

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
Olgalilia 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, July 12, 2023
9 a.m. -- 1021 O Street, Room 2100

SPECIAL ORDER OF BUSINESS

1. AB 659 Aguiar-Curry Cancer Prevention Act.

MEASURES HEARD IN FILE ORDER

2. AB 1054 Berman Pupil instruction: high schools: computer science education courses.
3. AB 5 Zbur The Safe and Supportive Schools Act.
4. AB 25 McCarty Student financial aid: Middle Class Scholarship Program.
5. AB 656 McCarty California State University: doctoral programs.
6. AB 714 McCarty Pupil instruction: newcomer pupils: curriculum frameworks: high school coursework and graduation requirements: exemptions and alternatives.
7. AB 1113 McCarty The Expanded Learning Opportunities Program: the California Longitudinal Pupil Achievement Data System: the After School Education and Safety Program: the 21st Century Community Learning Centers Program.
8. AB 1192 McCarty Kindergarten: transitional kindergarten: admission: birth dates: classroom ratios: teacher aide requirements.

9.	AB 249	Holden	Water: schoolsites: lead testing: conservation.
10.	AB 376	Villapudua	Student financial aid: Cal Grant C: driver training programs: commercial motor vehicles.
11.	AB 377	Muratsuchi	Career technical education: California Career Technical Education Incentive Grant Program: Strong Workforce Program.
* 12.	AB 393	Luz Rivas	Childcare: dual language learners.
13.	AB 439	Wendy Carrillo	School facilities: task order procurement contracting: Los Angeles Unified School District.
14.	AB 506	Mike Fong	California State University: graduation requirement: ethnic studies.
15.	AB 811	Mike Fong	Seymour-Campbell Student Success Act of 2012: repeating credit courses.
16.	AB 1096	Mike Fong	Educational instruction: language of instruction.
17.	AB 1540	Mike Fong	Postsecondary education: nonresident tuition: exemption.
18.	AB 721	Valencia	School districts: budgets: public hearings: notice.
19.	AB 800	Ortega	Workplace Readiness Week: work permits.
*20.	AB 908	Education	Education finance: National Board for Professional Teaching Standards Certification Incentive Program: local control funding formula.(Urgency)
21.	AB 1038	Rendon	Family childcare home education networks.
22.	AB 1433	Rendon	Public contracts: school facility projects.
*23.	AB 1340	Garcia	School accountability: pupils with exceptional needs.
24.	AB 1393	Calderon	Student Aid Commission: California Dream Act: Food Support Pilot Program.
25.	AB 1604	Bonta	Charter schools: school facilities: Charter School Facility Grant Program: conduit financing.

*Measures on consent.

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 659

Hearing Date: July 12, 2023

Author: Aguiar-Curry

Version: July 3, 2023

Urgency: No

Fiscal: Yes

Consultant: Kordell Hampton

Subject: Cancer Prevention Act.

SUMMARY

States that it is the public policy of the state that pupils are recommended to be fully immunized against the human papillomavirus (HPV) before admission or advancement to the eighth grade, and before first-time enrollment in any public college or university. Requires health plans, insurers, and Family Planning, Access, Care, and Treatment (Family PACT) to provide coverage for the HPV vaccine.

BACKGROUND

Existing law:

Health and Safety Code (HSC)

Required Immunizations

- 1) Prohibits the unconditional admission of a student to any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless, prior to the child's first admission to that institution, the child has been fully immunized. The following are the diseases for which immunizations shall be documented:
 - a) Diphtheria.
 - b) Haemophilus influenzae type b.
 - c) Measles.
 - d) Mumps.
 - e) Pertussis (whooping cough).
 - f) Poliomyelitis.
 - g) Rubella.
 - h) Tetanus.

- i) Hepatitis B.
- j) Varicella (chickenpox).
- k) Any other disease deemed appropriate by the California Department of Public Health (CDPH), taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians. (HSC § 120335)

Medical Exemption

- 2) Provides that a child is exempt from immunization requirements if the parent or guardian files with the school or other institution a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization. (HSC § 120370)

Conditional Admission

- 3) Authorizes a school or other institution to admit a child who has not been fully immunized against one or more of the communicable diseases on condition that the child presents evidence that he or she has been fully immunized against all of these diseases within time periods designated by regulation of the CDPH. (HSC § 120340)
- 4) Requires a school or other institution to exclude from further attendance any child who fails to obtain the required immunizations within no more than 10 schooldays following receipt of the notice that the child does not meet immunization requirements unless the child is exempt for medical reasons or personal beliefs until the child provides written evidence that he or she has received another dose of each required vaccine due at that time. Regulations require any child so excluded to be reported to the attendance supervisor or to the building administrator. (California Code of Regulations (CCR), Title 17, § 6055)

Education Code (EC)

- 5) Requires county offices of education and school districts to exclude any student who has not been immunized as required by the HSC, and requires the school to notify the parent or guardian that they have two weeks to supply evidence either that the student has been fully immunized, or that the student is exempted from the immunization requirement. (EC § 48216)

ANALYSIS

States that it is the public policy of the state that pupils are recommended to be fully immunized against the HPV before admission or advancement to the eighth grade and before first-time enrollment in any public college or university. Requires health plans, insurers, and Family PACT to provide coverage for the HPV vaccine. Specially, this bill:

K-12 Education

- 1) Requires the governing board of a school district for pupils admitted to, or advancing to, the sixth grade shall include a notification to the pupil's parent or guardian containing a statement about the state's public policy related to the HPV vaccinations that the pupil be fully immunized against HPV before admission or advancement to the eighth-grade level.
- 2) States that it is the public policy of the state that pupils are recommended to be fully immunized against HPV before admission or advancement to the eighth-grade level of any private or public school.
- 3) Requires public and private schools, upon a pupil's admission or advancement to the sixth grade, to provide the pupil and their parent or guardian a notification about this state public policy and advise that the pupil be fully immunized against HPV before admission or advancement to the eighth grade.
- 4) Clarifies that this notification does not apply to a pupil in a home-based private school.

Higher Education

- 5) States that it is the public policy of the state that students who are 26 years of age or younger are recommended to be fully immunized against HPV before first-time enrollment at a California State University (CSU), University of California (UC), or California Community College (CCC) campus.
- 6) Requires the CDPH, in addition to being in consultation with the Trustees of the CSU and the Regents of the UC, to also consult the Board of Governors of the CCC, as applicable, to adopt and enforce all regulations, as specified.

Health Insurance Coverage

- 7) Requires health plans and insurers to provide coverage for the HPV vaccine, as specified, without a deductible, coinsurance, copayment, or any other cost-sharing requirement.
- 8) Requires the Family PACT program to provide coverage for the HPV vaccine.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The HPV vaccine has been proven to prevent cancer and the American Academy of Pediatrics recommends for all of California's youth to get the vaccine between the ages of 9 and 12, regardless of gender. However, even though the vaccine has been widely available since 2006, with massive public education and adoption campaigns by private and public agencies, vaccination rates in California are as low as 51%—well below the national goal of 80%. Every year, over 37,300 people in the US contract HPV-caused cancer and over 7,000 people die from HPV-caused cancer. Many of these

cases of cancer and resulting deaths can be prevented by getting vaccinated early in life, well before any exposure to HPV. The HPV vaccine has been shown to prevent 90% of cervical cancer cases and provide robust protection against anal, vaginal, and mouth/throat cancer. This bill will ensure that Californians receive this cancer-preventing vaccine by notifying parents of 6th grade students of the expectation of HPV vaccination of students entering the 8th grade, and also extend the expectation for HPV vaccination of students 26 years of age or younger prior to enrollment in a California State University, University of California, and California Community College. Out of respect for the terrible impacts of the COVID pandemic on K12 and college students and institutions, the bill will not, however, require school districts and Higher Education institutions to confirm vaccination status for entry."

- 2) ***What is Human Papillomavirus?*** According to the Centers for Disease Control (CDC), HPV is the most common sexually transmitted infection in the United States. HPV is a group of more than 200 viruses, 14 of which have been identified as high-risk and are associated with several types of cancers, including nearly all cervical cancers and most anal, vaginal, penile, vulvar, head, and neck cancers. HPV infects the mouth and throat and can cause cancers of the oropharynx or oropharyngeal cancer (back of the throat, including the base of the tongue and tonsils).

In 2018, there were about 43 million HPV infections in the US, many among people in their late teens and early 20s. Most people who become infected with HPV will not have any symptoms and will clear the infection on their own, but when HPV infections persist, they can lead to abnormal Pap tests, genital warts, or cancer. There are many different strains of HPV, which are classified into two main groups: "high risk" and "low risk". "High-risk" HPV can cause cancer of the cervix, vagina, vulva, penis, anus, and throat. "Low-risk" HPV can cause genital and anal warts. Cervical cancer is the most common HPV-associated cancer among women, and oropharyngeal cancers are the most common among men. Based on data from 2015 to 2019, about 47,199 new HPV-associated cancers occur in the United States each year: 26,177 among women and 21,022 among men.

- 3) **California School Immunization Requirements.** California schools must report student immunization status on 10 specific diseases to CDPH. Most of the diseases can be spread by contact with other infected children.

California Immunization Requirements for

K-12th Grade (including transitional kindergarten)



Grade	Number of Doses Required of Each Immunization ^{1, 2, 3}				
K-12 Admission	4 Polio ⁴	5 DTaP ⁵	3 Hep B ⁶	2 MMR ⁷	2 Varicella
(7th-12th) ⁸	K-12 doses	+ 1 Tdap			
7th Grade Advancement ^{9, 10}		1 Tdap ⁸			2 Varicella ¹⁰

Prior to the passage of SB 277 (Pan), Chapter 35, Statutes of 2015, California law

permitted medical and personal belief exemptions from vaccination. SB 277 eliminated the personal belief exemption but retained the medical exemptions. According to SB 276 (Pan), Chapter 278, Statutes of 2019, streamlined the medical exemption process, mandated that DPH develop a standardized medical exemption form, and required the form to contain specified information, including a description of the medical reason for the exemption, as well as whether it is a permanent or temporary exemption. Additionally, SB 276 required DPH to review immunization reports annually from all schools and institutions, particularly those with an immunization rate less than 95% or where a physician had submitted more than five medical exemptions in a year. Denials or revocations of medical exemptions can also be appealed.

[California Immunization Status Report – Kindergarten:](#) In 2021-2022, 7,824 schools reported immunization status for 503,722 kindergarten students, and 7,598 schools reported 431,819 first-grade students. Compared to 2019-2020, the number of kindergarten schools reported in 2021-2022 decreased by 2%, and the number of reported kindergarteners decreased by 9%. Between 2019-2020 and 2021-2022, the number of private schools reporting kindergarten education decreased by 10% from 1,891 to 1,693 schools, while the number of public schools with kindergarten increased slightly from 6,109 to 6,131. Like previous years, public schools accounted for 78% of all schools reporting kindergarten education and 92% of all reported kindergarten students in 2021-2022. Among nonreporting schools, 87% (161/185) were private. Among the 503,722 reported kindergarten students in 2021-2022, 94.0% had received all required immunizations.

[California Immunization Status Report – 7th Grade:](#) The number of 7th graders in California whose immunization status was reported was 519,454 in 2018-2019 and 505,017 in 2019-2020. The number of schools that reported was 4,749 in 2018-2019 and 4,750 in 2019-2020, and the number of schools that did not report decreased from 263 to 207. The number of reported public schools increased from 2,989 in 2018-2019 to 3,014 in 2019-2020. The number of private schools that were reported was 1,760 in 2018-2019 and 1,736 in 2019-2020. Private schools accounted for 7% (35,952 / 505,017) of all 7th graders about whom data was reported in 2019-2020, 37% (1,736 / 4,750) of all schools that reported data on 7th graders, and 80% (165/207) of schools that did not report.

Recent amendments were accepted by the author in the Senate Health Committee to change the word “expected” to “recommended” to address stakeholder concerns. With this clarification, this bill recommends that pupils advancing to eighth grade and students entering college receive the HPV vaccination but are not required in order for pupils to advance to eighth grade and for students entering college.

- 4) **College and University Campuses.** According to the National Conference of State Legislatures, “College and university campuses are at higher risk for outbreaks of communicable diseases due to students attending classes or living in close quarters, increasingly geographically diverse student populations, and a higher prevalence of certain diseases among younger populations.”

Institutions of higher education can also require proof of immunization against other diseases commonly covered by routine childhood vaccinations, like measles, mumps, rubella, tetanus, diphtheria, and pertussis. Current law stipulates that colleges and universities governed by the Trustees of the CSU and the Regents of the UC must require first-time enrollees at those institutions who are 18 years of age or younger to provide proof of full immunization against the hepatitis B virus prior to enrollment.

5) **Related Legislation**

SB 541 (Menjivar, 2023) would require all public high schools to make condoms available to students by the start of the 2024-25 school year, and to provide information to students on the availability of condoms and other sexual health information. Prohibits public schools from preventing a school-based health center from making condoms available and easily accessible to students at the school-based health center site. This bill is in Assembly Health Committee.

SB 277 (Pan), Chapter 35, Statutes of 2015, eliminates the personal belief exemption from the requirement that children receive vaccines for certain infectious diseases prior to being admitted to any public or private elementary or secondary school or daycare center.

SB 614 (Kehoe), Chapter 123, Statutes 2011, authorizes a student in grades 7- 12 to conditionally attend school for up to 30 calendar days beyond the student's first day of attendance for the 2011-12 school year if that student has not been fully immunized with all pertussis boosters appropriate for the student's age if specified conditions are met.

AB 354 (Arambula), Chapter 434, Statutes of 2010) allows CDPH to update vaccination requirements for children entering schools and childcare facilities and adds the American Academy of Family Physicians to the list of entities whose recommendations CDPH must consider when updating the list of required vaccinations. AB 354 requires students entering grades 7-12 to receive a TDaP booster before school admission.

SUPPORT

Aids Healthcare Foundation
American College of Obstetricians and Gynecologists District 1X
California Academy of Family Physicians
California Dental Association
Color Health, Inc.
County Health Executives Association of California
Health Officers Association of California
Naral Pro-Choice California
Service Employees International Union California

OPPOSITION

A Voice for Choice Advocacy
California Association of Health Plans
California Health Coalition Advocacy
California Nurses United
Educate. Advocate.
ICAN Legislate
Moms for Liberty Santa Clara County
Natomas USD for Freedom
PERK Advocacy
Physicians for Informed Consent
San Bernardino County District Advocates for Better Schools
Small School Districts Association
Stand Up Sacramento County
Take A Stand Stanislaus
Wisner Baum

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1054

Hearing Date: July 12, 2023

Author: Berman

Version: June 12, 2023

Urgency: No

Fiscal: Yes

Consultant: Kordell Hampton

Subject: Pupil instruction: high schools: computer science education courses.

SUMMARY

This bill requires the governing board of a local educational agency (LEA) and a charter school maintaining any of grades 9 to 12, to adopt a plan to offer at least one course in computer science education beginning the 2025-26 and across all high schools by the 2027-28 school year, as specified.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires the Instructional Quality Commission (IQC) to consider developing and recommending to the State Board of Education (SBE), on or before July 31, 2019, computer science content standards for kindergarten and grades 1 to 12 pursuant to recommendations developed by a group of computer science experts. (EC 60605.4)
- 2) States that if a school district requires more than two courses in mathematics for graduation from high school, the district may award a student up to one mathematics course credit for successfully completing a "category C" approved computer science course. (EC 51225.35)
- 3) Requires the California State University (CSU), and requests the University of California (UC), to develop guidelines for high school computer science courses that may be approved for the purposes of recognition for admission. (EC 66205.5)

ANALYSIS

This bill requires the governing board of an LEA and a charter school maintaining any of grades 9 to 12, to adopt a plan to offer at least one course in computer science education beginning the 2025-26 and across all high schools by the 2027-28 school year, as specified.

Phasing in Computer Science Education

- 1) Requires the governing board of schools district and charter school maintaining any of grades 9 to 12 to adopt a plan at a regularly scheduled public meeting by January 1, 2025, to offer at least one course in computer science education in the following timeline:
 - a) Commencing the 2025–26 school year, at least one high school per school district offers a computer science education course.
 - b) Commencing the 2026–27 school year, all charter schools maintaining any of grades 9 to 12, inclusive, offer a computer science education course.
 - c) Commencing the 2026–27 school year, at least 50 percent of the high schools per school district offer a computer science education course.
 - d) Commencing the 2027–28 school year, all high schools in a school district offer a computer science education course.
- 2) Specifies that school districts maintaining only one high school instead offer a computer science education course by no later than the 2026–27 school year.
- 3) Specifies if a traditional classroom setting for a computer science education course is not feasible, the school district or charter school must include its plan to offer a virtual or distance course option in the plan adopted by the governing board of an LEA or charter school.
- 4) Requires the governing board of an LEA and charter school, to include in their adopted plan, it efforts to increase the computer science education course enrollment of female pupils, pupils with disabilities, pupils who belong to ethnic and racial groups, and pupils eligible for free or reduced-priced meals that are underrepresented in the field of computer science.
- 5) Requires an LEA and charter school to post on its website the adopted plan and make it available to the California Department of Education (CDE) upon request.
- 6) Requires the governing board of an LEA and charter school, on or before May 31, 2025, and annually thereafter until each high school in a school district, or each charter school maintaining any of grades 9 to 12, inclusive, offers a computer science education course, to review the plan adopted at a regularly scheduled public meeting and report to the public on its progress in implementing the plan.

Reporting to the California Department of Education

- 7) *Requires each LEA and charter school to submit to the CDE, on or before June 30, 2026, and by each June 30 thereafter, a report for the concluding academic year that shall include, but not be limited to, all of the following:*
 - a) The names and course codes of computer science education courses offered in each school, including course descriptions and which computer science academic content standards are covered, to the extent that information is available.

- b) The number and percentage of pupils who enrolled in each computer science education course, disaggregated by each of the following:
 - i) Gender.
 - ii) Race and ethnicity.
 - iii) Special education status.
 - iv) English learner status.
 - v) Eligibility for free and reduced-price meals.
 - vi) Grade level.
 - c) The number of computer science teachers at each school, disaggregated by credential, authorization, and certification, as applicable.
- 8) Requires the CDE to post the names and course codes of computer science education courses offered in each school, including course descriptions and which computer science academic content standards are covered, to the extent that information is available disaggregated by the school; the number and percentage of pupils who enrolled in each computer science education course and the number of computer science teachers at each school aggregated to the statewide level; and a list of computer science education course codes and names,
- 9) Requires the CDE to publically post data consistent with any standards prescribed pursuant to the California Cradle-to-Career Data System.

General Provision

- 10) Makes findings and declarations about the importance of providing computer science education to students.
- 11) “Computer science” means the study of computers and algorithmic processes, including their principles, hardware, and software designs, implementation, and impact on society, as described in the computer science academic content standards adopted by the state board pursuant to EC 60605.4.
- 12) “Computer science education course” means a computer science course that is aligned to the computer science academic content standards adopted by the state board and in which pupils do not merely use technology as passive consumers, but understand why and how computing technologies work, and then build upon that conceptual knowledge by creating computational artifacts.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “From Silicon Valley to Biotech Beach, California is the undisputed cradle of innovation. However, far too many students grow up in the shadows of tech companies, yet do not have the opportunity to learn the skills they need to work there. As of 2023, California has 49,040 open

computing jobs with an average salary of \$115,754, yet there were only 9,339 graduates in computer science in 2020. According to the Kapor Center, 60% of high schools in California do not offer any computer science courses. Schools serving low-income communities are three times less likely to offer core computer science courses than schools serving high-income communities. Rural schools are two times less likely to offer computer science courses than urban schools. While 52% of high schools serving a greater proportion of White or Asian students offered computer science courses, only 34% of high schools serving high proportions of Black, Indigenous, Latinx, and Pacific Islander students, offered computer science courses. While young women comprise 49% of the high school population, they comprise only 30% of students taking computer science. AB 1054 would ensure computer science education for all by requiring all public high schools in California to adopt a plan to offer at least one computer science education course by the 2027-28 school year. It is time to restore California as a leader and take the next step to ensure every high school student in California has access to computer science education, which will help close the gender and diversity gaps.”

- 2) **Computer Science Standards.** On September 30, 2014, Governor Brown signed Assembly Bill 1539 (Hagman), Chapter 876, Statutes 2014, into law, adding Section 60605.4 to the EC and directing the IQC to consider developing and recommending to the SBE computer science (CS) content standards on or before July 31, 2019, pursuant to recommendations developed by a group of CS experts. The IQC approved and recommended the draft CA CS Standards to the SBE on July 2018. The SBE approved the IQC recommendations and adopted the CA CS Standards in September 2018.

The [CA CS Standards](#) are based on CS core concepts and core practices from the revised international Computer Science Teachers Association standards, which align with the national K–12 Computer Science Framework. The CA CS Standards are model 1 standards that define the knowledge, concepts, and skills that students should acquire in each grade band and encourage school districts to provide opportunities for CS education for all students. CS core concepts and practices in the standards are vertically aligned, coherent across grades, and designed in developmentally appropriate grade spans K–2, 3–5, 6–8, and 9–12. The standards are designed to be accessible to every student in California and to inform teachers, curriculum developers, and educational leaders to ensure all students receive quality CS instruction. Consequently, educators are encouraged to design CS learning experiences according to their local capacity and context to meet the needs of their students.

- 3) **Computer Science Strategic Implementation Plan (CSSIP).** Concurrent with creating the CA CS Standards, CSSIP development began in January 2018. The development of the CSSIP was a multi-step process that involved 23 Panel members comprised of teachers; administrators; faculty from institutions of higher education (IHEs); a public school student; and representatives from private industry, a parent organization, the California Commission on Teacher Credentialing (CTC), and the IQC. Members were selected based on their expertise in CS education, experience in standards-based interdisciplinary and differentiated instruction for a diverse student population, other areas of expertise

and leadership, and previous committee experience. The panel participated in small and whole-group discussions during these meetings to determine the most appropriate recommendations. Additionally, the CSSIP Panel created a mission and vision statements to guide computer science education in California.

Scaling Up K–12 Computer Science Education in California Cont'd.

#	Responsible Entity	Strategy	Evidence of Success	Time Frame
SI.4	CDE	The CDE should convene stakeholders to review computer science standards every seven years to evaluate whether or not they should be refreshed. If revision <u>is recommended</u> , legislative authority to update standards will be sought.	Stakeholders <u>are convened</u> to review standards for potential revision.	7 years
SI.5	Districts	Create four-year implementation and evaluation plans for helping all students achieve the K–12 standards (core for 9–12). Plans should be educator-driven and educator-focused, leveraging interest among teachers to pilot materials and disseminate information to colleagues rather than top-down mandates for all teachers to participate from the beginning.	Support for computer science education <u>is written</u> into district LCAPs under Priority 7: Course Access (Pupil enrollment in a broad course of study that includes all of the subject areas). Plans developed by early adopter districts <u>are used</u> as models for other districts and/or legislation to support computer science education implementation.	2 years
SI.6	Districts, COEs, and the CDE	State will identify model districts and schools that highlight successful implementation of the standards and best practices and share with the larger education community.	Recognition for early adopters and current successful models of California computer science implementation <u>are highlighted</u> on a statewide interactive map with symbolic recognition by CDE.	2–3 years

Note: 3 of the 49 recommendations from the Computer Science Strategic Implementation Plan Panel to support computer science education in California (Source: CDE - CSSIP Panel)

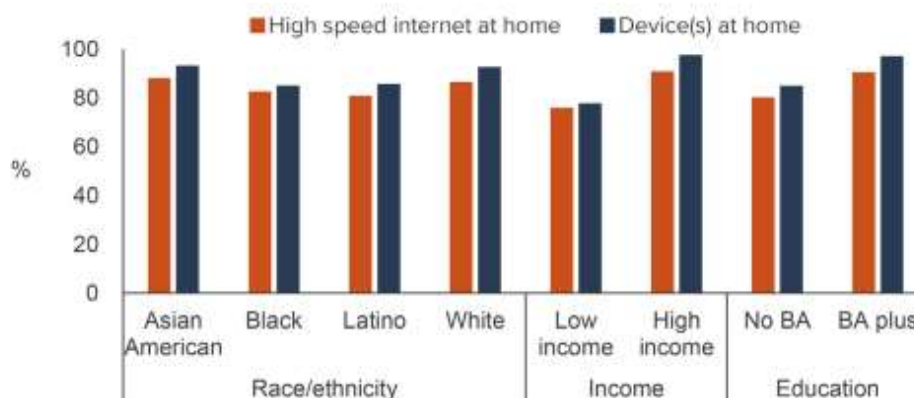
The panel's final recommendations include the entity responsible for implementing the recommendation, a strategy for meeting the recommendation, and evidence of successful implementation. In addition, a suggested time frame for each strategy is provided.

This bill requires the governing board of an LEA and charter school to develop and adopt a plan to phase in computer science education across all high school by the 2027-28 school year. The committee may wish to consider whether the state has provided sufficient funding to support the professional development of teachers and school leaders to learn about the California K–12 computer science standards and to effectively integrate or offer as standalone computer science courses in K–12 education.

- 4) ***Broadband Access Has Grown In Recent Years, But Many Still Lack Access.*** According to the Public Policy Institute of California (PPIC) in their policy brief, *California's Digital Divide*, "Access to fast and reliable home internet has continued to increase, but many still live without access. The American Community Survey (ACS) found that 85% of Californian households had high-speed internet at home in 2021—a slight improvement from 84% in 2019, before the onset of the COVID-19 pandemic. Since 2019, access to broadband at home has become more

common for most demographic groups. But racial and ethnic gaps persist: 81% of Latino, 83% of Black, 87% of white, and 88% of Asian households report having broadband access at home in 2021.”

Low-income households were less likely to have access to broadband and devices in 2021



Source: American Community Survey, 2021.

Notes: Average California household size is three. Low-income households have an annual income below \$50,000; or roughly 225% of the federal poverty line for a three-person household in 2022 (\$51,818). High-income households have an annual income above \$100,000. Education level and race/ethnicity are for household head.

The PPIC also notes that not all students can access the digital tools they need for school. Many students still struggle to access the internet for their homework, even when their district provides a device. For example, about 13,000 students of Fresno Unified School District’s 60,000 students remain unconnected to the internet outside of their school’s network in the greater Fresno area. Nearly 1 in 20 households (4%) with school-age children do not have access to a device at home.

In 2021, the California legislature passed Senate Bill 156 (Committee on Budget) Chapter 112, Statutes of 2021 providing over \$6 billion to expand broadband infrastructure and enhance internet access in unserved and underserved communities. The Federal Infrastructure Investment and Jobs Act (2021) provides at least \$100 million to expand broadband infrastructure in California. The PPIC report notes that “even with funding like SB 156 to defray the infrastructure costs of building out broadband, internet availability can differ greatly among neighbors due to individual financial constraints, a home’s elevation, signal obstacles, accessibility for work trucks, and the accuracy of previous attempts to estimate an area’s access.”

- 5) **Argument in Support.** According to the California Stem Network, “California has made great strides in ensuring that all students develop foundational knowledge and skills in computer science. Passing the AB 1054 is a natural next step to build on this progress. Throughout the years, the state legislature has taken important steps to develop and expand computer science education in California. In 2016, Assemblymember Susan Bonilla sponsored and Governor Jerry Brown signed AB 2329. This key piece of legislation set in motion the Computer Science Strategic Implementation Plan, which pronounced California’s vision to offer equitable, high-quality computer science education to every student across the state. The California budget has allocated funding towards computer science through the Educator Workforce Investment Grant and computer science teacher

supplementary authorizations, preparing teachers to provide rigorous and relevant computer science education. AB 1054 takes the next major step forward to make computer science education a priority, ensuring equitable access to high-quality computer science teaching and learning opportunities across California. Every student deserves a high-quality education that teaches problem-solving and critical thinking — foundational skills taught in every computer science course. For these important reasons, we strongly support AB 1054.”

- 6) ***Argument in Opposition.*** According to the Association of California School Administrators, “While we understand the importance of computer science education in preparing students for the future, we are deeply concerned about the lack of qualified educators to fulfill this requirement. Currently, California is facing a severe shortage of teachers, particularly in specialized fields such as computer science. Enforcing a computer science requirement without sufficient educators to deliver high-quality instruction would be counterproductive and undermine the intended purpose of the bill. This could result in a superficial understanding of the subject matter, which would be detrimental to students' future success in pursuing careers or higher education in the field. Furthermore, the shortage of computer science educators would place an immense burden on already overburdened teachers. Expecting current educators to take on additional responsibilities of teaching computer science, without proper training or support, would lead to increased workload and potential burnout. This, in turn, may affect the overall quality of education across all subjects, as teachers may be unable to devote adequate time and attention to each subject they are responsible for. In light of these concerns, ACSA requests an exemption for schools if they are unable to secure qualified educators or the necessary resources to teach computer science. This exemption would ensure that schools are not penalized for circumstances beyond their control and would prevent the implementation of a requirement that cannot be effectively fulfilled.”

7) ***Related Legislation***

AB 1853 (Berman, 2022) would have established the Computer Science Preservice Teacher Grant Program, administered by the CTC to award competitive grants to IHEs to develop or expand K–12 computer science and computational thinking coursework for individuals seeking specified teaching credentials. *This bill was held in the Assembly Appropriations Committee.*

AB 130 (Committee on Budget), Chapter 44, Statutes of 2021, established the Computer Science Supplementary Authorization Incentive Grant Program for the purpose of providing one-time grants to LEAs to support the preparation of credentialed teachers to earn a supplementary authorization in computer science and provide instruction in computer science coursework.

AB 128 (Committee on Budget), Chapter 21, Statutes of 2021, appropriated \$5 million on a one-time basis to establish the Educator Workforce Investment Grant: Computer Science and required the CDE to select an IHE or nonprofit organizations to provide professional learning for teachers and paraprofessionals statewide in strategies for providing high-quality instruction and computer science learning experiences aligned to the computer science content standards.

AB 2309 (Berman, 2020) would have required the CTC to develop and implement a program to award competitive grants to postsecondary educational institutions for the development of preservice credential programs for individuals seeking a teaching credential and the expansion of programs of study for single subject or multiple subject credentialed teachers seeking a supplementary authorization in computer science. *This bill was held in the Assembly Education Committee.*

AB 2274 (Berman, 2020) would have required the CDE to annually compile and post on its website a report on computer science courses, course enrollment, and teachers of computer science courses for the 2019-20 school year and each subsequent school year. *This bill was held in the Assembly Education Committee.*

AB 52 (Berman, 2019) would have required the computer science strategic implementation plan to be regularly updated. *This bill was held in the Assembly Appropriations Committee.*

SUPPORT

California Stem Network (Co-Sponsor)
Children Now (Co-Sponsor)
Code.org (Co-Sponsor)
Silicon Valley Leadership Group (Co-Sponsor)
21st Century Alliance
Amazon
American Association of University Women - California
BSA The Software Alliance
California Chamber of Commerce
California Teachers Association
College Board
Computer Science Equity Project
Learningtech.org
Los Angeles Area Chamber of Commerce
Los Angeles County Office of Education
Los Angeles Unified School District
Microsoft Corporation
North Bay Leadership Council
Orange County Business Council
Regional Economic Association Leaders Coalition
Salesforce
Snap Inc.
Technet
Unite-LA
Valley Industry and Commerce Association

OPPOSITION

Association of California School Administrators

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 5	Hearing Date:	July 12, 2023
Author:	Zbur		
Version:	May 2, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: The Safe and Supportive Schools Act.

SUMMARY

This bill requires the California Department of Education (CDE) to complete the development of an online training curriculum and online delivery platform by July 1, 2025 and requires local educational agencies (LEAs) to provide and require at least one hour of training annually to all certificated staff, beginning with the 2025-26 school year through the 2029-30 school year, on cultural competency in supporting lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students.

BACKGROUND

Existing Law

Education Code (EC)

- 1) Requires the CDE to monitor, through its federal program monitoring process, whether LEAs have:
 - a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics defined as hate crimes, and immigration status, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy must include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district;
 - b) Adopted a process for receiving and investigating complaints relating to discrimination, harassment, intimidation, and bullying;
 - c) Publicized antidiscrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about the manner in which to file a complaint to students, parents, employees, agents of the governing board, and the general public;
 - d) Provided certificated school employees in schools serving students in grades 7 to 12, information on existing schoolsite and community resources related to the support of LGBTQ+ students, or related to the support of students who may

- face bias or bullying on the basis of religious affiliation, or perceived religious affiliation;
- e) Posted the policy in all schools and offices, including staff lounges and student government meeting rooms;
 - f) Maintained documentation of complaints and their resolution for a minimum of one review cycle;
 - g) Ensured that complainants are protected from retaliation and that their identity remains confidential, as appropriate; and
 - h) Identified a responsible LEA officer for ensuring compliance. (EC 234.1)
- 2) Requires the CDE, by July 1, 2021, to develop resources or, as appropriate, update existing resources for in-service training on schoolsite and community resources for the support of LGBTQ+ students and strategies to increase support for LGBTQ+ students and improve overall school climate. Requires the resources to be designed for use in schools operated by a school district, county office of education (COE), and charter schools serving students in grades 7 to 12, inclusive. Encourages schools serving students in grades 7 to 12 to use these resources to provide training at least once every two years to teachers and other certificated employees. (EC 218)

ANALYSIS

This bill requires the CDE to complete the development of an online training curriculum and online delivery platform by July 1, 2025, and requires LEAs to provide and require at least one hour of training annually to all certificated staff, beginning with the 2025-26 school year through the 2029-30 school year, on cultural competency in supporting LGBTQ+ students. Specifically, this bill:

California Department of Education: Online Training Delivery Platform

- 1) Requires the CDE, using resources appropriated in the Budget Act of 2021 for this purpose, by July 1, 2025, to finalize the development of an online training delivery platform and online training curriculum to support LGBTQ+ cultural competency training for teachers and certificated employees with the following topics:
 - a) The creation of safe and supportive learning environments for LGBTQ+ pupils, including those with multiple intersecting identities, including, but not limited to, those who are members of the LGBTQ+ community, members of communities of color, immigrants, or people living with the human immunodeficiency virus.
 - b) Identifying LGBTQ+ youth who are subject to, or may be at risk of, bullying and lack of acceptance at home or in their communities.
 - c) Providing targeted support services to LGBTQ+ youth, including counseling services.

