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EDUCATION



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AGENDA

Wednesday, April 14, 2021
9 a.m. -- John L. Burton Hearing Room (4203)

SPECIAL ORDER

1. SB 692 Cortese Local control and accountability plans: state priorities: least restrictive environment.

MEASURES HEARD IN FILE ORDER

2. SB 363 Leyva Educational equity: government instruction conferences.
- * 3. SB 416 Hueso Corrections: educational programs.
4. SB 540 Limón Pupil instruction: improving pupil success: grant program.
5. SB 545 Wilk Pupil retention: COVID-19 impact.(Urgency)
6. SB 593 Glazer Nonclassroom-based charter schools: audit requirements.
- * 7. SB 622 Roth Student financial aid: State Department of Social Services: individuals serving foster youth.
8. SB 659 Becker Community colleges: California College Promise.
9. SB 767 Becker Educational technology: Digital Education Equity Program: regional consortia: State Digital Equity Plan.
10. SB 693 Stern Pupil instruction: genocide education: the Holocaust.

*Proposed consent

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022, Regular

Bill No: SB 692
Author: Cortese
Version: April 7, 2021
Urgency: No
Consultant: Ian Johnson

Hearing Date: April 14, 2021

Fiscal: Yes

Subject: Local control and accountability plans: state priorities: least restrictive environment

SUMMARY

This bill adds least restrictive environment as a local measure of school climate for purposes of a school district's Local Control and Accountability Plan (LCAP) and requires the Superintendent of Public Instruction (SPI) to conduct a survey on the minimum amount of professional development needed for general education teachers to be prepared to teach pupils with learning disabilities.

BACKGROUND

Existing law:

- 1) Requires the State Board of Education (SBE) to adopt evaluation rubrics, by October 1, 2016, for all of the following purposes:
 - a) To assist a school district, county office of education or charter school in evaluating its strengths, weaknesses, and areas that require improvement.
 - b) To assist a county superintendent of schools in identifying school districts and charter schools in need of technical assistance, and the specific priorities upon which the technical assistance should be focused.
 - c) To assist the SPI in identifying school districts for which intervention is warranted.
- 2) Requires the evaluation rubrics to reflect a holistic, multidimensional assessment of school districts and individual schoolsite performance and include all of the state priorities. Existing law requires, as part of the evaluation rubrics, the SBE to adopt standards for school district and individual schoolsite performance and expectations for improvement in regard to each of the state priorities.
- 3) Requires local educational agencies (LEAs) to adopt and annually revise local control and accountability plans, establishing annual goals and identifying specific actions for all pupils and specific subgroups of pupils, in the eight state priority areas.
- 4) Requires the county superintendent of schools or the SPI to provide technical assistance using the evaluation rubrics to any school district or county office of

education, respectively, that fails to improve pupil achievement across more than one state priority for one or more pupil subgroups.

- 5) Requires a chartering authority to provide technical assistance using the evaluation rubrics to any charter school that fails to improve pupil achievement across more than one state priority for three or more pupil subgroups, or all of its pupil subgroups if it has fewer than three, in three out of four consecutive school years.
- 6) Authorizes the SPI to identify school districts and county offices of education in need of intervention if certain conditions are met, including if the California Collaborative for Education Excellence has provided advice and assistance and submits findings to the SPI that the inadequate performance of the school district or county office of education, based on the evaluation rubrics, is either so persistent or acute as to require intervention by the SPI.
- 7) Requires LEAs to adopt and annually revise LCAPs, establishing annual goals and identifying specific actions, in the following eight state priority areas:
 - a) The degree to which the teachers of the school district are appropriately assigned and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials, and school facilities are maintained in good repair.
 - b) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards and the English language development standards, for purposes of gaining academic content knowledge and English language proficiency.
 - c) Parental involvement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual school site, and including how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.
 - d) Pupil achievement, as measured by specified metrics at the state level.
 - e) Pupil engagement, as measured by specified metrics at the state level.
 - f) School climate, as measured by specified metrics at the state level and as developed locally.
 - g) The extent to which pupils have access to, and are enrolled in, a broad course of study, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the programs and services that are provided to benefit these pupils as a result of the funding received under the Local Control Funding Formula.

- h) Pupil outcomes, as measured by specified metrics at the state level.
- 8) Requires LEAs to ensure the following to address the least restrictive environment for individuals with exceptional needs:
- a) To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are nondisabled.
 - b) Special classes, separate schooling, or other removal of individuals with exceptional needs from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

ANALYSIS

This bill:

- 1) Adds least restrictive environment, as measured by federal indicator 5A established by the United States Secretary of Education for the state performance plan and annual performance report, as a local measure of school climate for purposes of a school district's LCAP.
- 2) Specifies that the least restrictive environment local measure shall not do any of the following:
 - a) Be included for an LEA that does not report federal indicator 5A on the state performance plan and annual performance report.
 - b) Include pupils who are deaf, hard of hearing, blind, visually impaired, and deaf-blind.
 - c) Be construed as modifying or otherwise affecting the right of pupils with disabilities to a free and appropriate education pursuant to the federal Individuals with Disabilities Education Act (IDEA).
- 3) Requires the SPI to conduct a report to the Legislature on all of the following subjects by October 1, 2024:
 - a) The minimum professional development needed for existing general education teachers to be prepared to teach pupils with learning disabilities.
 - b) The number of LEAs that are expected to meet the criteria for differentiated assistance based on the local measure of least restrictive environment.

- c) The estimated funds county offices of education and special education local plan areas would need to provide meaningful technical assistance and differentiated assistance to LEAs.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Despite federal law requiring that states include students with disabilities in general education classrooms to the greatest extent possible, California’s current rate of inclusion is 10 points lower the national average (53% versus 63% of SWDs are included in general education). In the last decade California has made almost no progress toward greater inclusion of students with disabilities in general education classes.

“Thirty years of evidence-based research demonstrates a clear causal relationship between inclusion and academic success of students with disabilities. States that have increased their inclusion rates over the last decade (e.g. Massachusetts, New Jersey, and Florida) have seen parallel increases in academic achievement for these students. Most recently, the Ventura County Office of Education and SELPA partnered with a university to study the academic impact of inclusion on the 90+% of students with disabilities that do not have significant cognitive impairment. This included students identified for speech/language, chronic health, emotional disturbance, specific learning disabilities, and autism. The study found conclusively that students with these disabilities were more successful on state assessments if they spent the majority of their instruction time in a general education classroom.

“SB 692 would disincentive districts from inappropriately placing students with disabilities in segregated classrooms by adding an existing federal inclusion (least restrictive environment) indicator to the state accountability dashboard.”

- 2) ***Least restrictive environment is an existing federal indicator for special education accountability purposes only.*** The federal IDEA requires that the US Department of Education to monitor states’ implementation and compliance with its provisions. Each state is required to develop and submit a State Performance Plan (SPP). The SPP is a six-year plan that includes 17 measures, or indicators, that are related to either IDEA compliance or student performance. Within the SPP, states must set rigorous and measurable annual targets for each of the 17 indicators. States must report their progress in relation to these targets in an annual update—the Annual Performance Report (APR).

Indicator 5a measures least restrictive environment as the percent of children with disabilities, ages 6-22, served inside the regular classroom for at least 80 percent of the day. This is the standard used to assess the level of “inclusion” being achieved by school districts and the state overall for students with disabilities within general education.

- 3) ***What do the academic outcomes for students with disabilities tell us?*** California began using the evaluation rubrics, as displayed by the California School Dashboard, in 2017 to examine school and district outcomes for all students and for various student subgroups. Based on Dashboard results, many

districts are failing to meet standards for their students with disabilities. Among 1,002 total LEAs in California, 333 were identified for differentiated assistance in 2019; over half of these districts were eligible for assistance, at least in part, because the students with disabilities in the district were performing poorly, particularly in the state priority areas of Pupil Achievement and Pupil Engagement. The Dashboard shows that outcomes for students with disabilities within these LEAs are worse than for students overall when it comes to chronic absenteeism, suspension rates, and college/career readiness.

Research tends to identify the following five factors related to service delivery for students with disabilities that contribute to these lower outcomes:

- a) Underidentification of students needing services.
 - b) Low inclusion rates.
 - c) Underprepared special and general education teachers.
 - d) Inadequate mental health and other services.
 - e) Lack of attention to postsecondary transitions.
- 4) ***Inclusion rates in California are among the lowest in the nation.*** The inclusion of students with disabilities in general education classroom settings is an important predictor of positive outcomes. Students with disabilities who spend at least 80 percent of the school day in general education classrooms have fewer absences, higher academic performance, higher rates of grade progression and on-time graduation, and higher rates of college attendance and employment. It is for these reasons that least restrictive environment is a federal special education enforcement indicator.

While each student's unique least restricted environment is determined by their Individualized Education Program team, state and federal law require that student placements maximize opportunities for students to interact with their peers without disabilities. However, in 2017–18, California had one of the lowest inclusion rates in the country—56 percent compared to a national average of 63.4 percent.

- 5) ***Are teachers being adequately prepared to meet the needs of all students with disabilities?*** School districts in California continue to face shortages of qualified special education teachers, with most new teachers entering active teaching without having completed preparation. When this occurs, students with disabilities—those with the greatest need and requiring the most expert teaching—can often be taught by less experienced teachers. Moreover, teacher turnover does not allow individuals to stay long enough to develop greater expertise. Faced with high costs of living, many experienced special education teachers are choosing to leave the profession.

Surveys of general education teachers in California tend to reveal that beginning teachers feel least prepared to identify and address special learning needs.

Research states that general education teachers in California feel overwhelmed by the prospect of teaching students with disabilities in an inclusive setting, likely due to a combination of insufficient preparation and lack of adequate support.

The CTC recently approved changes to the credential requirements for special education teachers, with a focus on co-teaching and collaboration between special education and general education. The new standards are expected to go into effect in 2022 and primarily include the following:

- a) More focus on co-teaching, using technology to help special education students in the classroom, teaching English learners with disabilities, and adapting the general curriculum for students with disabilities.
- b) At least 600 hours of student teaching and field work in both special education and general education classrooms. Previously, the number of hours wasn't specified and experience in general education classrooms was not required.
- c) Extending preparation for early childhood special education credentials to include kindergarten to better accommodate schools that offer transitional kindergarten and preschool.
- d) Shift in specialization to focus less on students' diagnoses and more on their individual needs.

These credential requirement changes will take time to have a statewide impact, however, as newly prepared teachers replace those trained under the prior standards.

SUPPORT

Cal-TASH
Club 21 Learning and Resource Center
Disability Rights California
El Dorado County Office of Education
Marin County Office of Education
Monterey County Office of Education
Riverside County Office of Education
San Benito County Office of Education
City of San Jose
San Mateo County Office of Education
Santa Clara County Office of Education
Santa Cruz County Office of Education
Thompson Policy Institute at Chapman University

OPPOSITION

None received

20, § 1681)

- 2) Any program or activity of any secondary school or educational institution specifically for:
 - a) The promotion of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or,
 - b) The selection of students to attend any such conference. (20 USC § 1681)
- 3) Membership practices of the Young Men's Christian Association, Young Women's Christian Association, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which are so exempt, the membership of which has traditionally been limited to persons of one sex and principally to persons of less than nineteen years of age. (20 USC § 1681)
- 4) An educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization. (20 USC § 1681)

ANALYSIS

This bill removes from state law the exemption from sex discrimination provisions for any program or activity of the American Legion undertaken in connection with the organization or operation of any Boys State, Boys Nation, Girls State, or Girls Nations conferences, thereby requiring these programs and activities to adhere to existing sex discrimination statutes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "SB 363 furthers California's goal of providing an equal educational opportunity to all students by prohibiting the use of public resources when a program discriminates based on gender. In order to promote and encourage gender parity, SB 363 will allow the use of public resources in Sacramento for California Boys State only if California Girls State participants receive comparable treatment.

"Around 1,000 young men participate in California Boys State each summer. California Girls State participants are able to partake in some of the same aspects of the civics education and leadership opportunities received by California Boys State participants, but disparities still exist.

"For example, California Boys State applicants pay no fees to apply to the program, while California Girls State applicants must pay a \$75 application fee. Also, California Boys State hosts a college night where the young men have opportunities to meet directly with representatives from various colleges and career paths, while California Girls State participants do not have similar access during their program week. California Boys State attendees are also provided one-on-one access to government and law enforcement officials where they gain

insight and potential career access that is not available to California Girls State participants.

“Discrimination based on gender or sex is illegal under state and federal law. Organizational failure to invest equitably in civics education programs historically leads to disenfranchisement, unequal representation and gender-based marginalization.

