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California State Senate

EDUCATION



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AGENDA

Wednesday March 22, 2023
9 a m -- 1021 O Street, Room 2100

ADOPTION OF COMMITTEE RULES

ADOPTION OF CURRICULUM POLICY

MEASURES HEARD IN FILE ORDER

- | | | | |
|------|--------|------------|--|
| *1 | SB 61 | Dodd | University of California: California Native American Graves Protection and Repatriation Act of 2001 |
| 2. | SB 98 | Portantino | Education finance: additional education funding |
| 3 | SB 234 | Portantino | Opioid antagonists: schools, college campuses, stadiums, concert venues, and amusement parks |
| 4. | SB 445 | Portantino | Special education: individualized education programs: translation services. |
| 5 | SB 467 | Portantino | Community colleges: apprenticeship or internship training programs. |
| *6. | SB 223 | Menjivar | Pupil personnel services: child welfare and attendance services. |
| 7 | SB 499 | Menjivar | Early childhood education facilities. school facilities School Extreme Heat Action Plan Act of 2023. |
| *8. | SB 472 | Hurtado | Pupil health opioid overdose reversal medication. |
| 9. | SB 486 | Hurtado | Interscholastic athletics. California Interscholastic Federation: state football championships. neutral locations. |
| *10. | SB 515 | Stern | School facilities: shade structures. |
| *11 | SB 609 | Caballero | Local control and accountability plans: California School Dashboard |

*12.	SB 10	Cortese	Pupil health: opioid overdose prevention and treatment.
13.	SB 28	Glazer	Education finance: school facilities. Public Preschool, K–12, and College Health and Safety Bond Act of 2024.
*14.	SB 283	Ochoa Bogh	Pupil health: asthma management
*15.	SB 531	Ochoa Bogh	Financial literacy. student financial aid.
*16.	SB 444	Newman	Community colleges. Mathematics, Engineering, Science, Achievement (MESA) programs.

***Consent Items**

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 61	Hearing Date:	March 22, 2023
Author:	Dodd		
Version:	February 22, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgallia Ramirez		

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

SUMMARY

This bill requires, as a condition for the use of state funds to handle and maintain Native American human remains and cultural items, that the University of California Office of the President (UCOP) comply with various requirements regarding the repatriation of Native American human and cultural items, in addition to requirements already established by the California Native American Graves Protection and Repatriation Act (NAGPRA).

BACKGROUND

Existing law:

Federal law

- 1) Creates the NAGPRA Act of 1990, which, in part:
 - a) Requires federal agencies, museums, and institutions, which includes University of California (UC) campuses, to repatriate "cultural items" to lineal descendants and culturally-affiliated Indian tribes and Native Hawaiian organizations, as provided;
 - b) Defines cultural items to include human remains, funerary objects, sacred objects, and objects of cultural patrimony, as specified;
 - c) Declares that the Secretary of the Interior may assess civil penalties on museums that fail to comply;
 - d) Establishes procedures for the inadvertent discovery or planned excavation of Native American cultural items on federal or tribal lands;
 - e) Makes it a criminal offense to traffic in Native American human remains without right of possession or in Native American cultural items obtained in violation of the Act, as provided; and,
 - f) Establishes penalties for trafficking in remains or cultural items, including up to 12 months imprisonment and a \$100,000 fine for first offender violations. (Public Law 101- 601; 25 U.S.C. 3001-3013)

State law:

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

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

ANALYSIS

This bill:

- 1) Requires UCOP, as a condition for using state funds to handle and maintain Native American human remains and cultural items, to comply with all of the following:
 - a) To ensure UC, Santa Barbara (UCSB) identifies all of the Native American human remains and cultural items in its collection under the State act, monitor this institution's efforts to review that collection, and ensure that this institution completes this review process by July 1, 2024.
 - b) By July 2024, issue guidance on how institutions should proactively work with partner entities to facilitate repatriation of Native American human remains and cultural items to ensure that institutions appropriately respond to all Native American human remains and cultural items found in the future.
 - c) To ensure that institutions comply with the State act and consult with California Indian tribes appropriately, establish a uniform process for institutions to follow when consulting with California Indian tribes about their Native American human remains and cultural items inventories.
 - d) By July 1, 2024, require institutions with more than 100 sets of Native American human remains or cultural items to have full-time repatriation coordinators to ensure that institutions provide appropriate resources and oversight to the administration of the State act.

- e) To ensure that institutions fully repatriate their collections in a timely and consistent manner, require institutions to complete and submit detailed repatriation plans by July 1, 2024, for review and approval by the campus-level NAGPRA Implementation and Oversight committee (Oversight Committee) and the systemwide Oversight Committee. The bill requires detailed budgets for repatriation plans.
 - f) Requires the UCOP provide funding to support institution-level repatriation efforts and ensure that institutions identify adequate funding sources in their detailed budgets for their repatriation plans.
- 2) States that it is the intent of the Legislature to ensure that all of the following occurs:
- a) The UC reports each institution's progress toward completing repatriation pursuant to the State act.
 - b) The UCOP provides available funding to sufficiently support each institution's efforts towards completing repatriation pursuant to the State act.
 - c) Membership of UC's systemwide and institution-level Oversight Committees that are established pursuant to current law have individuals with different types of educational backgrounds.
- 3) Defines all of the following terms for purposes of the bill:
- a) "Federal act" means the federal Native American Graves Protection and Repatriation Act.
 - b) "Institution" means a UC campus.
 - c) "State act" means the California Native American Graves Protection and Repatriation Act of 2001.

STAFF COMMENTS

- 1) **Need for the Bill.** According to the author, "Although the university system is required to return Native American human remains and cultural items to Native American tribes, it has not always done so in a consistent and timely manner. This bill will help restore dignity to generations of indigenous Californians by ensuring campuses allocate the necessary funding to complete the repatriation process and by holding them accountable to get it done."
- 2) **Adds to the Current Requirements.** This bill imposes new duties on UC regarding the care, preservation and repatriation of Native American human remains and cultural items, in addition to the conditions outlined in current law. Existing law established by AB 2836 (Gloria, Chapter 823, Statutes of 2018) requires that the UC Regents establish a systemwide NAGPRA Implementation

and an Oversight committee and that each campus subject to the federal NAGPRA establish a campus specific implementation committee in order to implement the federal and State NAGPRA laws. It also requires UC to adopt and implement systemwide policies and procedures in consultation with California tribes, and submit them to the Native American Heritage Commission for review and comment. Campuses may adopt supplementary policies if they determine that individual circumstances are not adequately addressed by systemwide policies.

This bill further directs UCOP to particularly oversee the efforts of one of its campuses (UCSB) to review its collection. It also requires that UCOP issue guidance to campuses on how to work with partner entities to facilitate repatriation of items in their collections, establish a uniform process for consulting with Native American tribes, require certain campuses have full-time repatriation coordinators, and require campuses submit detailed repatriation plans with detailed budgets.

- 3) **Related Audit Report.** The California State Auditor (Auditor) released its second report of the UC's compliance with federal and state NAGPRA on November 17, 2022. It states that, although the university has made progress since its 2020 audit, it must take extra steps to ensure the timely return of Native American remains and cultural items. The auditor noted that UC Berkeley, Riverside, Santa Barbara and San Diego continue to maintain large collections and that some of them have failed to conduct a comprehensive review of all human remains and cultural items in their control.

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

The auditor suggests amending state law to require UC to regularly report on its campuses' progress toward completion of repatriation, to require UCOP to provide adequate funding to support campuses' repatriation efforts, and to review state NAGPRA to allow individuals with other types of educational backgrounds to qualify for committee membership.

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

The provisions in this bill codify many of the auditor recommendations, specifically those issued to UC Regents.

4) Related and Prior Legislation.

AB 226 (Ramos, 2023) urges, commencing June 30, 2024, that UC annually report progress towards completing repatriation in accordance with NAGPRA for each campus and to provide adequate funding for that purpose. Similar to this bill, it seeks to codify recommendations included in the UC NAGPRA audit. Unlike this measure, AB 226 codifies the auditor's recommendations issued for the consideration by legislature that differ from those issued to the UC Regents. AB 226 has been referred to the Assembly Higher Education Committee.

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

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

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

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 98	Hearing Date:	March 22, 2023
Author:	Portantino		
Version:	January 18, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Education finance: additional education funding.

SUMMARY

This bill provides additional Local Control Funding Formula (LCFF) funding to local educational agencies (LEAs) based on a calculation of how much additional funding the LEA would receive if the student count methodology of the LCFF were based on enrollment instead of attendance.

BACKGROUND

Approved by the voters in November 1988, Proposition 98 amended Section 8 of Article XVI of the California Constitution. Specifically, Proposition 98—commonly referred to as the minimum guarantee—added constitutional provisions setting forth rules for calculating a minimum annual funding level for K–14 education. The state meets the guarantee using both state General Fund and local property tax revenue.

In 2013, the LCFF was enacted. The LCFF establishes per-pupil funding targets, with adjustments for different student grade levels, and includes supplemental funding for LEAs serving students who are low-income, English learners, or foster youth. The LCFF replaced almost all sources of state funding for LEAs, including most categorical programs, with general purpose funding including few spending restrictions.

The largest component of the LCFF is a base grant generated by each student. Current law establishes base grant target amounts for the 2013-14 fiscal year, which are increased each year by the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States.

The base grant target rates for each grade span for the 2022-23 fiscal year are as follows:

- 1) \$10,119 for grades K-3 (includes a 10.4 percent adjustment for class size reduction);
- 2) \$9,304 for grades 4-6;
- 3) \$9,580 for grades 7-8;
- 4) \$11,391 for grades 9-12 (includes a 2.6 percent adjustment for career technical education).

For each disadvantaged student (low-income, English learner, or foster youth), a district receives a supplemental grant equal to 20 percent of its adjusted base grant. A district serving a student population with more than 55 percent of disadvantaged students receives concentration grant funding equal to 50 percent of the adjusted base grant for each disadvantaged student above the 55 percent threshold.

The LCFF funds LEAs based on their average daily attendance (ADA). Total ADA is defined as the total days of student attendance divided by the total days of instruction.

ANALYSIS

This bill:

- 1) Defines “average daily membership” as the quotient of the aggregate enrollment days for all pupils in a LEA, from transitional kindergarten to grade 12, inclusive, as applicable, divided by the total number of instructional days for the LEA in an academic year. The data used for this calculation shall be from the same fiscal year used to calculate the LEA’s ADA.
- 2) Requires that commencing with the 2023-24 fiscal year, LEAs receive additional education funding, in addition to their LCFF entitlement, in an amount equal to the difference between what the LEA would have received under the LCFF if it were based on average daily membership instead of ADA, and what the LEA received under the LCFF based on ADA for that fiscal year.
- 3) Requires the Superintendent of Public Instruction (SPI), for the purpose of the additional education funding calculation, to apply the funding difference to the LCFF base, supplemental, and concentration grants for each LEA.
- 4) Specifies that LEAs are eligible for the additional education funding if they meet the following requirements:
 - a) Submit to the SPI by January 15, the unduplicated primary and short-term enrollments for their first term enrollment totals and final enrollment data for the entire academic year under timeframes and procedures established by the SPI.
 - b) Demonstrate a maintenance of effort, subject to annual audit, to address chronic absenteeism and habitual truancy by maintaining at least the same per-pupil spending level on staff who address these issues as the LEA did in 2019-20.
- 5) Requires that at least 30 percent of the additional education funds be used for LEA expenditures to address chronic absenteeism and habitual truancy by providing services and supports that have been determined to improve school attendance, or addressing the root causes that contribute to pupils being chronically absent or habitually truant.

- 6) Requires LEAs to continue to implement a system to accurately track pupil attendance to raise the awareness of the effects of truancy and chronic absenteeism, identify and address factors contributing to habitual truancy and chronic absenteeism, and ensure that pupils with attendance problems are identified as early as possible to provide applicable support services and interventions.
- 7) Requires the SPI, for purposes of calculating average daily membership, to issue directives and guidance on determining the date of withdrawal for a pupil deemed habitually truant.
- 8) Requires the Legislative Analyst's Office, by November 1, 2029, to submit a report to the Legislature on the implementation of the funding provisions of this bill that includes information from LEAs selected by the Legislative Analyst's Office.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California is one of six states that does not consider enrollment figures for determining state aid to school districts. Districts plan their budgets and expend funds based on enrollment but receive funds based on attendance. For example, if a school district enrolls 100 students but their attendance rate is 95%, the school district must still prepare as if 100 students will attend class every day.

"While school districts are morally and legally required to comply with compulsory education laws and conduct outreach to re-engage students who are chronically absent or habitually truant, California funds schools based on average daily attendance (ADA). As such, school districts do not receive funding if a student does not attend school on any given day despite having fixed educational, programmatic and operational costs."

- 2) ***Student enrollment and attendance in California are counted in varying ways and for varying purposes.*** Currently, LEAs collect data on the number of students they serve each year in three basic ways—census day enrollment counts, cumulative enrollment, and ADA.

Census day enrollment counts are taken on the first Wednesday in October (known as Census Day) to establish a baseline count of the students attending a particular school along with information such as race/ethnicity, whether the students are English learners, how many qualify for free and reduced-price meals, and more. Cumulative enrollment is collected at the end of the year and is used to measure chronic absenteeism and suspension and expulsion rates for the State School Dashboard. Finally, ADA is used to apportion funding for schools and is based on the days of school attended by students, not the number of students enrolled.

- 3) ***California is one of a handful of states that allocates funding to LEAs based on attendance.*** While all states use an enrollment number of some kind to allocate revenue to LEAs on a per-pupil basis, California is one of only six states

that use ADA. California established its ADA system in 1911, with the most notable change occurring in 1998 when the state stopped funding LEAs for excused student absences.

As shown in the table below, the most common method used by other states is average daily membership, with LEAs funded based on an enrollment count averaged across the school year. Seat counts, where students are counted on a specified census day, days, or period, are also commonly used.

Student Count Method	States
Average Daily Membership	Arkansas, Minnesota, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia
Single Seat Count Date	Colorado, Delaware, Connecticut, Indiana, Iowa, Kansas, Maryland, Massachusetts, Nevada, New Jersey, New York, South Dakota, West Virginia
Multiple Seat Count Dates	Arizona, Georgia, Hawaii, Louisiana, Maine, Michigan, Montana, Washington, Wisconsin
ADA	California, Idaho, Illinois, Kentucky, Mississippi, Missouri, Texas
Single Seat Count Period	Alabama, Alaska, New Mexico, Wyoming
Multiple Seat Count Periods	Florida, Ohio

- 4) ***Existing law provides attendance exceptions for districts in declining enrollment and for emergencies.*** While LEAs in California are generally funded based solely on attendance, there are exceptions in existing law. Further, the Legislature and Governor have taken recent actions through the state budget process to hold LEAs fiscally harmless for COVID-19 related absences.

For school districts with declining enrollment, existing law provides up to a three-year reprieve from ADA loss by using the greater of the ADA in the current year, prior year, or the average of the prior three years for funding purposes. This reprieve is an acknowledgment that school districts must make program and staffing decisions before data on enrollment and available state funding is available. Additionally, the state provides a waiver process (via Form J-13A) so that LEAs are not penalized for ADA losses due to a material decrease, school closure, or lost/destroyed records.

In response to COVID-19, the 2020-21 Budget Act included a hold-harmless clause for calculating LCFF funding for the 2020-21 year by allowing 2020-21 funding to be based on 2019-20 ADA rather than 2020-21 ADA. Subsequent legislation amended the Budget Act to provide 2020-21 growth funding for LEAs that anticipated enrollment or ADA growth. Further, the 2022-23 Budget Act

amended the LCFF calculation to consider the greater of a school district's current year, prior year, or the average of three prior years' ADA.

- 5) ***Recent report on funding enrollment versus attendance identifies important tradeoffs and the need to continue to encourage student attendance and engagement.*** A March 2022 report by Policy Analysis for California Education (PACE), "Student Count Options for School Funding: Trade-offs and Policy Alternatives for California", observes that changing the LCFF student count methodology creates tradeoffs and should be analyzed with other alternatives for increasing funding equity. Specifically, attendance-based funding incentivizes LEAs to reach out to families to ensure students show up to school. This incentive may be the reason why California ranks among the top 10 states nationally in student attendance, with a pre-COVID average of over 95 percent. However, LEAs serving more English-learner, low-income, and foster and homeless students tend to have lower attendance rates for multiple reasons, which results in additional fiscal penalties under the existing system.

After exploring California's existing student count system, historical attendance figures, and various policy considerations, the report concludes the following:

"The method California uses to count students for funding purposes is an important decision that drives both resources and behaviors. California leaders should examine their policy goals related to fiscal stability, equity, attendance, and more in order to determine whether the current ADA-based funding system is helping to meet those goals. It is clear to us that a new count method, by itself, cannot achieve all goals. Switching from attendance to enrollment may help districts achieve greater fiscal stability, and it may help redistribute resources to school districts with greater student needs. It could also offer districts more flexibility around how to serve students instructionally—especially students who might learn better through a competency-based model. On the other hand, the current system includes a fiscal incentive that, most agree, encourages higher attendance, even if that attendance definition is relatively weak. If the state dispensed with this incentive, it would likely need to find other ways to drive positive practices related to student attendance and engagement."

