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California State Senate

EDUCATION



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AGENDA

Wednesday, March 30, 2022
9 a.m. -- 1021 O Street, Room 2100
(Please note room change)

SPECIAL ORDER OF BUSINESS

1. SB 906 Portantino School safety: mass casualty threats: firearm disclosure.
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MEASURES HEARD IN FILE ORDER

2. SB 876 Becker Educational technology: Digital Education Equity Program: county offices of education.
3. SB 1481 Becker Preschools, child daycare facilities, and Trustline providers: meals.
4. SB 878 Skinner School transportation.
5. SB 952 Limón Pupil instruction: dual language programs: Expanding Culture and Language Learning in Schools Grant Program.
6. SB 1141 Limón Public postsecondary education: exemption from payment of nonresident tuition.
- * 7. SB 1135 Jones The California Youth Cardiac Screening Pilot Program.
8. SB 1273 Bradford School safety: mandatory notifications.
- * 9. SB 924 Glazer School districts: annual compensation: reporting.
10. SB 1222 Dahle Comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education.
11. SB 1289 Ochoa Bogh Private recreation programs: licensing exemption.

* Proposed Consent



SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 906	Hearing Date:	March 30, 2022
Author:	Portantino		
Version:	February 2, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: School safety: mass casualty threats: firearm disclosure.

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

SUMMARY

This bill requires local educational agencies (LEAs) to 1) annually require parents to disclose whether any firearms are located in the home of the student and specific information about the storage of any firearms; 2) requires school officials to report to law enforcement any threat or perceived threat of an incidence of mass casualty; and, 3) requires an immediate investigation and assessment of such threats or perceived threats.

BACKGROUND

Existing law:

- 1) Requires each school district or county office of education to be responsible for the overall development of all comprehensive school safety plans for its schools. Existing law provides that the schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (Education Code § 32281)
- 2) Requires school safety plans to include an (a) assessment of the current status of school crime committed on school campuses and at school-related functions, and (b) identification of appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including the development of, among other things, policies for students who committed serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations, and procedures to notify teachers of dangerous students. (EC § 32282)
- 3) Searching students. Existing law prohibits school employees from conducting a body cavity search of a student, or removing or arranging any or all of the clothing of a student to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the student. (EC § 49050)

- 4) Requires LEA, at the beginning of the first semester or quarter of the regular school term, to send several specified notifications to parents or guardians. (EC § 48980)
- 5) Requires a personal firearm importer to report specified information to the Department of Justice (DOJ), within 60 days of bringing any firearm into this state. (Penal Code § 27560)

ANALYSIS

This bill requires local educational agencies (LEAs) to 1) annually require parents to disclose whether any firearms are located in the home of the student and specific information about the storage of any firearms; 2) requires school officials to report to law enforcement any threat or perceived threat of an incidence of mass casualty; and, 3) requires an immediate investigation and assessment of such threats or perceived threats. Specifically, this bill:

Firearm disclosure and notification

- 1) Requires LEAs, beginning with the 2023–24 school year, to do both of the following annually using the model content developed by the California Department of Education (CDE) pursuant to # 11 below:
 - a) Require the parents or guardians of a student to disclose whether any firearms are located at the home of the student and, if so, to answer questions about the ownership, storage, and accessibility by the student to the firearms. This bill requires this disclosure to be made on a form used to enroll or register a student for the school year.
 - b) Include information relating to the safe storage of firearms in the existing annual notification to parents about their rights and responsibilities.
- 2) Authorizes LEAs to include information relating to the safe storage of firearms on the disclosure form, in addition to the annual notification in #1b above.

Reporting threat to law enforcement

- 3) Requires, if a school official is alerted to or observes any threat or perceived threat of an incident of mass casualties at a school, a report of the threat or perceived threat to be made immediately to law enforcement and to the Department of Justice.
- 4) Requires the report to include copies of any documentary or other evidence associated with the threat or perceived threat, including any of the items described in the definition of “threat or perceived threat” in # 15 below.
- 5) Authorizes, when two or more school officials jointly have an obligation to report, and when there is agreement among them, the report to be made by any of them in a single report.

- 6) Requires a school official who has knowledge that the designated reporting school official has failed to make the single report to thereafter make the report.
- 7) Requires law enforcement and the Department of Justice to each keep a record of any report received pursuant to this bill.

Investigation, assessment, and searches

- 8) Requires a LEA or school, in consultation with law enforcement, to immediately conduct an investigation and assessment of any threat or perceived threat (defined in # 15 below) to prevent an incident of mass casualties at a school.
- 9) Requires the investigation and threat assessment to include, but not be limited to, both of the following:
 - a) A review of the firearm disclosure form to determine if any firearms are located at the home of the student and the ownership, storage, and accessibility by the student to the firearms.
 - b) Appropriate searches conducted by an administrator, personnel who has completed specified training required for K-12 security guards, or law enforcement. This bill authorizes searches to include either or both of the following:
 - i) A search of the schoolsite, including bathrooms and other locations where a firearm, other weapons, or explosives may be hidden.
 - ii) A search of the student and the student's property located at the schoolsite, including the student's clothing, desk, backpack, locker, and electronic devices, and any vehicle driven by the student to the schoolsite. This bill limits such searches to those circumstances where there is a reasonable suspicion that a search will result in discovery of a firearm or other evidence that the student has or is violating the law or the school's safety rules or policies.
- 10) Provides that LEAs and schools are immune from civil liability for any damages allegedly caused by, arising out of, or relating to the requirements of this bill.

Model content

- 11) Requires CDE, in consultation with the Department of Justice, by June 1, 2023, to develop model content for use by LEAs related to a threat or perceived threat of an incident of mass casualties at a school.
- 12) Requires CDE to ensure the model content includes appropriate language for the firearm disclosure form and firearm storage safety notice, and is consistent with this bill and other state or federal laws related to school safety, searches of students, and firearms at schools.

- 13) Requires the model content to include, at minimum, all of the following:
 - a) A check box on a form used to enroll or register a student that indicates whether any firearms are located at the home of the student.
 - b) Questions about the ownership, storage, and accessibility by the student to any firearms located at the home of the student.
 - c) Content that informs parents or guardians of California's child access prevention laws and laws relating to the safe storage of firearms, as specified.
- 14) Requires CDE to update the model content on an annual basis as necessary to reflect any changes in law.

Definitions

- 15) Provides the following definitions:
 - a) "Law enforcement" means any of the following:
 - i) A peace officer employed or contracted by a school, school district, or local educational agency for school safety purposes.
 - ii) A police or security department of a school, school district, or local educational agency.
 - iii) A local law enforcement agency with geographic jurisdiction over a school.
 - b) "Local educational agency" means a school district, county office of education, or charter school.
 - c) "Reasonable suspicion" means articulable facts, together with rational inferences from those facts, warranting an objective suspicion.
 - d) "School" means a school of a school district or county office of education or a charter school maintaining kindergarten or any of grades 1 to 12, inclusive.
 - e) "School official" means any individual who has any oversight responsibility of a local educational agency or a school, or whose official duties bring the individual in contact with students on a regular basis. "School official" includes, but is not limited to, any of the following:
 - i) An administrator, principal, superintendent, corporate officer, or board member.
 - ii) A teacher.

- iii) An instructional aide.
 - iv) A teacher's aide or teacher's assistant employed by a school.
 - v) A classified employee of a school.
 - vi) A certificated pupil personnel employee of a school.
 - vii) An employee of a local educational agency whose duties bring the employee into contact with students on a regular basis.
 - viii) An employee of a school district police or security department.
 - ix) A school resource officer.
 - x) An athletic coach, athletic administrator, or athletic director employed or contracted by a school.
 - xi) A school counselor that provides education counseling.
- f) "Threat or perceived threat" means any of the following:
- A) Any writing or other content of a student that, based on a reasonable suspicion, is homicidal in nature. The content may include depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death. The content may be from a social media post, journal, class note, or other media associated with the student.
 - B) Any student behavior that leads to a reasonable suspicion that the student has homicidal thoughts or urges, including disobedience of school rules or policies related to school safety or firearms, such as a ban on backpacks in classrooms, unlawful possession or use of a firearm, or acts related to the content described in A) above.
 - C) Any warning by a parent, pupil, or other individual that leads to a reasonable suspicion that the student is preparing to commit a homicidal act.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "While California has adopted strenuous fire-arm storage safety laws in recent years, increased measures are needed to ensure that parents are aware of safe storage regulations that protect their children and their peers. Warning signs frequently forecast subsequent school tragedies, and local educators should be able to investigate perceived threats to their students' safety. Prioritizing the safety of students by increasing transparency, ensuring safe at-home storage, and empowering educators and law enforcement to investigate threats is crucial to keeping California students safe.

“Teachers and school administrators can help educate parents and guardians about the safe storage of firearms. In California, it is illegal to negligently store firearms. However, in approximately 68% of firearm-related incidents that occur in schools, the firearm was taken from the student’s home, friend, or relative. Many parents also wrongly believe that their children do not know the location of their household firearm. Requiring the disclosure of household firearms and including in the parent handbook information on safe storage and accessibility of firearms, as outlined by the California Department of Education (CDE), can increase accountability and awareness of safe-ty precautions.

“In almost every case of a school shooting, there were clear warning signs, and research shows that knowing the signs of gun violence can help prevent it. In 93% of incidents, school shooters planned their attack in advance. Most made threatening or concerning communications prior to the attack that elicited concern from parents, friends, or educators. Allowing concerned teachers or school administrators to investigate perceived threats would lessen the chance of a tragedy.”

- 2) *Firearms used in school shootings.* A 2004 report by the United States Secret Service and United States Department of Education found that over two-thirds of school shooters acquired the gun (or guns) used in their attacks from their own home or that of a relative (68 percent). [The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the US \(PDF\) \(ed.gov\)](#)
- 3) *Existing DOJ firearm registry.* The California Department of Justice maintains several reports submitted by owners of firearms, such as when firearms are transferred to a new owner, or a person owns a curio or assault weapon. This bill requires the reporting to schools of any and all types of firearms possessed by parents, in addition to those that are required to be reported to the DOJ. *The committee may wish to consider whether it is an appropriate role for schools to inquire about and collect information from families on their possession and storage of firearms.*
- 4) *Threat assessment.* Existing law requires each LEA to be responsible for the overall development of all comprehensive school safety plans for its schools, in consultation with local law enforcement. School safety plans must include an (a) assessment of the current status of school crime committed on school campuses and at school-related functions, and (b) identification of appropriate strategies and programs that will provide or maintain a high level of school safety and address the school’s procedures for complying with existing laws related to school safety, including the development of, among other things, policies for students who committed serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations, and procedures to notify teachers of dangerous students.

Existing law provides that a student may be suspended and recommended for expulsion for making threats, but does not delineate how schools are to assess threats or provide for a process to follow. These details are left to each LEAs

school safety plan.

The CDE's website includes best practice considerations and resources for reviewing and approving school safety plans. CDE's best practices recommend that schools and LEAs partner to establish or enhance threat assessment teams, which is "a group of officials that convene to identify, evaluate, and address threats or potential threats to school security. Threat assessment teams review incidents of threatening behavior by students (current and former), parents, school employees, or other individuals." The CDE's website includes a link to a 2019 report by the United States Secret Service's National Threat Assessment Center, which states "A multidisciplinary school threat assessment team provides schools with a structured approach to identify students exhibiting threatening or concerning behavior, gather information to assess if the student poses a risk of harm to him/herself or the school community, and manage the risk through appropriate interventions, resources, and supports. A threat assessment should focus on a range of behaviors, from lower-level concerns (e.g., self-harm, depressed mood, bullying) to imminent or direct threats of violence. It is critical that student threat assessments be multidisciplinary and focused on providing robust interventions to students assessed as posing any level of risk to themselves or others." [Protecting Americas Schools.pdf \(secretservice.gov\)](https://www.secretservice.gov/protecting-america/schools)

This bill requires a LEA or school, in consultation with law enforcement, to immediately conduct an investigation and assessment of any threat or perceived threat to prevent an incident of mass casualties at a school. This bill requires the investigation and threat assessment to include, among other things, a review of the firearm disclosure form to determine if any firearms are located at the home of the student and the ownership, storage, and accessibility by the student to the firearms. *Do LEA and school employees have the appropriate training or knowledge and capacity to conduct an investigation and threat assessment, and will law enforcement immediately consult with LEAs and schools regarding investigations and assessments? Should LEAs be required to have threat assessment teams?*

The procedures required by this bill are not necessarily currently addressed in school safety plans, or not necessary precisely aligned. *Should LEAs be required to update their school safety plans to include the procedures required by this bill?*

- 5) *Searching students.* The 4th Amendments of the United States Constitution states "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Existing law prohibits school employees from conducting a body cavity search of a student or removing or arranging any or all of the clothing of a student to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the student. In *New Jersey v. T.L.O.*, the United States Supreme Court held that a) "The Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by public school officials and is not limited to searches carried out by law enforcement

officers; b) Schoolchildren have legitimate expectations of privacy. They may find it necessary to carry with them a variety of legitimate, noncontraband items, and there is no reason to conclude that they have necessarily waived all rights to privacy in such items by bringing them onto school grounds. But striking the balance between schoolchildren's legitimate expectations of privacy and the school's equally legitimate need to maintain an environment in which learning can take place requires some easing of the restrictions to which searches by public authorities are ordinarily subject. Thus, school officials need not obtain a warrant before searching a student who is under their authority. Moreover, school officials need not be held subject to the requirement that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search involves a determination of whether the search was justified at its inception and whether, as conducted, it was reasonably related in scope to the circumstances that justified the interference in the first place. Under ordinary circumstances the search of a student by a school official will be justified at its inception where there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. And such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and sex and the nature of the infraction."

This bill requires the investigation and threat assessment to include, among other things, a search of the student and the student's property located at the schoolsite, including the student's clothing, desk, backpack, locker, and electronic devices, and any vehicle driven by the student to the schoolsite. This bill limits searches to those circumstances where there is a reasonable suspicion that a search will result in discovery of a firearm or other evidence that the student has or is violating the law or the school's safety rules or policies. Limiting searches to those circumstances is consistent with the aforementioned case law.