“By treating California Girls State and California Boys State inequitably, young women are unable to participate in civics education at the State Capitol in Sacramento, meet legislators and legislative staff, and visit the state’s seat of government.”

- 2) **Boys State.** Boys State is sponsored by the American Legion. According to the California Boys State website, Boys State was founded in 1935 as “a participatory program in which students become part of the operation of local, county and state government. American Legion Auxiliary sponsors a separate but similar program for young women called Girls State. At Boys State, participants learn the rights, privileges and responsibilities of franchised citizens. The training is objective and centers on the structure of city, county and state governments. Operated by students elected to various offices, Boys State activities include legislative sessions, court proceedings, law-enforcement presentations, assemblies, bands, choruses and recreational programs.”
<https://boysstatecalifornia.org/#>
- 3) **Girls State.** Girls State is sponsored by the American Legion Auxiliary Department of California (this is a completely separate entity from the American Legion). According to the Girls State website, Girls State was founded in 1937 and is “a leadership program sponsored by the American Legion Auxiliary, designed to increase awareness and knowledge of governmental processes while learning about the duties, privileges, rights and responsibilities of citizenship. Delegates come away with a greater appreciation of the American Flag and of the sacrifices made by our veterans. Girls State is focused on responsible citizenship, leadership, and love for God and country. Female high school students learn about the political process by electing officials for all levels of state government and actively running a mock government. The girls are assigned to mock cities and either the ‘Federalist Party’ or ‘Nationalist Party.’ The art of civil debate is one of the main skills learned at this premier program.”
<https://www.legion-aux.org/ala-girls-state>
- 4) **Why doesn’t Girls State visit the State Capitol?** According to the American Legion Auxiliary, Girls State was, at one time, in Sacramento. However, the Girls State session is typically close to July 4, while the Legislature is in recess. In addition, Girls State participants had been using housing facilities of the California State University, Sacramento, but those facilities no longer meet the needs of the Girls State program.
- 5) **Why are Boys State and Girls State exempt from sex discrimination laws?** Programs and activities of the American Legion undertaken in connection with the organization or operation of any Boys State, Boys Nation, Girls State, or Girls

Nations conferences are explicitly exempt from federal and state sex discrimination laws. The exemption in federal law predates the exemption in state law, which was added by AB 3133 (Roos et al, Chapter 1117, Statutes of 1982). AB 3133, known as the Sex Equity in Education Act, duplicated federal sex discrimination laws, including the exemption for Boys State and Girls State.

Legislative records show the intent of AB 3133 was to mirror federal law; there does not appear to have been any consideration of the merits of exempting Boys State and Girls State from state sex discrimination laws.

- 6) **Practical effect of this bill.** This bill will apply existing state sex discrimination law to programs and activities of the American Legion undertaken in connection with the organization or operation of any Boys State, Boys Nation, Girls State, or Girls Nations conferences. The immediate effect is unclear; presumably, girls and students who identify as non-binary could join Boys State, for example. Enforcement of those laws would be through litigation.
- 7) **Can state law preempt federal law?** Federal regulations may allow for state laws to preempt federal Title IX laws, or federal regulation may specifically prohibit such preemption. The Obama Administration allowed state preemption, while the Trump Administration did not.

The Biden Administration issued Executive Order 14021 on March 8, 2021, "Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity," which provides in part:

"It is the policy of my Administration that all students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity. ... Within 100 days of the date of this order, the Secretary of Education, in consultation with the Attorney General, shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that are or may be inconsistent with the policy" described at the beginning of this paragraph.

<https://www.govinfo.gov/content/pkg/FR-2021-03-11/pdf/2021-05200.pdf>

Further, the United States Department of Education's Office of Civil Rights issues a letter on April 6, 2021, providing information about steps the Department is taking to carry out Executive Order 14021.

<https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/20210406-titleix-eo-14021.pdf>

- 8) **To Judiciary Committee.** The recent amendments to this bill have prompted the Senate Rules Committee to consider re-referring this bill to the Senate Judiciary Committee for further review.
- 9) **Prior legislation.** SB 1308 (Leyva, 2020) would have prohibited public funds or resources from being used in connection with any secondary educational

program of government instruction located in Sacramento that does not provide an equal opportunity for female and male students. SB 1308 was not heard due to the compressed legislative timelines.

SUPPORT

Equal Rights Advocates (sponsor)
Women's Foundation California
An individual

OPPOSITION

American Legion Auxiliary, Department of California
American Legion, Department of California
AMVETS, Department of California
California Girls State Alumnae Foundation
Military Officers Association
An individual

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 416	Hearing Date:	April 14, 2021
Author:	Hueso		
Version:	February 12, 2021		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgallia Ramirez		

Subject: Corrections: educational programs.

SUMMARY

This bill requires the California Department of Corrections and Rehabilitation (CDCR) to offer college programs to inmates provided by the California Community Colleges (CCC), the California State University (CSU), the University of California (UC) or other California regionally accredited nonprofit college or university.

BACKGROUND

Existing law:

- 1) Requires the Secretary of the CDCR to implement literacy programs in the state prison. (Penal Code § 2053.1)
- 2) Requires the Secretary of the CDCR to offer college programs through voluntary education programs or their equivalent. (Penal Code § 2053.1 (a)(1))
- 3) Requires each county probation department, as well as the Department of Juvenile Justice, to ensure that youths with a high school diploma or California high school equivalency certificate who are detained in, or committed to, their respective facilities have access to various public postsecondary academic and career technical courses and programs offered online, and for which they are eligible based on eligibility criteria and course schedules of the public postsecondary education campus providing the course or program. (Welfare and Institutions Code § 889.2 (b)(1))
- 4) Establishes the CCCs, which are administered by the Board of Governors of the CCCs, the CSU, which is administered by the Trustees of the CSU, and the UC, which is administered by the Regents of the UC, as the three segments of public postsecondary education in the state. (Education Code § 70900, § 89000, § 92000)

ANALYSIS

This bill:

- 1) Requires the CDCR to offer college programs to inmates provided by the CCC, the CSU, the UC, or other California regionally accredited, nonprofit colleges or universities.
- 2) Grants priority to colleges and universities that:
 - a) Provide face-to-face, classroom-based instruction.
 - b) Provide comprehensive in-person student supports, including counseling, advising, tutoring, and library services.
 - c) Offer transferable degree-building pathways.
 - d) Facilitate real-time student-to-student interaction and learning.
 - e) Coordinate with other colleges and universities serving students in the CDCR so that inmate students who are transferred to another institution can continue building toward a degree or credential.
 - f) Coordinate with the CCCs Rising Scholars Network, the CSU Project Rebound Consortium, the UC Underground Scholars Initiative, or other nonprofit postsecondary programs specifically serving formerly incarcerated students so that incarcerated students who are paroled receive support to continue building toward a degree or credential.
 - g) Do not charge incarcerated students or their families for tuition, course materials, or other educational components.
- 3) Requires accredited postsecondary education providers to be responsible for all of the following:
 - a) Determining and developing curricula and degree pathways.
 - b) Providing instructional staff and academic advising or counseling staff.
 - c) Determining what specific services, including but not limited to tutoring, academic counseling, library, and career advising, are to be offered to ensure incarcerated students can successfully complete their course of study.
- 4) Requires the CDCR, by regulation, to assign an inmate enrolled in a full-time college program pursuant to the bill, consisting of 12 units in credit-bearing courses leading to an associate's degree or a bachelor's degree, a full-time work or training assignment.
- 5) Deletes provisions that require the CDCR to offer college programs through voluntary education programs or their equivalent.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "As CDCR reopens, there is a significant risk that the face-to-face college courses already provided by California's public postsecondary institutions inside CDCR will be replaced with distance or correspondence providers seeking low-overheard enrollment, particularly if the students have Pell grants. Currently, the Penal Code does not require CDCR to ensure that quality programs are available inside prisons." The author argues that the bill would outline the requirements an institution should have in order to provide incarcerated students with a quality education.
- 2) **Postsecondary education in prison.** Access to higher education for incarcerated individuals has gained momentum in recent years. Many incarcerated students currently receive higher education at no cost through the CCCs. According to a report by Corrections to College California, "Don't Stop Now," face-to-face community college enrollment inside CDCR rose from zero to 4,443 students between 2014 and 2017. For face-to-face enrollment, that is more than any other state. CCCs teach face-to-face transferable degree-building college courses in 34 of the state's 35 prisons. The UC, Irvine recently launched UC's first bachelor's degree program in prison. The program is a partnership with Southwestern Community College and serves as model for UC-community college collaboration. Within the CSU system, at least two campuses, Cal State LA and Sacramento State, offer face-to-face baccalaureate programs in the state prisons (Lancaster, Mule Creek and Folsom), with other CSU programs in development including at a women's prison in Chino. In addition, CCC, CSU and UC have on-campus support programs for formerly incarcerated students. Accordingly, provisions of the bill that require the offering of college programs by California public postsecondary institutions coincide with current practice, particularly from CCCs.
- 3) **The Second Chance Pell (SCP) Experimental Sites Initiative.** Incarcerated students were prohibited from applying for federal aid in the Violent Crime Control and Law Enforcement Act of 1994. A pilot program, established under federal law, extended eligibility for federal financial aid to some incarcerated individuals. The objective of the program, known as Second Chance Pell, was to examine how providing Pell Grants to incarcerated students influences their participation in educational opportunities and academic outcomes. This pilot program was established in 2015 and of the 67 colleges originally selected for participation, three were California colleges—Cuesta College, Chaffey College and CSU, Los Angeles. The pilot did not waive any of the other requirements for program eligibility determination. The pilot program resulted in more than 4,000 credentials, including postsecondary certificates, associate degrees, and bachelor's degrees awarded to Second Chance Pell students within a span of three-years.

On December 27, 2020, the Coronavirus Response and Relief Supplemental Appropriations Act of 2021, was signed into law, it brought several significant changes to federal financial aid policy including the restoration of eligibility for incarcerated students, thereby permanently lifting the ban on Pell grant eligibility for people in prison.

4) **Impact of Pell restoration.** Concerns have been raised by proponents for Pell restoration, that colleges, including those with low-quality programs, will be drawn to this group of students who are newly eligible for federal money. The author argues that, "...there is significant risk that the face-to-face college courses already provided by California's public postsecondary institutions inside the CDCR will be replaced with distance or correspondence providers seeking low-overheard enrollments, particularly if the students have Pell Grants." The author further asserts that, "Currently, the Penal Code does not require the CDCR to ensure that quality programs are available inside prisons. As such, consistent with the author's intent and in order to ensure the offering of quality academic programs to inmates, **staff recommends that the bill be amended as follows:**

- Specify that the California Department of Corrections and Rehabilitation shall only offer college programs provided by the California Community Colleges, the California State University, the University of California, or other California regionally accredited, nonprofit colleges or universities.
- Define, for purposes of the bill, "California regionally accredited, nonprofit colleges or universities," to mean nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both that are formed as nonprofit corporations in this state and that are regionally accredited by an agency recognized by the United States Department of Education.

5) **Allow colleges and universities to waive or cover fees.** The bill grants priority to institutions that "don't charge incarcerated students or their families for tuition..." This provision could discourage the use of waivers or grant aid to cover tuition costs charged to students. As an example, community college enrollment fees are charged but subsequently waived for inmates. Additionally, the newly available federal benefit can be used to cover tuition costs that are imposed on students by colleges. As drafted, the bill may disincentivize the use of federal aid or other types of grant aid for that purpose. For this reason, **staff recommends that the bill be amended** so that priority consideration also be granted to the prescribed colleges and universities that waive or offer grant aid to cover tuition for incarcerated students. **Staff further recommends that the bill be amended**, in addition to tuition, allow grant aid to be used for payment of course materials, or other educational components.

6) **Technical amendment.** Staff recommends that the bill be amended to clarify that the 12 units referenced in section 2053.1(a)(3)(C) as "12 semester units or the quarter equivalent" as follows:

2053.1(a)(3)(C) The department shall, by regulation, assign an inmate enrolled in a full-time college program pursuant to this section, consisting of 12 semester units or the quarter equivalent, in credit-bearing courses leading to an associate's degree or a bachelor's degree, a full-time work or training assignment.

- 7) **Heard by the Senate Public Safety Committee.** This bill was heard by the Senate Public Safety Committee on March 23, 2021, where it passed on a 5-0 vote.