- 6) ***This bill redistributes school funding without increasing the minimum Proposition 98 guarantee.*** By allocating funds to schools based on enrollment instead of attendance, this bill increases General Fund costs within the Proposition 98 guarantee by around \$3 billion. This is because all LEAs have enrollment that is higher than attendance, with rare exceptions. However, because the annual funding level for education (the Proposition 98 guarantee) would remain unchanged, this bill is ultimately a reallocation of existing education resources—from LEAs with average or better ADA (95 percent or more of enrollment) to LEAs with below average ADA (less than 95 percent of enrollment). While most LEAs with below average attendance tend to serve higher proportions of students that are English-learners, low-income, or foster youth, there are several exceptions (e.g. LEAs serving a low proportion of "at-risk" students while also having below average attendance).

- 7) ***Directing funding to LEAs with greater student needs has merit, but are there alternative methods that require fewer policy tradeoffs?*** The LCFF was adopted as a progressive funding system to increase equity by providing additional funding (supplemental and concentration grants) to LEAs serving larger portions of English-learner, low-income, and foster youth students. By redistributing LCFF funding to LEAs with lower than average attendance, this bill would further increase the equity of the LCFF (with exceptions)—but at what cost? Most agree that the current system effectively incentivizes higher student attendance and removing this incentive could result in lower attendance, negatively impacting student outcomes and widening the achievement gap. The author appears to acknowledge this tradeoff by proposing a maintenance of effort and a seemingly arbitrary 30 percent ongoing spending requirement on personnel addressing absenteeism and truancy. This spending requirement, in essence, creates a new categorical program which cuts against the intent of the LCFF to encourage LEAs to identify their needs and develop goals locally.

Are there other ways in which to change the LCFF that increase equity and require fewer tradeoffs? For example, would increasing the amount of supplemental and concentration grants relative to the base grant or providing additional funding for “duplicated” students (e.g. students who are both English-learners and low-income or English-learners and foster youth) achieve the same equity goal while preserving the incentive for student attendance and the flexible premise of the LCFF?

- 8) ***Arguments in support.*** The Los Angeles Unified School District, co-sponsor of this bill, states, “When students are facing trauma, economic uncertainty, or dangerous routes to school, the simple act of showing up to class is not so simple. SB 98 is a necessary measure to address existing flaws in the state’s funding system by providing more equitable funding so school districts across the state can meet students’ needs and address the root causes of absenteeism. School districts need these critical resources to ensure all students receive support to be in class and learning every day.

“SB 98 underscores the robust existing accountability requirements for school districts to track pupil attendance and examine chronic absenteeism data, provide truancy notification notices to parents, and continue the work of the School Attendance Review Boards to meet regularly to diagnose and resolve persistent student attendance or behavior issues.”

- 9) ***Arguments in opposition.*** The California Association of School Business Officials states, “Our concern stems from the approach that this bill takes to divert Proposition 98 funds, creating a new formula to generate supplemental resources, in a manner that can create unintended consequences for local education agencies (LEAs). The bill would provide additional funding to LEAs with lower attendance rates, without any state or county office of education analysis or review prior to distribution of funds to determine that LEAs with high chronic absenteeism rates have made strides in reducing their chronic absenteeism and/or truancy rates.

The bill also creates a new funding source outside of the LCFF, which will complicate how LEAs report all available funds on their local control and accountability plans (LCAPs) to address each statewide priority. Lastly, the bill allows for 'supplanting' of these resources, which will have varying results on how LEAs will determine how they address this one LCFF statewide priority, whether that is to spend additional funds on their current chronic absenteeism services and programs or maintain current funding and divert available local funds for other purposes, neither of which are tied to chronic absenteeism or truancy."

10) ***Prior legislation.***

SB 830 (Portantino, 2022) was substantially similar to this bill. The bill was held in the Assembly Education Committee.

SUPPORT

State Superintendent of Public Instruction Tony Thurmond (co-sponsor)
 California School Employees Association (co-sponsor)
 Los Angeles Unified School District (co-sponsor)
 Alliance – ExpandLA
 Alliance for A Better Community
 American Federation of State, County and Municipal Employees
 Associated Administrators of Los Angeles
 Boys and Girls Club of Carson
 California Charter Schools Association
 California Labor Federation
 California School Employees Association
 California State Council of Service Employees International Union
 Coalition for Human Immigrant Rights
 Communities in Schools of Los Angeles
 Community Coalition
 Diversity in Leadership Institute
 EduCare Foundation
 Educators for Excellence – Los Angeles
 Generation Up
 Kid City Hope Place
 Los Angeles Area Chamber of Commerce
 Para Los Niños
 Parent Engagement Academy
 Parents Supporting Teachers
 San Diego Unified School District

OPPOSITION

California Association of School Business Officials

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	SB 234	Hearing Date:	March 22, 2023
Author:	Portantino		
Version:	March 13, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Opioid antagonists: schools, college campuses, stadiums, concert venues, and amusement parks.

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

SUMMARY

This bill requires each campus of a K-12 public school, California Community Colleges (CCC), the California State University (CSU), the University of California (UC), an independent institution of higher education, and a private postsecondary educational institution, and requires each stadium, concert venue, and amusement park, to maintain unexpired opioid antagonist doses on its premises and ensure that at least two employees are aware of the location of the other opioid antagonist. This bill also expands a CCC ability to administer naloxone to students suffering, or believed to be suffering, from an opioid overdose.

BACKGROUND

Existing Law:

Education Code (EDC)

- 1) Permits a school nurse or trained personnel who have volunteered to provide emergency naloxone hydrochloride or another opioid antagonist, by nasal spray or by auto-injector, to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EDC § 49414.3(a))
- 2) Provides a school no more than two weeks to restock their supply of naloxone hydrochloride or another opioid antagonist after use. (EDC § 49414.3(h))
- 3) Requires an Local Education Agency (LEA), County Office of Education (COE), or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid to ensure that each employee who volunteers are provided defense and indemnification by the LEA, COE, or charter school for any and all civil liability. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EDC § 49414.3(i))
- 4) Requires the governing board of each community college district and the Trustees of the CSU, and the Regents of the UC are requested to, in collaboration with campus-based and community-based recovery advocacy organizations, provide,

as part of established campus orientations, educational and preventive information provided by the State Department of Public Health about opioid overdose and the use and location of opioid overdose reversal medication to students at all campuses of their respective segments. (EDC § 67384 (a))

- 5) Requires the governing board of each community college district and the Trustees of the CSU, and the Regents of the UC are requested to, require that each campus health center located on a campus within their respective segments apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication, and to participate in the Naloxone Distribution Project (NPD) administered by the State Department of Health Care Services (DHCS). Upon approval for use of the statewide standing order and participation in the NPD, a campus health center shall distribute a federally approved opioid overdose reversal medication obtained through the NPD in accordance with its terms and conditions. (EDC § 67384 (b))
- 6) Requires, if a school district, charter school, or private school elects to offer an athletic program, the school district, charter school, or private school to annually give the Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention to each athlete. The athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet for Patients and return that document to the school district, charter school, or private school before the athlete initiates practice or competition. The Opioid Factsheet for Patients may be sent and returned through an electronic medium, including, but not limited to, fax or email. (EDC § 49476)

Civil Code (CIV)

- 7) Permits a licensed health care provider who is authorized by law to prescribe an opioid antagonist may issue standing orders for the distribution of an opioid antagonist to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose. (CIV § 1747.22 et. sq.)

Business and Professions Code (BPC)

- 8) Permits a pharmacy to furnish epinephrine auto-injectors (EAs) to an authorized entity, as specified, if the EAs are furnished exclusively for use at or in connection with an authorized entity, as specified; an authorized health care provider provides a prescription; and, the records are maintained by the authorized entity for three years. Requires the authorized entity to create and maintain an operations plan related to its use of EAs. (BPC § 4199.4 et. sq.)

ANALYSIS

Existing Law:

Education Code (EDC)

- 9) Permits a school nurse or trained personnel who have volunteered to provide emergency naloxone hydrochloride or another opioid antagonist, by nasal spray or by auto-injector, to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EDC § 49414.3(a))
- 10) Provides a school no more than two weeks to restock their supply of naloxone hydrochloride or another opioid antagonist after use. (EDC § 49414.3(h))
- 11) Requires an Local Education Agency (LEA), County Office of Education (COE), or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid to ensure that each employee who volunteers are provided defense and indemnification by the LEA, COE, or charter school for any and all civil liability. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EDC § 49414.3(i))
- 12) Requires the governing board of each community college district and the Trustees of the CSU, and the Regents of the UC are requested to, in collaboration with campus-based and community-based recovery advocacy organizations, provide, as part of established campus orientations, educational and preventive information provided by the State Department of Public Health about opioid overdose and the use and location of opioid overdose reversal medication to students at all campuses of their respective segments. (EDC § 67384 (a))
- 13) Requires the governing board of each community college district and the Trustees of the CSU, and the Regents of the UC are requested to, require that each campus health center located on a campus within their respective segments apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication, and to participate in the Naloxone Distribution Project (NPD) administered by the State Department of Health Care Services (DHCS). Upon approval for use of the statewide standing order and participation in the NPD, a campus health center shall distribute a federally approved opioid overdose reversal medication obtained through the NPD in accordance with its terms and conditions. (EDC § 67384 (b))
- 14) Requires, if a school district, charter school, or private school elects to offer an athletic program, the school district, charter school, or private school to annually give the Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention to each athlete. The athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet for Patients and return that document to the school district, charter school, or private school before the athlete initiates practice or competition. The Opioid Factsheet for Patients may be sent and returned through an electronic medium, including, but not limited to, fax or email. (EDC § 49476)

Civil Code (CIV)

- 15) Permits a licensed health care provider who is authorized by law to prescribe an opioid antagonist may issue standing orders for the distribution of an opioid antagonist to a person at risk of an opioid-related overdose or to a family member,

friend, or other person in a position to assist a person at risk of an opioid-related overdose. (CIV § 1747.22 et. sq.)

Business and Professions Code (BPC)

- 16) Permits a pharmacy to furnish epinephrine auto-injectors (EAs) to an authorized entity, as specified, if the EAs are furnished exclusively for use at or in connection with an authorized entity, as specified; an authorized health care provider provides a prescription; and, the records are maintained by the authorized entity for three years. Requires the authorized entity to create and maintain an operations plan related to its use of EAs. (BPC § 4199.4 et. sq.)

STAFF COMMENTS

- 1) **Need for the bill.** According to the author “With the increased availability of fentanyl and other potent drugs, deaths linked to opioid overdoses are rising at alarming rates. To combat the ongoing opioid crisis, naloxone should be readily available in schools, amusement parks, stadiums, concert venues and other locations to significantly reduce opioid-related overdose deaths. Where current law makes it optional to use Narcan for emergency purposes, SB 234 will require that it is readily available. We should equip schools and other impacted places with the tools they need to save lives. No parent should worry that a successful emergency treatment isn’t available to help a victim survive an overdose”
- 2) **California Department of Health Care Services (DHCS) Statewide Standing Order for Naloxone.** Naloxone can help reduce opioid overdose deaths in California, but many organizations find it difficult to obtain the required standing order from health care providers. According to the California Department of Public Health (CDPH), of the 6,843 opioid-related overdose deaths in 2021, 5,722 were related to fentanyl. CDPH issued the standing order to obtain naloxone, in 2018, to address this need and support equitable naloxone access. The standing order:
 - a) Allow for the administration of naloxone by a family member, friend, or other person to a person experiencing or reasonably suspected of experiencing an opioid overdose; and
 - b) Allow community organizations and other entities in California that are not currently working with a physician, to distribute naloxone to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist.

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

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

According to DHCS website, stadiums, concert venues, and amusement parks are not eligible to participate in the NDP.

- 3) **Addressing Fentanyl Among K-12 Students.** According to CDPH, in 2021, there were 224 fentanyl-related overdose deaths among teens ages 15–19 years old in California. State statute requires the Superintendent of Public Instruction (SPI) to establish minimum training standards for school employees who volunteer to administer naloxone or another opioid antagonist. In addition to setting minimum training standards, the California Department of Education (CDE) must maintain on its website a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils.

LEAs and COE have also adjusted to address this growing crisis. For example, the Lake County Office of Education and Washington Unified School District in West Sacramento recently implemented a local school naloxone policy consistent with an LEAs ability to implement a naloxone policy. San Diego Unified School District created its naloxone toolkit to aid other LEAs and inform parents and guardians. In September of 2022, the Los Angeles Unified School District (LAUSD) in collaboration with the Los Angeles County Department of Public Health announced that doses of naloxone will be provide to LAUSD at no cost in response to the devastating epidemic of overdoses.

The CDE, in conjunction with the CDPH, also provides LEAs with resources and information that they can readily share with parents and students to help keep them safe. The shareable Fentanyl Awareness and Prevention toolkit page offer information about the risks of fentanyl and how to prevent teen use and overdoses. In addition to the toolkit, the CDPH's Substance and Addiction Prevention branch also provides resources for parents, guardians, caretakers, educators, schools, and youth-serving providers.

This bill requires K-12 schools to carry unexpired doses of narcan and ensure that at least two employees are aware of its location on campus.

- 4) **College Campuses Response to Opioid Overdose.** Current law requires each community college, CSU campus and requests UC campuses with on-campus health centers to distribute opioid overdose reversal medication in accordance with the statewide standing order issued by the State Public Health Officer and to participate in the NDP. It further requires information about the location of opioid overdose reversal medication be provided to students during campus orientations.

This bill requires all campuses to have doses of opioid overdose reversal medication regardless of whether they have an on-campus health center; this bill would have little effect on college campuses that are already have an on-campus health center and are in compliance with the law.

- 5) **Governor's Budget.** Currently the Governor's budget proposes \$3.5 million ongoing for all middle and high school sites to maintain at least two doses of naloxone hydrochloride or another medication to reverse an opioid overdose on campus for emergency aid and an additional \$79 million to the NPD.

This bill would require grades K-12 to report to the CDE and DHCS while the Governor's Budget proposes for middle and high schools to maintain at least two doses of naloxone. The author may wish to consider aligning the reporting requirement with the appropriate grade range receiving naloxone.

- 6) **Related Legislation.**

AB 19 (Patterson, 2023) would require each public school operated by a school district, county office of education, or charter school to maintain at least two doses of naloxone hydrochloride or another opioid antagonist for purposes of those authorizations.

SB 10 (Cortese, 2023) would require LEA and COE to include strategies for the prevention and treatment of an opioid overdose in their school safety plans and for the CDE to develop training materials on the use of emergency opioid antagonists for school personnel, and safety materials for parents, guardians, and pupils in conjunction with the California Health and Human Services Agency.

SB 472 (Hurtado, 2023) would require each campus of a public school operated by an LEA, COE, or charter school to maintain at least two doses on its campus, and distribute, naloxone hydrochloride or another opioid antagonist pursuant to the standing order for naloxone and requires LEAs, COEs, and charter school to report to the California Department of Health Care Services (DHCS) for failure to distribute naloxone.

AB 24 (Haney, 2023) would require a person or entity that owns, manages, or is responsible for a bar, gas station, public library, or single-room occupancy hotel in a county that is experiencing an opioid overdose crisis to acquire and post an opioid antagonist kit in areas that are readily accessible only by employees, including, but not limited to, a break room, and to restock the opioid antagonist kit after each use.

SB 367 (Hurtado) Chapter 218, Statutes of 2022, requires each institution of higher education to 1) provide educational and preventive information provided by the CDPH about opioid overdose and the use and location of opioid overdose reversal medication; 2) to require each campus health center located on a campus to apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication.

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

California Alliance of Child and Family Services
California District Attorneys Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 445	Hearing Date:	March 22, 2023
Author:	Portantino		
Version:	February 13, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Special education: individualized education programs: translation services.

SUMMARY

This bill requires a local educational agency (LEA), upon a parent's request, to translate the student's individualized education program (IEP) and other related documents in the native language of the parent within 30 calendar days of the IEP team meeting.