- 6) *Threat or perceived threat and reasonable suspicion.* This bill defines a threat or perceived threat to include a) any writing or other content of a student that, based on a reasonable suspicion, is homicidal in nature including depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm; b) any student behavior that leads to a reasonable suspicion that the student has homicidal thoughts or urges, including disobedience of school rules or policies related to school safety or firearms, such as a ban on backpacks in classrooms or unlawful possession or use of a firearm. *The committee may wish to consider whether the definition of threat or perceived threat is too broad.*
- 7) *Participation.* This bill does not provide for situations where an LEA does not send the firearm questionnaire to parents, or when parents refuse to complete and return the information. *The author may wish to consider addressing this moving forward.*
- 8) *Double-referred to Senate Public Safety.* This bill has been double-referred to this Committee and the Senate Public Safety Committee, where some of the

aforementioned issues may be considered.

- 9) *Related legislation.* SB 1273 (Bradford) eliminates criminal penalties for “willful disturbance” of a school or school meeting, and grants a school principal discretion to report an incident to law enforcement if it does not include a firearm. SB 1273 is scheduled to be heard in this committee on March 30.

AB 452 (Friedman) requires LEAs to annually inform parents or guardians of enrolled students about California's child access prevention laws and laws relating to the safe storage of firearms. AB 452 is awaiting referral in the Senate.

- 10) *Prior legislation.* SB 1203 (Bates, 2018) required each public, charter, and private school to establish lockdown training procedures. SB 1203 was held in the Assembly Appropriations Committee.

AB 1747 (Rodriguez, Chapter 806, 2018) expanded the required elements of school safety plans, including procedures to respond to active shooter situations, required schools to conduct annual active shooter drills, and required the CDE to provide additional guidance and oversight of safety plans.

AB 58 (Rodriguez, 2015) would have made each COE the entity responsible for the overall development of all comprehensive school safety plans and requires school safety plans to include procedures in response to individuals with guns on school campuses. AB 58 was held in the Senate Appropriations Committee.

SB 49 (Lieu, 2013) would have required school safety plans to include procedures related to response to a person with a gun on campus, extended from annually to every third year the frequency of review of safety plans, and required charter school petitions to include a description of a school safety plan. SB 49 was held in the Assembly Appropriations Committee.

SUPPORT

Women Against Gun Violence
1 individual

OPPOSITION

ACLU California Action
California Association of Highway Patrolmen
California Sportsman's Lobby, INC.
California Waterfowl Association
Capitol Resource Institute
Gun Owners of California, INC.
National Rifle Association - Institute for Legislative Action
Outdoor Sportsmen's Coalition of California
Peace Officers Research Association of California
Real Impact.
Safari Club International - California Chapters
178 individuals

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 876 **Hearing Date:** March 30, 2022
Author: Becker
Version: March 23, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Educational technology: Digital Education Equity Program: county offices of education: State Digital Equity Plan

SUMMARY

This bill establishes the Digital Education Equity Program (DEEP), to be administered by the California Department of Education (CDE), in concert with the 58 county offices of education (COEs), to support the planned implementation of educational technology services.

BACKGROUND

Existing law:

- 1) Establishes in the state government a State Department of Education, and provides that the CDE be administered through:
 - a) The State Board of Education (SBE) 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.
- 2) Provides that the Superintendent of Public Instruction (SPI) is ex officio Director of Education.
- 3) Requires the SPI to be elected by the qualified electors of the State at each gubernatorial election.

ANALYSIS

This bill:

- 1) Defines the following terms:
 - a) "Educational technology" means technology-based materials, equipment, systems, and networks used for an educational purpose.
 - b) "Local educational agency" means a COE, school district, or charter school.

- 2) Establishes the DEEP, to be administered by the CDE, in concert with the 58 COEs, to provide technical assistance and teacher professional development to local educational agencies (LEAs) on the implementation of educational technology as set forth in policies of the SBE. The DEEP shall provide the guidelines and funding to the 58 COEs to more effectively address locally determined educational needs with the use of technology, including, but not necessarily limited to, all of the following areas:
 - a) Professional development for teachers, school administrators, and certificated and classified staff;
 - b) Promoting strategies and best practices for increasing the use of technology in classroom instruction.
 - c) Digital resource selection and use for pupil instruction;
 - d) Digital network infrastructure and needed bandwidth for schools and homes;
 - e) Technical assistance to LEAs in developing a support system to operate and maintain an education technology infrastructure, including improving pupil recordkeeping and tracking related to pupil 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 LEAs and pupil groups;
 - 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 as requested by the LEA served by the COE;
 - k) Helping to ensure that instruction using technology is aligned to the state's academic content standards and incorporates related pupil learning assessment;
- 3) By January 31, 2023, requires the CDE, in consultation with the executive director of the SBE, to authorize grants to each of the 58 COEs to fund educational technology services, as needed, by LEAs served by the COE applying for a grant. Authorizes grant funding to be awarded and received for subsequent three-year terms. Authorizes budget allocations for each region be

adjusted based on the annual Budget Act. COEs shall be awarded grant funding based on the extent to which they provide a plan that clearly documents or describes how they plan to address each 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 LEAs and businesses in the region;
 - e) The ability to deliver specified services to all LEAs in the region;
 - f) The support of LEAs for the COE application in the region;
 - g) Specific strategies for documenting and addressing the needs of LEAs and technologically underserved pupil groups;
 - h) A plan for evaluating the implementation of, access to, use of, and local impact of, the services provided by the COE;
 - i) The capacity to assist in the use of online instruction when necessary;
 - j) A commitment to help ensure that instruction using technology is aligned to the state's academic content standards and incorporates related student learning assessments; and
 - k) The capacity to assist LEAs in developing a local education technology plan.
- 4) Requires, in order to receive funding for the second and subsequent years of a grant, the COE to submit an annual report to the CDE for approval that describes the services provided, and persons served, and the funds expended for those services in the prior year. LEAs within the COE are required to have an opportunity to comment on the report.
- 5) Requires the CDE to establish an Office of Educational Technology and Digital Equity with sufficient staff. Requires the duties of the CDE to include, but not necessarily be limited to, all of the following:
- a) Providing for the statewide coordination, planning, and evaluation of education technology programs and resources.
 - b) Providing sufficient staff to provide ongoing support, direction, and coordination of the regional and statewide educational technology services.

- c) Advancing the use of technology in the curriculum and in the administration of elementary and secondary schools.
 - d) Providing ongoing planning, funding, and policy information to the directors for planning and distribution to LEAs served by the region.
 - e) Coordinating educational technology planning, policies, and information with other divisions of the department to include, but not necessarily be limited to, curriculum, assessment, technical support, budget, and professional development.
- 6) Authorizes 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. Authorizes the CDE to contract with a COE to provide specific educational technology services that may include, but are not necessarily limited to, any or all of the following:
- a) Review of electronic learning resources, including, but not necessarily limited to, software, online resources, and video, for alignment with the content standards adopted by the 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; and
 - c) Access for schools to training, support, and other resources for technical professionals in the state.
- 7) Requires the SPI to annually submit a written report to the SBE and the Legislature on the services provided, persons served, and funds expended for purposes of this article.
- 8) Appropriates \$18 million from the General Fund to the CDE in 2022-23 for the planned implementation of educational technology services by all COEs. The receipt of a grant by each COE shall be contingent on the COE having a plan, as prescribed, approved by the CDE. The amount of funding provided to each COE shall be based on criteria developed by the CDE.
- 9) Appropriates \$3 million from the General Fund to the CDE in 2022-23 to establish the Office of Educational Technology and to maintain a minimum of three full-time equivalent staff to plan, coordinate, and support the provisions of this bill.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "COVID-19 temporarily prioritized educational technology and online instruction, surfacing major inequities

regarding the readiness and ability for schools to implement distance learning. While it is well known that online/distance learning cannot replace classroom instruction, the pandemic has shown that we are underutilizing technology use in the classroom.

“There is incredible potential to helping teachers and administrators utilize technology to its fullest potential and integrate it within the curriculum. Teachers and administrators need ready access to up-to-date professional learning experiences to effectively integrate the use of technology into instruction. Administrators need to know how to select and purchase relevant and effective educational technology and applications as well as how to use it to manage student information and to analyze and communicate both formative and summative assessment information to parents and teachers. A recent statewide survey of 238 school administrators -- conducted before COVID related school closures -- confirmed these conclusions. Over half of the respondents indicated that the COE was the major source of support for teachers and administrators to address these needs.

“California needs to increase support for necessary connectivity, devices, professional development, and support needs at least to the level prior to LCFF. Now is the time to take action toward restoring educational technology and online distance learning support resources on a statewide coordinated basis to enable equity of access by all schools to the resources needed to plan, effectively implement, and sustain technology programs.”

- 2) ***Many schools in California closed for in-person instruction as a result of COVID-19.*** On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of the COVID-19 virus. An Executive Order (EO) issued on March 13, 2020 authorized, but did not require, LEAs to close schools for in-person instruction as a result of the threat of COVID-19. The state subsequently began using a color-coded tiered system to determine when schools could reopen for in-person instruction. Except for LEAs located in the highest tier of virus spread, the decision regarding whether to close or re-open schools was left to each LEA, in consultation with local public health officials.

The vast majority of California public schools were closed for in-person instruction through the end of the 2019-20 school year, and many also began the 2020-21 school year by offering only or mostly remote instruction. As of January 2021, due to increasing surges in the rates of COVID-19, many schools throughout the state, including those in the largest school districts, remained closed for in-person instruction.

According to a nationally representative survey of teachers and district leaders by the EdWeek Research Center, published in the June 2, 2020 article, How COVID-19 is Shaping Tech Use, teachers reported in the spring of 2020 huge emerging tech-equity issues. For example, students living in poverty are much more likely to share devices with family members to complete schoolwork than their wealthier peers. As online instruction and distance learning systems were

being established, the wide range of approaches showed a significant divide in the quality of instruction.

- 3) **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.

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 Local Control Funding Formula (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. Many of the recommendations of the Blueprint are included in this bill.

- 4) **Students' access to the internet.** According to the Public Policy Institute of California (PPIC), in the spring of 2020 more than 25% of California students did not always have internet access available. The percentage of students without consistent internet access was larger among children from low-income (43%), African American (39%), and Latino (33%) families. A third of all households did not always have a device available for learning, including half of low-income households. In spite of efforts to improve access, PPIC noted, "internet access remains a widespread problem. More than 30% of Latino students still lack reliable home internet, as do nearly 40% of low-income students—essentially unchanged from the spring." According to a national study of teachers conducted by the RAND Corporation in Spring 2020, only 30% of teachers in high-poverty schools thought "all or nearly all" of their students had access to the internet at home. Without accurate information about students' access to devices and the internet, California will never fully understand the unmet need, nor be able to calculate the cost to close the gap in access.

In response to the COVID-19 pandemic, the CDE now voluntarily posts information related to free and low-cost internet service provider plans, as well as a listing of technology companies with available computing devices. As the pandemic comes to an end it is unclear if this information will continue to be updated for the use of LEAs and the public.

Currently, LEAs may to enter into agreements with internet service providers to either: 1) connect students in households without broadband access with Internet Service Providers for low-cost plans (with the household paying for the internet service), or 2) provide internet access at no cost to the household without broadband access (with the LEA paying for the internet service). In doing so, LEAs must follow applicable information and privacy laws. Although there is no formal data collection of the number of LEAs participating in these two types of agreements, it is very likely that there has been an increase in response to the COVID-19 pandemic, and due to the increase in funding made available through Learning Loss Mitigation Funding and other sources. The rates and terms of agreements between an LEA and an ISP also likely vary, and there may be a benefit to a state entity entering into a sponsored service agreement on behalf of an LEA to ensure the terms and costs remain fair and reasonable.

SUPPORT

California IT in Education (co-sponsor)
Napa County Office of Education (co-sponsor)
San Mateo County Office of Education (co-sponsor)
Santa Cruz County Office of Education (co-sponsor)
California Federation of Teachers
Media Alliance

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 1481	Hearing Date:	March 30, 2022
Author:	Becker		
Version:	February 18, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Preschools, child daycare facilities, and Trustline providers: meals

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

SUMMARY

This bill establishes a free universal meal program by increasing state reimbursement to the existing federal meal program for children in State Preschool, general child care, and licensed-exempt care.

BACKGROUND

- 1) Establishes the Child and Adult Care Food Program (CACFP) as a state and federally funded Child Nutrition Program that provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating child care centers, day care homes, and adult day care centers. CACFP also provides reimbursements for meals served to children and youth participating in afterschool care programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in day care facilities. (United States Code, Title 42, § 1766)
- 2) Sets forth the child care component of CACFP to provide reimbursement to licensed and license-exempt child care centers and day care homes for healthy meals and snacks. Examples of eligible providers include Early Head Start and Head Start centers, infant care centers, preschools, family care homes, and after school programs. (42 U.S.C. § 1766)
- 3) Transfers responsibility for implementation of the CACFP from the California Department of Education (CDE) to the California Department of Social Services (DSS), in addition to several early care programs, effective July 1, 2021. (Welfare and Institutions Code § 10203)
- 4) State law requires local educational agencies (LEAs), beginning with the 2022–23 school year, to provide two school meals free of charge during each schoolday to any student who requests a meal without consideration of the student's eligibility for a federally funded free or reduced-price meal. Existing law requires the meals to be nutritiously adequate meals that qualify for federal reimbursement. (Education Code § 49501.5)

- 5) Provides that family daycare homes that are to be reimbursed for 75 percent of the meals served. (EC § 49501.5)
- 6) Requires the CDE to reimburse LEAs that participate in the federal School Breakfast Program and National School Lunch Program (*but not preschools or child care centers or homes participating in CACFP*) for all non-reimbursed expenses accrued in providing reimbursable meals to students, and prohibits the amount of per-meal reimbursements from exceeding the difference between the sum of the amounts calculated from meals claimed based on the free combined breakfast and lunch reimbursement rates established by the United States Department of Agriculture and state meal contributions, and the combined federal and state amounts reimbursed for reduced-price and paid meals claimed. (EC § 49501.5)
- 7) States that it is the policy of this state that no child be hungry while attending a preschool program, and that preschools have an obligation to provide for the nutritional needs of children in attendance. (Education Code § 8204)

ANALYSIS

This bill establishes a free universal meal program by increasing state reimbursement to the existing federal meal program for children in State Preschool, general child care, and licensed-exempt care. Specifically this bill:

Supplemental meal reimbursement

- 1) Expands the existing supplemental meal reimbursement to enable all meals served to children in preschool, general child care, and licensed-exempt care to be reimbursed at the equivalent of the highest federal rate, for up to two daily meals per child served through the CACFP.