SUPPORT

California Attorneys for Criminal Justice
California Community Colleges, Chancellor's Office
Campaign for College Opportunity
Center for Employment Opportunities
Criminal Justice Clinic, UC Irvine School of Law
Initiate Justice
Lifted: Leveraging Inspiring Futures Through Educational Degrees
Michelson Center for Public Policy
National Association of Social Workers, California Chapter
San Jose-evergreen Community College District
Underground Scholars Initiative

OPPOSITION

None received.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022 Regular

Bill No: SB 540 **Hearing Date:** April 14, 2021
Author: Limón
Version: April 7, 2021
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Pupil instruction: improving pupil success: grant program

SUMMARY

This bill requires the California Department of Education (CDE), subject to an appropriation, to administer a grant program to provide additional targeted assistance to 10 low-performing school districts with identified opportunity gaps among their peers, including but not limited to, opportunity gaps for pupils of color and pupils from low-income backgrounds, to help those school districts close their opportunity gaps.

BACKGROUND

Existing law establishes the Local Control Funding Formula (LCFF) with per-pupil funding targets, adjustments for different student grade levels, and supplemental and concentration funding for local educational agencies (LEAs) serving students who are low-income, English learners, or foster youth. (Education Code § 42238.02)

ANALYSIS

This bill requires the CDE, subject to an appropriation, to administer a grant program to provide additional targeted assistance to 10 low-performing school districts with identified opportunity gaps among their peers, including but not limited to, opportunity gaps for pupils of color and pupils from low-income backgrounds, to help those school districts close their opportunity gaps. Specifically, this bill:

- 1) Requires the CDE, contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for these purposes, to administer a grant program to provide additional targeted assistance to 10 low-performing school districts with identified opportunity gaps among peers, including for pupils of color and pupils from low-income backgrounds, to help those school districts close their opportunity gaps.
- 2) Requires the school districts to be competitively selected based on 2018–19 fiscal year data on the California School Dashboard.
- 3) Requires CDE to allocate a sum of one million two hundred fifty thousand dollars (\$1,250,000) to each of the 10 selected school districts under the grant program for each of the 2021–22, 2022–23, and 2023–24 fiscal years.
- 4) Requires a selected school district, in consultation with the CDE, to use the funds it receives for both of the following purposes:

- a) Hiring and funding one distinguished educator with experience in improving pupil performance and outcomes:
 - i) For the purpose of leveraging the distinguished educator's experience in improving pupil performance and to apply it to the school district, in consultation with the district superintendent, the governing board of the school district, school district staff, and relevant stakeholders of the school district.
 - ii) To perform duties, including, but not limited to, analyzing and using a continuous improvement process, in partnership with the department, to develop a three-year customized action plan to improve the school district's performance on key indicators and pupil outcomes, and educate on the benefits of continuity of administrative service.
 - b) Implementing a customized action plan, which must include both of these key considerations:
 - i) Assisting the school district in understanding and developing instructional practices, standards-aligned materials, and pedagogies that are culturally relevant.
 - ii) Professional development opportunities for schoolsite administrators, certificated staff, and classified staff.
- 5) States that it is the intent of the Legislature:
- a) To provide resources to school districts to support their efforts in closing opportunity gaps among their pupils, including, but not limited to, opportunity gaps for pupils of color and pupils from low-income backgrounds.
 - b) To best meet the goal described in subdivision (a), it is the intent of the Legislature to establish a program to provide school districts with distinguished educators with knowledge and expertise in closing opportunity gaps to support school districts through a continuous improvement process.
 - c) That these distinguished educators work directly with school districts and focus on efforts to help school districts improve pupil outcomes and ensure that teachers and administrators are provided with coaching, professional development, and training that aligns with state standards and with distance learning, hybrid, and in-person instructional models.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, "this bill would help close the equity gaps that are commonly experienced in historically underserved

communities through an aggressive three-year funding package with strategic investments to schools with the highest needs, including, provide high-need schools with grants to help them access the top educators from across the nation with direct experience in closing the equity gap, who can use their expertise to identify the most appropriate interventions for the needs of students. Equity coaches will work with CDE and school districts to develop three-year plans designed to close equity and opportunity gaps in their system.”

- 2) ***What is the Opportunity Gap?*** The Legislature tasked the Legislative Analyst’s Office (LAO) with convening a work group on the K-12 achievement gap and submit a report with the work group’s findings and recommendations.

According to the LAO report, *Narrowing California’s K-12 Student Achievement Gaps*, published January 31, 2020, “year after year, Latino and African American students consistently have lower average state standardized test scores than white and Asian students. Latino and African American students also tend to have worse outcomes on other academic performance measures, such as attendance and suspension rates. Similar achievement gaps can be observed between students with and without disabilities and students who do and do not come from low-income families.”

Specifically, the LAO report, “on average, across all grade levels, African American students had the lowest scores on state standardized tests in spring 2018. African American students also had the lowest graduation rates and were the least likely to be prepared for college/career at graduation. On average, African American students missed much more school than other students, with a chronic absenteeism rate about double that of Latino and white students in 2017-18. Similarly, they were suspended at nearly double the rate of Latino and white students. Racial/ethnic achievement gaps held even after taking family income into account. For example, low-income African American students as a group performed worse across a range of outcome measures relative to other low-income students.”

Moreover, “African American and Latino students comprise a disproportionate share of certain student groups. Although African American students comprise 5.4 percent of all public school students in California, they make up a greater share of certain student subgroups. For example, 19 percent of foster youth and 8.3 percent of homeless youth are African American. In a similar vein, Latino youth make up 55 percent of all students, but 81 percent of English learners and 71 percent of low-income students.”

- 3) ***LAO Work Group Recommendations.*** The LAO work group proposed four options for consideration by the Legislature:
- **Make Achievement Gap Information More Readily Available** by “requiring CDE to post the progress of the state and each district in narrowing student achievement gaps over time. In addition, the Legislature could direct CDE to profile districts making particularly good progress, including information about their improvement strategies. Knowing which districts are performing well and

what they are doing to attain better outcomes could help other districts improve.”

- **Monitor Efforts to Improve School Leadership.** According to the report “Districts that have narrowed achievement gaps tend to benefit from stable, experienced school leaders who know how to use data to inform their improvement efforts. A second legislative option is to specify how the state’s recently created California School Leadership Academy is to be evaluated. Then, if signs emerge that the academy might have shortcomings, the Legislature could seek to rectify them through subsequent legislation.”
 - **Create Standards for Reviewing Districts’ Academic Plans.** According to the report, “currently, the state tasks COEs with reviewing whether districts fill out the LCAP template correctly, but it does not require COEs to do a qualitative review of these plans. Importantly, COEs are not tasked with assessing if districts have ascertained their most pressing performance issues, identified promising strategies for improving their performance, and made budget decisions that are well aligned with their improvement plans. A third legislative option is to convene certain experts to develop a set of LCAP review standards. Based upon a holistic review of districts using the new review standards, COEs could identify poorly performing districts and increase support for them.”
 - **Establish Academic Assistance Program for the Lowest-Performing Districts.** A fourth legislative option is to “establish an academic assistance program for districts with the most significant achievement gaps that have not narrowed over time. The California Collaborative for Educational Excellence (CCEE), in partnership with other agencies, could provide these types of districts with intensive intervention over a multiyear period. The assistance could include a comprehensive improvement redesign and realignment of core spending within the district such that ongoing funding is used more effectively.” (see No. 4 below)
- 4) ***What about Systemic Instructional Reviews (SIRs)?*** CCEE, a statewide agency that is part of the Statewide System of Support and is “designed to help deliver on California’s promise of a quality, equitable education for every student,” works with other state agencies, partner agencies, county offices of education (COEs), and stakeholders to address the most pressing needs of local educational agencies (LEAs).

In its own words, CCEE is “designed to advise and assist, not carry out compliance or accountability functions. CCEE serves as strategic thought partner working alongside educators to listen, identify goals and needs, promote innovative thinking, and jointly solve problems.” As such, the CCEE is staffed by accomplished and experienced educators, researchers and facilitators who are passionate about assuring each and every student in California receive a high-quality education.

The CCEE provides specialized services to LEAs including, Systemic Instructional Reviews (SIRs). According to the CCEE, "When a LEA, including COE, is experiencing chronic systemic challenges and requires assistance, and at times affirmation, of the root causes and a plan on where to begin systemic changes. With capacity building for sustainability as a base, the SIR creates a laser-like focus with the LEA on instruction and continuous improvement. In collaboration with the LEA, their COE, and other partner agencies recommendations will be developed into a SIR action plan that targets the increase of quality instruction and student outcomes. In addition, the SIR process will provide support to the LEA to further strengthen members in order to sustain the work needed for systemic changes."

"The SIR is a Pre-K through 12 instructional comprehensive assessment (academic and social emotional) of the LEAs instructional systems, progress of state requirements, and implementation of teaching and learning practices in order to successfully meet the needs of all learners. The Systemic Instructional Review will culminate in a SIR action plan that will receive ongoing progress monitoring and support from the CCEE as needed by the LEA."

According to the CCEE, an "SIR is designed to guide district teams to change organizational priorities and implement sustainable educational practices grounded in a continuous improvement model of strong conditions for student learning continuum of evidence-based systematic practices to support a rapid response to students' needs, with regular observation to facilitate data-based instructional decision making."

SIRs are extensive and expensive undertakings that produce specific calls to action and include ongoing support and monitoring. In the three previous years, CCEE has complete SIRs of Inglewood Unified School District, Vallejo City Unified School District, Salinas Union High School Districts, Sacramento City Unified School District, and Oakland Unified School District. *The committee may wish to consider* whether CCEE's SIR process serves the same purpose of this bill.

- 5) ***Still Awaiting Final Reports on the Low-Performing Students Block Grant (LPSBG) Program.*** The LPSBG Program, included in AB 1808 (Committee on Budget, Ch. 32, Stats. 2018) provides funds for LEAs serving students identified as low-performing on state English language arts or mathematics assessments, who are not otherwise identified for supplemental grant funding under the LCFF, or eligible for special education services. It allocates \$300 million in the 2018-19 fiscal year for LEAs, including county offices of education, school districts, and charter schools. According to CDE, the funds are designated to address the persistent achievement gap in California's public schools, and to provide resources and evidence-based practices to initiate and sustain authentic systemic change," and are available for expenditure or encumbrance through the 2020-21 fiscal year.

Additionally, the LPSBG Program included planning and requirements, including a requirements for recipients to:

- Develop a plan describing how the funds will increase or improve evidence-based services for the pupils identified to accelerate increases in academic achievement, and how the effectiveness of services will be measured. The plan is required to include information regarding how the services align with and are described in the school district's local control and accountability plan (LCAP), the county superintendent's LCAP, or the charter school's LCAP.
- On or before March 1, 2019, report to the Superintendent of Public Instruction (SPI) regarding the adopted plan to use the grant funds to increase the academic performance of pupils identified.
- On or before November 1, 2021, report to the SPI regarding the implementation of the plan, the strategies used, and whether those strategies increased the academic performance of the pupils identified.

The committee may wish to consider whether it would be prudent to await final reporting from LEAs regarding the LPSBG Program before moving forward with additional grant programs aimed at narrowing the opportunity gap.

- 6) **Proposition 209 implicated?** In 1996, California voters approved Proposition 209, which added Section 31 of Article I to the California Constitution. This section states, in part, "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." California voters declined to repeal this provision this past November.

Recent amendments to the bill expand the authorized uses of the grant funds. The grant funds can now be used to address opportunity gaps more broadly, including for gaps for pupils from low-income backgrounds, not just for gaps for pupils of color. These amendments address some of the Proposition 209 concerns, but do not completely eliminate potential Proposition 209 issues, depending on how the bill is ultimately implemented.

- 7) **Previous Legislation.** AB 2635 (Weber, 2018) would have augmented the definition of "unduplicated pupil" for Local Control Funding Formula (LCFF) purposes by adding a pupil who is classified as a member of the lowest performing subgroup or subgroups, which, as defined and calculated pursuant to the bill, was African American pupils. AB 2635 was not heard in committee in the Senate.

