and more equitable school policies.

“Increased awareness and access to a school's budget increase success. The current and outdated requirement to expect families to look through local newspapers for budget notices is both unrealistic and out of touch with our technological and societal advancements. AB 721 will allow families and local communities the ability to get involved in the budget process should they desire, while simultaneously reducing local school district costs.”

- 2) ***Effectiveness of public notice.*** Existing law requires school districts to post notice of dates and location or locations at which the district's proposed budget may be inspected by the public and the date, time, and location of the public hearing on the proposed budget. Existing law requires the notice to be in a newspaper of general circulation in the school district or, if there is no newspaper of general circulation in the school district, in any newspaper of general circulation in the county, at least three days before the availability of the proposed budget for public inspection.

This bill authorizes school districts to meet the notification requirements by posting the information on their websites rather than in a newspaper. A school district's website is the most logical place to look for and find information about the district's proposed budget.

Could this disenfranchise members of the public who may not have internet access? Do people without internet access subscribe to print newspaper, and use the newspaper as a source to find information about the school district budget?

- 3) **Role of the county superintendent of schools.** In accordance with AB 1200 (Eastin) Chapter 1213, Statutes of 1991, the county superintendent of schools has fiscal oversight responsibility over school districts in the county and the Superintendent of Public Instruction has fiscal oversight responsibility over county offices of education. The county superintendent has authority to disapprove a school district's budget, or authority to declare a school district in jeopardy of being unable to meet its financial obligations through a qualified or negative certification at interim financial reporting periods or at any time during the year. Such action results in various authorized forms of intervention on the part of the county office of education, including assigning external consultants, requiring a district fiscal recovery plan, or even disallowing certain district expenditures.
- 4) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill could impose the following costs:
 - a) Potential Proposition 98 General Fund savings in the low hundreds of thousands of dollars annually to school districts and county superintendents of schools to the extent a school district opts to post notifications related to its proposed budget on its website rather than posting in a newspaper.
 - b) On average, fees for a newspaper publication are about \$450 per posting. In addition, administrative costs to county superintendents of schools to post this information and invoice the school district for the posting are about \$400 for about six hours of staff time. The state has about 1,000 school districts. In total, costs to post in a newspaper statewide are about \$400,000 Proposition 98 General Fund annually. If a school district was to post the notifications on its website, staff time to post would still result in costs, but overall costs would be reduced as fees to newspapers would be eliminated. In addition, county superintendents would still incur some minor administrative costs to verify the postings.

5) **Related legislation.**

AB 1326 (Megan Dahle, 2023) expands the method by which a school district governing board must provide notice of a provisional appointment to include posting notice on the school district's website, in addition to posting the notice in three public places in the district and in a newspaper of general circulation in the district. AB 1326 is scheduled to be heard by this committee on June 7.

SUPPORT

Orange County Department of Education (Sponsor)
Association of California School Administrators
California Association of School Business Officials
California County Superintendents
California School Boards Association
California School Employees Association
Kern County Superintendent of Schools Office
Los Angeles County Office of Education
Office of the Riverside County Superintendent of Schools
Riverside County Public K-12 School District Superintendents

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 760

Hearing Date: June 7, 2023

Author: Wilson

Version: February 13, 2023

Urgency: No

Fiscal: Yes

Consultant: Lynn Lorber

Subject: California State University and University of California: records: affirmed name and gender identification.

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

SUMMARY

This bill requires the California State University (CSU), and requests the University of California (UC), to implement a process whereby current students, staff, and faculty may request the updating of any records for that person to include the person's affirmed name, gender, or both name and gender identification.

BACKGROUND

Existing law:

- 1) Establishes, through the Donahoe Higher Education Act, the California Community Colleges (CCC) under the administration of the Board of Governors as one of the segments of public postsecondary education. (Education Code (EC) § 70900)
- 2) Requires, as part of the Equity in Higher Education Act, a public postsecondary educational institution (including a campus of the CCC) to update a former student's records to include an updated legal name or gender if the institution receives government-issued documentation from a former student demonstrating that the former student's legal name or gender has been changed. (EC § 66271.4)
- 3) Requires a public postsecondary educational institution, beginning with the 2023–24 graduating class, to provide an option for a graduating student to request that the diploma to be conferred by the institution to list the student's chosen name. Existing law prohibits an institution from requiring a graduating student to provide legal documentation sufficient to demonstrate a legal name or gender change in order to have the student's chosen name listed on the student's diploma. (EC § 66271.4)
- 4) Requires the governing board of each community college district to implement a system by which current students, staff, and faculty can declare an affirmed name, gender, or both name and gender identification to be used in their records

where legal names are not required by law.

- 5) Requires a community college campus, upon the request of an individual, to update any records for current students, staff, and faculty to include the affirmed name, gender, or both name and gender identification. The records that shall be updated include, but are not limited to, all of the following:
 - a) School-issued email addresses.
 - b) Campus identification cards.
 - c) Class rosters.
 - d) Transcripts.
 - e) Diplomas, certificates of completion of courses, or similar records.
- 6) Requires, beginning with the 2023–24 academic year, community college campus systems to be fully capable of allowing current students, staff, or faculty to declare an affirmed name, gender, or both name and gender identification.
- 7) Prohibits a community college campus from charging a higher fee for correcting, updating, or reissuing a document or record based on the declaration of an affirmed name or gender identification than the fee it charges for correcting, updating, or reissuing that document or record generally. (EC § 66271.41)

ANALYSIS

This bill requires the CSU, and requests the UC, to implement a process whereby current students, staff, and faculty may request the updating of any records for that person to include the person's affirmed name, gender, or both name and gender identification. Specifically, this bill:

- 1) Requires the Trustees of the CSU, and requests the Regents of the UC, to implement a system by which current students, staff, and faculty can declare an affirmed name, gender, or both name and gender identification to be used in their records where legal names are not required by law.
- 2) Requires a CSU campus, and requests a UC campus, upon the request of an individual, to update any records for current students, staff, and faculty to include the affirmed name, gender, or both name and gender identification. The records that shall be updated include, but are not limited to, all of the following:
 - a) School-issued email addresses.
 - b) Campus identification cards.
 - c) Class rosters.