Free meal program

- 2) Requires the DSS, subject to an appropriation, to establish a free meal program by supplementing CACFP for all children in preschool facilities, care of Trustline providers, and child daycare facilities, for reimbursement of up to two daily meals per child served through the CACFP at a rate equal to the difference between the highest federal rate of reimbursement and the federal rate of reimbursement for which the meal served is federally eligible.

Start up or expansion grants

- 3) Requires the DSS, subject to an appropriation, to provide grants to preschool facilities, Trustline providers, and child daycare facilities that sponsor CACFP, to encourage their participation in and expansion of the CACFP, and specifically requires grant recipients to use the funds for costs of initiating or expanding access to free meals, as determined by the DSS.

- 4) This bill requires DSS, in awarding grants, to give preference to facilities or providers located in or serving historically under-resourced communities, including areas of concentrated poverty.

Increase in state meal reimbursement levels and expansion of who may be reimbursed

- 5) Increases reimbursement to preschools, child daycare facilities, and Trustline providers by providing reimbursement for 100 percent, rather than 75 percent, of the number of free meals provided.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, “The 2021-22 state budget included a historic investment in school nutrition that will allow schools to serve free meals to all California K-12 students. However, the same guarantee is not extended to our youngest learners in preschool and child care. The pandemic has exposed the weaknesses of and widened the gaps in our child care system, while simultaneously exacerbating food insecurity among households with young children. Child care providers have had to scramble to feed even hungrier kids, all while struggling with increasing food costs, limited supplies, inconsistent enrollment, and inadequate support from the state.

“The federal child care meal program brought more than 81 million breakfasts and lunches to kids in child care in 2019, a significant resource for child care providers. Yet, current rates of reimbursement are inadequate to cover operating costs for child care in California. Each year California's high cost of living forces providers to absorb tens of millions of dollars in costs for meals served to children who don't qualify for free meals, but who need them all the same. Furthermore, underlying federal rules for child care meal programs don't reflect California's true level of poverty—keeping many children from accessing nutritious, affordable meals. For example, a family of four must make less than \$34,060 a year in order for a child care center to serve a free meal.

“The harm to children and the burden on providers is exacerbated by state policies that financially penalize child care providers for feeding younger children. Existing statute creates a pay penalty that limits providers to only 75% of the state reimbursement for meals served. The pay penalty is the result of a racist legacy of child care laws—still in place today—that underpay labor historically performed by Black, Latina, and immigrant women.”

- 2) *Meal programs and reimbursement rates.* Several federally and state funded programs offer meals and snacks in schools, child care and adult care centers, day care homes, parks, and other community agencies. Under the umbrella of School Nutrition Programs are the National School Lunch Program, the School Breakfast Program, and the CACFP. Reimbursement rates for these programs are:

School Breakfast Program

Type of Meal	Free	Reduced-Price	Paid
Breakfast	\$1.97	\$1.67	\$0.33
Especially Needy Breakfast	\$2.35	\$2.05	\$0.33

National School Lunch Program

	Free	Reduced-Price	Paid
If serve less than 60% free or reduced-price meals	\$3.66	\$3.26	\$0.35
If serve more than 60% free or reduced-price meals	\$3.68	\$3.28	\$0.37
USDA meal rate	\$0.3975	\$0.3975	\$0.3975

CACFP reimbursements for centers

Type of Meal	Free	Reduced-Price	Base
Breakfast	\$1.97	\$1.67	\$0.33
Lunch and Supper	\$3.66	\$3.26	\$0.35

State meal reimbursements for centers

Type of Meal	Free	Reduced-Price	Base
Breakfast	\$0.1853	\$0.1853	N/A
Lunch	\$0.1853	\$0.1853	N/A

This bill establishes a free meal program for all children in preschool facilities, care of Trustline providers, and child daycare facilities, for reimbursement of up to two daily meals per child. This bill requires supplemental reimbursement for CACFP meals provided by preschools and licensed and license-exempt child care programs to be set at a rate equal to the difference between the highest federal rate of reimbursement and the federal rate for reimbursement for which the meal is federally eligible. For example, the rate for a free breakfast is \$1.97 and the rate for a reduced-price breakfast is \$1.67. This bill would require the state to reimburse the \$0.30 difference. Some programs are currently reimbursed at the highest federal rate because they are eligible to serve free meals to all of their attendees, and would not be impacted by this provision.

- 3) *Supplemental state meal reimbursement.* Existing law requires LEAs, beginning with the 2022–23 school year, to provide two school meals free of charge during each schoolday to any student who requests a meal without consideration of the student’s eligibility for a federally funded free or reduced-price meal. Existing law requires the meals to be nutritiously adequate meals that qualify for federal reimbursement. The state will then cover any remaining unreimbursed costs up to the federal free per-meal rate, at an estimated cost of \$650 million Proposition

98 General Fund annually. See National School Lunch and School Breakfast reimbursement charts above – the “Base” is what the state backfills to reach the highest federal rate.

While K-12 schools are required to provide two free meals, and are reimbursed for those meals, no similar requirement or funding is extended to preschools or child care programs. This bill modifies the existing state meal reimbursement for preschool facilities, Trustline providers, and child daycare facilities for up to two daily meals per child served through the CACFP, with the reimbursement rate set at a rate equivalent to the state meal reimbursement for LEAs. Therefore, this bill equalizes the state meal reimbursement rates for meals provided under the CACFP between LEAs and preschools/child care.

- 4) *Reimbursements for family daycare homes.* Existing law provides reimbursements for 100 percent of the eligible meals served under the CACFP by preschools and licensed child care programs. However, family care and license-exempt care providers are only eligible to receive reimbursement for 75 percent of the eligible meals served, despite providing care for low-income children who would be eligible to generate 100 percent reimbursement if enrolled in a center-based program. This bill enables family care and Trustline providers (license-exempt) to be eligible for reimbursement of 100 percent of the meals served.
- 5) *Start-up grants.* Existing law authorizes CDE to award competitive grants of up to \$15,000 per schoolsite for non-recurring expenses for start-up and expansion of the School Breakfast Program and the Summer Meal Programs. This bill authorizes new funds to be used for start-up and expansion costs for child care meals, such as upfront costs associated with new kitchen equipment, and developmentally appropriate serveware and equipment.
- 6) *Fiscal impact.* Rough estimates of potential costs to implement this bill hover in the range \$85 million for increased reimbursements and participation in meal programs (funds for start-up grants would be one-time in nature).
- 7) *Prior legislation.* AB 842 (Limón, 2019) would have required each LEA with a child care program to provide each needy child with one nutritionally adequate free or reduced-price meal during each school day or program day, each part-day state preschool program to provide at least one nutritious meal per program day, and each full-day state preschool program to provide at least two nutritious meals or two snacks and one nutritious meal per program day. AB 842 would have also reimbursed family day care homes to be reimbursed for 100 percent of the meals served. AB 842, which imposed requirements that are not included in this bill, was vetoed by the Governor, whose veto message read:

Providing nutritious meals in child care and preschool settings is an important feature of ensuring our youngest children get a healthy start in life, and is currently required of providers who participate in the state's subsidized child care system. However, this bill places stricter requirements on our preschools and day care providers without fully considering the additional costs it would place on them. While federal and

state reimbursement programs may offset a portion of these costs, it is unclear whether many providers can readily access those programs. Moreover, this bill creates ongoing costs in the low millions of dollars and should be considered in the annual budget process.

California is in the process of taking a much-needed holistic look at our early learning and care system. It is premature to saddle additional requirements on these providers until the state understands the true cost of care, including the cost of the nutrition requirements placed on providers.

SUPPORT

CACFP Roundtable (sponsor)
Nourish California (sponsor)
All Five
Berkeley Food Network
Building Better Communities Foundation
California Association of Food Banks
Early Care and Education Consortium
First 5 Alameda County
Food Bank of Contra Costa and Solano
Head Start California
Los Angeles Regional Food Bank
River City Food Bank
San Diego Hunger Coalition
San Francisco-marin Food Bank
Second Harvest of Silicon Valley
The Gubbio Project
unBox
1 individual

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 878	Hearing Date:	March 30, 2022
Author:	Skinner		
Version:	March 21, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: School transportation.

SUMMARY

This bill requires local educational agencies (LEAs) to offer home-to-school transportation to all pupils beginning in the 2023-24 school year, with exceptions, and establishes the Transportation Access to Public Schools Fund to reimburse LEAs on either a per-mile or per-hour-time basis.

BACKGROUND

Existing state law provides discretion to local educational agencies to determine for which students transportation services are appropriate. Federal law requires local educational agencies to provide transportation services for (1) students with disabilities, (2) students attending federally-sanctioned schools, and (3) homeless students.

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

The Home-to-School Transportation (HTST) program is one of the few categorical programs remaining outside of the LCFF, with school districts and county offices of education continuing to receive their 2012-13 funding amounts each year in addition to their LCFF entitlements. The HTST funding amounts for school districts and county offices of education have been frozen since the early 1980s, therefore, a few school districts and all charter schools are excluded from receiving funding. State law requires school districts and county offices of education to continue spending HTST funding on pupil transportation. Unlike the state's previous funding approach to most categorical programs, the HTST program allocations do not currently receive annual cost-of-living adjustments.

ANALYSIS

This bill:

- 1) Beginning in the 2023-24 school year, requires the governing board or body of a local educational agency (LEA) to offer to transport all pupils to and from their neighborhood school. In carrying out this requirement, the governing board or

- body of the LEA may purchase or rent and provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of pupils to and from school by common carrier or supplementary service by a municipally owned transit system or the purchase of bus passes for a municipally owned transit system route that provides access to the general public, or may contract with and pay responsible private parties for the transportation.
- 2) Authorizes LEAs to receive a state reimbursement for the transportation of preschool or nursery school pupils if funding for that travel has been appropriated in the annual Budget Act or another statute.
 - 3) Specifies that LEAs are:
 - a) Not required to provide home-to-school transportation to pupils in transitional kindergarten, kindergarten, or any of grades 1 to 6, inclusive, who live within half of a mile walking distance from their neighborhood school.
 - b) Not required to provide home-to-school transportation to pupils in grades 7 to 12, inclusive; who live within one mile walking distance from their neighborhood school.
 - c) Required to pick up and drop off pupils no farther than half of a mile walking distance from their residence unless doing so requires the LEA's vehicle to drive on roads that are inaccessible. In such circumstances, the LEA shall pick up and drop off pupils at the nearest accessible location.
 - 4) Defines a "local educational agency" as a school district, county office of education, entity providing services under a school transportation joint powers agreement, or regional occupational center or program.
 - 5) Defines a "neighborhood school" as the school that a pupil is designated to attend based on their grade level and residence within the school's geographic boundary, as assigned by the LEA.
 - 6) Defines "supplementary service" as additional service provided by a municipally owned transit system for the purpose of ensuring the regular transit service is not impacted by large loads associated with pupil passengers traveling to or from schoolsites around school bell times.
 - 7) Requires LEAs not currently providing transportation to all pupils it serves to implement a plan to do so. The plan shall identify and accommodate the special rights of pupils with disabilities and homeless children and youth and be developed in consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts or air quality management districts, the Department of Transportation, parents, pupils, and other stakeholders.
 - 8) Requires LEAs to ensure that all drivers providing home-to-school transportation meet the following qualifications:

- a) For municipally owned transit systems offering supplementary service:
 - i) Hold a valid California commercial driver's license for the appropriate class of vehicle, endorsed for passenger transportation.
 - ii) If the driver will be transporting persons with developmental disabilities, hold a specified certificate.
 - b) For LEAs that employ drivers or contract with private transportation agencies:
 - i) Hold a valid California commercial driver's license for the appropriate class of vehicle, endorsed for passenger transportation.
 - ii) Hold a valid certificate for operation of a school bus or a pupil activity bus, having completed all classroom and behind-the-wheel instruction, the first aid examination, and all other requirements for that certification, and that the certification is not presently subject to revocation.
 - iii) If the driver will be transporting persons with developmental disabilities, hold a specified certificate.
- 9) Specifies that an LEA may partner with a municipally owned transit system to provide supplementary service pursuant to this section to middle school and high school pupils if all of the following conditions are met:
- a) All drivers are employees of a municipally owned transit system.
 - b) The municipally owned transit system certifies that the transit system does not charge the local educational agency more than the cost for the supplementary service and for the marginal cost for each transit pass.
 - c) All drivers providing home-to-school transportation or supplementary service meet the qualifications enumerated above.
- 10) Specifies that all transportation provided pursuant to this section shall be reimbursed by the Transportation Access to Public Schools (TAPS) Fund.
- 11) Creates the TAPS Fund to be allocated to LEAs, upon appropriation by the Legislature, by the Superintendent of Public Instruction (SPI) commencing with the 2022-23 school year, in an amount equal to the greater of the following:
- a) The total number of route miles driven by all vehicles operated by approved school transportation drivers in the LEA multiplied by the per-mile state reimbursement rate plus a prescribed allowance for route miles driven for student extracurricular activities.

- b) The total number of hours driven by all vehicles operated by approved school transportation drivers in the LEA multiplied by the per-hour-time state reimbursement rate plus a prescribed allowance for route miles driven for student extracurricular activities.
 - c) The LEA's existing LCFF home-to-school transportation add-on amount.
- 12) Defines the "per-mile state reimbursement rate" as an unspecified amount for the 2022-23 fiscal year, adjusted for inflation each year beginning in 2023-24.
 - 13) Defines the "per-hour-time state reimbursement rate" as an unspecified amount for the 2022-23 fiscal year, adjusted for inflation each year beginning in 2023-24.
 - 14) Prohibits all LEAs from charging pupils a fee to be transported to school from their residence or to their residence from school.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "When it comes to providing free school transportation to students, CA comes in dead last. Numerous states have, for decades, offered free bus rides to and from school to all public school students – CA is not one of them.