SUPPORT

None received

OPPOSITION

None received

- 5) Requires the policy to:
 - a) Provide for parental notification when a student is identified as being at risk of retention, and provide the parent with the opportunity to consult with the teacher responsible for the decision to promote or retain the student.
 - b) Provide a process whereby the decision of the teacher to retain or promote may be appealed, and requires the burden to be on the appealing party to show why the decision of the teacher should be overruled.
 - c) Indicate the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention or who are identified as being at risk for retention. (EC § 48070.5)
- 6) Authorizes students to be retained for reasons other than those specified in # 2 above if retention is determined to be appropriate for that student, and authorizes LEA governing boards to adopt promotion and retention policies that exceed the criteria described above. (EC § 48070.5)

Expanded Learning Opportunities Grants (AB 86, Committee on Budget, Chapter 10, Statutes of 2021)

- 7) Appropriates \$4.56 billion to LEAs for the purposes described in # 8 below. (EC § 43521)
- 8) Requires LEAs receiving Expanded Learning Opportunities funds to implement a learning recovery program that, at a minimum, provides:
 - a) Supplemental instruction.
 - b) Support for social and emotional well-being.
 - c) To the maximum extent permissible under the guidelines of the United States Department of Agriculture, meals and snacks. (EC § 43522)
- 9) Requires LEAs to provide these supports and service to, at a minimum:
 - a) Students who are eligible for free or reduced-price meals.
 - b) English learners.
 - c) Foster youth and homeless students.
 - d) Students who are individuals with exceptional needs.
 - e) Students at risk of abuse, neglect, or exploitation.
 - f) Disengaged students.

- g) Students who are below grade level, including, but not limited to:
 - i) Those who did not enroll in kindergarten in the 2020–21 school year.
 - ii) Credit-deficient students.
 - iii) High school students at risk of not graduating.
 - iv) Other students identified by certificated staff. (EC § 43522)
- 10) Requires Expanded Learning Opportunities funds to be spent only for any of the following purposes:
 - a) Extending instructional learning time by increasing the number of instructional days or minutes provided during the school year, providing summer school or intersessional instructional programs, or taking any other action that increases the amount of instructional time or services provided to students based on their learning needs.
 - b) Accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports including, but not limited to, any of the following:
 - i) Tutoring or other one-on-one or small group learning supports provided by certificated or classified staff.
 - ii) Learning recovery programs and materials designed to accelerate student academic proficiency or English language proficiency, or both.
 - iii) Educator training, for both certificated and classified staff, in accelerated learning strategies and effectively addressing learning gaps, including training in facilitating quality and engaging learning opportunities for all students.
 - iv) Integrated student supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, access to school meal programs, before and after school programs, or programs to address pupil trauma and social-emotional learning, or referrals for support for family or pupil needs.
 - v) Community learning hubs that provide students with access to technology, high-speed internet, and other academic supports.
 - vi) Supports for credit deficient students to complete graduation or grade promotion requirements and to increase or improve students' college eligibility.
 - vii) Additional academic services for students, such as diagnostic, progress monitoring, and benchmark assessments of student learning.

- viii) Training for school staff on strategies, including trauma-informed practices, to engage students and families in addressing students' social-emotional health needs and academic needs. (EC § 43522)
- 11) Requires LEAs to use at least 10 percent of its apportionment to hire paraprofessionals to provide supplemental instruction and support through the duration of this program, with a priority for full-time paraprofessionals. (EC § 43522)

ANALYSIS

This bill, an urgency measure, requires school districts to approve a request from a parent to retain their student in the grade level in which the student was enrolled in the 2020-21 school year if the parent deems it necessary because of the impact of COVID on the student. Specifically, this bill:

- 1) Authorizes an eligible student to be retained in the grade level in which the student was enrolled in the 2020–21 school year if the student's parent deems it necessary because of the impact of the COVID-19 pandemic on the student, as determined solely by the student's parent.
- 2) Requires the school district, upon receiving a request for the student's retention, to approve the request without condition and retain the student in the grade level in which the student was enrolled in the 2020–21 school year.
- 3) Provides the following definitions:
 - a) "Eligible pupil" means a student who, for the 2020–21 school year, was enrolled in kindergarten or any of grades 1 to 12 in a school district.
 - b) "Parent" means the natural or adoptive parent or guardian, the person having legal custody, or other educational rights holder.
- 4) Includes an urgency clause because most students have missed a substantial proportion of the material covered in a typical school year.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The pandemic has further exposed and entrenched educational inequities, especially when it comes to lower-income students, students in rural environments, and students who are English language learners, foster youth, or students who have developmental disabilities. While some students have found success in the distance learning environment, many, including many of the state's most vulnerable students, have not received the resources necessary to keep up. The reasons for this are varied, with some students lacking the technology to excel while distance learning, while others fell behind due to not having an environment conducive to learning. These barriers have resulted in a variety of negative effects in the lives of these students.

"One of these effects is the significant learning loss that California's students

have endured. One way to measure this learning loss is through surveying data on how students performed during the 2020-2021 school year compared with how they performed during the 2019-2020 school year. In Los Angeles Unified, a school district with more than 600,000 students, the amount of Ds and Fs in grades 9-12 increased by nearly 9 percent, which harms students' goals for the future. The data also showed this increase to be most pronounced among students of color. Other school districts throughout the state have reported similar findings.

"Since there is some ambiguity within this last referenced code section when it comes to the definition of what is 'appropriate,' and because there is understandably the possibility for a great deal of variance between different schools when it comes to this standard, it follows that some schools may adopt a more lenient standard for parents to argue the appropriateness of a retention/promotion decision, essentially providing a lower standard for some parents to meet in order to overrule a school's decision. Other districts may not have as broad of a definition of what is 'appropriate,' and could base such a decision only on academic criteria, or some other narrow basis, rather than a holistic review of how a student's performance and wellbeing were impacted by the COVID-19 pandemic. Due to this, the legitimate requests of some parents to retain their child in the grade level in which the pupil was enrolled during the 2020-2021 school year to counter the effects of the pandemic may be ignored."

- 2) ***Pandemic's effect on student learning.*** According to a March 2021 report by Policy Analysis for California Education (PACE), students' development of oral reading fluency (ORF) "largely stopped in spring 2020 following the onset of the COVID-19 pandemic. In fall 2020, students' gains in reading were stronger and similar to prepandemic rates. However, fall gains were insufficient to recoup spring losses; overall, students' ORF in second and third grade is approximately 30 percent behind expectations. We also observe inequitable impact: students at lower achieving schools are falling farther behind and 10 percent of students were not assessed this fall. While growth in ORF was stronger in the fall than in the spring, measures to address accumulated learning losses and to support students falling behind are needed."

The report cautions that "gaps in ORF that emerge now may lead to gaps in other subjects over time if problems in students' ORF interfere with content learning in later grades. And new gaps may emerge: for example, with enrollments down in preschool and kindergarten programs this year, it is possible that incoming students in 2021-22 will start behind."

- 3) ***Increase in failing grades.*** The California Department of Education issued guidance in 2020, stating that "there is nothing in the California Education Code which governs whether a class can be offered as credit/no credit, pass/fail or a modified A-D." The University of California, California State University, the California Community Colleges, and the Association of Independent Colleges and Universities pledged to accept credit/no credit grades in lieu of letter grades for all courses, including A-G courses, completed in winter/spring/summer 2020, and that grades of credit/no credit would not affect the UC or CSU calculations of GPA. <https://www.cde.ca.gov/ls/he/hn/gradegraduationfaq.asp>

Several news sources reported an increase in failing grades, and that many school districts altered grading policies so that students' grades could only improve from where they were at just before the stay-at-home order, and others switched to pass/fail systems. <https://edsource.org/2021/california-teachers-grapple-with-grading-nearly-a-year-after-initial-school-closures/648376>; <https://www.latimes.com/california/story/2020-11-02/failing-grades-surge-poor-la-students-covid-19>

- 4) **Enrollment declines in 2020-21.** Preliminary enrollment census data shows that, since school closures began in March 2020 due to COVID, enrollment in K-12 public schools have declined by approximately 155,000 students. Updated enrollment data is expected to be released later in April 2021.
- 5) **Expanded Learning Opportunities Grant programs.** AB 86 (Committee on Budget, Chapter 10, Statutes of 2021) appropriates \$4.6 billion to LEAs to provide supplemental instruction and support to students. Specified allowable uses include extended instructional learning time, accelerated learning strategies, summer school, tutoring or one-on-one support, professional development, and social-emotional wellbeing supports, among others.

AB 86 specifically requires LEAs to serve students who have disengaged from school in the 2020-21 school year, for cohort services and learning recovery engagement. Further, existing law requires LEAs to adopt written tiered procedures for the re-engagement of those students.

- 6) **Decision to retain a student.** Existing law requires the governing board of each LEA to adopt policies regarding student promotion and retention and requires policies to provide for the identification of students who should be retained and who are at risk of being retained in their current grade level on the basis of *either* grades (and other indicators of academic achievement) or statewide standardized assessments in English language arts and mathematics.

Existing law requires a student to be retained if the student's test scores or grades identify the student as performing below the minimum standard for promotion, unless the student's regular classroom teacher determines in writing that retention is not the appropriate intervention for the student's academic deficiencies.

It appears that statutes attempt to make the decision to retain a student objective. Retention and promotion policies adopted by LEAs vary with respect to clearly delineating who may recommend retention and who makes the final determination; many do not make this distinction clear.

This bill requires school districts to approve a request from a parent to retain their student if the parent deems it necessary because of the impact of COVID on the student. This bill does not establish criteria by which the parent is to determine whether the impact of COVID warrants retention, or that the parent provide this determination to the school upon request for retention.

- 7) **Research on retention.** As noted in the Assembly Education Committee's analysis of AB 104 (Gonzalez, 2021), a summary of research on grade retention (Hanover Research, 2013) found little benefit and significant risks of retention:
- a) Several large-scale statistical analyses have established retention as a strong predictor of student dropout. Estimates vary, with some research suggesting that retention increases the risk that students will drop out of school by 20% to 50%, and other research suggesting that retained students are 2 to 11 times more likely to drop out.
 - b) The majority of grade retention research suggests that academic achievement may increase during the year immediately following retention, but that these positive effects diminish significantly over time, with some suggestion that the positive effects of retention disappear within two years.
 - c) Effects on social-emotional outcomes are less clear. A 2009 RAND meta-analysis found that 86% of analyses examining socio-emotional outcomes found no statistically significant differences between retained students and their low-achieving, promoted peers.

A 2009 RAND study which examined the effect of New York City's test-based grade promotion and retention policy for three cohorts of 5th-grade students found that in support services provided under the policy helped students meet promotion criteria and that, overall, few students were retained (1% in the final cohort). It also found that the small number who were retained did not report negative socioemotional effects.

Researchers caution policymakers to avoid the use of a "retention-promotion" dichotomy, instead recommending more comprehensive measures to support students. Researchers note that while recent research suggests that retention policies in New York and Florida have had a positive impact on student achievement, this may be due to supplementing with rigorous, multidimensional intervention efforts, including parental engagement and remedial instruction.

- 8) **Alternative path.** The state recently invested \$4.6 billion in the Expanded Learning Opportunities Grant program to provide supplemental instruction and support to students. Specified allowable uses include extended instructional learning time, accelerated learning strategies, summer school, tutoring or one-on-one support, professional development, and social-emotional wellbeing supports, among others. Considering the Legislature just established an expansive program to provide support and services to students, along with the research showing questionable to negligible benefits of retention, **staff recommends amendments** as follows:
- a) Delete the requirement that school districts approve a request from a parent to retain their student if the parent deems it necessary because of the impact of COVID on the student.

- b) For 2021-22 school year, upon request by a parent to retain their student, require schools to:
 - i) Offer specific interventions and supports such as tutoring, extended learning opportunities, pursuant to AB 86's Expanded Learning Opportunities Grant program.
 - ii) Offer access to prior semester courses in which the student received a D or F, or some other form of credit recovery.
 - iii) Provide information made available by CDE to the parent about research on the effects of student retention, and the types of interventions and supports have been shown to be beneficial to students.
 - c) Require CDE to compile existing research on both of the following and make this information available on its website by August 1, 2021:
 - i) The effects of student retention on future academic outcomes, and other outcomes as determined by CDE, for students who were retained.
 - ii) The types of interventions and supports have been shown to be beneficial to students.
- 9) **Related legislation.** AB 104 (Gonzalez), an urgency measure, requires several interventions for students impacted by the COVID-19 pandemic. These interventions are: a temporary process for parents and guardians to request their student be retained in the student's 2020-21 academic year grade level for the 2021-22 academic year; a temporary process to request high school grades on transcripts be changed from a passing letter grade to "pass" for the 2020-21 academic year; and, for students enrolled in their third or fourth year of high school during the 2020-21 academic year and not on track to graduate, an exemption from local graduation requirements and the opportunity to complete coursework needed for graduation. AB 104 is pending on the Assembly Floor.