- d) Transcripts.
 - e) Diplomas, certificates of completion of courses, or similar records.
- 3) Requires CSU campus systems, and requests UC campus systems, beginning with the 2024–25 academic year, to be fully capable of allowing current students, staff, or faculty to declare an affirmed name, gender, or both name and gender identification.
 - 4) Prohibits a CSU campus from charging, and requests a UC campus not charge, a higher fee for correcting, updating, or reissuing a document or record based on the declaration of an affirmed name or gender identification than the fee it charges for correcting, updating, or reissuing that document or record generally.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “As a mother of a transgender child, I am deeply committed to ensuring the safety, inclusivity, and mental health of all transgender people. A chosen and affirmed name helps transgender or non-binary individuals feel comfortable by being referred to by a name that is more representative of their gender identity. The use of a student's name assigned at birth rather than their chosen or affirmed name is termed 'deadnaming.' Specifically for transgender and non-binary individuals, being deadnamed by incorrect student records can lead to unwanted outing, bullying, discrimination, violence, and loss of employment opportunities in the future. AB 760 would require the California State University and University of California systems to implement a process by which current students, staff, and faculty can declare an affirmed name, gender, or both name and gender identification to be used in records where legal names are not required by law.”
- 2) ***Extends to current CSU and UC students, staff and faculty.*** Provisions in existing law relating to updating records specifically relate to former CSU/UC students and diplomas for graduating students. Further, existing law requires CCCs to update records of current students, staff, and faculty. This bill essentially extends those provisions to current students, staff, and faculty at CSU and UC (if the Regents of UC chose to implement this requirement).
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose the following costs:
 - a) Minor and absorbable General Fund costs to CSU's 23 campuses to comply with the provisions of this bill.
 - b) Minor and absorbable General Fund costs to UC's ten campuses to comply with the provisions of this bill

SUPPORT

Office of Lieutenant Governor Eleni Kounalakis

American Federation of State, County and Municipal Employees, AFL-CIO
California Teachers Association
National Association of Social Workers, California Chapter

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 872	Hearing Date:	June 7, 2023
Author:	Committee on Education		
Version:	March 20, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Elementary and secondary education: omnibus bill.

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

SUMMARY

This bill is a K-12 education policy omnibus bill, which makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code and Health and Safety Code.

BACKGROUND

Existing law

Credentials for county superintendent of schools

- 1) Requires a person elected or appointed to be a county superintendent of schools to have a valid credential issued by the State Board of Education (SBE), as defined. (Education Code (EC) § 1206)
- 2) For the purposes of prescribing the qualifications required of county superintendents of schools the counties are classified on the basis of the average daily attendance in the public schools as follows:
 - a) Class one (1) includes all counties with an average daily attendance of seven hundred fifty thousand (750,000) and over.
 - b) Class two (2) includes all counties with an average daily attendance of one hundred forty thousand (140,000) to seven hundred forty-nine thousand nine hundred ninety-nine (749,999), inclusive.
 - c) Class three (3) includes all counties with an average daily attendance of sixty thousand (60,000) to one hundred thirty-nine thousand nine hundred ninety-nine (139,999), inclusive.
 - d) Class four (4) includes all counties with an average daily attendance of thirty thousand (30,000) to fifty-nine thousand nine hundred ninety-nine (59,999),

inclusive.

- e) Class five (5) includes all counties with an average daily attendance of fifteen thousand (15,000) to twenty-nine thousand nine hundred ninety-nine (29,999), inclusive.
 - f) Class six (6) includes all counties with an average daily attendance of seven thousand (7,000) to fourteen thousand nine hundred ninety-nine (14,999), inclusive.
 - g) Class seven (7) includes all counties with an average daily attendance of one thousand (1,000) to six thousand nine hundred ninety-nine (6,999), inclusive.
 - h) Class eight (8) includes all counties with an average daily attendance of under one thousand (1,000). (EC § 1205)
- 3) Requires all county superintendents of schools in counties within classes one to eight to possess a valid certification document authorizing administrative services. (EC § 1208)

Residential placements

- 4) Authorizes community care facilities, licensed foster family homes, and foster family agencies to continue to accept non-minors who are adult foster youth. (Health and Safety Code § 1501.1)

ANALYSIS

This bill is a K-12 education policy omnibus bill, which makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code and Health and Safety Code. Specifically, this bill:

- 1) Clarifies that a county superintendent is required to have an administrative credential issued by the Commission on Teacher Credentialing (CTC).
- 2) Authorizes community care facilities, licensed foster family homes, and foster family agencies to continue to accept non-minors who are individuals with exceptional needs in residential placements.

STAFF COMMENTS

- 1) ***Purpose of the elementary and secondary education omnibus bill.*** Each year, there is typically a K-12 education omnibus bill that makes various technical, conforming, clarifying, and non-controversial revisions to the Education Code. Typically, staff with the Senate and Assembly education policy, fiscal and budget committees (and their minority consultants), the Department of Finance, the California Department of Education (CDE), the Legislative Analyst's office, and other similarly situated state government offices, identify statutes in existing law which need updating or correcting and propose corrections.

Custom and practice provide that if offices or entity object to a proposed provision in the omnibus bill, that particular provision is prohibited from inclusion.

- 2) ***Administrative credentials for county superintendents.*** Existing law contains outdated terminology by requiring a county superintendent to possess a “valid certification document authorizing administrative services,” which does not align with statutory language or that which is currently used by the CTC. This bill replaces this outdated terminology with “valid administrative credential.” Further, existing law references a credential issued by the SBE; the CTC issues credentials, not the SBE, and therefore this bill corrects that reference to the CTC.
- 3) ***Residential care facility placements.*** Students who receive special education are eligible to receive services in the K-12 education system until they receive a regular high school diploma or “age out” at 22, whichever occurs first. Some students require residential placement through their individual education program (IEP), and may live in a group home licensed by the Department of Social Services (DSS) and attend an affiliated non-public nonsectarian school (NPS) certified by the CDE, often located near the group home.

While existing law allows these students to continue their education, existing law prohibits individuals who are no longer minors to remain in a group home, other than foster youth. As a result, these students must move out of their residential placement once they turn 18, which likely make attending the affiliated NPS less convenient or appropriate.

This bill allows these students to remain in the residential placement as long as they remain eligible for K-12 education services under their IEP. This bill does not require any DSS-licensed residential facility to accept a student with an IEP, but rather removes the prohibition on them doing so.

- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would not impose any costs.

SUPPORT

None received

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1071

Hearing Date: June 7, 2023

Author: Hoover

Version: April 18, 2023

Urgency: No

Fiscal: Yes

Consultant: Kordell Hampton

Subject: Teen dating violence prevention education: online information and resources.

SUMMARY

This bill requires the California Department of Education (CDE) to post on its website resources on teen dating violence prevention, local and national hotlines and services for youth experiencing teen dating violence, and other relevant sources for parents, guardians, and other caretakers of pupils.

BACKGROUND

Existing law:

Education Code (EC)

- 1) Requires when the Health Framework for California Public Schools (Health Framework) is next revised after January 1, 2016, the Instructional Quality Commission (IQC) to include comprehensive information for grades 9 to 12, inclusive, on sexual harassment and violence that includes, but is not limited to, all of the following:
 - a) Information on different forms of sexual harassment and violence, including instances among peers and in a dating relationship; a discussion of prevention strategies; how pupils report sexual harassment and violence; and potential resources victims can access.
 - b) Discuss the affirmative consent standard and pupils' skills to establish boundaries in peer and dating relationships.
 - c) Discuss legal aspects of sexual harassment and violence under state and federal law. (EC 33544)
- 2) Requires when the Health Framework is next revised after January 1, 2015, the commission to consider including a distinct category on sexual abuse and sex trafficking prevention education that includes, but is not limited to, all of the following:
 - a) Information on different forms of sexual abuse and assault; discussion of prevention strategies; how to report sexual abuse or suspected sexual abuse; and local resources for victims.