BACKGROUND

Existing law:

- 1) Requires LEAs to take any action necessary to ensure that, in an IEP team meeting, the parent or guardian understands the proceeding, including arranging for an interpreter for parents or guardians with deafness or whose native language is a language other than English. (Education Code § 56341.5)
- 2) Requires proposed special education assessment plans to be provided to parents in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. (EC § 56321)
- 3) Requires LEAs to give the parent or guardian a copy of the IEP, at no cost to the parent or guardian. (EC § 56341.5)
- 4) Requires, through regulations, LEAs to give a parent or guardian a copy of a student's IEP in his or her primary language at his or her request. (California Code of Regulations, Title 5, § 3040)
- 5) Provides that it is a due process right for parents to receive written notice of his or her rights in language easily understood by the general public and in the native language of the parent, or other mode of communication used by the parent, unless to do so is clearly not feasible. (EC § 56506)
- 6) Defines "consent" in special education proceedings to include situations in which the parent or guardian has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication. (EC § 56021.1)
- 7) Requires schools and school districts, if 15 percent or more of the students enrolled in a public school speak a single primary language other than English, to

send all notices, reports, statements, or records to the parent or guardian in the primary language, in addition to English. Existing law authorizes the response from the parent or guardian to be in English or their primary language. (EC § 48985)

- 8) Provides that no person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. (Government Code §11135)
- 9) Defines a “recipient,” for purposes of non-discrimination in state-supported programs and activities, as any contractor, *local agency*, or person who regularly employs five or more persons and who receives state support in an amount in excess of \$10,000 in the aggregate per state fiscal year or in an amount in excess of \$1,000 per transaction, by grant, contract or otherwise, directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the state support. (California Code of Regulations, Title 2, § 11150)
- 10) Provides that it is a discriminatory practice for a recipient to fail to take appropriate steps to ensure that alternative communication services are available to ultimate beneficiaries, except where the state agency determines that such a requirement would place an undue hardship on the recipient. (2 CCR § 11162)
- 11) Defines “alternative communication services” as the method used or available for purposes of communicating with a person unable to read or speak or write in the English language, including but not limited to the provision of the services of a multilingual employee or an interpreter for the benefit of an ultimate beneficiary and the provision of written materials in a language other than English. (2 CCR § 11161)

ANALYSIS

This bill:

- 1) Requires LEAs, upon the parent’s request, to translate the following documents in the native language of the parent, or in another mode of communication used by the parent:
 - a) A copy of the student’s completed IEP and any revisions to the IEP.
 - b) Any evaluation, assessment, or progress data used to determine eligibility or to develop the IEP that is discussed at an IEP team meeting.

- 2) Requires the documents described in 1) above to be translated within 30 calendar days of the IEP team meeting, or within 30 calendar days of a later request by the parent, for a parent whose native language is one of the eight most commonly spoken languages, excluding English, in a LEA, as determined by the California Department of Education (CDE) and reported through DataQuest or any successor system.
- 3) Provides that, if the list of the eight most commonly spoken languages in an LEA includes an "other" category of multiple non-English languages, that category is not be included in the top eight most commonly spoken languages.
- 4) Requires the documents described in 1) above to be translated by a qualified translator.
- 5) Provides that nothing is to be construed to abridge any right granted to a parent under state or federal law, including the right to give or withhold consent to part or all of the IEP.
- 6) Modifies the existing requirement for LEAs to ensure that parents understand proceedings at a meeting to specify that:
 - a) The LEA is to ensure that parents understand the proceeding during the planning process for the IEP, including during the IEP team meeting.
 - b) The action required is to include, as applicable:
 - i) Communicating in the parent's native language or in another mode of communication used by the parent.
 - ii) Providing translation services as required by this bill and providing alternative communication services as required by existing law.
- 7) Requires the CDE to revise its notice of procedural safeguards, in English and in the primary languages for which the CDE has developed translated versions, to inform parents of their right to request the translation of documents.
- 8) Provides that this bill is not intended to affect any state or federal law requirement regarding the translation of education-related documents, including but not limited to the right to alternative communication services pursuant to existing requirements in the Government Code and implementing regulations.
- 9) Defines "qualified translator" as a translator who is proficient in and literate in English and the non-English language to be used, and has the ability to communicate terms and ideas between the English language and the non-English language to be used, considering regional language variations, and has knowledge of basic translator practices, including but not limited to privacy, neutrality, accuracy, completeness, and transparency.
- 10) Expands the definition of "parent" to include a conservator of a child and a surrogate parent, and clarifies that a person who holds the right to make

educational decisions for a student may not necessarily be the guardian, for purposes of existing statutes related to special education.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The IEP process has many steps and can be overwhelming and intimidating for parents and guardians who are not familiar with the process or terminology - especially, if that person’s native language is not English. Although, verbal translators are made available to parents, guardians, or educational right holders during IEP meetings, some terms in documents or processes may be lost in translation. LEAs are required to provide translated copies of the IEP, if requested. The problem occurs when the LEA does not provide the translated IEP in a timely manner or when the translated IEP has not been translated accurately and not in the proper dialect. SB 445 ensures that parents will be able understand their child’s IEP and be involved in their child’s academic life. Language barriers for children who face challenges is a hurdle we need to overcome. We should be doing everything we can early in a child’s academic life to provide the services necessary for them to reach their potential and achieve success.”
- 2) ***Expansion of translated documents and creation of new timeline.*** This bill requires LEAs to translate a student’s IEP and related documents in the parent’s native language within a 30 day timeline. Existing law and regulations require LEAs to:
 - a) Take any action necessary to ensure that parents understand the proceedings of an IEP team meeting, including providing an interpreter.
 - b) Provide proposed special education assessment plans to parents in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
 - c) Provide to a parent or guardian a copy of a student’s IEP in his or her primary language at the parent’s request.
 - d) Send all notices, reports, statements, or records to the parent or guardian in the primary language, in addition to English, if 15 percent or more of the students enrolled in a public school speak a single primary language other than English (not specific to documents related to special education).

This bill codifies existing regulations that require LEAs to give parents a copy of a student’s IEP in the parent’s primary language at his or her request, requires translated copies of any evaluation, assessment or progress data used in relation to an IEP, and imposes a timeline of within 30 days of the IEP team meeting. This bill’s requirements apply only for the top eight languages, other than English, in each school district as determined by the CDE.

- 3) ***Clearinghouse for Multilingual Documents.*** The CDE maintains a Clearinghouse for Multilingual Documents (Clearinghouse), an online resource that helps LEAs find pre-existing, locally-created translations of parental

notification documents (related to the requirement to provide notices in the primary language if at least 15 percent of the school's students speak a language other than English; not specifically related to special education). Access to these documents is limited to registered users. The Clearinghouse provides free access to numerous translated documents that other LEAs are willing to make available. LEAs may find translations, review them, and revise them to suit local needs.

According to the CDE, the database of multilingual documents contains some documents that would inform IEP development, but that since this project is a Title III service (federal English learner statute) and the IEP is not a Title III obligation, it does not include special education forms.

- 4) ***Need for qualified translators.*** This bill requires translators to be qualified, defined as a translator who is proficient in and literate in English and the non-English language to be used, and has the ability to communicate terms and ideas between the English language and the non-English language to be used, considering regional language variations, and has knowledge of basic translator practices, including, but not limited to, privacy, neutrality, accuracy, completeness, and transparency.

In a joint letter from the United States Department of Education and the United States Department of Justice dated January 7, 2015, the departments raised several issues with regard to the use of Web-based translation of special education documents:

“Some school districts have used web-based automated translation to translate documents. Utilization of such services is appropriate only if the translated document accurately conveys the meaning of the source document, including accurately translating technical vocabulary. The Departments caution against the use of web-based automated translations; translations that are inaccurate are inconsistent with the school district's obligation to communicate effectively with LEP parents. Thus, to ensure that essential information has been accurately translated and conveys the meaning of the source document, the school district would need to have a machine translation reviewed, and edited as needed, by an individual qualified to do so. Additionally, the confidentiality of documents may be lost when documents are uploaded without sufficient controls to a web-based translation service and stored in their databases. School districts using any web-based automated translation services for documents containing personally identifiable information from a student's education record must ensure that disclosure to the web-based service complies with the requirements of the Family Educational Rights and Privacy Act.”

- 5) ***Arguments in support.*** According to Disability Rights California, the sponsor of this bill, “While federal law requires a translation, it is not uncommon for IEPs to be translated 60-90 days after a request. It is also not uncommon for IEPs to be translated by uncertified individuals. This leaves parents in the unfortunate position of not understanding what their child's IEP states. It takes an average of

4 to 6 months to remedy this failure through a Request for Due Process or Compliance Complaint which often also requires the assistance of an attorney, which most families are not able to afford. By then, a student is denied an education.”

“The IEP process has many steps and can be very overwhelming and intimidating for a parent, guardian, or educational right holder who is not familiar with the process or terminology. Especially, if that person’s native language is not English. SB 445 will assist those parents in fully understanding the IEP process and receive translated documents in a timely manner.”

- 6) **Technical Amendment.** As currently drafted, Section 1 of this bill would change the definition of an LEA for special education purposes such that for-profit charter schools would be included. However, existing law (EC § 47604) specifies that a charter school: (1) may elect to operate as a nonprofit benefit corporation, and (2) shall not operate as, or be operated by, a for-profit educational management organization.

If it is the desire of the Committee to pass this measure, **staff recommends amending the bill** to strike Section 1 to ensure consistency with existing law related to nonprofit charter schools.

- 7) **Prior legislation.**

SB 695 (Portantino) of the 2019-20 Session was substantially similar to this bill. The bill was vetoed by the Governor Newsom, who stated:

“Current law already requires that non-English speaking parents and guardians understand their child's IEP, and LEAs must take any action needed to ensure that pupil's non-English speaking parent understands the IEP process and LEAs must also provide any materials used to assess or place a student with exceptional needs in the parent's native language.

By establishing more prescriptive requirements, particularly specifying a 30-day timeline within which those documents must be translated, the bill would exceed the requirements of federal law (the Individuals with Disabilities Act), thereby creating a costly reimbursable state mandate that will reduce funding available to support broader educational programs for these students.

If a California school district's practices of providing translation services are inadequate, avenues already exist to remedy these problems.”

SB 354 (Portantino, 2017) was also substantially similar to this bill. This bill was vetoed by Governor Brown, who stated:

“I cannot support this bill. Current law requires that non-English speaking parents understand their child's IEP, and in fact gives

parents the right to have an interpreter present at their child's IEP meetings. To the extent that this is not sufficient, I think the remedy is best handled at the local school district."

SUPPORT

Disability Rights California (co-sponsor)
Educate.Advocate (co-sponsor)
Innovate Schools (co-sponsor)
California Alliance of Child and Family Services
California Association for Parent-child Advocacy
California Health Coalition Advocacy
Go Public Schools
Inland Regional Center
Learning Rights Law Center
Pathpoint

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 467	Hearing Date:	March 22, 2023
Author:	Portantino		
Version:	February 13, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Ian Johnson		

Subject: Community colleges: apprenticeship or internship training programs.

SUMMARY

This bill prohibits a student from being denied admission to an apprenticeship or internship training program because the student uses an individual tax identification number (ITIN), rather than a social security number (SSN), for purposes of any background check required by the class or program.

BACKGROUND

Existing law:

- 1) Authorizes the use of an ITIN for purposes of conducting background checks required by a class or program for a student enrolled in a community college apprenticeship or internship training program who does not have a SSN.
- 2) Establishes that it is the mission and function of the California Community Colleges (CCC) to offer academic and vocational instruction at the lower division level and the CCC are authorized to grant the associate in arts and the associate in science degree. The community colleges are also required to offer remedial instruction, English as a Second Language instruction, and adult noncredit instruction, and support services which help students succeed at the postsecondary level.
- 3) Provides the Division of Apprenticeship Standards of the Department of Industrial Relations, in partnership with CCC Chancellor's Office, to the extent that sufficient federal funds and other resources are available, to develop and implement innovative apprenticeship training demonstration projects in high-growth industries in emerging and transitioning occupations that meet local labor market needs and that are validated by current labor market data.
- 4) Authorizes the Commission on Teacher Credentialing to use an ITIN in lieu of a SSN for individuals applying for a new or renewal credential.
- 5) Authorizes the California Architects Board to accept an application from an individual containing an ITIN, or other appropriate identification number as determined by the Board, in lieu of an SSN.

- 6) Prohibits licensing boards under the Department of Consumer Affairs from denying licensure to an applicant based on his/her citizenship or immigration status, and requires a licensing board and the State Bar of California to require, by January 1, 2016, that an applicant for licensure provide his/her ITIN or SSN for an initial or renewal license.

ANALYSIS

This bill prohibits a student from being denied admission to an apprenticeship or internship training program because the student uses an ITIN, rather than an SSN, for purposes of any background check required by the class or program.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Undocumented students are a crucial part of California’s workforce, but often face challenges when trying to access higher education opportunities and securing jobs. SB 467 helps address one of these challenges and ensures immigration status is no longer a legal barrier to achieving educational goals.”
- 2) ***Individual Tax Identification Number.*** An ITIN is a tax processing identification number issued by the Internal Revenue Service that is only available for taxpayers who are ineligible to receive a SSN. According to the National Immigration Law Center, ITINs are used by undocumented immigrants and people who are lawfully present in the United States—such as certain survivors of domestic violence, Cuban and Haitian entrants, student visa-holders, and certain spouses and children of individuals with employment visas.

To obtain an ITIN, an individual must complete documentation substantiating their immigration status and identity. The documentation may be mailed, presented in person, or processed through an authorized agent. ITINs that have not been used on a federal tax return at least once in the three most recent years expire. ITINs may also expire according to a schedule determined by the date the number was issued.

- 3) ***Serving students who do not have a SSN.*** Staff notes that having an SSN is not a condition for enrollment at a CCC. The state has demonstrated a willingness to invest in students who do not have a SSN and reside in California by qualifying them for state aid programs and resident tuition. Further, the state has authorized the use of the ITIN in place of a SSN for individuals applying for a teaching credential and for application of other professional licenses, as outlined in the background section of this analysis.

Lastly, AB 595 (Medina), Chapter 176, Statutes of 2019, permits an ITIN as an allowable form of identification for purposes of attaining a certificate or degree through an apprenticeship or internship class or program. According to the author’s office, some college programs deny students access to certain career technical education or workforce programs if it is believed that they will not be able to complete the program or secure employment in their field as a result of their immigration status.

SUPPORT

Faculty Association of California Community Colleges (sponsor)
California Workforce Association
Michelson Center for Public Policy
National Association of Social Workers, California Chapter
San Diego Community College District
Student Senate for California Community Colleges

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 223	Hearing Date:	March 22, 2023
Author:	Menjivar		
Version:	January 19, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Pupil personnel services: child welfare and attendance services.

SUMMARY

This bill authorizes the Commission on Teacher Credentialing (CTC) to approve a Child Welfare and Attendance (CWA) authorization program, for Pupil Personnel Services (PPS) credential holders, offered by a local educational agency (LEA).

BACKGROUND

Existing law:

- 1) Authorizes the CTC to approve a school nurse credentialing program offered by an LEA.
- 2) Requires the CTC to establish professional standards, assessments, and examinations for entry and advancement in the education profession.
- 3) Specifies minimum requirements for a PPS credential with a specialization in School Psychology to be a baccalaureate or higher degree from an accredited institution, 60 semester units in an approved professional preparation program, a recommendation from an approved college or university, completion of basic skills requirements, and a background check.
- 4) Specifies the minimum requirements for the added CWA authorization to be completion of a preparation program specializing in school counseling, school social work, or school psychology and a professional preparation program in CWA services, including at least 150 clock hours of supervised school-based field experience in student attendance, student enrollment and discipline, educational records, parent engagement, and legal and ethical compliance related to pupil services.
- 5) Provides the CTC with powers and duties including the adoption and implementation of an accreditation framework setting forth the commission's policies regarding the accreditation of educator preparation in California.
- 6) Requires the CTC to establish and modify credential-specific standards, experimental program standards, and alternative program standards.

- 7) Authorizes the CTC to issue the preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution, completion of an accredited credential program, and either successful passage of an examination or assessment that has been adopted or approved by the CTC.

ANALYSIS

This bill authorizes the CTC to approve a CWA authorization program, for PPS credential holders, offered by an LEA, if the program meets standards of program quality and effectiveness that have been adopted by the CTC.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “There is a well-documented shortage of mental health professionals in schools. With a tight budget this year and an ongoing workforce shortage, it’s extremely important that California comes up with creative ways to increase mental health service providers in schools. Since the pandemic, absenteeism has only gotten worse. Having credentialed Pupil Personnel Services providers with a specific certification in Child Welfare and Attendance will help to ensure that students who may need extra support are receiving it without missing meaningful time in the classroom. By allowing Local Education Agencies to offer their own Child Welfare and Attendance certification, we will be effectively working to meet the need for qualified service providers in public schools by expanding access to these programs and complimenting those already offered by a few institutions of higher education.”
- 2) ***The Commission on Teacher Credentialing serves several roles, including enforcing teacher preparation program standards.*** The CTC awards credentials and certificates on the basis of completion of programs that meet Standards for Educator Preparation and Standards for Educator Competence.

For each type of professional credential in education, the CTC has developed and adopted standards which are based upon recent research and the expert advice of many professional educators. Each standard specifies a level of quality and effectiveness that the CTC requires from programs offering academic and professional preparation in education. The CTC enforces its standards by evaluating approved programs across California through an objective process conducted by carefully selected and trained professional educators to ensure that the standards are applied consistently and rigorously.