- d) Requirements regarding school anti-bullying and harassment policies and complaint procedures.
- e) Requirements regarding suicide prevention policies and related procedures.
- f) Requirements regarding policies relating to the use of school facilities, including, but not limited to, bathrooms and locker rooms.
- g) Requirements regarding policies and procedures to protect the privacy of LGBTQ+ pupils.
- h) The importance of identifying local, community-based organizations supporting LGBTQ+ youth.
- i) The importance of identifying local physical and mental health providers with experience in treating and supporting LGBTQ+ youth.
- j) The formation of peer support or affinity clubs and organizations.
- k) The importance of school staff who have received antibias or other training to support LGBTQ+ youth.
- l) Health and other curriculum materials that are inclusive of and relevant to LGBTQ+ youth.

Teacher Training

- 2) Requires an LEA, commencing with the 2025–26 school year, and continuing through the 2029–30 school year, at least one hour of training annually to all teachers and other certificated employees during the employee's regular work hours or designated professional development hours unless otherwise negotiated and mutually agreed upon with the employees' exclusive representative, serving pupils in grades 7 to 12, inclusive, in a manner designed to cover the core elements of the curriculum developed in 1) above over the five-year period and specifies that training may be provided using the online training curriculum and platform developed by CDE.
- 3) Requires an LEA to ensure that the in-service training it chooses to use as an alternative to the online training developed by CDE is substantially similar to and meets the same standards of the online training
- 4) Specifies employees may complete training individually or as part of a group presentation, and the training may be completed in shorter segments as long as the applicable hourly total requirement is met
- 5) Specifies nothing prohibits an LEA from providing longer, more frequent, relevant in-service training to meet the online training standards, provided that it is mutually agreed to with the employee's exclusive representative.

- 6) Requires an LEA to exempt a teacher or certificated employee from the training if they have completed the training within the same year at another local educational agency in this state.

Compliance and Transparency

- 7) Requires ELAs to post on its website the number of its teachers and other certificated employees who received online or in-service training and make it available to the CDE upon request as part of the department's annual compliance monitoring of state and federal programs.
- 8) Requires the CDE to provide a report to the relevant policy and fiscal committees of the Legislature, and be posted on its website, within nine months after the conclusion of the 2029–30 school year, summarizing the data collected through compliance monitoring over the five-year period, including the LEA selected for monitoring and relevant compliance findings, as specified.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "Every child deserves to attend a safe and supportive school where they have the greatest possible opportunity to learn and succeed. Despite much progress, LGBTQ+ students still experience harassment, violence, and lack of affirmation in school settings far too often. These experiences can harm LGBTQ+ students' school performance and success, self-esteem, and mental health and can reduce their desire to pursue post-secondary education. Lack of adequate support in schools results in high dropout rates, which leads to high rates of poverty, homelessness and engagement with the criminal justice system for LGBTQ+ people. AB 5 will provide public school teachers and staff, who are on the front lines of supporting California students, with the training and support they need to better serve LGBTQ+ and all students."
- 2) ***2021 National School Climate Survey by the Gay, Lesbian & Straight Education Network (GLSEN).*** A growing body of research has linked disparities to non-binary students' experiences of violence, harassment, and exclusion in educational settings. LGBTQ+ youth often navigate more hostile school climates than their peers. According to a 2021 National School Climate Survey by the GLSEN, "76.1% of LGBT students were verbally harassed, 31.2% were physically harassed, and 12.5% were physically assaulted due to their sexual orientation." Furthermore, 81.8% of LGBTQ+ students who participated in GLSEN's survey reported feeling unsafe in school because of at least one of their actual or perceived personal characteristics. The relationship between marginalization and mental health in gender minority populations is well documented. In the same survey, over half of LGBTQ+ students (61.6%) reported feeling unsafe in school because of their mental health or emotional disability. Non-binary students' experiences of violence, harassment, and exclusion in educational settings can lead to negative educational experiences, including:

Chronic Absenteeism: School-based victimization can impinge on a student's right to an education. Students who are regularly harassed or assaulted during the school day may attempt to avoid these hurtful experiences by not attending school

and may be more likely to miss school than students who do not experience such victimization. We found that experiences of both in-person and online victimization were related to missing days of school. Higher levels of in-person victimization and higher levels of online victimization in school regarding sexual orientation, gender expression, and gender were both associated with more than a two times greater likelihood of missing school in the past month for LGBTQ+ students.

Difficulty in Reaching Academic Achievement: Among those who attended school in person, either full-time or combined with online instruction, LGBTQ+ students who reported higher levels of in-person victimization regarding their sexual orientation were nearly twice as likely to report that they did not plan on pursuing their education beyond high school (16.6% vs. 9.4%), and LGBTQ+ students reporting higher levels of victimization based on gender expression or gender were twice as likely (18.3% vs. 8.8% and 18.1% vs. 9.0%, respectively).

School Discipline: More than a third (40.7%) of students in this survey reported having been disciplined at school, with most of these students reporting discipline that occurred in school, such as being sent to the principal's office (24.1%), being isolated alone in a classroom or hallway, and receiving detention (20.3%). A smaller portion of LGBTQ+ students reported experiencing disciplinary consequences that prohibited them from attending school, such as out-of-school suspension and expulsion (4.8%).

A link to the report can be found [here](#).

- 3) **CDE: Supporting LGBTQ+ Students.** CDE currently provides instructional guidance, references, and policies on its [website](#) to help LEAs and families support their LGBTQ+ students, such as highlighting the Fair, Accurate, Inclusive, and Respectful (FAIR) Education Act, which prescribes inclusion of the contributions of groups previously excluded in the history of California and the U.S. This section once included men and women and numerous ethnic groups; the expanded language requires the inclusion of the contributions of LGBTQ+ Americans to California and U.S. history as well as their roles in contemporary society.

The website also includes training offered by the *American Psychological Association* and the *Trevor Project*, resources for schools such as establishing peer support or Affinity Clubs on campus, links to antibias training to support LGBTQ+ youth, and how to create safe spaces for LGBTQ+ students on campus.

CDE also provides its website resources to serve LGBTQ+ and all students by region. For example, LEAs and families in Monterey, Santa Clara, Santa Cruz, and San Benito can be connected to the Billy DeFrank Lesbian and Gay Community Center, PFLAG, Queer Youth Task Force, and Epicenter Monterey. In another instance, LEAs and families in Riverside, Inyo, Mono, and San Bernardino, can find resources to help their students at the Desert AIDS Project, Joshua's Home, Safe Schools, Desert Cities, and TruEvolution.

Moreover, as part of its compliance monitoring, current law requires CDE to assess whether local schools have provided information to certificated staff serving grades

7-12 on school sites and community resources for LGBTQ students. Current law also requires the CDE to monitor local schools to ensure the adoption of policies prohibiting discrimination, harassment, intimidation, and bullying based on sexual orientation, gender, gender identity, or gender expression.

4) **Related legislation**

SB 857 (Laird, 2023) would require the State Superintendent of Public Instruction (SPI), on or before July 1, 2024, to convene an advisory task force (Task Force) to identify the statewide needs of LGBTQ+ pupils and report its findings to the Legislature, the SPI, and Governor by January 1, 2026. *This bill is in Assembly Education Committee.*

AB 827 (O'Donnell), Chapter 562, Statutes of 2015, requires the CDE, as part of its compliance monitoring, to assess whether LEAs have provided information to certificated staff serving grades 7-12 on schoolsite and community resources for LGBTQ+ students.

AB 493 (Gloria), Chapter 775, Statutes of 2019, requires that, no later than July 1, 2021, the CDE develop resources or update existing resources for in-service training on schoolsite and community resources for the support of LGBTQ+ students for use in LEAs and charter schools serving students in grades 7-12. Requires the CDE to periodically provide online training on this topic that can be accessed on a statewide basis.

AB 2240 (Gloria, 2020) would have required the CDE to create an online training delivery platform and an online training curriculum on schoolsite and community resources for the support of LGBTQ+ pupils and strategies to increase support for LGBTQ+ pupils, as specified and encourage each school operated by a school district or COE and each charter school to use the online training delivery platform and curriculum to provide training at least once every 2 years to teachers and other certificated employees at those schools.

SUPPORT

California Teachers Association (Co-Sponsor)
Equality California (Co-Sponsor)
ACLU California Action
American Federation of State, County, and Municipal Employees
APLA Health
California Association of Local Conservation Corps
California Charter Schools Association
California School Nurses Organization
California School-Based Health Alliance
California TRANSends
Citizens for Choice
County of Los Angeles
Gender Spectrum
LGBTQ Center OC

Los Angeles County Office of Education
Los Angeles LGBT Center
Naral Pro-Choice California
National Association of Social Workers, California Chapter
National Center for Lesbian Rights
Nextgen California
Positive Images LGBTQIA+ Center
Radiant Health Centers
San Diego Pride
Santa Monica Democratic Club
Seiu California
The Source LGBTQ+ Center
The Women's Building
Viet Rainbow of Orange County

OPPOSITION

California Parents Union

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 25	Hearing Date:	July 12, 2023
Author:	McCarty		
Version:	July 3, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Student financial aid: Middle Class Scholarship Program.

SUMMARY

This bill requires the Department of Finance (DOF), following a growth of General Fund revenues for two consecutive fiscal years, to fund the cost of the Middle Class Scholarship (MCS) over the 5 fiscal years following that growth, as specified.

BACKGROUND

Existing law:

- 1) Establishes the MCS program under the administration of the California Student Aid Commission (Commission). Existing law makes an undergraduate student eligible for a scholarship award under the MCS if the student is enrolled at the University of California (UC) or the California State University (CSU), or enrolled in upper division coursework in a community college baccalaureate program, and meets certain eligibility requirements. (Education Code (EC) § 70020 – 70023)
- 2) Requires, subject to an available and sufficient appropriation, an undergraduate student enrolled in the CSU or UC, or a California Community College (CCC) student enrolled in upper division coursework of a community baccalaureate program who meets the applicable qualifications is eligible for a scholarship award. (EC § 7002 (a)(1))

ANALYSIS

This bill:

- 1) Requires the Department of Finance to fund the MCS program, subject to an appropriation of sufficient funds and following a growth of General Fund revenues for two consecutive fiscal years, as follows:
 - a) Twenty percent of the total cost to fund the program in the first fiscal year following the two consecutive fiscal years of growth of General Fund revenues.
 - b) Forty percent of the total cost to fund the program in the second fiscal year following the first fiscal year.

- c) Sixty percent of the total cost to fund the program in the third fiscal year following the first fiscal year.
 - d) Eighty percent of the total cost to fund the program in the fourth fiscal year following the first fiscal year.
 - e) One hundred percent of the total cost to fund the program in fifth fiscal year following the first fiscal year.
- 2) Requires that the total cost to fund the program each year be determined by the commission and be based on the number of students estimated to be eligible for a MCS Program award for that year.
 - 3) States the Legislature's intent to fully fund the MCS Program, to provide a debt-free college pathway for all eligible undergraduate students enrolled in the University of California and the California State University and community college students enrolled in upper division coursework, as well as, to fully fund the Cal Grant Reform Act before funding the MCS Program.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The burden of student loan debt can result in students being unable to meet basic needs like housing, food, and medical care, and can have negative physical and mental health consequences. Student debt also burdens graduates for years to come, affecting their quality of life and impeding their ability to make ends meet even after graduation. AB 25 creates a pathway to debt-free college by increasing financial aid awards, increasing access to higher education for low and middle-income students."
- 2) **Recent changes.** This bill, when it left the Assembly, prohibited consideration of any basic needs emergency aid in the awarding or adjusting of the MCS program. It was significantly amended in the Senate into its current form. This bill requires DOF to cover the entire cost of the MCS program in the manner specified. The allocation of state funds to an existing program are traditionally introduced through the budget process.
- 3) **Middle Class Scholarship program.** MCS provides undergraduate students, including students pursuing a teaching credential, with a scholarship, and was recently revamped to account for cost of attendance, to attend a UC, CSU or community college Bachelor's degree program. Students with family income and assets up to \$201,000 may be eligible. To determine each student's award amount, the Commission will first determine each student's remaining cost of attendance, after accounting for other available gift aid, a student contribution from part-time work earnings, and a parent contribution for dependent students with a household income of more than \$100,000. Then, the Commission will determine what percentage of each student's remaining costs to cover based on the annual appropriation for the program. In 2022-23, the program is estimated to cover 24 percent of each student's remaining costs.

4) Related legislation

SB 307 (Ashby, 2023) expands eligibility for the MCS to community college students who are current or former foster youth pursuing transfer to a four-year postsecondary educational institution, an associate degree, an associate degree for transfer, or a certificate. This bill additionally relaxes eligibility for MCS requirements for this group of students. SB 307 has been referred to the Assembly Higher Education Committee.

SUPPORT

Greater Sacramento Urban League
Pasadena Area Community College District
University of California Student Association

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 656	Hearing Date:	July 12, 2023
Author:	McCarty		
Version:	March 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: California State University: doctoral programs.

SUMMARY

This bill authorizes the California State University (CSU) to award doctoral degrees statewide that do not duplicate University of California (UC) doctoral degrees and satisfy certain requirements. Requires a CSU campus seeking authorization to offer a doctoral degree to submit specified information on the proposed doctoral degree for review by the CSU Chancellor's office, and approval by the CSU Trustees, as provided. Authorizes a proposed doctoral degree that is approved for implementation by the CSU Trustees to be implemented at the CSU systemwide.

BACKGROUND

Existing law:

- 1) Provides that the primary mission of the CSU is undergraduate and graduate instruction through the master's degree, but authorizes the CSU to offer joint doctoral degrees with the UC, or with one or more independent institutions of higher education, only as specified. Specifies that, in setting forth the missions and functions of California's public and independent institutions of higher education that, among other things, the UC has the sole authority in public higher education to award the doctoral degree in all fields of learning, except that it may agree with the CSU to award joint doctoral degrees in selected fields. (Education Code (EC) § 66010.4)
- 2) Authorizes the CSU to independently award the Doctor of Education (Ed.D.) degree focused solely on preparing administrative leaders for California public elementary and secondary schools and community colleges and on the knowledge and skills needed by administrators to be effective leaders in California public schools and community colleges. (EC § 66040, et seq.)
- 3) Authorizes the CSU to offer the Doctor of Audiology (Au.D) degree; and, specifies that the Au.D degree programs at the CSU will focus on preparing audiologists to provide health care services and shall be consistent with the standards for accreditation set forth by the Council on Academic Accreditation in Audiology and Speech-Language Pathology. (EC § 66041, et seq.)
- 4) Authorizes the CSU to offer the Doctor of Physical Therapy (D.P.T.) degree, and specifies that the D.P.T. degree programs at the CSU will focus on preparing

physical therapists to provide health care services, and be consistent with meeting the requirements of the Commission on Accreditation in Physical Therapy Education. (EC § 66042, et seq.)

- 5) Authorizes CSU to offer the Doctor of Nursing Practice (DNP) degree programs, and specifies that the DNP offered by the CSU will focus on the preparation of nursing faculty to teach in postsecondary nursing education programs and may also train nurses for advanced nursing practice or nurse leadership. (EC § 89280, et seq.)
- 6) Authorizes CSU to offer the Doctor of Occupational Therapy (OTD) degree, and specifies that OTD degree programs offered by the CSU will focus on preparing occupational therapists to provide health care services and to be consistent with the standards for accreditation set forth by the appropriate accrediting body. (EC § 66043, et seq.)
- 7) Authorizes CSU to offer the Doctor of Public Health (Dr.PH) degree, and specifies that Dr.PH degree programs offered by the CSU will focus on health and scientific knowledge translation and transformative community leadership, and will be designed to address the community public health workforce needs of California and prepare qualified professionals to be leaders and experienced practitioners who apply their advanced knowledge in service to California's diverse communities in areas such as community health administration, health education and promotion, and public health advocacy. (EC § 66044, et seq.)
- 8) Authorizes the Board of Governors (BOG) of the California Community Colleges (CCC) to establish permanent district baccalaureate degree programs, and provided that only 15 baccalaureate degree programs are approved during each application period allowing for a total of 30 baccalaureate degree programs per academic year. Additionally, existing law:
 - a) Requires the Chancellor of the CCC to consult with and seek feedback from the Chancellor of the CSU, the President of the UC, and the President of the Association of Independent California Colleges and Universities (AICCU) on proposed baccalaureate degree programs, as specified, and establishes a mechanism for the assessment, consultation, and approval of programs where duplication is identified, as specified;
 - b) Requires a community college district (CCD) to continue to offer an associate degree program in the same academic subject for which a baccalaureate degree program has been approved, unless the (CCD) has receive approval from the chancellor to eliminate the associate degree program, as specified; and,
 - c) Specifies that the total number of baccalaureate degree programs offered by a CCD, at any time, does not exceed 25% of the total number of associate degree programs offered by the CCD, including associate degrees for transfer. (EC § 78040 et seq.)

ANALYSIS

This bill:

- 1) Authorizes the CSU, in consultation with the UC President to award doctoral degrees statewide that do not duplicate UC doctoral degrees and requires CSU in implementing this authority to comply with all for the following requirements:
 - a) That enrollment in CSU doctoral degree programs not diminish enrollment in CSU undergraduate programs.
 - b) That CSU doctoral degree programs not duplicate UC doctoral degree programs that are offered or under systemwide review by the president's office.
 - c) That the CSU establish fees for doctoral degree programs that are comparable to, but no higher than, those fees charged for UC doctoral degree programs.
 - d) That the CSU provide any startup and operational funding needed for doctoral degree programs from within existing budgets for academic program support without diminishing the quality of program support offered for CSU undergraduate programs and provides that funding of doctoral degree programs not result in reduced CSU undergraduate enrollment.
- 2) Requires that a CSU doctoral programs established pursuant to the provisions in this bill comply with all of the following limitations:
 - a) Documentation verifying that the proposed doctoral program does not duplicate a UC doctoral degree program that is offered or under systemwide review by the president's office.
 - b) Enrollment projections for the proposed doctoral program.
 - c) An administrative plan for the proposed doctoral program, including, but not limited to, the funding plan for the program.
 - d) Statewide workforce data relevant to the proposed doctoral program.
- 3) Requires that the CSU Chancellor ensure all of the following for a CSU campus seeking to offer a proposed doctoral program:
 - a) The CSU Chancellor notifies, in writing, and sends relevant materials on the proposed doctoral program to the UC President's office and the President of the AICCU to allow for consultation on issues of duplication.
 - b) That the CSU Trustees not approve for implementation a proposed

doctoral program if the president's office has, within 60 days of being notified and receiving materials for the proposed doctoral program provided written objections on the basis of duplication.

- c) That a proposed doctoral program that receives written objections from the UC President's Office not be approved for implementation by the trustees unless and until a letter indicating a resolution of the written objections and a mutual agreement, signed by both the CSU Chancellor and the UC President, in support of the CSU offering the proposed doctoral program is submitted to the Assembly Committee on Higher Education and the Senate Committee on Education.
- 4) Allows a proposed doctoral program that is approved for implementation by the trustees to be implemented at the CSU systemwide.
- 5) States various legislative findings and declarations relating to the Master Plan for Higher Education, the differentiation of mission and function of each public higher education segment established by the Master Plan and around the granting of CSU authority to offer doctoral degrees stateside that do not duplicate UC doctoral degrees as an exception to the differentiation of function in graduate education that is assigned to UC.
- 6) Defines various terms for purposes of the bill.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "California's Master Plan of Higher Education, adopted in 1960, created three segments of public higher education with different functions among UC, CSU, and California Community Colleges (CCC). UC was given exclusive authority to offer doctoral degrees, while CSU may do so only if UC or a private university agrees to partner on a joint doctoral program.

Consequently, each time the CSU seeks an exception to offer a doctoral degree to address workforce or accreditation needs, separate legislation must be adopted. For example, since 2005, individual legislation has been necessary to grant the CSU authorization to offer doctoral degrees in Education, Audiology, Physical Therapy, Nursing Practice, Occupational Therapy, and Public Health. CSU currently awards more than 600 doctoral degrees each year in these disciplines.

It makes little sense to continue to require legislative action one professional degree at a time. Over 60% of CSU students stay in California after graduation and become an integral part of the state's economy. By increasing the number and types of doctoral programs that are available at the CSU, countless students who previously may not have had access to a doctoral degree may obtain one."

- 2) **Benefits to California.** According to CSU Chancellor's office, this bill has many benefits to Californians, including the following:

- Affordable access to students: The CSU's 23 campuses are committed to serving California's diverse population and first-generation students with an affordable public postsecondary education. AB 656 will provide more opportunities for students to seek reasonably priced post-graduate programs. These opportunities will enable them to receive advanced training in their career, earn promotions, and increase their social mobility at a CSU.
- Addressing workforce need: AB 656 will provide flexibility to address workforce gaps in California to keep our economy growing. Examples of potential CSU doctoral programs not offered by the UC that could be offered include Business Administration, Business Management Information Systems, Cyber Physical Systems, Advanced Manufacturing Engineering, and Counselor Education.
- Pathways to faculty diversity: The CSU educates the most ethnically, economically and academically diverse student body in the nation. More than half of CSU undergraduate students are members of underrepresented groups and approximately 60% of CSU graduate students identify as Latino/Hispanic, Asian, Black / African American, or mixed race. CSU students who continue with their education to earn a doctoral degree have the potential to not only advance their careers in industry, but to also qualify for tenure-track faculty positions at the CSU or other universities.

- 3) **Master Plan for Higher Education.** As outlined in the Master Plan for Higher Education and by state statute, the primary mission of the CSU is undergraduate and graduate instruction through the master's degree. The UC was granted the sole authority to offer doctoral degrees and CCCs are designated to have an open admission policy and bear the most extensive responsibility for lower-division undergraduate instruction.

Notwithstanding the differentiation of the mission envisioned by the Master Plan and outlined in statute, the Legislature has authorized the CSU to go beyond its original mission to offer five professional doctoral degrees which include the Doctor of Public Health degree, Doctor of Education, Doctor of Physical Therapy, Doctor of Audiology, Doctor of Occupational Therapy and Doctor of Nursing. Similar to this proposal, fees were capped at the rate charged at the UC, no additional funding was provided by the state, and these programs were to be implemented without diminishing or reducing enrollment in undergraduate programs. Additionally, the CSU programs offer applied doctorates and are generally not duplicative of degrees offered by UC. These authorities were more limited than that proposed by this bill. This bill provides a blanket authorization to CSU to, in consultation with UC, award an unrestricted number of doctoral degrees that do not duplicate UC doctoral programs. This bill would allow an approved program to be offered systemwide.

- 4) **Why not establish joint degrees?** Current law also authorizes CSU to offer joint degrees with either the UC or private higher education institutions. Arguably, under this authority, the need to offer the Doctoral programs could be met by

expanding or developing partnerships between UC and CSU such as the, partnership between UC San Diego and San Diego State University (SDSU) to offer a joint Ph.D in Public Health. *Rather than authorizing CSU to offer its own Doctoral degrees, would it make more sense to encourage CSU and UC to build their partnership and establish joint degrees before CSU offers its own program?*

Could this bill undermine any incentives for similar collaborations across the public segments to address regional workforce needs? To the extent that existing collaborative efforts cannot meet demand or need, the committee may wish to consider:

- *Can the process for developing collaborative efforts to address workforce needs be modified to facilitate greater proliferation of these programs?*
- *Should a CSU be required to demonstrate that existing avenues for partnership with other institutions are not possible or viable before seeking authorization to offer doctoral degrees?*

5) **CCC BA authorization.** Similar to this bill, the legislature recently granted systemwide authorization for community colleges to offer a restricted number of baccalaureate degrees and deviate from their original mission. The implementation of this authorization has resulted in intersegmental conflict regarding the duplication of baccalaureate degrees and the process of approving such programs. *Given these issues, should legislation be enacted prior to the establishment of an entity or process aimed at resolving conflicts arising from overlapping missions within higher education?*

6) **Need for a Higher Education Coordinating Body.** The Master Plan for Higher Education outlines the missions of the CCC, CSU, and UC. However, in recent years, the Legislature has pushed those boundaries by allowing CCCs to offer baccalaureate programs and several doctoral programs at CSU. The CSU doctoral degree authorization proposed in this bill represents a significant departure from the system's original mission and into a space traditionally reserved for the UC. However, it seems likely that the Legislature will see other proposals in future years to expand the institutional mission, to mandate the offering of specific programs of study, or intervene in matters to resolve intersegmental conflict resulting from overlapping missions. These types of programmatic changes are being taken up in a piecemeal way and with no comprehensive plan for future growth for higher education in California; if this trend persists, it could result in an uncoordinated and fragmented system of higher education. Prior to its demise, the role of the California Postsecondary Education Commission (CPEC) included program review to coordinate the long-range planning of the state's public higher education systems as a means to ensure that the segments were working together to carry out their individual missions while serving the state's long-range workforce and economic needs. In the wake of CPEC's closure, the LAO cautioned in its 2012 higher education oversight report that no office or committee has the resources to devote to reviewing degree programs to identify long-term costs, alignment with state needs and institutional missions, duplication, and priority relative to other demands. *The committee may wish to consider whether establishing a higher*

education coordinating entity is necessary to coordinate and guide the state's higher education agenda. A CPEC-like entity could facilitate the review of new degree programs, make recommendations on proposals that push mission boundaries, monitor student access, improve coordination among the public segments, and ensure alignment of degrees and credentials with economic and workforce development needs.

- 7) **Amendments.** In order to clarify the type of doctoral degrees CSU is authorized to offer, limit the number of degrees approved by the board of trustees, and improve the review process, **the author wishes and staff agrees that the bill be amended** as follows:

- a) Clarify that CSU doctoral degrees must be “applied or professional.”
- b) Cap the number of degree titles (i.e., disciplines or types) to 10 per year.
- c) Extend UC review time from 60 to 120 days.
- d) Clarify the review process including making considerations for programs already under review, developing criteria for duplication in consultation with faculty senates, and providing for a mutually agreed upon single review calendar process.
- e) Require a LAO report with an evaluation of the program due in 2028.

Additionally, **staff recommends that the bill be amended to** implement a cap on the total number of independent professional or applied doctoral degree programs offered by a CSU campus pursuant to the bill, at any time, not exceed 25% of the total number of undergraduate, graduate through the master's degree, and professional and teacher education programs offered by a CSU campus.

- 8) **Arguments in support.** The CSU, the sponsor of this bill, writes in their letter of support submitted to committee, that, “since 2005, the CSU has worked strategically with the Legislature and the UC to secure approval on legislative proposals to authorize the CSU to offer doctoral degrees in Education, Audiology, Physical Therapy, Nursing Practice, Occupational Therapy, and Public Health. The CSU currently awards more than 600 doctoral degrees each year in these disciplines. However, pursuing legislation on each degree program is a lengthy process which can delay academic program development and leave workforce demands unmet.”

The CSU continues that they are, “...absolutely committed to not duplicating doctoral degrees offered by the UC, and language in AB 656 clearly prohibits duplication. Specifically, a participating campus must provide evidence of non-duplication with UC programs, workforce need, enrollment demand, and an administrative plan. Participating campuses are required to make their programs financially self-sufficient, so no additional state funds are needed. A consultation process with the UC system is clearly spelled out in the bill, including language to

ensure that any disagreement on duplication is resolved in a written document submitted to the Legislature before a program can be approved.”

9) **Prior Legislation**

SB 684 (Hueso, Chapter 936, Statutes of 2022) authorized CSU to offer the Doctor of Public Health degree, and specified that Doctor of Public Health degree programs offered by the CSU will focus on health and scientific knowledge translation and transformative community leadership. SB 684 when it left the Senate, related to the establishment of a California Border Commission. It was substantively amended in the Assembly to recast its provisions its enacted form and it was never heard by this committee.

AB 829 (Bloom, Chapter 183, Statutes of 2019) authorized CSU to offer the Doctor of Occupational Therapy (OTD) degree, and specifies that Doctor of OTD degree programs offered by the CSU will focus on preparing occupational therapists to provide health care services and to be consistent with the standards for accreditation set forth by the appropriate accrediting body

AB 422 (Arambula Chapter 702, Statutes of 2017) authorized CSU to offer the Doctor of Nursing Practice (DNP) degree programs, and specified that the DNP offered by the CSU shall focus on the preparation of nursing faculty to teach in postsecondary nursing education programs and may also train nurses for advanced nursing practice or nurse leadership.

AB 2317 (Mullin Chapter 267, Statutes of 2016) authorized the CSU to offer the Doctor of Audiology (Au.D) degree, and specifies that the Au.D degree programs at the CSU shall be focused on preparing audiologists to provide health care services and shall be consistent with the standards for accreditation set forth by the Council on Academic Accreditation in Audiology and Speech-Language Pathology.

AB 2382 (Blumenfield Chapter 425, Statutes of 2010) authorized the CSU to offer the Doctor of Physical Therapy (D.P.T) degree, and specified that the D.P.T degree programs at the CSU shall be focused on preparing physical therapists to provide health care services, and shall be consistent with meeting the requirements of the Commission on Accreditation in Physical Therapy Education.

SB 724 (Scott, Chapter 269, Statutes of 2005) established the authority and conditions under which the CSU could offer the Doctor of Education (Ed.D) degree. The authority and conditions established in this bill are almost identical to those established for purposes of the awarding of the Ed.D degree.

SUPPORT

American Translators Association
ASML San Diego
Biocom California
Black Small Business Association of California

Cal State Student Association
California African American Chamber of Commerce
California Association of School Psychologists
California Center for Civic Participation
California Hawaii State Conference of the NAACP
California Polytechnic State University
California State Polytechnic University, Humboldt
California State Polytechnic University, Pomona
California State University, Bakersfield
California State University, Channel Islands
California State University, Chico
California State University, Dominguez Hills
California State University, East Bay
California State University, Fresno
California State University, Fullerton
California State University, Long Beach
California State University, Los Angeles
California State University, Monterey Bay
California State University, Northridge
California State University, Sacramento
California State University, San Bernardino
California State University, San Marcos
California State University, Stanislaus
Campbell Union School District
East Side Union High School District
Families in Schools
Great Minds in STEM
Greater Sacramento Economic Council
Greater Sacramento Urban League
Hamilton Lane Advisors
Los Angeles County Economic Development Corporation
Milpitas Unified School District
Mount Pleasant School District
North Orange County Chamber of Commerce
Oak Grove School District
Orange County Business Council
Parent Institute for Quality Education
San Diego Gas & Electric
San Diego State University
San Francisco State University
San Gabriel Valley Economic Partnership
San Jose City College
San José State University
Santa Clara County Office of Education
Scripps Health
Sharp Healthcare
Sonoma State University
Valley Children's Healthcare
West Valley-Mission Community College District

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 714

Hearing Date: July 12, 2023

Author: McCarty

Version: May 18, 2023

Urgency: No

Fiscal: Yes

Consultant: Olgalilia Ramirez

Subject: Pupil instruction: newcomer pupils: curriculum frameworks: high school coursework and graduation requirements: exemptions and alternatives.

SUMMARY

This bill requires the California Department of Education (CDE) to issue guidance relating to the education of recently arrived immigrant students (newcomers), to annually publish specified information about newcomers on its website, and to maintain at least one position dedicated to helping schools meet the needs of newcomers; requires the Instructional Quality Commission (IQC) to consider adding content to help teachers meet the unique needs of newcomers to the next revision of the English Language Arts (ELA)/English Language Development (ELD) curriculum framework and recommended instructional materials; and modifies the definition of newcomer students to align with the federal definition for purposes of specified educational rights in existing law.

BACKGROUND

Existing law:

- 1) Exempts students participating in a newcomer program who are in their third of fourth year of high school from all coursework and other requirements that are in excess of state graduation requirements, unless a school district makes a finding that a student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school. (Education Code (EC) § 51225.1)
- 2) Requires Local Educational Agencies (LEAs) to allow students participating in a newcomer program who are in their third of fourth year of high school and who can meet state or local graduation requirements in five years to stay enrolled for a fifth year. (EC § 51225.1)
- 3) Requires LEAs to accept and award full or partial credit for coursework satisfactorily completed by students participating in a newcomer program, including those completed in other countries. (EC § 51225.2)
- 4) Defines a "pupil participating in a newcomer program" to mean a student who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency. (EC § 51225.2)

- 5) Exempts recently arrived immigrant students from the requirement that they be enrolled in core curriculum courses, provided that the student's course of study is designed to remedy any academic deficits incurred during participation and that the student's course of study is reasonably calculated to enable that student to attain parity of participation in the standard instructional program within a reasonable length of time. (EC § 60811.8)
- 6) Establishes the California Newcomer Education and Well-Being program, administered by the California Department of Social Services (DSS) in collaboration with the CDE, to provide services for newcomer students, ELs, and immigrant families. (Welfare and Institutions Code (WIC) § 13265)
- 7) Requires the DSS to allocate funding to LEAs with significant numbers of newcomer students, or a significant population of EL students, to plan, design, and implement academic and social support services for the purpose of improving students' academic engagement and social and emotional well-being. Gives the DSS sole discretion to determine which LEAs and services to fund. (WIC § 13265)
- 8) Requires the DSS to contract to conduct a formal evaluation of the CalNEW program and to provide technical assistance to support implementation of the program. (WIC 13265)
- 9) For purposes of the CalNEW program, defines "newcomer pupil" to have the same meaning as "immigrant children and youth" as defined federal law. (WIC § 13265)
- 10) Requires the CDE to cooperate with the DSS to provide all data, data systems, and source code it requests for the purpose of effectively operating this program. (WIC § 13265)

ANALYSIS

This bill:

Consideration for IQC

- 1) Requires the IQC to consider, at the next regularly scheduled revision of the curriculum framework in English Language Arts and English Development, including content designed to provide teachers with resources to meet the unique academic and English language development needs of newcomer students at all grade levels, and to ensure that the instructional materials for students in kindergarten or any of grades 1 to 8, inclusive, that it recommends to the state board for adoption include resources for teachers to help them meet these needs.