- b) Discuss healthy boundaries for relationships, how to recognize potentially harmful and abusive relationships, and refusal skills to overcome peer pressure and avoid high-risk activities.
 - c) Information on sex trafficking and risk factors; the recruiting tactics of sex traffickers and peer recruiters, including online recruitment; how to report sex trafficking or suspected sex trafficking; and local resources for victims.
 - d) Discuss legal aspects of sexual abuse and sex trafficking under state and federal laws.
 - e) Discuss how culture and mass media influence and desensitize our perceptions of sexual abuse and sex trafficking, including, but not limited to, stereotypes and myths about the victims and abusers, victim blaming, and the role of language. This instruction shall emphasize compassion for people who have suffered from sexual abuse or sex trafficking and support positive reentry experiences for survivors returning to school. (EC 33545)
- 3) Ensures pupils in grades 7 to 12 receive instruction, once in junior high or middle school and once in high school, about adolescent relationship abuse and intimate partner violence, including the early warning signs, among other things required under the California Healthy Youth Act (CHYA). (EC 51934)

ANALYSIS

This bill requires the CDE to post on its website resources on teen dating violence prevention, local and national hotlines and services for youth experiencing teen dating violence, and other relevant sources for parents, guardians, and other caretakers of pupils. Specifically, this bill:

- 1) Requires CDE to make all of the following available on the department's internet website:
 - a) Resources on sexual, emotional, and physical abuse and teen dating violence prevention for professional learning purposes.
 - b) Information about local and national hotlines and services for youth experiencing teen dating violence.
 - c) Other relevant materials for parents, guardians, and other caretakers of pupils.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 1071 is inspired by Justine Vanderschoot's family in Placer County who have turned their pain into a mission to educate other teens and community members of the risks of teen dating violence. Justine was just 17 in 2003 when she was strangled and buried alive by her boyfriend Daniel Bezemer and his roommate Brandon Fernandez. The killing

was apparently over Daniel's fear of being dumped. One in 12 teens will experience teen dating violence in their lifetime. By teaching our youth healthy boundaries and the early signs of teen dating violence, we hope to educate and prevent future victims and aggressors."

- 2) ***The Dangers of Teenage Dating.*** Teen dating violence is a primary adolescent health concern. Youths ages 16 to 24 experience the highest per capita rate of intimate partner violence of any age group—a rate nearly triple the national average. Younger adolescents are also at risk: a recent study found significant levels of abusive behavior between ages 11 to 14 in dating relationships, and teens report that abusive behavior increases dramatically in the later teen years. According to the U.S Department of Education:

- Research shows that about one in three U.S. teens ages 14 to 20 have been victims of dating violence, and about the same number say they have committed relationship violence themselves.
- Nationwide, 12% of 9th-12th grade girls have been physically forced to have sexual intercourse when they did not want to.
- One in six women was raped before age 25; 42% of female rape victims were first raped before age 18.
- 19% of young women report experiencing completed or attempted sexual assault since entering college. Someone they know, primarily an acquaintance or a fellow student, assaults most victims.
- 43% of college women report experiencing violent and abusive dating behaviors, including physical, sexual, verbal, and controlling abuse. 22% have been the victim of physical abuse, sexual abuse, or threats of physical violence.

Adolescence is critical in developing lifelong behaviors, attitudes, and expectations about intimate relationships. Teens in abusive relationships are likelier to be in abusive relationships than adults. Teen dating violence is associated with an increased risk of substance use, unhealthy weight control behaviors, sexual risk behaviors, pregnancy, and suicide. Without adequate information and support, teens will likely continue the cycle of violence in their adult lives. By preventing and intervening in abusive relationships in adolescence, we can help ensure a healthier future for our youth. Adolescence is crucial to reinforcing attitudes about equality and respect in relationships.

- 3) ***Teen Dating Violence Prevention in California Health Education Content Standards and Health Education Framework.*** In 2005, Governor Schwarzenegger signed AB 689 (Nava) Chapter 645, Statutes of 2005, which required the State Board of Education (SBE), based on recommendations from the State Superintendent of Public Instruction, to adopt content standards for health education. The SBE adopted Health Education content standards in 2008 related to teen dating violence

Grade Level	Content Standards
Grades 7 & 8	<ul style="list-style-type: none"> • Use a decision-making process to examine risky social and dating situations. (5.1.S) • Apply a decision-making process to avoid potentially dangerous situations, such as gang activities, violence in dating, and other social situations. (5.2.S) • Demonstrate skills to avoid or escape from potentially violent situations, including dating. (7.5.M)
Grades 9-12	<ul style="list-style-type: none"> • Discuss the characteristics of healthy relationships, dating, committed relationships, and marriage. (1.3.G) • Demonstrate effective communication skills within healthy dating relationships. (4.3.G) • Recognize potentially harmful or abusive relationships, including dangerous dating situations. (1.2.S)

The Health Education Framework, adopted by the SBE in 2019, is aligned with the 2008 California Health Education Content Standards, which support the development of knowledge, skills, and attitudes in overarching standards, including teen dating violence. Chapter 5 of the Health Education Framework introduced to students in grades 7 and 8 the importance of understanding the relationship between dating violence, sexual assault, child sexual abuse, and sex trafficking. These chapters provide educators with examples and scenarios of teen dating violence, sexual assault, or child abuse. Chapter 6 builds on Chapter 5 as students in grades 9 to 12 learn about different forms of abuse that may occur in a teen relationship (such as physical, emotional, sexual, financial, spiritual, and technological), are led in discussions about the right to refuse sexual contact, including in dating relationships, long-term relationships, and marriage, and in making positive and healthful choices.

4) **Related Legislation**

SB 1435 (Jackson) Chapter 633, Statutes of 2016, requires that when the health curriculum framework is revised after January 1, 2017, the IQC should consider including comprehensive information for kindergarten and grades 1 to 8, including developing healthy relationships, as specified.

SB 1165 (Mitchell & Block) Chapter 713, Statutes of 2014, required the IQC to consider including sexual abuse and sex trafficking prevention education in the Health Framework and permits a school district to provide sexual abuse and sex trafficking prevention education, as specified.

SB 695 (De Leon & Jackson) Chapter 424, Statutes of 2015, requires the IQC to consider adding content to the health curriculum framework for grades 9-12 on

sexual harassment and violence, including the affirmative consent standard and requires school districts that require a health course for graduation to provide instruction on these topics.

AB 689 (Nava) Chapter 645, Statutes of 2005, required the SBE to adopt content standards in the health education curriculum by March 1, 2008.

SUPPORT

(EM)power + Resilience Project
American Association of University Women - California

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1165	Hearing Date:	June 7, 2023
Author:	McCarty		
Version:	April 17, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Kordell Hampton		

Subject: Pupil discipline: racist bullying, harassment, or intimidation: restorative justice practice.