"The lack of free school transportation in CA has had wide-ranging and long-term negative impacts. Studies show a strong relationship between access to transportation and poor school attendance, especially among younger schoolchildren from low-income families. These impacts are expected to grow as new state laws setting a later school start-time make it difficult for working parents to get their kids to school on time, or at all.

"Poor school attendance not only reduces the amount of federal and state funding available for schools, but it also leads to lower educational achievement and graduation rates, which have long-term impacts on individual and community economic wealth. According to the U.S. Census Bureau, Americans without a high school diploma are three times more likely to live in poverty than their peers.

"Increased school transportation ridership also helps fight climate change and improve pedestrian safety. According to the national Department of Transportation, 10-14% of car trips during morning rush hours are for school-related travel. School transportation has the capacity to take 17 million cars off the road and reduce 20 million tons of CO₂ emissions each year – more, if the school buses are zero-emission. What's more, reducing the number of cars traveling to and from schools will also improve pedestrian safety for students."

- 2) ***Legislative Analyst Office (LAO) report.*** In 2013, the LAO was requested to consider new approaches that could address historical inequities and include incentives for efficient and effective pupil transportation services. The report, issued in February 2014, includes a description and assessment of the following programmatic options: (1) support pupil transportation services with discretionary funding within the Local Control Funding Formula (LCFF), (2) create a new,

targeted program to help districts facing extraordinarily high transportation costs, or (3) create a broad-based program whereby the state pays a share of each district's transportation costs.

While the general approach of each option differs, all contain some key advantages. Most notably, all three options would phase out the use of allocations linked to historical factors and apply the same funding rules to all local educational agencies, addressing key inequities with the state's existing approach. Further, all the options would encourage efficiency by requiring local budgets to cover a notable share of total costs. Finally, all three options would be relatively simple to implement and easy for districts and the public to understand.

- 3) ***Home-to-school transportation funding is inequitable.*** Transportation is arguably the most inequitably funded of all education programs. The funding formula adopted in the early 1980's provided that each LEA's transportation entitlement would be the lesser of its prior year transportation allowance from the state (as adjusted by a COLA provided in the Budget Act, if any) or its prior year approved costs.

By divorcing funding from any measure of actual costs, this formula has had several consequences. First, any LEA that established a transportation program after the enactment of the formula was not entitled to any state aid, even though it had approved costs. This is because that LEA would be entitled to the lesser of its approved costs or its prior year allowance from the state, which would be zero.

Second, LEAs whose approved costs were increasing faster than funded COLAs (caused, for example, by increased enrollment) experienced a reduction in the percentage of their approved costs that were covered by the state allowance. Again, this is because their allowance would be based on their prior year allowance, and not on approved costs.

As a result, some LEAs do not receive any state funding, although they have approved costs. Meanwhile, some LEAs get reimbursed for nearly 100% of their approved costs. The Legislative Analyst stated in a 2014 report ("Review of School Transportation in California") that, on average, about 35% of approved transportation costs are covered by state aid. However, there is substantial variability around this average, ranging from 0% to nearly 100%.

A review by the California State Auditor in 2007 ("Home-to-School Transportation Program: The Funding Formula Should be Modified to Be More Equitable"), documented the existing inequities and made the following recommendations:

- a) Identify all school districts that provide transportation services to their students but are not eligible to receive state funds for the home-to-school program;
- b) Determine the actual transportation expenditures these school districts incur and the funding sources they use to pay for those expenditures;

- c) Enact legislation to provide funding to all LEAs that provide transportation services; and
 - d) Revise the funding formula to make it sensitive to actual costs.
- 4) **California has long provided state funding to school districts for student transportation.** The state created the first HTST program in 1947 by reimbursing school district transportation costs on a sliding scale, covering between 50 percent and 90 percent of costs. The first major funding change came in 1981, in part as a response to the passage of Proposition 13. At that time, the state froze funding allocations at prior year levels, provided cost-of-living adjustments to all districts, and gradually reduced allocations for districts failing to spend their entire allocation in each year. Legislation enacted in 1991 amended previous laws and created the current funding formula. This legislation required that, beginning in 1993–94, each school district receive a student transportation allowance equal to the lesser of its prior year HTST program allocation or actual approved transportation expenditures from that year, adjusted by attendance figures and cost-of-living changes as specified in the Budget Act. With the passage of the LCFF in 2013, the current HTST program is retained as a separate funding stream, with allocations frozen at 2012-13 levels.
- 5) **Governor’s budget proposes funding for school bus replacements.** As part of the 2022-23 Governor’s Budget, the administration proposes \$1.5 billion one-time Proposition 98 General Fund, available over three years, to support school transportation programs, with a focus on greening school bus fleets. Specifically, grants of at least \$500,000 would be available with priority for local educational agencies with high concentrations of low-income students, youth in foster care, and English language learners, as well as small and rural local educational agencies.

Further, the Budget proposes a workgroup to streamline the process of training and licensing new school bus drivers. The workgroup would consist of representatives from the Department of Motor Vehicles, California Highway Patrol, Department of Education, and State Board of Education.

- 6) **Arguments in support.** The bill’s sponsor, the California School Employees Association, states, “Free, reliable, and safe home-to-school transportation is essential to student success. Regardless of how great of an education we provide in the classroom, if students are unable to get to school because of a lack of transportation, students are not learning. Further, lack of transportation is one of the main reasons for chronic absenteeism. This is especially true in low-income communities where families disproportionately deal with more hardships in transporting their children to school when there is a lack of transportation investment by the school system.

“School bus transportation is also the best choice for our environment because it

reduces the number of passenger vehicles on the road, alleviates traffic congestion, and lowers the emission of environmentally toxic pollutants into the air we breathe.”

- 7) **Arguments in opposition.** The Riverside County Superintendent of Schools states, “While bold and idealistic,... SB 878 would create massive mandated costs – likely in the billions – that realistically could not be incorporated into the Mandate Block Grant.” “While such a bold and idealistic approach is appealing, there simply is not capacity in the system at this time. It would take years – if not decades – for the state’s TK-12 system to achieve this goal. Currently, there are shortages of buses, bus drivers, service technicians, and the ancillary staff (dispatchers, schedulers) that would be involved in the program.

“Adding to these pressures would be the added burdens that LEAs are already facing for the expansion of Transitional Kindergarten, and the ongoing implementation of the Expanded Learning Opportunities Program. These programs – both of which we support without reservation – will widely expand the window during which many more students will be going home from schools, and to school from home.

“Further, a per-mileage reimbursement does not account for the one-time start-up costs that would be associated with establishing a transportation program, including but not limited to buses and the facilities needed to house them.”

- 8) **Committee Amendments.** As currently drafted, this bill presents a number of administrative and financial hurdles for LEAs to implement a universal offering of home-to-school transportation. Purchasing busses, hiring new bus drivers, and designing new bus routes, and more, will take significant funding, staffing, and time to establish. If it is the desire of the Committee to pass this bill, **staff recommends** the following amendments:

- a) Delay the date by which LEAs are required to offer to transport all pupils to and from school from the 2023-24 academic year to the 2027-28 academic year.
- b) Clarify that the plan required to be implemented by LEAs not currently providing transportation to all pupils is required to be developed and implemented by LEAs not currently *offering* transportation to all pupils. Require that the plan be developed in a way that ensures all pupils within the LEA are offered transportation to and from school by the 2027-28 academic year. Require that the plan be presented and adopted by the LEA’s governing board in an open meeting with the opportunity for in-person and remote public comment.
- c) Strike the provisions requiring the SPI, commencing with the 2022-23 school year, to annually allocate to LEAs from the TAPS Fund the greater of the total number of route miles driven or route hours driven by all vehicles operated by approved school transportation drivers in the LEA multiplied by the applicable state reimbursement rate plus a prescribed

allowance for student extracurricular activities. Strike the definitions of “per-mile state reimbursement rate” and “per-hour-time state reimbursement rate”.

- d) Require the SPI, commencing with the 2022-23 fiscal year, to annually allocate to LEAs from the TAPS fund one hundred percent of their approved home-to-school transportation costs as determined by their Function 3600 entry in the prior year’s Standardized Account Code Structure (SACS) report, or their existing LCFF home-to-school transportation add-on amount, whichever is greater. Commencing with the 2023-24 fiscal year, provide the applicable amount a cost-of-living adjustment equal to the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce, for the 12-month period ending in the third quarter of the prior fiscal year.

Given that these committee amendments establish a one hundred percent reimbursement of annual transportation costs incurred by LEAs, it may be necessary to consider requiring the State Controller to include instructions in the annual K-12 audit guide establishing procedures for verifying that LEA transportation costs are eligible for reimbursement pursuant to the provisions of this bill. Without such an amendment to the audit guide, there may not be sufficient incentive for LEAs to maximize the efficiency of their programs via commercial routing software, staggering bell schedules, and collaborating with neighboring districts to reduce costs, as appropriate.

SUPPORT

- California School Employees Association (Sponsor)
- 350 Bay Area Action
- California Association of School Transportation Officials
- California Labor Federation
- California Rural Legal Assistance Foundation
- California State PTA
- City of Oakland
- City of San Jose
- Courage California
- Foodcorps
- Public Health Advocates
- Santa Barbara Women's Political Committee
- Service Employees International Union

OPPOSITION

- California School Boards Association
- Riverside County Office of Education

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 952 **Hearing Date:** March 30, 2022
Author: Limón
Version: March 10, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Pupil instruction: dual language programs: Expanding Culture and Language Learning in Schools Grant Program.

SUMMARY

This bill establishes, upon an appropriation, the Expanding Culture and Language Learning in Schools Grant Program with the goal of growing capacity for high-quality dual language learning in preschools, elementary and secondary schools.

BACKGROUND

Existing law:

- 1) Through initiative statute, requires that public schools ensure students obtain English language proficiency. Requires school districts to solicit parent/community input in developing language acquisition programs. Requires instruction to ensure English acquisition as rapidly and effectively as possible. Authorizes school districts to establish dual-language immersion programs for both native and non-native English speakers.
- 2) Through initiative statute, requires that, as part of the parent and community engagement process required for the development of a local control and accountability plan, local educational agencies to provide to pupils, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as specified.
- 3) Through initiative statute, defines the following types of language acquisition programs:
 - a) Dual-language immersion programs as programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.
 - b) Defines transitional or developmental programs for English learners that provide instruction to pupils that utilizes English and a pupil's native language for literacy and academic instruction and enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher-order skills, including critical thinking, in order to

meet state-adopted academic content standards (Education Code (EC) § 305-306)

- 4) Requires the Superintendent of Public Instruction to develop procedures for providers to identify and report data on dual language learners enrolled in the California State Preschool Program (EC § 8241.5)

ANALYSIS

This bill:

Goal of the grant program

- 1) Establishes, upon an appropriation in the annual Budget Act or other statute, the Expanding Culture and Language Learning in Schools Grant Program with the goal of growing capacity for high-quality dual language learning by doing all of the following:
 - a) Establishing schoolwide dual language immersion programs in existing elementary and secondary schools.
 - b) Establishing early learning dual immersion programs for dual language learners in existing California state preschool programs as a component of schoolwide dual language immersion programs.
 - c) Expanding existing dual language immersion strands within schoolsites to schoolwide dual language immersion programs.
 - d) Expanding the number of dual language immersion schools.
 - e) Increase enrollment in schools experiencing declining enrollment.
 - f) Empowering pupils to engage with a culturally and linguistically diverse community.

Administration of program and funds

- 2) Requires the California Department of Education (CDE) to do all the following:
 - a) Administer the grant program, established as a five-year grant program.
 - b) Award, commencing with October 1, 2023, a minimum of 20 one-time grants of up to \$750,000 per grant, to eligible LEAs or state preschools.
 - c) Provide an additional \$37,500 over the amount of the award to recipients proposing to establish a dual language immersion program in a target language other than Spanish.
 - d) Identify criteria for evaluating applicants and award grants.

- e) Perform the following functions in administering the grant:
 - i) Review applications and award grants.
 - ii) Identify data to be collected by grant recipients for reporting to the department.
 - iii) Identify how it will collect data from grant recipients and make that data available to the public.
 - iv) Meet quarterly with grant recipients to share promising practices and resources and resolve issues of implementation.
 - v) Hire a dual language immersion program consultant to the specified duties.
 - vi) Contract with one or more service providers with demonstrated expertise and experience specific to dual language immersion programs to provide technical assistance and strategic planning to grant recipients, as specified.
- f) Submit, commencing January 1, 2024, an annual progress report to the appropriate policy and fiscal committees of the Legislature with the specified information.
- g) Submit, before October 1, 2029, a report to the appropriate policy and fiscal committees of the Legislature that includes, among other things, a description of how each grant recipient has used the grant funds to establish or expand the recipient's dual language immersion program.

Program eligibility

- 3) Makes the following entities eligible and authorizes them to apply, on a voluntary basis, to the CDE to receive a grant:
 - a) A school district.
 - b) A county office of education.
 - c) A charter school, other than a for-profit charter school, that has been established before January 1, 2022.
 - d) Existing California state preschool program contractors, as specified.
- 4) Gives priority for grant awards for the following:
 - a) Proposals for schoolwide dual language immersion programs with an enrollment that consists of at least 40 percent English learners at the elementary school level and at least 40 percent English learners and

- reclassified fluent English proficient pupils at the middle and high school levels.
- b) Proposals for dual language immersion programs at schools with declining enrollment.
- 5) Requires that each application include a description of all of the following:
- a) Any existing programs for English learners offered at the schoolsite(s) to be transformed into dual language immersion schools, and any bilingual staff at the site(s).
- b) Pupil enrollment data for the 3 years before the date of the application, disaggregated by English learners, dual language learners, reclassified fluent English proficient pupils, and native speakers of English.
- c) How the applicant will secure bilingual teachers, bilingual preschool educators, bilingual paraeducators, and bilingual program staff, including by partnerships with institutions of higher education, as applicable.
- d) How the applicant will sustain an expanded or new dual language immersion program beyond the five-year grant period.
- e) Evidence of support by the applicants respective LEA, authorizing body or preschool program's authorizing body as specified.
- f) Evidence of support by the community in which the school(s) are located.
- g) For a LEA applicant, how its proposed program intends to aligns to one or more goals included in its local control and accountability plan, and how participation in the grant program will improve outcomes for students served by the program.