Identifying newcomers

- 2) Defines “Newcomer pupil” in statute to have the same meaning as “immigrant children and youth” in federal law, which is defined as individuals who:
 - a) Are age three through 21.
 - b) Were not born in any State.
 - c) Have not been attending one or more schools in any one or more states for more than 3 full academic years.
- 3) Deletes the definition of “Pupil participating in a newcomer program” which means a pupil who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.
- 4) Replaces references to “pupil participating in a newcomer program” with that of “Newcomer pupil,” in current law, thereby extending specified educational rights to newcomer pupils rather than only those who participate in a newcomer program. These include the right to:
 - a) Be exempted from local graduation requirements or remain enrolled for a fifth year in order to complete those requirements under specified conditions.
 - b) Receive full or partial credit for coursework satisfactorily completed while attending a public school or a school in a country other than the United States.
 - c) Be exempted from the prohibition on being excluded from the core curriculum courses, provided that their course of study is designed to remedy any academic deficits incurred during participation in a newcomer program.

CDE guidance on requirements and resources for newcomers

- 5) Requires CDE, subject to an appropriation for this purpose, to conduct all of the following activities in support of the education of newcomer pupils:
 - a) In consultation with the DSS, develop and issue guidance regarding requirements and best practices for newcomer pupils under current law, and available state and federally funded programs and resources that are supportive of these pupils’ success in school. The bill requires that the guidance include, but not be limited to, all of the following:
 - i) The requirements relating to coursework exemptions and acceptance of coursework completed at other schools, issuance of credits for coursework, and access to the standard instructional program of a school, as provided.
 - ii) The requirement to provide English language development

instruction for those newcomer students classified as English learners, and best practices for English language development instruction for newcomer students.

- iii) Local discretion in the grade placement of newcomer students.
 - iv) Local discretion to enroll students for more than four years of high school instruction.
 - v) Information about how the use of coursework completed in languages other than English in other countries may fulfill the language course requirement for graduation and the admissions requirements of the University of California and the California State University.
 - vi) Resources for the evaluation of foreign transcripts.
 - vii) Resources for the support of newcomer students with disabilities.
 - viii) Information about the CalNEW program established in current law.
 - ix) Information about programs authorized under the Community Schools Partnership Act.
- b) Publicly report on an annual basis on its website on newcomer student enrollment, using data currently collected pursuant to federal law, including statewide and LEA and charter school enrollment, disaggregated by enrollment in kindergarten and grades 1 to 8, inclusive, enrollment in grades 9 to 12, inclusive, English learner classification, and eligibility for free or reduced-price meals.
 - c) Publicly report on an annual basis on its website on the statewide performance of newcomer students on the California Assessment of Student Performance and Progress (CAASPP) assessments and the statewide assessment of English proficiency, and rates of graduation, chronic absenteeism, suspension, and college and career readiness.
 - d) Maintain at least one position dedicated to supporting LEAs, including charter schools, in serving newcomer students, as specified.
 - c) Makes other conforming changes.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "California is proud to be home to so many refugee and immigrant families. However, many of them do not have the resources and guidance they need to be successful here. It is our responsibility to continue to provide them with the support and resources that they need, and to

equip their schools and teachers with the tools necessary to meet the unique needs of newcomers. AB 714 will better direct school districts and newcomer students to the support and resources they need to ensure their success in school and beyond.”

- 2) **Curriculum, standards, frameworks, and model curricula.** The Legislature has vested the Instructional IQC and State Board of Education (SBE) with authority to develop and adopt state curricula and instructional materials. The IQC develops curriculum frameworks in each subject by convening expert panels, developing drafts, and holding public hearings to solicit input. Changes are frequently made in response to public comments. The SBE then adopts the frameworks in a public meeting. The SBE also adopts, in a public process, instructional materials aligned to those frameworks for grades K-8. School district governing boards and charter schools adopt instructional materials aligned to these standards and frameworks. This process occurs on a regular schedule, giving schools a predictable timetable to plan and budget for changes to the curriculum. Local adoption of new curricula involves significant local costs and investment of resources in professional development.

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

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

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

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

This bill does not violate the joint curriculum policy, as it requires the IQC to *consider* adding content to help teachers meet the unique needs of newcomers to the next revision of the ELA/ELD curriculum framework and recommended instructional materials.

- 3) **Who are newcomers?** Newcomers are generally students in their first years of U.S. schooling with varying educational backgrounds, English proficiency or citizenship and immigration statuses. The federal definition of immigrant youth

and children is believed to encompass the main characteristics of newcomers—students who are born abroad and have been in US schools for 3 years or less. Based on this definition, data reported by the Policy Analysis for California Education (PACE) shows that there are 151,996 newcomers in California, of whom 92 percent are English learners, 43 percent identify their home language as Spanish, and 67 percent qualify for free or reduced-price meals. This population represents 13 percent of all English Learners and 2.5 percent of students in California. In state statute, this group is loosely defined as a student who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant students and has as a primary objective the development of English language proficiency. A newly arrived immigrant can have varying interpretations across California schools. This bill attempts to adopt the federal definition for “immigrant children and youth” as the state’s definition for newcomer students. These changes may help appropriately identify newcomers within California schools for purposes of connecting them to resources and academic supports that will assist in their transition into a new academic and social environment.

- 4) **PACE report on newcomer education.** Newcomers are those who have recently arrived in the US. In 2022, the PACE produced a report *on Newcomer Education in California*, which noted that there are between 150,000 and 200,000 immigrant students in the state who have been in U.S. schools for less than 3 years. These newcomers generally require specialized academic instruction and social services to succeed in school, and despite great efforts, many districts struggle to create these conditions for success. It provided the following three key findings and recommendations for improving newcomer outcomes in California:

Findings

- a) **Instruction:** Schools and districts seek support for effective instruction and program models. Many of the state’s newcomers are unable to access effective instruction in their schools. Specialized resources and programming are necessary for newcomer success; curriculum, administrative practices, school models, social-emotional learning, and community engagement. There is strong demand for research, the development of instructional resources, professional development, and implementation assistance in this area.
- b) **Social support services:** Newcomers’ basic needs require assistance from multiple partner organizations. Newcomers are unable to attend school consistently if their basic needs are unmet, which leads many districts to seek support for providing essential social services to their students. Nonprofits, local government agencies, and faith-based organizations have partnered with school districts to serve newcomers with legal services, housing, food, health care, and so on. The DSS administers social support services for some immigrant student subgroups and awards grants to districts through the CalNEW program. Some newcomers are succeeding with the support of partner organizations, but districts need more partners to reach all of their students.

- c) Data: Lack of data makes it challenging for newcomers to be seen by education leaders, policymakers, researchers, and curriculum developers. Data on newcomers is sparse, as newcomers do not exist as a distinct subgroup for state or federal academic accountability purposes. This lack of visibility in the data may help explain the lack of research, curriculum, and policy addressing newcomers' unique needs.

Recommendations for state action

- d) Build state leadership capacity specific to newcomer education, including institutionalizing collaboration between CDE and DSS.
- e) Update data definitions, formulas, and systems.
- f) Invest in resources, support, and knowledge for newcomer education, including investing in open curriculum and instructional resources for newcomer education.

The goals of this bill seem to align with the key findings for improving newcomer outcomes outlined in this report.

- 5) **Lack of guidance.** As highlighted in the PACE report, there is a lack of comprehensive guidance for schools and teachers to effectively deliver instruction and support to newcomers. This bill would require CDE, in consultation with DSS, to develop and issue guidance regarding requirements and best practices for newcomers, as well as available state and federally supported programs and resources that promote the academic success of these students. It also requests that the IQC include content designed to provide teachers with resources to meet the unique academic and English language development needs of newcomer students. The reporting requirements in the bill may enable a better understanding of newcomers' educational achievements and needs. Further, the implementation of such reporting can facilitate informed decision-making and targeted interventions to enhance educational experiences for newcomers.

SUPPORT

California Association for Bilingual Education
 California Teachers Association
 Children Now
 Hispanas Organized for Political Equality
 Kids in Need of Defense
 Office of The Riverside County Superintendent of Schools
 Public Advocates
 Riverside County Public K-12 School District Superintendents
 San Diego Unified School District
 The Education Trust - West
 Unite-LA

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1113	Hearing Date:	July 12, 2023
Author:	McCarty		
Version:	July 5, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: The Expanded Learning Opportunities Program: the California Longitudinal Pupil Achievement Data System: the After School Education and Safety Program: the 21st Century Community Learning Centers Program.

SUMMARY

This bill creates new set asides for funds appropriated for the After School Education and Safety Program (ASES) to be prioritized for middle schools; prioritizes a portion of funding for the 21st Century Community Learning Centers (21st CCLC) for high schools; requires a cost-of-living adjustment (COLA) for expanded learning programs, and requires the California Department of Education (CDE) to collect data on students participating in the Expanded Learning Opportunities Program (ELOP).

BACKGROUND

Existing law:

Early Learning Opportunities Program

- 1) Commencing with the 2022–23 school year, as a condition of receipt of funds allocated, all local educational agencies shall offer to all pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to ELOP, and shall ensure that access is provided to any pupil whose parent or guardian requests their placement in a program. (Education Code (EC) § 46120 (b)(1))
- 2) Local educational agencies operating ELOPs pursuant to this section may operate a before-school component of a program, an after-school component of a program, or both the before and after-school components of a program, on one or multiple schoolsites in compliance with the educational literacy and enrichment element; meals; and eligible schools/entities as specified in the ASES (EC 4612 § (b)(2))
- 3) Local educational agencies may serve all pupils, including elementary, middle, and secondary school pupils, in expanded learning opportunity programs. (EC § 46120 (b)(4))
- 4) This section does not limit parent choice in choosing a care provider or program for their child outside the required instructional minutes provided during a school day. Pupil participation in an expanded learning opportunities program is optional. Children eligible for an expanded learning opportunities program may participate in

and generate reimbursement for other state or federally-subsidized childcare programs, pursuant to the statutes regulating those programs. (EC 46120 (b)(7))

After School Education and Safety

- 5) The ASES program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. (EC § 8482.3(a))
- 6) A program may operate a before-school component program, an after-school component, or both in one or multiple schoolsites and requires each component to include an educational and literacy element (in which tutoring or homework assistance is provided) and an educational enrichment element (such as fine arts, career technical education (CTE), recreation, physical fitness, and prevention activities). If a program operates at multiple schoolsites, only one application shall be required for its establishment, and require each component to consist of these two elements:
 - a) An educational and literacy element in which tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or science.
 - b) An educational enrichment element that may include, but need not be limited to, fine arts, career technical education, recreation, physical fitness, and prevention activities. (EC § 8482.3 (b) & (c))

21st Century Community Learning Centers

- 7) The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that provide opportunities for academic enrichment, offer students a broad array of additional services, programs, and activities, and offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education. (20 United States Code (U.S.C.) § 7171 (a)(1) – (3))
- 8) The term "eligible entity" means a local educational agency, community-based organization, Indian tribe, or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities. (20 U.S.C. § 7171 (b)(3))
- 9) In awarding subgrants under this part, a State educational agency shall give priority to applications proposing to target services to students who primarily attend schools that perform the following:
 - a) Implement comprehensive support and improvement activities or targeted support and improvement activities for students and families of those students as specified.

- b) Enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models. (20 U.S.C. § 6311 (c))

ANALYSIS

This bill creates new set asides for funds appropriated for the ASES to be prioritized for middle schools; prioritizes a portion of funding for the 21st CCLC for high schools; requires a COLA for expanded learning programs, and requires the CDE to collect data on students participating in the ELOP. Specifically, this bill:

- 1) Requires, for new grants beginning in the 2024-25 fiscal year, at least 30% of the total amount appropriated for ASES program grants continue to be allocated on a priority basis for programs serving middle school students.
- 2) Requires the CDE to provide a COLA, as specified, to grants received under the ASES program and the 21st CCLC, beginning with the 2024-25 fiscal year, and requires an appropriation to the CDE for this purpose each year.
- 3) Requires that, for new grants awarded after the enactment of this bill, at least 60% of federal funds appropriated to the 21st CCLC be allocated on a priority basis for programs serving students in grades 9 to 12 (up from 50% currently), at least 20% for programs serving students in grades 7 to 8, and at least 15% for programs serving students in TK to grade 6.
- 4) Requires the CDE, by July 1, 2024, to collect, as part of the California Longitudinal Pupil Achievement Data System (CALPADS), including annual pupil enrollment, for each pupil enrolled in any of the following programs:
 - a) An expanded learning opportunity program operated by a local educational agency as specified.
 - b) An after-school education and safety program operated by a participating school as specified.
 - c) A program operated by a participating community learning center as specified.
- 5) Requires CDE to ensure that the collection of pupil data, as specified in 4), is integrated with existing local educational agency data reporting requirements for those programs.
- 6) Requires CDE, on or before January 1, 2025, to identify and reduce data reporting redundancies in the collection of pupil data, as specified in 4), and existing local educational data reporting requirements for those programs.

STAFF COMMENTS

- 1) ***Need for a bill.*** According to the author, “High quality afterschool and summer programs provide safe and engaging places that promote physical, social,

emotional, and academic growth for students of all ages. However, the vast majority of funding is directed toward young students, leaving few resources for middle and high school age students. This bill increases equity by ensuring all California students, TK through 12, have an enriching place after school where they can develop skills and relationships that will help them succeed in school, career, and life.”

- 2) ***The Importance of After School Programs.*** According to the Afterschool Alliance, “Quality afterschool programs understand that children and youth in different age groups vary in academic, psychological, and physical activity needs. Consistent participation in afterschool programs has shown lower dropout rates and has helped close achievement gaps for low-income students. Regularly participating in an afterschool program may also reduce risky behaviors and help older youth gain college and career-needed skills. Afterschool programming has been shown to improve social and academic outcomes for students. However, research points to certain key elements for success. To fully realize all the positives of afterschool programming, students must receive a regular dosage, adequately trained staff, and high-quality programming.” CDE’s *2017 After School Programs Report* finds that high-quality after-school and other expanded learning programs (ELPs) that purposely provide academic and developmentally enriching services have positively impacted a wide range of student outcomes, including the following:

- School attendance and academic motivation.
- Academic work habits, homework completion, English language development, and academic achievement (e.g., student grades and test scores)
- Social-emotional development, behavior, and discipline.

- 3) ***The After School Education and Safety Program.*** ASES, established in 2002 via Proposition 49 (Prop 49), provides \$550 million annually for before and after-school programs for kindergarten – 9th grade. The 2017-18 Budget Act (AB 97 (Ting); Chapter 14, Statutes of 2017) increased ongoing funding to the ASES program by \$50 million for \$600 million. In 2021-22 (AB 130 (Committee on Budget); Chapter 44, Statutes of 2021), ASES programs received \$650 million in state funds. In addition, one-time federal COVID relief funding supports temporary rate increases and additional slots. These funds will temporarily increase the ASES per student daily rate from \$8.88 to \$10.18 in 2021-22 and 2022-23. According to the California Afterschool Advocacy Alliance, ASES programs serve more than 400,000 students at 4,200 schools daily.

ASES aims to create incentives for establishing locally driven ELP, including after-school programs that partner with public schools and communities to provide academic and literacy support and safe, constructive alternatives for youth. The ASES involves collaboration among parents, youth, school representatives, governmental agencies, individuals from community-based organizations, and the private sector.

The set aside is to ensure at least 30% of the total amount appropriated for ASES program grants continues to be allocated on a priority basis for programs serving middle school students.

- 4) **21st Century Community Learning Centers.** The purpose of the 21st CCLC program is to support the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools in transitional kindergarten to grades 1-12, inclusive. The program helps students meet state and local student standards in core academic subjects, such as reading and math; offers students a broad array of enrichment activities that can complement their regular academic programs; and offers educational services to the families of participating children. Programs must operate during every regular school day and may operate during summer, weekends, intersession, or vacation periods.

Awards are made to State Education Agencies (SEAs), in this case, the CDE. For this program, an eligible entity means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more such agencies, organizations, or entities. States must prioritize applications that a local educational agency and a community-based organization or other public or private entity jointly submit. According to data on the U.S. Department of Education's website, the 21st CLCC in California was allocated \$148,460,316 in 2021. CDE reports that, as of 2018-19, 4,548 California schools received ASES and CCLC funding and served 885,993 students.

The current set-asides for 21st CLCC is at least 50% for community learning centers serving pupils in high schools. This bill would specify that community learning centers serving pupils in high schools could receive at least 60%, with middle schools receiving 20% and at least 15% for elementary.

Early Learning Opportunities Program (ELOP). ELOP (AB 130; Chapter 44, Statutes of 2021) is state-level funding unique to California and applies to grades kindergarten through 6 (K-6). It is intended specifically to create and/or support programs that do not replicate learning activities in the regular school day and school year. ELOP is available for all school districts in California, including charter schools and frontier and remote classified schools. In fact, local educational agencies (LEAs) cannot opt for ELOP. ELOP funding can be used for a wide range of afterschool, before-school, intersession, summer, and other enrichment programs outside of the regular school day. Further, ELOP allows for blended and braided funding, allowing LEAs to braid and blend their 21st CLCC and ASES funding. In the 2021-22 fiscal year, the state provided \$1.8 billion in Proposition 98 funding to establish this program, to reach \$5 billion annually by 2025-26. In the 2022-23 fiscal year, the state increased total available funding for expanded learning for grades K-6 in California is now at a record high of \$4 billion annually.

Can ELOP Be Used To Fund Middle and High School After School Programs?
ELOP can be used to fund afterschool programs in elementary, middle, and secondary schools (EC 46120 (b)(4)). However, grades K-6 must be prioritized before serving pupils in middle and high school. (EC 46120 (a))

The committee may wish to consider whether these new set-asides in ASES and 21st CLCC meant to target middle and high school programs will capture pupils in grades 7-12 as ELOP prioritizes grades K-6.

- 5) **CDE: California Longitudinal Pupil Achievement Data System (CALPADS).** CALPADS provides LEAs with access to longitudinal data and reports on their students. It gives LEAs immediate access to information on new students, enabling the LEAs to place students appropriately and determine whether any assessments are necessary. To meet the requirements of LEAs shall retain and report to CALPADS individual pupil and staff records, including:
- a) Statewide Student Identifier data;
 - b) Student enrollment and exit data;
 - c) All necessary data to produce required graduation and dropout rates;
 - d) Demographic data;
 - e) Data necessary to comply with the No Child Left Behind Act of 2001; and
 - f) Other data elements deemed necessary by the SPI, with approval of the State Board of Education (SBE), to comply with the federal reporting requirements delineated in the No Child Left Behind Act of 2001 and after review and comment by the convened advisory board.

Given CALPADS current data capacity, the requirement of this bill would require CALPADS to expand its current system capacity to track pupils enrolled in ELOP, ASES and 21st CLCC. It is also important to note that while pupils may attend ASES and 21st CLCC programs, some of these programs take place outside of the normal school setting. The committee may wish to consider how CALPADS will be able to capture pupils that attend programs outside of the school setting will be captured.

6) **Related Legislation**

AB 2507 (McCarty, 2022) would have created new set-asides for the disbursement of ASES) and 21st CCLC competitive grants, establish a cost-of-living adjustment (COLA) for ASES and requires that the provisions be operative only if the Legislature appropriates at least \$5 billion in a fiscal year to fund the Universal Afterschool Program and Expanded Learning Opportunities Program. This bill was held in Senate Appropriations Committee.

AB 1112 (Carrillo, 2021) would have required the CDE to conduct a statewide cost study, utilizing an expanded learning stakeholder group, to determine adequate funding levels for expanded learning programs and make associated recommendations. This bill was held in the Senate Appropriations Committee.

AB 130 (Committee on Budget), Chapter 44, Statutes of 2021, establishes the ELOP and appropriates \$753 million for allocation to specified school districts and charter schools serving a high proportion of unduplicated pupils. Requires, upon receipt of funding for this purpose, established schools serving pupils in kindergarten through grade 6 to provide at least 50% of unduplicated pupils with expanded learning opportunity programs for a minimum of 9 hours of combined in-person instruction and expanded learning opportunities on school days and no less than 9 hours of expanded learning opportunities per day for at least 30 non-school days during summer and intersession periods.

AB 2501 (Carrillo, 2022) establishes the California Universal Afterschool Program Workgroup within the CDE to develop recommendations to develop a roadmap for providing universal access to afterschool programs for all school-age children. *This bill Died in Senate Education Committee.*

SB 78 (Leyva, 2017) would have appropriated to the ASES program an additional \$99,135,000 in the 2017-18 fiscal year and each fiscal year after that, commencing with the increases to the minimum wage implemented during the 2018–19 fiscal year, and every fiscal year after that required the DOF to adjust the total ASES program funding amount of \$654,135,000 by adding an amount necessary to fund an increase in the daily pupil rate of 50% of each increase to the minimum wage. *This bill was held in the Assembly Education Committee.*

SUPPORT

California Afterschool Advocacy Alliance (Co-Sponsor)
 Partnership for Children & Youth (Co-Sponsor)
 A World Fit for Kids
 After-School All-stars, Los Angeles
 ARC
 Bay Area Community Resources
 California Conservation Corps Foundation
 California High School Coalition
 California School-Age Consortium
 California Teaching Fellows Foundation
 Californians for Justice
 Catholic Charities of Santa Clara County
 Children Now
 Children's Defense Fund - CA
 Clare Rose Center for Creative Youth Development
 Council for A Strong America
 Culture Thrive
 EduCare Foundation
 EdVoice
 Envisioneers
 Fight Crime: Invest in Kids
 Generation Up
 GSPN
 Heart of Los Angeles
 Innovate Public Schools

Linked Learning Alliance
Los Angeles Conservation Corps
Mission: Readiness
Parent Institute for Quality Education
Parent Organization Network
Public Advocates
ReadyNation
San Diego Regional Arts and Culture Coalition
STAR Education
Team Prime Time
The Children's Initiative
Think Together
Woodcraft Rangers
YMCA of San Diego County

OPPOSITION

None Received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1192
Author: McCarty
Version: May 1, 2023
Urgency: No
Consultant: Lynn Lorber

Hearing Date: July 12, 2023

Fiscal: Yes

Subject: Kindergarten: transitional kindergarten: admission: birth dates: classroom ratios: teacher aide requirements.

SUMMARY

This bill 1) allows children who will have their fifth birthday after the date specified for the applicable year (summer birthdays) to be admitted to a transitional kindergarten program; 2) delays by two school years the requirement that transitional kindergartens maintain an average of at least one adult for every 10 students at each schoolsite; 3) requires each schoolsite to ensure that any teacher aides assigned to a transitional kindergarten classroom has been or is being provided specified professional development; and, 4) adds charter schools to the existing requirement that students be admitted to kindergarten if the child will have their fifth birthday on or before specified dates.

BACKGROUND

Existing law:

Age of children for admission to transitional kindergarten

- 1) Requires, as a condition of receipt of apportionment for students in a transitional kindergarten program, a school district or charter school to ensure the following:
 - a) In the 2012–13 school year, a child who will have their fifth birthday between November 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
 - b) In the 2013–14 school year, a child who will have their fifth birthday between October 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
 - c) From the 2014–15 school year to the 2021–22 school year, inclusive, a child who will have their fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
 - d) In the 2022–23 school year, a child who will have their fifth birthday between September 2 and February 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

- e) In the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
- f) In the 2024–25 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
- g) In the 2025–26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1 shall be admitted to a transitional kindergarten program maintained by the school district or charter school. (Education Code (EC) § 48000)

Summer birthdays

- 2) Authorizes a school district or charter school to, at any time during a school year, admit a child to a transitional kindergarten program who will have their fifth birthday after the date specified for the applicable year *but during that same school year*, with the approval of the parent or guardian, subject to the following conditions:
 - a) The governing board of the school district or the governing body of the charter school determines that the admittance is in the best interests of the child.
 - b) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance. (EC § 48000)
- 3) Prohibits a student admitted to a transitional kindergarten program from generating average daily attendance, or be included in the enrollment or unduplicated pupil count, until the student has attained the student's fifth birthday, regardless of when the student was admitted during the school year. (EC § 48000)
- 4) Defines "early enrollment child" as a child whose fourth birthday will be between the second of June and first of September preceding the school year during which they are enrolled in a transitional kindergarten classroom. (EC § 48000.15)
- 5) Requires any school district or charter school that offers transitional kindergarten to early enrollment children, for the 2023–24 and 2024–25 school years, to concurrently offer enrollment in a California state preschool program that is operated by the school district or charter school if one is operated and if that program is not fully subscribed. (EC § 48000.15)
- 6) Authorizes any school district or charter school to enroll an early enrollment child in a California state preschool program operated by the school district or charter school, regardless of income, after all other eligible children have been enrolled.

(EC § 48000.15)

- 7) Prohibits an early enrollment child from generating average daily attendance or be included in the enrollment or unduplicated pupil count until the child has attained their fifth birthday. (EC § 48000.15)
- 8) Authorizes a school district or charter school to enroll an early enrollment child in a transitional kindergarten program if all of following conditions are met:
 - a) Any classroom that includes an early enrollment child shall maintain an adult-to-student ratio of at least one adult to every 10 students.
 - b) The school district or charter school prioritizes assigning credentialed teachers that meet specified requirements to early enrollment transitional kindergarten classrooms, to the extent possible.
 - c) Any transitional kindergarten classroom that includes an early enrollment child shall maintain a classroom enrollment that does not exceed 20 students. (EC § 48000.15)

Adult-to-student ratio

- 9) Requires, beginning with the 2022–23 school year, transitional kindergarten classrooms at each schoolsite to maintain an average of at least one adult for every 12 students. (EC § 48000)
- 10) Requires, beginning with the 2025–26 school year, and for each year thereafter, transitional kindergarten classrooms to maintain an average of at least one adult for every 10 pupils for transitional kindergarten classrooms. (EC § 48000)

ANALYSIS

This bill:

Summer birthdays

- 1) Authorizes a child to be admitted to transitional kindergarten *in the following school year* who will have their birthday after the statutory date for admission for transitional kindergarten (after April 2 for the 2023-24 school year, and after June 2 for the 2024-25 school year).
- 2) Strikes the limitation that these younger children may be admitted *during that same school year*.

Adult-to-student ratio

- 3) Delays by two years, from the 2023-24 school year to the 2025-26 school year, the date by which schools must maintain an average of at least one adult for every 10 students for transitional kindergarten.

- 4) Delinks the requirement to maintain 1:10 ratio from being contingent upon funding.

Professional development

- 5) Requires schools, beginning with the 2025–26 school year, to ensure that any teacher aides assigned to a transitional kindergarten classroom has been provided, or begins to be provided, at least 48 hours, over the course of two years, of professional development related to early childhood development to improve knowledge of the California Preschool Learning Foundations standards with a coaching or induction element or supervised practicum.
- 6) Requires the professional development to be provided by the school district, or the charter school, to the teacher aide at no cost to the teacher aide and during the teacher aide's regular working hours.
- 7) States legislative intent that all local educational agencies provide professional support to employees assigned to a transitional kindergarten classroom to obtain the necessary competencies and qualifications for supporting the development of, and learning for, children four and five years of age. This bill further states legislative intent that school districts and charter schools provide professional development to site administrators who are responsible for a transitional kindergarten program to improve their knowledge of the developmental needs of transitional kindergarten pupils. Support may include, but is not limited to, professional development, induction programs, and financial aid for coursework or other costs associated with enrollment in a class or a program that leads to a Commission on Teacher Credentialing early childhood education permit or certification.

Adds charter schools

- 8) Clarifies that charter schools are to admit students to kindergarten pursuant to the established birthdate schedule (fifth birthday on or before September 1), and that the governing body of a charter school has the authority to admit to kindergarten, on a case-by-case basis, a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, as specified. These provisions mirror those that currently apply to school districts.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The expansion of universal transitional kindergarten has been a tremendous success. TK significantly improves kindergarten readiness, putting children ahead of their non-TK peers by up to six months in numerous academic skills. High-quality early learning improves social-emotional development, school readiness, and long-term academic achievement. As TK continues to expand, AB 1192 will improve implementation and expand access by eliminating the summer birth date restriction, reducing student ratios so that educators can form better bonds with each child, and ensures that children are taught by qualified and experienced

teachers and teacher aides.”

- 2) ***Transitional kindergarten and its expansion.*** Transitional kindergarten is the first year of a two-year kindergarten program. California’s Kindergarten Readiness Act of 2010 revised the date by which children must turn 5 for kindergarten entry in that year. The act established September 1 as the new kindergarten eligibility date, three months earlier than the previous date of December 2. The Kindergarten Readiness Act also established transitional kindergarten for all students affected by the birthdate eligibility change. Instead of enrolling in traditional kindergarten, students who reach age 5 between September 2 and December 2 would receive an "age and developmentally appropriate" experience in transitional kindergarten prior to entering kindergarten the following year.

The 2021-22 Budget Act included the expansion of transitional kindergarten, which will make transitional kindergarten available to all 4-year olds in the 2025-26 school year. All school districts offering kindergarten are required to provide access to transitional kindergarten for eligible 4-year olds, but attendance is not mandatory.

- 3) ***The “second adult” in transitional kindergarten classrooms.*** Beginning with the 2022–23 school year, school districts must maintain an average of at least one adult for every 12 students for transitional classrooms, and an average class enrollment of no more than 24 students.

Each classroom must include a first adult who meets specified credentialing requirements. Currently, statute does not specify qualifications or credentials of the second adult; however, the second adult must be at least 18 years of age, fingerprinted, and an employee of the school district.

This bill requires schools, beginning with the 2025–26 school year, to ensure that any adults assigned to a transitional kindergarten classroom has been provided, or begins to be provided, at least 48 hours, over the course of two years, of professional development related to early childhood development to improve knowledge of the California Preschool Learning Foundations standards with a coaching or induction element or supervised practicum.

- 4) ***Amendments.***

- a) Committee staff recommends the following amendments:

- i) Delete any changes to provisions related to early enrollment (summer birthdays), as this provision is addressed in recently-enacted budget language (SB 114 (Committee on Budget and Fiscal Review), Chapter x, Statutes of 2023).
- ii) Delete the provisions related to the requirement to maintain an average of at least one adult for every 10 students, as this provision is included in recently-enacted budget language (SB 114 (Committee on Budget and Fiscal Review), Chapter x, Statutes of

2023).

- b) The author would like to amend this bill as follows:
 - i) Exempt from the professional development requirements an adult assigned to a transitional kindergarten classroom who has a multiple subject credential, an early childhood education specialist credential, or teacher permit or higher issued by the Commission on Teacher Credentialing, or who is enrolled in a program with supervised practicum experience to obtain a teacher permit or higher from the Commission on Teacher Credentialing.
 - ii) Delete references to “teacher aides” and instead reference “adults.”

As amended, this bill would require schools to ensure that an adult assigned to a transitional kindergarten classroom (the “second adult”) receives specified professional development, exempt holders of specified credentials or permits from professional development, and add charter schools to existing provisions.

- 5) ***Fiscal impact.*** According to the Assembly Appropriations Committee, the current version of this bill would impose the following costs:
 - a) Ongoing Proposition 98 General Fund costs of about \$200 million starting in the 2025-26 school year, with ongoing costs annually adjusted for cost of living adjustments, to school districts and charter schools to comply with this bill, according to the California Department of Education (CDE).
 - b) One-time General Fund costs of \$377,724 in the 2023-24 fiscal year and \$371,946 in the 2024-25 fiscal year for CDE staff to implement the provisions of this bill. Specifically, CDE would need to create and release guidance to the field via electronic communications, webinars, office hours, and frequently asked questions and collaborate within the department to ensure the 48-hour professional development requirement for teacher aides is in the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

SUPPORT

Children Now (Co-Sponsor)
 Early Edge California (Co-Sponsor)
 California School Employees Association

OPPOSITION

Child Care Law Center
 Early Care and Education Consortium

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 249
Author: Holden
Version: June 22, 2023
Urgency: No
Consultant: Ian Johnson

Hearing Date: July 12, 2023

Fiscal: Yes

Subject: Water: schoolsites: lead testing: conservation.

SUMMARY

This bill requires a community water system serving a schoolsite receiving federal Title I funds to test for lead in each of the schoolsite's potable water system outlets, report the results to the State Water Resources Control Board (SWB), and, if lead levels exceed 5 parts per billion (ppb), to perform specified actions.