SUMMARY

Encourages local educational agencies (LEAs) to refer both the victim and perpetrator of an incident of racist bullying, harassment, or intimidation to a restorative justice program that suits the needs of both the victim and the perpetrator.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) States that suspension, including supervised suspension, shall be imposed only when other means of correction fail to bring about proper conduct but authorizes a pupil, including a pupil with exceptional needs, to be suspended upon a first offense for certain acts (*not* including disrupting school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties) or the pupil's presence causes a danger to persons. (EC § 48900.5)
- 2) Authorizes school district superintendents and principals to use discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior, as specified. (EC § 48900(v))
- 3) Specifies that other means of correction include, but are not limited to:
 - a) A conference between school personnel, the pupil's parent or guardian, and the pupil.
 - b) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
 - c) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior and develop and implement individualized plans to address the behavior in partnership with the pupil and

their parents.

- d) Referral for a comprehensive psychosocial or psychoeducational assessment, including creating an individualized education program or a 504 plan.
- e) Enrollment in a program for teaching prosocial behavior or anger management.
- f) Participation in a restorative justice program.
- g) A positive behavior support approach with tiered interventions that occur during the school day on campus.
- h) After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
- i) Community service, as specified. (EC §48900.5)

ANALYSIS

Encourages LEAs to refer both the victim and perpetrator of an incident of racist bullying, harassment, or intimidation to a restorative justice program that suits the needs of both the victim and the perpetrator. Specifically, this bill

- 1) Encourages LEAs to refer both the victim and perpetrator of an incident of racist bullying, harassment, or intimidation to a restorative justice program that suits the needs of both the victim and the perpetrator.
- 2) Encourages LEAs to regularly check on the victim of racist bullying, harassment, or intimidation to ensure that the victim is not in danger of suffering from long-lasting mental health issues.
- 3) Encourages LEAs to require perpetrators to engage in culturally sensitive programs that promote racial justice and equity and combat racism and ignorance.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The rise in hate crimes and racist bullying in our schools is unacceptable and must be addressed. It is vital that schools serve as safe spaces for students of all races and ethnicities. Additionally, it is important that students are not unnecessarily taken out of school, especially those that need more targeted attention in terms of both social-emotional learning and education on social justice issues. Restorative justice is a powerful approach to discipline that focuses on repairing harm through inclusive processes that engage all parties by promoting healing and learning. AB 1165 encourages schools to protect students and address the root issues of racist bullying by implementing restorative justice practices.”
- 2) ***Existing law supports referral of students involved in bullying for support, including restorative justice.*** Existing law authorizes a superintendent or

principal of a school to refer a victim, perpetrator, witness, or other student affected by an act of bullying to school support personnel for case management, counseling, and participation in a restorative justice program.

- 3) ***Restorative Justice in Schools.*** In a 2019 study conducted by WestEd, *Restorative Justice in U.S. Schools*, “Educators across the United States have been looking to restorative justice as an alternative to exclusionary disciplinary actions. Two significant developments have partly driven the popularity of restorative justice in schools. First, there is a growing perception that zero-tolerance policies, popular in the United States during the 1980s– 1990s, have harmed students and schools, generally, and had a particularly pernicious impact on Black students and students with disabilities. These policies, many argue, have increased the use of suspensions and other exclusionary discipline practices to ill effect. For example, researchers reviewing data from Kentucky found that, after controlling for a range of different factors, suspensions explained 1/5 of the Black-White achievement gap. Secondly, restorative justice has gained popularity as a means of addressing disproportionalities in exclusionary discipline. For example, it was found that Black students were 26.2 percent more likely to receive an out-of-school suspension for their first offense than White students.

“In this manner, restorative justice is viewed as a remedy to the uneven enforcement and negative consequences that many people associate with exclusionary punishment,” according to the study. Exclusionary discipline can leave the victim without closure and fail to resolve the harmful situation. In contrast, because restorative justice involves the victim and the community in the process, it can open the door for more communication and resolutions to problems that do not include exclusionary punishments like suspension. Unlike punitive approaches, which rely on deterrence as the sole preventative measure for misconduct, restorative justice uses community-building to improve relationships, reducing the frequency of punishable offenses while yielding a range of benefits. There are a variety of practices that fall under the restorative justice umbrella that schools may implement. These practices include victim-offender mediation conferences; group conferences; and various circles that can be classified as community-building, peace-making, or restorative.”

- 4) ***Restorative Justice and Other Approaches to Suspension and Expulsion?*** Several school districts, including some of the largest, have adopted board policies prohibiting willful defiance as the basis for suspension or expulsion and are committing resources to effectively implement alternative correction models, including restorative justice, positive behavior interventions and support, and other evidence-based approaches. For example, Oakland Unified School District has banned the suspension or expulsion of students based solely upon willful defiance. Oakland Unified offers restorative justice programs in their schools. Furthermore, the Legislature has made significant investments to encourage LEAs) to establish alternatives to suspension and expulsion.

- \$100 million in competitive grants to LEAs to increase the number of teachers available to serve California state preschool and transitional kindergarten pupils and to provide teachers with training in inclusive practices, culturally responsive instruction, supporting dual language learners, enhancing social-emotional

learning, implementing trauma-informed and restorative practices, and mitigating implicit biases to eliminate exclusionary discipline;

- \$50 million to the Orange County Office of Education for support of multi-tiered system of supports (MTSS) efforts, including grants to LEAs to provide ongoing training and support in the use of trauma screening tools and mental health service referrals, and school climate surveys.
- \$6 million for training LEAs on interpreting data from their local school climate surveys of pupils, families, and educators to inform continuous improvement efforts and better assess community needs stemming from the COVID-19 pandemic and distance learning; and for the California Department of Education (CDE) to develop an optional trauma-informed practice module to be used with school climate surveys.

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

- 5) ***Local Control Accountability Plan (LCAP) State Priority: Pupil Engagement.*** One of the eight state priorities required to be addressed in the LCAP is pupil engagement, measured by suspension and expulsion rates. In their LCAPs, school districts, county offices of education, and charter schools have to explain their actions to achieve their goals for each state priority, including goals for reducing suspension rates. Given that LCAPs were first implemented for the 2014-15 school year, the overall reduction in suspensions and disruption/willful defiance could also be linked to the priority of pupil engagement.

6) **Related Legislation**

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

SB 274 (Skinner, 2023) extends the prohibition against the suspension and expulsion of students in grades K-8, to K-12, for disrupting school activities or willfully defying the valid authority of school personnel to all grades indefinitely but would retain a teacher's existing authorization to suspend any student from class for willful defiance and prohibit the suspension or expulsion of a student based solely on the fact that they are truant, tardy, or otherwise absent from school activities. This bill is currently pending in the Assembly Education Committee.

AB 2698 (S. Weber, 2016) would have established the School Climate and Student Achievement Act and required low-achieving schools to begin an assessment of school climate on or before September 1, 2017, and complete this assessment by July 1, 2018, and would have required the CDE to convene an advisory committee comprised of stakeholders and professionals who have participated in the development and expansion of alternative discipline programs, such as restorative

justice and positive behavioral interventions and supports. This bill was held in the Assembly Appropriations Committee.

AB 2489 (McCarty, 2016) would have required the CDE to develop a standard model to implement restorative justice practices on a school campus and make the standard model available for use by any school district that chose to implement restorative justice practices as part of its campus culture. This bill was held in the Assembly Appropriations Committee.