- 3) ***Pupil Personnel Services credential holders and Child Welfare and Attendance providers.*** The PPS credential allows individuals to work as school counselors, school psychologists, school social workers, and CWA providers. School counselors and school psychologists both provide services that support students and encourage healthy development. School counselors tend to deliver basic services to a broad range of students, whereas school psychologists provide comprehensive mental health care to students on an individualized basis. School social workers serve with school administrations, students, and families to

help create school discipline policies, mental health intervention, crisis management, and support services.

CWA providers work directly with pupils to improve school attendance. These individuals focus specifically on truancy remediation and prevention in order to improve attendance culture and increase attendance and well-being for at-risk pupils. The CWA combines counseling with education and law to resolve situations involving school choice, student discipline, campus safety, and programs for at-risk youth.

- 4) ***Chronic absence in California highlights the need for attendance personnel.*** Students are considered chronically absent if they are absent **at least 10 percent** of the instructional days that they were enrolled to attend in a school. Chronic absence is different than truancy or average daily attendance, and has an especially adverse impact on students living in poverty. High levels of chronic absence in a school is an alert that systemic barriers to daily attendance may exist at home, in the community, with the school, or a combination of all.

A report in 2017 by Attendance Works titled “Seize the Data Opportunity in California: Using Chronic Absences to Improve Educational Outcomes” looked at California chronic absence data and made the following findings:

- a) In nearly one in 10 traditional public schools, nearly 20 percent or more of students are chronically absent.
- b) Approximately half (330,986) of the state’s chronically absent students attend schools where chronic absence affects 10 to 19.9 percent of students.
- c) Nearly one in five traditional high schools experience chronic absence rates of greater than 20 percent.
- d) The largest number of traditional schools with chronic absence rates of 20 percent or more are elementary schools.
- e) Chronic absence is especially high in alternative education settings, which also have a more stringent approach to collecting attendance data.
- f) Rural counties in northern California experience a higher percentage of schools with chronic absence rates of 20 percent or higher.
- g) Southern California and the Central Valley counties, which have the largest student populations, are home to the largest numbers of schools with chronic absence rates of 20 percent or higher.
- h) School-level chronic absence is correlated to higher suspension rates, higher dropout rates, lower graduation rates and fewer graduates completing students taking college-track courses.

The California Department of Education reported that 2021-22 rates of chronically absent students in California have nearly tripled statewide since before the pandemic to record levels: 30 percent for kindergartners and the state overall.

- 5) ***New PPS program standards have resulted in standalone CWA authorization programs to no longer be offered at higher education institutions.*** The CTC recently adopted new program standards for all PPS programs, effective July 1, 2022. As part of these changes, the CWA authorization will now be imbedded within the requirements for all PPS credentials, regardless of specialization area. Prior to the program standard changes, PPS credential holders could, but were not required to, supplement their credential by earning a CWA authorization from a standalone program.

The PPS program standard changes have resulted in all higher education institutions in the state ceasing to offer a standalone CWA authorization. Prior to these changes, there were 14 CWA authorization programs offered by higher education institutions in the state, ranging in cost from \$1,500 to \$14,000.

This bill, in part, appears to recognize that individuals that obtained the PPS credential prior to July 1, 2022, and did not obtain the CWA authorization, are no longer able to access a standalone CWA program. According to the CTC, allowing higher education institutions to restart their standalone CWA programs would necessitate a regulation change. However, even if higher education institutions began offering the CWA authorization again, there would still appear to be shortage of these programs statewide. By allowing K-12 LEAs to develop standalone CWA authorization programs, this bill would help address the longstanding shortage of these programs.

SUPPORT

Los Angeles Unified School District (sponsor)
Association of California School Administrators
California Association of Student Councils
Los Angeles Area Chamber of Commerce
Office of The Riverside County Superintendent of Schools

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 499	Hearing Date:	March 22, 2023
Author:	Menjivar		
Version:	February 14, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Early childhood education facilities: school facilities: School Extreme Heat Action Plan Act of 2023.

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

SUMMARY

This bill requires a) all schoolsites and child care facilities to develop and implement an extreme heat action plan to planting shade trees, install a school garden, and plant a coniferous tree barrier; b) the California Department of Education (CDE), in consultation with the Department of Social Services, to develop a template for an extreme heat action plan, make available a model program guidebook; and, c) the Department of Social Services to identify a liaison for child care facilities.

BACKGROUND

Existing law:

- 1) Requires the governing board of any school district to meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new school facilities and schoolsites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code § 35275)
- 2) Establishes the Instructional School Gardens Program, administered by the CDE for the promotion, creation, and support of instructional school gardens through the allocation of grants, and through technical assistance provided, to school districts, charter schools, or county offices of education. (EC § 9000 et seq, and § 51795 et seq)
- 3) Requires the State Allocation Board to obtain construction plans for school buildings appropriate for school districts in various climates and geographical conditions of the state, and requires the plans to be composed of plans designed to meet the needs of school districts requiring school buildings of various sizes. Existing law authorizes the plans to include landscape suggestions and designs that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of

high performance schools. (EC § 17261)

- 4) Requires child care centers' outdoor activity space to be situated to provide a shaded rest area for children. (California Code of Regulations, Title 22 § 101238.2)

ANALYSIS

This bill requires a) all schoolsites and child care facilities to develop and implement an extreme heat action plan to planting shade trees, install a school garden, and plant a coniferous tree barrier; b) the CDE, in consultation with the Department of Social Services, to develop a template for an extreme heat action plan, make available a model program guidebook; and, c) requires the Department of Social Services to identify a liaison for child care facilities. Specifically, this bill:

Schoolsite extreme heat action plans

- 1) Requires, by January 1, 2025, all schoolsites and child care facilities to develop an extreme heat action plan to do all of the following:
 - a) Install or plant shade trees or mini-forests, positioned on schoolsites and child care facilities where children can access them during the schoolday. Planting locations for shade trees shall be selected to improve the thermal comfort of outdoor surfaces, including:
 - i) Directly protecting children from the effects of extreme heat.
 - ii) Casting shade on adjacent classroom windows in schoolsite buildings and child care facilities to help reduce temperatures indoors and save cooling costs during the warmest parts of the school year.
 - b) Install or plant school garden infrastructure and plantings, such as raised garden beds, potting soil, hoses, and installation of native, low-water, and food-producing plants that may help block the wind or provide shade.
 - c) Install or plant a coniferous tree barrier between the schoolsite or child care facility and any adjacent high-polluting streets or commercial projects.
- 2) Requires, by January 1, 2027, all schoolsites and child care facilities to begin implementation of their extreme heat action plan.

Template, guidebook, and liaison for child care facilities

- 3) Requires the CDE, in consultation with the Department of Social Services, as appropriate, to do both of the following:
 - a) Develop a template for an extreme heat action plan to be used by schoolsites and child care facilities.
 - b) Make a model program guidebook available to schoolsites and child care facilities, and establish a process for systematically updating the guidebook and

supporting documentation.

- 4) Requires the Department of Social Services to identify a liaison for child care facilities.

Resurfacing or replacing outdoor surfaces at schoolsites and child care facilities

- 5) Establishes that it is the policy of this state that outdoor surfaces with high specific heat should be the preferred method of resurfacing outdoor surfaces at schoolsites and child care facilities and that the state, in order to reduce children's exposure to extreme heat, should take the necessary steps to facilitate the adoption of effective high specific heat surfaces at schoolsites and child care facilities pursuant to this bill.
- 6) Requires, at the earliest possible time or, at the latest, the next time resurfacing or replacement of outdoor surfaces of a schoolsite and child care facilities is required, all schoolsites and child care facilities to replace low specific heat surfaces, such as cement, asphalt, brick, pebbles, sand, aggregates, rubber, and synthetic turf, with high specific heat surfaces, such as cool pavement technologies, natural grass, shrubs, trees, wood chips, or other natural systems that mitigate heat and pollution.
- 7) Requires the school designee (see # 9c) to make every effort to meet the requirements of this bill in the least costly manner, to the extent permissible under state law.
- 8) Requires all schoolsite and child care facilities decision-making personnel involved in the replacement or resurfacing of outdoor surfaces at a schoolsite and child care facilities to be trained in extreme heat mitigation measures.
- 9) Defines various terms, including but not limited to:
 - a) "Earliest possible time" means the next time an outdoor surface of a schoolsite and child care facility is planned to be replaced or resurfaced.
 - b) "Outdoor surfaces" means any ground surface within the boundaries of the school property or and child care facility.
 - c) "School designee" means a schoolsite or school district employee identified by a schoolsite or school district to carry out and ensure that the requirements of this bill are met.
 - d) "Schoolsite" means any facility used as a child daycare facility or by a school district, county office of education, or charter school for purposes of providing kindergarten or any of grades 1 to 12, inclusive, including buildings, structures, playgrounds, athletic fields, areas for vehicles, or any other area of property visited or used by children. "Schoolsite" does not include any institution of higher education facility attended by students or any private school offering kindergarten or any of grades 1 to 12, inclusive.
 - e) "Specific heat" means the heat necessary to raise the temperature of a substance by 1 degree Celsius, taking into account the mass of the substance

and the amount of temperature change in Celsius.

10) States findings and declarations relative to the benefits of an ecological schoolyard.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Extreme heat events are expected to increase in frequency, severity, and duration. Extreme heat and climate change disproportionately impacts Black, Indigenous, and People of Color and low-income communities. One example of this has been seen in my district as on a 93-degree day, it was recorded that the school asphalt reached 145 degrees. Research supports that communities with the fewest resources usually have the least access to nature within and surrounding their school grounds, coupled with the highest heat, pollution, and environmental toxicology levels.

“Current measures to combat the impacts on our children are not stringent enough or moving at a pace comparable to the effects of climate change. Every year that passes without implementing robust mitigation strategies, our young people on school sites endure increasing discomfort, physical harm, and mental and emotional exasperation. These high heat emitting surfaces affect their academic performance, sense of well-being, and future. The Cool Schools Act will implement clear, actionable directives to protect our students and support their prosperity.”

- 2) ***Existing plans and reports that support the use of shade trees to address heat issues.***

- a) *California’s Extreme Heat Action Plan.* Existing law requires the Natural Resources Agency to update the state’s climate adaptation strategy every three years. In updating the strategy, the need for an interagency approach to extreme heat was identified, and therefore the state updated its extreme heat guidance and recommendations to create California’s Extreme Heat Action Plan.

California’s Extreme Heat Action Plan was released by the Natural Resources Agency in April 2022. The plan provides a strategic and comprehensive set of state actions to adapt and build resilience to extreme heat, including supporting climate-smart planning in heat-vulnerable schools, promoting climate-appropriate shade tree cover and schools, and promoting increased use of green barriers between agricultural fields and schools. Protecting Californians From Extreme Heat: A State Action Plan to Build Community Resilience

- b) *Climate Resilient California Schools.* A report titled “Climate-Resilient California Schools” was released in March 2023, and includes several recommendations for schools to achieve sustainability through extreme weather, wildfire smoke/air pollution, high temperatures, and other environmental concerns. Specifically, this report includes recommendations relative to creating green schoolyards.
<https://static1.squarespace.com/static/635dbc6808cab54e82a25127/t/6400991808b825694c042579/1677760795596/Climate-Resilient+California+Schools.pdf>

- 3) ***Capacity at each schoolsite and child care facility.*** Child care facilities are currently required to provide shade for children pursuant to provisions in Title 22 of

the California Code of Regulations; schoolsites are not required to meet these shade requirements, even for preschools that operate on a schoolsite.

It is unclear that the capacity to meet these requirements currently exists at each schoolsite and child care facility; the type of child care facility varies significantly, from large urban centers to individual private homes. It may be more efficient for planning to be at the school district level.

While this bill requires all schoolsite and child care facility decision-making personnel involved in the replacement or resurfacing of outdoor surfaces to be trained in extreme heat mitigation measures, this bill does not specify who will provide the training or any training criteria that should be met.

Some schoolsites and child care facilities are not owned by the school or provider of child care. It may be difficult for those schoolsites and child care facilities to implement plans to plant shade trees or mini-forests.

The author may wish to consider addressing these issues moving forward.

- 4) ***Elements of the extreme heat action plan.*** This bill requires schoolsites and child care facilities to develop and implement plans to install or plant shade trees or mini-forests, school gardens, and coniferous barriers. Shade trees and conifers do not thrive in every environment. Some facilities may be directly adjacent to a city-owned sidewalk without space to plant trees, or may have below-ground plumbing or other infrastructure that could be affected by tree roots.

Should schoolsites and child care facilities have the flexibility to develop plans that consider the appropriate landscape, sufficient water sources, and if other sources of shade (such as shade structures) are more feasible?

- 5) ***Technical amendments.*** This bill references the school year and schoolday. This bill affects child care programs that do not operate according to a schoolday or school year. Therefore, **staff recommends amendments** to change terms to instead reference times when students or children are in attendance.

6) ***Possible sources of funding.***

- a) ***Green Schoolyards.*** The Green Schoolyards grant program, a component of CalFire's Urban and Community Forestry Program, is designed to assist with planning and implementing projects to plant trees that, when mature, will cover at least 30% of each school property, shading areas used most often by students during the school day. Priority for these grants is being given to districts and schools in under-served communities with the highest poverty levels, hottest climates, and least existing tree cover. Non-profit child care facilities that receive state or federal funding are also eligible for these grant funds. The 2022-23 Budget included \$150 million over two years for Green Schoolyard grants (\$117 million in 2022-23 and \$33 million in 2023-24).
- b) ***Proposition 98.*** As noted in the Legislative Analyst's February 2023 report "The 2023-24 Budget: Crafting Climate, Resources, and Environmental Budget

Solutions,” the Green Schoolyards program could potentially be funded through Proposition 98, but would use school funds that would otherwise be available for other education priorities. Shifting funding to Proposition 98 would free up non-Proposition 98 General Fund resources.

- c) Bond funds. School greening projects are an eligible expenditure under the School Facility Program’s modernization program; however, there will be no money left in that program unless a school facilities bond is passed (see # 7 below).

7) **Related legislation.**

AB 527 (Calderon, 2023) requires Cal Fire to develop a competitive grant process to support school greening, as defined, by providing grants to eligible local educational agencies (not including child care facilities), nonprofit organizations, cities, counties, and districts. AB 527 passed the Assembly Natural Resources Committee on March 13 on an 11-0 vote, and is pending in the Assembly Appropriations Committee

SB 394 (Gonzalez, 2023) requires the State Energy Resources Conservation and Development Commission, upon an appropriation, to facilitate an interagency process and stakeholder engagement to develop a Master Plan for Healthy, Sustainable, and Climate-Resilient Schools in consultation with CDE, the Division of the State Architect, Office of Public School Construction, and natural Resources Agency.

AB 57 (Kalra, 2023) establishes the California Pocket Forest Initiative under the administration of Cal Fire to provide grants to cities, counties, districts, nonprofit organizations, and public schools to establish pocket forests on public lands in order to test and demonstrate the applicability and effectiveness of the Miyawaki method in California. AB 57 passed the Assembly Natural Resources Committee on March 13 on a 10-0 vote, and is pending in the Assembly Appropriations Committee.

SB 515 (Stern, 2023) exempts the installation of shade structures on the Division of the State Architect’s approved pre-check design list from requiring local educational agencies to also provide an accessible path of travel under the California Building Standards Code. SB 515 is scheduled to be heard by this committee on March 22.

SB 28 (Glazer, 2023) makes changes to the existing School Facility Program and places the Public Preschool, K-12, and College Health and Safety Bond Act on the ballot for the March, 2024 statewide primary election, which authorizes \$15 billion in bonds. SB 28 is scheduled to be heard by this committee on March 22.

AB 247 (Muratsuchi, 2023) places the Kindergarten Through Community College Public Education Facilities Bond Act, authorizing an unspecified amount of bonds, on an unspecified 2024 statewide election. AB 247 is pending in the Assembly Education Committee.

8) **Prior legislation.**

AB 2566 (Calderon, 2022) would have required Cal Fire to develop a competitive grant program to support school greening projects. AB 2566 was vetoed by the Governor, whose veto message read:

I share the author's commitment to school greening projects and my Administration is proud that the 2022-23 Budget included \$150 million over two years for this purpose (\$117 million in 2022-23 and \$33 million in 2023-24). This funding will be administered through the existing Urban and Community Forestry Program. Additionally, Cal FIRE is able to update program guidelines to support implementation of this program and can incorporate program implementation elements outlined in this bill, as appropriate. Accordingly, neither the program nor the fund that would be established by this bill are necessary to administer the funding authorized in the Budget. Moreover, the budget agreement allocated one-time funds for this purpose, but this bill codifies an ongoing commitment not provided for in the budget.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with cost pressure, such as this measure, should be considered and accounted for in the annual budget process.

AB 2114 (Kalra, 2022) would have established the California Pocket Forest Initiative under the administration of Cal Fire to provide grants to cities, counties, districts, nonprofit organizations, and public schools to establish pocket forests on public lands in order to test and demonstrate the applicability and effectiveness of the Miyawaki method in California. AB 2114 was held in the Senate Appropriations Committee.