BACKGROUND

Existing law:

- 1) Requires, pursuant to the federal Safe Drinking Water Act (SDWA) and the California SDWA, drinking water to meet specified standards for contamination as set by the United States Environmental Protection Agency (US EPA) or the SWB. (42 United States Code § 300(f), et seq.; Health and Safety Code (HSC) 116270, et seq.)
- 2) Establishes as policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code (WC) 106.3)
- 3) Establishes the Lead-Safe Schools Protection Act and requires the State Department of Health Services to conduct a sample survey of schools in this state for the purpose of developing risk factors to predict lead contamination in public schools. (Education Code (EC) 32240-32245)
- 4) Requires, pursuant to the Lead-Safe Schools Protection Act, that the California Department of Public Health (CDPH) work with the California Department of Education (CDE) to develop voluntary guidelines for distribution to schools to ensure that lead hazards are minimized in the course of school repair and maintenance programs and abatement procedures. (EC 32242(g))
- 5) Requires a school district to provide access to free, fresh drinking water during meal times in the food service areas of the schools under its jurisdiction, including, but not necessarily limited to, areas where reimbursable meals under the National School Lunch Program or the federal School Breakfast Program are served or consumed. (EC 38086)

- 6) Requires a school district to notify parents, pupils, teachers, and other school personnel of drinking water results immediately if the school district is required to provide alternative drinking water sources, and authorizes a school district to comply with that requirement by providing notification of the test results during the next regularly scheduled public school meeting. (HSC 116450)
- 7) Prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not “lead free” in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. (HSC 116875(a))
- 8) Requires all community water systems to conduct lead monitoring at the schools and child care facilities they serve if those schools or child care facilities were constructed prior to January 1, 2014, or the date the state adopted standards that meet the definition of “lead free” under the federal SDWA, whichever is earlier. (40 CFR 141.92)
- 9) Requires each community water system to compile a list of schools and child care facilities served by the system by October 16, 2024. (40 CFR 141.92(a)(1))
- 10) Requires community water systems to collect samples from at least 20% of elementary schools and 20% of child care facilities served by the system per year, or according to a schedule approved by the state, until all schools and child care facilities identified on the list, developed pursuant to 40 CFR 141.92(a)(1), have been sampled or declined to participate. (40 CFR 141.92(c)(1))
- 11) Requires community water systems to sample all elementary schools and child care facilities at least once in the five years following October 16, 2024. (40 CFR 141.92(c)(2))
- 12) Requires the governing board of a school district to adopt a local control and accountability plan (LCAP) and specifies state priorities, including the priority for school facilities to be maintained in good repair. (EC 52060(d))

ANALYSIS

This bill:

- 1) Requires, on or before January 1, 2027, a community water system that serves a schoolsite to test for lead in each of the schoolsite's potable water system outlets.
- 2) Specifies that the requirement for a community water system to test for lead in school outlets does not apply to buildings that were constructed or modernized after January 1, 2010.
- 3) Requires a local educational agency (LEA) or school to allow the community water system to access each schoolsite to conduct testing; if an LEA or school refuses to allow the community water system access to the schoolsite, requires the community water system to notify the SWB that the LEA or school is not in compliance with lead testing requirements; provides that if a community water system provides the required notices, but is not permitted access to the

schoolsite, then the community water system will be deemed to have complied with lead testing requirements for that schoolsite.

- 4) Authorizes an LEA to perform lead sampling; requires, if an LEA conducts sampling, that the community water system provide LEA employees with training.
- 5) Requires a community water system to report its findings to the applicable school or LEA, the SWB, and the CDE.
- 6) Requires, if lead levels exceed 5 ppb, the LEA or school to notify parents and guardians of pupils who attend the schoolsite where elevated lead levels were found; take immediate steps to make inoperable and shut down all potable water systems outlets where the excess lead levels may exist; and, work to ensure that a lead-free source of drinking water is provided for pupils at each potable water system outlet that has been shut down.
- 7) Requires all test results be posted and publicly accessible on the schoolsite and LEA's website, if a website exists. If a website does not exist, requires the schoolsite or LEA to provide the test results upon request.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Lead consumption among youth and disenfranchised communities occurs at a higher rate. Assisting schools with the resources and appropriate standards to ensure the water fountains our children drink from are safe will help us protect our schools, students and communities. Children do not become more resistant to lead's toxic effects once they transition from daycare to kindergarten, so California should take the responsible step of aligning childcare and school lead testing standards."
- 2) ***Effects of childhood lead exposure.*** According to the Centers for Disease Control and Prevention (CDC), research shows that there is no safe level of lead in drinking water and even very low levels can have negative and irreversible health effects, especially for children and pregnant persons. Because of lead's health impacts, the US EPA maintains a maximum contaminant level goal of zero. The CDC states that childhood lead exposure can seriously harm a child's health and cause well-documented adverse effects, including brain and nervous system damage, slowed growth and development, learning and behavior problems, and hearing and speech problems. These health impacts can in turn lead to decreased attention and underperformance in school among lead-exposed children.
- 3) ***Inequities in childhood lead exposure.*** According to the CDC, people with low incomes and people of color are more likely to live in neighborhoods with outdated infrastructure, and are thus more likely to be exposed to lead-based paint and pipes, faucets, and plumbing fixtures containing lead. Children from low-income families and communities of color can also be further disadvantaged through the cumulative impacts of lead and other challenges they may face, including higher rates of poverty, malnutrition, exposure to multiple pollutants, and enrollment in under-resourced schools.

- 4) ***Student's exposure to lead in the drinking water at school.*** In the 2021 report, *How States Are Handling Lead in School Drinking Water*, the National Association of State Boards of Education states, "Due in part to their frequent closures and uneven water use patterns during weekends, holidays, summer break, or extenuating circumstances like the pandemic, the topic of lead in drinking water is of special relevance to schools. Water is more likely to stagnate in school pipes and fixtures during closures, potentially making the water more corrosive and increasing the chances that lead leaches into the water." The impacts of lead in drinking water on children's health gained national attention after news broke of the water crisis in Flint, Michigan. In 2014, a switch in Flint's water sources caused lead to leach from service lines into drinking water at dangerously high levels. In the wake of the Flint drinking water crisis, part of the national conversation has focused on strategies for improving the safety of drinking water in schools and child care facilities and the importance of lead testing.
- 5) ***California requirements for testing lead in drinking water in child care centers.*** In 2018, the State Legislature enacted AB 2370 (Holden), Chapter 676, Statutes of 2018, which requires licensed child day care centers operating in buildings constructed before January 1, 2010 to have their drinking water tested for lead by January 1, 2023, and every five years after the initial test. Similar to AB 249, AB 2370 requires the SWB to post test results for lead in licensed child day care centers on its website, and requires centers to:
 - a) Cease using fountains and faucets where elevated lead levels may exist;
 - b) Obtain a potable source of water for children and staff; and,
 - c) Notify parents or guardians of the test results.

In SB 862 (Budget Committee), Chapter 449, Statutes of 2018, the Legislature appropriated \$5 million, which the SWB is using to assist child care centers with the costs of testing and fixture replacement.

- 6) ***Arguments in support.*** The Environmental Working Group states, "The Centers for Disease Control and Prevention states that there is no safe level of lead in children; further, the state Department of Public Health reports that lead exposure at even very low levels can cause learning, behavioral, and attention difficulties in children, along with nervous system and organ damage. Exposure to high levels of lead can be fatal.

There are no effective treatments to ameliorate the long-lasting developmental effects of lead toxicity, and it is believed that these effects are permanent. The U.S. Environmental Protection

Agency estimates that as much as 20% of a child's exposure comes from lead in drinking water when water lead levels are five ppb. For infants consuming water based formula, drinking water can be an even larger source of lead exposure. The American Academy of Pediatrics recommends that state and local

governments take steps to ensure that water fountains in schools do not exceed water lead concentrations of one ppb.

AB 249 will allow the state to move forward and remediate lead-tainted school drinking water in the near term, a protective action that should not be held up due to state and federal agency processes.”

- 7) ***Arguments in opposition.*** The California Municipal Utilities Association states, “Our members’ highest priority is delivering a safe and reliable water supply to their customers. This includes maintenance of complex distribution systems with thousands of miles of pipes made from a variety of materials. For decades our members have worked to remove lead pipes from their systems and protect public health, and California has been a leader in this space. Specific to schools, water systems completed a large scale, comprehensive school testing program based on AB 746 (Gonzalez Fletcher) from 2017 that included testing down to 5 ppb according to the State Water Board website. We appreciate and agree with the author’s goal of protecting children’s health and access to safe drinking water, but AB 249 is the wrong approach and could result in duplication or conflict with pending federal requirements.

The school testing provisions in the LCRR/LCRI will achieve the same outcomes as what is proposed in AB 249. However, the current version of the federal rule includes different requirements than the proposed provisions of AB 249 and we expect that those differences could be further exacerbated in the LCRI. The operative date of AB 249 would be January 1, 2024 and the completion date is proposed to be 2027. This would directly overlap with the LCRR/LCRI schedule and water systems likely would have to comply with two comprehensive testing regimes without any additional public health benefit. And if the state law and federal law conflict, it is unclear how water systems would be expected to fulfill both sets of requirements.

Given the existing extensive work to protect public health and pending federal requirements, AB 249 is simply unnecessary at this time.”

SUPPORT

Children Now (Co-Sponsor)
 Environmental Working Group (Co-Sponsor)
 A Voice for Choice Advocacy
 Alliance of Nurses for Healthy Environments
 American Academy of Pediatrics, California
 As You Sow
 Association of Regional Center Agencies
 Breast Cancer Prevention Partners
 Brighter Beginnings
 California Black Health Network
 California Dental Association
 California Environmental Voters
 California Health Coalition Advocacy
 California Interfaith Power and Light

California Public Interest Research Group
California School Employees Association
California State Pipe Trades Council
California Teachers Association
Californians Against Waste
Center for Community Action and Environmental Justice
Ceres Community Project
Clean Water Action
Cleaneearth4kids.org
Community Clinic Association of Los Angeles County
Consumer Attorneys of California
Environmental Health Coalition
Facts Families Advocating for Chemical and Toxics Safety
Friends Committee on Legislation of California
Go Green Initiative
Green Science Policy Institute
Jonas Philanthropies
Learning Disabilities Association of America
Learning Disabilities Association of California
Madera Coalition for Community Justice
Maternal and Child Health Access
Non-Toxic Neighborhoods
Protect Wild Petaluma
Public Health Advocates
San Diego Pediatricians for Clean Air
Sierra Club California
Social Eco Education
Sonoma Safe Agriculture Safe Schools
The Los Angeles Trust for Children's Health
Western Center on Law and Poverty
Womens Voices for The Earth
Youth Vs. Apocalypse

OPPOSITION

California Municipal Utilities Association
California Special Districts Association

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 376	Hearing Date:	July 12, 2023
Author:	Villapudua		
Version:	March 28, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Student financial aid: Cal Grant C: driver training programs: commercial motor vehicles.

SUMMARY

This bill establishes a pilot program available until January 1, 2028, for the purpose of expanding Cal Grant C eligibility to students participating in entry-level truck driving programs that meet specific requirements.

BACKGROUND

Existing law:

Federal law

- 1) Establishes the training requirements for entry-level drivers including minimum content for theory and behind-the-wheel training curricula. Entry-level driver training is defined as training for those who apply for a commercial driver's license. (Code of Federal Regulations Title 49, Subtitle B, Chapter III, Subpart B, Part 380, Subpart F)
- 2) Establishes the Federal Motor Carrier Safety Administration training provider registry. Requires institutions, who operate entry-level training programs, for a commercial driver's license to comply with the requirements for the registry and to register to be listed within the Trainer Provider Registry. (Code of Federal Regulations Title 49, Subtitle B, Chapter III, Subpart B, Part 380, Subpart G)

State Law

- 1) Authorizes the Cal Grant C program, administered by Commission to assist with tuition and training costs at occupational or vocational programs of four months to two years in length. Existing law establishes the total number of Cal Grant C awards as the number awarded in the 2000-01 fiscal year (7,761) with the maximum award amount and the total amount of funding being determined in the annual Budget Act (\$2,462 for tuition and \$547 for non-tuition access costs), (Education Code (EC) § 69439)
- 2) Requires that the Commission use appropriate criteria in selecting award recipients, including family income, household size, household status, and employment status of the applicant. The Commission is directed to give

additional consideration to disadvantaged, low income, and long-term unemployed applicants. (EC § 69439 (c))

- 3) Requires the Commission to consult with appropriate state and federal agencies to develop areas of occupational and technical training for which students may utilize Cal Grant C awards. These areas of occupational and technical training are required to be regularly received and updated at least every five years. (EC § 69439 (f) (1) and (2))
- 4) Requires the Commission to give priority in granting Cal Grant C awards to students pursuing occupational or technical training in areas that meet at least two of the following criteria: high employment need, high employment salary or wage projections, and high employment growth. The Commission is required to determine areas of occupational or technical training that meet these criteria in consultation with the Employment Development Department using projections available through the Market Information Data Library. (EC § 69439 (f) (3))
- 5) Requires the Department of Motor Vehicles by June 5, 2020, to adopt regulations for entry-level driver training requirements for drivers of commercial motor vehicles that are in compliance with federal regulations for commercial motor vehicles. Requires the Department of Motor Vehicles to require the course of instruction for entry-level drivers, who seek a Class A or Class B commercial driver's license to complete a minimum of 15 hours of behind-the-wheel training, with at least 10 of those 15 hours being on a public road. (Vehicle Code § 15250.1)

ANALYSIS

This bill establishes a pilot program available until January 1, 2028, for the purpose of expanding Cal Grant C eligibility to students participating in entry-level truck driving programs that meet specific requirements. Specifically, it:

- 1) Expands eligibility for a Cal Grant C to a student enrolled in an entry-level driver training program of less than four months offered at a qualifying institution.
- 2) Clarifies, if funds are allocated and the Cal Grant Reform Act is enacted, students who otherwise would have qualified for Cal C after January 1, 2024, will receive a prorated Cal Grant award.
- 3) Requires the Commission to classify a qualifying institution as one with a graduate rate of at least 30% that is listed on the Federal Motor Carrier Safety Administration training provider registry, and that is approved by the Bureau for Private Postsecondary Education.
- 4) Sunsets the bill's provisions on January 1, 2028.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "According to the American Trucking Associations, the trucking industry was short roughly 78,000 drivers in 2022 and

must hire nearly 1.2 million drivers over the next decade to address increased demands. During the height of the pandemic, California experienced the effect of the truck driver shortage on sectors such as agriculture, construction, and retail/manufacturing. AB 376 seeks to address the truck driver shortage impacting the nation's supply chain by extending financial aid in the form of Cal Grant C to eligible students enrolled in an entry-level driver training program."

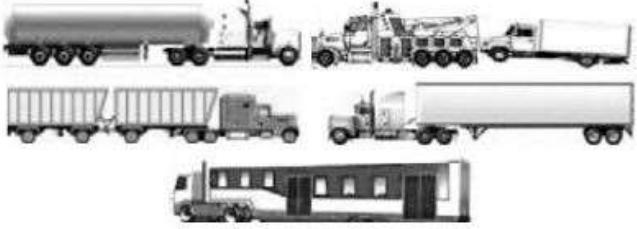

- 2) **Driver shortage.** According to the American Trucking Association 2022 update, shortage estimates are calculated by determine the difference between the number of drivers currently in the market and the optimal number of drivers based on freight demands. It reported that the nearly 78,000 driver deficit (noted in the author's statement above) is the second highest level on recorded after 81,258 in 2021. The driver shortage is most acute in the longer-haul for-hire truckload market. This is no single cause of the driver shortage, but some of the primary factors include:

- High average age of current drivers, which leads to a high number of retirements.
- Women make up just 8 percent of all drivers, well below their representation in the total workforce of 47 percent.
- Inability of some would-be and current drivers to pass a drug test.
- Other barriers to entry such as minimum driving age, driving history and criminal background.
- Lifestyle disadvantages, especially in the longer haul market with greater time away from home.
- Infrastructure and other issues like a lack of truck parking spots and congestion.

Training program costs were not mentioned or identified as primary cause of the driver shortage in the report. As noted in the Assembly Committee Analysis, the cost associated with obtaining a commercial driver's license on average is \$3,000. Federal financial aid is not available for vocational programs, which last less than 10 weeks; therefore, trucking programs, that last roughly four weeks, are not eligible for federal financial aid or federal student loans. Additionally, under current law, programs lasting less than 4 months are not eligible for state financial aid programs. Since federal and state financial aid and federal loans are not available to students wishing to complete entry-level commercial driver training programs, students must take out personal loans or use personal credit cards which have costly interest rates for students.

- 3) **Entry-level commercial driver training.** As noted in the Assembly Committee analysis, requirements for becoming a commercial truck driver (CDL) are established by both the State and the Federal Government. Those seeking to obtain a CDL in California, after February 2022, are required to complete a federally approved entry-level training program and a minimum of 15 hours of behind-the-wheel training. The entry-level driver training must be completed by a registered training provider as listed on the Federal Motor Carrier Safety Administration training provider registry.

In California, there are 12 community colleges that offer entry-level driver training programs as listed on the federal training provider registry, the other 4,807 in-person programs are offered by either for-profits or non-profits in the state. Entry-level commercial driver training is required for a Commercial Class A or Class B license, but each requires different trainings as listed below:

Commercial Class:	Qualifies the Drive:	Educational Requirements:
<p>Class A</p>	<ul style="list-style-type: none"> Any single vehicle with a Gross Vehicle Weight Rating of more than 10,000 pounds; A Trailer Bus with endorsement; and, More than one vehicle with endorsements. 	<ul style="list-style-type: none"> Theory Instruction Standard Curriculum, including basic operations, safe operating procedures, and non-driving activities; Behind-the-wheel range; and Behind-the-wheel public road.
<p>Class B</p>	<ul style="list-style-type: none"> A single vehicle with a Gross Vehicle Weight Rating of more than 26,000 pounds; A 3-axle vehicle weighing over 6,000 pounds; A bus with endorsement; Any farm labor vehicle with endorsement; and, All vehicles under Class C. 	<ul style="list-style-type: none"> Theory Instruction including basic operations, safe operating procedures, and non-driving activities; Behind-the-wheel range; and Behind-the-wheel public road.

Source: California Department of Motorized Vehicles

- 4) **Cal Grant Program.** The Cal Grant program, the state's largest financial aid program, is intended to help students with financial need cover college costs. The program offers multiple types of Cal Grant awards. The amount of aid students receive depends on their award type and the segment of higher education they attend. Cal Grant A covers full systemwide tuition and fees at

public universities and a fixed amount of tuition at private universities. Cal Grant B provides the same amount of tuition coverage as Cal Grant A in most cases while also providing an “access award” for nontuition expenses such as food and housing. Cal Grant C, which is only available to students enrolled in career technical education programs, provides lower award amounts for tuition and nontuition expenses. Grants can be used at institutions meeting the definition of a qualifying institution. This bill establishes different criteria from all other qualifying institutions. Under the pilot program, a qualifying institution will need to a minimum graduation rate of at least 30%, BPPE approval, and be listed as an approved training facility by the Federal Motor Carrier Safety Administration. Concerns have been raised that removing traditional quality control measures without replacing them with tested or comparable alternatives may make the program more accessible to predatory or low-quality institutions or programs. Staff notes that the proposed program is a four-year pilot program.

- 5) **Cal Grant C.** Students meeting the general eligibility for the Cal Grant award may be considered for the Cal Grant C. There is no high school graduation requirement, minimum grade point average or maximum age for recipients. However, students must be California residents, have United States or eligible noncitizen status, complete US selective service requirements, enroll at least half-time at an eligible California institution, maintain satisfactory academic progress (defined by the institution) once enrolled, meet family income and asset ceilings, and not be in default on any student loan or owe any federal or state grant refund.

Cal Grant C awards assist with tuition and training costs for occupational, technical, and vocational programs. The award includes up to \$547 for books, tools and equipment — and up to \$2,462 more for tuition and up to \$1,094 fees for attendance at other than a California Community College. Funding is available for up to two years, depending on the length of the program. To qualify, a student must enroll in a program that is at least four months long at a California Community College, an independent college, or a vocational/career school. The number of new annual awards is capped in statute at 7,761.

In order to determine an applicant’s eligibility for a Cal Grant C, additional information must be provided to the Commission. That information is scored based on the applicant’s work experience, educational history, vocational aptitude, and occupational goal. Students who select a priority occupation receive additional points in the scoring criteria.

- 6) **Who receives Cal Grant C?** According to the 2022–23 report on Cal Grant recipients prepared by the Commission, Cal Grant C awardees had an average income of \$45,682, an average family size of 3.2, and an average age of 28. The program is undersubscribed of the 7,761 new awards available, only 1,810 received one. The 2022–23 new Cal Grant C awards were available to low- and middle-income applicants receiving occupational or technical training in a course that was at least four months long.
- 7) **Report back amendments.** This bill expands the types of institutions that can qualify for Cal Grant C to include entry-level driver training programs lasting less

than four months. The bill's provisions will sunset on January 1, 2028. In order for the Legislature to be informed on the effectiveness of and potential lessons learned by the pilot program proposed in the bill, **committee staff recommends that the bill be amended** to require the California Student Aid Commission, in consultation with the California Bureau for Private Postsecondary Institutions, to submit a report to the Legislature on April 1, 2027. The report shall include, but not necessarily be limited to, all of the following information:

- The total number of award payments made under the pilot program for each award year throughout the duration of the pilot program.
- The total amount of funds expended for the purposes of award payments made under the pilot program for each award year throughout the duration of the pilot program.
- A list of qualifying institutions that participate in the pilot program.
- Graduation data for students, including aggregate information on Cal Grant C recipients for each qualifying institution that participates in the pilot program, to the extent practicable.
- Job placement and licensure rates of graduates employed in the field for each qualifying institution participating in the pilot program, to the extent practicable.
- Recommendations for improving the pilot program, including, but not necessarily limited to, other factors or measures that should be considered for classifying an institution as a qualifying institution under the pilot program and whether the Cal Grant program is the appropriate place for administering a program intended to cover training costs of shorter (less than four months) programs for purposes of meeting a strategic workforce need.

8) **Previous legislation**

AB 183 (Committee on Budget, Chapter 54, Statute of 2022) among other things establishes the Cal Grant Reform Act, to eliminate barriers to Cal Grant awards that would allow about 150,000 more California students to become eligible, aligned Cal Grant eligibility with the new federal Student Aid Index. Created the Cal Grant 2 program for community college students, which provides non-tuition support that grows annually with inflation, and the Cal Grant 4 program for students at University of California (UC), California State University (CSU) and other institutions. The act also states legislative intent that UC and CSU use institutional aid to cover non-tuition costs for its students

SB 1236 (Monning, Chapter 984, Statute of 2018) required the Department of Motor Vehicle to require an applicant for a Class A or Class B commercial driver's license to complete a minimum of 15 hours behind-the-wheel training, as

defined and required the department to adopt regulations related to entry-level driver training that mirrored the requirements from the Federal Government.

SUPPORT

California Trucking Association (Sponsor)
Agricultural Council of California
Agriculture Transportation Coalition
Auto Care Association
BizFed - Los Angeles County
California Automotive Wholesalers' Association
California Beer and Beverage Distributors
California Business Properties Association
California Business Roundtable
California Chamber of Commerce
California Farm Bureau
California Manufacturers & Technology Association
Foreign Trade Association
Gemini Shippers Association
Harbor Trucking Association
Next Generation in Trucking Association
Pet Food Institute
Western States Trucking Association

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 377
Author: Muratsuchi
Version: May 25, 2023
Urgency: No
Consultant: Ian Johnson

Hearing Date: July 12, 2023

Fiscal: Yes

Subject: Career technical education: California Career Technical Education Incentive Grant Program: Strong Workforce Program.

SUMMARY

This bill deletes authorization for the K-12 Strong Workforce Program (SWP), administered by the California Community College (CCC) Chancellor's Office, and shifts the \$150 million of SWP funding to the Career Technical Education Incentive Grant Program (CTEIG), administered by the California Department of Education (CDE).

BACKGROUND

Existing law:

- 1) Authorizes the CTEIG Program as a state education, economic, and workforce development initiative with the goal of providing students in kindergarten through 12th grade with the knowledge and skills necessary to transition to employment and postsecondary education. (Education Code (EC) 53070)
- 2) Identifies the purpose of the competitive CTEIG program as the encouragement and maintenance of the delivery of the career technical education (CTE) programs by school districts and charter schools.
- 3) Appropriates funding for the CTEIG program as \$300 million per year beginning in the 2021-22 fiscal year and every year thereafter.
- 4) Specifies the distribution of the funds appropriated by school size as follows: 4% to applicants with an average daily attendance (ADA) of 140 or less; 8% to applicants with ADA of 141 to 550; and 88% to applicants with ADA of more than 550.
- 5) Requires that applicants demonstrate the ability to provide local matching funds of \$2.00 for every \$1 received in 2017-18, and each fiscal year thereafter.
- 6) Requires applicants for the CTEIG Program to demonstrate that their CTE programs meet specified minimum eligibility standards.
- 7) Defines grant recipients for CTEIG as one or more school districts, county offices of education (COEs), charter schools, regional occupational centers or programs (ROCPs) operated by joint power authorities or COEs, or any combination of these.

- 8) Requires the CDE to consult with entities with career technical education expertise, including the CCC Chancellor's Office, state workforce investment organizations, and business organizations, in the development of requests for grant applications and consideration of the applications received.
- 9) Requires the CDE to annually submit the list of recommended new and renewal grant recipients to the State Board of Education (SBE) for review and approval prior to making annual grant awards.
- 10) Requires the CDE and the SBE, in determining proposed grant recipients to also give positive consideration to specified applicants.
- 11) Authorizes the K-12 component of the SWP to create, support, or expand high-quality CTE programs at the K-12 level that are aligned with the workforce development efforts occurring through the SWP, and authorizes, commencing with the 2018-19 fiscal year, and subject to an annual appropriation, \$150 million to be apportioned annually by the CCC Chancellor's Office to local consortia. (EC 88827)

ANALYSIS

This bill:

- 1) Increases ongoing funding for the K-12 CTEIG program to \$450 million per year beginning in 2024-25, by rolling in ongoing funding from the K-12 SWP.
- 2) Deletes references to the K-12 SWP and requires that this program cease to be operative as of July 1, 2024, and requires administration of any outstanding allocations and contracts to be the responsibility of the CDE as part of the CTEIG program.
- 3) Requires the CDE to establish a stakeholder workgroup by June 30, 2024 to consider and provide recommendations to maximize CTE opportunities for students, including: methods to simplify the allocation of funding under this program; consideration of the appropriate match requirement; allocating funding specifically for programs in alternative settings, including court schools, community day schools, and continuation schools, as well as at middle schools; evaluating the effectiveness of regional technical education programs offered by joint powers authorities or COEs and identifying ways to support and stabilize funding; providing greater stability of funding by streamlining renewal of grants or establishing multi-year contracts; and streamlining reporting requirements for K-12 CTE funding streams.
- 4) Requires a level of professional staffing within the CDE sufficient to effectively administer the CTEIG program as well as other CTE programs.
- 5) Authorizes \$12 million in ongoing funding to the CDE beginning in 2024-25 to provide regional CTE coordinators for the provision of technical assistance and support to local educational agencies (LEAs) in implementing CTE courses,

programs, and pathways, through contracts with selected COEs to provide regional industry leads with proven industry expertise in CTE, as part of the Statewide System of Support.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “CTE ensures that students are better prepared for life after graduation, whether that includes college or leads straight to a career. Students need multiple paths to success, not a one-size fits all model, as not every quality job requires a four-year university degree. CTE programs that provide quality career exploration and guidance, and appropriate student supports prepare students to transition smoothly into ongoing education and/or directly into the workforce.

The bifurcation of the main K-12 CTE funding into two separate programs under the jurisdiction of the CDE and the Chancellor’s office creates unnecessary administrative burdens at the state level and additional complications at the local level. Schools are currently required to apply to two separate programs for funding of CTE programs, each with unique eligibility and reporting requirements, and are not receiving adequate technical assistance. A recent report by the State Auditor noted that administrative shortcomings in the K-12 Strong Workforce Program limits its effectiveness supporting grant applicants, including inherent risks of conflicts of interest, as well as a lack of equal access to local support staff.

AB 377 will reduce administrative burdens at the state and local levels by consolidating the CTEIG and K-12 SWP programs and will ensure that effective K-12 CTE technical assistance is readily available to support high quality CTE programs at the local level.”

- 2) ***Major K-12 CTE programs.*** There are a number of initiatives supporting K-12 CTE programs supported by state and federal funds, including two large competitive grant programs:
 - a) *The Career Technical Education Incentive Grant Program* originally established in 2015 as a one-time investment of \$900 million to cover a three-year span, and acted as a bridge for LEAs to support CTE programs until the Local Control Funding Formula (LCFF) was fully funded. The purpose of the program is to encourage, maintain, and strengthen the delivery of high-quality CTE programs. The program is administered by the CDE. In 2018, ongoing funding of \$150 million for CTEIG was appropriated. In 2021, the annual funding for CTEIG was increased to \$300 million.

Grants are awarded under the CTEIG program by CDE, in consultation with the SBE, in response to applications submitted by LEAs outlining the ways in which they meet the statutorily defined requirements, including a 2:1 match of local to state funding. For the 2022-23 fiscal year, the CDE received 383 applications from LEAs. A total of \$266 million has been

allocated to the 375 eligible applicants. A second round of funding allocated an additional \$2.3 million to 5 eligible applicants.

- b) *The K-12 Strong Workforce Program (K-12 SWP)* was established in 2018 as a component of the Community Colleges' SWP to create, support, or expand high-quality CTE programs at the secondary level that are aligned with the workforce development efforts occurring through the SWP. As is the case for CTEIG, the K-12 SWP is meant to support the overall development of high-quality K-12 CTE programs, courses, course sequences, programs of study, and pathways. The program is administered by the CCC Chancellor's Office. The program is currently funded at \$150 million per year.

Unlike the CTEIG program, which is administered at the state level, the CCC Chancellor's Office allocates K-12 SWP grant funding to eight regional consortia according to a statutory formula. Each regional consortium is required to administer a competitive grant program it receives to LEAs in the region. Each consortium establishes a selection committee made up of individuals with expertise in K-12 CTE and workforce development. Employees of LEAs applying for grants under the program may serve as members of the selection committees. Each selection committee has exclusive authority under state law to determine the recipients of K-12 SWP grants in its region and the specific amount for each grant. For the 2022-23 fiscal year, 224 individual pathways were funded for a total allocation of \$143.7 million.

- 3) ***State Auditor identifies numerous weaknesses with the K-12 SWP.*** In February 2022, the State Auditor released a report on the K-12 SWP noting that "state and regional administrative shortcomings limit the program's effectiveness in supporting grant applicants." The audit report recommended actions that the CCC Chancellor's Office should take to enhance the quality of information the selection committees have available when determining whether applications best meet the workforce program's goals, including providing additional detail in the Request For Applications on how to demonstrate compliance with eligibility criteria, and how local selection committees will allocate funding if demand exceeds available funding. The audit also recommends that the CCC Chancellor's Office establish a process to modify the areas that its workforce pathway coordinators are assigned to serve to improve the equality of LEAs' access to technical assistance. The report also made recommendations for individual regional consortia to improve consistency in selection processes, to avoid potential conflicts of interest, and to establish a standard approach for addressing score variations.
- 4) ***Arguments in support.*** The Coalition for Career Technical Education in California states, "AB 377 would consolidate into one program the two major existing state funding programs for K-12 CTE programs in California. This will resolve problems that have confronted local educators across the state as they have struggled with inconsistent application processes and criteria, and uneven and excessive reporting requirements. AB 377 would also establish a much-

needed technical assistance capacity to support local educators as they work to establish and improve their local CTE programs and pathways.

The CTE Coalition consists of school districts, county offices of education, and charter schools across the state. We greatly appreciate the commitment of the Legislature and the Governor to provide state support for quality CTE programs. We are confident that consolidating and aligning that state support, combined with quality technical assistance, will strengthen the quality of college and career opportunities for students throughout California."

- 5) ***Arguments in opposition.*** Plumas Charter School states, "As a rural school leader who prioritizes development of high quality CTE programs, I strongly believe that CTEIG is not the most effective or well-designed venue to provide schools with CTE grants and technical support. Over the last several years I worked extensively with the K12 Strong Workforce program and can say without a doubt that this program provides clearer direction to schools and better and more timely support. The K12SWP program also includes the requirement for schools to partner with local colleges for program alignment and support, as well as a peer reviewed process for selection. The K12SWP also uses a user-friendly online application and reporting system that provides extensive transparency for both the grantee's and the folks who oversee the grant. CTEIG offers none of this program support, and instead relies on an antiquated system of submission and review, and provides little to no support or communication around the grants."

SUPPORT

Acalanes Union High School District
 Association of California School Administrators
 California Adult Education Administrators Association
 California Association of School Business Officials
 California Council for Adult Education
 California Federation of Teachers
 California High School District Coalition
 California Manufacturers and Technology Association
 California Renewable Transportation Alliance
 Campbell Union High School District
 CAROCP
 Coalition for Career Technical Education
 College and Career Advantage, ROP
 Colton-Redlands-Yucaipa Regional Occupational Program
 County of Santa Clara
 EdVoice
 Family and Consumer Science Teachers Association of California
 Grossmont Union High School District
 Housing Contractors of California
 Lake County Office of Education
 Los Angeles County Office of Education
 Los Gatos- Saratoga Union High School District
 Marin County Office of Education

Metropolitan Education District
Milpitas Unified School District
Mission Valley Regional Occupational Program
Napa County Office of Education
Orange County Department of Education
Project Lead the Way
Riverside County Public K-12 School District Superintendents
Riverside County Superintendent of Schools
Rocklin Unified School District
San Bernardino County District Advocates for Better Schools
San Jose Unified School District
Santa Clara County School Boards Association
Santa Clara Unified School District
Small School Districts Association
TechNet
Ventura Unified School District
Work2Future

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 393
Author: Luz Rivas
Version: June 21, 2023
Urgency: No
Consultant: Lynn Lorber

Hearing Date: July 12, 2023

Fiscal: Yes

Subject: Childcare: dual language learners.