AB 1729 (Ammiano), Chapter 425, Statutes of 2012, recasts provisions relative to the suspension of a pupil upon a first offense and authorizes the use and documentation of other means of correction.

SUPPORT

California-Hawaii State Conference of The NAACP (Sponsor)

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1173

Hearing Date: June 7, 2023

Author: Ta

Version: March 28, 2023

Urgency: No

Fiscal: No

Consultant: Olgalilia Ramirez

Subject: College and career fairs.

SUMMARY

This bill requires a local educational agency (LEA) serving pupils in grades 9 to 12 inclusive, that chooses to hold a college or career fair to notify each community college district (CCD) with overlapping jurisdiction.

BACKGROUND

Existing law:

- 1) Recognizes that all students need to be provided with opportunities to explore and make career choices and to seek appropriate instruction and training to support those choices. Encourages expansion of cooperative activities between schools, youth leadership activities, and community resources. Among community resources of particular significance in providing information on various career opportunities are vocational and occupational exhibits, demonstrations and activities conducted at fairs. (Education Code (EC) 51004)
- 2) Requires the California Department of Education to annually encourage school districts to plan programs and activities which utilize the resources of fairs and youth leadership activities as an integral part of the vocational instructional program and career decision making. (EC 51005)
- 3) Requires a school district or school that is planning to hold a college or career fair to notify each apprenticeship program in the same county as the school district or school of the college of the college and career fair. (Labor Code § 3074.2)

ANALYSIS

This bill:

- 1) Requires a LEA servicing students in any of grades 9 to 12, inclusive, that chooses to hold a college or career fair to notify each CCD that has overlapping jurisdiction with the LEA of the college or career fair and provide an opportunity for the CCD to participate in the college or career fair.

- 2) Requires that the notice provided be delivered by first class mail or email before the planned date and that it includes both of the following:
 - a) The planned date and time of the college or career fair.
 - b) The planned location of the college or career fair.
- 3) Defines various terms for purposes of the bill.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Overall enrollment at California Community Colleges (CCC’s) has been in decline, a situation that has been exacerbated during the coronavirus pandemic. In recognition of declining enrollment, the state and federal governments have made funding available for student recruitment and retention at community colleges.

Community colleges are able to recruit students in a number of different ways, including through online advertising, social media, traditional media, and in-person recruitment at local high schools. In-person recruitment at high school college fairs provides community college representatives an opportunity to directly communicate with potential students and provide them information on the academic, extracurricular, and community elements of campus life, as well as answer any specific questions that students may have.”

- 2) **Similar requirement for apprenticeship programs.** Current law requires notification be given to apprenticeship programs when a college or career fair is held by a school or school district in the same county. This bill’s provisions are similar to those outlined in current law for apprenticeship programs.
- 3) **California Community Colleges.** CCCs are designated to have an open admission policy and bear the most extensive responsibility for lower-division undergraduate instruction. The system is California’s largest workforce training provider and offers an affordable pathway to four-year University. Its three primary areas of mission include education leading to associates degrees and university transfer, career technical education, and basic skills. The system is composed of 73 community college districts and 116 colleges, and 47 percent of students do not pay enrollment fees. The community college system is one of three within California’s public higher education system that also includes the California State University (CSU) and University of California (UC). This bill is specific to CCCs. *Should the bill be expanded to include notification to CSU and UC campuses?*
- 4) **Prior and related legislation**

SB 332 (Cortese, 2023) requires the Department of Industrial Relations (DIR) to evaluate the effectiveness of the requirement that a school notify each apprenticeship program in the same county of a career or college fair it is planning to hold. Also requires the DIR to submit a report to the Legislature by January 1, 2025 with the results of the evaluation as well as recommendations

on how to improve outreach to high school students regarding pre-apprenticeship opportunities.

SB 1080 (Min, 2022) was substantially similar to this bill. It was held in the Assembly Education Committee.

AB 643 (Ramos, Chapter 324, Statutes of 2021) requires LEAs planning to hold a college or career fair to notify each apprenticeship program in the same county.

SUPPORT

None received

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1326	Hearing Date:	June 7, 2023
Author:	Megan Dahle		
Version:	February 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: School district board vacancies: internet website notifications.

SUMMARY

This bill expands the method by which a school district governing board must provide notice of a provisional appointment to include posting notice on the school district's website, in addition to posting the notice in three public places in the district and in a newspaper of general circulation in the district.

BACKGROUND

Existing law:

Filling a vacancy

- 1) Requires a school district or community college district governing board, if a vacancy occurs or if a resignation has been filed, to either order an election or make a provisional appointment to fill the vacancy within 60 days of the vacancy or the filing of the deferred resignation, as specified. Existing law prohibits a governing board member from deferring the effective date of their resignation for more than 60 days after the resignation is filed with the county superintendent of schools. (Education Code (EC) § 5091)
- 2) Requires the county superintendent of schools to order an election to fill the vacancy in the event that a governing board fails to make a provisional appointment or fails to order an election within the prescribed 60-day period. Existing law requires the election to be held on the next established election date not less than 130 days after the order of the election, as specified. (EC § 5091)
- 3) Authorizes, if a provisional appointment is made within the 60-day period, the registered voters of the district to petition within 30 days from the date of the appointment to conduct a special election to fill the vacancy. (EC § 5091)
- 4) Requires the petition to be submitted to the county superintendent of schools having jurisdiction who has 30 days to verify the signatures. Existing law provides that if the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special election to be conducted not less than 88, nor more than 125 days after the determination. (EC § 5091)

- 5) Authorizes the election to be conducted within 180 days after the issuance of the order so that the election may be consolidated with a regularly scheduled election. (EC § 5091)
- 6) Provides that a person appointed to fill a vacancy is to hold office only until the next regularly scheduled election for district governing board members that is scheduled 130 or more days after the effective date of the vacancy, whereupon an election be held to fill the vacancy for the remainder of the unexpired term. Existing law requires a person elected at an election to fill the vacancy to hold office for the remainder of the term in which the vacancy occurs or will occur. (EC § 5091)

Notification of vacancy and of provisional appointment

- 7) Requires the governing board of a school district, within 10 days of making a provisional appointment to fill a vacancy, to post notices of both the actual vacancy (or the filing of a deferred resignation) and also the provisional appointment in three public places in the district, and to publish a notice in newspaper of general circulation, as specified. Existing law provides that notice does not need to be published if there is no newspaper of general circulation in the district. (EC § 5092)
- 8) Requires the notice to state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing and the effective date of the resignation. Existing law requires the notice to also contain the full name of the provisional appointee to the board and the date of his appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment. (EC § 5092)

ANALYSIS

This bill expands the method by which a school district governing board must provide notice of a provisional appointment to include posting notice on the school district's website, in addition to posting the notice in three public places in the district and in a newspaper of general circulation in the district.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "When filling a vacancy on a school board, notice must be posted in three places and published in a local newspaper, if one exists. This bill simply expands transparency by also requiring the notice to be posted on the school district website where more people will see it."
- 2) ***Provisional appointments to fill school district governing board vacancies.*** As noted in the Assembly Education Committee analysis, there are several specified reasons a vacancy on a governing board may occur including:
 - a) The death of an incumbent;

- b) The adjudication pursuant to a quo warranto proceeding (a special form of legal action used to resolve a dispute over whether a specific person has the legal right to hold the public office that he or she occupies) declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term;
- c) A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district;
- d) A board member's removal from office, including by recall;
- e) A board member's ceasing to be a resident of the district;
- f) A board member's conviction of a felony or any offense involving a violation of their official duties or conviction of a designated crime resulting in a forfeiture of office; and
- g) A board member's refusal or neglect to file his/her required oath or bond within the time prescribed.