SUPPORT

California State PTA

OPPOSITION

Riverside County Superintendent of Schools
Torrance Unified School District

-- END --

- 1) Requires FCMAT, on or before July 1, 2022, to begin offering training, updated each fiscal year, for auditors of NCB charter schools, on the review of charter school financial documents to better understand how to identify irregular practices and documents.
- 2) Prohibits an auditor of NCB charter schools from performing any aspect of a NCB charter school audit for the 2022–23 school year or thereafter before receiving the training.
- 3) Requires FCMAT to apply to have its training count towards continuing education requirements for auditors.
- 4) Authorizes FCMAT to charge training participants fees sufficient to cover the costs of developing and providing the training.
- 5) Requires an auditor of a NCB charter school, when performing an independent, financial audit, to do the following:
 - a) Contact a random sample, to be selected by the auditor, of parents or guardians of pupils enrolled in the charter school to verify their enrollment.
 - b) As part of the random sample of documents selected and reviewed, sampling of credit card statements, debit card statements, other electronic payment methods and media, and bank statements of the charter school shall be subject to an enhanced materiality standard, as specified.
 - c) Identify in the audit report any transfers of funds or assets to other individuals or organizations that exceed one million dollars or ten percent of the charter school's budget, with a written explanation from the school regarding the purpose of the expenditures.
 - d) Identify any other irregular transfers, as defined in the mandatory training developed and provided by FCMAT.
 - e) Include a letter with the audit report discussing any concerns or findings, along with a response by the school if the school elects.
- 6) Defines a "nonclassroom-based charter school" as a charter school that offers nonclassroom-based instruction for more than 20 percent of the instructional time offered.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Remote learning, also known as independent study or nonclassroom-based instruction, can be a valuable tool for students who have not succeeded in traditional schools or whose activities keep them from attending classroom-based instruction. Many charter schools specialize in this style of learning, offering a mixture of online classes and face-to-face meetings with teachers and tutors. The Covid-19 pandemic made these

schools even more popular as all public schools moved to distance learning and hybrid models.

“Some charter school operators, however, have abused the model by falsely claiming student enrollment that did not exist or by shifting funds meant for education to accounts or businesses controlled by the school’s operators. In some cases, audits of these schools have ignored or failed to spot what should have been clear signs of abuse.

“Higher standards are needed to ensure that the honest operators of non-classroom based schools can continue to serve the students who rely on them while those few bad apples who abuse the system are uncovered and prosecuted.”

- 2) **Charter school overview.** Charter schools are public schools that provide instruction in any combination of grades kindergarten through 12. In 1992, the state enacted legislation allowing charter schools in California to offer parents an alternative to traditional public schools and encouraged local leaders to experiment with new educational programs. Except where specifically noted otherwise, California law exempts charter schools from many of the statutes and regulations that apply to school districts. Generally, all charter schools must (1) provide nonsectarian instruction, (2) charge no tuition, and (3) admit all interested students up to school capacity. To both open and continue operating, a charter school must have an approved charter setting forth a comprehensive vision for the school.

Over the last decade, charter school enrollment has grown steadily. In 2006, 560 charter schools served about 200,000 students (3.5 percent of the state’s K-12 enrollment). By 2016, over 1,200 charter schools served about 580,000 students (almost 10 percent of the state’s K-12 enrollment). Most charter schools are small, compared to traditional public schools, and located in urban areas. The median charter school enrolls about 250 students, whereas the median traditional public school enrolls about 525 students. Together, nine Bay Area counties, Los Angeles County, and San Diego County account for more than 60 percent of all charter schools and charter school enrollment in the state.

Charter schools can be conversions of existing public schools or new startup schools. About 15 percent of charter schools are conversions, with the remaining 85 percent being startups. Of these, about 80 percent offer traditional, classroom-based instruction and 20 percent offer some form of independent study, such as distance learning or home study.

- 3) **What are nonclassroom-based charter schools?** By law, any charter school in which less than 80 percent of student learning occurs in a physical classroom is classified as “nonclassroom-based” (NCB). Within this category, schools offer several different teaching models. The majority of NCB charter school students are enrolled in schools whose education is delivered primarily online, whether under the direction of a teacher or through self-guided programs. Others rely on more traditional forms of instruction, including local arts or enrichment classes, paper packets, textbooks, and parental instruction at home. A NCB charter

school must submit a funding determination request to the California Department of Education and receive approval of its funding determination request from the State Board of Education to be eligible to receive state funding for its NCB average daily attendance (ADA).

- 4) ***Moratorium on establishing new nonclassroom-based charter schools.*** Based on recommendations from the California Charter School Policy Task Force Report, Chapter 486 of the Statutes of 2019 (AB 1505, O'Donnell) establishes a moratorium on the establishment of new NCB charter schools from January 1, 2020, to January 1, 2022. In the report, the task force noted, "There has been growing concern that virtual charter schools are operated without appropriate academic rigor and oversight, providing a sub-par education for their students."

Notwithstanding the benefit that NCB charter schools can have for certain students, there are clear examples of misuse of public funds by these schools due to the nature of the instruction they provide. For example, the California Virtual Academies and three Insight Schools were found to be improperly accounting for Common Core education funds, to the tune of \$2 million.

- 5) ***Recent A3 Charter Schools fraud case reveals significant weaknesses in non-classroom-based charter school law.*** In *People v. McManus* the San Diego County District Attorney's Office indicted 11 defendants in a fraud scheme involving nineteen charter schools ("A3 Charter Schools"). The case revealed many weaknesses in state public charter school law in the areas of student data tracking, auditing, school finance, and oversight, which resulted in A3 schools repaying more than \$210 million, 13 houses, and numerous shares in third-party companies.

- a) ***Lack of student data tracking.*** Currently, charter schools submit aggregate attendance numbers for the school without any information about individual students. Oversight agencies do not maintain individual student data about enrollments in charter schools they oversee for state funding purposes. One A3 charter school was found to be paying a private company to recruit and collect personal information from student athletes. The school then enrolled the athletes in the charter school without their knowledge—thereby fraudulently generating ADA—and paid the recruiting company a portion of the public funds generated as a finder's fee.
- b) ***Multi-track calendar abuses.*** The A3 schools were found to have tricked the state into paying them significantly more funds by manipulating the "multi-track calendar", which charter schools are currently authorized to use. The A3 schools would (1) run a fake summer school to collect funding for students that never knowingly enrolled, (2) inflate their fraudulent summer school attendance numbers—to the tune of about 60 percent—by offering fewer days of fake summer school instruction, and (3) transfer students between different A3 schools, increasing attendance fraudulently by another roughly 40 percent.

- c) *Lack of meaningful audit requirements.* The annual audits required by law found little to no malpractice by A3 schools. First, auditors are not required to complete any specialized up-front or ongoing training in school finance or law to audit a charter school. Second, charter schools can choose their auditors—A3 schools were shown to have fired their auditing firms and hire less experienced firms in the rare event that audit findings were made. Third, NCB charter schools are allowed to pick their own samples of student documentation showing compliance with independent study laws—enabling A3 to hide the fraudulent aspects of their operation from auditors. Fourth, auditors are not required to audit the education program received by students, only compliance with documentation. In the A3 schools, many children became enrolled from sports teams believing they were participating in a fundraiser and had no knowledge they were enrolled in a charter school at all.
 - d) *No meaningful funding determination process.* While existing law proposes that NCB charter schools only receive full funding in exceptional circumstances—when at least 80 percent of funding is spent directly serving students—the current funding determination process essentially funds all schools at 100 percent. This is because existing regulations define “instructional and related services” very broadly and charter schools can meet these spending benchmarks without necessarily spending money on students. Further, NCB charter schools are only required to request a funding determination, and provide compliance documentation to the State Board of Education, every five years.
 - e) *Perverse financial incentives for charter school authorizers.* Existing law allows charter authorizers to collect oversight fees from charter schools under their authority but does not require authorizers to demonstrate that the fees are spent on meaningful school oversight. Small school districts that approve NCB charter schools serving students not located in the district can earn significant oversight fees—creating a built-in incentive to overlook poor charter school practices. For example, Dehesa Elementary School District approved over ten charter schools all providing NCB programs. The district’s oversight fees for the 2017-2018 school year were more than its entire expenditures for all employees hired by the district. When the district learned of improprieties from their charter schools it took no meaningful action. Ultimately, the district collected the oversight fees and only acted to revoke the A3 Charter Schools under its authority once law enforcement was involved.
- 6) ***This bill makes improvements to existing auditing requirements, but more reforms will be needed.*** As currently drafted, this bill would improve the auditing of NCB charter schools by (1) improving the knowledge and familiarity with education law of the auditors reviewing the schools, (2) requiring auditors to perform a check on the validity of the school’s enrollment records, (3) requiring bank statements and fund transfers to individuals or corporations to be reviewed with further scrutiny, and (4) requiring auditors to look for any other irregular practices.

However, examples such as the A3 Charter Schools case demonstrate that the need for NCB charter school reforms go far beyond the contents of this bill. For example, it is unclear whether this bill would reveal abuses made possible by utilizing the multi-track calendar. Further, the bill does not prevent NCB charter schools from picking their own auditors. But perhaps most importantly, the contents of this bill only pertain to independent financial audits, which by definition can only make findings after nefarious behavior has occurred and public funds have been apportioned. Given that the moratorium on establishing new NCB charter schools will expire on January 1, 2022, reforms that are designed to prevent “bad actors” from engaging in fraudulent behavior on the front end should be considered—and in a way that preserves the ability for “good actors” to continue to serve students effectively.

For example, would prohibiting schools from utilizing a multi-track calendar unless there is a demonstrated programmatic or facilities need help curb enrollment abuses? Would reforming the NCB charter school funding determination process in a way that incentivizes more in-person instruction lead to better outcomes for students? Are charter school authorizers better positioned to identify and prevent fraudulent practices than independent financial auditors? If so, would providing more professional development for authorizers to identify irregular practices also make sense? Further, would a cap on the amount of NCB charter school ADA small school districts can oversee improve authorizer quality and address existing perverse incentives for districts collecting large amounts of oversight fees?

SUPPORT

APLUS+ Personalized Learning Network Association
Visions in Education

OPPOSITION

California Federation of Teachers
California Teachers Association

-- END --

This bill requires DSS to establish a program to provide tuition assistance to postgraduate students who are currently employed by, or who commit to seeking employment in, a county probation department serving foster youth and providing court-ordered placement services. Specifically, this bill:

- 1) Requires DSS to establish a program to provide tuition assistance to individuals pursuing postgraduate degrees who are currently employed by, or who commit to seeking employment in, a qualifying agency serving foster youth.
- 2) Requires the tuition assistance program to do all of the following:
 - a) Facilitate postgraduate degrees for eligible individuals who directly work with foster youth and provide court-ordered placement services.
 - b) Prioritize the enrollment of eligible individuals who reflect the diversity of the state's foster youth population.
 - c) Prioritize the enrollment of current state, county, or tribal probation placement staff.
- 3) Requires DSS, upon appropriation of federal Title IV-E funds, to provide tuition assistance to eligible individuals while they attend any graduate school at the University of California, the California State University, or an independent institution of higher education.
- 4) Provides that an eligible individual is to apply to DSS for tuition assistance in a manner prescribed by DSS.
- 5) Requires DSS, on or before January 1, 2023, to adopt regulations to implement the provisions of this bill, and requires the regulations to include, but not be limited to, regulations related to the application criteria, the application process, data collection, and accountability for program expenditures.
- 6) Includes the following definitions:
 - a) "Eligible individual" means a person currently employed by a qualifying agency, or a person who meets the qualifications for employment in a qualifying agency.
 - b) "Qualifying agency" means a county probation department serving foster youth and providing court-ordered placement services.
 - c) "Tuition assistance" means a stipend or reimbursement for tuition, fees, books, and travel, as developed by DSS.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "SB 622 will attract more highly trained probation officers who are attuned to the needs of foster children by establishing a tuition assistance program for graduate students who commit to

employment in a probation department that serves foster youth. It builds upon the already successful California Social Work Education Center (CalSWEC) program that, in contract with the California Department of Social Services (CDSS), offers financial aid to Master of Social Work students in exchange for working in a public child welfare agency for at least 2 years. Once established, this new program will be incredibly cost-effective as each student's tuition stipend would be funded solely through federal Title IV-E monies. Additionally, in order to create a representative and knowledgeable cohort, this bill will direct CDSS to prioritize applicants who reflect the diversity of the state's foster youth population as well as current state, county, or tribal probation placement staff. The expansion to include financial aid opportunities for future foster youth placement probation officers is a logical next step in ensuring children that require care across our state are assisted by exceedingly qualified individuals."