SUMMARY

This bill requires child care and development programs under the administration of the Department of Social Services (DSS) to identify dual language learners through a family language instrument and a family language and interest interview, mirroring existing provisions that apply to state preschool programs.

BACKGROUND

Existing law:

State preschools and the identification of dual language learners

- 1) Establishes the Early Education Act to provide an inclusive and cost-effective preschool program that provides high-quality learning experiences, coordinated services, and referrals for families to access health and social-emotional support services through full- and part-day programs. (Education Code (EC) § 8200 et seq.)
- 2) State legislative intent for state preschool contractors, teachers, and staff to better understand the language and developmental needs of dual language learners enrolled in publicly funded preschool programs by identifying them as a dual language learner through a family language instrument and support their needs through a family language and interest interview. The identification of dual language learners will help improve program quality and inform the allocation and use of state and program resources to better support them and their linguistic and developmental needs for success in school and in life. (EC § 8241.5)
- 3) Requires the Superintendent of Public Instruction (SPI) to develop procedures for state preschool contractors to identify and report data on dual language learners enrolled in a state preschool program. (EC) § 8241.5)
- 4) Requires the procedures developed by the SPI to identify dual language learners to include all of the following, at a minimum:
 - a) The distribution and collection of a completed family language instrument (developed by the SPI) from a parent or guardian of each child enrolled in a state preschool program no later than upon enrollment. The family language instrument must be able to identify which languages the child is

exposed to in the child's home and community environment, which languages the child understands, and which languages the child is able to speak.

- b) Criteria for state preschool contractors to use to accurately identify dual language learners enrolled in their preschool programs based on the information collected from the family language instrument and criteria for the family language and interest interview. (EC § 8241.5)
- 5) Requires the SPI to develop clear implementation procedures and related guidance for state preschool contractors to ensure dual language learners and their linguistic and developmental needs are accurately identified in order to be effectively supported by state preschool contractors. (EC § 8241.5)
- 6) Defines "dual language learner children" as children whose first language is a language other than English or children who are developing two or more languages, one of which may be English. (EC § 8205)
- 7) Defines "California state preschool program" as those programs that offer part-day or full-day, or both, educational programs for eligible three- and four-year old children. These programs may be offered by a public, private, or proprietary agency, and operated in child care centers or family child care homes operating through a family child care home education network. (EC § 8205)

Child care and development programs

- 8) Establishes the Child Care and Development Services Act to provide child care and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents including a full range of supervision, health, and support services through full- and part-time programs. (Welfare and Institutions Code (WIC) § 10207 et seq.)
- 9) Requires DSS to administer all migrant child care and development programs. In addition, the department shall support and encourage the state-level coordination of all agencies that offer services to migrant children and their families and state-level coordination of existing health funds for migrants. (WIC § 10235)
- 10) Requires DSS to develop appropriate quality indicators for migrant program, as specified, and offer bilingual liaison services; identification, documentation, and follow-up referrals of family needs, as appropriate; staff who reflect the linguistic and cultural background of children being served; recruitment and hiring of migrants in child care and development programs; health and dental screening and follow-up treatment; and health records. (WIC § 10237)

ANALYSIS

This bill requires child care and development programs under the administration of DSS to identify dual language learners through a family language instrument and a family language and interest interview, mirroring existing provisions that apply to state preschool programs. Specifically, this bill:

Child care and development programs

- 1) States legislative intent for general or migrant childcare and development contractors, teachers, and staff to better understand the language and developmental needs of dual language learners enrolled in publicly funded general childcare and development programs or migrant childcare and development programs by identifying them as a dual language learner through a family language instrument and support their needs through a family language and interest interview. The identification of dual language learners will help improve program quality and inform the allocation and use of state and program resources to better support them and their linguistic and developmental needs for success in school and in life.
- 2) Requires the Director of DSS to develop procedures for general or migrant childcare and development contractors to identify and report data on dual language learners enrolled in a general childcare and development program or a migrant childcare and development program.
- 3) Requires, to the maximum extent practicable, the procedures developed by the Director to align to the procedures required for state preschool contractors.
- 4) Requires the procedures developed by the Director to identify dual language learners to include, at a minimum, both of the following:
 - a) The distribution and collection of a completed family language instrument (developed by the Director) from a parent or guardian of each child enrolled in a general childcare and development program or migrant childcare and development program no later than upon enrollment. The family language instrument must be able to identify which languages the child is exposed to in the child's home and community environment, and which languages the child demonstrates an understanding of or is able to speak.
 - b) Criteria for general or migrant childcare and development contractors to use to accurately identify dual language learners enrolled in their programs based on the information collected from the family language instrument and criteria for the family language and interest interview.
- 5) Authorizes a general or migrant childcare and development contractor serving a schoolage child enrolled in a K–12 education program who has been designated by the child's school district, county office of education, or charter school as an English learner through the state assessment for English language proficiency to use that designation as an English learner to identify the child as a dual language learner (rather than distributing and collecting a family language instrument and conducting a family language and interest interview).
- 6) Requires, for any child enrolled in a general childcare and development program or migrant childcare and development program who has been identified as a dual language learner, a family language and interest interview to be conducted by

the child's teacher or other designated staff that must include, at a minimum:

- a) An inquiry and a discussion about the strengths and interests of the child;
 - b) The language background of the child; and,
 - c) The needs of parents, guardians, or family members of the child to support the language and development of the child.
- 7) Requires the Director to develop the family language and interest interview to be used by teachers and designated staff, and requires, to the maximum extent practicable, the family language and interest interview developed by the Director to align to the interview required for state preschool program contractors.
- 8) Requires the reported data about dual language learners in a general childcare and development program or migrant childcare and development program to be submitted at a timeframe determined by the Director and include, at a minimum, all of the following:
- a) A child's home language, the language the child is most exposed to, and the family's preferred language in which to receive verbal and written communication.
 - b) A child's race or ethnicity.
 - c) Language characteristics of the general childcare and development program or migrant childcare and development program, including, but not limited to, whether the program uses the home language for instruction, such as a dual language immersion program, or another program that supports the development of home languages.
 - d) The language composition of the program staff.
- 9) Requires the Director, to the maximum extent possible, to use existing enrollment and reporting procedures for general or migrant childcare and development contractors to meet the requirements of this bill.
- 10) Requires the Director to develop clear implementation procedures and related guidance to ensure dual language learners and their linguistic and developmental needs are accurately identified in order to be effectively supported by general or migrant childcare and development contractors that, to the maximum extent practicable, align to the procedures and guidance developed by the SPI for state preschool program contractors.
- 11) Requires the Director to adopt regulations to implement this bill.
- 12) Requires the Director, by March 15, 2024, to develop informal directives to implement this bill until the time regulations are adopted.

- 13) States legislative intent to connect information about dual language learners in the California Cradle-to-Career Data System.
- 14) Prohibits the procedures developed by the Director to identify dual language learners from being connected to or associated with the designation of an English learner in the K–12 public school system.
- 15) Requires the procedures to identify and report dual language learners to be the sole responsibility of the general or migrant childcare and development contractor.
- 16) Prohibits family childcare providers from being responsible or liable for the accuracy of data.
- 17) Prohibits the identification and reporting of dual language learners by general or migrant childcare and development contractors from impacting the status of a provider within a family childcare home education network.
- 18) Requires the Director and SPI to coordinate efforts to implement the requirements of this bill in order to minimize the administrative work required of contractors, teachers, staff, and families involved in a general childcare and development program, a migrant childcare and development program, or the state preschool program.
- 19) Provides that nothing compels a parent or guardian of a child enrolled in a general childcare and development program or migrant childcare and development program to complete the family language instrument or the family language and interest interview.
- 20) Prohibits a contract for a state preschool program from being affected by a parent or guardian of a child enrolled in a general childcare and development program or migrant childcare and development program who declines to complete the family language instrument or the family language and interest interview.
- 21) Provides that this bill is not to be construed to affect the eligibility of a child to enroll in a general childcare and development program or migrant childcare and development program.

State preschool

- 22) Authorizes state preschool contractors to use a previous designation of child as a dual language learner by a child care program to identify the child as a dual language learner, rather than distributing and collecting a family language instrument and conducting a family language and interest interview.
- 23) Requires the SPI and the Director of DSS to coordinate efforts to implement requirements related to the identification of dual language learners through a family language instrument and a family language and interest interview in order to minimize the administrative work required of contractors, teachers, staff, and

families.

- 24) Provides that nothing compels a parent or guardian of a child enrolled in a state preschool program to complete the family language instrument or to participate in the family language and interest interview.
- 25) Prohibits a contract for a state preschool program from being affected by a parent or guardian of a child enrolled in a state preschool program who declines to complete the family language instrument or the family language and interest interview.
- 26) Provides that this bill is not to be construed to affect the eligibility of a child to enroll in a state preschool program.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “My bill, AB 393, takes a critical step in implementing the Master Plan for Early Learning and Care recommendations supporting our children who are DLLs. Despite the state’s positive shift acknowledging linguistic and cultural diversity as assets, and although 60% of children ages birth to five live in households in which a language other than English is spoken, there is no consistent manner of identifying DLLs in California’s general child care programs. The absence of information about the state’s DLLs impairs the ability of state policymakers to make informed decisions over resources that could be leveraged to nurture and develop the early linguistic assets of these children for their benefit and the greater benefit of California.”
- 2) ***Mirrors existing identification requirements for state preschool programs.*** Existing law requires the SPI to develop a family language instrument and criteria for a family language and interest interview for state preschool providers, who serve three- and four-year old children. This bill establishes a nearly identical process general child care and development and migrant child care programs, which serve children aged birth to 13-years old.
- 3) ***Master Plan for Early Learning and Care recommends identification of dual language learners.*** This bill is consistent with some of the recommendations in the Master Plan for Early Learning and Care, released in December, 2020 by the California Health and Human Services Agency. Specifically, the Master Plan recommended providing dual language with high-quality language experiences in both English and their home language as a foundation for future academic success, noting that bilingualism has associated benefits such as strengthened cognitive and memory processes, improved communication abilities, social and cultural benefits, and advantages in the job market.

The Master Plan also found that California lacks a basic universal infrastructure for identifying dual language learners and that caregivers often lack the support they need in order to provide these children with high-quality, culturally relevant experiences in both English and the children’s home language.

The Master Plan recommended that legislation require identification and

reporting of the language status of children from birth through five years in subsidized early learning and care (disaggregated by age, race, ethnicity, language, and disability).

- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) Estimated ongoing General Fund costs to DSS of an unknown amount, but likely in the mid-hundreds of thousands of dollars annually, for additional staff to develop procedures for contractors and to update the database, once a database is established, among other tasks necessary to comply with the bill's requirements.
 - b) Potential costs of an unknown amount, but potentially substantial, for child care contractors to make required adjustments to identify dual language students and report data.

5) **Prior legislation**

AB 1012 (Reyes, 2019) would have required, subject to an appropriation, the CDE to provide grants to local educational agencies for, among other purposes, professional learning for child development providers to support the development of dual language learners. AB 1012 was held in the Assembly Appropriations Committee.

SUPPORT

Early Edge California (Co-Sponsor)
 Abriendo Puertas/Opening Doors
 Catalyst California
 Children Now
 Children's Institute
 Hispanas Organized for Political Equality
 Kern County Superintendent of Schools Office
 Kidango
 Parent Institute for Quality Education
 Sobrato Early Academic Language
 The Children's Partnership
 The Education Trust - West
 Unite-LA

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 439
Author: Wendy Carrillo
Version: July 3, 2023
Urgency: No
Consultant: Ian Johnson

Hearing Date: July 12, 2023

Fiscal: Yes

Subject: School facilities: task order procurement contracting: Los Angeles Unified School District.

SUMMARY

This bill extends for ten years a pilot program that allows Los Angeles Unified School District (LAUSD) to use task order procurement contracts for the repair and renovation of school buildings and grounds.

BACKGROUND

Existing law:

- 1) Requires the governing board of a school district to competitively bid and award to the lowest bidder contracts involving the following:
 - a) An expenditure of \$50,000 or more for the purchase of equipment, materials, or supplies, services (except for construction services), and repairs; and
 - b) An expenditure of \$15,000 or more for a public contract project defined as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair, painting or repainting of any publicly owned, leased, or operated facility. (Public Contract Code (PCC) 20111 and 22002)
- 2) Establishes alternative methods for awarding school construction contracts, including lease-leaseback, design-build, best value, and job order contracting. (Education Code (EC) 17406 and 17250.10, PCC Sections 20119 and 20919.20)
- 3) Authorizes contracting for services customarily performed by classified school employees only based on specified conditions. (EC Section 45103.1)
- 4) Authorizes the governing board of the LAUSD to award multiple task order procurement contracts for the repair and renovation of school buildings and grounds, each not exceeding \$3 million through a single request for bid. Authorizes task order procurement contracts to include, but not be limited to, services, repairs, including maintenance, and construction, as authorized, paid for with moneys from the LAUSD's general fund. Requires the contracts to be awarded to the lowest responsible bidder, and to be based primarily on plans and specifications for typical work.

- 5) Requires task order procurement contracts to only be awarded to supplement existing personnel and to not be used to supplant existing personnel.
- 6) Authorizes the LAUSD to utilize task order procurement contracting only if the school district has entered into a project labor agreement or agreements, as specified, which meet the requirements of all its public works projects. (EC 20118.6)
- 7) Requires the LAUSD to, no later than January 15, 2023, submit to the appropriate policy and fiscal committees of the Legislature a report on the use of the task order procurement contracting method. Requires the report to be prepared by an independent third party and the school district to pay for the cost of the report. Requires the report to include, but is not limited to, the following information:
 - a) A description of the projects awarded using the task order procurement contracting method;
 - b) The contract award amounts;
 - c) The task order contractors awarded the projects;
 - d) A description of any written protests concerning any aspect of the solicitation, bid, or award of the task order procurement contracts, including the resolution of the protests;
 - e) A description of the prequalification process; and
 - f) If a project awarded task procurement contracting has been completed, an assessment of the project performance, including, but not limited to, a summary of any delays or cost increases. (EC 20118.7)
- 8) Establishes that the task order procurement contracting method is not intended to change any guideline, criterion, procedure, or requirement of the governing board of the LAUSD to let a contract for a project to the lowest responsible bidder or else reject all bids. (EC 20118.8)
- 9) Sunsets the authorization for the LAUSD to utilize task order procurement on January 1, 2024. (EC 20118.9)

ANALYSIS

This bill:

- 1) Authorizes the governing board of the LAUSD to award multiple task order procurement contracts for the repair and renovation of school buildings and grounds, each not exceeding \$3 million through a single request for bid.
- 2) Authorizes task order procurement contracts to include, but not be limited to, services, repairs, including maintenance, and construction, paid for with moneys

from the school district's general fund, a local school construction bond, or federal or state funds. Requires the scope of a contract to be limited to the purposes authorized by its funding source.

- 3) Requires contracts to be awarded to the lowest responsible bidder, and to be based primarily on plans and specifications for typical work.
- 4) Requires task order procurement contracts to only be awarded to supplement existing personnel and not to be used to supplant existing personnel.
- 5) Specifies that a task order procurement contract authorized by this bill shall not include services currently or customarily performed by represented employees who are in the school district's Collective Bargaining Unit B, C, D, G, F, or S.
- 6) Authorizes the LAUSD to utilize task order procurement contracting only if the LAUSD has entered into a project labor agreement or agreements for all its public works projects.
- 7) Requires, on or before January 15, 2029, and on or before January 15, 2033, the LAUSD to submit to the appropriate policy and fiscal committees of the Legislature a report on the use of the task order procurement contracting method. The report shall be prepared by an independent third party and the school district shall pay for the cost of the report.
- 8) Extends the sunset for this authorization until January 1, 2034.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 439 extends the sunset for the Task Order Contracting for School Districts law, allowing Los Angeles Unified School District (LAUSD) to continue to use the task order procurement method for repair and maintenance projects until 2034. Additionally, this bill permits LAUSD to use local construction bond funds for task order procurement contracts. LAUSD's pilot program streamlined the contracting process, resulting in timely repairs, nearly all completed on or under budget. Task order contracting ensures that LAUSD is prepared for repair and maintenance requests before they are needed. School districts procure contractors when requests for services at schoolsites exceed maintenance personnel's ability to perform the work in a timely manner, when the service requires technical expertise, or when repairs require specialized equipment. For instance, on the hottest day of the year, calls for air conditioner repairs tend to arise citywide all at once. With a task order contract in place, LAUSD can respond to service requests immediately with minimal interruptions to classroom instruction."
- 2) ***Typical competitive bidding process.*** In most instances, current law requires K-12 school districts to competitively bid any public works contract over \$15,000 and award the contract to the lowest responsible bidder. Law also allows alternative methods for awarding contracts, including best value procurement, which authorizes school districts to consider factors other than cost when awarding contracts, and job order contracting, which awards capital infrastructure

contracts (typically funded by bond dollars) prior to when services are needed, for up to \$5 million worth of work. Job order procurement contracting is similar to the task order procurement contracting, except task order procurement contracting is for maintenance and repair work and funded with local dollars, for up to \$3 million worth of work.

- 3) ***Report on the use of task order contracting.*** AB 2488 (O'Donnell), Chapter 129, Statutes of 2018, requires the LAUSD to submit a report, prepared by an independent third party, to the appropriate policy and fiscal committees of the Legislature by January 15, 2023. The LAUSD chose Sjoberg Evashenk Consulting, Inc. to conduct the review and paid \$78,625 in district funds for the report.

The third party review found that LAUSD implemented and followed robust and compliant processes and practices over its task order contracting method such as requiring bidders be prequalified, obtaining appropriate approvals for and publishing invitations for bids, advertising the protest process, evaluating bids, and ensuring key information was posted to the website. From Section 4 of the report, "Overall, our review found the task order contracting program has proven to be an efficient and effective process allowing LAUSD to supplement staff and make needed repairs, complete maintenance, and provide services at its many facilities for the safety of students and employees."

- 4) ***Arguments in support.*** The LAUSD states, "AB 439 permanently authorizes Los Angeles Unified to award task order procurement contracts for public works projects, as defined, for the purpose of performing services, repairs, and construction. This contacting method enables the district to negotiate those service contracts in advance of the service being requested so personnel are available at the time services are needed. Los Angeles Unified is required to adhere to all existing public procurement laws and maintain a project labor agreement."

Throughout the school year, it is inevitable that the District will receive service requests exceeding its capacity to respond in a reasonable amount of time. Task order contracting ensures that Los Angeles Unified is prepared for these requests beforehand. For example, on the hottest day of the year, service calls for air conditioner repairs tend to arise all at once citywide. With a task order contract in place, the District can respond to services request immediately with minimal interruptions to classroom instruction. AB 439 preserves a more efficient and cost effective process for addressing maintenance and operations needs by allowing for negotiating service costs in advance of peak demands or priority requests."

SUPPORT

Los Angeles Unified School District (sponsor)
Los Angeles Area Chamber of Commerce
Los Angeles/Orange Counties Building & Construction Trades Council

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 506	Hearing Date:	July 12, 2023
Author:	Mike Fong		
Version:	July 3, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: California State University: graduation requirement: ethnic studies.

SUMMARY

This bill requires, by December 31, 2024, the California State University (CSU) to collaborate with the CSU and California Community College (CCC) Academic Senates, and the CCC and CSU Council on Ethnic Studies to ensure the development of a process for eligible CCC ethnic studies courses to satisfy the CSU ethnic studies requirements for CCC students transferring to CSU. The bill requires the CSU Council on Ethnic Studies to make the final determination regarding whether a community college course satisfies the CSU requirements for ethnic studies. It further suspends the current approval process for one year and provides that a community college course approved for the CSU ethnic studies requirement through December 1, 2023, no longer satisfy the requirements commencing on August 1, 2025.

BACKGROUND

Existing law:

- 1) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees. (Education Code (EC) § 66606 and 89500, et seq.)
- 2) Requires that the CSU must collaborate with the CSU Council on Ethnic Studies (Council) and the Academic Senate of the CSU in order to develop core competencies to be achieved by students who complete an ethnic studies course, as specified. It further requires the Council and the CSU Academic Senate to approve the core competencies before commencement of the 2021–2022 academic year.
- 3) Requires that beginning with students graduating in the 2024–2025 AY, the CSU must require, as an undergraduate graduation requirement, the completion of, at minimum, one three-unit course in ethnic studies.
- 4) Provides that the CSU is prohibited from increasing the number of units required to graduate from the CSU with a baccalaureate degree by the enforcement of this requirement.

- 5) Stipulates that this graduation requirement must not apply to a post-baccalaureate student who is enrolled in a baccalaureate degree program at the university if the student has satisfied either of the following:
 - a) The student has earned a baccalaureate degree from an institution accredited by a regional accrediting agency; and,
 - b) The student has completed an ethnic studies course at a postsecondary educational institution accredited by a regional accrediting agency. (EC § 89032)

ANALYSIS

This bill:

- 1) Requires the CSU to collaborate with the CSU and CCC Academic Senate, the CCC Academic Senate, and the CSU and CCC Councils on Ethnic Studies to ensure the development of a process on or before December 31, 2024, for eligible CCC ethnic studies courses to meet the requirements of an ethnic studies course, prescribed in current law for CSU, for students who transfer from the CCC to the CSU.
- 2) Provides that, for purposes of the process developed, all of the following apply:
 - a) Representation from CSU faculty by an equal number of members from each of the four ethnic studies disciplines, as determined by the CSU Council on Ethnic Studies, to develop the process for approving Area F general education (GE) requirements for ethnic studies.
 - b) That the final decision on whether a community college course satisfies the CSU Area F GE requirement for ethnic studies be made by the CSU Council on Ethnic Studies.
 - c) CSU collaboration with the CSU and CCC Council on Ethnic Studies, and the CSU and CCC the Academic Senates to facilitate training for ethnic studies Area F reviewers to ensure that the appropriate laws, policies, and procedures governing the curriculum for the CCC are adhered to during the CSU General Education Breadth ethnic studies Area F review process.
 - d) That the review process be well-structured with appropriate guidelines, timelines, and qualified reviews in each of the four ethnic studies disciplines, as determined by the CSU and CCC Council on Ethnic Studies.
- 3) Suspends the review of proposed community college courses for Area F GE requirements for ethnic studies that is scheduled to take place in December 2023 for purposes of the CSU General Education Breadth submission cycle for the 2024-25 academic year.

- 4) Provides that a community college course that has been approved for the CSU ethnic studies requirements as of December 1, 2023, no longer satisfies those requirements on and after August 1, 2025, unless the course is approved under the process developed pursuant to the bill.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “AB 1460 (Weber), signed by the Governor in 2020, requires California State University (CSU) students to complete an ethnic studies course as a requirement for graduation beginning with the Class of 2024-25. With over 90% of students who transfer to the CSU coming from the California Community Colleges (CCC), it is important for CCC courses to have transferability to the CSU. If CCC students are not able to take an approved course, their plan to transfer to a CSU will be delayed. According to the CSU, the approval rate of CCC ethnic studies courses as of September 2022 is 47%. Community College Districts have expressed concerns regarding the lack of clarity in the criteria for approval as well as the high rejection rate. This bill requires the CSU Chancellor’s office to consult with CSU and CCC academic senates and CSU and CCC ethnic studies councils regarding the Area F approval process to increase.”
- 2) **Impact on CCC students.** Since the enactment of AB 1460 (Weber, Chapter 32, Statutes 2020), CSU has granted transfer approval to approximately 675 community college courses for the CSU ethnic studies requirements. A CCC student who has successfully completed one of the approved courses can apply those credits toward the requirement upon transferring to the CSU. Transferability of credits aims to facilitate a smoother transition into CSU and upper-division coursework. This bill attempts to disqualify the already approved courses, meaning those credits can no longer be applied toward the graduation requirement at CSU. As drafted, this bill would apply to students who are currently enrolled as well as students who have successfully completed an approved course. Implementation of this bill’s provisions could result in the loss of applicable credits for graduation.

Is it appropriate to disqualify courses from fulfilling graduation requirements for students who have already completed those courses?

To ensure students who have already earned credits in the approved courses are held harmless from the implementation of EC§ 89032.5 (c)(2) in the bill, **staff recommends that the bill be amended as follows:**

89032.5 (c) (1) For purposes of the California State University General Education Breadth submission cycle for the 2024–25 academic year, the review of proposed community college courses for Area F general education requirements for ethnic studies that is scheduled to take place in December 2023 shall be suspended. The review shall recommence once the new process is developed pursuant to subdivision (a) on or before December 31, 2024.

(2) A community college course which has been approved for the California State University Area F general education requirements for ethnic studies as of December 1, 2023, shall no longer satisfy the requirements of an ethnic studies course provided pursuant to Section 89032 on and after August 1, 2025, unless the course is approved under the process developed pursuant to subdivision (a).

(i) Students who have successfully completed an ethnic studies course prior to August 1, 2025 shall not be required to take another course to meet the Area F general education requirement.

- 3) **Impact on singular transfer pathway agreement.** Current law, enacted by AB 928 (Berman, Chapter 566, Statutes of 2021), required, by May 31, 2023, the Intersegmental Committee of the Academic Senates of the University of California (UC), the CSU, and the CCCs to establish a singular lower division GE pathway that meets the academic eligibility requirements necessary for transfer admission to the CSU and UC (one single set of lower-division GE certification and transfer admission). In order to satisfy these requirements, the Academic Senates of the CCC, the CSU, and the UC endorsed the creation of the California General Education Transfer Curriculum (Cal-GETC), a modified version of the Intersegmental General Education Transfer Curriculum (IGETC). The intersegmental council of academic senates developed the Cal-GETC in 2022 and approved an initial structure in the spring of 2023. The use of the Cal-GETC transfer pathway is intended to begin in the fall of 2025 for the 2025-26 academic year. Under Cal-GETC, every student will be designated simply as having achieved, or not having achieved, Cal-GETC, certification irrespective of their transfer destination. Current law requires that the agreed-upon singular GE pathway (i.e., Cal-GETC) be the only lower division GE pathway used to determine academic eligibility and sufficient academic preparation for transfer admission to CSU and UC. As it relates to this bill, the Cal-GETC course pattern includes satisfaction of Area 6 Ethnic Studies. Under the agreement, a course meeting the CSU Ethnic Studies Core Competencies requirement will be deemed to have met the UC Ethnic Studies Course Competencies requirement. Similarly, a course meeting the UC Ethnic Studies Core Competencies requirement will be deemed to have met the CSU Ethnic Studies Core Competencies requirement. It is unclear whether the implementation of this bill's provisions to reopen the ethnic studies course approval process without UC involvement would trigger a re-evaluation of the Cal-GETC agreement on ethnic studies.
- 4) **CSU's Ethnic Studies requirement.** Current law enacted by AB 1460 (Weber, Chapter 32, Statutes of 2021) requires the CSU to require, as an undergraduate graduation requirement commencing with students graduating in the 2024-25 academic year, the completion of a course in ethnic studies. It further required that the CSU collaborate with the CSU Council on Ethnic Studies and the CSU Academic Senate in order to develop core competencies to be achieved by students who complete an ethnic studies course. The CSU Academic Senate adopted those core competencies in November 2020.

- 5) **CCC course approval rate.** As noted in the Assembly Higher Education Committee analysis, in late 2020, the CSU Chancellor's Office started the first round of review of courses submitted by CCCs for approval for the 2021-2022 academic year. The submitted CCC courses must include three of the five core competencies adopted by the CSU Academic Senate. Core competencies reflect the knowledge expected to be achieved by students who complete an ethnic studies course.

According to the CSU Chancellor's Office, the table below shows the final numbers on Area F (of which ethnic studies falls) course approvals. These courses are referred to as Area F in GE. The summary chart below shows the total CCC course approval numbers for the GE cycle ending on September 30, 2022. The data shows that 47% of the courses were deemed to meet the requirements needed for approval, pursuant to existing law established by AB 1460 (Weber, Chapter 32, Statutes of 2020), and 53 percent were rejected.

**All Area F Proposals for 2022-2023
AY**

Area F Courses	Count	%
Approved	323	47%
Denied	370	53%
Grand Total	693	100%

- 6) **Demand for a more inclusive process.** Although CSU faculty have been involved in the decision-making process in the review and approval of CCC ethnic studies courses, concerns have been raised that faculty who have expertise in the area of ethnic studies were excluded from the process and believe that the end result falls short of AB 1460 requirements. According to the author, CCCs throughout the state have expressed many concerns, including high rejection rates, a lack of clarity on what needs to be in the courses in order to gain approval, a lack of clarity on whether the proposed courses must include core competencies word for word, and inconsistencies in approvals by reviewers. This bill requires that reviewers undergo training to ensure that the appropriate laws, policies, and procedures governing the curriculum for the CCCs are adhered to during the review process; which laws, policies, or governing procedures are to be included within the training is not specified in the bill. The committee may wish to consider whether issues related to course review and approval can be effectively addressed without requiring legislative intervention.
- 7) **Need for an intersegmental coordinating body.** The Master Plan for Higher Education outlines the missions of the CCC, CSU, and UC. However, in recent years, the Legislature has pushed those boundaries by allowing CCCs to offer baccalaureate programs and several doctoral programs at CSU. At the same time, in an effort to streamline transfer pathways for students, legislation has forced collaboration between the segments. Additionally, there has been an influx of legislation to address workforce shortages in creative ways within higher education. It seems likely that the Legislature will see other proposals in future years to expand the institutional mission, mandate the offering of specific

programs of study, or intervene in matters to resolve intersegmental conflict resulting from overlapping missions or consolidating transfer pathways. These types of programmatic changes are being taken up in a piecemeal way with no comprehensive plan for future growth for, or expectations of, higher education in California; if this trend persists, it could result in an uncoordinated and fragmented system of higher education. Prior to its demise, the role of the California Postsecondary Education Commission (CPEC) included program review to coordinate the long-range planning of the state's public higher education systems as a means to ensure that the segments were working together to carry out their individual missions while serving the state's long-range workforce and economic needs. In the wake of CPEC's closure, the Legislative Analyst's Office (LAO) cautioned in its 2012 higher education oversight report that no office or committee has the resources to devote to reviewing degree programs to identify long-term costs, alignment with state needs and institutional missions, duplication, and priority relative to other demands. The committee may wish to consider whether establishing a higher education coordinating entity is necessary to coordinate successful collaboration and guide the state's higher education agenda. A CPEC-like entity could facilitate the review of new degree programs, make recommendations on proposals that push mission boundaries, monitor student access, improve coordination among the public segments, and ensure alignment of degrees and credentials with economic and workforce development needs.

- 8) **Arguments in opposition.** The CSU argues, in part, in their opposition letter, "In 2020 Assembly Member Shirley Weber authored AB 1460, which requires all CSU students who graduate beginning in the 2024-25 academic year to complete an ethnic studies course. The statute directed the CSU to work with the CSU Council on Ethnic Studies and the CSU Academic Senate to develop core competencies to ensure that courses include academic content and substance. As a general education (GE) requirement, all ethnic studies courses which seek to meet this requirement must undergo a GE review process and meet the competencies required in AB 1460. This includes community college courses offered to students who plan to transfer and wish to fulfill this GE requirement at their community college.

Since AB 1460 was signed into law, the CSU has worked collaboratively to approve nearly 650 community college ethnic studies courses which satisfy this requirement. All reviewers are Ethnic Studies faculty. Students have been taking approved courses since the fall of 2021, and CSU is on target to ensure that our graduates fulfill this requirement by 2024-25. The University of California recently implemented its own ethnic studies GE requirement and has worked successfully with CSU to ensure alignment in community college course transfer approval.

Despite the collective progress achieved by community colleges, CSU, and University of California (UC), AB 506 seeks to create a new approval process between community colleges and CSU for ethnic studies courses only three years after CSU's requirement was signed into law. In doing so, it proposes to suspend the current approval process for one year and states that courses approved through 2023 no longer satisfy the requirement. This will be disruptive to students, faculty, and staff at public postsecondary segments."

- 9) **Arguments in support.** According to the letter of support submitted to the committee from the sponsors of the bill, California Community Colleges Ethnic Studies Faculty Council, “The initial goal of AB1460 is to ensure that all students complete an Ethnic Studies course in preparation for their holistic development, sense of belonging and full participation in all aspects of humanity and its global communities. Ethnic Studies disciplines provide an alternative intellectual approach grounded in holistic and culturally centered worldviews where students gain emancipatory and liberatory learning experiences that empower them to become agents of their own learning. This provides an understanding of the origin and persistence of knowledge gaps that cultivate the agency students need to transcend these gaps.

The courses fulfilling this Ethnic Studies requirement must include introductory or integrative baccalaureate-level courses in the Ethnic Studies autonomous disciplines of Black/African American/Africana Studies, American Indian/Native American Studies, Chicano/a/x and Latino/a/x Studies, and Asian American Studies.

It is therefore essential that the review process include Ethnic Studies discipline faculty to ensure appropriate courses are available for students to complete the CSU Area F general education, graduation and transfer requirement. This will correct and eliminate fifty plus years of Institutional Centered Compromise and Colonization (ICCC) within American higher education.”

10) **Prior legislation**

AB 928 (Berman, Chapter 566, Statutes of 2021), required, among other things, that the CSU and UC jointly establish a singular lower division GE pathway for transfer admission into both segments at CCCs.

AB 1460 (Weber, Chapter 32, Statutes of 2020) requires the CSU, commencing with the 2021-22 academic year, to (1) provide courses in ethnic studies at each of its campuses; and (2) require, as an undergraduate graduation requirement commencing with students graduating in the 2024-25 academic year, the completion of, at minimum, one three-unit course in ethnic studies.

