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# California State Senate

## EDUCATION



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## AGENDA

Wednesday, July 7, 2021  
9 a.m. – John L. Burton Hearing Room (4203)

### MEASURES HEARD IN FILE ORDER

- |   |    |         |             |   |
|---|----|---------|-------------|---|
| * | 1. | SJR 4   | Wilk        | Special education funding.  |
| * | 2. | AB 27   | Luz Rivas   | Homeless children and youths and unaccompanied youths: reporting. (Urgency)   |
| * | 3. | AB 396  | Gabriel     | CalFresh: educational programs.   |
|   | 4. | AB 417  | McCarty     | Rising Scholars Network: justice-involved students.                           |
|   | 5. | AB 498  | Quirk-Silva | Teachers: Computer Science Access Initiative.                                 |
|   | 6. | AB 762  | Lee         | Hazardous emissions and substances: schoolsites: private and charter schools. |
|   | 7. | AB 1111 | Berman      | Postsecondary education: common course numbering system.                      |

\*Proposed Consent

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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

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**Bill No:** SJR 4 **Hearing Date:** July 7, 2021  
**Author:** Wilk  
**Version:** April 19, 2021  
**Urgency:** **Fiscal:** No  
**Consultant:** Ian Johnson

**Subject:** Special education funding

### SUMMARY

This resolution memorializes the United States Congress and the President of the United States to reintroduce and enact legislation similar to H.R. 2902, introduced in 2017, or S. 866, introduced in 2019, which would fully fund the federal Individuals with Disabilities Education Act (IDEA).

### BACKGROUND

The IDEA is the primary federal program that authorizes state and local aid for special education and related services for children with disabilities. On December 3, 2004, President Bush signed the Individuals with Disabilities Education Improvement Act, a major reauthorization and revision of IDEA. The new law preserves the basic structure and civil rights guarantees of IDEA but also makes significant changes in the law.

### ANALYSIS

This resolution:

- 1) Makes the following legislative findings:
  - a) The federal Education for All Handicapped Children Act of 1975 (1975 Act) was enacted by Congress and signed into law by the President as Public Law 94-142 to address the failure of states to meet the educational needs of children with disabilities. This act, known as the federal IDEA since 1990 with the enactment of Public Law 101-476, remains the cornerstone of federal statutory mandates governing special education.
  - b) The purpose of the 1975 Act, as declared by Congress, was to ensure that all children with disabilities have available to them, within specified time periods, "a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist States and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities."
  - c) The 1975 Act authorized a maximum state funding entitlement of 40 percent, for the fiscal year ending September 30, 1982, and for each fiscal year

thereafter, of the average per-pupil expenditure in public elementary and secondary schools in the United States.

- d) Since 1975, including in the most recent amendments to Individuals with Disabilities Education Act (IDEA), Public Law 108-446, the federal Individuals with Disabilities Education Improvement Act of 2004, Congress has maintained the funding authorization at “40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States”.
  - e) The federal government has never paid its promised 40-percent share of the IDEA mandate. For many years, Congress paid less than 8 percent of the excess cost of educating children with disabilities, which forced the states and local educational agencies to cover the remaining costs. The California student population requiring special education and related services continues to grow each year.
  - f) School, disability, and parent groups have been trying for years to bring IDEA appropriations up to the authorized 40 percent of average per-pupil expenditures, the maximum any state can receive per student with disability. This effort has come to be known as “full funding,” but the effort has never succeeded.
  - g) The California Legislature, since the early 1990s, has approved a number of joint resolutions memorializing the President and the United States Congress to provide the full federal share of funding for special education programs to the states so that this state and other states will not be required to take funding from other vital state and local programs to fund this underfunded federal mandate.
  - h) In the 2018-19 school year, federal funding only represented 8.4 percent of special education costs, well short of the promised 40-percent level.
  - i) Because the promised federal funding level is not being met, the burden has fallen on states and local school districts, which leads to cuts in programs, tax increases, or both.
  - j) Federal legislation was introduced in the United States House of Representatives in 2017 and 2019, H.R. 2092 and S. 866, respectively, known as the IDEA Full Funding Act, that aimed to reach the 40-percent “full funding” level by the 2027 fiscal year through incremental increases in the federal share of funding each fiscal year.
- 2) Resolves that the Legislature respectfully memorializes the Congress and the President of the United States to reintroduce and enact legislation similar to H.R. 2902, introduced in 2017, or S. 866, introduced in 2019, which would fully fund the federal IDEA.
  - 3) Resolves that Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House