School district governing boards are authorized to make a provisional appointment to fill a vacancy when a vacancy occurs longer than four months before the end of a governing board member's term, or to order an election, unless a special election is required. The person appointed is required to hold the office until the next regularly scheduled election for the school district board members and is afforded all the powers and duties of a board member upon appointment.

This bill does not make changes to the process of selecting a provisional appointee to fill a school district governing board vacancy, but instead expands the requirements for notification to the public when a provisional appointment is made to include posting the notice on the school district's website.

- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose minor and absorbable Proposition 98 General Fund costs for school district governing boards to post to their school district websites information they already post in other locations.
- 4) ***Related legislation.***

AB 721 (Valencia, 2023) provides an alternative avenue for school districts to publicly notice their proposed budgets by authorizing school districts to post their proposed budget on the district's website, rather than only posting in a newspaper, and requires the county superintendent of schools to verify that school districts in the county have publicly noticed their proposed budgets. AB 721 is scheduled to be heard by this committee on June 7.

SUPPORT

None received

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1342	Hearing Date:	June 7, 2023
Author:	Megan Dahle		
Version:	February 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: California College Promise: fee waiver eligibility.

SUMMARY

The bill deems a student as a first-time community college student for purposes of qualifying for a California College Promise fee waiver, even if that student had been enrolled in a community college through a dual enrollment program in high school.

BACKGROUND

- 1) Establishes the California College Promise, under the administration of the Chancellor of the California Community Colleges (CCC), to provide funding, upon appropriation by the Legislature to each community college that:
 - a) Partners with one or more local education agencies (LEA) to establish an Early Commitment to College Program to provide K-12 students and families ample opportunities to learn about college and the necessary step in applying to college.
 - b) Partners with one or more LEA to support and improve high school students' preparation for college and reduce postsecondary remediation through best practices.
 - c) Utilizes evidence-based assessment and placement practices at the community college that include multiple measures of student performance and uses evidence-based practices to improve outcomes for underprepared students.
 - d) Participates in the CCC Guided Pathways Grant Program.
 - e) Maximizes students access to need-based financial aid by leveraging the Board of Governors fee waiver ensuring that students complete the Free Application for Student Aid (FASFA), Cal Grant application or the Dream Act application and participate in a federal loan program.
 - f) Maximize resources to address students basic needs, through the provision of basic needs services and resources. Permits this subdivision to be met by the college providing a formal program to partner with the county human services agency; which may occur as a partnership

between the basic needs center and the county human services agency.
(Education Code (EC) Section 76396 and 76396.2)

- 2) Authorizes a community college, who meets all the criteria of above in 1), to offer a fee waiver for two academic years to first-time or returning community college students who are California residents and enrolled at the college full-time (12 or more units) unless otherwise specified. Requires the Chancellor of the CCC to submit a report to the Legislature by July 1, 2024, evaluating the use of funding for the California College Promise to waive student fees. (EC Section 76396.3)
- 3) Permits a highly – gifted student to undertake courses at a CCC if the Governing Board of a school district, upon recommendation of the principal of the student's high school and with parental consent, determines a student would benefit from advanced or vocational work. The student may attend the CCC during any session or term as a special part-time or full-time student and take one or more courses of instruction offered at the CCC. Provides methods for parents to petition for students to attend CCC courses and methods for appeals in case of a denial. Includes criteria for allocating attendance and funding for high school students who attend courses at the CCC. Stipulates summer courses may be offered if a student has meet specified conditions and if the principal has not recommended summer session attendance to more than 5% of the student's grade population in the previous year and the K-12 district adheres to reporting requirements. All physical education courses must adhere to the 5% threshold and exempts a number of courses from the 5% threshold. (EC Section 48800)
- 4) Authorizes the governing board of a school district, which oversees an adult education program, and the governing board of a CCC district with a noncredit program to permit students, who are pursuing a high school diploma or a high school equivalency certificate, to attend CCC and take college courses, as special part-time students. Stipulates the CCC may receive state funding for the courses offered to the students if the school district is not reimbursed for the same instructional activity. (EC Section 52620)
- 5) Authorizes a CCC district to enter into a College and Career Access Pathway (CCAP) partnership agreement, with a LEA for the purpose of offering CCC courses to K-12 students. The purpose of the partnership is to offer or expand dual enrollment opportunities for pupil who may not be college bound or who are underrepresented in higher education. Permits special part-time students participating in the CCAP partnership to receive priority enrollment, enroll in up to 15 course, and receive fee waivers for specified fees. The goal of the partnership is to offer courses which develop seamless pathways from high school to CCC for career technical education or the preparation for transfer, improve high school graduation rates, and/or help pupils achieve college and career readiness. (EC Section 76004)

ANALYSIS

The bill:

- 1) Deems a student as a first-time community college student for purposes of qualifying for the California College Promise fee waiver, even if that student had been enrolled in community college through a dual enrollment program in high school.
- 2) Specifies that advanced educational or training courses taken at the community college or community college courses taken under CCAP agreements are the dual enrollment programs, as described in current law, applicable to this bill's provisions.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The California College Promise was established under the premise of providing two academic years of free community college for community college students. The program has since been expanded to include returning students who left college without obtaining a degree or certificate. If we are expanding the California College Promise to include returning students, we should also expand the program to include two tuition-free years at the CCC for high school students who participated in dual enrollment. We should not be penalizing students who sought academic enrichment opportunities and enrolled in dual enrollment programs while in high school. AB 1342 seeks to preserve both dual enrollment participation and the California College Promise program by ensuring high school students with dual enrollment credit are still afforded two free years of community college courses."
- 2) **Codifies existing practice.** As noted in the Assembly Appropriations Committee analysis, CCC Chancellor's Office under its regulations already consider a student who participated in dual enrollment a first-time, full-time student for purposes of receiving a CCC fee waiver. This bill codifies this practice.
- 3) **Dual enrollment.** Dual enrollment allows high school students to take college-level courses, usually at a community college. These college-level courses can be applied toward both a high school diploma and an associate degree. Graduating high school with college credits, provides many benefits to high school students including accelerating progress toward a postsecondary degree or certificate, as well as, saving on college fees which are typically waived. Dual enrollment has various models. California's two most widely used models are traditional dual enrollment for advanced coursework and CCAP. The provisions in this bill would only apply to the identified programs.
- 4) **Community college fees.** Enrollment fees at CCCs are the lowest in the country, and are waived for almost half of students. The traditional enrollment fee waiver has existed since the inception of CCC enrollment fees, and waives the per unit enrollment fee (currently \$46) for any CCC student who demonstrates financial need. Current law additionally, requires fees to be waived for surviving dependents of certain military service members and first responders.
- 5) **College Promise Program.** In addition to the statute waivers described in the preceding paragraph, AB 19 (Santiago, Chapter 735, Statutes of 2017) established the California College Promise program, which authorizes but does

not require CCCs to waive fees for two years of college for first-time or returning full-time students regardless of financial need. To be eligible for these waivers, students must have no prior postsecondary coursework or have taken one or more semesters off from college coursework, enroll in 12 or more units per semester, and submit an FAFSA or California Dream Act application. Under the program, colleges may also use their college program funds for a variety of other purposes, such as providing students with supplemental services. This bill clarifies that dual enrollment students are considered first-time students for purposes of the California College Promise, despite their participation in a dual enrollment program.