SUPPORT

California Association for Bilingual Education
 California Community College Ethnic Studies Faculty Council
 California Faculty Association
 Campaign for College Opportunity
 Hispanas Organized for Political Equality
 Los Angeles College Faculty Guild, Local 1521
 Pasadena Area Community College District
 San Diego Community College District

OPPOSITION

American Jewish Committee
California State University, Office of the Chancellor
StandWithUS

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 811	Hearing Date:	July 12, 2023
Author:	Mike Fong		
Version:	July 3, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Seymour-Campbell Student Success Act of 2012: repeating credit courses

SUMMARY

This bill requires the governing boards of each community college district to establish policies permitting students to retake a course up to *five times*, if the student received a substandard grade and to retake specified courses up to *three times* even if the student received a satisfactory grade. It further requires colleges after the third failed attempt to provide timely academic advising and notification to students whether the decision to repeat the credit course will affect their financial aid eligibility.

BACKGROUND

Existing law:

Federal law

- 1) Establishes the federal financial aid system for the purpose of assisting eligible students to access institutions of higher education by providing Federal Pell Grants, supplemental educational opportunity grants, payments to States to assist them in providing financial aid to students, special programs and projects to benefit qualified youth with financial or cultural needs; and providing assistance to institutions of higher education. (20 U.S.C. Sec. 1070 et seq.)

State law

- 2) Establishes the California Community College (CCC) under the administration of the Board of Governors (BOG) of the CCC, as one of the segments of public postsecondary education in California. The CCC shall be comprised of community college districts. (Education Code (EC) § 70900)
- 3) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. Permits districts to establish policies for and the approval of courses of instruction and educational programs. (EC § 70902)
- 4) Requires, among other things, for a community college district to offer access to tutoring, support-enhanced transfer-level mathematics and English courses, concurrent low-unit credit or similar contact hour noncredit corequisite

coursework for transfer-level mathematics and English, or other academic supports. Permits, but does not require, a community college to enroll students in additional concurrent supports if it is determined the support will increase the student's likelihood of passing the transfer-level English or mathematics course. Clarifies nothing in this provision is meant to be construed as limiting a student's access to additional concurrent supports nor does it imply a student will be required to enroll in additional concurrent supports. (EC § 78213 subdivision (k))

ANALYSIS

This bill:

For students that have failed a course

- 1) Requires the governing board of each community college district to establish policies for the repetition of community college credit courses offered in the district and requires that the policies be consistent with regulations established by the CCC BOG, describe the procedures for the repetition of credit courses, and include, but not be limited to, all of the following:
 - a) Authorization for a student to repeat up to, but not exceeding, *five times*, a credit course for which the student previously received a grade indicating *substandard academic* work and requires if the repeated course is a transfer-level mathematics or English course as specified, that the policies require a CCC to provide the student with concurrent supports available to students as prescribed in current law after the first unsuccessful attempt of the transfer-level mathematics or English course.
 - b) Before authorizing a student to repeat a course after the third attempt, the policies must require a CCC to do all of the following:
 - i) Provide the student with a timely academic advising appointment and refer the student to support services offered by the CCC for academic support.
 - ii) Identify emergency student financial assistance to help the student overcome unforeseen financial challenges that would directly impact the student's ability to persist in the student's course of study.
 - iii) Maximize available resources to address the student's basic needs, through the provision of basic needs services and resources, as defined by current law.
 - c) Authorization for a student to repeat, up to, but not exceeding, three times, a credit course in arts, humanities, kinesiology, foreign languages, and English as a second language, for which the student previously received a satisfactory grade and which the student is retaking for enrichment or skill-building purposes.

- d) A requirement that a CCC inform students who repeat a credit course whether the decision to repeat the credit course will impact the student's financial aid qualifications and requires that the notification be provided to the student at least once through a communication method as specified. The bill requires that the notification include all of the following information:
 - i) Clear guidance per the Federal Student Aid Handbook in plain language on how the repetition of coursework would impact the student's eligibility for federal financial aid, including how many times the student can repeat a course, whether the course counts towards the student's six-year lifetime eligibility, and if a repeated course accounts towards the student's enrollment status.
 - ii) Clear guidance per the Cal Grant handbook in plain language on how the repetition of coursework would impact the student's four-year eligibility for state financial aid, including Cal Grants.
 - iii) Information on how repeating a course can interact with the College's satisfactory academic policies for both the quantitative, as determined by pace, and qualitative, as determined by grade, standards.
 - e) A requirement that a CCC provide priority registration for credit courses to students who require the course for their intended major and to students who have taken the course.
- 2) Requires a CCC to submit an annual report on or before July 1, 2025, to the CCCCO on the specified information for students receiving substandard grades and requires that the report be submitted to the Legislature.

For students that have passed a course

- 3) Requires the governing board of each community college district to establish policies for the repetition of credit courses offered by the community colleges in the district and requires that the policies be consistent with the regulations adopted by the CCC BOG for the repetition of credit courses, describe the procedures for the repetition of credit courses, and include, but not be limited to, all of the following:
- a) Authorization for a student to repeat, up to, but not exceeding, three times, a credit course in arts, humanities, kinesiology, foreign languages, and English as a second language, for which the student previously received a satisfactory grade and which the student is retaking for enrichment or skill-building purposes.
 - b) A requirement that a CCC inform a student who repeats a credit course whether the decision to repeat the credit course will impact the student's federal financial qualifications.

- c) A requirement that a CCC provide priority registration for credit courses to students who require the course for their intended major and to students who have not taken the course.

Miscellaneous

- 4) Requires the CCC BOG to adopt regulations regarding the policies for the repetition of credit courses, for students receiving a substandard grade and for students receiving satisfactory grades that are consistent with the local requirements established pursuant to the bill for the repetition of credit courses thereby ensuring that local policies and state regulations are consistent with each other.
- 5) Defines various terms for purposes of the bill, including:
 - a) “Satisfactory grade” to mean that for the course in question, the student’s academic record has been annotated with the symbol “A,” “B,” “C,” or “P.”
 - b) “Substandard academic work” to mean coursework for which the grading symbols “D,” “F,” “FW,” or “NP” have been recorded.
- 6) States that it is the intent of the Legislature that nothing in the bill be interpreted to subvert the implementation of existing course placement policies that require community colleges to maximize the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe of their initial attempt in the discipline.
- 7) Sunsets the bill’s provisions on July 1, 2029.

STAFF COMMENTS

- 1) **Need for the bill.** The author further asserts, “AB 811 lifts the cap on the number of times a CCC student may retake a course, whether because they had hardships and failed a class or because they are taking a class for enrichment or professional development purposes. The bill has guardrails to ensure that students who have failed or dropped a course three times are offered academic and financial support. Currently, no data exists on the number of students repeating a course and the types of courses that are repeated. This bill, with a five-year sunset, will provide data to help identify and develop future policies to assist students in successfully completing a course the first time. With an enrollment decline of almost 20% over the last few years, allowing students to retake a dance or language class multiple times could help bring students back to the community colleges.”
- 2) **Students can currently retake courses.** The general rule is that district policy may not permit a student to enroll again in a credit course if the student received a passing grade on the previous enrollment. However, there are exceptions to this rule. According to the CCCCO credit course repetition guidelines, community college districts may offer flexibility in credit course repetition rules for students

receiving a satisfactory grade, including when there has been a change in industry or licensure standards, a significant lapse of time, or to accommodate students impacted by extraordinary conditions. Different rules apply for students who fail a course; CCC districts may permit the student to enroll in the course again. Further, for courses that are not designated as repeatable, district policy may permit students to enroll in the course up to three times or until a student receives a satisfactory grade in that course, whichever comes first. Thereafter, district policy may permit a student to file a petition requiring them to enroll a fourth time in the course to alleviate substandard work. *The committee may wish to consider whether this bill is necessary given that existing regulations seem to strike an appropriate balance between credit course repeatability when necessary and ensuring students make progress toward achieving educational and academic goals.*

- 3) **Other solutions?** The legislature has invested and enacted significant reforms to support course completion, reduce time to degree and ensure CCC student make progress toward their degree. This includes the establishment of the Success Completion Grant program to, restructuring academic support strategies through implementing concurrent support courses, and implementation of policies that push colleges to maximize the probability that a student could complete transfer-level English and math course work within a one-year timeframe (AB 1705 Irwin, Chapter 926, Statutes of 2022). The bill attempts to recognize these efforts by requiring intervention after the first unsuccessful attempt of the transfer-level mathematics or English course and after the third attempt in other courses. However, it is unclear how students benefit from expanding the number of allowable attempts to five or whether it is necessary.

Would a better solution for community colleges be to establish a uniform policy that aligns with the guidance issued by the CCCCCO (up to three attempts) and streamline how students file a petition requesting to enroll a fourth time?

Should the recently enacted student success and completion policies reach full implementation prior to expanding the number of unsuccessful attempts allowable for one course?

- 4) **Excessive credits impacts financial aid eligibility.** Accumulating too many credits may have a negative impact on financial aid eligibility. According to guidance issued by the CCCCCO on course repetition, under certain circumstances, repetition of the same course in which the student previously received a satisfactory grade can affect a student's eligibility for federal financial aid. Federal regulations define a full-time student as "an enrolled student who is carrying a full-time academic workload, as determined by the institution, under a standard applicable to all students enrolled in a particular educational program. However, the repetition of any coursework more than once in a previously passed course or any repetition of a previously passed course cannot count towards a student's full-time status. In addition, federal and state aid programs require students to meet satisfactory academic progress standards in order to remain eligible. The pace of completion is a factor in achieving SAP and maintaining eligibility for both state and federal student aid. Students must progress through their program to ensure that they will graduate within the

maximum timeframe, measured by the percentage of classes successfully completed rather than the timeframe in which courses are taken. A student becomes ineligible when they exceed 150 percent of the published length of the academic program, meaning if a degree program has a published length of 120 credits, the maximum time requirement sets a limit to the number of credit hours a student may attempt before earning their degree. Retaking a course for which credits have already been earned will count towards the maximum limit. This bill makes it easier for a student who has successfully completed a course to retake it up to three times. It further requires that a CCC inform a student who repeats a credit course whether that decision will impact the student's federal financial qualifications. Staff notes that federal regulations provide flexibility for credits attempted but not completed due to the COVID-19 national emergency.

Should legislation require local governing boards to establish a policy allowing students to repeat a credit course three times instead of relying on the existing appeals process, considering the impact of excess credits on federal and state financial aid eligibility?

In order to soften the impact of the over accumulation of credits **staff recommends that the bill be amended** to reduce the number of attempts a student is authorized to repeat from 3 to 2 in EC § 78213.3 (a)(1) of the bill as follows:

Authorization for a student to repeat, up to, but not exceeding, ~~three~~ **two** times, a credit course in arts, humanities, kinesiology, foreign languages, and English as a second language, for which the student previously received a satisfactory grade and which the student is retaking for enrichment or skill-building purposes.

- 5) **Fiscal impact.** According to the Assembly Appropriations Committee analysis under this bill, these students would be eligible for state apportionment funding and would generate full-time student apportionments for their fourth and fifth enrollment as follows:

- a) Ongoing Proposition 98 General Fund, likely of at least \$10 million annually, for apportionments for students who may retake a course several times as a result of this bill.

For enrichment and skills building courses, costs of between \$5 million and \$10 million annually. According to the CCC Chancellor's Office, of the 341,992 students who began at a CCC in fall of 2014, 9,760 students repeated enrichment courses at least twice or more over a seven-year period. Under this bill, these students would be eligible for state apportionment funding and would generate the equivalency of 1,952 full-time student apportionments. For the 2023-24 academic year, the Governor proposes an apportionment funding rate for credit courses of \$5,234 for each full-time student. Therefore, total apportionment costs would be \$10 million. If CCCs receive apportionment for only one additional course retake, total costs for apportionments would be \$5 million.

For-credit courses for which a student received a substandard grade, costs of between \$6 million and \$12 million annually, though likely higher. According to the CCC Chancellor's Office, of the 341,992 students who began at a CCC in fall of 2014, 11,819 students repeated the same English or math course three times over a seven-year period. Under this bill, these students would be eligible for state apportionment funding and would generate the equivalency of 2,364 full-time student apportionments for their fourth and fifth enrollment. For the 2023-24 academic year, the Governor proposes an apportionment funding rate for credit courses of \$5,234 for each full-time student. Therefore, total apportionment costs would be \$12 million. If CCCs receive apportionment for only one additional course retake, total costs for apportionments would be \$6 million. This estimate, however, applies only to courses taken in mathematics and English, so costs would likely be more.

- 6) **Arguments in opposition.** A coalition of equity and student success organization in their letter of support submitted to committee argue, in part, "AB 811 stands to undue the evidence-based policy and success achieved by AB 705 (Irwin, 2017) and AB 1705 (Irwin, 2022). AB 811 would require colleges to create policies that increase the number of times they allow students to repeat the same credit course to no less than five times—two and a half years—for a course that a student has failed and no less than three times for an English as a Second Language (ESL) course a student has already successfully completed.

By allowing colleges to draw down apportionment for each of the five times—two and a half years—a student repeats (and fails) a course, AB 811 will create a powerful, ongoing, monetary incentive for colleges to invest in policies that conflict with the evidence-based, one-year standard, established by AB 705 (Irwin, 2017) and AB 1705 (Irwin, 2022). However, there is no research or data which demonstrates that allowing a student to repeat (and fail) the same class for two and half years will increase student success.

In contrast, the available research and data indicates that investing in policies that support completion of transfer-level gateway English and math courses within one year gives students the greatest chance at achieving their academic goals. As such, AB 705 (Irwin, 2017) and AB 1705 (Irwin, 2022) created a transformational standard that requires colleges to maximize a student's chances of completing their gateway transfer-level English and mathematics courses within one year and maximize an ESL student's completion of transfer-level English within three years. It also placed an emphasis on the evidence-based benefit of giving students concurrent support rather than repetition.

The one-year standard established in AB 705 (Irwin, 2017) and AB 1705 (Irwin, 2022) has resulted in enormously successful outcomes for the 80% of Community College students who intend to transfer to a four year university. 4 Ten years ago, only 25% of community college students were able to access and complete a transfer-level math course within one year. By 2021, the percentage of community college students who completed transfer-level math within one year, more than doubled to 54%. Similarly, ten years ago, only 46% of students

were able to successfully complete a transfer-level English course within one year. By 2021, 66% percent of students were able to complete transfer-level English within one year.

Increasing the number of times a student can repeat (and fail) a course to no less than two and one half years will create a loophole around colleges' obligation to maximize completion of transfer-level English and math within one-year and wind back the success of AB 705 (Irwin, 2017) and AB 1705 (Irwin, 2022)."

- 7) **Arguments in support.** As stated by the California Teachers Federation, "these repeatability restrictions exacerbate the opportunity gap for students by limiting access for those students who would benefit from repeating courses for enrichment or to build job skills, leading to better job opportunities, improved wages, and improved quality of life. In many cases, arts, athletics, shop, and other vocational programs have been restricted or eliminated in middle schools and high schools resulting in students who have had little or no practice or training in these subjects and CCC courses are the first time these students have adequate and consistent exposure to these opportunities. Expanded repeatability options provide students who are not concerned necessarily with transferring to another institution with more practice, and more engagement in their community to hone their skills and enjoy a life-long learning benefit by the community college system."

"Additionally, restrictions were placed on 'course repetition' rules as well. Course repetition rules restricted the number of attempts a student can try to complete a course to no more than three attempts. This means students that are not successful in completing a course in three attempts for whatever reason – illness, pregnancy, getting a new job or having the hours of their job change, struggling with the subject matter material, change in schedule or any other of the limitless life circumstances – are prohibited from taking that course again at any college in the entire district. Thus, students currently are required to seek arduous waivers for one more chance, or travel into a new college district to try again."

"These course repetition restrictions place inequitable barriers to access to community college courses for many students. While every effort should be made to ensure students are successful the very first time they attempt a course, the policy"

SUPPORT

Antelope Valley Community College District
 California School Employees Association
 Contra Costa Community College District
 Faculty Association of California Community Colleges
 Los Angeles College Faculty Guild, Local 1521
 Palo Verde Community College District
 Peralta Community College District
 San Bernardino Community College District
 Student Senate for California Community Colleges

OPPOSITION

Alliance for A Better Community
California Acceleration Project
Campaign for College Opportunity
Community Coalition
Dolores Huerta Foundation
Just Equations
Kid City Hope Place
Promesa Boyle Heights
Public Advocates
Southern California College Attainment Network
The Education Trust - West
The Institute for College Access and Success
uAspire
United Way of Greater Los Angeles
University of California Student Association
Young Invincibles

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1096	Hearing Date:	July 12, 2023
Author:	Mike Fong		
Version:	July 3, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Olgalilia Ramirez		

Subject: Educational instruction: language of instruction.

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

SUMMARY

This bill authorizes a community college to offer courses taught in languages other than English without requiring students who enroll in those courses to concurrently enroll in an English as a Second Language (ESL) course.

BACKGROUND

Existing law:

- 1) Establishes English as the basic language of instruction in all schools. Permits the governing board of a school district and community college, and any private school the ability to determine when and under what circumstances instruction may be given bilingually. Establishes it is the policy of the state to ensure the mastery of English by all pupils in all schools provided that bilingual instruction is offered in those situations when the instruction is educationally advantageous to pupils. Authorizes bilingual instruction to the extent that it does not interfere with the systemic, sequential, and regular instruction of all pupils in the English language. Students who have become proficient in another world language other than English and are also proficient in English may receive instruction in classes conducted in the world language. Defines bilingual education as a system of instruction that builds upon the English language skills of a student whose primary language is neither English nor derived from English. (Education Code (EC) § 30 and 30.5)
- 2) Establishes the California Community College (CCC) under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in California. The CCC shall be comprised of community college districts. (EC § 70900)
- 3) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. Permits districts to establish policies for and the approval of courses of instruction and educational programs. (EC § 70902)

- 4) Each community college collects student information to facilitate placement in English courses through the assessment process, including placement into English as a Second Language. Current law requires community colleges to maximize the probability that a student will enter and complete transfer-level coursework in English with a one-year timeframe within their initial attempt. In order to achieve these goal community colleges must use multiple evidence-based measures for placing students into English, English as a second language, and math coursework. For those students placed into credit ESL coursework, their placement should maximize the probability that they will complete degree and transfer requirements in English within three years of their initial attempt. In so doing colleges may require students to enroll in additional concurrent support including language support for ESL students, during the same term that they take a transfer-level English, English as a Second Language or math course if it is determined that the support will increase the students likelihood of passing the transfer-level English or math course. Programs without math or English requirements are exempt from the requirement that a student complete transfer level English within the timeframe described. Current law further requires all United States high school graduates, ad those who have received a high school equivalency certificate regardless of background or special population status, who plan to pursue a certificate, degree, or transfer program offered by the California community colleges, be placed directly into, and when beginning coursework in English or math, enrolled in transfer-level English and math course. Student enrolled in noncredit ESL courses who have not graduated from a United States high school or been issued a high school equivalency certificate are exempt from transfer-level placement and enrollment into English coursework.

ANALYSIS

This bill:

- 1) Authorizes a community college to offer courses taught in languages other than English and allows students to enroll in these courses without being required to concurrently enroll in an ESL course.
- 2) Provides that the bill is to be construed to prohibit a community college student from enrolling in an ESL course or preclude a community college from complying with student equity plan requirements relating to students right to access transfer-level coursework and academic credit ESL coursework.

STAFF COMMENTS

- 1) **Need for the bill.** As disseminated by the author, "there are many benefits to allowing students to take classes in native languages. Monolingual students would be able to earn credits necessary for employment or to maintain employment. English speakers would be able to learn a second language for jobs seeking bilingual speakers. Currently, a California Community College (CCC) may provide instruction in a language other than English, but students taking those classes are required to concurrently enroll in ESL classes. AB 1096 (M. Fong) clarifies that a CCC may offer classes in a language other than English

without requiring students to also enroll in an ESL class, which will result in better-trained individuals serving their local communities and increased enrollment at the CCCs."

- 2) **Dual language immersion and biliteracy goal in K-12 Education.** Proposition 58, placed on the ballot by the state Legislature, was approved by voters in 2016, took effect in 2017. Proposition 58 removed restrictions on bilingual programs established under Proposition 227 and allowed schools to teach their English learners in a language other than English through a variety of language acquisition programs. With passage of Proposition 58, demand for dual language immersion and other bilingual programs increased within K-12 education. The goal of dual-language immersion programs is to achieve language proficiency and academic success in students' first and second languages, along with cross-cultural understanding amongst students. Instruction in all subjects is provided in both languages, typically starting with smaller proportions of instruction in English and gradually moving to half in each language. A growing body of research has found dual immersion programs to be effective models for enhancing outcomes for English learners. As cited in the California Department of Education's 2020 report, *Improving Education for Multilingual and English Learner Students: Research to Practice*, English learners who participate in bilingual education programs, particularly dual immersion programs, surpass the academic achievement of English-only program participants by the time they reach high school. It is the state's goal within secondary education to ensure that English learners acquire full proficiency in English as rapidly and effectively as possible, attain parity with native English speakers, and achieve the same rigorous grade-level academic standards that are expected of all students. The purpose of this bill appears to take a different approach to postsecondary education for non-English speakers, where first and second language proficiency are not the primary focus, but rather a monolingual method is used to achieve academic or skill attainment goals. In other ways, providing instruction in a student's home language is consistent with some of the practices found in dual immersion programs.
- 3) **CCC ESL placement policy.** Current law requires community colleges to place and enroll students who are planning to pursue a *certificate, degree, or transfer* program directly into transfer level English. As noted below, many colleges have created transfer-level English ESL courses to comply with these provisions. A community college may require students to enroll in additional concurrent support, including additional language support for ESL students, during the same term that they take a transfer-level English or math course. Support can include a concurrent low-unit credit course. To note, direct placement and enrollment policies do not impact all students. Exempt groups include, but are not limited to, students in a certificate program without English or math requirements, students who have not graduated from a U.S. high school or completed a high school equivalency certificate, including English learners enrolled in a noncredit ESL course, and adult education students. This bill specifies that a student enrolled in a course taught in a language other than English can take that course without being required to concurrently enroll in an ESL course. The ESL course referenced in this bill is not specific to a particular course, such as non-credit ESL, credit ESL, transfer-level ESL, or a low-unit ESL support course.

- 4) **Casts a wide net.** English as a Second Language classes support non-native English speakers in developing language skills and achieving academic goals, including transfer to a four-year university. Arguably, taking an English language development course is unnecessary if English proficiency or communication are not essential for skill development or necessary for employment. However, this bill does not specify which courses are covered by its requirements. This bill's broad provisions could include students whose major, certificate, degree, or educational goal requires English proficiency. According to the November 2022 report on *English as a Second Language in California Community Colleges* by the Public Policy Institute of California, "a growing number of colleges are offering a transfer-level English ESL-equivalent course designed for multilingual speakers, or ESL concurrent support for transfer-level English. So far, success rates in those courses are higher than rates in traditional transfer-level English offered in English departments; they are above 70 percent regardless of race or ethnicity, gender, or age. These findings suggest that colleges should continue to expand access to and support in college composition for ELs." Although this study is focused on ESL courses for college composition taught in English, as drafted, it is unclear how the provisions in this bill would impact a college's ability to enroll a student in additional concurrent support when taking transfer-level English. This bill was recently amended to clarify that the provisions of the bill do not prohibit students on their own from accessing ESL courses. The bill additionally clarifies that nothing in the bill precludes a community college from complying with requirements that require colleges to inform students of their rights to access transfer-level coursework and academic credit ESL coursework and of the multiple-measures placement policies developed by the community college, as specified.
- 5) **Transfer and degree limitations?** It is uncertain whether the language of instruction would affect the transferability or degree program applicability of college-level courses. If this change has an effect, a student may have to repeat the course, extending the time it takes to get a degree or transfer. Staff is unaware of instances in K-12 dual immersion programs that have impeded a student's ability to progress through the educational pipeline, albeit most dual immersion programs transition to 90 percent of instruction in English during the high school years. The receiving institution determines the transferability of community college credits.

SUPPORT

Los Angeles Community College District (Sponsor)
 Alliance for A Better Community
 Armenian National Committee of America - Western Region
 Asian Americans Advancing Justice-Southern California
 Asian Pacific Islander Trustee and Administrators
 California Association for Bilingual Education
 California Community Colleges Chancellor's Office
 California League of United Latin American Citizens
 California Rural Legal Assistance, Inc.

Cerritos College
Chinatown Service Center
Citrus Community College District
Coast Colleges
College of San Mateo
College of the Desert
College of the Redwoods
Communities in Schools of Los Angeles
El Camino Community College District
Faculty Association of California Community Colleges
Foothill-De Anza Community College District
Gavilan College
Grossmont-Cuyamaca Community College District
Hispanas Organized for Political Equality
Korean American Family Services, Inc.
Legal Aid Foundation of Los Angeles
Long Beach Community College District
Los Angeles College Faculty Guild, Local 1521
Los Angeles Community College District Academic Senate
Los Angeles Pierce College
Los Angeles Southwest College
Los Angeles Unified School District
Loyola Marymount University
Monterey Peninsula College
Mt. San Antonio College
Pasadena Area Community College District
Peralta Federation of Teachers
Puente Learning Center
Rio Hondo College
Riverside City College
San Diego Community College District
San Joaquin Delta College
San Jose-Evergreen Community College District
Southwestern Community College District
The Salvadoran American Leadership and Educational Fund
Unite-LA
West Hills Community College District

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1540	Hearing Date:	July 12, 2023
Author:	Mike Fong		
Version:	June 19, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Postsecondary education: nonresident tuition: exemption.

SUMMARY

This bill authorizes the California Student Aid Commission (Commission) to collect an AB 540 affidavit from a student. It further requires the California State University (CSU) and the California Community Colleges (CCC) and requests the University of California (UC) and independent institutions of higher education to accept an AB 540 affidavit provided by the Commission.

BACKGROUND

Existing law:

- 1) Establishes the Donahoe Higher Education Act, setting forth the mission of the UC, CSU, and CCC; and, defines "independent institutions of higher education" as nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in California and are accredited by an agency recognized by the United States Department of Education (Education Code (EC) Section 66010, et seq.)
- 2) Establishes the Commission for the purpose of administering specified student financial aid programs. (EC § 69510, et seq.)
- 3) Exempts California nonresident students, via AB 540 (Firebaugh, Chapter 814, Statutes of 2001), regardless of citizenship status (also referred to as AB 540 student), from paying nonresident tuition at California public colleges and universities who meet all of the following requirements:
 - a) Satisfied requirements of either (i) or (ii):
 - i) A total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time attendance or attainment of credits at any of the following:
 - (1) California high schools;
 - (2) California high schools established by the State Board of Education;

- (3) California adult schools established by any of the following entities:
 - (a) A county office of education;
 - (b) A unified school district or high school district; and,
 - (c) The Department of Corrections and Rehabilitation.
 - (4) Campuses of the CCC.
 - (5) A combination of those schools set forth in (1) to (4), inclusive.
 - ii) Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.
 - b) Satisfied any of the following:
 - i) Graduation from a California high school or attainment of the equivalent;
 - ii) Attainment of an associate degree from a campus of the CCC; and/or,
 - iii) Fulfillment of the minimum transfer requirements established for UC or CSU for students transferring from a campus of the CCC.
 - c) Stipulates that in the case of a person without lawful immigration status, the student must file an affidavit with the institution of higher education stating that the student has filed an application to legalize the student's immigration status, or will file an application as soon as the student is eligible to do so. (EC § 68130.5)
- 2) Provides that a student who meets the nonresident tuition exemption requirements under EC § 68130.5 or who meets equivalent requirements adopted by the UC is eligible to apply for any financial aid program administered by the state to the full extent permitted by federal law. (EC § 69508.5)
 - 3) Requires the Commission to establish procedures and forms that enable students who are exempt from paying nonresident tuition under § 68130.5, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law. (EC § 69508.5 (b))
 - 4) Provides that a student attending a CCC, CSU, or UC who is exempt from paying nonresident tuition under EC § 68130.5 is eligible to receive a scholarship

derived from non-state funds received, for the purpose of scholarships, by the segment (i.e. CCC, CSU, or UC) at which the student is enrolled. (EC § 66021.7)

ANALYSIS

This bill:

- 1) Requires the CSU and the CCC and requests the UC and independent institutions of higher education to accept an affidavit provided to the Commission as part of the student's financial aid application for purposes of meeting the requirement.
- 2) Requires an institution that receives an affidavit from the Commission to share the affidavit with any departments within the institution that require such an affidavit to ensure that students are not required to submit multiple affidavits.
- 3) Prohibits the institution of higher education from requiring a student to file a separate affidavit and allows the institution of higher education to verify the information provided on the affidavit as the institution deems necessary.
- 4) Allows an institution of higher education to provide an affidavit for students who do not apply for state financial aid to submit for the purposes of complying with affidavit filing requirements established in current law for California Dream Act applicants.
- 5) Defines, for purposes of the bill, "independent institutions of higher education" to have the same meaning as in Section 66010.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "AB 1540 allows the CSAC to collect the AB 540 affidavit with the CADAA form. The CSAC would then forward the AB 540 affidavit to the higher education institution the student plans to enroll. Allowing CSAC to collect the AB 540 affidavit and distribute to the university the student will be attending will help streamline the process and ensure that the student is able to apply for both in-state tuition as well as state financial aid. AB 1540 will remove barriers in the financial aid process and eliminate financial constraints for students, thereby encouraging more students to attend and complete higher education."
- 2) **Simplifies the process for students.** Current law requires students eligible for the exemption from nonresident tuition established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001) and who are without lawful immigration status to file an affidavit with the college stating that the student has filed an application to legalize the student's immigration status or will file an application (a California Dream Act application) upon being eligible to do so. It further extends eligibility to these students to apply for financial aid programs administered by the state and requires the Commission to establish procedures and forms that enable students to participate in financial aid programs. This bill seeks to simplify the process of submitting an application for purposes of qualifying for the exemption for

nonresident tuition with the college and applying for financial aid with the Commission.

- 3) **Commission workgroup on undocumented students.** According to information provided by the author's office, the Commission convened an Undocumented Student Affordability Work Group to identify policy interventions to ensure undocumented students have the resources necessary to afford and succeed in college. A diverse group of experts representing campus practitioners, higher education leaders, immigrant rights advocates, and students tackled the most pressing college affordability issues. This bill is based on one of the recommendations from the work group's report released in March. Specifically, the report noted that undocumented students have to complete multiple applications, including the California Dream Act Application and AB 540 affidavit, that are processed by different entities, which creates extra hurdles and confusion for students and discourages some from seeking additional aid. It was also found that the process for verifying that students are eligible for AB 540 status varies across higher education segments and even between campuses, making it difficult for students to know what is required of them to become exempt from paying nonresident tuition. This is especially challenging for undocumented transfer students, who have to go through this process at each campus they attend. In response to these issues, the report recommends that state policy be enacted to authorize the Commission to embed the AB 540 affidavit into the California Dream Act Application so that students only need to submit a single form through a single entity.

SUPPORT

California Student Aid Commission (Sponsor)
Alliance for A Better Community
Cal State Student Association
California Community Colleges Chancellor's Office
California Faculty Association
Coalition for Humane Immigrant Rights
Faculty Association of California Community Colleges
Go Public Schools
Hispanas Organized for Political Equality
Immigrants Rising
Office of Lieutenant Governor Eleni Kounalakis
Public Advocates
Southern California College Attainment Network
Student Senate for California Community Colleges
The Education Trust - West
The Institute for College Access & Success
uAspire
Unite-LA
University of California Student Association

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 721	Hearing Date:	July 12, 2023
Author:	Valencia		
Version:	May 22, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

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. This bill does not preclude school districts from choosing to continue to provide notice in a newspaper. *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) **Alternative approach.** Opponents of this bill raise concerns that it denies the public effective notice when school districts are adopting their budgets, as “newspaper public notices constitute a forum that is independent of the government” and “there are no standards for the maintenance, appearance, effectiveness or usage of web sites.” Opponents further state that “public notice newspaper advertising is an extension of journalism that protects the authenticity of and access public information.” Rather than immediately ending the practice of placing notices in newspapers, **staff recommends amendments** to do all of the following:
- a) Continue to require posting in newspapers until January 1, 2027;
 - b) Authorize school districts to also post on their websites until January 1, 2027; beginning in 2027, require districts to post online and authorize districts to also post in newspapers;
 - c) Require CDE to select three school districts of various sizes in geographically diverse areas of the state (northern, central, southern; rural, suburban, urban) to annually submit to CDE, until January 1, 2027, information about how the school districts communicate with the school community (how the school community receives or accesses information from the school districts; types of info posted online, how effective online postings are in communicating, info they do not post online but use a different method to communicate), and include recommendations about how the districts can improve communication with the school community; and,
 - d) Require the selected school districts to seek the information in c) from parents of children enrolled in schools of the districts, as well as the larger school community.

The goal of these amendments is to assess whether posting notices of important information and events, such as public discussions of a school district’s proposed budget, on a school district’s website is an effective, accessible, and reliable method of public notice, and how that method may need to be standardized or modified to ensure public notice is not diminished.

- 4) **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.

5) ***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.

6) **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)
Anaheim Elementary School District
Association of California School Administrators
California Association of School Business Officials
California County Superintendents
California School Boards Association
California School Employees Association
Centralia Elementary School District
Kern County Superintendent of Schools Office
Los Angeles County Office of Education
Office of the Riverside County Superintendent of Schools
San Bernardino County Superintendent of Schools

OPPOSITION

California Black Media
California News Publishers Association
Ethnic Media Services

Howard Jarvis Taxpayers Association

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 800	Hearing Date:	July 12, 2023
Author:	Ortega		
Version:	May 18, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Workplace Readiness Week: work permits.