- 2) **Federal Title IV-E Stipend Program.** As noted in the Senate Human Services Committee's analysis of this bill, through the federal Child Welfare and Adoption Assistance Act of 1980, Title IV-E of the Social Security Act (Title IV-E) provides federal matching funds for state administering foster care and adoption assistance programs. In addition to federal matching funds for state foster care programs, the Title IV-E Stipend Program was created to support training and education opportunities for current and prospective child welfare professionals.

The Title IV Stipend Program supports social work education to build and strengthen the child welfare workforce by disbursing funds through university partnerships that provide stipends to students pursuing a Bachelor's of Social Work and Master's of Social Work and who are employed or preparing for employment in a public child welfare agency. This allows students at participating universities across the country to receive stipends to help offset the cost of higher education in exchange for commitment of a career with a public child welfare agency. In California, the Title-IV Stipend Program is operated through the California Social Work Education Center (CalSWEC; see # 3 below).

This bill seeks to expand Title IV-E stipend funding to a person currently employed by, or who plans to be employed by, a county probation department serving foster youth and providing court-ordered placement services when the person attends any graduate school at the University of California, the California State University, or an independent institution of higher education. The purpose of this bill appears consistent with that of the Title IV-E Stipend Program.

However, the current Title-IV Stipend Program appears tied to specific educational opportunities, i.e. social work programs that increase the individual's knowledge, understanding, and skill set for providing services to foster youth. This bill does not specifically limit the area of study in which a participating student could seek their graduate degree. According to the author, the intent is to mirror the provisions of CalSWEC's Title IV-E program, limiting the program to those seeking a degree in social work. The author is working with DSS and stakeholders to clarify the ways the program created by this bill could mirror and connect with CalSWEC's Title IV-E program (it isn't as easy as expanding CalSWEC to include probation officers because probation officers don't

necessarily earn a degree in social work).

- 3) **California Social Work Education Center (CalSWEC).** According to the Senate Human Services Committee's analysis of this bill, CalSWEC began in 1990 as a result of the academic community and the public social services sector joining together to improve the commitment of social workers to work in the public sector with vulnerable and disadvantaged children and families. CalSWEC followed a successful partnership wherein the Bay Area's county social services agencies and local graduate schools of social work forming a coalition focused on the improvement of services and an enhanced inter-county collaboration. This effort resulted in the Bay Area Social Services Consortium, which fully formed in 1987 as a partnership between seven county departments of social services and the School of Social Welfare at the University of California, Berkeley. Within a year it expanded to include nine county departments and three Bay Area schools of social work.

In 1989, the California Chapter of the National Association of Social Workers, the County Welfare Directors Association, and the state's ten graduate schools of social work came together to form a consortium of private and public agencies dedicated to developing a professional social service workforce to effectively serve California's diverse population. The goal of this partnerships was to redirect Master's of Social Work education in California toward increasing the numbers and improving the preparation of social workers for working in the public services. Today, CalSWEC has grown to include 22 schools of social work across California, county and Tribal agencies, and other non-profits. Additionally, while CalSWEC initially focused on child welfare, it has since broadened its school to include the fields of mental/behavioral health and aging. CalSWEC's current mission states CalSWEC "facilitates and supports statewide partnerships for the education and training of social workers to ensure culturally responsive, effective, and high-quality health and social service delivery to the people of California."

- 4) **Existing tuition assistance programs for graduate students.** Tuition assistance programs for graduate students are extremely limited. In addition to CalSWEC (and loans), other tuition assistance programs include the Federal Work-Study Program, the federal Teacher Education Assistance for College and Higher Education (TEACH) Grants, and federal Pell Grants (only for some graduate teacher credential programs). California no longer funds the former Assumption Program of Loans for Education (for teachers). Staff notes that the Federal Work Study Program is the only tuition assistance program that is not linked to a specific area of study or professional field.
- 5) **Uses of tuition assistance.** This bill defines "tuition assistance" as a stipend or reimbursement for tuition, fees, books, and travel, as developed by DSS. The author may wish to consider also allowing tuition assistance to be used to support students' basic needs, such as food and housing.

SUPPORT

Chief Probation Officers of California

OPPOSITION

None received

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- Security Income/State Supplementary Payment Program, or a general assistance program.
- b) Demonstrates eligibility according to income standards established by regulations of the BOG.
 - c) Demonstrates financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid. (Education Code § 76300)
- 4) Additionally provides for waiver of fees for certain types of students, including:
- a) Students enrolled in specified public benefit programs;
 - b) Homeless students;
 - c) Dependents or surviving spouses of California National Guard members, either killed or who died from a permanent disability, as a result of service to the state.
 - d) Surviving spouse or child of a California law enforcement officer or firefighter killed in the performance of active law enforcement or fire suppression duties or who died as a result of performing those duties.
 - e) The dependent of any California resident killed in the September 11, 2001, terrorist attacks.
 - f) The child of a United States military veteran who has a service-connected disability, or was killed in action or died of a service-connected disability. (EC § 66025.3.)
 - g) The child of a recipient of the Congressional Medal of Honor. (EC § 66025.3.)

ANALYSIS

This bill:

- 1) Removes the requirement, and instead authorizes, a community college district to charge an enrollment fee up to the amount established in state law, thereby allowing community college districts to charge a lower rate to students who do not already benefit from fee waiver policies prescribed in state statute.
- 2) Requires the governing board of a community college district that charges a fee rate less than the amount prescribed in state law to adopt a policy that establishes eligibility requirements for fee rate modification.
- 3) Provides that a community college district that charges a fee rate less than the prescribed amount is not eligible for state reimbursement for the difference

between the fee rate charged by the community college district and the fee rate prescribed, unless provided for elsewhere.

- 4) Authorizes a community college district the use existing funds for the implementation of the California College Promise, and to provide assistance to students for the total cost of attendance.
- 5) Allows a community college district to waive student fees the community college district determines impede the advancement of the California College Promise.
- 6) Makes other conforming changes.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Some of the expenses associated with supporting students' basic needs cannot be provided from the unrestricted general fund per state law and regulation. San Mateo County Community College District is interested in exploring the permissibility of allowing greater flexibility in the use of general fund dollars to support student basic needs contained within the total cost of attendance such as waving student fees, providing laptops, books, or other learning aids, provide basic need support for food, housing and/or transportation." The author further asserts "At San Mateo County Community College District they can only fund 2,000 Promise Scholars under the funding constraints in existing law even though they have 6,000 students who qualify." This bill seeks to grant community college districts the option of waiving enrollment fees, beyond that prescribed in state law, based on policies adopted by local board of trustees.
- 2) **Dual objectives.** The bill makes changes to two community college fee policies within the Education Code. First, it seeks to grant community college districts greater flexibility in the determination of enrollment fee charges up to a certain amount, or the waiver of fee charges. Secondly, the bill modifies requirements under the California College Promise program. Specifically, it provides community colleges districts with greater authority in the determination of fee waivers using California College Promise program funds (funding appropriated by the Legislature). The bill specifies that those funds may also be used for assisting students in covering the total cost of attendance.
- 3) **Enrollment fee.** State law currently sets the CCC enrollment fee at \$46 per unit. This fee has remained flat since 2012. State law requires a community college district to charge each student the fee, but provides for waivers based on a student's financial need. Under the provisions of this bill, charging the fee would no longer be a requirement. A college district cannot impose a fee for those students exempted under state law (comment #5 in this analysis) but the bill would give districts the added option of waiving or reducing fees for other students based on criteria determined by the college district.
- 4) **How is enrollment fee revenue used?** Colleges deposit their student enrollment fee revenue into their unrestricted general fund and report the total amount collected to the Chancellor's Office. The total amount of enrollment fees

collected is subtracted from a district's share of funds under the Student Centered Funding Formula. The final adjusted amount that also accounts for local property tax revenue, reflects how much that district shall receive from the general apportionment process. To note, "basic aid districts" (6 districts) do not receive state general fund apportionment because local property tax revenues and student fees provide sufficient funding to cover their general apportionment funding without additional state dollars. According the information obtain by the Community College Chancellor's office, unrestricted general funds can be used for any purpose deemed appropriate by the district, including but not limited to, salaries, student services and facilities. Seemingly, the fee requirement in state law may bring to question whether a college district may use unrestricted general fund revenue to cover fees independently. It is not clear to staff.

The bill makes a district ineligible for state reimbursement for the difference between the fee rate charged by the district and the fee rate prescribed in state law unless provided for elsewhere in state law. The local governing board of a community college district is also required to establish an eligibility policy for charging a fee less than the prescribed amount. For purposes of ensuring that those with the highest level of financial need receive assistance and to be consistent with other student aid programs provided for in state law, **staff recommends the bill be amended** to require that a policy adopted pursuant to Section 76300 (b)(3) of the bill include a provision that grants priority to students with the greatest financial need for fee assistance when other coverage is not provided to those students.

- 5) **Existing enrollment fee waivers.** Enrollment fees at California community college are the lowest in the country, and are waived for almost half of students (43%). The BOG fee waiver has existed since the inception of CCC enrollment fees, and waives the per unit enrollment fee (currently \$46) for any CCC student who demonstrates financial need. The BOG fee waiver has been renamed as the California College Promise Grant (not be confused with the separate California College Promise program). A full-time or part-time community college student who meets the specified income standards may qualify. Students may receive the waiver for as long as they are eligible to take courses, there is no minimum credit requirement and the fee waiver is applied to any course for which a student must pay the enrollment fee. Current law additionally, requires fees to be waived for surviving dependents of certain military service members and first responders.
- 6) **California College Promise Program.** In addition to the statutory waivers in the paragraph above, AB 19 (Santiago, Chapter 735, Statutes of 2017) established a new program, the California College Promise program, which authorizes but does not require CCCs to waive fees for first-time, full-time students without financial need for two-years of college. To be eligible for these waivers, student must have no prior postsecondary coursework, enroll in 12 or more units per semester, and submit a FAFSA or a California Dream Act application. Under the program, colleges also are permitted to use their College Programs funds for a broad range of other purposes, such as providing supplemental services to students.

The intent for creating the program was to support CCCs in increasing college readiness, improving student outcomes, and reducing achievement gaps. The state provides funding for the program. Funding is predicated on the college's commitment to implement the Guided Pathways Framework, which is meant to implement systemic change at each college to, improve student knowledge of what courses to take to meet their completion objectives, monitor student progress toward completion, and develop clear learning outcomes for students. The requirements incentivize colleges to adopt certain promising student support practices.

- 7) **Maintain legislative authority for how College Promise program funds are spent.** This bill allows a college to use College Promise program funding to waive fees for other students for which the college district would determine impedes the advancement of the program. The intent of this provision is unclear. Under the current program, colleges can waive fees specifically for first-time community college students who are enrolled at the college full-time. It is a core function of the program. Over the years, the Legislature has sought to address the decline in 2-year and 4-year graduation rates at public postsecondary institutions by incentivizing full-time enrollment with financial aid. Timely degree completion has many benefits including increased access and a more efficient movement of students through the Community College system. It also reduces the cost of higher education, over time, for students and families. The first-time, full-time enrollment requirement is a key strategy for meeting those goals. *The committee may wish to consider whether allowing colleges to determine other eligibility criteria for waiving fees, undermine policy objectives envisioned by legislature. In addition, the committee may wish to consider whether it is reasonable to establish separate fee waiver policy (one prescribed in state law and one determined by colleges) within a single program.* Accordingly, **staff recommends that the bill be amended** to strike section 76302 (d) from the bill.

- 8) **Related legislation.**

AB 1456 (Medina, 2021) this bill would revise and recast the provisions establishing and governing the existing Cal Grant programs into a new Cal Grant Program. The program would include a Cal Grant 2 Program specifically to help students at a community college to covering non-tuition expenses associated with attending college. AB 1456 has been referred to the Assembly Committee on Higher Education.

SUPPORT

San Mateo County Community College District

OPPOSITION

None received.

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 767 **Hearing Date:** April 14, 2021
Author: Becker
Version: April 5, 2021
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Educational technology: Digital Education Equity Program: school district educational technology plans: statewide educational technology services plan.

SUMMARY

This bill (a) establishes the Digital Education Equity Program to be administered by the California Department of Education (CDE) to provide a regionalized network of technical assistance to schools and school districts on the implementation of education technology; (b) requires the State Board of Education to authorize grants to fund lead county offices of education to administer the services to school districts and county offices of education located within that region; (c) requires the Superintendent of Public Instruction (SPI) to develop guidelines and criteria for including local education technology plans as a component of a local control and accountability plan; (d) requires CDE to establish an Office of Educational Technology; (e) require the newly established Office of Educational Technology to prepare a comprehensive State Digital Equity Plan; (f) appropriates \$21 million for the purposes of this bill.