SUPPORT

City of Ceres Council District 2
League of Women Voters of California

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1541	Hearing Date:	June 7, 2023
Author:	Mike Fong		
Version:	February 17, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Community colleges: governing board membership: student members.

SUMMARY

This bill requires that a student member of the governing board of a community college district have the opportunity to cast an advisory vote immediately before votes are cast by the regular members of the governing board, and deletes references to the student position(s) on community college district governing boards being non-voting.

BACKGROUND

Existing law:

Community college district governing boards

- 1) Requires the governing board of each community college district to order the inclusion within the membership of the governing board, in addition to the number of members otherwise prescribed, of one or more non-voting students. Existing law requires these students to have the right to attend each and all meetings of the governing board, except that student members shall not have the right, or be afforded the opportunity, to attend executive sessions of the governing board. (Education Code (EC) § 72023.5)
- 2) Requires that the students selected to serve on the governing board be enrolled in a community college of the district and be chosen, and be recalled, by the students enrolled in the community colleges of the district in accordance with procedures prescribed by the governing board. Existing law authorizes, if the seat of a student member becomes vacant during his or her term, the governing board to authorize the officers of student body associations at each community college in the district to appoint a student to serve the remainder of the term in accordance with procedures established by the governing board. Existing law requires that a student member be required throughout the term of his or her appointment to be enrolled in a community college of the district for at least five semester units, or its equivalent, and meet and maintain the minimum standards of scholarship for community college students prescribed by the community college district. Existing law sets the term of the student members at one year beginning on June 1 of each year. (EC § 72023.5)
- 3) Requires that a non-voting student member be seated with the members of the governing board and be recognized as a full member of the board at the

meetings, including receiving all materials presented to the board members and participating in the questioning of witnesses and the discussion of issues. Existing law prohibits a non-voting student member from being included in determining the vote required to carry any measure before the board. (EC § 72023.5)

- 4) Authorizes the non-voting student member or members-selected to serve on the governing board of a community college district to do any of the following:
 - a) Make and second motions at the discretion of the governing board.
 - b) Attend closed sessions, other than closed sessions on personnel matters or collective bargaining matters, at the discretion of the governing board.
 - c) Receive compensation, at the discretion of the governing board, as specified.
 - d) Serve a term of one year beginning on May 15 of each year, at the discretion of the governing board. (EC § 72023.5)

California Community Colleges Board of Governors (BOG)

- 5) Establishes the BOG of the California Community Colleges, consisting of 18 voting members, as follows:
 - a) Twelve members, each appointed by the Governor with the advice and consent of two-thirds of the membership of the Senate to six-year staggered terms. Existing law requires that two of these members be current or former elected members of local community college district governing boards.
 - b) Two voting student members. Existing law authorizes each student member to exercise the same right to attend meetings of the board, and its committees, and requires each student member to have the same right to vote as the appointed members.
 - c) Two voting tenured faculty members from a community college, who shall be appointed by the Governor for two-year terms. Existing law requires the Governor to appoint each faculty member from a list of names of at least three eligible persons furnished by the Academic Senate of the California Community Colleges.
 - d) One voting classified employee, who shall be appointed by the Governor for a two-year term. Existing law requires the Governor to appoint the classified employee member from a list of at least three eligible persons furnished by the exclusive representatives of classified employees of the California Community Colleges.
 - e) The Lieutenant Governor, who shall be a voting member. (EC § 71000)

- 6) Requires that a student member be enrolled in a community college with a minimum of five semester units, or its equivalent, at the time of the appointment and throughout the period of the student member's term, or until a replacement has been named. Existing law requires that a student member be enrolled in a community college at least one semester before the student member's appointment, and shall meet and maintain the minimum standards of scholarship prescribed for community college students. (EC § 71000)
- 7) Requires each student member to be appointed by the Governor from a list of names of at least three eligible persons submitted to the Governor by the student organization recognized by the BOG. (EC § 71000)
- 8) Sets the term of office of one student member of the BOG to begin on July 1 of an even-numbered year, and expire on June 30 two years thereafter. Existing law sets the term of office of the other student member of the BOG to begin on July 1 of an odd-numbered year, and expire on June 30 two years thereafter. (EC § 71000)

ANALYSIS

This bill requires that a student member of the governing board of a community college district have the opportunity to cast an advisory vote immediately before votes are cast by the regular members of the governing board, and deletes references to the student position(s) on community college district governing boards being non-voting.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "As a former trustee of the Los Angeles Community College District, student representation is very important to me. Student opinion and perspectives are vital to the decisions that a community college governing board member make. AB 1541 will ensure that all student trustees are able to express how they would vote on all action items. This will help all governing board members make more educated decisions on issues that affect the lives of students and their success."
- 2) ***Student members of local community college governing boards.*** As noted in the Assembly Higher Education Committee analysis, the Legislature has recently recognized the need for student voices to be adequately represented on the governing boards of the public postsecondary segments. AB 337 (Medina) Chapter 23, Statutes of 2021, authorized voting rights for the student members on the BOG. At the statewide level, student representatives are seen as full members of the Board of Governors; however, the rights and privileges afforded to student representatives at the local governing boards varies by district.

Existing law does not prohibit local governing boards from authorizing advisory votes for students and some have chosen to allow students to provide an advisory vote prior to the voting of the full board. Since the majority of privileges provided to a student member of a local governing board are entirely left to the discretion of the elected members of the governing board, there is a lack of congruency between student members involvement on local governing boards of

community colleges:

- a) Fifty eight community college districts allow their student member(s) to cast an advisory vote.
- b) Ten community college districts do not allow their student member(s) to cast an advisory vote.
- c) Three community college districts have their governing board decide each year whether to allow their student member(s) to cast an advisory vote.

The existing requirement that student members receive permission from other board members to provide an advisory vote creates a two-tiered governing board with student members of some community college governing boards receiving equitable authority and others receiving none. By removing the discretion, student members across the state will have the same role and be afforded the same voting privileges as their counterparts in other community college districts across the state.

- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill could impose minor and absorbable costs to community college districts.

- 4) ***Prior legislation***

AB 1216 (Salas, 2021) would have required community college districts to give student members of local governing boards an advisory vote immediately before votes are cast by trustees. The bill also would have required the Chancellor's Office to convene a stakeholder workgroup to review local governing boards' policies and regulations and state and federal laws regarding student member involvement. AB 1216 was held in the Assembly Appropriations Committee.