AB 585 (Luz Rivas, 2021) would have established the Extreme Heat and Community Resilience Program through the Integrated Climate Adaptation and Resiliency Program to coordinate the state's efforts to address extreme heat and the urban heat island effect and to provide financial and technical assistance to local or regional entities for improving resilience to extreme heat and urban heat island effects. AB 585 was held in the Senate Appropriations Committee.

AB 1578 (Luz Rivas, 2019) would have established the School Pavement to Parks Grant Program with the CDE to assist schools located in disadvantaged communities to convert existing pavement to greenspace. AB 1578 was vetoed by the Governor, whose veto message read:

While I support an integrated and cohesive effort to make parks and greenspaces accessible to all throughout our State, and to that end signed Assembly Bill 209, I cannot support the creation of these stand-alone grant programs.

SUPPORT

A Voice for Choice Advocacy (sponsor)
Bay Area Jewish Earth Alliance
California Environmental Voters
Clean Earth 4 Kids
Educate. Advocate.
Non Toxic Communities
Pesticide Free Zone
Safe Healthy Playing Fields
San Diegans for Sustainable, Equitable, & Quiet Equipment in Landscaping
The Field Fund
13 individuals

OPPOSITION

Association of California School Administrators
California's Coalition for Adequate School Housing
Riverside County Superintendent of Schools

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	SB 472	Hearing Date:	March 22, 2023
Author:	Hurtado		
Version:	February 13, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil health: opioid overdose reversal medication.

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

SUMMARY

This bill requires each campus of a public school operated by a Local Educational Agency (LEA), County Office of Education (COE), or charter school to maintain at least two doses of naloxone on its campus, and to report to the California Department of Health Care Services (DHCS) on why they are not exercising their authority to distribute naloxone and how they came to that determination.

BACKGROUND

Existing Law:

Education Code (EDC)

- 1) Permits a school nurse or trained personnel who have volunteered to provide emergency naloxone hydrochloride or another opioid antagonist, by nasal spray or by auto-injector, to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EDC § 49414.3(a))
- 2) Requires the Superintendent of Public Instruction (SPI) to establish, and revise every five years or sooner, minimum standards of training for the administration of naloxone hydrochloride or another opioid antagonist as specified. The California Department of Education (CDE) shall maintain a clearinghouse for best practices in training nonmedical personnel to administer naloxone hydrochloride or another opioid antagonist to pupils. (EDC § 49414.3(e))
- 3) Requires an LEA, COE, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid to ensure that each employee who volunteers are provided defense and indemnification by the LEA, COE, or charter school for any and all civil liability. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EDC 49414.3(i))
- 4) Provides a school no more than two weeks to restock their supply of naloxone hydrochloride or another opioid antagonist after use. (EDC § 49414.3(h))

- 5) If a school district, charter school, or private school elects to offer an athletic program, the school district, charter school, or private school shall annually give the Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention to each athlete. The athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet for Patients and return that document to the school district, charter school, or private school before the athlete initiates practice or competition. The Opioid Factsheet for Patients may be sent and returned through an electronic medium, including, but not limited to, fax or email. (EDC § 49476)
- 6) Requires each LEA and COE to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. (EDC § 32281(a))
- 7) Specifies that the schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (EDC § 32281(b))
- 8) Specifies that the comprehensive school safety plan must include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EDC § 32282(a))
- 9) Requires the comprehensive school safety plan to be evaluated at least once a year. (EDC § 32282(d))

Civil Code (CIV)

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

overdose, and that provides, at a minimum, training as specified. (CIV 1714.22(a)(2))

ANALYSIS

This bill requires each campus of a public school operated by a LEA, COE, or charter school to maintain at least two doses of naloxone on its campus, and to report to the DHCS on why they are not exercising their authority to distribute naloxone and how they came to that determination. Specifically, this bill:

- 1) Requires each public school operated by an LEA, COE, or charter school shall maintain at least two doses of naloxone hydrochloride or another opioid antagonist on its campus.
- 2) Specifies that if an LEA, COE, or charter schools does not distribute naloxone hydrochloride or another opioid antagonist on its campus they must report to the DHCS, as specified, detailing why they are not distributing naloxone hydrochloride or another opioid antagonist and how they made the determination to not distribute naloxone hydrochloride or another opioid antagonist.
- 3) States that it is the intent of the Legislature to enact future legislation that would authorize school districts to host trainings to parents regarding naloxone hydrochloride or another opioid antagonist.
- 4) Makes technical changes.

STAFF COMMENTS

- 1) **Need for the bill:** According to the author, "The current opioid epidemic is one of the biggest challenges facing California today. In 2019, the California Department of Public Health reported 3,244 deaths related to opioid overdose. SB 472 seeks to reduce opioid overdose deaths by requiring school districts, county office of education or charter schools to maintain two doses of naloxone at all times. This bill also ensures that school districts, county office of education or charter schools who do not exercise their authorization to distribute naloxone or another opioid antagonist to report to the State Department of Education and the State Department of Health Care Services."
- 2) **California Department of Health Care Services Statewide Standing Order for Naloxone.** Naloxone can help reduce opioid overdose deaths in California, but many organizations find it difficult to obtain the required standing order to obtain naloxone from health care providers. According to the California Department of Public Health (CDPH), of the 6,843 opioid-related overdose deaths in 2021, 5,722 were related to fentanyl. CDPH issued the standing order, in 2017, to address this need and support equitable naloxone access. The standing order:
 - a) Allow community organizations and other entities in California that are not currently working with a physician, to distribute naloxone to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist; and

- b) Allow for the administration of naloxone by a family member, friend, or other person to a person experiencing or reasonably suspected of experiencing an opioid overdose.

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

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

The provisions of this bill would require each public school of an LEA, COE, or charter school to maintain at least two doses of naloxone and report to DHCS if they do not use their authorization to distribute naloxone, as specified. While schools are eligible to receive naloxone through the NDP, the standing order does not require schools, or any other eligible entity, to administer or distribute naloxone. However, to the extent, the Legislature is aware of incidences regarding opioid and use of narcan on school campuses are limited. The committee may wish to consider whether the reporting requirements to DHCS could be used to better help inform the Legislature.

- 3) **Addressing Fentanyl Among K-12 Students.** According to CDPH, in 2021, there were 224 fentanyl-related overdose deaths among teens ages 15–19 years old in California. Pursuant to Chapter 557, Statutes of 2016 (AB 1748), among other things, requires the SPI to establish minimum training standards for school employees who volunteer to administer naloxone or another opioid antagonist. In addition to setting minimum training standards, the CDE must maintain on its website a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils.

LEAs and COE have also adjusted to address this growing crisis. For example, the Lake County Office of Education and Washington Unified School District in West Sacramento recently implemented a local school naloxone policy consistent with an LEA's ability to implement a naloxone policy. San Diego Unified School District created its naloxone toolkit to aid other LEAs and inform parents and guardians. In September of 2022, the Los Angeles Unified School District (LAUSD) in collaboration with the Los Angeles County Department of Public Health announced that doses of naloxone will be provided to LAUSD at no cost. In response to the devastating epidemic of overdoses.

The CDE, in conjunction with the CDPH, also provides LEAs with resources and information that they can readily share with parents and students to help keep

them safe. The shareable Fentanyl Awareness and Prevention toolkit page offer information about the risks of fentanyl and how to prevent teen use and overdoses. In addition to the toolkit, the CDPH's Substance and Addiction Prevention branch also provides resources for parents, guardians, caretakers, educators, schools, and youth-serving providers.

A provision of this bill would require schools to maintain at least two doses of naloxone. This provision is similar to AB 19 (Patterson) and SB 234 (Portantino) of this Session.

Another provision of this bill states that it is the intent of the legislature to enact further policy that would allow LEAs to host training to parents regarding naloxone or another opioid antagonist. Pursuant to the standing order for naloxone, a person who is prescribed or possesses an opioid antagonist pursuant to a standing order shall receive the training provided by an opioid overdose prevention and treatment training program (CIV § 1747.22(d)). An opioid overdose prevention and treatment training program is "any program operated by a local health jurisdiction or that is registered by a local health jurisdiction to train individuals to prevent, recognize, and respond to an opiate overdose, and that provides, at a minimum, training in the causes an opiate overdose, mouth to mouth resuscitation, how to contact appropriate emergency medical services, and how to administer an opioid antagonist" (CIV § 1747.22(a)(2)). The committee may wish to consider whether it is appropriate for LEA's to host training to parents regarding naloxone when other entities, certified by a local health jurisdiction may be better suited. .

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

a) Kindergarten

- i. Ability to explain why medicines are used and why they can be helpful or harmful.
- ii. Recognize medicines should be taken only under the supervision of a trusted adult; that some household products are harmful if ingested or inhaled; and that tobacco smoke is harmful to health and should be avoided.

b) Grade 6

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

c) Grades 9-12

- i. Describe the health benefits of abstaining from or discontinuing use of alcohol, tobacco, and other drugs; the use and abuse of prescription and nonprescription medicines and illegal substances.
- ii. Explain the impact of alcohol, tobacco, and other drug use on brain chemistry, brain function, and behavior; the connection between alcohol and tobacco use and the risk of oral cancer; the impact of alcohol and other drug use on vehicle crashes, injuries, violence, and risky sexual behavior.
- iii. Identify the social and legal implications of using and abusing alcohol, tobacco, and other drugs.
- iv. Analyze the consequences for the mother and child of using alcohol, tobacco, and other drugs during pregnancy—including fetal alcohol spectrum disorders and other birth defects; the consequences of binge drinking and its relationship to cancer; to liver, pancreatic, and cardiovascular diseases; and to a variety of gastrointestinal problems, neurological disorders, and reproductive system disorders.
- v. Clarify myths regarding the scope of alcohol, tobacco, and other drug use among adolescents.

5) **Committee Amendments.** *The author has agreed to take the following amendments:*

- a) Revise the intent language to clarify it is the intent of the Legislature for LEAs, COEs, and charter schools to share information from the State Department of Public Health regarding naloxone hydrochloride or other opioid antagonists with parents or guardians of pupils.

- b) Delete and revise the reporting requirements to the Department of Health Care Services to provide insight on the number of incidents in which naloxone was used, the total amount of naloxone each school site has, and the number of naloxone dosages that expire from nonuse.

- 6) **Governor's Proposed Budget.** Currently the Governor's budget proposes \$3.5 million ongoing for all middle and high school sites to maintain at least two doses of naloxone hydrochloride or another medication to reverse an opioid overdose on campus for emergency aid and an additional \$79 million to the NPD.

This bill would require grades K-12 to report to DHCS while the Governor's Budget proposes for middle and high schools to maintain at least two doses of naloxone. The author may wish to consider aligning the reporting requirement with the appropriate grade range receiving naloxone.

7) **Related Legislation.**

SB 234 (Portant and Umberg, 2023) would require schools kindergarten to 12 grade, institutions of higher education, stadiums, concert venues, and amusement parks, at all times, to maintain unexpired doses of naloxone hydrochloride or any other opioid antagonist on its premises, ensure that at least two employees are aware of the location of the naloxone hydrochloride or other opioid antagonist, and expands community colleges ability to administer naloxone. SB 234 also provides civil protections to a person who administers naloxone hydrochloride or another opioid antagonist on a college campus stadium, concert venue, or amusement park to a person who appears to be experiencing an opioid overdose.

SB 10 (Cortese, 2023) would require LEA and COE to include strategies for the prevention and treatment of an opioid overdose in their school safety plans and for the CDE to develop training materials on the use of emergency opioid antagonists for school personnel, and safety materials for parents, guardians, and pupils in conjunction with the California Health and Human Services Agency.

AB 19 (Patterson, 2023) would require each public school operated by a LEA, COE, or charter school to maintain at least two doses of naloxone hydrochloride or another opioid antagonist for purposes of those authorizations.

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

SB 367 (Hurtado) Chapter 218, Statutes of 2022, requires each institution of higher education to 1) provide educational and preventive information provided by the CDPH about opioid overdose and the use and location of opioid overdose reversal medication; 2) to require each campus health center located on a campus to apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication.

SUPPORT

National Association of Social Workers, California Chapter

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 486	Hearing Date:	March 22, 2023
Author:	Hurtado		
Version:	February 14, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Kordell Hampton		

Subject: Interscholastic athletics: California Interscholastic Federation: state football championships: neutral locations.

SUMMARY

This bill requires the California Interscholastic Federation (CIF) to hold all state football championship games at a neutral location that is comparable to the location of all other state championship games.

BACKGROUND

Existing Law:

Education Code (EDC)

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

with Title IX of the federal Education Amendments of 1972. (20 U.S.C. Sec. 1681 et seq.)

- e) Health and safety of pupils, coaches, officials, and spectators.
 - f) The economic viability of interscholastic athletics in secondary schools, including, but not limited to, the promotion and marketing of interscholastic athletics.
 - g) New and continuing programs available to pupil athletes.
 - h) Awareness and understanding of emerging issues related to interscholastic athletics in secondary schools. (33353 (b))
- 3) State, subject to funds being appropriated for this purpose in the annual Budget Act, the CIF is encouraged to establish a statewide panel that includes, at a minimum, the following members: school administrators, school board members, coaches of secondary school athletics, teachers, parents, athletic directors, representatives of higher education, pupils participating in athletics at the secondary school level, and a representative of the State Department of Education. (EDC 35179.2)

ANALYSIS

This bill requires the CIF to hold all state football championship games at a neutral location that is comparable to the location of all other state championship games. Specifically, this bill:

- 1) Requires the CIF to hold all state football championship games at a neutral location that is comparable to the location of all other championship games.
- 2) Defines "neutral location" as a venue or site that is not the home ground of either team.
- 3) Adds findings and declarations.

STAFF COMMENTS

- 1) ***Need for bill.*** According to the author's office "In California, there are disparities in the quality and availability of sports facilities between high-income and low-income schools. For example, high-income schools typically have access to better quality sport fields, modern gymnasiums, and state-of-the-art athletic equipment. Meanwhile, low-income schools may have limited or inadequate sports facilities that negatively impact student athletic experiences and opportunities.

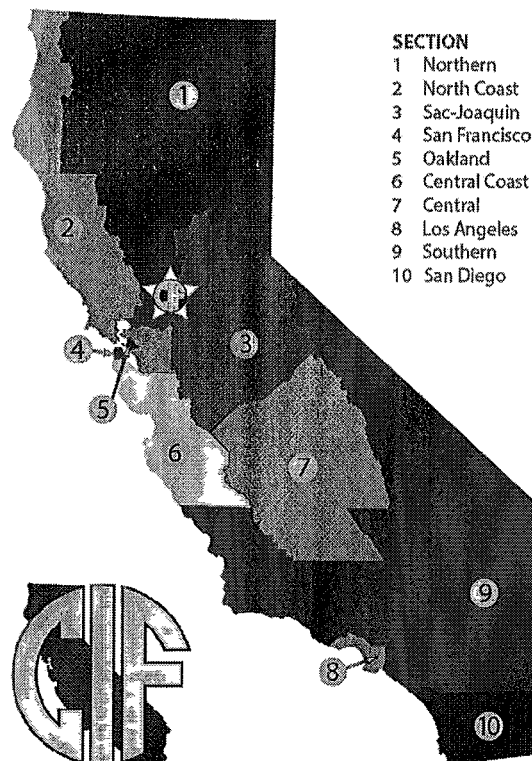
"Our Student-athletes who get the opportunity to play in any State Championship Football game deserve the same treatment all across the state so they are all able to showcase their hard work, talents, and skills in a safe and equitable space.

"All students deserve to be celebrated and acknowledged for their efforts which is why SB 486 requires the CIF to hold all State Football championship games at a neutral location that is comparable to the location of all other championship games."

- 2) ***The California Interscholastic Federation.*** The CIF, founded in 1914, is a voluntary organization consisting of 1,615 public, public charter and private high schools that are aligned into ten geographical sections for the purpose of governing education-based athletics in grades 9 through 12.

While each CIF section has autonomy from the state and have their own governance structure, section control and oversight is by school representatives from that geographical region. These representatives include school board members, superintendents, principals, teachers, coaches and athletic directors from each high school who come together to carry out the CIF's mission that is outlined in the CIF Constitution and Bylaws. The CIF Constitution and Bylaws is the product of the CIF elected representatives who serve on the CIF Federated Council and Executive Committee.

California Interscholastic Federation



The elected membership of the Federated Council consists of school and district representatives elected from the 10 CIF Sections (see above). State council membership voting is weighted to reflect the number of schools and students served by the respective CIF sections. Additionally, voting members of the Federate Council include: representatives from the California Department of Education; California School Boards Association; Association of California School

Administrators; California Association for Health, Physical Education, Recreation and Dance; California Coaches Association, California Athletic Directors Association, California Association of Private Schools, California Association of Directors of Activities and California School Superintendents.

The CIF receives no state or federal funding as part of its annual budget and is supported by state championship game receipts (36%), corporate support and sponsorships (35%) and limited membership dues (18%). Local school programs are supported by their school district general fund, game receipts and fundraising by coaches, student-athletes and booster clubs.