BACKGROUND

Existing law:

- 1) Establishes in the state government a State Department of Education, and provides that the Department of Education be administered through:
 - a) The State Board of Education which shall be the governing and policy determining body of the department.
 - b) The Director of Education in whom all executive and administrative functions of the department are vested and who is the executive officer of the State Board of Education. (Education Code § 33300 and § 33301)
- 2) Provides that the Superintendent of Public Instruction is ex officio Director of Education. (EC § 33303)
- 3) Requires a Superintendent of Public Instruction to be elected by the qualified electors of the State at each gubernatorial election. (California Constitution, Article IX, § 2)

ANALYSIS

This bill (a) establishes the Digital Education Equity Program to be administered by CDE to provide a regionalized network of technical assistance to schools and school districts on the implementation of education technology; (b) requires the SBE to authorize grants to fund lead county offices of education to administer the services to school districts and county offices of education located within that region; (c) requires the SPI to develop guidelines and criteria for including local education technology plans as a component of a local control and accountability plan; (d) requires CDE to establish an Office of Educational Technology; (e) require the newly established Office of Educational Technology to prepare a comprehensive State Digital Equity Plan; (f) appropriates \$21 million for the purposes of this bill. Specifically, this bill:

Digital Education Equity Program (DEEP)

- 1) Establishes DEEP, to be administered by CDE, to provide a regionalized network of technical assistance to schools and school districts on the implementation of education technology as set forth in policies of SBE.
- 2) Provides that DEEP is to be composed of existing 11 regional consortia of county offices of education, and will work collaboratively with school districts and county offices of education to meet locally defined educational needs that may be effectively addressed with the use of technology, including but not limited to, all of the following areas:
 - a) Professional development for teachers, school administrators, and technical support staff.
 - b) Establishing effective distance learning to include hybrid strategies combining school and home.
 - c) Digital resource selection and use for school or for online instruction, or for both.
 - d) Digital network infrastructure and needed bandwidth for schools and homes.
 - e) Technical assistance to school districts in developing a support system to operate and maintain an education technology infrastructure, including improving student recordkeeping and tracking related to student instruction.
 - f) Planning and coordination with, and support for, the local funding and implementation of federal, state, and local programs.
 - g) Accessing and using a variety of funding sources for instructional technology.
 - h) Technical assistance and information to support access, planning, and the use of high-speed telecommunications networks.
 - i) Technology planning and implementation assistance to rural and technologically underserved school districts and county offices of education.

- j) Assistance in the use of online instruction to replace or supplement classroom instruction when necessary, and to establish online and hybrid learning proficiency for teachers.
- k) Helping to ensure that online and hybrid instruction is aligned to the state's academic content standards and incorporates related student learning assessment.
- l) Assisting school districts in developing an instructional technology component integrated into the local control and accountability plan (LCAP).
- m) Collaboration with CDE in the development and implementation of a comprehensive state digital equity plan.

DEEP Regional Leads

- 3) Requires SBE, with recommendations from CDE, to authorize grants to fund a county office of education in each of the 11 existing regional consortia of county offices of education, to act as the lead agencies to administer the services to school districts and county offices of education located within that region.
- 4) Prohibits the term of a grant from exceeding three years, yet authorizes grants to be awarded and received for subsequent three-year terms.
- 5) Requires the lead agency for each region to be chosen based on the extent to which it provides a plan that clearly documents or describes all of the following:
 - a) Knowledge of technology to improve teaching and learning.
 - b) Technology planning and technical assistance.
 - c) Proven success in providing professional development in technology and curriculum integration.
 - d) An ability to work collaboratively with school districts, county offices of education, and businesses in the region.
 - e) The ability to deliver services specified in this article to all school districts and county offices of education in its region.
 - f) The support of school districts and county offices of education for the regional lead agency application in the region.
 - g) Specific strategies for documenting and addressing the needs of rural schools and technologically underserved school districts and county offices of education.
 - h) A plan for evaluating the implementation of, access to, use of, and local impact of, the services provided by the region.

- i) The capacity to assist in the use of online instruction to replace or supplement classroom instruction when necessary.
 - j) A commitment to help ensure that online and hybrid instruction is aligned to the state's academic content standards and incorporates related student learning assessments.
 - k) The capacity to assist school districts in developing an instructional technology component that is integrated into the local control and accountability plan.
- 6) Requires the lead agency, in order to receive funding for the second and subsequent years of a grant, to submit an annual report to the SBE for approval that describes the services provided, the persons served, and the funds expended for those services in the prior year. This bill requires that school districts and county offices of education within a DEEP region have an opportunity to comment on the report.

Educational technology plan & LCAPs

- 7) States legislative intent that each school district develop an educational technology plan as a component of its LCAP.
- 8) Requires the SPI, by an unspecified date, to develop guidelines and criteria for including the education technology plan as a component of a LCAP. This bill requires the guidelines and criteria to include, but not be limited to, units designed to educate students and their teachers about all of the following:
- a) Strategies designed to equip students with the skills necessary to succeed in distance learning.
 - b) The appropriate and ethical use of technology tools in the classroom.
 - c) Internet safety.
 - d) The manner in which to avoid committing plagiarism.
 - e) The concept, purpose, and significance of a copyright.
 - f) Strategies for increasing parent engagement and digital literacy for families.
 - g) Documentation of the need for establishing equity of digital access by families to enable pupils to complete school work at home through online distance learning.
 - h) Increasing digital leadership capacity for school district and school administrators.
- 9) Requires the educational technology plan to also include a documented needs analysis that leads the school district to providing teachers with training and

support on effective online and hybrid learning strategies, addresses student and teacher connectivity, digital citizenship for students and staff, data privacy implications, cybersecurity and online safety, and information documenting the total cost of ownership or replacement of appropriate technological devices.

Office of Educational Technology

- 10) Require CDE to establish an Office of Educational Technology with sufficient staff to administer the provisions of this bill.
- 11) Provides that funding for the Office of Educational Technology is to be provided through the annual Budget Act for a minimum of three full-time equivalent staff to plan, coordinate, and support, as needed, the provisions of this bill.

State Digital Equity Plan

- 12) Requires CDE to prepare a comprehensive State Digital Equity Plan that reflects the overall needs and priorities related to the planning, implementation, and evaluation of the access and use of technology to support teaching and learning.
- 13) Requires the plan to be prepared with input from LEAs and other stakeholders, and be submitted to, and approved by, SBE.
- 14) Requires the focus of the State Digital Equity Plan to be on how best to meet locally defined educational needs that can be effectively addressed with the use of technology.
- 15) Requires CDE, in order to prepare the plan, to collect data on the technology needs of LEAs, including but not limited to, their digital infrastructure needs and the estimated needs of their students for computing devices and for internet connectivity adequate for at-home learning.
- 16) Requires the plan to include, but not necessarily be limited to, findings and recommendations related to all of the following topics:
 - a) Professional development for teachers, school administrators, and technical support staff.
 - b) Establishing effective distance learning to include hybrid strategies combining school and home.
 - c) Digital resource selection and usage for school or for online instruction, or for both.
 - d) Digital network infrastructure and needed bandwidth for schools and homes.
 - e) Technical assistance to school districts in developing a support system to operate and maintain an education technology infrastructure, including improving student recordkeeping and tracking related to student instruction.

- f) Planning and coordination with, and support for, the local funding and implementation of federal, state, and local programs.
 - g) Accessing and using a variety of funding sources for instructional technology.
 - h) Technical assistance and information to support access, planning, and the use of high-speed telecommunications networks.
 - i) Technology planning and implementation assistance to rural and technologically underserved school districts and county offices of education.
 - j) Assistance in the use of online instruction to replace or supplement classroom instruction when necessary, or both, and to establish online and hybrid learning proficiency for teachers.
 - k) Helping to ensure that online and hybrid instruction is aligned to the state's academic content standards and incorporates related student learning assessment.
 - l) Coordinate with education stakeholders at school districts and county offices of education to identify support needs for the DEEP and to develop a needed support structure in all of the following areas:
 - i) Professional development for teachers, school administrators, and support staff.
 - ii) Connectivity solutions.
 - iii) Dedicated device funding.
 - m) Providing for the statewide coordination, planning, and evaluation of education technology programs and resources.
 - n) Providing sufficient staff to provide ongoing support, direction, and coordination of the regional and statewide educational technology services described in this bill.
 - o) Advancing the use of technology in the curriculum and in the administration of elementary and secondary schools.
 - p) Providing ongoing planning, funding, and policy information to the directors for planning and distribution to school districts served by the region.
 - q) Coordinating educational technology planning, policies, and information with other divisions of CDE to include but not be limited to, curriculum, assessment, technical support, budget, and professional development.
- 17) Requires the SPI, by January 31, 2022, to submit the plan to SBE for adoption, and requires SBE adopt the plan by March 31, 2022.

Funding

- 18) Requires funding to be provided through the annual Budget Act to the SPI to provide centralized statewide educational technology services that address locally defined needs and are more efficiently and effectively provided on a statewide basis.
- 19) Requires, beginning with the 2025–26 fiscal year, the provisions of this bill to be operative only in fiscal years when sufficient funding for its implementation is appropriated in the Budget Act or in another statute.
- 20) Appropriates \$18,000,000, without regard to fiscal years, from the General Fund to CDE for the planned implementation of educational technology services by the 11 existing regional consortia of county offices of education.
- 21) Provides that the receipt of a grant by each regional consortium of county offices of education is contingent on the consortium having a plan approved by CDE.
- 22) Provides that the funding level provided to each consortium is to be based on criteria developed by CDE.
- 23) Appropriates \$3,000,000, without regard to fiscal years, from the General Fund to CDE for purposes of the development, preparation, submission, and adoption of the State Digital Equity Plan.

Miscellaneous

- 24) Authorizes CDE to contract with a county office of education to provide specific educational technology services that may include but are not limited to, any or all of the following:
 - a) Review of electronic learning resources, including but not limited to, software, online resources, and video, for alignment with the content standards adopted by SBE and for the results of reviews to be accessible online, as needed by all public educators in the state.
 - b) Professional development focused on digital school leadership for educational administrators in the areas of data-driven analytics, equity, and accessibility, integrating technology into standards-based curriculum, technology planning, professional development needs of staff, digital citizenship and privacy, and financial planning for technology.
 - c) Access for schools to training, support, and other resources for technical professionals in the state.
- 25) Requires the SPI to annually submit a written report to SBE and the Legislature on the services provided, persons served, and funds expended for purposes of this bill, and the extent to which the objectives of the State Digital Equity Plan were attained in the immediately preceding year.

- 26) Includes the following definitions:
- a) "Educational technology" means technology-based materials, equipment, systems, and networks used for an educational purpose.
 - b) "Local educational agency" means a county office of education, school district, or charter school.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "COVID-19 has created an urgent need for educational technology and online instruction. The pandemic has also exacerbated inequities in school readiness to implement distance learning. While online or distance learning cannot replace classroom instruction, due to COVID-19 school closures, most districts have attempted to move to online instruction at home. However, online instruction is only effective if educators and administrators have access, and knowledge to integrate online tools into aligned curriculum and instruction.

"The *Local Control Funding Formula* (LCFF) had eliminated programs including regional COE educational technology support services. Without regional educational support services, online instruction is not equitably supported and implemented by schools across the State. Furthermore, the effort by the State to support necessary connectivity, devices, and professional development needs to be increased—at least to the level prior to LCFF. Now is the time to take action by restoring educational technology and online learning support resources statewide. Doing so will increase *tech equity* across school districts and reduce duplicative efforts.

"Teachers and administrators want access to up-to-date professional learning experiences to integrate effectively the technology and instruction. Administrators want guidance procuring effective educational technology as well as managing student information. These conclusions are strongly supported by a recent statewide survey of 238 school administrators, conducted prior to COVID related school closures. Over half of the educators indicated that the COE was the major source of support for teachers and administrators to address their tech needs."

- 2) ***Statewide planning and coordination.*** Upon the closure of schools to in-person instruction in March of 2020, the CDE worked quickly to conduct surveys of each school district to determine individual student needs with regard to devices and connectivity, as well as serve as a clearinghouse of sorts to initiate donations and facilitate delivery to schoolsites. There was no statewide plan or regional system of support in place to serve as a basis for this work.