Use of funds

- 6) Requires that grant awards be used to supplement funding used for ongoing program costs received from its local control funding formula allocation and federal funding and for any of the following purposes :
- a) A school administrator, teacher, and staff training specific to the implementation and maintenance of dual language immersion program.
- b) Recruitment of bilingual preschool, elementary, and secondary school teachers and paraeducators.
- c) Professional development for teachers after the initial establishment of the program.
- d) Ongoing outreach to families of pupils, including strategies for family engagement.

- e) Establishment and support of language learning professional learning communities for teachers.
- f) Instructional coaches with demonstrated expertise and experience in implementing a dual language immersion program and instruction.
- g) Standards-based instructional materials and assessments in target languages for proposed dual language immersion programs.
- h) Attendance at the quarterly grant recipients meetings.
- i) Employment of dual immersion teacher specialist to provide support for program implementation, as specified.
- j) Strategic planning in the first year of the program.

Miscellaneous

- 7) Defines various terms for purposes of the bill including:
 - a) "Dual language immersion program," to mean a program that enrolls both English learners and native speakers of English and provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding. The term includes two-way bilingual immersion programs.
 - b) "Dual language immersion school," to mean a school in which all classrooms, pupils and teachers in the school are implementing the dual language immersion program model based on the grade level being taught. The term includes schoolwide dual language immersion programs.
 - c) "Dual language immersion strand," to mean a program within a school where a dedicated number of classrooms at each grade level are implementing the dual language immersion program model based on the grade level being taught.
 - d) "Dual language learners," to mean children from birth to five years of age who are learning two or more languages at the same time, or who are learning a second language, such as English, while continuing to develop their home language.
- 8) States various findings and declarations relative to the benefits of multilingualism and biliteracy.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "This bill would provide grants to school districts to help them convert existing schools into schools that can offer DLI (Dual Language Immersion) programs.

"Dual language schools have generated high interest amongst parents. Converting an under enrolled school to a dual language school has the potential to attract and retain families in their current schools.

"SB 952 provides school districts with a tool to innovate and establish school program models that are proven to promote strong academic performance among students from all backgrounds."

- 2) **Repeal of Proposition 227.** In 1998, statewide voters passed Proposition 227 which restricted the use of bilingual instruction for English learners. It required English learners to be taught in English and restricted the use of bilingual programs. Under Proposition 227, public schools were required to provide English learners with one year of special, intensive English instruction before transitioning students into other English-only classes. The initiative permitted schools to provide classes in a language other than English under a parent initiated waiver process under certain conditions.

In 2016, Proposition 58, placed on the ballot by the state Legislature and approved by voters, removed restrictions to bilingual programs established under Prop. 227. Proposition 58 took effect in 2017. Schools are no longer required to teach English learners in English only programs but can teach their English learners using a variety of programs, including dual language immersion.

- 3) **What are dual language immersion programs?** As described within the CDE's website on dual-language immersion, also referred to as two-way immersion, dual-language immersion is language learning and academic instruction for native speakers of English and native speakers of another language. The goals of dual-language immersion programs are language proficiency and academic achievement in students' first and second languages, and cross-cultural understanding. Instruction is in both languages, typically starting with smaller proportions of instruction in English and gradually moving to half in each language. Different models within the umbrella of dual language immersion are effective; however, CDE notes that the 90:10 model results in higher levels of bilingualism. In the 90:10 model early instruction is nearly all in the target language (non-English), and decreases over time as English increases until there is a 50:50 balance of the languages generally in grades four through six, results in higher levels of bilingualism. Dual language immersion programs are typically found in kindergarten through grade eight, but may be offered through grade twelve. This bill seeks to expand dual language immersion instruction from pre-school through secondary school.
- 4) **English learners in California.** According to CDE, in the 2020-21 school year, there were approximately 1 million English learners in California public schools, representing 17.70 percent of the total enrollment. The majority of English learners (65.6 percent) are enrolled in the elementary grades (K-6) with the remaining 34.4 percent enrolled in grades 7-12. The statewide average rate of

annual reclassification of English learners to English proficient is approximately 11 percent. Of the state's English learner population, 82 percent are Spanish speakers. A growing body of research has found dual immersion programs to be effective models for enhancing outcomes for English learners. As cited in CDE's 2020 report, *Improving Education for Multilingual and English Learner Students: Research to Practice*, English learners who participate in bilingual education programs, particularly dual immersion programs, surpass academic achievement of English only program participants by the time they reach high school. It is the state's goal to ensure that English learners acquire full proficiency in English as rapidly and effectively as possible and attain parity with native English speakers and achieve the same rigorous grade-level academic standards that are expected of all students. Seemingly increasing access of dual language immersion programs for English learners can further support that goal.

- 5) **Advantages of biliteracy for all.** Research also shows the advantages of dual language immersion instruction and biliteracy programs in preschool through grade 12 for both English learners and *native English speakers*. For example, according to research published by the National Academies of Science, Engineering and Mathematics' in 2017 concludes, among other things, that:
- a) Children, given the opportunity to develop competence in two or more languages early in life, benefit from their capacity to communicate in more than one language and may show enhancement of certain cognitive skills, as well as improved academic outcomes in school.
 - b) The cognitive, communicative, cultural, and economic benefits of knowing English and another language are most likely to occur when individuals have high levels of linguistic and functional competence in both languages, including speaking, listening, reading, and writing in both. This is most likely to occur if development of the home language is maintained throughout the preschool and school years as dual language learners learn English.
- 6) **Similar program funded in the 2021-22 Budget.** A budget trailer bill, AB 130 (Committee on Budget, Chap. 44, Stat. of 2021) appropriated \$10 million in one-time funding for the Dual Language Immersion Grant Program. AB 130 requires CDE to award a minimum of 25 grants over a period of three fiscal years of up to \$380,000 per grant for LEAs for creation or expansion of dual language immersion programs that provide language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding. Funding is designed to be used for activities that directly support the development of dual language immersion programs in elementary and secondary school. According to the CDE of the 302 intent to apply forms received, 160 applications were received. There appears to be continued demand for immersion programs. Unlike AB 130, this bill extends eligibility for grant funds to early learning programs within existing state preschools, and offers a larger one-time grant amount for a period of five years instead of three.

7) **Prior legislation.**

AB 2514 (Thurmond, Chp. 763, Stat. 2018) established the Pathways to Success Grant Program, for the purpose of providing grants for the establishment and expansion of dual language immersion programs, developmental bilingual programs for English learners, and early learning dual language learners programs. The program established under AB 2514 was never funded.

SUPPORT

California Association of Bilingual Education
California Language Teachers' Association
Californians Together
Parent Institute for Quality Education
Superintendent of Public Instruction

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 1141 **Hearing Date:** March 30, 2022
Author: Limón
Version: February 16, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Public postsecondary education: exemption from payment of nonresident tuition.

SUMMARY

This bill expands eligibility for the exemption from paying nonresident tuition at a California public postsecondary institution established for long-term California residents, regardless of citizenship status, by reducing the number of years required to qualify for the exemption, from three to two, in full-time attendance or attainment of equivalent credits from specified California schools or a community college.

BACKGROUND

Existing law:

- 1) Establishes a variety of residency requirements for students attending the California Community Colleges (CCC) or the California State University (CSU). The determination of such residency status is required in order to assess either resident or non-resident fees and tuition. The Regents of the University of California (UC) may, by resolution, make these provisions of law applicable to the UC (and historically have done so). (Education Code (EC) § 68000-68134)
- 2) Established by AB 540 (Firebaugh, Ch. 814, Stats. of 2001), exempts California nonresident students, regardless of citizenship status, from paying nonresident tuition at California public colleges and universities who meet all of the following requirements who have graduated from a California high school (or the equivalent) and either:
 - a) Satisfaction of the requirements of either (i) or (ii):
 - i) A total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time attendance or attainment of credits at any of the following:
 - (1) California high schools;
 - (2) California high schools established by the State Board of Education;
 - (3) California adult schools established by any of the following entities:
 - (a) A county office of education.
 - (b) A unified school district or high school district.
 - (c) The Department of Corrections and Rehabilitation.
 - (4) Campuses of the CCC.

- (5) A combination of those schools set forth in (1) to (4), inclusive.
- ii) Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.
- b) Satisfaction of any of the following:
- i) Graduation from a California high school or attainment of the equivalent.
 - ii) Attainment of an associate degree from a campus of the CCC.
 - iii) Fulfillment of the minimum transfer requirements established for UC or CSU for students transferring from a campus of the CCC. (EC § 68130.5.)
- 3) Provides that a student who meets nonresident tuition exemption requirements under EC § 68130.5 or who meets equivalent requirements adopted by the UC is eligible to apply for any financial aid program administered by the state to the full extent permitted by federal law. (EC § 69508.5)
- 4) Provides that a student attending a CSU, CCC, or UC who is exempt from paying nonresident tuition under EC § 68130.5 is eligible to receive a scholarship derived from non-state funds received, for the purpose of scholarships, by the segment at which he or she is a student. (EC § 66021.7)

ANALYSIS

This bill expands eligibility for the exemption from paying nonresident tuition at a California public postsecondary institution established for long-term California residents, regardless of citizenship status. Specifically it:

- 1) Reduces, from three to two years, the minimum number of full-time attendance and attainment of credits a qualifying student must achieve at either; (1) a California school and/or CCC or (2) a California elementary and/or secondary school.
- 2) Removes the two-year cap on full-time attendance achieved in credit courses at a CCC that may count towards the three-year total attendance requirement that applies in existing law.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Students attending a CCC can only count two years of full-time attendance in credit courses towards the 3-year threshold necessary to qualify. As a result, students are forced to enroll in noncredit courses for one year even if those programs are not aligned to their

educational goals. This bill saves nonresident students money and makes higher education more accessible.”

The author further claims, “SB 1141 corrects unintended consequences that have left out some undocumented students from accessing AB 540 benefits. To increase the accessibility of higher education for undocumented students, SB 1141 changes the threshold to qualify for AB 540 from 3 years to 2. This saves AB 540 eligible students time and an average of \$8,700 in tuition per academic year at a community college; \$11,880 at a CSU; and \$28,992 at a UC.”

- 2) **Nonresident vs resident tuition.** Persons deemed as nonresidents of California for purposes of paying tuition at a California public institution at UC, CSU or CCC, are charged a significantly higher tuition rate than the amount charged for resident tuition. In the current year, at CCCs, California residents pay \$46 per unit while nonresidents pay \$346 per unit. At CSU, undergraduate resident students pay \$5,742 per year in mandatory systemwide tuition fees, while nonresident students pay \$15,246. Within the UC system, undergraduate resident students pay \$13,104 per year while nonresident students pay \$44,130.
- 3) **Legislative History.** AB 540 provided a means of qualifying long-term California residents, upon graduation from a California high school and regardless of citizenship status, for lower resident fees at our public segments of higher education. It required students and their families to demonstrate their long-term presence by attending a California high school for three or more years, arguably as a means of ensuring that these students and their families invested sufficient time within the California school system and should accordingly receive benefits. In 2014, AB 2000 (Gomez, Ch. 675, Stats. of 2014) sought to extend eligibility to long term Californians in accelerated learning programs who graduate ahead of the attendance requirement but who attained high school credits equivalent to three or more years of full-time coursework in California from a California high school.

Subsequent legislation, SB 68 (Lara, Ch. 496, Stats. of 2018) significantly expanded pathways for qualifying a student by either attendance or attainment of equivalent credits earned from an expanded list of California schools including community colleges. However, it restricted full-time attendance in CCC credit courses that can count toward the three-year threshold to two-years leaving one year of credit to be applied from a California school other than a community college. SB 68 also provided an alternative to the high school graduation requirement, with attainment of an associate degree or fulfillment of minimum transfer requirements from a CCC. SB 68 ultimately extended privileges to long-term Californians who were adult learners seeking access to higher education.

- 4) **Decreases California school attendance requirement.** A three-year minimum requirement was selected as the threshold under AB 540 in 2001. This bill decreases that threshold. It changes the length of time students are required to invest within the California school system before receiving exemption privileges. Students demonstrating a minimum of two years, instead of three, of schooling could qualify for the lower in-state rate at CCC and CSU or UC to the extent the UC Regents enact the same provisions.

- 5) **Removes 2-year cap on CCC attendance.** As noted, a student may gain eligibility through adult school or community college attendance or a combination of K-12 and college experience, for example. However, current law limits CCC attendance at two-years of full-time enrollment in credit courses applied toward the three-year requirement. The sponsors of the measure argue the limit forces CCC students take one-year of noncredit courses, a situation likely resulting from a CCC student having no other elementary, secondary, or adult school connection. This bill removes that cap, thereby eliminating the need under current law for a CCC student to accumulate a third year of attendance in noncredit courses or from having to apply a prior schooling experience in order to qualify.
- 6) **United States citizens may qualify.** A common misconception of provisions in current law that exempt nonresident students from paying out-of-state tuition is that it solely applies to undocumented youth. However, a person determined to be a nonresident for purposes of assessing tuition at a California college or university may include U.S. citizens that reside in another state. This group of students could benefit from the accelerated pathway proposed in this bill.
- 7) **Fiscal impact.** According to the Assembly Appropriations Committee analysis of AB 1620 (Santiago, 2019) which is nearly identical to this bill, the proposed changes could have the following fiscal impact:

“Unknown Proposition 98 General Fund or General Fund costs, potentially in the hundreds of thousands of dollars, for CCC and CSU, and potentially UC, to the extent UC implements the changes to provide resident tuition to more students than those who would have been considered nonresident students under current law. The state would need to reimburse these costs to CCC, if the Commission on State Mandates determines the bill’s requirements to be a reimbursable state mandate.”