- 3) ***Football - State Championship Bowl Games v. Regional Championship Games Locations.*** According to the CIF's *Blue Pages*, CIF considers (in no particular order) criteria for divisional placement and hosting of regional games:

- a) Win-Loss Record (Preseason, League, Section Playoffs);
- b) Strength of Schedule (Preseason, League, Section Playoffs);
- c) Head to Head Competition;
- d) Common Opponents;
- e) Opponents Win-Loss Record;
- f) Various rankings may be consulted when placing teams (i.e. ScorebookLive, Cal-Hi Sports, Cal Preps); and
- g) Suitability to represent the State in a Bowl Championship with regards to "Pursuing Victory with Honor" and acceptable standards of sportsmanship.

To qualify, teams must compete and qualify through their respective CIF Section Championships to participate in CIF State/Regional Championships. Only Section Champions are eligible for selection to the CIF State/Regional Football Championship Bowl Games. State/regional championship games are typically played at the field/stadium of the host team. The CIF decides the location of where these games are set.

Since 2015, five Divisions (Open division (teams from any division, any section and regardless of enrollment), 1AA, 1A, 2AA, 2A), play at football stadiums, other than their own high school football stadiums secured by CIF. For the first three years, the state championship bowl games were held at California State University, Sacramento's Hornet Stadium before being moved to Cerritos College (2018-19), and Saddleback College (2021-22). At the end of the 2022 football season, CIF's contract with Saddleback College expired. CIF is currently in the process of securing a new venue.

Currently, the remaining ten Divisions (3-AA, 3-A, 4-AA, 4-A, 5-AA, 5-A, 6-AA, 6-A, 7-AA, 7-A) play championship games primarily at the home sites of a competing team. In 2022:

Division	Teams	Location
3-AA	San Jacinto v. Grant	Grant Union High School
3-A	Laguna Hills vs. Bellarmine	San Jose City College
4-AA	Northwood v. Escalon	Escalon High School
4-A	Granada Hills v. San Marin	San Marin High School
5-AA	Muir v. Hughson	Hughson High School
5-A	Shafter v. Orland	Orland High School
6-AA	Classical Academy v. Santa Teresa	Santa Teresa High School
6-A	San Gabriel v. Atascadero	Atascadero High School
7-AA	Pinole Valley v. Mendota	Mendota High School
7-A	Crenshaw vs. Lincoln, San Francisco	Kezar Stadium

Currently the Open Division and the first four divisions play at a neutral location while the remaining ten state championship football games are located at a competing team's home location as set by CIF. It should also be noted that the Open Division and the first four divisions play at a community college rather than at high schools (Division 3-A and 7-A traditionally host home games at the host location based on CIF's criteria to determine the "home team").

While this bill attempts to create parity of the locations and quality of the football stadium used for state championship football games, it may be challenging the CIF to secure comparable locations for all fifteen state football championship games (size, lighting, seating, quality of the field, etc.). As described above, at least five of the state championship football games have been relocated three times and CIF currently in the process of securing a new stadium. However, requiring all state championships football games to be held at neutral locations can be the first step in creating parity among all players participating in state champion football games. The committee may wish to consider whether comparable neutral locations for these championship games can be secured to give all high school football athletes an equal playing field for their championship game.

4) **Related Legislation.**

AB 245 (McKinnor, 2023) would revise and recast requirements of training in cardiopulmonary resuscitation and first aid by, among other things, adding rehearsing the appropriate responses to the signs and symptoms of concussions, heat illness, and cardiac arrest to the training component of that program.

AB 1327 (Weber) of this Session would require the California Interscholastic Federation to instead report annually to the appropriate policy committees of the Legislature and the Governor and would require the California Interscholastic Federation to develop, in consultation with certain community organizations, a standardized incident form to track hate violence that occurs at high school sporting games or sporting events, and annually post those results on their internet website.

AB 1653 (Sanchez) of this Session would require a school district or charter school that elects to offer any interscholastic athletic program to include as part of their emergency action plan, procedure in the event a student athlete suffers from a heat stroke.

SUPPORT

City of Shafter

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 515	Hearing Date:	March 22, 2023
Author:	Stern		
Version:	February 14, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: School facilities: shade structures.

SUMMARY

This bill exempts the installation of shade structures on the Division of the State Architect's (DSA's) approved pre-check design list from requiring local educational agencies (LEAs) to also provide an accessible path of travel under the California Building Standards Code.

BACKGROUND

Existing law:

- 1) Defines "construction or alteration" for purposes of school facilities projects to include any construction, reconstruction, or alteration of, or addition to, any school building.
- 2) Requires the Department of General Services (DGS) to pass upon and approve or reject all plans for the construction or, if the estimated cost exceeds \$100,000, the alteration of any school building.
- 3) Generally requires the governing board of each school and community college district, before adopting construction or alteration plans, to submit the plans to DGS for approval and pay all associated fees.
- 4) Requires construction projects over \$195,358 (cost threshold) to provide "an accessible path of travel" from the building entrance to the project location.
- 5) Specifies that an area that has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area or a different area on the same path of travel are undertaken within three years of the original alteration, the total cost of alterations for the preceding three-year period shall be considered in determining whether the cost threshold has been met.

ANALYSIS

This bill exempts the installation of free-standing, open-sided shade structures included on the DSA's approved pre-check design list, that do not exceed the valuation threshold, from requiring LEAs to also provide an accessible path of travel under the California Building Code.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Outdoor activity is one of the most important aspects of a child's healthy development and educational success. Adequate time outdoors helps to mitigate stress and inattention, as well as improving cognitive development and mental health. Children who attend schools in urban areas built with heat-retaining materials are at a heightened risk of heat-related illnesses, poor health outcomes, and a reduction in their ability to learn. Climate change and global warming have made it more difficult to reap the benefits of schoolyard activities without adequate shading, which mitigates extreme heat and reduces ambient temperatures. These problems are most acutely felt in historically underserved communities, which already suffer from extreme heat and lack of greenery. We critically need to enable schools to quickly and cost-effectively build adequate schoolyard shading.
- 2) ***Plan review for construction projects.*** The DSA reviews plans for public school construction and certain other state-funded building projects to ensure that plans, specifications, and construction comply with California's building codes (Title 24 of the California Code of Regulations). The majority of DSA's plan review and construction oversight focuses on new construction and alteration projects for California school and community college districts. DSA's plan review ensures the project's compliance with code requirements related to:
 - a) Structural safety, ensuring that facilities meet the high standards set in the Field Act to withstand an earthquake.
 - b) Fire and life safety, addressing the safety of occupants in buildings, as related to fire resistive building materials, fire alarms, fire suppression equipment, safe occupant egress, and firefighting equipment access.
 - c) Access compliance, ensuring that public schools and state-funded construction projects meet accessibility requirements for people with disabilities.
 - d) Energy efficiency, including compliance with applicable California Green Building Standards Code requirements for sustainability.
- 3) ***The Field Act.*** All school facilities must be built in compliance with specified earthquake safety standards, commonly known as the "Field Act." The Field Act was enacted following a severe earthquake in Long Beach in 1933. The Field Act requires a comprehensive design specification and construction inspection process for K-12 public school educational facilities. Community college facilities may be constructed in accordance with either the Field Act or the California Building Standards Code.

The Field Act requires the DSA (within DGS) to review the construction plans for school buildings and requires school districts to hire onsite construction inspectors to ensure compliance with the structural safety standards. School and

community college construction contracts may only be awarded after DSA approval of the plans and specifications on which the contracts are based.

- 4) ***State Architect's Pre-Check Approval Process.*** The DSA maintains a pre-check design list that includes over 25 "off the shelf" shade structures that schools and community colleges can install according to an expedited review and approval process. The pre-check approval process is intended to streamline DSA plan review by providing a procedure for approving the design of commonly used structures prior to the submittal of plans to DSA for construction projects. The pre-check approval process allows designers to incorporate designs for structures that have already been "pre-checked" by DSA into their plans for actual site-specific construction projects.
- 5) ***Accessible path of travel required by the California Building Code.*** California Building Code requires construction projects over \$195,358 (the "valuation threshold") to also provide "an accessible path of travel" from the building entrance to the project location. Shade structures and other small projects that fall below the threshold amount are exempt from these path of travel requirements. However, if within three years another project or repair at the same campus causes the total expenditure to exceed the valuation threshold, the original "path of travel" alterations must be made retroactively.

According to the author's office, these retroactive alterations significantly increase the total cost of shade structure projects beyond what schools budget for. As a result, schools and community colleges are disincentivized from constructing them in the first place. A streamlined process for shading structures is needed to safeguard children's physical and mental health and promote educational progress.

SUPPORT

Los Angeles Unified School District (sponsor)
Association of California Construction Managers
Los Angeles Area Chamber of Commerce
Santa Clara County School Boards Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 609	Hearing Date:	March 22, 2023
Author:	Caballero		
Version:	February 15, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Local control and accountability plans: California School Dashboard.

SUMMARY

This bill requires the California Department of Education (CDE) to post links to all Local Control and Accountability Plans (LCAP), as approved by governing boards of an Local Educational Agency (LEA), County Office of Education (COE), and charter school, on the California School Dashboard (Dashboard).

BACKGROUND

Education Code

- 1) Requires the State Superintendent of Public Instruction (SPI) shall post links to all LCAPs approved by the governing boards of an LEA, COE, and the governing bodies of charter schools, on the internet website of the department. (EDC § 52065 (c))
- 2) Requires a county superintendent of schools shall prominently post on the homepage of the internet website and any LCAP approved by the COE and all LCAPs submitted by school districts and charter schools. (EDC § 52065 (b))
- 3) Requires the superintendent of a LEA shall prominently post on the homepage of the internet website any LCAP approved by the governing board of the LEA and any LCAP submitted by charter schools that were authorized by the school district (EDC 52065 § (a)).
- 4) Requires LEAs to adopt and annually revise LCAPs, establishing annual goals and identifying specific actions for all pupils and specific subgroups of pupils, in the eight state priority areas. (EDC § 52060)
- 5) On or before July 1, 2015, and each year thereafter, a school district shall update the local control and accountability plan. The annual update shall be developed using a template adopted by the state board. (EDC § 52061)
- 6) Requires school district governing boards and county superintendents of schools to establish a parent advisory committee to provide advice related to the development of the LCAP and annual update. (EDC § 52063(a))

- 7) Specifies the governing board of a school district serving middle school or high school pupils shall establish a student advisory committee to provide advice to the governing board of the school district and the superintendent of the school district. (EDC § 52063(b))

ANALYSIS

This bill requires the CDE to post links to all LCAPs approved by the governing boards of school districts, county boards of education, and the governing bodies of charter schools on the Dashboard.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author “The enactment of the Local Control Funding Formula (LCFF) was intended to address educational inequities and provide schools, parents, and communities with the local control necessary to meet their unique needs. However, to have *true* local control, we must guarantee that parents and communities are well informed of the decisions made by local education agencies. SB 609 would ensure parents and communities understand where multibillion dollar investments dedicated to serving students are made by streamlining access to information. Specifically, this bill would require the California Department of Education (CDE) to post links to all local control and accountability plans (LCAP) on the California School Dashboard.”
- 2) **California School Dashboard and System of Support.** The Dashboard is an online tool that shows how LEAs and individual schools are performing on state and local indicators that are 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 LCFF law passed in 2013 that significantly changed how California provides funding to public schools and holds LEA accountable for student performance.

The Dashboard includes a concise set of state indicators. **State indicators** are based on student data that are 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 also includes local indicators. These indicators are founded on LCFF priorities and aligned with the Every Student Succeeds Act, but are not collected as state level data. The local indicator are as follows:

- a) Basic Services and Conditions
- b) Implementation of State Academic Standards;
- c) Parent and Family Engagement;
- d) School Climate;
- e) Access to a Broad Course of Study;
- f) Coordination of Services for Expelled Students (for COEs only); and
- g) Coordination of Services for Foster Youth (for COEs only).

The Dashboard is updated annually. LEAs receive one of five color-coded performance levels on the state indicators. From highest to lowest, the five performance levels are: Blue, Green, Yellow, Orange, and Red. 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 requires CDE to post links to all LCAPs approved by the governing boards of a LEAs, COEs, and the governing bodies of charter schools on the Dashboard. According to statute, 1) the State SPI must post all approved LCAPs on its website; 2) a county SPI must post all approved LCAPs on its website; and 3) an LEA SPI must post all approved LCAPs on its website. This bill seeks to add transparency by add another point in which parents, guardians, and members of the public can view a LEAs, COEs, and charter schools LCAP.

- 3) **LCAP Explained.** AB 97 (Committee on Budget, Chapter 47, Statutes of 2013) required the SBE to adopt a new accountability tools that reflects performance in different priority areas. The State Board of Education (SBE) approved an LCAP template which all LEAs are required to use. The LCAP is a tool for LEAs, COEs, and charter schools to set goals, plan actions, and leverage resources to meet those goals to improve student outcomes. The LCAP is a three-year plan, updated annually, that describes the goals, activities, services, and expenditures to support positive student outcomes that address state and local priorities. This allows LEAs to share their stories of how what, and why programs and services are selected to meet their local needs. For the 2023-24 LCAP year, the components of the LCAP template include:

- a) LCFF Budget Overview for Parents;
- b) Supplement to the Annual Update to the 2021-22 LCAP;

- c) Plan Summary;
- d) Engaging Education Partners;
- e) Goals and Actions;
- f) Increased of Improved Services for Foster Youth, English Learners, and Low-income students;
- g) Action Tables; and
- h) Instructions.

- 4) ***Community Engagement As Part Of the LCAP Process.*** Local stakeholder involvement is a requirement in LCAP implementation for LEAs. LEAs and COEs must consult with teachers, principal, administrators, other school personnel, local bargaining units of the school district, parents, and pupils. The LCAP must describe the steps implements to engage parents, pupils, and the community. The stakeholder section of the LCAP describes the consultation process the LEA had with various stakeholder groups, which could include the Parent Advisory Committee, Student Advisory Committee, the English Learner Parent Advisory Committee, teachers, principals and administrators, other school personnel, Special Education Local Plan Area Administrator(s), local bargaining units, parents, students, and any other stakeholder groups identified by the LEA. Meaningful engagement of all stakeholders is critical to the development of the LCAP and the budget process. However, LEAs are not required to establish a new advisory committee if the LEA has already established an advisory committee that meets the LCFF statutory and regulatory requirements.

Charter school are also required to complete an LCAP with consultation from teachers, principals, administrators, parent, pupils, and other school personnel. Charter schools are not required to consult with local bargaining units and are not required to have parent advisory groups.

The LCAP process not only engages members of the community, parents and guardians, school staff, and advisory groups, but also once the LCAP is completed, is accessible for the public to view. This bill attempts to add one more option for public to view LCAPs developed by LEAs, COEs, and charter schools.

5) ***Related Legislation.***

SB 3 (Caballero) of the 2021-22 Session would have required CDE, on or before July 1, 2023, to develop a LCAP portal that contains a database connected to a data entry tool that allows comprehensive analysis of LCAPs adopted by LEA. This bill was never heard in Assembly Education Committee.

AB 97 (Committee on Budget), Chapter 47, Statues of 2013, among other things, requires the superintendent of a school district shall post on the Internet Web site of the school district any LCAP approved by the governing board of the school

district, and any updates or revisions to a local control and accountability plan approved by the governing board of the school district.

SUPPORT

Go Public Schools
Public Advocates INC.
Teach Plus

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 10	Hearing Date:	March 22, 2023
Author:	Cortese		
Version:	December 5, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil health: opioid overdose prevention and treatment.

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

SUMMARY

This bill requires Local Educational Agencies (LEA) and County Offices of Education (COE) to include strategies for the prevention and treatment of an opioid overdose in their school safety plans, and requires the California Department of Education (CDE) to develop training materials on the use of emergency opioid antagonists for school personnel, and safety materials for parents, guardians, and pupils in conjunction with the California Health and Human Services Agency (CalHHS).