SUMMARY

Designates the week of each year that includes April 28 as "Workplace Readiness Week" and requires all public high schools to annually observe that week by providing information to pupils on their rights as workers, and requires schools to provide students seeking a work permit a document clearly explaining basic labor rights.

BACKGROUND

Existing law

Education Code (EC)

- 1) Designates the month of May as Labor History Month throughout the public schools and encourages school districts to commemorate this month with appropriate educational exercises that make pupils aware of the role the labor movement has played in shaping California and the United States. (EC 51009)
- 2) Provides that specified school district, charter school, and private school officials may issue a minor a work permit if requested by the minor's parent, guardian, foster parent, or caregiver. Any principal issuing a work permit must provide a self-certification that he or she understands the requirements in existing law for issuing a work permit and submit a copy of each work permit he or she issues along with a copy of the application for each work permit to the superintendent of the school district in which the school is located. (EC 49110)
- 3) Specifies that a permit to work may be issued to any minor over the age of 12 years and under the age of 18 years to be employed on a school holiday or during the regular vacation of the school. (EC 49111)
- 4) Authorizes the provision of a work permit to a minor who has completed the equivalent of the 7th grade to work outside of school hours for not more than three hours per day on days when school is in session if the minor is 14 or 15 years of age; four hours per day if the minor is 16 or 17 years of age; or for a minor who is 16 years or older, up to eight hours in any day which is immediately prior to a non-school day. (EC 49112)

- 5) Provides exceptions to the allowable hours of work per day if the minor is 14 or 15 years of age and enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program, and specifies that the minor may be employed for no more than 23 hours per week, any portion of which may be during school hours; or if the minor is 16 or 17 years of age and is employed in personnel attendance occupations as defined, school-approved work experience, or cooperative vocational education programs. (EC 49116)
- 6) Authorizes the school official who has issued the work permit to revoke the permit if evidence is shown that the schoolwork or the health of the minor is being impaired by the employment. (EC 49116)
- 7) Prohibits any person, firm, or corporation from employing any minor under the age of 18 years to work in or in connection with any establishment or occupation without a permit to employ, issued by the proper educational officers in accordance with law. (EC 49160)

ANALYSIS

Designates the week of each year that includes April 28 as "Workplace Readiness Week" and requires all public high schools to annually observe that week by providing information to pupils on their rights as workers, and requires schools to provide students seeking a work permit a document clearly explaining basic labor rights. Specifically, this bill:

Workplace Readiness Week

- 1) States that the intent of the Legislature is that California pupils enter the workforce with a strong understanding of their rights as workers, as well as their explicit rights as employed minors.
- 2) Requires each high school in a local educational agency (LEA) to establish the week of April 28 as "Workplace Readiness Week" and must observe that week by providing information to pupils on their rights as workers, including, but not limited to:
 - a) Local, state, and federal laws regarding each of the following issues:
 - i) Child labor;
 - ii) Wage and hour protections;
 - iii) Worker safety;
 - iv) Workers' compensation;
 - v) Paid sick leave;
 - vi) Prohibitions against retaliation; and

- vii) The right to organize a union in the workplace.
 - b) The labor movement's role in winning the protections and benefits described in i) to vii) above.
 - c) An introduction to state-approved apprenticeship programs in California, how to access them, and how they can provide an alternative career path for those who do not attend college.
- 3) Requires the observance for pupils in grades 11 and 12 to be integrated into the regular school program, consistent with the history-social science framework, and may also include special events after regular school hours. This integration is encouraged, but not required, to occur during Workplace Readiness Week.
 - 4) Requires the State Superintendent of Public Instruction (SPI) to annually send a written notice detailing requirements of Workplace Readiness Week and how teachers may access related instructional materials and other resources to every public high school, including charter schools, at least one month before Workplace Readiness Week.

Student Work Permits

- 5) Requires a verifying authority to issue a document, both digital or physical, before or at the time of receiving the signature of the verifying authority, clearly explaining basic labor rights extended to workers (including, but not limited to, as specified in i) to vii) above) to any minor seeking the signature of a verifying authority on a Statement of Intent to Employ a Minor and Request for a Work Permit-Certificate of Age.
- 6) Requires the document, as specified in i) to vii), to be available in any language spoken by 5 percent or more of the pupils enrolled in the school and express these labor rights in plain, natural terminology easily understood by the pupil.
- 7) Encourages the University of California Labor Center, with input from bona fide labor organizations, a draft template for the document to be provided to minors, including the translations specified.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "As we have seen in the news recently, teenage workers are often hired to perform dangerous work with disastrous consequences, where they are likely to injure themselves or even lose their lives on the job. Teenage workers are also more open to exploitation by their employers due to their naivety around workplace rights. To address this pervasive issue, AB 800 establishes a Workplace Readiness Week in California high schools to educate students on their rights as workers, and their explicit rights as employed minors. This information will empower young workers, new to the workforce, to advocate for themselves when faced with unsafe working conditions, exploitation, discrimination, harassment, and retaliation. Additionally, it would provide them with

resources as to where they should go in case of workplace complaints, and how to join or form a union to protect their workers' rights."

- 2) ***History and Social Science Framework Includes Labor History and Worker's Rights.*** The California History-Social Science Content Standards, adopted by the State Board of Education (SBE) in 2016, include numerous references to labor history and the rights of workers for students in grades 11 to 12, including, but not limited to, the following:

- 11.2 - Students analyze the relationship between the rise of industrialization, large-scale rural-to-urban migration, and massive immigration from Southern and Eastern Europe. Know the effects of industrialization on living and working conditions, including the portrayal of working conditions and food safety in Upton Sinclair's *The Jungle*.
- 11.6 - Trace the advances and retreats of organized labor, from the creation of the American Federation of Labor and the Congress of Industrial Organizations to current issues of a postindustrial, multinational economy, including the United Farm Workers in California.
- 12.2 - Explain how economic rights are secured and their importance to the individual and to society (e.g., the right to acquire, use, transfer, and dispose of property; right to choose one's work; right to join or not join labor unions; copyright and patent).
- 12.4 - Understand the labor market operations, including the circumstances surrounding the establishment of principal American labor unions, procedures that unions use to gain benefits for their members, the effects of unionization, the minimum wage, and unemployment insurance.

Further, in grade 12, the [History and Social Science Framework](#) students are expected to explore "individual and societal economic, social, and cultural freedoms, including property rights, labor rights, children's rights, patents, and copyright, as well as rights necessary to basic well-being, such as rights to subsistence, education, and health" (p. 437 & 468).

The History and Social Sciences Framework already requires labor rights to be covered in grades 11 and 12. Therefore, the requirement of this bill to cover labor rights in grades 11 and 12 is duplicative. This bill encourages but does not require that the curriculum related to labor history and worker rights be covered during the designated Workplace Readiness Week.

- 3) ***Child Labor Laws in California.*** Child labor laws in California exist to prevent the exploitation of minors for labor and ensure that education is prioritized over work. Limitations on child labor vary by age and may include restrictions on the types of work that can be done, maximum hours that may be worked, and limitations on late or overnight work. The employer, never the minor, is liable for child labor violations. Complaints for violations of state child labor standards and wage laws may be filed with the nearest Division of Labor Standards Enforcement office.

Civil Penalties: The state of California provides two types of civil penalties for violations of Child labor laws, Class A and Class B.

Class A violations are the more severe, generally involving underage employment in hazardous occupations. Class A violations include violations regarding manufacturing and underage employment (LC 1292, 1293, 1293.1, 1294, 1294.1, 1294.5); hazardous occupations (LC 1308); door-to-door sales (LC 1308.1); an eight-hour day (LC 1392); hazardous activities (Title 8 California Code of Regulations Sections 11701, 11703, 11707); door-to-door sales (LC 11706); and any other violations that the Director of Industrial Relations present an imminent danger to minor employees or a substantial probability that death or serious physical harm would result there-from. The violation of work hours for the third or subsequent occasions also constitutes a Class A violation.

Class B violations include violations of work permits (LC 1299); entertainment industry (LC 1308.5); and other violations that the Director of Industrial Relations determines have a direct or immediate relationship to minor employees' health, safety, or security other than Class A violations. The violation of the Labor Code related to work hours is a \$500 Class B violation upon the first violation and a \$1,000 Class B violation on the second violation.

In addition, any employer may be liable for civil penalties for:

- Failure to pay the applicable minimum wage.
- Failure to carry workers' compensation insurance.
- Failure to provide a written deduction statement.

Criminal Penalties: Criminal violations of child labor laws are misdemeanors punishable by fines ranging up to \$10,000 or by confinement in the county jail for periods up to 6 months or both fine and imprisonment. In essence, almost all child labor laws and compulsory education laws have some misdemeanor penalty attached to them.

- 4) ***The Process of Receiving a Work Permit.*** Minors work with the permission of the local school district, and no law requires schools to issue permits for the maximum hours allowed by law or for every occupation for which a minor might be eligible. Thus, depending on the minor's particular circumstances or local district policy, school officials may impose additional restrictions at their discretion. Any violation of such special restrictions subjects the permit to revocation (EC 49164). Any person empowered to issue a permit that knowingly certifies false information on a permit commits a misdemeanor. (EC 49183)

Minors aged six through 15 years must attend school full-time unless the minor is a high school graduate (EC 49110), attends an approved alternative school (EC4822), is tutored (EC 48224), is on an approved leave of absence (EC 48232), has transferred from another state with less than 10 days left in the school year (EC 48231), or has justifiable personal reasons requested by the parent and approved by the principal including, illness, court appearances, religious observances and retreats, funerals, or employment conferences (EC 48205). In

rare circumstances, 14 and 15-year-olds enrolled in Work Experience Education may be permitted to work full-time during school hours (EC 49130). Sixteen and seventeen-year-olds who have not graduated from high school or have not received a certificate of proficiency may opt to attend part-time classes. Those who are regularly employed must attend continuation classes for at least four hours per week. Those not regularly employed must attend continuation classes for at least 15 hours per week (EC 48400 & 48402). No minor may legally drop out of school entirely.

Permits to Employ and Work may be denied or canceled at any time by school officials or the Labor Commissioner whenever the conditions for the issuance of the certificate or permit do not exist, no longer exist, or have never existed. School officials who determine that school work or the minor's health is impaired by the employee may revoke the permit (EC 49116). Permits issued during the school year expire five days after the opening of the next succeeding school year and must be renewed (EC 49118). More information about child labor laws and work permits can be found on the [Department of Industrial Relations](#) website.

5) ***Related Legislation***

AB 640 (Lee, 2023) authorizes an employer to use the current Uniform Resource Locator (URL) for the employer's website in place of the address of the place of employment in the notification to employ a minor, subject to a parent or guardian signing an informed consent form identifying the potential dangers to the minor of online work. *This bill is in Assembly Labor Committee.*

SB 1428 (McGuire), Chapter 420, Statutes of 2018, prohibits a school from denying a work permit for a minor on the basis of the pupil's grades, grade point average, or school attendance if the permit would allow the pupil to participate in a government-administered employment and training program that will occur during the regular summer vacation of the school that the pupil attends.

SB 702 (McGuire), Chapter 775, Statutes of 2016, extends a Lake County-specific exemption of child labor law that allows minors to work during the peak agricultural season when school is not in session.

SUPPORT

California Federation of Teachers (Co-Sponsor)
 California Labor Federation (Co-Sponsor)
 Alliance for Boys and Men of Color
 American Federation of State, County and Municipal Employees
 California School Employees Association
 Faculty Association of California Community Colleges
 Service Employees International Union, Local 1000
 State Building and Construction Trades Council of California
 State Superintendent of Public Instruction Tony Thurmond
 The Hayward Youth Commission
 Unite-LA

OPPOSITION

California Chamber of Commerce

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 908	Hearing Date:	July 12, 2023
Author:	Committee on Education		
Version:	June 12, 2023		
Urgency:	Yes	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Education finance: National Board for Professional Teaching Standards Certification Incentive Program: local control funding formula.

SUMMARY

This bill, and urgency measure, would: (1) delete an inoperative Education Code (EC) Section related to average daily attendance (ADA) of migratory students, and (2) authorize teachers participating in the National Board for Professional Teaching Standards Certification Incentive Program (NBPTSCIP) to receive grant funding for the renewal of their certification, when serving at a high priority school.

BACKGROUND

Existing law:

- 1) Includes ADA as a component of the calculation under the Local Control Funding Formula (LCFF).
- 2) Requires a school district's ADA to be increased, as specified, if it operates a school where: (1) one or more state-operated migrant housing projects are located within the attendance area of the school, and (2) at least 1/3 of the maximum number of pupils enrolled in the school in the relevant fiscal year are migratory children.
- 3) Establishes the NBPTSCIP to award grants to teachers who have, among other things, attained certification from the National Board for Professional Teaching Standards (NBPTS).

ANALYSIS

This bill:

- 1) Deletes an inoperative EC Section related to ADA of migratory students.
- 2) Authorizes teachers participating in the NBPTSCIP to receive grant funding for the renewal of their certification, when serving at a high priority school.
- 3) Is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of the California Constitution and would go into immediate effect.

STAFF COMMENTS

- 1) ***Need for the bill.*** This bill, authored by the Education Committee of the Assembly, is intended to be an urgency measure containing substantive changes needed for the operation of the public schools.
- 2) ***National Board for Professional Teaching Standards certification program.*** According to the NBPTS, National Board Certification is the most respected professional certification available in education and provides numerous benefits to teachers, students and schools. It was designed to develop, retain and recognize accomplished teachers and to generate ongoing improvement in schools nationwide.

The NBPTSCIP awards grants to school districts for the purpose of providing incentives to teachers who have attained certification from the NBPTS and agree to teach at a high-priority school for at least five years. Additionally, any teacher who initiates the process of pursuing a certification from NBPTS when teaching at a high-priority school is eligible to receive a candidate subsidy to cover the costs of seeking certification.

According to the California Department of Education (CDE), in the 2021-2022 school year 141 school districts, county offices, and charter schools participated in the program, receiving a total of \$9.8 million in program funds, of which \$6.7 million went to the Los Angeles Unified School District.

- 3) ***Migrant education funding provision.*** This bill includes the elimination of a migrant education funding authorization, which was proposed in the Governor's Budget trailer bill and referred to the Committee by the Budget Committee. The Department of Finance shared the following justification:

"The proposed amendment only removes duplicative language from code. There are three Education Codes that contain special provisions for funding average daily attendance (ADA) for migrant students. All three Education Codes require the LEA to request to claim the additional ADA generated after the second period attendance cutoff, and meet certain criteria. The most recent is Education Code (EC) 41601.6 enacted by Assembly Bill (AB) 1777 (Chapter 483, Statutes of 2022). The previous Education Codes for migrant ADA funding are EC 41601.5 and 42238.053.

The CDE has a data collection reporting option for the oldest of the three statutes, EC 41601.5. In the past 10 years, this Migrant ADA option has rarely been utilized (one district in 2013-14 and one in 2018-19). In 2021-22, three districts requested the Migrant ADA funding option, two in Fresno and one in Yolo. However, it is unclear if these same districts will now apply for the new Migrant ADA funding under EC 41601.6 instead.

The second statute, EC 42238.053 was added when the Local Control Funding Formula was implemented in 2013-14. These two statutes are similar. CDE does not currently have a mechanism for school districts to request funding

under EC 42238.053, and has not received any inquiries or interest from the field about this statute. With the implementation of AB 1777, we believe that it is appropriate to repeal EC 42238.053."

- 4) ***Arguments in support.*** The National Board for Professional Teaching Standards writes, "To renew their certificates, National Board Certified Teachers go through a process called Maintenance of Certification every five years. Based on best assessment practices, Maintenance of Certification is designed to ensure NBCTs continue to grow professionally while maintaining a strong impact on student learning. Maintenance of Certification continually ensures the knowledge and skills of NBCTs as best practice and knowledge evolve.

AB 908 would allow National Board Certified Teachers to focus on their professional growth and learning rather than worrying about finding the funds to pay for the Maintenance of Certification process. This program would help NBCTs in high-priority schools, those schools least likely to have district funds and/or other funding sources (e.g., PTAs) available to help defray the cost of Maintenance of Certification. Finally, this would put NBCTs seeking to renew their certificates on equal footing with prospective NBCTs who receive subsidies for the initial certification process. The California National Board Incentive Program has been extremely successful in its first two years. We hope you will take this opportunity to further strengthen the program."

SUPPORT

EdVoice
National Board for Professional Teaching Standards

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1038
Author: Rendon
Version: June 19, 2023
Urgency: No
Consultant: Lynn Lorber

Hearing Date: July 12, 2023

Fiscal: Yes

Subject: Family childcare home education networks.

SUMMARY

This bill codifies, clarifies, and standardizes the duties and responsibilities of family child care home education network (FCCHEN) contractors and providers.

BACKGROUND

Existing law:

- 1) Establishes the “Early Education Act” to provide an inclusive and cost-effective preschool program that provides high-quality learning experiences, coordinated services, and referrals for families to access health and social-emotional support services through full- and part-day programs and provides that all families have equitable access to a high-quality preschool program, regardless of race or ethnic status, cultural, religious, or linguistic background, family composition, or children with exceptional needs. (Education Code (EC) § 8200 et seq.)
- 2) Establishes the Child Care and Development Services Act to provide child care and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents including a full range of supervision, health, and support services through full- and part-time programs. (Welfare and Institutions Code (WIC) § 10270 et seq.)
- 3) Defines “family childcare home education network” as an entity organized under law that contracts with the California Department of Education (CDE) to make payments to licensed family childcare home providers and to provide educational and support services to those providers and to children and families eligible for California state preschool program services. (EC § 8205)
- 4) Requires the Department of Social Services (DSS), with funds appropriated for this purpose, to contract with entities organized under law to operate FCCHENs that support educational objectives for children in licensed family child care homes that serve families eligible for subsidized child care. (WIC § 10250)
- 5) Requires FCCHEN programs to include, but are not limited to, all of the following:
 - a) Age and developmentally appropriate activities for children.

- b) Care and supervision of children.
 - c) Parenting education.
 - d) Identification of child and family social or health needs and referral of the child or the family to the appropriate social or health services.
 - e) Nutrition.
 - f) Training and support for the family child care home education network's family child care providers and staff.
 - g) Assessment of each family child care provider to ensure that services are of high quality and are educationally and developmentally appropriate.
 - h) Developmental profiles for children enrolled in the program.
 - i) Parent involvement. (WIC § 10250)
- 6) Requires contractors operating through a FCCHEN to do all of the following:
- a) Recruit, enroll, and certify eligible families.
 - b) Recruit, train, support, and reimburse licensed family childcare home providers.
 - c) Collect family fees in accordance with contract requirements.
 - d) Assess, according to standards set by the department, the educational quality of the program offered in each family childcare home in the network.
 - e) Assure that a developmental profile is completed for each child based upon observations of network staff, in consultation with the provider.
 - f) Monitor requirements, including quality standards, and conduct periodic assessments of program quality in each family childcare home affiliated with the network.
 - g) Ensure that basic health and nutrition requirements are met.
 - h) Provide data and reporting in accordance with contract requirements. (EC § 8223 and WIC § 10251)
- 7) Requires each contractor (under CDE) to ensure that their staff have sufficient training to successfully accomplish the requirements described in # 6 above. (EC § 8223)

ANALYSIS

This bill codifies, clarifies, and standardizes the duties and responsibilities of FCCHEN contractors and providers. Specifically, it:

- 1) Codifies *existing* requirements for FCCHEN *providers*, including:
 - a) Adopting curriculum or curricula, of the provider's choosing, appropriate for the age range of children in the home. The contractor may adopt a policy limiting the curricula acceptable within its network, as specified.
 - b) Providing age and developmentally appropriate educational activities for children; care and supervision of children; and nutrition that is consistent with standards of the Child and Adult Care Food Program of the United States Department of Agriculture.
 - c) Identifying child and family social service or health needs and share those needs with the contractor.
 - d) Completing the developmental profile, in consultation with the contractor by completing the developmental child assessment profile, maintaining the developmental portfolio, documenting observations of the child's skills and conducting parent teacher conferences.
 - e) Providing the contractor with copies of all citations issued to the provider by Community Care Licensing Division of DSS.
 - f) Obtaining no less than 12 hours of training per year, as specified.
 - g) Specifies that providers or contractors are not required to maintain a parent advisory committee.
- 2) Codifies *new and additional* requirements for FCCHEN *contractors*, including:
 - a) Using the appropriate tools to assess FCCHEN providers, when conducting mandated assessments.
 - b) Maintaining a developmental portfolio for each child that includes, among other items, a child's work product and observations of the child.
 - c) Ensuring each developmental profile is completed, using the developmental child assessment profile selected by the department and the developmental portfolio maintained by the provider, as specified.
 - d) Conducting a parent survey and ensuring the offerings of parent conferences.
 - e) Develop and implement a plan for timely payment to providers.

- f) Monitoring each affiliated provider in meeting basic health and nutrition and quality standards and supporting providers in meeting quality standards by assessing program components and providing technical assistance, among other things.
 - g) Conducting no less than 6 site visits for purposes of providing technical assistance, training, support and conducting assessments.
 - h) Offering providers at least 12 hours annually of technical assistance training that may include, among other things, developmentally appropriate educational practices and parent engagement.
 - i) Employing at least one child development specialist who has educational qualifications equivalent to a child development teacher permit.
 - j) Maintaining a signed, written agreement with each affiliated provider and an authorized representative of the FCCHEN.
- 3) Makes other technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1038 will codify unified practices and expectations for Family Child Care Home Education Network (FCCHEN) contractors and providers in a standardized framework. FCCHENs provide flexible childcare to eligible families where there is often no other care available in the area. Existing law lacks clarity in terms of how contractors and providers should work in concert to provide proper education, training, and assessment. Specifying clear responsibilities for FCCHENs will lead to more effective support for the children in their programs, and their parents. Because of this, AB 1038 would help create equity and consistency in the administration of these programs and provide a better quality of care for children in a home education setting.”
- 2) ***Family Child Care Home Education Networks.*** FCCHENs have operated in California since the 1970s but were not codified until the enactment of AB 379 (Mullin), Chapter 897, Statutes of 2004. A FCCHEN is a group of family child care home providers within a network administered by a contractor such as an Alternative Payment Program (APP) agency or local education agency (LEA). FCCHENs provide additional quality support to affiliated family child care home providers, who are small business owners, including training and professional development, technical assistance, coaching and mentoring, and a supportive community. FCCHENs are one component of the state’s mixed delivery early care and education system. DSS had 73 FCCHEN contractors serving 1,693 providers and 10,374 children in the 2021-22 fiscal year. CDE has five state preschool FCCHENs serving 113 providers and 151 children.
- 3) ***Author’s amendment.*** The author wishes to amend this bill to expand the components of training to also include training on inclusion of children with exceptional needs, dual language learners, and trauma-informed care.

- 4) ***Why codify?*** This bill codifies existing duties and responsibilities of FCCHENs, thereby establishing a standard framework for FCCHENs. The result could be greater awareness of, and compliance with, responsibilities, and requirements. However, codification could create cost pressure to provide additional funding for the services specified in this bill.
- 5) ***Fiscal impact.*** The Assembly Appropriations Committee cost estimate of this bill is no longer relevant, as the bill's contents have since been replaced and now relates a different topic.
- 6) **Prior legislation**

AB 2986 (Reyes, 2020) was substantially similar to this bill. AB 2986 additionally stated the intent of the Legislature to enact future legislation relating to the compensation of FCCHENs and the establishment of a supportive system pilot program for FCCHENs. AB 2986 was not heard due to the shortened legislative calendar in 2020.

AB 2001 (Reyes, 2018) was substantially similar to this bill. AB 2001 was held in the Senate Appropriations Committee.

AB 598 (Calderon, 2016) was substantially similar to this bill. AB 598 was held in the Senate Appropriations Committee.

SUPPORT

Child Care Resource Center (Sponsor)
California Child Care Resource and Referral Network
Child Care Alliance of Los Angeles
EveryChild California
Kern County Superintendent of Schools Office

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1433
Author: Rendon
Version: June 29, 2023
Urgency: No
Consultant: Ian Johnson

Hearing Date: July 12, 2023

Fiscal: Yes

Subject: Public contracts: school facility projects.

NOTE: This bill has been amended to replace its contents and this is the first time the bill is being heard in its current form.

SUMMARY

This bill expands the requirement of general contractors and specified subcontractors to complete and submit a prequalification questionnaire and financial statement prior to bidding on school construction projects to include projects using state General Fund resources.

BACKGROUND

- 1) Requires school districts with an average daily attendance (ADA) over 2,500 to establish a process for prequalifying general contractors and if utilized, each electrical, mechanical and plumbing contractor for public works projects over \$1 million and funded by state school facility bond funds. (Public Contract Code (PCC) Section 20111.6)
- 2) Requires the governing board of a school district meeting the requirements in (1) to do the following:
 - a) Require prospective bidders for a construction contract to complete and submit to the governing board of the school district a standardized prequalification questionnaire and financial statement.
 - b) Adopt and apply a uniform system of rating bidders based on the completed questionnaires and financial statements. (PCC Section 20111.6)
- 3) Requires the questionnaire, financial statement and the uniform system of rating bidders to cover, at a minimum, the issues covered by the standardized questionnaire and model guidelines for rating bidders developed by the Department of Industrial Relations. (PCC Section 20111.6)
- 4) Authorizes the governing board of a school district to establish a process to prequalify a person, firm, or corporation on a quarterly or annual basis. Specifies that a prequalification shall be valid for one calendar year following the date of initial prequalification. (PCC Section 20111.6)

- 5) Requires the governing board of a school district to competitively bid and award to the lowest bidder contracts involving the following:
 - a) An expenditure of \$50,000 or more for the purchase of equipment, materials, or supplies, services (except for construction services), and repairs.
 - b) An expenditure of \$15,000 or more for a public contract project defined as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair, painting or repainting of any publicly owned, leased, or operated facility. (PCC Sections 20111 and 22002)
- 6) Establishes the Local Agency Public Construction Act, which authorizes a public entity to establish a prequalification process and requires the Department of Industrial Relations, in collaboration with affected agencies and interested parties, to develop model guidelines for rating bidders, and drafting a standardized questionnaire that may be used by public entities. (PCC 20100 et seq.)
- 7) Establishes the Leroy F. Greene School Facilities Act of 1998 and requires the State Allocation Board (SAB) to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. (Education Code 17070.35)

ANALYSIS

This bill expands the requirement of general contractors and specified subcontractors to complete and submit a prequalification questionnaire and financial statement prior to bidding on school construction projects to include projects using state General Fund resources.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “No parent should ever have to worry about their children’s well-being when they go off to school. As such, we must ensure that our students are learning in a safe environment, which obviously includes the buildings where classrooms are located. In 2020 at Lynwood High School, in my district, a portion of a three-story classroom building collapsed due to structural failures caused by poor construction practices. Thankfully – and only due to the COVID pandemic – no one was present when the school collapsed, but we must take steps to guard against any harm coming to our students and school staff.

AB 1433 is one such step. It will make certain that school construction projects, funded by General Fund dollars, utilize prequalified contractors who provide detailed information regarding their experience, quality, and skill. Current law applies these standards to construction projects funded by state school facility bond funds, but not the General Fund. This bill will require that, regardless of the

state funding source, trustworthy contractors are working on school facility projects. By doing so, we can help guarantee that incidents like the one at Lynnwood High School, never happen again.”

- 2) **Public project competitive bidding.** Under current law, school districts are required to competitively bid any public works contract over \$15,000 and award the contract to the lowest responsible bidder. Alternative methods for awarding contracts include: (1) design-build, with a school district issuing a request for proposal for both the design and construction of projects; (2) best value, allowing school districts to consider factors other than cost; and (3) job order contracting, based on prices for specific construction tasks.
- 3) **Prequalification process for prospective bidders.** In 2012, AB 1565 (Fuentes), Chapter 808, Statutes of 2012, established a five-year pilot requiring school districts using state bond funds must establish a prequalification process requiring prospective bidders for public works contracts of \$1 million or more to complete a standardized questionnaire and submit financial statements. In 2018, AB 2031 (O'Donnell), Chapter 534, Statutes of 2018, removed the sunset on this requirement, which is intended to mitigate the risk of school districts entering into contracts with substandard companies.

The questionnaire is provided by school districts, and may require contractors to provide detailed information regarding (1) the company's financial status, including whether the company has been in bankruptcy or involved in a civil lawsuit; (2) licensing information; (3) prior public contracting experience; (4) whether the contractor has been involved or been found to have violated any federal, state or local laws; and (5) whether the contractor has violated any labor and health and safety laws.

Since the enactment of prequalification for state bond funded School Facility Program projects, several other contracting methods have also incorporated a prequalification requirement, including lease-leaseback, design- build, and job order contracting.

- 4) **The School Facility Program was recently infused with state General Fund resources.** The Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51), approved by voters in November 2016, authorized \$7 billion in state General Obligation bonds to support K-12 school facilities construction. These funds support new construction, modernization, retrofitting, career technical education, and charter school facility projects. The 2022-23 Budget allocates the remaining Proposition 51 bond funds—approximately \$1.4 billion—to support school construction projects and provides \$1.3 billion one-time General Fund with 2021-22 funds, approximately \$2.1 billion one-time General Fund in 2023-24 and \$875 million one-time General Fund in 2024-25 to support new construction and modernization projects through the School Facility Program. Additionally, \$250 million one-time General Fund in 2021-22 is provided to support a school facility project in the Lynnwood Unified School District.

By expanding existing prequalification requirements to projects funded with state General Fund resources, this bill ensures school construction projects built under the state School Facility Program will be subject to the same bidding requirements, regardless of their funding source.

SUPPORT

None received

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1340	Hearing Date:	July 12, 2023
Author:	Garcia		
Version:	February 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: School accountability: pupils with exceptional needs.

SUMMARY

Requires the California Department of Education (CDE) to annually post on its website data on specified academic and other outcomes for students with disabilities, disaggregated by federal disability category.

BACKGROUND

Existing law:

Federal Law

- 1) In federal law, establishes the Individuals with Disabilities Education Act (IDEA), 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 United States Code (U.S.C.) § 1400)
- 2) In federal law, IDEA, establishes the following disability categories:
 - a) Intellectual disability;
 - b) Hard of hearing;
 - c) Deafness;
 - d) Speech or language impairment;
 - e) Visual impairment;
 - f) Emotional disturbance;
 - g) Orthopedic impairment;
 - h) Other health impairment;
 - i) Deaf-blindness;

- j) Multiple disability;
- k) Autism;
- l) Traumatic brain injury; and
- m) Specific learning disability. (20 U.S.C. § 1401)

State law

- 3) Requires the CDE to report, on an annual basis on its website publicly, enrollment data by English language acquisition status and disability. (Education Code (EC) § 60900.1 (a)(2))
- 4) Requires the CDE, on an annual basis, to include a report on its website that allows the public to view the following assessment data by English language acquisition status:
 - a) California Assessment of Student Performance and Progress (CAASPP) test results by English language arts, mathematics, and science; and
 - b) English Language Proficiency Assessments for California (EC § 60900.1 (b))

ANALYSIS

Requires the CDE to annually post on its website data on specified academic and other outcomes for students with disabilities, disaggregated by federal disability category. Specifically, this bill:

- 1) Requires the CDE to, on an annual basis, report on its website that allows the public to view statewide-level data for pupils who are individuals with exceptional needs, disaggregated by the identified disability or disabilities, for each of the following:
 - a) Scores on the CAASPP in English language arts, mathematics, and science;
 - b) Scores on the English Language Proficiency Assessments for California;
 - c) Rates of chronic absenteeism;
 - d) Rates of suspension;
 - e) Four- and five-year cohort graduation rates; and
 - f) College-going rates.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 1340 would require the Department of Education to report on its website disaggregated data by pupils identified disabilities. Collecting data by individual disability will allow schools to provide the appropriate educational resources to their students.”
- 2) ***Special Education In California.*** IDEA mandates that states provide students with disabilities with access to special education services and organizes disabilities into thirteen classifications that cover a broad range of conditions: specific learning disabilities; speech or language impairments; autism; other health impairments (includes students with chronic or acute health problems, such as heart conditions or diabetes); intellectual disability; emotional disturbance; orthopedic impairment; hard of hearing; multiple disabilities; visual impairments; deaf; traumatic brain injuries; and deaf and blind.

If Local educational agencies determine that a child's needs cannot be met in a general education program when they are three or older, they may be placed in the special education system. To determine whether students qualify for special education, LEAs refer them for professional evaluation. LEAs are legally obligated to provide special education services to students with disabilities if the evaluation indicates that the disability interferes with their education. If a student qualifies for special education, an individualized education program (IEP) is developed by a team of stakeholders, including the student's family. It outlines the student's educational goals and the services that will be provided to them. In addition to IEPs, Section 504 plans may be added to or replaced by an IEP for students needing other accommodations to participate in school activities.

CDE estimates that in 2018-19 there were 795,000 children with exceptional needs, ages birth-22. Roughly 12%, or 720,000 pupils, are enrolled in grades K-12.

- 3) ***California School Dashboard and System of Support (Dashboard).*** The Dashboard is an online tool that shows how LEAs and individual schools perform on state and local indicators included in California's school accountability system.

The Dashboard was created to give parents and the public a complete picture of what is happening in our schools and districts and to identify districts and schools that need extra support. The Dashboard is a component of the local control funding formula (LCFF) law passed in 2013 that significantly changed how California funds public schools and holds LEAs accountable for student performance.