- 8) **Related and prior legislation.**

SB 1160 (Durazo, 2022) would make certain nonimmigrant visa holders under the federal Immigration and Nationality Act eligible for the exemption from paying nonresident tuition. SB 1160 was referred to, and is, pending hearing in this Committee.

AB 1620 (Santiago, 2019), nearly identical to this bill, would have expanded eligibility for the exemption from paying nonresident tuition at California’s public postsecondary educational institutions by reducing from three to two, the minimum number of years for full-time attendance a qualifying student must attain at a California school. AB 1620 was held in the Assembly Appropriations Committee.

SUPPORT

California Community Colleges Chancellor's Office (Sponsors)
California Community Colleges Chief Instructional Officers
California Student Aid Commission
California Undocumented Higher Education Coalition
College of San Mateo
Foothill-de Anza Community College District
Immigrants Rising
Independent California Colleges Advocate Program (ICCAP)
John Burton Advocates for Youth
Napa Valley College
Pasadena Area Community College District
Porterville College
Riverside Community College District
San Bernardino Community College District
San Bernardino Valley College
San Diego City College President's Office
San Diego College of Continuing Education
San Diego Community College District
Southern California College Access Network
Southwestern Community College District
Strategic Education Services

OPPOSITION

None received.

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acknowledgment of receipt and review of the information sheet posted on the CDE's Web site.

- 7) Requires the CDE to post on its website guidelines, videos, and an information sheet on sudden cardiac arrest symptoms and warning signs, and other relevant materials to inform and educate students and parents, and to train coaches about the nature and warning signs, including the risks associated with continuing to play or practice after experiencing fainting or seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue.
- 8) Encourages schools and school districts to post the information and materials on their internet websites to give students, parents, and coaches ready access to the information.
- 9) Authorizes a school to hold an informational meeting before the start of each athletic season for all ages of competitors regarding the symptoms and warning signs of sudden cardiac arrest.

ANALYSIS

This bill:

- 1) Requires the CDE, upon appropriation by the Legislature, to establish the California Youth Cardiac Screening Pilot Program to accomplish both of the following:
 - a) Provide free cardiac screening for pupils in grades 5 to 12, inclusive, for the 2022–23 through 2024–25 school years, to include, at minimum, a cardiac risk assessment of warning signs and family history and a 12-lead electrocardiogram, with interpretation by a licensed medical provider skilled in acting within the scope of that provider's practice for evaluation and management of sudden cardiac arrest assessment.
 - b) Solicit voluntary participation by private and public schools, including charter schools, or local educational agencies (LEAs) for a three-year term to participate in the pilot program. The program should, from among these voluntary school and LEA participants, select a sample that, to the extent practicable, represents the ethnic, economic, and urban and rural composition of the state.
- 2) Authorizes the CDE to contract with a nonprofit organization to administer the program. The nonprofit organization shall submit a budget and expenses annually to CDE along with any donations or other funds that assisted the program. The nonprofit organization shall annually report the number of pupils screened, their ages, the number of cardiac referrals, the economic and ethnic diversity of these pupils, and any other depersonalized data that the department may require to judge the program's effectiveness, with oversight from a person skilled in electrophysiology interpretation.

- 3) Requires CDE to prepare a written report at the conclusion of the program, including the number of pupils screened, their ages, the number of cardiac referrals, and the economic and ethnic diversity of these pupils, with oversight from a person skilled in electrophysiology interpretation, if CDE chooses to administer the program itself.
- 4) Authorizes CDE to receive voluntary or reduced-cost services from medical providers and other individuals related to the program.
- 5) Is repealed as of January 1, 2026.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Sudden cardiac arrest (SCA) is the leading cause of death of student athletes with an estimated 23,000 children under 18 lost each year in the US. The survival rate for SCA is less than 10%, where it has stagnated for three decades.

"The American Academy of Pediatrics (AAP) has recently issued new guidelines that call for heart screening for all youth, thus recognizing the critical need to identify heart conditions before tragedy occurs and acknowledging that warning signs and risk factors have been missed by practitioners and parents alike. These guidelines recommend that at least every three years, and especially upon entry to middle, junior and high school, children should receive cardiac screening.

"SB 1135 establishes a pilot program to screen children for SCA conveniently in their school setting. These screenings will deliver a potentially life-saving service and give access to critical care before tragedy strikes. SB 1135 allows a nonprofit to administer the pilot on behalf of the Department of Education and/or receive free or reduced-cost services from medical providers and entities related to the program."

- 2) ***Sudden Cardiac Arrest.*** According to the American Heart Association, unlike a heart attack (when blood flow to the heart is blocked), SCA is when the heart malfunctions and suddenly stops beating unexpectedly. It is triggered by an electrical malfunction in the heart that causes an irregular heartbeat (arrhythmia). With its pumping action disrupted, the heart cannot pump blood to the brain, lungs, and other organs. Seconds later, a person loses consciousness and has no pulse. Death occurs within minutes if the victim does not receive treatment. Thousands of kids die annually from undetected heart conditions that can cause SCA—the number two cause of death among youth under 25, and the number one killer of student athletes.
- 3) ***SCA risks and symptoms.*** According to the CIF, educating youth and parents about the symptoms and risk factors of SCA is one way to help prevent it. Young people often don't tell adults if they experience symptoms, and parents often urge their kids to play hard. Kids may be frightened, embarrassed, or simply unaware that what they are feeling indicates a potentially fatal condition. Athletes (and often their parents) don't want to jeopardize their playing time, so

they may also avoid telling parents or coaches in hopes that the symptoms will “just go away” on their own. Or, they may think they’re just out of shape and need to train harder.

The following symptoms are potential indicators that SCA is about to happen:

- a) Racing heart, palpitations or irregular heartbeat
- b) Dizziness or lightheadedness
- c) Fainting or seizure, especially during or right after exercise
- d) Fainting repeatedly or with excitement or startle
- e) Chest pain or discomfort with exercise
- f) Excessive, unexpected fatigue during or after exercise
- g) Excessive shortness of breath during exercise

The following factors increase risk of SCA:

- a) Family history of known heart abnormalities or sudden death before age 50.
 - b) Specific family history of Long QT Syndrome, Brugada Syndrome, Hypertrophic Cardiomyopathy, or Arrhythmogenic Right Ventricular Dysplasia (ARVD)
 - c) Family members with unexplained fainting, seizures, drowning or near drowning or car accidents
 - d) Known structural heart abnormality, repaired or unrepaired
 - e) Use of drugs, such as cocaine, inhalants, “recreational” drugs or excessive energy drinks
- 4) **Committee amendment.** This bill would require CDE to prepare a written report at the end of the program to judge its effectiveness. However, as currently drafted, there is no due date for the report nor is there any direction about where the written report should be submitted. Further, without some sort of interim reporting by CDE, it is likely that this program will expire before sufficient data is available to determine whether or not it should continue. If it is the desire of the Committee to pass this measure, **staff recommends** amending the bill to require CDE to submit the existing report by September 30 each year to the Department of Finance and the appropriate policy and fiscal committees of the Legislature.

SUPPORT

Via Heart Project (sponsor)

Association of California Healthcare Districts
Aive Solutions INC.
Eric Paredes Save a Life Foundation
Heartfelt Help Foundation
Heartshield Project
Just1mike
Kyle J. Taylor Foundation
Madison Middle School
Scripps Health
Sidelined USA
Southwest Sports Wellness Foundation
Sudden Arrhythmia Death Syndromes Foundation

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 1273 **Hearing Date:** March 30, 2022
Author: Bradford
Version: February 18, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: School safety: mandatory notifications

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

SUMMARY:

This bill eliminates criminal penalties for "willful disturbance" of a school or school meeting and grants a school principal discretion to report an incident to law enforcement if it does not include a firearm.

BACKGROUND

Existing law:

- 1) Provides that any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500) and require LEAs notify law enforcement. (Education Code § 32210)
- 2) Authorizes an employee of a Local Educational Agency (LEA) or County Office of Education (COE) to promptly report the incident to local law enforcement if an employee is attacked, assaulted, or physically threatened by any pupil. Failure to make the report shall be an infraction punishable by a fine of not more than one thousand dollars (\$1,000). A member of the governing school board, a county superintendent of schools, or an employee of a LEA or COE shall not directly or indirectly inhibit or impede the making of the report prescribed by a person under a duty to make the report or shall be subject to a fine not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000). This section also specifies that the governing school board, a county superintendent of schools, or an employee of a LEA or COE shall impose any sanctions against a person under a duty to make the report. (EC § 44014)
- 3) Requires the principal of a school, or their designee, to notify law enforcement of any acts of the pupil that may violate Section 245 of the Penal Code before a pupil is suspended or expelled.
- 4) Requires the principal of a school, or their designee, to notify law enforcement by telephone or any other appropriate method of any acts of the pupil that may violate subdivision (c) or (d) of Section 48900 within one day of a pupil's expulsion or suspension. This section further stipulates that the principal of a

school, or their designee, shall notify law enforcement of any acts of a pupil that may involve the possession or sale of narcotics or of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code (the Gun-Free School Zone Act). (EC § 48902)

ANALYSIS

This bill eliminates criminal penalties for “willful disturbance” of a school or school meeting and grants a school principal discretion to report an incident to law enforcement if it does not include a firearm. Specifically, this bill:

- 1) Removes the misdemeanor penalty related to a willful disturbance to any public school or any public school meeting and the fine associated.
- 2) Eliminates the provision related mandatory reporting of incidences in which an employee of a LEA or COE is attacked, assaulted, or physically threatened by a pupil and the fine associated with impeding or inhibiting the submission of an incident report to law enforcement.
- 3) Deletes the provision related to mandatory reporting of an incident to law enforcement before or after a pupil’s expulsion or suspension by the principal of a school or their designee.
- 4) Retains the section related to reporting an incident to law enforcement if a pupil violates the Gun-Free Schools Zone Acts, but excludes a violation involving an instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, a spot marker gun, a razor blade, or a box cutter.
- 5) Aligns incident reports to law enforcement with the federal Gun-Free Schools Act.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Under existing California statutes (SECTION 44014 and 48902 of the Education Code), educators are mandated to report a broad range of student behavior to law enforcement, including things as minor as possession of cannabis or alcohol. Teachers and other school personnel are denied the discretion to decide how to handle various kinds of behavior based on the specifics of the particular incident. The result is unnecessary student contact with law enforcement, leaving students less likely to graduate high school and more likely to wind up in jail or prison. This system disproportionately affects Black students, Latinx students, Indigenous students, other students of color, and students with disabilities, who are more likely to be referred to law enforcement, cited, and arrested. Educators and school administrators are in a better position to support students by responding to behavioral issues in an appropriate manner. SB 1273 will eliminate the mandatory requirements for notification of law enforcement under Education Code section 48902 (drug and alcohol offenses, certain dangerous objects possession) and 44014 (criminal penalties for school staff who fail to report any

assault or physical threat to a school employee, no matter how minor). The bill would also eliminate criminal penalties for “willful disturbance” of a school or school meeting, a provision that has led to the arrest of a student for an offense as simple as knocking on classroom doors when class is in session. By eliminating mandatory notification of law enforcement for incidents involving drugs and alcohol, the bill removes provisions that limit educator discretion to handle school related misbehaviors in ways that do not criminalize students.”

- 2) ***Guns Free Schools Act (GFSA) of 1994.*** In 1994, Congress passed the Gun-Free Schools Act, which required states receiving federal funds to enact legislation requiring LEAs to expel, for at least one year, any student who is determined to have brought a firearm or weapon to school. The GFSA further required LEAs to develop policies requiring referral to the criminal justice or juvenile delinquency system for any student who brings a firearm or weapon to school. According to a 2021 report “No Police in Schools: A Vision for Safe and Supportive Schools in CA,” deterring violence and disruptive outbursts can be an important part of maintaining classroom order and safety, both of which are important goals in educational environments. However, by outlawing otherwise normal behavior and calling it disruptive, zero tolerance policies have created an environment where children are not students who are there to learn, but are treated as suspected criminals. Since 2010, the Legislature has made tremendous strides in removing zero-tolerance policies while ensuring student and employee safety. This bill eliminates mandatory reporting to law enforcement that exceeds the reporting requirements of the federal Gun-Free Schools Zone Act.
- 3) ***California Department of Education (CDE).*** In recent years there have been other statutory provisions designed to limit the use of suspensions and promote alternatives to suspension. These provisions aim to address the root causes of the student’s behavior and to improve academic outcomes:
 - a) **Minimize Suspension for Attendance Issues:** It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.
 - b) **Instead of Suspension, Support:** A superintendent of the school district or principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, that are age-appropriate and designed to address and correct the pupil’s misbehavior.

The state has also established a Multi-Tiered System of Supports (MTSS), which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help students gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

- c) **Suspension as a Last Resort:** Suspension shall be imposed only when other means of correction fail to bring about proper conduct, and then continues to provide an extensive list of suggested positive, non-exclusionary alternative practices. Other means of correction may include additional academic supports, to ensure, for example, that instruction is academically appropriate, culturally relevant, and engaging for students at different academic levels and with diverse backgrounds.
- 4) ***Suspensions are declining.*** The initial prohibition for suspending pupils in kindergarten or grades 1-3 for willful defiance took effect January 1, 2015. According to data from CDE, 96,421 pupils were suspended for willful defiance in the 2015-16 school year, the first full school year after implementation, which is a decrease of almost 30,000 suspensions for willful defiance over the previous school year. However, data from the 2011-12 to 2017-18 schools years reveals that suspensions for disruption or willful defiance, and suspensions overall, have been steadily declining, making it difficult to attribute this decline to the prohibition alone. For example, in the 2011-12 school year there 709,702 total suspensions, approximately 47 percent of which were for disruption or willful defiance. For the 2012-13 school year, those numbers fell to 609,810 and 42 percent, respectively. For the 2013-14 school year, those numbers continued to decline to 503,191 and 36 percent, respectively. For the 2014-15 school year, overall suspensions decreased to 420,881 and disruption or willful defiance accounted for approximately 30 percent of those suspensions. For the 2015-16 school year, overall suspensions declined to 396,751, and disruption or willful defiance accounted for approximately 24% of those suspensions. For the 2016-17 school year, overall suspensions were down to 381,835, and disruption or willful defiance accounted for approximately 20 percent of those suspensions. Finally, for the 2017-18 school year, overall suspensions were lowered to 363,406, and disruption or willful defiance accounted for approximately 14 percent of those suspensions.