BACKGROUND

Existing Law:

Education Code (EDC)

- 1) Permits a school nurses or trained personnel who have volunteered to provide emergency naloxone hydrochloride or another opioid antagonist, by nasal spray or by auto-injector, to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EDC § 49414.3(a))
- 2) Requires the Superintendent of Public Instruction (SPI) to establish, and revise every five years or sooner, minimum standards of training for the administration of naloxone hydrochloride or another opioid antagonist as specified. The CDE shall maintain a clearinghouse for best practices in training nonmedical personnel to administer naloxone hydrochloride or another opioid antagonist to pupils. (EDC § 49414.3(e))
- 3) Requires an LEA, COE, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid to ensure that each employee who volunteers are provided defense and indemnification by the LEA, COE, or charter school for any and all civil liability. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file. (EDC 49414.3(i))
- 4) Provides a school no more than two weeks to restock their supply of naloxone hydrochloride or another opioid antagonist after use. (EDC § 49414.3(h))

- 5) If a school district, charter school, or private school elects to offer an athletic program, the school district, charter school, or private school shall annually give the Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention to each athlete. The athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet for Patients and return that document to the school district, charter school, or private school before the athlete initiates practice or competition. The Opioid Factsheet for Patients may be sent and returned through an electronic medium, including, but not limited to, fax or email. (EDC § 49476)
- 6) Requires each LEA and COE to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. (EDC § 32281(a))
- 7) Specifies that the schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (EDC § 32281(b))
- 8) Specifies that the comprehensive school safety plan must include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EDC § 32282(a))
- 9) Requires the comprehensive school safety plan to be evaluated at least once a year. (EDC § 32282(d))

Civil Code (CIV)

- 10) Permits a licensed health care provider who is authorized by law to prescribe an opioid antagonist may issue standing orders for the distribution of an opioid antagonist to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose. (CIV § 1747.22(c))

ANALYSIS

This bill requires LEAs and COEs to include strategies for the prevention and treatment of opioid overdose in their school safety plans and the CDE to develop training and safety materials. Specifically, this bill:

- 1) Requires each LEA and COE to include strategies for preventing and treating overdoses from opioids, including, but not limited to, synthetic opioids, such as fentanyl, in their school safety plan.
- 2) Upon appropriation, requires the CDE on or before July 1, 2024, to ensure that each training program provides instruction only to school staff on the use of emergency opioid antagonists for purposes of treating an overdose from an opioid, including, but not limited to, a synthetic opioid, in alignment with the minimum standards for training established by the SPI.
- 3) Upon appropriation, establishes the State Working Group on Fentanyl Education in Schools as a component of the Children and Youth Behavioral Health Initiative and requires the CDE and the CalHHS to develop a School Training and Resource Guide for Opioid Overdose Prevention and Treatment, as specified, to serve as a toolkit that may be accessed by school staff and LEAs.
- 4) Encourages counties to establish a Working Group on Fentanyl Education in Schools to promote public education, awareness, and prevention of fentanyl overdoses.
- 5) Upon appropriation, requires the CDE and the CalHHS to develop and share informational materials containing safety advice on how to prevent an opioid overdose to LEAs and for LEAs to distribute the information materials to pupils and parents or guardians as specified.
- 6) Declares the Legislature intends that as part of a restorative justice framework, a school use alternatives to a referral of a pupil to a law enforcement agency in response to an incident involving the pupil's misuse of an opioid, to the extent not in conflict with any other law requiring that referral.
- 7) Declares the Legislature intends that the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to achieve the alternatives described as specified to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.
- 8) Makes technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Fentanyl was responsible for an astounding one in five youth deaths, ages 15-to-24, in California last year. In one year alone (2019-2020), fentanyl overdoses among youth nearly doubled and we have seen that trend continue to increase. This drug can be found in fake and counterfeit pills that are sold through social media or e-commerce platforms, making them available to youth. SB 10 will expand statewide prevention and education efforts to combat the skyrocketing overdoses and fentanyl-related deaths that have plagued youth statewide.

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

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

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

According to DHCS website, schools are an eligible entity that may receive naloxone through the NDP.

- 3) ***Addressing Fentanyl Among California Youth.*** According to CDPH, fentanyl-related overdose deaths increased 625 percent among ages 10-19 from 2018 to 2020. In 2021, there were 224 fentanyl-related overdose deaths among teens ages 15–19 years old in California. Pursuant to Chapter 55, Statutes of 2016 (AB 1748), among other things, requires the SPI to establish minimum training standards for school employees who volunteer to administer naloxone or another opioid antagonist. In addition to setting minimum training standards, the CDE must maintain on its website a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils.

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

In addition to the toolkit, the CDPH's Substance and Addiction Prevention branch also provides resources for parents, guardians, caretakers, educators, schools, and youth-serving providers.

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

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

a) Kindergarten

- i. Ability to explain why medicines are used and why they can be helpful or harmful.
- ii. Recognize medicines should be taken only under the supervision of a trusted adult; that some household products are harmful if ingested or inhaled; and that tobacco smoke is harmful to health and should be avoided.

b) Grade 2

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

c) Grade 4

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

d) Grade 6

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

e) Grades 7-8

- i. Describe the harmful short- and long-term effects of alcohol, tobacco, and other drugs, including steroids, performance-enhancing drugs and inhalants; the relationship between using alcohol, tobacco, and other drugs and engaging in other risky behaviors; the consequences of using alcohol, tobacco, and other drugs during pregnancy, including fetal alcohol spectrum disorders.
- ii. Explain the dangers of drug dependence and addiction; the short- and long-term consequences of using alcohol and other drugs to cope with problems; why most youths do not use alcohol, tobacco, or other drugs; school policies and community laws related to the use, possession, and sale of alcohol, tobacco, and illegal drugs.
- iii. Analyze the harmful effects of using diet pills without physician supervision.

f) Grades 9-12

- i. Describe the health benefits of abstaining from or discontinuing use of alcohol, tobacco, and other drugs; the use and abuse of prescription and nonprescription medicines and illegal substances.
- ii. Explain the impact of alcohol, tobacco, and other drug use on brain chemistry, brain function, and behavior; the connection between alcohol and tobacco use and the risk of oral cancer; the impact of alcohol and other drug use on vehicle crashes, injuries, violence, and risky sexual behavior.
- iii. Identify the social and legal implications of using and abusing alcohol, tobacco, and other drugs.
- iv. Analyze the consequences for the mother and child of using alcohol, tobacco, and other drugs during pregnancy—including fetal alcohol spectrum disorders and other birth defects; the consequences of binge drinking and its relationship to cancer; to liver, pancreatic, and cardiovascular diseases; and to a variety of gastrointestinal problems, neurological disorders, and reproductive system disorders.
- v. Clarify myths regarding the scope of alcohol, tobacco, and other drug use among adolescents.

5) **Committee Amendments.** *The author has agreed to take the following amendments.*

- a) Require LEAs and COEs to incorporate a protocol, rather than create strategies, as part of their school safety plan, in the event a pupil is suffering, or reasonably believed to be suffering, from an opioid overdose.
- b) Strike the duplicative provision requiring CDE to develop best practices in training nonmedical personnel to administer naloxone hydrochloride or another opioid antagonist to pupils.
- c) Require CDE in collaboration with CalHHS, rather than the Children and Youth Behavioral Health Initiative, upon appropriation, to develop materials on how to prevent an opioid overdose to LEAs and for LEAs to distribute the information materials to pupils and parents or guardians
- d) Clarify that the County Working Group on Fentanyl Education is to be led by a county office of education and must include, but is not limited to, representatives of LEAs and the county department of public health.
- e) Add intent language stating the purpose of the state and county working groups.
- f) Add Coauthors

As amended, this bill would require 1) LEAs and COEs to establish a protocol in the event a pupil is suffering, or reasonably believed to be suffering, from an opioid

overdose as part of their school safety plan; 2) Requires CDE, in collaboration with the CalHHS to develop materials about fentanyl awareness, prevention; and 3) clarify that a COE may establish a County Working Group on Fentanyl Education.

- 6) **Governor's Proposed Budget.** Currently, the Governor's budget proposes \$3.5 million ongoing for all middle and high school sites to maintain at least two doses of naloxone hydrochloride or another medication to reverse an opioid overdose on campus for emergency aid and an additional \$79 million to the NPD.
- 7) **Related Legislation.**

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

AB 19 (Patterson, 2023) would require each public school operated by a LEA, COE, or charter school to maintain at least two doses of naloxone hydrochloride or another opioid antagonist for purposes of those authorizations.

SB 472 (Hurtado, 2023) would require each campus of a public school operated by an LEA, COE, or charter school to maintain at least two doses on its campus, and distribute, naloxone hydrochloride or another opioid antagonist pursuant to the standing order for naloxone and requires LEAs, COEs, and charter school to report to the California Department of Health Care Services (DHCS) for failure to distribute naloxone..

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

SB 367 (Hurtado) Chapter 218, Statues of 2022, requires each institution of higher education to 1) provide educational and preventive information provided by the CDPH about opioid overdose and the use and location of opioid overdose reversal medication; 2) to require each campus health center located on a campus to apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication.

SUPPORT

Santa Clara County Office of Education (Sponsor)
 California Association of Student Councils (Co-Sponsor)
 County of Santa Clara (Co-Sponsor)
 California Association for Health, Physical Education, Recreation & Dance

California Consortium of Addiction Programs and Professionals
California Psychological Association
California School Nurses Organization
Los Angeles County Office of Education
Mcalister Institute
Native American Training Institute
Santa Clara County School Boards Association
Steinberg Institute

OPPOSITION

None on file

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 28	Hearing Date:	March 22, 2023
Author:	Glazer		
Version:	December 5, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Education finance: school facilities: Public Preschool, K–12, and College Health and Safety Bond Act of 2024.

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

SUMMARY

This bill makes changes to the existing School Facility Program (SFP) and places the Public Preschool, K-12, and College Health and Safety Bond Act on the ballot for the March 2024 statewide primary election.

BACKGROUND

Existing law establishes the SFP under which the state provides general obligation bond funding for various school construction projects, including new construction, modernization, joint-use facilities, and programs to specifically address the construction needs of overcrowded schools, charter schools, career technical education facilities, and seismic mitigation.

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

ANALYSIS

This bill authorizes \$15 billion for the construction and modernization of public preschool, K-12, community college, University of California (UC), and California State University (CSU) facilities to be placed on the ballot for the March 2024 statewide primary election. Specifically, this bill:

- 1) Increases local bonding capacities for non-unified school districts from 1.25 percent to 2 percent, and for unified school districts from 2.5 percent to 4 percent of the taxable property in the district.
- 2) Establishes the 2024 State School Facilities Fund within the state treasury.

- 3) Requires a school district, as a condition of participating in the SFP, to submit to the Office of Public School Construction (OPSC) a five-year facilities master plan approved by the governing board of the school district and to update the plan as appropriate.
- 4) Requires OPSC to prioritize, on a quarterly basis, the processing of applications as follows:
 - a) First, for health and safety projects.
 - b) Second, for school districts requesting financial hardship assistance.
 - c) Third, for projects addressing lead remediation.
 - d) Fourth, for projects that were submitted, but not processed, in the preceding two quarters.
 - e) Fifth, for projects addressing severe overcrowding.
 - f) Sixth, based on a district's gross bonding capacity and the percentage of students that are low-income, English learners, or foster youth.
- 5) Establishes criteria for determining the state and local share of a school district's project based on the district's gross bonding capacity and the percentage of students that are low-income, English learners, or foster youth.
- 6) Requires school districts electing to participate in the SFP to submit an updated report of the district's existing school building capacity to the OPSC.
- 7) Authorizes grant funding for new construction projects to be used for infrastructure necessary to provide access to broadband internet, seismic mitigation, construction of a school kitchen, transitional kindergarten classroom, public preschool facility, or a facility to support school nurses and counselors.
- 8) Prohibits grant funding for new construction projects to be used for electronic devices with a useful life of less than three years.
- 9) Allows a school district with a facility located on a military installation to receive a modernization grant to replace portables that are at least ten years old.
- 10) Allows for grant funding under the program to be increased by up to ten percent to reflect the costs to remediate any water outlet used for drinking or preparing food with lead levels in excess of 15 parts per billion.
- 11) Expands school district eligibility for financial hardship assistance by increasing the total bonding capacity limit from \$5 million to \$15 million, adjusted annually for inflation.

- 12) Allows the State Allocation Board (SAB) to provide assistance to districts procuring interim housing to school districts and county offices of education impacted by a natural disaster.
- 13) Requires the SAB to provide a grant to test for lead in water outlets used for drinking water or preparing food that were constructed before January 1, 2010, and for remediation of any water outlet used for drinking or preparing food with lead levels in excess of 15 parts per billion.
- 14) Increases the threshold for implementing unused site fees on school districts from sites valued at \$20,000 to sites valued at \$40,000.
- 15) Requires the Board of Trustees of the CSU and the Regents of the UC, as a condition of receiving funds from the 2022 bond fund, to adopt a five-year affordable student housing plan for each campus.
- 16) Requires the Regents of the UC and Board of Trustees of the CSU, in developing a list of capital projects for consideration in the annual Budget Act, to use each campus's student housing plan as a key input for project prioritization.
- 17) Repeals various obsolete code sections related to the State School Facilities Program.
- 18) Establishes the Public Preschool, K-12, and College Health and Safety Bond Act of 2024 totaling \$15 billion to be allocated as follows:
 - a) \$9 billion for Preschool to Grade 12 school facilities as follows:
 - i) \$2.8 billion for new construction.
 - ii) \$5.2 billion for modernization
 - iii) \$500 million for charter schools.
 - iv) \$500 million for career technical education.
 - b) \$2 billion for community college facilities.
 - c) \$2 billion for the UC and the College of the Law, San Francisco.
 - d) \$2 billion for the CSU.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "According to Public Policy Institute of California, about two-thirds of the state's school facilities are more than 25 years old, and research has shown that it would cost over \$117 billion to modernize schools and colleges in the next decade."

Between fiscal years 2015–16 and 2018–19, 60 school districts closed 108 schools at least once due to poor facility conditions, including gas leaks, heating system failures, broken water pipes, pest infestations, and mold, asbestos, and lead contamination. The majority of these districts (41) are high-need districts, in which more than 55% of students are low income, English Learners, experiencing homelessness, or foster youth.

“Since 2006, despite a deteriorated fiscal condition for both the UC and CSU, the state has not authorized any higher education-specific bonds. The UC’s existing backlog of deferred maintenance totals \$7.3 billion. The CSU’s totals \$6.5 billion. These include addressing fire, safety, and seismic deficiencies, and modernizing and constructing facilities to keep pace with current technology and workforce needs. Without sufficient funding, the UC and CSU’s will not meet their capitol renewal needs.”

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

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

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

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

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

Supporters of Proposition 13 claim that the specific circumstances surrounding the bond—potential confusion with Proposition 13 of 1978, tax fatigue, and the COVID-19 pandemic—are to blame for its failure. Supporters do not believe that the measure's result is an indication of changing voter sentiment regarding school bonds, interest in investing in education generally, or a fundamental flaw with the SFP.

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

- 5) ***Prior legislation.***

SB 22 (Glazer, 2021) was substantially similar to this bill. The bill was held in the Assembly Education Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUPPORT

California State University
Charles R. Drew University of Medicine and Science
Office of the Riverside County Superintendent of Schools
Riverside County Public K-12 School District Superintendents
University of California

OPPOSITION

Plumbing-Heating-Cooling Contractors Association
Western Electrical Contractors Association

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	SB 283	Hearing Date:	March 22, 2023
Author:	Ochoa Bogh		
Version:	February 1, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil health: asthma management.

SUMMARY

This bill requires local educational agencies (LEA), on or before the 2024-25 school year, to adopt comprehensive asthma management plans, which includes, but are not limited to, identifying pupils with asthma, creating individualized asthma plans for those pupils, and professional development for school staff.

BACKGROUND

Existing Law

Education Code (EDC)

- 1) Authorizes a pupil who is required to take, during the regular schoolday, medication prescribed for the pupil by a physician or surgeon, to be assisted by the school nurse or other designated school personnel or may carry and self-administer inhaled asthma medication if the school district receives the appropriate written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and a written statement from the parent, foster parent, or guardian of the pupil requesting that the school district assist the pupil in the matters set forth in the statement of the physician or surgeon. (EDC § 49423.1)
- 2) Specifies in order for a pupil to carry and self-administer prescription inhaled asthma medication, the school district shall obtain both a written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer inhaled asthma medication, and a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the school nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the school district and school personnel from civil liability if the self-administering pupil suffers an adverse reaction by taking medication pursuant to this section. (EDC § 49423.1)
- 3) Establishes the Office of School-Based Health at the California Department of Education (CDE) for the purpose of assisting LEAs regarding the current health-

related programs under the purview of the CDE, and requires the scope of the office to include collaborating with the Department of Health Care Services (DHCS) and other departments in the provision of school-based health services, and assisting LEAs with information on, and participation in specified school-based health programs. (EDC § 49419)

- 4) Requires the governing board of any school district to give diligent care to the health and physical development of pupils, and authorizes it to employ properly certified persons to conduct this work. (EDC § 49400)

Health and Safety Code (HSC)

- 5) Requires the California Department of Public Health (CDPH), to the extent funding is appropriated annually in the Budget Act or other statute, to establish Public School Health Center Support Program (PSHCSP), in collaboration with the CDE, to assist in establishing, expanding, and sustaining school-based health centers (SBHCs), as specified. Requires CDPH to establish a grant program for LEAs for these purposes. (HSC §124174)
- 6) Permits School Based Health Centers (SBHC) to provide age-appropriate health care services at the program site, including conducting routine physical, mental, and oral health assessments onsite, and providing referrals for any services not offered onsite. Permits a SBHC to serve two or more nonadjacent schools or LEAs. (HSC §124174)

California Code of Regulation (CCR)

- 7) Specifies that school districts are not precluded from utilizing community-based service providers, including volunteers, individuals completing counseling-related internship programs, and state licensed individuals and agencies to assist in providing pupil personnel services, provided that such individuals and agencies are supervised in their school-based activities by an individual holding a pupil personnel services authorization. (CCR, Title 5, § 80049.1(c))

ANALYSIS

This bill requires LEAs, on or before the 2024-25 school year to adopt comprehensive asthma management plans, which include, but are not limited to, identifying pupils with asthma, creating individualized asthma plans for those pupils, and professional development for school staff. Specifically, this bill:

- 1) Requires LEAs to adopt a comprehensive asthma management plan on or before the 2024-25 school year.
- 2) Specifies the comprehensive asthma management plan shall include, but is not limited to:
 - a) Identifying pupils with asthma.