The Dashboard includes a concise set of state indicators. State indicators are based on student data annually collected across the state and apply to all districts, schools, and student groups. The state indicators are:

- a) Academic Performance Indicators (reported separately for English language arts/literacy and mathematics assessments);
- b) English Learner Progress;

- c) Chronic Absenteeism;
- d) Graduation Rate;
- e) Suspension Rate; and
- f) College/Career.

The Dashboard is updated annually. LEAs receive one of five color-coded performance levels on the state indicators. The five performance levels are Blue, Green, Yellow, Orange, and Red, from highest to lowest. For the 2022 Dashboard only, performance is based on one of five status levels ranging from Very High, High, Medium, Low, and Very Low and is calculated using 2021–22 school year data.

This bill aligns the required data to be posted on CDE's website with the data collected on the Dashboard.

- 4) ***How to Begin to Improve Special Education in California? Difficult to Tell with Current Data.*** Schools provide regular progress reports to parents of students with IEPs as often as report cards. For example, if schools issue report cards every nine weeks, progress reports on IDEA-entitled students' IEP goals should also be issued every nine weeks. The report should contain information about the student's progress on each annual plan in the IEP and whether the student is likely to reach the goal within the IEP time frame. This data is documented at the bottom of each IEP goal page. Parents could ask for progress reports more often if they would like or could ask for an update of the child's progress on goals at any time.

While LEAs must report on their district's indicators (as mentioned above), the population of special education students in a district may be so small that it may result in an LEA not reporting to protect those students. It is currently the practice of CDE to show one number for all students with disabilities, which obscures important information about their progress needed for evidence-based policymaking and transparency.

This bill attempts to create a new set of data that is disaggregated among students with disabilities to begin identifying areas that need additional support.

5) **Related Legislation**

AB 1868 (Luz Rivas), Chapter 907, Statutes of 2022, requires the CDE to annually report on its website specified data on English learners (ELs), including enrollment data by English language acquisition status and disability and established student performance and outcome data by English language acquisition status.

SUPPORT

California Federation of Teachers
EdVoice
Riverside County Superintendent of Schools

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 1393	Hearing Date:	July 12, 2023
Author:	Calderon		
Version:	May 18, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Student Aid Commission: California Dream Act: Food Support Pilot Program.

SUMMARY

This bill authorizes the California Student Aid Commission (Commission) to establish a food benefit pilot program for the purpose of providing students, who receive financial aid through the California Dream Act, with funding for food.

BACKGROUND

Existing law:

Federal law

- 1) Establishes the federal nutrition program, Supplemental Nutrition Assistance Program (SNAP), pursuant to the Food Stamp Act of 1964 to provide funding to low-income households for food and essential household items. Requires the federal government to appropriate funds for the nutritional benefits and enables the states to distribute the funds and determine eligibility based on federal regulations. (7 United States Code (U.S.C) Section 2011, et seq.)
- 2) Restricts any individual, who is enrolled at least half-time in an institution of higher education from qualifying for SNAP benefits, unless the individual qualifies for an exception, as specified. (7 Code of Federal Regulations (CFR) 273.5(a))
- 3) Clarifies that a college student, enrolled at least part-time, may qualify for SNAP nutritional benefits if they are:
 - a) Over the age of 50 or under the age of 17; or,
 - b) Physically or mentally unfit; or,
 - b) Receiving Temporary Assistance for Needy Families under Title IV of the Social Security Act; or,
 - c) Enrolled in a Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program; or,

- e) Employed for a minimum of 20 hours per week and are paid to the equivalent of Federal minimum wage for 20 hours of work per week; or,
- f) Participating in a state or federally-financed work study program during the regular school year; or,
- g) Participating in an on-the-job training program; or,
- h) Responsible for the care of a child under the age of six; or,
- i) Responsible for the care of a child between the ages of six and twelve when adequate child care is not available to enable the student to work 20 hours a week; or,
- j) A single parent enrolled full-time and are responsible for a child under the age of 12; or,
- k) Enrolled in a program associated with the Job Training Partnership Act of 1974; an employment and training program funded by Carl Perkins and Technical Education Act of 2006, as defined; a program associated with the Trade Act of 1974 as defined; or an employment and training program for low-income households operated by the State or local government. (CRF 273.5(b)).

State law.

- 1) Establishes a citizen requirement for SNAP benefits, including that undocumented immigrants are ineligible for SNAP including Deferred Action for Childhood Arrival students and AB 540 students, as specified (Welfare and Institutions Code. (WIC § 18930, et seq.)
- 2) Establishes the California CalFresh program to administer federal SNAP monetary benefits to qualifying families and individuals, as specified. (WIC § 18900 et seq.)
- 3) Establishes commission as the state agency charged with administering state financial aid programs to qualifying students enrolled in institutions of higher education throughout the State. (Education Code (EC) § 69510 et. seq.)
- 4) Exempts a qualifying nonresident student from paying nonresident tuition at the California Community Colleges (CCC) and the California State University (CSU), and requests the University of California (UC) Regents to adopt similar measures, if the student meets the following requirements:
 - a) The student is not nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, and,
 - b) The student either:
 - i) Attended full-time, as defined, for three years: a California high school, as defined, a California adult school, or a CCC; or,

- ii) Completed three or more years of full-time high school coursework in California and a total of three or more years of attendance in a California elementary schools, California secondary schools, or a combination of both; and,
 - c) Completed any of the following:
 - i) Graduated from a California High School or attained an equivalent of a high school diploma;
 - ii) Obtained an associate degree from a CCC; or;
 - iii) Fulfilled the minimum transfer requirements for the CSU or UC; and,
 - d) Registered as an entering student at, or is currently enrolled at an accredited institution of higher education in California no earlier than the fall semester or quarter of the 2001-2002 academic year. (EC § 68130.5)
- 5) Expands the eligibility of student financial aid programs offered by California to students who meet the requirement of Section 68130.5 (AB 540 student) or who meet the equivalent requirements adopted by the UC, notwithstanding any other law. Requires commission to create an application for students to apply for aid, as specified, and provides it is the intent of the legislature that all forms of state-based aid in California be made equally available to all students, as specified.(EC § 69508.5)
- 6) Authorizes, beginning January 1, 2013, AB 540 students to be eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. (EC § 66021.6.)
- 7) Authorizes, beginning January 1, 2013, AB 540 students attending UC, CSU, or the CCC to be eligible to receive a scholarship derived from nonstate funds, as received by the respective segment for the purpose of scholarships. (EC § 66021.7)
- 8) Defines “public higher education,” as consisting of the CCC, (2) the CSU, and each campus, branch, and function thereof, and (3) each campus, branch, and function of the UC. (EC § 66010 (a))
- 9) Establishes the definition and mission of independent institutions of higher education as nonpublic higher education institutions who are considered nonprofits and are accredited by an agency recognized by the United States Department of Education to confer undergraduate degrees, graduate degrees, or both. (EC § 66010 (b))

ANALYSIS

This bill:

- 1) Requires, until January 1, 2033, the Commission to establish the Food Support Pilot Program for a four-year period to provide food support grants to qualifying students who submit a complete California Dream Act application and receive financial assistance under the California Dream Act.
- 2) Requires the granting of an award to each eligible students and sets award amounts equal to the maximum amount allocated to one CalFresh recipient during that year.
- 3) Require the Commission to allocate the award on a semester or quarterly basis to the qualifying institution if all of the following are met:
 - a) The student has submitted a complete California Dream Act application on time.
 - b) The student would be eligible for a Federal Pell Grant if the student was a citizen or an eligible noncitizen and the student is offered and receives financial aid from the state or an institutional aid program.
 - c) The student is pursuing an undergraduate academic program of at least two academic years that is offered by a qualifying institution.
 - d) The student is enrolled at least part time.
 - e) The student maintains good academic standing with the qualifying institution at which the student is enrolled.
- 4) Provides for the renewal of an award for a total of the equivalent of up to two years or four years of full-time attendance in an undergraduate program provided that the students continues to meet eligibility requirements.
- 5) Requires that the Commission disburse funds to qualifying institutions and each institution is required to disbursed the funds with the institutional agreement between the Commission and the institution for Cal Grants.
- 6) Requires a qualifying institution, upon the receipt of funds from the Commission provide the funds to the student and provides that a grant received by a student cannot be counted towards the total of a student's financial aid award and prohibits a qualifying institution from reducing an institutional financial aid offer for grants recipients.
- 7) Requires the Commission in administering the program to do all of the following:
 - a) Notify students who meet the eligibility requirement of their receipt of the award.
 - b) Submit an annual report, as specified to the Legislature on the number of students who qualified for the pilot program grant disaggregated by qualifying institution, age gender, race, and ethnicity.

- c) Conduct a student survey, as specified, evaluate the effectiveness of the program upon completion of the survey and report the results to the appropriate policy and fiscal committees by July 1, 2027 and by July 1, 2029, as specified.
 - d) Administer the Food Support pilot program, and adopt rules and regulations for that purpose. The bill authorizes the Commission to adopt emergency regulations in accordance with rule making procedures prescribed in existing law .
- 8) Defines various terms for purposes of the bill including, a “qualifying institution,” to mean any public postsecondary educational institution or independent institution of higher education, in the state that receives, or benefits from, state-funded financial assistance or enrolls students who receive state-funded student financial assistance.
 - 9) Makes the implementation of this bill’s provisions contingent upon a state appropriation.
 - 10) Sunsets the bill’s provisions on January 1, 2033.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP), provides monthly food benefits to low-income individuals and families. Unfortunately, undocumented individuals are ineligible for the program due to their immigration status. This places an incredible burden on undocumented students pursuing higher education, adding food insecurity to the cost of college.

To establish equity for these students, Assembly Bill 1393 creates a food pilot program administered by the California Student Aid Commission to provide food benefits similar to CalFresh to undocumented students.”

- 2) **Who is eligible?** To be eligible for food support award, a student must have applied for financial aid through the Dream Act Application , and have been awarded financial assistance under the California Dream Act. DREAM Act applicants are undocumented students who qualify for the AB 540 nonresident tuition waiver. Nonresidents residing in California who have attended or earned the equivalent number of credits at a California high school or California community college campus for a minimum of three years as defined are eligible for AB 540 nonresident tuition exemption. A student enrolled, at least part-time in an undergraduate program at CCC, CSU, UC or a California independent institutions of higher education would be eligible to receive financial assistance under the proposed food support program. Because the bill’s provisions make eligibility contingent on being qualified for a federal Pell Grant award, had citizenship status not had been a factor, a food support grant applicant must meet other applicable qualifications for federal Pell Grant including having financial need. According to the Assembly Appropriations Committee analysis,

the Commission reports in the 2021-22 academic year, 16,119 low-income students completed a California Dream Act application and, of these students, 11,177 students received a Cal Grant.

- 3) **Grant awards.** Under the bill's provisions, grant awards are equal to the maximum amount allocated to one CalFresh recipient during that year; according to the Assembly Appropriations Committee analysis, the current CalFresh maximum amount is \$281 per month. This would total, for a CalFresh recipient, around \$3,300 for the calendar year. The food support grant may be renewed for a total of the equivalent of up to two or four years of full-time attendance in an associate degree or undergraduate program. The food support grants are intended to augment rather than replace or reduce institutional aid offers.
- 4) **California Student Aid Commission Workgroup to expand access to CalFresh.** The Commission organized a workgroup of CalFresh specialists, Legislative staff, representatives from public higher education segments, and non-profit groups in late 2020. The workgroup was formed to investigate and make recommendations to increase the number of California postsecondary students currently enrolled and receiving CalFresh benefits, as measured by year-over-year changes in disbursed benefits, by streamlining the process and increasing awareness of eligibility. According to their report, *"Access to Proper Nutrition Equals College Success: Making CalFresh Work for Students,"* through the Supplemental Nutrition Assistance Program, the federal government offers one of the most comprehensive anti-hunger initiatives in the world. This federal program is carried out in California through a program called CalFresh, which is managed and regulated by the California Department of Social Services. Local welfare offices in each of the state's 58 counties operate and administer CalFresh. CalFresh is primarily designed to assist populations that do not earn enough money to meet their basic nutritional needs. Even though this program is available to postsecondary students, only a small percentage of potentially eligible students in California currently receive it. Among California's 6.7 million postsecondary students, it is estimated that between 400,000 and 750,000 students are potentially eligible for CalFresh. Yet only approximately 127,000 students receive this food benefit. For a subset of these students—those who are undocumented—the challenge is more pronounced as they are prohibited from accessing CalFresh and Pell Grants, the most significant forms of federal grant aid for students. It is estimated that between 70,000 and 90,000 undocumented students attend a California college or university. This bill attempts to close the financial need gap caused by the lack of access to federal programs for California's undocumented student population to help them achieve their academic goals.
- 5) **Prior legislation.**

AB 2652 (McCarty, 2022), similar to this bill, required the Commission to establish the Food Support Pilot Program to provide food support grants to students enrolled in qualifying institutions who submit a California Dream Act application. AB 2653 was held under submission in the Assembly Committee on Appropriations.

SB 464 (Hurtado, 2021) would have expanded the eligibility for the California Food Assistance Program to households that are ineligible for CalFresh benefits due to their immigration status. SB 464 was held under submission in the Assembly Committee on Appropriations.

SUPPORT

Southern California College Attainment Network (Sponsor)
A Place Called Home
Alliance for A Better Community
Association of Independent California Colleges & Universities
C5 Youth Foundation of Socal - C5LA
California Charter Schools Association
California Community Colleges Chancellor's Office
California Immigrant Policy Center
California Student Aid Commission
Camino Nuevo Charter Academy
Children Youth & Family Collaborative
College Access Plan
Determined to Succeed
Educating Students Together
El Monte Promise Foundation
Families in Schools
Immigrants Rising
Kid City Hope Place
Let's Go to College California
Los Angeles Regional Food Bank
Motivating Our Students Through Experience
NextGen California
One Voice
Operation Jump Start
Parent Institute for Quality Education
Partnership Scholars Program
Project Soar
Puente Learning Center
Student Debt Crisis Center
Study Smart Tutors, Inc.
The Children's Partnership
The Institute for College Access & Success
uAspire
Unite-LA
United Friends of the Children
University of California
Mixteco Indigena Community Organizing Project

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 1604
Author: Bonta
Version: May 30, 2023
Urgency: No
Consultant: Ian Johnson

Hearing Date: July 12, 2023

Fiscal: Yes

Subject: Charter schools: school facilities: Charter School Facility Grant Program: conduit financing

SUMMARY

This bill changes the required admissions preferences, requirements for related parties and conflicts of interest, and how charter school properties are sold and leased under the Charter School Facility Grant program (CSFGP).

BACKGROUND

Existing law:

- 1) Establishes the CSFGP (also known as the SB 740 Program), which provides assistance with facilities rent and lease costs for pupils in charter schools. (Education Code (EC) 47614.5)
- 2) Implements the California School Finance Authority's (CSFA's) administration of the CSFGP intended to provide assistance with facilities rent and lease costs for pupils in charter schools. (CCR Title 4, Division 15, Article 1.5, Sections 10170.1 – 10170.15)
- 3) Specifies that, subject to the annual Budget Act, commencing with the 2017-18 fiscal year, eligible charter schools shall receive an amount equivalent to one of the following, whichever is less:
 - a) 75% of annual facilities rent and lease costs for the charter school; or
 - b) For the 2017-19 fiscal year, an amount equal to \$1,117 per unit of average daily attendance (ADA). Beginning in the 2018-19 fiscal year, the amount of funding provided per ADA in the preceding fiscal year, adjusted by the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year.
- 4) Specifies that in any fiscal year in which there are insufficient funds to fully fund the approved amounts, the CSFA shall apportion the available funds on a pro rata basis. (EC 47614.5)

- 5) Specifies that eligibility is based on the geographic location of the charter schoolsite, pupil eligibility for free or reduced price meals, and a preference in admissions, as appropriate. Specifies that charter schoolsites are eligible for funding if the charter schoolsite meets either of the following conditions:
 - a) The charter schoolsite is physically located in the attendance area of a public elementary school in which 55% or more of the pupil enrollment is eligible for free or reduced price meals and the schoolsite gives preference in admissions to pupils who are currently enrolled in or reside in the attendance area where the charter schoolsite is located.
 - b) 55% or more of the pupil enrollment at the charter schoolsite is eligible for free or reduced price meals. (EC 47614.5)
- 6) Prohibits grant funds to be apportioned for any of the following:
 - a) Units of ADA generated through nonclassroom-based instruction, except as specified;
 - b) Charter schools occupying existing school district or county office of education (COE) facilities; or
 - c) Charter schools receiving reasonably equivalent facilities from their chartering authority. (EC 47614.5)
- 7) Specifies that grant funds must be used for costs associated with facilities rents and leases and may also be used for costs associated with remodeling of a building, deferred maintenance, initially installing or extending service systems and other built-in equipment, and improving sites. (EC 47614.5)
- 8) Authorizes the State Allocation Board (SAB) to establish a program that requires a school district, COEs, or charter school that sells real property that was purchased with or modernized with, or on which improvements were constructed that were funded with, any moneys from state bond funds, to return to the SAB the moneys received for the purchase, modernization or construction, if the property is sold within 10 years of receipt of those funds and the proceeds from the sale are not used for capital outlay, education or child care purposes. (EC 17462.3)
- 9) Establishes, under the CSFGP, a process for disposal of a charter school facility when a charter school ceases to utilize the facility for charter school purposes. (EC Section 17078.62)
- 10) States that charter schools and an “entity managing a charter school” are subject to Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code as well as the Political Reform Act of 1974. (EC 47604.1)

- 11) Establishes the procedures for charter school closure including, but not limited to, transfer of student and employee records, completion of final audit, and the disposal of net assets. (CCR Title 5, Section 11962)
- 12) Requires the following information to be transmitted to CDE when a charter school closes:
 - a) The effective date of the closure;
 - b) The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;
 - c) The pupils' school districts of residence; and
 - d) The manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements. (CCR Title 5, Section 11962)
- 13) Requires specified charter school closure information be transmitted to CDE. (CCR Title 5, 11962.1)
- 14) Establishes the process for sale of assets by a nonprofit corporation that operates or controls a health facility. (Corporations Code 5914-5930)
- 15) Requires a nonprofit public benefit corporation to provide written notice to the AG 20 days before it sells, leases, conveys, exchanges, transfers, or otherwise disposes of all or substantially all of its assets. (Corporations Code 5913)
- 16) Governs the dissolution of a nonprofit public benefit corporation and requires the AG to issue a written waiver of objections to the distribution of the corporation's assets. (Corporations Code 6615)

ANALYSIS

This bill:

- 1) Requires an entity that sells or leases a charter school facility that was acquired, financed, constructed, or modernized after January 1, 2024, with funding that came primarily from CSFGP to offer that facility to a local educational agency, an agency that will use the property exclusively for subsidized child care or early education for a period of not less than five years from the date the property is made available, or another public agency prior to selling the facility in the public real estate market. Requires the facilities be sold to public agencies at a reduced cost, but not less than the amount necessary to retire the conduit financing and any other loans. States that in the event that the value of a charter school facility is less than the amount necessary to retire the conduit financing, the sale price shall not be less than 100% of the fair market value of the property.

- 2) States that if, within 60 days of issuing a notice of intent to sell or lease a charter school facility, a public agency has not submitted a reasonable offer, the educational facility may be sold or leased to an entity that is not a public agency.
- 3) States that a charter school facility owner may concurrently solicit sale or lease offers from the public agencies and private entities, so long as the facility owner sells or leases the facility to a public agency if a reasonable offer is presented.
- 4) Requires the written notice of intent to sell or lease the charter school facility be provided to the following entities: the authorizer of the charter school that most recently occupied the facility, nearby charter schools, all school districts in the jurisdiction where the facility is located, and the local county office of education.
- 5) States that the sale and lease provisions of this bill do not apply to the sale, lease, conveyance, disposition or other transfer or lease of an educational facility in connection with or resulting from the default or the exercise of a remedy under a deed of trust, security agreement or other instrument made with respect to bonds or other indebtedness the proceeds of which were used to finance or refinance the educational facility. Prohibits the property from being sold or leased to an entity that is a related party or an affiliated entity of the entity subject to default.
- 6) States that if the county assessor has not assessed the value of the charter school facility within one year prior to the facility being offered for sale or lease, the value may be assessed by an independent appraiser.
- 7) Requires that, if an entity sells a charter school facility that was funded primarily from CSFGP within 10 years of receiving CSFGP funds for the facility to an entity other than a local educational agency or childcare or early education entity and the proceeds from the sale are not used for capital outlay in California, CSFGP funds received in the previous 10 years are to be returned to the California School Finance Authority (CSFA), after first retiring any outstanding conduit financing and then retiring other financial obligations.
- 8) Requires CSFA to update their regulations before opening the 2024-25 funding cycle to review a random sampling of at least 10% of grant recipients per year for compliance with program requirements, including proper disclosure and certifications of conflicts of interest.
- 9) Requires, in its application for grant funding, a charter school to include information regarding its status as a nonprofit organization, its status as a classroom based charter school, and whether the school is managed by a charter management organization; and, authorizes CSFA to deny funding to recipients found to have lied or willfully omitted information on their grant program application.
- 10) Requires a charter school that qualifies for CSFGP, based on the free and reduced priced eligibility of the public school where the charter school is physically located, to give preference to students who reside in the attendance

area of the school where the charter school is physically located, after preference for existing students and siblings of existing students.

- 11) Clarifies that dual immersion charter schools may have an admission preference for students who speak specific languages among the students who reside within the attendance area of the neighborhood school. States that if the number of students admitted from that group does not meet the necessary threshold for a dual immersion program, the charter school may have a preference for students who speak a specific language who do not reside within the attendance boundary, above the students who reside within the attendance area of the neighborhood school.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “In recent years, the Legislature has worked hard to raise standards for charter schools so that students can learn in safe environments under the oversight of a local authorizer. However, additional reforms are needed to guarantee accountability in the event that a charter school closes. Last year, I asked the State Auditor to look into the Charter School Facilities Grant Program and Conduit Financing Program to see if there were opportunities to strengthen outcomes in favor of our students. The Auditor found that the Legislature could adopt safeguards to better ensure that when a charter school closes and its facilities, that have benefitted from Facility Grant Program funds, are sold and leased, that they continue to be used for public education. Further, the audit provided a number of recommendations to strengthen the administration of the Charter Schools Facilities Grant Program. AB 1604 incorporates the auditor’s recommendations. In this historic crisis, it is crucial that the state establish strong safeguards to protect limited Proposition 98 dollars from waste and ensure the long-term retention of capital investments within our public education system.”
- 2) ***Charter School Facility Grant Program (CSFGP).*** The CSFGP was established by SB 740 (O’Connell), Chapter 892, Statutes of 2001, to provide charter schools serving low-income areas with assistance in rent and lease payments. Eligible charter schools may receive up to \$1,117 per unit of ADA (adjusted annually), but may not receive more than 75% of the school’s annual rent or lease costs. If the program is oversubscribed, the funds would be distributed on a pro-rata basis. Eligibility is limited to:
 - a) A charter school physically located in the attendance area of a public school with at least 55% of its students eligible for free or reduced price meals, and the school gives preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the attendance area where the charter school is located (called the Expanded Eligibility criterion); or
 - b) A charter school in which 55% or more of its pupil enrollment is eligible for free or reduced price meals. Funds may be used for costs associated with facilities rents and leases, but may also include remodeling, deferred

maintenance, initially installing or extending service systems and other built-in equipment, and improving sites.

The enacting legislation stated the Legislature's intent to appropriate \$10 million for the program for the 2001-02, 2002-03, and 2003-04 fiscal years (FY). Funds for this program have increased substantially over time, with the bulk of the funding coming from the transfer of funds from the phase out of the Year-Round Operational Grant Program.

The program was administered by CDE until 2013 and is now administered by the CSFA under the California State Treasurer. Beginning with the 2018-19 fiscal year, the funding provided per ADA is adjusted by a cost inflator index. Funding for this program in FY 2021-22 is \$152 million. The Governor's 2022-23 budget proposes to provide an additional \$30 million ongoing increase to the program for remodeling, deferred maintenance, initially installing or extending service systems and other built-in equipment, improving sites, and facility modifications to mitigate the spread of COVID-19.

- 3) **Conduit bonds and CSFGP.** Under existing law, the Treasurer's office is authorized to issue conduit revenue bonds for K-12 schools, including charter schools. Conduit bond financing is a mechanism of borrowing whereby a conduit issuer, typically a governmental agency, acts as a bridge between investors and the borrower. Interest received by investors that provide the funds for a project enjoy higher yields than general obligation bonds and are tax free. In return, the borrower benefits by paying lower interest rates. According to the 2020 report by the Treasurer's Office, between 2010 and 2020, almost \$2 billion in authority was issued, predominantly on behalf of charter schools.

CSFGP funds have been used to help charter schools pay for conduit bond financing. The CSFGP was established to help charter schools with leases, not to purchase facilities. When CSFGP is used to pay for conduit bond financing, the State is paying to purchase a facility that is wholly owned by a related party that owns the facilities used by the charter school, which is a private entity, and therefore it could be considered a gift of public funds. There is another program through state bonds funds for the acquisition and construction of charter school facilities. Purchase and paying debt service should remain with state bond funds. Allowing the CSFGP, funded by state general funds, to pay for the purchase and debt service of charter school facilities raises issues of concerns. Under the bond program, a charter is reviewed to ensure that it is "financially sound" and to ensure it has the ability to incur such debt.

- 4) **State Auditor's 2023 report.** In May 2022, Assemblymembers Mia Bonta and Patrick O'Donnell submitted a request to the Joint Legislative Audit Committee to conduct an audit of the CSFGP and conduit bond program to "determine whether program oversight is sufficient to prevent taxpayer dollars from financing private acquisition of school facilities, to determine the scope of such acquisition to date, and to determine the effectiveness of the program's goals to provide high quality school facilities to low-income charter school students."

The State Auditor released their report on the CSFGP and Conduit Financing Program on February 14, 2023. The audit identified several issues that should be addressed through legislative and regulatory reform, as noted below:

- a) *Tax-exempt LLCs that often hold title to publicly funded charter school properties are not subject to existing law requiring AG for the sale of assets.* Existing law imposes safeguards for transactions involving charter schools or CMO subsidiaries that are nonprofit public benefit corporations. Those safeguards include requiring that the nonprofit public benefit corporation provide notice to the AG if it seeks to sell or lease its corporate assets and obtain a written waiver of objections if it seeks to dissolve. However, these safeguards do not exist for tax-exempt LLCs, which commonly hold title to charter school facilities. On this, the auditor wrote, "Thus, a charter school subsidiary that is an LLC may sell or lease a school facility without notifying the AG of the transaction. Although state law grants the AG the authority to investigate transactions involving charitable assets, including those owned by tax-exempt LLCs, we question the effectiveness of this provision if there is no mandate that tax-exempt LLCs notify the AG of these transactions."
- b) *The state collects insufficient data on the organizational types of charter schools.* The state auditor was unable to determine the type of charter school organization (CMO, single management, none, or other) for 35% of CSFGP recipients during their review period in part because the California Department of Education's annual survey on charter school information is not mandatory. The absence of this crucial information undermines oversight and accountability work by CSFA and charter authorizers.
- c) *The state loses track of publicly funded charter school facilities after charter schools close.* Existing law requires a charter school to complete an independent final close-out audit after a charter school closes, including in cases where a school closes voluntarily or when its charter is revoked or nonrenewed (EC 47605.6 (b)(5)(P)). However, in the auditor's review of 10 close-out audits of schools that received funding from the CSFGP, none identified how the facilities they had occupied were used after their closure. In cases where a facility is owned by a charter school, CMO, or one of its closely associated entities, it's vital that authorizers retain a record of this information as it relates to educational facility space capacity.
- d) *There is no consistency among CSFGP recipients in the degree to which charter schools prioritize admissions for nearby students.* In a review of just four charter schools that qualify for CSFGP funds (under method b above), the auditor found that "each established a different priority level for the admission of nearby students." This means that the nearby FRPM students the program is meant to serve may receive fourth or fifth priority for admissions preference if charter interest exceeds enrollment capacity, behind the children of teachers and administrators or siblings of current students. The auditor wrote, "under the current law, nearby students are

not necessarily a highly preferred admission group, which could undermine the purpose of the program."

- 5) **Arguments in support.** The California School Employees Association writes, "AB 1604 increases transparency and accountability when it comes to the closure and subsequent sale or lease of publicly funded charter school facilities. This February, the State Auditor validated what we already knew: the California School Finance Authority (CSFA) is administering the CSFGP with fidelity to existing law, but the law and current program regulations contain inadequate safeguards to protect public funds and capital outlay investments. The substantive recommendations included in the audit report will help ensure that facilities that have been significantly funded with taxpayer dollars continue to support public education and will better ensure compliance with California's robust conflict of interest laws."
- 6) **Arguments in opposition.** The California Charter Schools Association (CCSA) writes, "Facilities access is the greatest barrier to successful charter schools in low-income communities. While we appreciate the author's recent efforts in offering floor amendments that address many of our technical concerns, AB 1604 will still result in a negative impact on bond financing, by imposing terms which increase the cost of borrowing for charter schools. AB 1604 will limit access to quality school facilities in low-income communities."

AB 1604 undermines the CSFGP, which provides high-quality school facilities for charter schools in low-income communities. By imposing excessive requirements and restrictions on the disposition of charter school facilities, AB 1604 would increase the cost of borrowing, or make low-cost, tax-exempt borrowing unavailable. AB 1604 would require charter schools to offer "right of first refusal" for school districts to lease or purchase school facilities when a charter school closes, however the bill fails to provide parity to allow charter schools to similar priority to access district surplus property."

- 7) **Committee Amendments.** The CSFA cited the following concerns with this bill as currently drafted:
- a) Changing priority enrollment requirements immediately would require all charter schools to seek a material revision from their authorizers.
 - b) Revising CSFA's regulations related to conflicts of interest will require additional time to work with the Fair Political Practices Commission (FPPC) and others.
 - c) Revising CSFA's processes to incorporate the possibility of charter school facility sale proceeds returning to the CSFGP will require additional time.
 - d) It may be burdensome for a charter school that closes its facility due to a natural disaster to comply with this bill.
 - e) The bill's notification requirements should be satisfied in a manner prescribed by the conduit issuer.

Additionally, the CCSA cited concerns that the bill does not specify how a charter school with multiple offers from designated entities should execute a sale or lease.

To address these concerns, ***staff recommends*** amending the bill as follows:

- a) Specify that changes to preference in admission shall be incorporated into a charter school's charter petition during the next charter renewal cycle.
- b) Delay the date by which CSFA must update its regulations by one year, before opening the 2025-26 funding round.
- c) Replace the requirement for CSFA to include in its revised regulations the process by which it will "...evaluate conflicts of interests between all related parties" with the process by which it will "...update its definition of related parties..." consistent with the definition included in the bill.
- d) Delay the operative date of specified charter schools being required to give LEAs and other public agencies first right of refusal of their facilities, and returning a portion of their proceeds to the CSFGP, until January 1, 2025.
- e) Clarify that if a charter school receives offers from more than one designated entity, the charter school may determine which offer to accept, consistent with the priority order established in the bill.
- f) Specify that a charter school facility that is sold or leased due fire, flood, earthquake or because of any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the state, or of any county, city and county, or city authorized to issue that order to meet an emergency created by war is exempted from the requirements of this bill.
- g) Clarify that a charter school participating in a conduit financing program shall annually notify the conduit issuer, in a manner prescribed by the conduit issuer, of the status of a facility with outstanding conduit bonds when the charter school has closed or vacated the building but the building has not been sold, including, but not limited to, whether the property is continuing to be used as a school.

SUPPORT

California School Employees Association (Sponsor)
California Labor Federation
California Teachers Association

OPPOSITION

Able Charter Schools

Academia Avance
Ace Charter Schools
Alpha Public Schools
Alta Public Schools
Aspire Public Schools
Baytech Charter School
Bright STAR Schools
California Charter Schools Association
California Creative Learning Academy
Camino Nuevo Charter Academy
Ceiba College Preparatory Academy
Century Community Charter School
Charter Schools Development Center
Classical Academies
Dual Language Immersion North County
EdNovate
Education for Change
Environmental Charter Schools
Equitas Academy Charter Schools
Escondido Charter High School
Gabriella Charter Schools
Girls Athletic Leadership Schools Los Angeles
Goethe International Charter School
Granada Hills Charter High School
Green DOT Public Schools California
Hawking Steam Charter School
Highlands Community Charter and Technical Schools
Imagine Schools
Integrity Charter School
Intellectual Virtues Academy of Long Beach
Ivy Bound Academy Charter Middle School
James Jordan Middle School
John Muir Charter Schools
Julia Lee Performing Arts Academy
Kipp Norcal
Larchmont Charter School
Lewis Center for Educational Research
Lighthouse Community Public Schools
Literacy First Charter Schools
Los Angeles Coalition for Excellent Public Schools
Los Angeles Leadership Academy
Magnolia Public Schools
Multicultural Learning Center
Navigator Schools
New Horizons Charter Academy
New Los Angeles Charter Schools
New Village Girls Academy
North Valley Military Institute
Para Los Niños
Pathways to College K8

Public Safety Academy of San Bernardino
Reach Leadership Steam Academy
Redwood Coast Montessori
Renaissance Arts Academy
River Charter School
Scholarship Prep Charter School
Summit Public Schools
Sycamore Academy of Science and Cultural Arts
The Grove School
Tree of Life Charter School
Vibrant Minds Charter School
Vista Charter Public Schools
Voices College Bound Language Academies
YPI Charter Schools

-- END --