Additionally, the SPI formed the Closing the Digital Divide Task Force in spring 2020 to identify needed resources, strengthen partnerships to support distance learning, and equip all California students with computing devices and connectivity. <https://www.cde.ca.gov/eo/in/digitaldivide.asp>

As is mentioned in the author's stated need for this bill, a system of educational technology support services used to exist at both the state and regional levels, known as the Educational Technology program, including the California Technology Assistance Project (CTAP) and Statewide Education Technology Services (SETS). Funding for these programs, projects and services were "flexed" and subsumed into the LCFF; they are no longer directly funded.

As the LCFF was being implemented and program funding was flexed, former SPI Torlakson formed the Education Technology Task Force in 2012, which submitted recommendations to the SPI to begin the process of preparing an education technology blueprint.

<https://www.cde.ca.gov/eo/in/documents/efftmemo.pdf>

Empowering Learning: A Blueprint for California Education Technology 2014-2017 was released in 2014.

<https://www.cde.ca.gov/eo/in/documents/yr14bp0418.pdf> Many of the recommendations of the Blueprint are included in this bill.

- 3) **Local control and accountability plans.** This bill states legislative intent that each school district develop an educational technology plan as a component of its LCAP, and requires the SPI to develop guidelines and criteria for including the education technology plan as a component of a LCAP. *Should educational technology plans be linked with the LCAP, and possibly be used as an indicator to identify schools for differentiated assistance by the state?*
- 4) **Two-pronged approach.** This bill requires the development of a statewide educational technology plan, including a needs assessment, while also establishing a network of lead agencies to administer the services to school districts and county offices of education located within that region. On one hand, it appears reasonable to first conduct the needs assessment prior to establishing a network or system, yet on the other hand, many schools and students remain in desperate need of assistance. It may be warranted to proceed with some level of assistance prior to completion of the needs assessment.
- 5) **Statutorily creates new Office within CDE.** This bill requires CDE to establish an Office of Educational Technology with sufficient staff to administer the provisions of this bill, and provides that funding for the Office is to be provided through the annual Budget Act for a minimum of three full-time equivalent staff to plan, coordinate, and support, as needed, the provisions of this bill. *Should the Legislature dictate the organizational structure and staffing for a state department that is led by a constitutional officer?*
- 6) **Prior legislation.** ACR 268 (Thurmond, Resolution Chapter 221, Statutes of 2018) resolved that the Legislature considers education technology of the highest priority and that the Legislature convene a state level summit conference to address improvements in education technology and related topics.

SUPPORT

Marin County Office of Education

San Mateo County Office of Education
Solano County Office of Education

OPPOSITION

None received

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- 1) Establishes the Governor's Council on Genocide and Holocaust Education and requires the council to be responsible for coordinating efforts between the CDE and individuals and organizations that are experts in the field of education on genocide, including the Holocaust.
- 2) Requires the council to consist of 17 members appointed by the Governor, who have particular interest or expertise on genocide, including the Holocaust, and to serve without compensation. However, if funding is available for this purpose from private sources, members of the council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the council.
- 3) Requires the council to develop best practices to facilitate the instruction on genocide, including the Holocaust, that aligns with academic content standards for pupils who are enrolled in grades 4 to 12, inclusive, and the offering of instruction that is appropriate for pupils who are enrolled in kindergarten and grades 1 to 3, inclusive.
- 4) Requires the council to develop a process to identify available resources, and work with CDE to establish new resources, that align with the best practices developed by the council, academic content standards, and the history-social science curriculum framework.
- 5) States that the Legislature strongly encourages school districts and charter schools with pupils in grades 4 to 12, inclusive, to integrate the best practices into instruction on genocide, including the Holocaust, that meets existing academic content standards and the history-social science curriculum framework for these pupils.
- 6) Requires the best practices developed by the council to encourage innovation, equity, accessibility, and flexibility, and respect diversity, leading to instruction for pupils that complies with all of the following:
 - a) Is age appropriate.
 - b) Is sequential or thematic in its method of study.
 - c) Communicates the connection between national, ethnic, racial, or religious intolerance and following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group:
 - i) Killing members of the group.
 - ii) Causing serious bodily or mental harm to members of the group.
 - iii) Deliberately inflicting on the group conditions of life calculated to bring about, in whole or in part, its physical destruction.
 - iv) Imposing measures intended to prevent births within the group.

- v) Forcibly transferring children of the group to another group.
- d) Communicates the impact of personal responsibility, civic engagement, and societal response in the context of the subjects described in (c) above.
- e) Includes the use of personal narratives and multimedia primary source materials, including video testimony, photographs, artwork, diary entries, letters, government documents, maps, and poems as sources of knowledge and inquiry.
- f) Uses appropriate tools and innovative learning modes to encourage inquiry, social emotional development, respect for others, critical thinking, and empathy.
- g) Provides opportunities and skills to consider the relationships between historical and contemporary experiences, including opportunities to contextualize and analyze patterns of human behavior by individuals and groups, at the local, state, national, and international level.
- h) Stimulates pupils' reflection on the roles and responsibilities of citizens in democratic societies to combat misinformation, indifference, and discrimination by developing critical thinking skills and using tools of resistance, including protest, reform, and celebration.
- i) Provides opportunities to reflect on the importance of remembrance, including opportunities to honor the memories of genocide survivors and their cultural legacies.
- j) Is designed to do all of the following, where appropriate:
 - i) Prepare pupils to confront the immorality of genocide, the Holocaust, and other crimes against humanity, such as events in Nanjing, China, and Japanese internment camps during World War II, and to reflect on the causes of related historical events.
 - ii) Address the breadth of the history of the Holocaust, including the Third Reich dictatorship, concentration camp system, persecution of Jews and non-Jews, Jewish and non-Jewish resistance, and post-World War II trials, and other genocides perpetrated against humanity, including, but not limited to, the Armenian Genocide, the Genocide against the Tutsi in Rwanda, and other genocides committed in Africa, Asia, Latin America, South America, and Europe.
 - iii) Develop pupils' respect for cultural diversity and help pupils gain insight into the importance of the protection of international human rights for all people.

- iv) Promote pupils' understanding of how the Holocaust contributed to the need for the term "genocide" and led to international legislation that recognized genocide as a crime.
- 7) Requires the council to work in consultation with the CDE and organizations and individuals that provide educational expertise and resources related to education on genocide, including the Holocaust, to align the best practices with academic content standards and frameworks.
 - 8) Requires the best practices to, among other things, suggest the minimum amount of instruction necessary to adequately educate pupils on genocide, including the Holocaust
 - 9) Requires the CDE to distribute information on appropriate curriculum materials and guidelines to school districts and charter schools, and to make available the best practices and approved lessons, resources, and materials to support the integration of instruction on genocide, including the Holocaust.
 - 10) Requires the council to work with the CDE to provide resources to school districts and charter schools so they may incorporate the best practices on teaching genocide, including the Holocaust, into their accredited in-service training programs.
 - 11) Requires the council to do all of the following:
 - a) Identify, to the extent possible, all sources of strategies and content for providing and enhancing education on genocide, including the Holocaust, to pupils.
 - b) Convene working groups comprised of individuals and organizations with significant expertise in the field of education on genocide, including the Holocaust, to advise the council. The working groups shall include certificated public school teachers.
 - c) Advise the Superintendent of Public Instruction and school districts and charter schools on strategies and content for providing and enhancing genocide and Holocaust education for teacher training and to pupils.
 - d) Identify, to the extent possible, all programs and resources to train teachers to provide education on genocide, including the Holocaust, to pupils and share these programs and resources with the SPI, school districts, and charter schools.
 - e) Coordinate with the CDE on the identification of resources for purposes of the bill.
 - f) Explore the opportunity to develop best practices for instruction of pupils in kindergarten and grades 1 to 3, inclusive.

- g) Promote, within school districts, charter schools, and the general population of the state, implementation of education on genocide, including the Holocaust.
 - h) Work with the CDE to establish a small grants program to foster cooperation and innovation among teachers and schools to develop strategies to apply the best practices effectively. Individuals or schools receiving a grant shall be required to participate in an impact evaluation study, developed by the CDE, to assess best practices and implementation of the grant.
 - i) On or before January 1, 2028, and each January 1 thereafter, submit an annual report to the Legislature on the status of education on genocide, including the Holocaust, in the state.
 - j) Develop professional development recommendations for teaching the topic of genocide, including the Holocaust.
- 12) Requires the CDE to provide a professional development program for teaching the topic of genocide, including the Holocaust, to school districts and charter schools. The Legislature strongly encourages school districts and charter schools to provide genocide professional development programs to teachers.
- 13) To the extent permitted by the California Constitution, authorizes the CDE to provide guidelines, in-service training, and any other materials developed in accordance with this section to a private school maintaining any of grades 4 to 12, inclusive, in the state, upon receiving a request from the private school.
- 14) Requires the CDE to conduct a study on the manner in which instruction on genocide, including the Holocaust, is offered pursuant to this bill to assess the impact of the instruction. Participation of a school district or charter school in the study must be voluntary. In conducting the study, a school district and charter school participating in the study that is providing instruction pursuant to the best practices shall provide the CDE with information on whether the school district and charter school offers the instruction and the manner in which the instruction is offered. On or before January 1, 2027, and each January 1 thereafter, the CDE shall submit a report to the Governor and appropriate policy and fiscal committees of the Legislature that includes all of the following information for the previous school year:
- a) The number of school districts and charter schools that offered instruction on genocide, including, the Holocaust.
 - b) The number of school districts and charter schools that used the curriculum materials and guidelines distributed by the CDE.
 - c) The number of school districts and charter schools that provided professional development teacher training programs pursuant to the bill.

- d) A description of the manner in which school districts and charter schools provided instruction on genocide, including the Holocaust, including the number of hours of instruction offered, the grade levels in which the instruction was provided, and the courses in which the instruction was provided.
- e) Recommendations for improvements to the offering of instruction on genocide, including the Holocaust, including recommendations for legislation.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, "A recent study by Schoen Cooperman Research surveyed 11,000 Millennials and Gen-Z Americans across 50 states to look at the state of Holocaust knowledge as well as the perceptions of the Holocaust.
 - Almost 2/3rds of young American adults do not know that 6 million Jews and 5 million others were killed during the Holocaust.
 - More than 1 in 10 believe Jews caused the Holocaust.
 - Of adults aged between 18 and 39, almost half (48%) could not name a single concentration camp or ghetto established during World War.
 - 23% believed the Holocaust was a myth, or had been exaggerated, or they weren't sure.
 - 12% said they had definitely not heard, or didn't think they had heard, about the Holocaust.
 - 49% had seen Holocaust denial or distortion posts on social media or elsewhere online.
 - Only an estimated 54% of the entire world population has even heard of the Holocaust.
 - 19% of American adults say, 'Jews still talk too much about what happened to them in the Holocaust.'

"This bill intends to fill the Holocaust education gap by providing resources and best practices materials to teachers. This will ensure all California students have receive robust Holocaust and genocide best practices within existing curriculum standards and the social studies framework."

- 2) ***Ethnic Studies Model Curriculum.*** AB 2016 (Alejo, Ch. 327, Stats. 2016) required the IQC to develop, and the SBE to adopt, an ethnic studies model curriculum. The development process elicited controversy, as there were concerns over which groups the ethnic studies model curriculum would ultimately include, and on some of the specifics within the initial draft. After public comment

periods and a revision, CDE ultimately recommended that the model curriculum increase the breadth and depth of the four foundational disciplines of ethnic studies—African American Studies, Asian American Studies, Chicana/o/x Latina/o/x Studies, and Native American Studies. Additionally, the CDE proposed updating and expanding an existing set of resources—where all sample lessons are housed—to further reflect California's diversity by offering instructional materials that raise the voices of many identities whose experiences intersect with the core disciplines of ethnic studies, such as Arab Americans, Armenian Americans, Jewish Americans, and Sikh Americans. The model curriculum and additional sample lessons were adopted by the SBE on March 18, 2021.

- 3) ***Existing resources on genocide and the Holocaust.*** The Holocaust and other genocides are currently referenced in several CDE curriculum documents, including (1) the Model Curriculum for Human Rights and Genocide, which was originally developed in 1987, is posted on the CDE website as a PDF file, and addresses the Armenian, Cambodian, and Rwandan Genocides; and (2) the History–Social Science Framework, which underwent a major revision in 2016 and contains extensive content on the Armenian Genocide and the Holocaust, and mentions several other examples of genocide. Genocide is also addressed in the Ethnic Studies Model Curriculum that was recently adopted development. *The committee may wish to consider whether the best practices developed by the council could ultimately be duplicative resources.*

SUPPORT

Hadassah, the Women's Zionist of America
Israeli-American Civic Action Network
Simon Wiesenthal Center

OPPOSITION

None received

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