To fully illustrate the steep decline in suspensions, and the percentage of which are attributable to willful defiance, one need only compare total suspensions overall in 2017-2018 (363,406) with those for willful defiance only in 2011-12 (335,079). Suspensions for willful defiance decreased approximately 82 percent since 2011-12.

- 5) ***Equity concerns in subjective discipline.*** Research and data confirm that Black students, other students of color, students with disabilities, and LGBTQ students are disproportionately suspended for low-level subjective offenses, such as defiance/ disruption. Suspensions also cause California students to lose significant instruction time. A recent study revealed that students lost over 150,000 days of school due to defiance/disruption suspensions in 2016-17. These concerns are supported by data from CDE. For example, in 2011-12, African American pupils accounted for 6.8 percent of enrollment, but 18.5 percent of suspensions for willful defiance. Most recently, in 2017-18, African American pupils accounted for 5.6 percent of enrollment, but 15.6 percent of suspensions for willful defiance. Conversely, in 2011-12, white pupils accounted for 25.8 percent of enrollment, but just 19.6 percent of suspensions for willful defiance. Most recently, in 2017-18, white pupils accounted for 23.2 percent of enrollment,

but just 20.2 percent of suspensions for willful defiance. These disproportionate figures underscore the concerns surrounding willful defiance suspensions and that neither time, the prohibition on suspension/expulsion in grades K-3, or LCFF priorities have fully addressed these issues.

- 6) **Continuing Work.** The author's office and the sponsors of the bill are continuing to have meaningful engagement with stakeholders regarding
- 7) **Related Legislation. SB 906 (Portantino; 2021-2022).** This bill requires local education agencies to 1) annually require parents to disclose whether any firemen are located in the home of the student and specific information about the storage of any firearm; 2) requires school officials to report to law enforcement any threat or perceived threat of an incidence of mass casualty; and 3) requires an immediate investigation and assessment of such threats or perceived threats.

AB 610 (Kalra; 2021-2022). This bill would eliminate criminal penalties for "willful disturbance" of a school or school meeting and aligns disciplinary notification requirements with the federal Gun-Free Schools Act. (*Held in Assembly Education*).

SB 419 (Skinner; 2019-2020) This bill extends the prohibition against suspending a pupil enrolled in kindergarten or any of grades 1 to 3 for disrupting school activities or otherwise willfully defied the valid authority of school staff to include grades 4 to 8 permanently, and grades 9 to 12 until January 1, 2025, and applies these prohibitions to charter schools. *Chapter 279 (2019)*.

AB 420 (Dickerson; 2013-2014) This bill eliminates the option to suspend or recommend for expulsion a pupil who disrupted school activities or otherwise willfully defied the authority of school officials and instead authorizes schools to suspend a pupil in grades 6-12 who has substantially disrupted school activities or substantially prevented instruction from occurring. *Chapter 660 (2014)*.

- 8) **Support.** Alliance for Boys and Men of Color, the Association of California School Administrators, and others state "Decades of research show the long-term harm to young people of even minimal contact with justice systems. Young people arrested in school are less likely to graduate from high school and more likely to wind up incarcerated. Alarming, Black, Indigenous, and Latinx students, as well as students with disabilities, are disproportionately referred to law enforcement, cited, and arrested. Yet existing law forces school administrators and staff to notify law enforcement of certain types of incidents, even when they know doing so will be harmful and regardless of the particular circumstances of the incident. SB 1273 makes several positive and 21st century changes to existing law. First, it eliminates overreaching state mandates for school notification of law enforcement, thereby encouraging schools to adopt non-punitive, trauma-informed, and health-based approaches to school-related behaviors. By eliminating these mandates, the bill increases educator discretion in determining when to notify law enforcement about a student's school-related behaviors so that they can take into consideration the totality of the circumstances. Second, the bill eliminates criminal penalties for school staff who fail to report incidents of alleged assaults or physical threats against school

employees. Finally, SB 1273 repeals Education Code section 32210, which makes it a misdemeanor to 'willfully disturb' a public school or public school meeting. Section 32210 has been used to criminalize student behavior more appropriately handled through behavioral supports or school discipline. Moreover, this provision is unneeded: other Penal Code provisions exist that may apply if someone is creating a serious disturbance on a school campus. SB 1273 will keep students in school by increasing educator discretion to decide how to handle student behavior and by protecting students from unnecessary contact with the legal system."

SUPPORT

ACLU CA Action (Sponsor)
 Alliance for Boys and Men of Color (Sponsor)
 Disability Rights California (Sponsor)
 Dolores Huerta Foundation (Sponsor)
 East Bay Community Law Center (Sponsor)
 Coleman Advocates for Children & Youth (Sponsor)
 Public Counsel (Sponsor)
 Black Organizing Project (Sponsor)
 Black Parallel School Board (Sponsor)
 Alliance for Children Rights
 Anti-Defamation League
 Arts for Healing and Justice Network
 Association of California School Administrators
 Brown Issues
 California For Safety and Justice
 California School-Based Health Alliance
 Californians For Justice
 Children Now
 Coleman Advocates for Children & Youth (Sponsor)
 Communities United For Restorative Youth Justice (CURYJ)
 Congregations Organized For Prophetic Engagement
 Courage California
 Educators for Excellences – Los Angeles
 Ella Baker Center For human Rights
 Friends Committee on Legislation of California
 Generation Up
 GENUP
 Initiate Justice
 John Burton Advocates for Youth
 Law Foundation of Silicon Valley
 Lawyers Committee for Civil Rights of San Francisco Bay Area
 Mid-City Community Advocacy Network
 MILPA (Motivating Individual Leadership Advancement)
 National Center for Youth Law
 Project Knucklehead
 Public Advocates
 Riverside County Public Defender's Office
 Sigma Beta Xi, INC. (SBX Youth and Family Services)
 Starting Over INC.

Trauma Informed Los Angeles
United Teachers Los Angeles
United Teachers Los Angeles – PACE
Youth Alliance
3 Individuals

OPPOSITION

1 Individual

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 924 **Hearing Date:** March 30, 2022
Author: Glazer
Version: March 21, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Local government: school districts: annual compensation: reporting.

SUMMARY

This bill clarifies that school districts are not exempt from reporting information on annual compensation of their employees to the California State Controller for annual publishing on the Controller's internet website.

BACKGROUND

Existing law:

- 1) Specifies that every employment contract between a state or local agency and any public official or public employee is a public record and must be disclosed upon request, except where disclosure would constitute an unwarranted invasion of personal privacy.
- 2) Requires the Controller to compile, publish, and make publicly available on the Controller's website, in a format that may be printed and downloaded, reports of the financial transactions and information on annual compensation of each county, city, and special district, respectively, within the state, together with any other matter the Controller deems of public interest.
- 3) Requires the Controller to annually publish on its internet website reports of the financial transactions of each school district within the state, together with any other matter the Controller deems of public interest.
- 4) Requires the Superintendent of Public Instruction to make available to the Controller, on an as-needed basis and in the time, manner, and format prescribed by the Controller, data and other matters required by the Controller. The Superintendent shall derive the data and other matters required by the Controller from reports furnished by school districts or by county officials. No school district or county superintendent of schools shall be required to furnish separate reports to the Controller.

ANALYSIS

This bill:

- 1) Specifies that, notwithstanding any other law, a school district shall post on its internet website information on the annual compensation of its governing board,

officers, and employees and shall give the information to the Controller to post on the Controller's internet website.

- 2) Adds "information on annual compensation of employees" to the financial information for each school district that the Controller is required to annually publish on its internet website.
- 3) Clarifies that school districts shall furnish reports to the Controller that provide information on annual compensation of school district employees.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Transparency around how schools spend public money is crucial to improving the quality of education for students. According to the, Public Policy Institute of California, building more transparency in the system would allow stakeholders and researchers to ensure greater efficiency in the allocation of billions of dollars spent on California's K-12 education each year."
- 2) **Local agency financial reporting to the State Controller.** Since the 1940s, local agencies have been required to file annual financial transaction reports with the Controller's Office. These reports document local agencies' revenues, expenditures, long-term indebtedness, appropriation limits, and total annual appropriations subject to those limits. The Controller is required to prepare and publish annual reports on the financial transactions of cities, counties and special districts, along with any other information deemed to be of public interest.

Consistent with the Controller's authority to publish financial data, the Controller maintains an internet website listing government compensation in California. The site allows the public to review compensation information from state agencies, local agencies, some public colleges and universities, as well as the earnings of state elected officials.

In 2014, further legislation was adopted directing local agencies to submit information to the Controller on the annual compensation they provide to their elected officials, officers, and employees.

- 3) **Recent news articles report school districts are not being required to submit annual compensation data to the State Controller.** In recent editorials in the East Bay Times, LA Times, and other news outlets, it has been reported that, unlike other local agencies, about two-thirds of school districts are not reporting their annual compensation to the Controller for posting in its government compensation database.

The state Controller's Office established the Government Compensation in California website in 2010 in response to a scandal in the city of Bell. A Los Angeles Times investigation in 2010 revealed that city officials in the small, economically disadvantaged community of Bell in south Los Angeles County had amassed outlandish salaries, including a city manager making \$800,000 a year, among other perks.

The editorials go on to claim that existing law includes a technicality, whereby the Controller only has authority to collect information about school districts' "financial transactions" and a separate law requires the Controller to go through the Superintendent of Public Instruction to obtain this information. Therefore, school districts currently reporting annual employee compensation data are doing so voluntarily.

- 4) ***Existing law clearly allows the State Controller to deem school district annual employee compensation data a matter of public interest and, therefore, reportable.*** Contrary to the claims made in recent editorials, existing law allows the State Controller clear authority to require school districts to report annual employee compensation data. Specifically, subdivision (c) of Government Code Section 12463 states the following:

(c) The Controller shall annually publish, on the internet website of the Controller, reports of the financial transactions of each school district within this state, *together with any other matter the Controller deems of public interest.* The reports shall include the appropriations limit and the total annual appropriations subject to limitation of the school district. The reports to the Controller shall be made in the time, form, and manner prescribed by the Controller.

As emphasized above, existing law allows the Controller to deem annual compensation of employees a matter of public interest. Doing so would then require this information to be reported by school districts to the Controller. Given that existing law already provides such authority, the committee may wish to consider whether this bill, which imposes an additional reporting requirement on school districts, is necessary.

SUPPORT

California Common Cause
Transparent California

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 1222 **Hearing Date:** March 30, 2022
Author: Dahle
Version: February 17, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education

SUMMARY

This bill amends the California Healthy Youth Act (CHYA) by requiring local educational agencies (LEAs) to adopt a policy at a publicly noticed meeting specifying how parents and guardians of pupils may inspect the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education.

BACKGROUND

Existing law:

- 1) Establishes the CHYA, which requires LEAs (defined as school districts, charter schools, county boards of education, county superintendents of schools, and the California Schools for the Deaf and for the Blind – hereafter referred to as “LEA”, to provide comprehensive sexual health and HIV prevention instruction to all students in grades 7 to 12, at least once in middle school and once in high school. (Education Code § 51933)
- 2) Requires that pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education at least once in junior high or middle school and at least once in high school. (EC § 51934)
- 3) Requires that the instruction and related instructional materials be, among other things:
 - a) Age appropriate.
 - b) Medically accurate and objective.
 - c) Appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners.
 - d) Made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil.
 - e) Accessible to pupils with disabilities. (EC § 51934)

- 4) Authorizes an LEA to provide comprehensive sexual health education and HIV prevention education earlier than grade 7 using instructors trained in the appropriate courses and age-appropriate and medically-accurate information. (EC § 51933)
- 5) Requires LEAs, at the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, to provide parents and guardians with a notice:
 - a) About instruction in comprehensive sexual health education and HIV prevention education and research on pupil health behaviors and risks planned for the coming year.
 - b) Advise the parent or guardian that the educational materials used in sexual health education are available for inspection.
 - c) Advise the parent or guardian whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by outside consultant, as provided.
 - d) Advise the parent or guardian that the parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education and that in order to excuse their child they must state their request in writing to the LEA. (EC § 51938)
- 6) Provides that the parent or guardian of a pupil has the right to excuse their child from all or part of that education, including related assessments, through a passive consent ("opt-out") process. (EC § 51938)
- 7) Prohibits a school district from requiring active parental consent ("opt-in") for sexual health education for pupils of any grade. (EC § 51938)
- 8) Requires all notices, reports, statements, and records sent to the parent or guardian of any pupil by the public school or school district, if 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted to the California Department of Education (CDE) in the preceding year, to be written in that primary language, in addition to English, and may be responded to either in English or the primary language. (EC § 48985)

ANALYSIS

This bill amends the CHYA by requiring LEAs to adopt a policy at a publicly noticed meeting specifying how parents and guardians of pupils may inspect the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education. Specifically, this bill:

- 1) Requires LEAs to adopt a policy at a publicly noticed meeting specifying how parents and guardians of pupils may inspect the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education that is consistent with all of the following:
 - a) The materials shall be made available at each schoolsite and publicly posted on the LEA's internet website, if the LEA maintains an internet website or upon establishing an internet website.
 - b) If the LEA is not authorized to post the materials on its publicly available internet website due to copyright protections, the material shall be made available through a parent or guardian portal if the school district already maintains a portal or upon establishing a portal.
 - c) Updates or changes to the materials shall be made available at each schoolsite and publicly posted on the LEA's internet website, and, if applicable, through a parent or guardian portal, within 30 days of adoption of the updates or changes to the materials, but in no event later than 14 days before the instruction is given.
 - d) If a school district contracts with outside consultants or guest speakers, the materials used by the outside consultants or guest speakers shall be made available at each schoolsite and publicly posted on the LEA's internet website, and, if applicable, through a parent or guardian portal, within 30 days of contracting with the outside consultants or guest speakers, but in no event later than 14 days before the instruction is given.
 - e) Materials to be used by outside consultants or guest speakers that were contracted for before January 1, 2023, be made available at each schoolsite and publicly posted on the school district's internet website, and, if applicable, through a parent or guardian portal within 30 days of adoption of the policy, but in no event later than 14 days before the instruction is given.
- 1) Advise the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for-inspection pursuant to the policy adopted by the school district.