AB 2910 (Weber, 2020) would have authorized community college governing boards to give each student member an advisory vote and per the discretion of the governing board, a full vote. AB 2910 was not heard due to constrained legislative timelines (due to the pandemic).

SUPPORT

Student Senate for California Community Colleges (Sponsor)
California Community Colleges, Chancellor's Office
Campaign for College Opportunity
Community College League of California

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	ACR 18	Hearing Date:	June 7, 2023
Author:	Mike Fong		
Version:	March 8, 2023		
Urgency:		Fiscal:	No
Consultant:	Kordell Hampton		

Subject: School curriculum: Asian American history and contributions.

SUMMARY

This concurrent resolution would urge all schools to ensure that Asian American history and contributions are included in their curriculum alongside those of other communities of color.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the California Department of Education (CDE) no later than March 1, 2022, in collaboration with, and subject to the approval of the executive director of the State Board of Education (SBE), to enter into a contract with a COE or a consortium of COEs to develop a model curriculum related to the Vietnamese American refugee experience by September 1, 2024. (EDC § 33540.2 (a))
- 2) Requires the CDE no later than March 1, 2022, in collaboration with, and subject to the approval of, the executive director of the SBE, to enter into a contract with a COE or a consortium of COEs to develop a model curriculum related to the Cambodian Genocide by September 1, 2024. (EC § 33540.4 (a))
- 3) Requires the CDE no later than March 1, 2022, in collaboration with, and subject to the approval of the executive director of the SBE to enter into a contract with a COE or a consortium of COEs to develop a model curriculum related to the related to Hmong history and cultural studies by September 1, 2024. (EC § 33540.6 (a))
- 4) States the Legislature encourages instruction in social sciences, which may include instruction on the Vietnam War, including the “Secret War” in Laos and the role of Southeast Asians in that war. (EC § 51221.4)
- 5) States the Legislature finds and declares that the current state-adopted academic content standards already include instruction on the Korean War and the Vietnam War in the appropriate grade level consistent with those standards. (EC § 51221.3)

ANALYSIS

This concurrent resolution would urge all schools to ensure that Asian American history and contributions are included in their curriculum alongside those of other communities of color.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “During the COVID-19 pandemic, reports of hate crimes against Asian Americans increased by 70%, according to the U.S. Department of Justice. Harassment of Asian Americans range from verbal to physical with sentiments of “go back to where you came from” expressed throughout the country. One way we can combat the belief that Asian Americans do not belong in the United States is through education. By ensuring that the contributions and history of Asian Americans are incorporated in our school’s curriculum, we can reduce ignorance while increasing appreciation of people of Asian descent.”
- 2) ***Asian American and Pacific Islander (AAPI) Experiences During COVID-19.*** People of AAPI descent have been the targets of a disturbing rise in racially motivated hate crimes across the United States over the past year. Investigations of these crimes have linked their growth to discrimination connected with the COVID-19 pandemic. The pandemic, combined with these hate crimes, has had powerful repercussions for AAPI communities and the education of AAPI students. An emerging body of data suggests that, for some AAPI families, these factors have created a reluctance to return their students to school as more districts offer in-person instruction, according to the California School Board Association (CSBA) research and policy brief, Asian American and Pacific Islander Students in Focus: Experiences During the COVID-19 Pandemic.

The brief found that hate crimes against Asian Americans, fueled by discrimination surrounding COVID-19, have dramatically escalated since 2020 and have included instances of verbal and physical assault. Anti-AAPI hate crimes increased by 145 percent in 16 of the United States’ most significant cities in 2020. The cities with the most reported incidents between 2019 and 2020 were New York City, NY; Los Angeles, CA; and Boston, MA. Stop AAPI Hate, a coalition addressing anti-Asian discrimination during the COVID-19 pandemic has received nearly 6,603 firsthand reports of anti-AAPI hate over the past year. The number of words has significantly increased over the past three months, with 36 percent of the total reports occurring in 2021 alone. California accounted for 40 percent of self-reported hate crimes to Stop AAPI Hate between March 2020 and 2021. In Los Angeles County alone, 245 self-reported incidences of hate crimes were directed at the AAPI community through October of last year. When looking at anti-AAPI hate crimes reported to the police, the numbers are lower, but the percentage increases are striking in three of California’s largest cities. From 2019 to 2020, AAPI hate crimes reported to the police increased 114 percent in Los Angeles, 150 percent in San Jose, and 50 percent in San Francisco in the same timeframe.

While the state does not track in-person participation by race/ ethnicity, early data suggests California appears to follow the national trend of AAPI families hesitant to

send their students back to in-person instruction. Many school districts statewide have surveyed students' families to gauge interest in different types of education, such as in-person, digital-only, or a hybrid schedule. In the Sacramento City Unified School District, 53 percent of all respondents chose in-person learning instead of distance learning. However, only about a third of Asian American households indicated they planned to send their students back to school this year, the lowest of any racial/ethnic group. That rate is compared to 71 percent of white students, 55 percent of Black students, and 52 percent of Latino students. In the San Diego Unified School District, 73 percent of families who responded to the survey indicated they wanted schools to reopen for in-person instruction. However, Asian American families were the least likely to send their students to attend school in person, with 57 percent responding positively as compared to 83 percent of white families, 72 percent of Latino families, and 69 percent of Black families.

- 3) ***Model Curricula Projects.*** AB 167 (Committee on Budget) Chapter 252, Statutes of 2021 required the CDE, in collaboration with, and subject to the approval of, the executive director of the SBE, to enter into contracts with COE or a consortium of COEs to develop p model curriculum related to following:
- a) Vietnamese American Refugee Experience Model Curriculum;
 - b) Cambodian Genocide Model Curriculum;
 - c) Hmong History and Cultural Studies Model Curriculum; and
 - d) Native American Studies Model Curriculum.

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

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

4) **Related Legislation**

AB 1354 (M. Fong, 2023) Requires the Instructional Quality Commission (IQC) to consider providing for inclusion of, in its recommended history-social science curriculum framework, related evaluation criteria, and accompanying instructional materials, instruction on the contributions of, and discrimination perpetrated against, Asian Americans, Native Hawaiians, and Pacific Islanders, when the history-social science curriculum framework is next revised.

AB 167 (Committee on Budget), Chapter 252, Statutes of 2021, requires the CDE to, no later than March 1, 2022, enter into contracts with a COE or a consortium thereof to develop model curricula related to the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and culture by September 1, 2024.

SB 895 (Nguyen), Chapter 686, Statutes of 2018, requires the IQC to develop a model curriculum on the Vietnamese American refugee experience, a model curriculum on the Cambodian genocide, and a model curriculum on Hmong history and culture.

SUPPORT

AAPI Equity Alliance
API Equality-LA
Asian Pacific Islander American Public Affairs Association Community Education Foundation
Center for Asian Americans United for Self Empowerment
Chinese for Affirmative Action
Empowering Pacific Islander Communities
Sikh Coalition
South Asian Network
Stop AAPI Hate
Thai Community Development Center

OPPOSITION

None received

-- END --