- b) Creating individualized asthma plans for those pupils with asthma.
 - c) Providing professional development for school staff that includes, but is not limited to, information about symptoms, common triggers of asthma, ways to reduce acute symptoms, and emergency response procedures.
- 3) Authorizes an LEA may satisfy the requirement to adopt a comprehensive asthma management by consulting with and adopting regulations consistent with the California School Boards Association's asthma management sample administrative regulations.
- 4) Defines "local educational agency" as a school district, county office of education, or charter school.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "On October 31, 2019, Adilene Carrasco suffered a severe asthma attack at her middle school. A trip with her science class to the school's athletic field to celebrate Halloween quickly became serious as Adilene began having difficulties breathing. After alerting a nearby teacher, Adilene walked from the athletic field to her classroom several times without adult supervision. Only one fellow classmate accompanied her.

"When her condition worsened to the point she was unable to stand or speak, she had to be transported to the nurse's office by golf cart. It was there that the school nurse started CPR. By the time paramedics transported her to the closest hospital, Adilene was unresponsive. Nine days later, on November 9, 2019, Adilene passed away. She was only 13 years old.

"Unfortunately, Adilene's case is not unique. Asthma is the leading chronic illness among school-aged children and one of the most common causes of school absenteeism. In 2008, the California School Board Association (CSBA) issued Administrative Regulation (AR) 5141.23, a sample document intended to guide school districts in formulating asthma management policies. Since then, many school districts have adopted CSBA's AR on asthma management, including – most recently – the school district which oversees the middle school Adilene attended. However, many school districts still lack a comprehensive asthma management plan despite CSBA's recommendation almost 15 years ago.

"SB 283 would require LEAs to adopt a comprehensive asthma management plan similar to CSBA's AR 5141.23 to ensure there are procedures in place to protect students with asthma. With asthma on the rise, it is imperative that school districts provide school staff with education and support services so they can quickly identify and assist students with asthma. SB 283 will provide reassurance to students with asthma and their parents during school hours and could possibly save lives."

- 2) ***Asthma In School Aged Children.*** According to the California Asthma Dashboard, in 2019-2020, an estimated 12% of California children ages 1-17 had

been diagnosed with asthma at some point in their lives, a decrease from 16% in 2005. While asthma does not result in hospitalization for most children, there were 7,670 hospitalizations for asthma among children ages 0-17 statewide in 2019.

Asthma is one of the most common chronic diseases among children in the U.S. and a leading cause of pediatric hospitalization. It also is the top reason for missed school days, accounting for more than 5.2 million absences annually. Asthma rates vary by region, demographics, environment, physician diagnostic practices, and access to care. Although identifying the impact of independent risk factors for asthma is difficult, children of color and those from low-income families are disproportionately at high risk for severe symptoms, missed school days, and hospital visits.

By race and ethnicity, African Americans in California suffer the most severe disparities. Compared to non-Hispanic Whites, asthma prevalence among African Americans is 40% higher, rates of emergency department (ED) visits and hospitalizations are about 4 times higher, and death rates are about 2 times higher. California's American Indian\Alaska Native, Pacific Islander, and Filipino populations also are more adversely affected by asthma compared to non-Hispanic Whites.

- 3) **School-Based Health Centers.** According to the California School-Based Health Alliance, SBHCs are uniquely situated to bring healthcare professionals and educators together to address the multifaceted needs of children, youth, and families. Some SBHCs serve only students, while others benefit family members or the school community. SBHCs offer a range of health services, with the most common being primary medical services. Many SBHCs play an essential role in managing students' chronic illnesses, such as asthma and diabetes, and in responding to acute injuries or illnesses on campus. Some SBHCs in secondary schools offer reproductive health services, such as abstinence counseling, pregnancy prevention, and STD/HIV testing and treatment. Other services provided by SBHCs include dental care, mental health counseling, and youth development programs. Local school boards give final approval to the services provided by the SBHC. Standard services provided by SBHCs in California, and the percentage of SBHCs offering them, include:

- Medical services 85%;
- Mental health services 70%;
- Reproductive health 60%;
- Dental prevention 65%;
- Dental treatment 35%; and
- Youth engagement programs 51%

California SBHCs are funded through various sources that depend on their lead agencies, student populations, communities, and local resources. These funding sources include reimbursement from Medi-Cal and other third-party payers; local, state, and federal grants; private foundation or corporate grants; subsidies from their lead organizations; donations; and/or in-kind contributions from school districts and other partners.

In June 2021, the Legislature made an included unprecedented investments of \$4.4 billion in the California Child and Youth Behavioral Health Initiative, with a special focus on school-based services and supports.

- 4) ***The Management Of Asthma In California Schools.*** CDPH "Guidelines for the Management of Asthma in California Schools" and "Asthma Action Plan for Schools and Families" assist schools in effectively managing this chronic disease. The "Guidelines for the Management of Asthma in California Schools" were developed jointly by health professionals in the CDE and the California Asthma Public Health Initiative in statewide collaboration with asthma experts and stakeholders.

Further, the asthma program in the CDPH, California Breathing, works to improve the respiratory health of Californians and reduce asthma-related health disparities through education and environmental interventions where we live, work, learn, and play. Strategic Plan guides its work for Asthma in California, a document encompassing all aspects of asthma-related research, policy, and services.

- 5) ***Committee Amendment:*** *The author has agreed to take the following amendments:*

a) Specify that LEAs may comply with this section if their current asthma management plan is consist with the requirements of this bill.

b) Adds findings and declarations

- 6) ***Prior Legislation.***

AB 743 (E. Garcia) Chapter 132, Statues of 2015, requires a school district to accept the written statement from a physician who is contracted with a binational health plan for the purposes of authorizing a pupil to carry and self-administer inhaled asthma medication that the pupil is required to administer during the regular schoolday.

AB 2132 (Reyes) Chapter 832, Statutes of 2004, authorizes a pupil to carry and self-administer medication, including inhaled asthma medication, or to receive assistance from school personnel, as specified, if the school district receives written statements, as specified.

AB 2185 (Frommer), Chapter 711, Statues of 2004, would have required specified health care service plans to provide coverage for equipment for the treatment of pediatric asthma and coverage for pediatric asthma outpatient self-management training and education.

AB 2367 (Chan), of the 2003-04 Session, would have required school districts that receives an asthma action plan to maintain the plan on file and provide it to teachers. *This bill was held in Assembly Appropriations Committee.*

SUPPORT

Los Angeles County Office of Education

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	SB 531	Hearing Date:	March 22, 2023
Author:	Ochoa Bogh		
Version:	February 14, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Financial literacy: student financial aid.

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

SUMMARY

This bill requires that the California Student Aid Commission (Commission) and the Department of Financial Protection and Innovation (DFPI) to display a link to the Federal Student Aid Information Center’s financial literacy document on their respective internet websites.

BACKGROUND

Existing law:

- 1) Establishes the Commission as the primary state agency for the administration of state authorized student financial aid programs available to students attending California higher education institutions. (Education Code Section 69510 – 69519.3)
- 2) Establishes the DFPI, under the direction of the Commission of Financial Protection and Innovation, and sets forth its powers and duties regarding administration of various laws relating to financial institutions and consumer protections. (Financial Code Section 9000 et. seq.)

ANALYSIS

This bill requires that the Commission and the DFPI prominently display a link to the “Financial Literacy Guidance from Federal Student Aid” document created by the Federal Student Aids Information Center on the home page of their respective internet websites.

STAFF COMMENTS

- 1) **Need for the bill.** According to information provided by the author’s office, “College students are experiencing for the first time how to manage personal finances, establish financial goals, and form a plan to reach them. Financial literacy for college students is especially important because young adults are beginning to adopt financial skills and make financial decisions that could

significantly impact their futures, especially if they are taking on debt. According to a national study by FINRA Foundation, higher financial literacy is associated with greater financial capability, underscoring the importance of promoting high-quality financial education.”

The author asserts that, “At a time when financial literacy is decreasing, it is important for young adults to find ways to increase their knowledge of financial skills and strategies. Placing the Financial Literacy Guide on the Student Aid Commission and Department of Financial Protection and Innovation websites is an easy way for college students to access high quality financial education.”

- 2) **Student Loan Debt.** According to The Institute for College Access and Success (TICAS) and its Project on Student Debt, state averages for debt at graduation from public and nonprofit colleges in 2020 ranged from \$18,350 (Utah) to \$39,950 (New Hampshire). Within this range, TICAS reports that the average debt level in California is \$21,125 and that about 46 percent of students graduate with debt, ranking California third lowest nationally. TICAS notes in its report that, despite recommendations to exhaust federal loan eligibility before pursuing other types of loans, the private student loan market has grown rapidly in recent years from \$92.6 billion in 2014, to \$135.3 billion in 2021, and now accounts for approximately eight percent of all undergraduate and graduate debt in the United States. Because few for-profit colleges report relevant debt data, they are not included in the state averages. However, the report asserts that students who attended for-profit colleges were more likely to default on their loans.
- 3) **Information Included in the Federal Guide.** This bill seeks to make educational information about student loan budgeting, borrowing, and repayment more accessible. The document specified in the bill is publicly available on the federal student aid website and is intended to assist counselors in assisting postsecondary students in developing the skills required to make informed financial decisions, specifically about the student loan process. It provides information on key concepts that student loan borrowers should understand, good financial habits that students should practice, and tools and resources available to help students communicate these concepts. The bill would require that a direct link to this document be included on the home pages of two state agencies in charge of financial aid administration and consumer protection education, respectively.

SUPPORT

California Credit Union League

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	SB 444	Hearing Date:	March 22, 2023
Author:	Newman		
Version:	March 16, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Community colleges: Mathematics, Engineering, Science, Achievement (MESA) programs.

SUMMARY

This bill: 1) encourages community colleges to establish and implement Mathematics, Engineering, Science, Achievement (MESA) programs, 2) requires that the regulations adopted by the Community College Board of Governors (BOG) regarding the operation of community college MESA programs be consistent with, and accomplish the specified goals and; 3) specifies that state funds provided for MESA programs and support that is provided by community colleges supplement existing resources, as specified.

BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges (CCC) under the administration of the BOG of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts. (Education Code (EDC) Section 70900)
- 2) 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 approve courses of instruction and educational programs. (EDC Section 70902)
- 3) Under the Seymour-Campbell Student Success Act of 2012, requires that the Chancellor's Office of the CCC make available on its internet website a dashboard containing data on student progression and completion of transfer-level English, mathematics, and English as a Second Language courses, disaggregated by community and the specified student groups including MESA program students. (EDC Section 78213.1 (a)(9))
- 4) Under the Student Transfer Achievement Reform Act, requires that the CCC and the California State University (CSU), to develop a student centered communication and marketing strategy in order to increase the visibility of the associate degree for transfer pathway for all students in California that includes, but not limited to, targeted outreach to first-year students through campus orientations and campus student support services programs that may include

Federal TRIO Programs, First-Generation Experience, MESA, and Puente.
(EDC Section 66748.5)

- 5) The Budget Acts of 2021 and 2022 provide a total of \$36.4 million in ongoing Proposition 98 General Fund for CCC MESA programs and requires a community college district to use their local or other resources to match state funding.

ANALYSIS

This bill:

- 1) Requires that the BOG adopt regulations to accomplish the following goals in the operation of the MESA program:
 - a) Increase the number of socially, economically, and educationally disadvantaged students pursuing baccalaureate degrees in STEM majors who are eligible to transfer to four-year higher education institutions.
 - b) Implementing efficient processes, practices, and use existing college transfer centers to achieve greater MESA program student transfer to four-year education institutions.
 - c) Implementation strategies to increase the rate at which MESA program students are deemed transfer-ready in STEM majors to four-year higher education institutions.
 - d) Improving the academic performance of MESA program students.
 - e) Increasing the leadership skills and raising the educational expectations of MESA program students.
 - f) Strengthening relationships with educators and prospective employers in business and industry.
 - g) Establishing partnerships with University of California (UC) and CSU mathematics, Engineering, Science, Achievement programs and Mathematics, Engineering, Science Achievement College Preparatory programs California Alliance for Minority Participation programs, or similar programs in an effort to provide optimal student support services.
 - h) Implementing strategies to collaborate with campus programs, such as the Student Equity and Achievement Program and the Student Success and Support Program, to leverage additional resources and opportunities for MESA program students and ensure that MESA programs are integrated into campus culture and infrastructure.
- 2) Requires that the MESA program be managed by a college director and that the director position:

- a) Be a full-time employment position.
 - b) Be solely responsible for the administration of the MESA program.
 - c) Have its salary paid for by the governing board of the community college district.
 - d) Be supported by instructors, counselors, and other community college staff. The bill provides that staff support in a MESA program does not preclude their participation in any other community college program.
- 3) Requires that the support provided by a community college for the MESA program supplement, but not supplant, the regular educational programs offered by the college to encourage and support the enrollment of MESA program students who seek a baccalaureate degree in STEM majors at four-year higher education institutions.
 - 4) Prohibits the governing board of a community college district from using funds received from the state for the operation and administration of MESA programs to supplant existing college resources, programs, or services. The governing board may use MESA program funds to meet the matching requirements to receive federal funds, or funds granted by nonprofit foundations, designated for the same purposes as described in the bill.
 - 5) Makes various statements about the Legislature's intent, including that the CCC recognize its responsibility for supporting programs that enhance educational opportunities for STEM majors, and for producing a diverse pool of baccalaureate degree graduates in STEM majors.
 - 6) Defines various terms for purposes of the bill including, "STEM majors," to mean Calculus-based science, technology, engineering and mathematics academic fields approved by the National Science Foundation.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Under SB 444, the Mathematics, Engineering, and Science Achievement (MESA) Program will be codified into the education code thereby providing the stability and evaluation necessary to serve students across the state. In addition, it will ensure that existing funding for this program is utilized for the operation and administration of MESA programs, services, and its students. The bill would require the Board of Governors to adopt regulations for purposes of MESA programs and would require those regulations to be consistent with specified requirements. This bill requires that these regulations accomplish certain goals regarding support for underserved and underrepresented students pursuing STEM degrees."
- 2) **Related Budget Activity.** AB 178 (Ting, Chapter 45, Statutes of 2022), the 2022 Budget Act provided up to \$36.4 million in funding to allow all colleges to establish and support CCC MESA programs. It required funds to be made available to students on all community college campuses in order to improve

California's STEM workforce while also assisting the state and nation in closing equity and achievement gaps. It also directed the Community College Chancellor's Office to distribute funds to each MESA program on an annual basis and to establish a minimum allocation for each program. Community college districts must contribute matching funds from local or other sources. AB 178 was silent on program objectives and of expectation for its operation. This bill sets program goals, solidifies the program director's role, and establishes guidelines for using state funds to supplement rather than replace existing community college district resources, programs or services available to MESA program students.

- 3) **MESA Program Supports Student Success in STEM.** MESA was established in 1970 to help educationally disadvantaged students in California in pursuing careers as engineers, scientists and other math-based professionals in order to help meet industry needs. Today its mission is to help underserved and under-representative students in achieving success in STEM studies and careers. MESA programs are state funded and its statewide office operates under the UC Office of the President. The program serves students in middle school, high school, community college and universities. MESA offers enrichment activities, hands-on competitions, counseling, academic support, industry involvement, and a supportive community environment to students. It has received numerous awards from the White House, industry and other organizations over the last 25 years, including recognition as one of the nation's top mentoring programs by the National Science Foundation, being named among the five most innovative public programs in the nation by the Ford Foundation, being named among the top national programs proven to help K-12 students to achieve in STEM fields by Bayer Corporation, and being named a national semifinalist for its outstanding community college work by Excelencia in Education. The goals outlined in this bill appear to be consistent with those established by statewide MESA for their community college programs.
- 4) **Technical Amendment. Staff recommends that the bill be amended** to clarify legislative intent about the role of community colleges in producing a diverse pool of baccalaureate degree graduates in STEM majors through the student transfer process, as follows:

Education Code Section 88682. (a) (1) It is the intent of the Legislature that the California Community Colleges recognize the responsibility for supporting programs that enhance educational opportunities for STEM majors, and produce a diverse pool of baccalaureate degree graduates in STEM *majors by preparing students for transfer to four-year higher education institutions.*

SUPPORT

Community College Association of Mesa Directors
Student Senate for California Community Colleges

OPPOSITION

None received

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