STAFF COMMENTS

- 1) **Need for the bill.** The author states, "The California Healthy Youth Act does not require school districts to make curricula available on their websites before it is taught in the classroom, so the materials are not readily accessible to parents. The shift to internet-based and technology heavy education has prevented parents from physically accessing the school campus during the pandemic. This inhibits the ability of parents to have equitable access to review curricula and make informed decisions regarding their child's education. In order for parents to make an informed decision, sexual health education and human immunodeficiency virus (HIV) prevention education curricula should be accessible for parents to review."

2) **California Healthy Youth Act.** The CHYA took effect in 2003 and was originally known as the Comprehensive Sexual Health and HIV/AIDS Prevention Education Act. Initially, the act authorized LEAs to provide comprehensive sexual health education in any grade, including kindergarten, so long as it consisted of age-appropriate instruction and used instructors trained in the appropriate courses. Beginning in 2016 with AB 329 (Weber, 2015) the act was renamed the CHYA and for the first time required LEAs, excluding charter schools, to provide comprehensive sexual health education and HIV prevention education to all students at least once in middle school and at least once in high school. Beginning 2019, AB 2601 (Weber, 2018) required charter schools to provide that same instruction. From its inception in 2003 through today, the CHYA has always afforded parents the right to opt their child out of part, or all, of the instruction and required LEAs to notify parents and guardians of this right. Parents and guardians are able to exercise this right by informing the LEA in writing of their decision.

3) **Comprehensive sexual health education in lower grades.** Comprehensive sexual health education in lower grades has always been, and remains, optional. Under existing law, for grades 6 and below, an LEA must “opt-in” to offer that instruction to students. The LEA is then required by law to notify parents and guardians of their right to “opt-out” their child, whether in part or completely. Existing law has always required that all comprehensive sexual health education be age-appropriate, medically accurate, and objective – regardless of grade.

According to the CDE, in elementary school it is permissible to teach knowledge and skills related to comprehensive sexual health and HIV prevention education in grades kindergarten through grade six (K–6), inclusive. All instruction and materials in grades K–6 must meet the instructional criteria or baseline requirements of the CHYA and the content that is required in grades 7–12 may be also be included in an age-appropriate way in earlier grades.

4) **Right to inspection.** Existing law requires LEAs to notify parents and guardians of their right to inspect written and audiovisual materials. However, existing law does not prescribe how that inspection must be implemented. This bill proposes to prescribe, only for materials related to comprehensive sexual health and HIV prevention education, parameters for inspection, including that materials be translated, available online, and before the date of instruction. This bill helps ensure adequate lead-time and ease of accessibility for parents and guardians, and also fosters a transparent development process for the inspection process of sexual health and HIV prevention education. However, the authors bill on limits this transparency and inspection process for one topic. Moving forward, the author may want to consider adding other subject areas such as mathematics, science, and English.

5) **Argument in Support.** According the Right to Life League “As the law stands, parents are often kept in the dark about what their children are taught in school regarding sexual health and HIV prevention. Current legislation does not require school districts to post their current sexual education curricula online, and parents often suffer the consequences of this discretion. There has been a lack

of transparency in California regarding what our children are learning at school, and in some cases, it's proven difficult for parents to access information about their own kids' educations, with some schools not disclosing information upon parents' wishes. In other cases, parents find it challenging to make it to their children's schools and witness what their children are learning in person due to work schedules or life circumstances.

"If SB 1222 is passed, schools will be obliged to disclose their children's' schools' current sexual health and HIV prevention programs online so they can review the material when and where it is most comfortable for them. SB 1222 will keep parents informed and up-to-date on their children's' education, enabling them to make the right decisions about their children's formation and development."

- 6) **Arguments in Opposition.** According to The American Civil Liberties Union California Action, Equality California, and Planned Parenthood Affiliates of California "As sponsors of the California Healthy Youth Act (CHYA) (AB 329, Weber, 2015; AB 2601, Weber, 2018) we have concerns around the feasibility of the requirement to post all comprehensive sexual health education curricula online in full for parent review. This approach imposes a one-size-fits-all requirement on school districts that does not provide schools with any flexibility or support they would need to meaningfully increase access for parents and guardians.

"The California Healthy Youth Act governs the provision of comprehensive sexual health education in California public schools, including charter schools, requiring instruction at least once in middle school and once in high school. CHYA currently strikes a balance that requires districts to advise parents and guardians that curriculum materials are available to preview, while also giving districts flexibility to tailor how they meet those requirements to the needs of their communities. SB 1222 could result in districts needing to purchase and implement new or additional online platforms to host curriculum materials for the sole purpose of review by parents and guardians, which could be extremely burdensome for districts.

"As the COVID pandemic continues to impact the way students are being educated, it is critical that sexual health education remains a priority and we do not impose potential or additional barriers to students receiving sex ed. School districts are best positioned to know how to communicate with their parent communities about curriculum and opt-out notices, and they should be supported in utilizing that expertise. The requirements in SB 1222 impose a burden on the schools and districts working to deliver education, including sexual health education, at a critical time, and for these reasons our organizations respectfully oppose this legislation."

- 7) **Previous legislation.** SB 217 (Dahle; 2021) was a previous iteration of SB 1222 (Dahle; 2022). SB 217 was held on suspense in Senate Appropriations.

SB 1045 (Melendez; 2022) this bill would require a classroom instructor to provide a parent or guardian with a copy of the classroom instructor's lesson plan, upon request. This bill is currently in Senate Education.

SB 673 (Morrell; 2019) was similar to this bill and would have amended the California Healthy Youth Act by: (1) requiring active parental consent (“opt-in”) with a signature for sexual health and HIV prevention education in grades lower than 7, (2) specifically requiring local educational agencies to make written and audio visual materials available for inspection before the date of instruction on the local educational agency’s Internet website, and (3) requiring those material to be translated. SB 673 failed passage in this committee.

SUPPORT

California Capitol Connection
California Family Council
Capitol Resource Institute
Concerned Women for America
Pacific Justice Institute
Right to Life League of Southern California
Siskiyou Conservative Republicans
The Right to Life
The Salt and Light Council
2 Individuals

OPPOSITION

ACLU California Action
Association of California School Administrators
California School Board Association
Equality California
Planned Parenthood Affiliates of California

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 1289	Hearing Date:	March 30, 2022
Author:	Ochoa Bogh		
Version:	February 18, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Private recreation programs: licensing exemption.

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

SUMMARY

This bill extends an exemption from child care licensing to private recreation programs that provide programming for limited hours per week to young children not yet enrolled in school, or to K-12 students outside of normal school hours.

BACKGROUND

Existing law:

Title 22 of the California Code of Regulations

- 1) Title 22 sets forth the requirements for child care licensed centers, licensed family child care homes, and license-exempt care relative to, among other things, staff qualifications, staff ratios, health and safety standards, facilities, and how programs are reimbursed.
- 2) Requires a licensed child care provider, *in order to provide care without being under the supervision of the director*, to meet both of the requirements below, in addition to other requirements such as be at least 18 years of age and submit to a criminal record review:
 - a) Completed 12 postsecondary semester or equivalent quarter units in early childhood education or child development, with passing grades, at an accredited or approved college or university; and
 - b) Completed at least six months of work experience in a licensed child care center or comparable group child care program. (California Code of Regulation, Title 22, § 101216.1)

Title 5 of the California Code of Regulations

- 3) Title 5 sets forth the requirements for child care programs that contract directly with the California Department of Education (CDE) or California Department of

Social Services (DSS).

- 4) Requires direct-contract programs to adhere to the requirements of Title 5, in addition to Title 22 licensing requirements.
- 5) Requires direct-contract providers, *in order to provide care without being under the supervision of the director*, to meet one of the requirements below, in addition to other requirements such as be at least 18 years of age and submit to a criminal record review:
 - a) Completion of a minimum of 12 semester units of coursework in early childhood education/child development including specified coursework; and 50 days of experience in an instructional capacity in a child care and development program, working at least three hours per day within the last two years; or
 - b) Completion of the Child Development Associate Credential (issued by the Commission on Teacher Credentialing (CTC)); or
 - c) Completion of equivalent training approved by the CTC, which may include traditional coursework taken through a regionally accredited institution of higher education and CTC-approved alternative education programs. (California Code of Regulations, Title 5, § 80111)

Health and Safety Code

- 6) Exempts the following from child care licensure:
 - a) Any health facility, as defined.
 - b) Any clinic, as defined.
 - c) Any community care facility.
 - d) Any family childcare home providing care for the children of only one family in addition to the operator's own children.
 - e) Any cooperative arrangement between parents for the care of their children when no payment is involved and the arrangement meets specified conditions.
 - f) Any arrangement for the receiving and care of children by a relative.
 - g) Any public recreation program, defined as a program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county that meets either of the following criteria:
 - i) The program is operated only during hours *other than* normal school hours for K-12 in the public school district where the

program is located, or operated only during periods when students are normally not in session for specified limited hours per week.

- ii) The program is provided to children who are over the age of four years and nine months and not yet enrolled in school and the program is operated for specified limited hours per week.
- iii) The program is provided to children under the age of four years and nine months with sessions having specified limited hours per week and specified limited number of weeks in duration.
- h) Extended daycare programs operated by public or private schools.
- i) Any school parenting program or adult education childcare program that meets specified criteria.
- j) Any child daycare program that operates only one day per week for no more than four hours on that one day.
- k) Any child daycare program that offers temporary childcare services to parents and that satisfies specified criteria.
- l) Any program that provides activities for children of an instructional nature in a classroom-like setting and satisfies specified criteria.
- m) A program facility administered by the Department of Corrections and Rehabilitation as specified.
- n) Any crisis nursery.
- o) A California state preschool program operated by a local educational agency under contract with CDE and that operates in a school building and meets specified conditions. (HSC § 1596.792)

ANALYSIS

This bill extends an exemption from child care licensing to private recreation programs that provide programming for limited hours per week to young children not yet enrolled in school, or to K-12 students outside of normal school hours. Specifically, this bill:

- 1) Exempts a private recreation program from child care licensing requirements.
- 2) Expands the definition of "recreation program" to include a privately owned or operated program that meet the criteria described in # 6(g) above (operates for limited hours depending on age of the children).

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Currently, individuals working at a preschool campus must obtain 12 units of Early Childhood Education from an

accredited college program. This requirement extends to individuals running recreation and enrichment programs, which partner with preschools. Public recreation programs are exempted from the licensure requirements set forth in Health and Safety Code Section 1596.792.

"Title 5 and Title 22 provide guidance for operating preschools in California. Specifically, they created standardized education requirements for teachers in operating classrooms for preschool-aged children. They also created a requirement of 12 Early Childhood Education (ECE) units to be obtained at the collegiate level for all teachers. This requirement, however, applied to any individual working alone on a preschool campus, rather than just to teachers. ECE classes can be costly, and include activities like diagramming your first preschool classroom and various other projects, with the objective of preparing a teacher to effectively operate a standard preschool environment. Many of the activities and projects are incongruent with the preparation needs of administrators of outside recreation programs, including enrichment programs, which partner with preschools to bring various activities to preschoolers in addition to their traditional preschool programming.

"This resulted in every part-time recreation program coach or instructor being required to be a certified preschool teacher with 12 ECE units. California recognized the hiring and staffing challenges that were created by the application of teacher credentialing standards to the position of part-time coaches working for recreation programs, so an exemption was created for coaches and instructors who were not teachers on campus. Exemptions, however, only extended to public recreation programs.

"This created significant challenges for private programs in staffing and hiring decisions, which were exacerbated during the COVID-19 pandemic. Staffing shortages for both recreation programs and preschools have also resulted in a decrease in access and availability of enrichment programs for preschool-aged children since these programs are no longer able to provide coaches or instructors who are certified preschool teachers.

"By standardizing the hiring requirements for all preschool recreation programs, this bill will ensure that the best possible programming options will be available for this age group. Restricting opportunities for the private sector limits access to activities and sports programming for young children, which is crucial in the development of critical skills including teamwork, communication, leadership, and time management. Participation in sports programming and enrichment programs also results in higher levels of confidence and self-esteem. Furthermore, physical activities promote the physical, mental, social, and emotional well-being of a child."

- 2) *Qualifications needed to supervise children.* As noted in the Background section of this analysis, existing regulations require a person to have completed a minimum of 12 semester units of coursework in early childhood education/child development prior to supervising children in a licensed child care or preschool setting. These programs may have individuals who are not employed by the child care or preschool program provide services or instruction to children, such

as coaching children in soccer, but must be supervised by an appropriately qualified employee of the child care or preschool program. Individuals, soccer coaches for example, who provide services or instruction to children without the supervision of an appropriately qualified employee must therefore meet the qualifications of the employee (a minimum of 12 units in early childhood education/child development). This bill seeks to exempt private recreation programs from child care licensure to allow individuals who do not possess the minimum qualifications to provide services or instruction to children during program hours.

- 3) *Why are certain public programs exempt from licensing but private programs are not?* Committee staff cannot identify the legislative history to rationalize why only certain public, but not private programs are exempt from child care licensure. It may be possible that the rationale is that public programs must meet staff and programmatic requirements in regulations and other areas of law.

Should employees of license-exempt private recreation programs be required to meet any minimum qualification besides being at least 18 years old and being fingerprinted? Should this bill be amended to clarify that employees of license-exempt private recreation programs must be over 18 years old and be fingerprinted before providing services or instruction to children?

SUPPORT

Soccer Shots (sponsor)
Adventist Health Glendale
Downtown Value School
LA Canada Preschool
St. Paul's Lutheran School
304 individuals

OPPOSITION

None received

-- END --