of Representatives, to the Majority Leader of the Senate, to the Chair of the Senate Committee on Budget, to the Chair of the House Committee on the Budget, to the Senate Committee on Appropriations, to the Chair of the House Committee on Appropriations, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Education.

## STAFF COMMENTS

- 1) ***Need for the bill.*** As indicated in the resolution, the federal government has never paid its promised 40-percent share of the IDEA mandate. For many years, Congress paid less than 8 percent of the excess cost of educating children with disabilities, which forced the states and local educational agencies to cover the remaining costs. The California student population requiring special education and related services continues to grow each year.
- 2) ***Funding for Individuals with Disabilities Education Act (IDEA).*** In 1975, when Congress passed the first iteration of IDEA mandating that all children with disabilities be provided a free appropriate public education in the least restrictive environment, it also indicated to states the Federal Government would provide 40 percent of the average per pupil expenditure to help offset the cost of educating eligible students. In the nearly 43 years since the law's passage, that level of funding has never been realized, leaving states in the position to find their own resources required to meet their IDEA obligations.
- 3) ***Effects of IDEA not being fully funded.*** A 2018 report by the National Council on Disability, "Broken Promises: The Underfunding of IDEA" stated that lack of fully funding IDEA has had the following impacts nationwide:

"... lack of federal support places considerable pressure on state and local budgets, resulting in a range of actions including one state placing an illegal cap on IDEA identification, districts and schools limiting hiring of personnel and providers, districts and schools restricting service hours, and districts and schools reducing or eliminating other general programs.

"There is unanimous support to increase annual federal IDEA funds and agreement that increases would allow districts to improve outcomes and use freed-up local funds to support all students. Finally, no large-scale national study has been conducted since the early 2000s, which limits researchers and policymakers' ability to understand the true costs of special education, and maintenance of effort (MOE) requirements can serve as a disincentive to districts piloting innovative or expanded services."

## SUPPORT

Association of Regional Center Agencies  
Coalition for Adequate Funding for Special Education

## OPPOSITION

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

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<b>Bill No:</b>	AB 27	<b>Hearing Date:</b>	July 7, 2021
<b>Author:</b>	Luz Rivas		
<b>Version:</b>	June 18, 2021		
<b>Urgency:</b>	Yes	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Lynn Lorber		

**Subject:** Homeless children and youths and unaccompanied youths: reporting

## SUMMARY

This bill, an urgency measure, requires local educational agencies (LEAs) to administer a housing questionnaire to identify students who are homeless, and annually report to the California Department of Education (CDE) the number of students who are homeless.

## BACKGROUND

Existing federal law:

- 1) Defines, pursuant to the McKinney-Vento Homeless Assistance Act, "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence, and includes:
  - a) Children who are sharing the housing of others due to economic hardship, are living in motels, hotels, trailer parks, or campgrounds due to the lack of alternative accommodations, are living in emergency or transitional shelters, or are abandoned in hospitals;
  - b) Children who have a primary nighttime residence not designed or ordinarily used for sleeping;
  - c) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - d) Migratory children who are living in the circumstances described above.  
(United States Code, Title 42, § 11434(a))
- 2) Defines "unaccompanied youth" to include a homeless child or youth not in the physical custody of a parent or guardian. (USC, Title 42, § 11434(a))
- 3) Requires every LEA to designate a local liaison for homeless children and youth who, among other duties, is responsible for ensuring that homeless children and youth are identified by school personnel through outreach and coordination activities with other entities and agencies, and ensuring that homeless families and homeless children and youth have access to and receive educational services for which such families, children, and youth are eligible. (USC, Title 42 §

11432(g))

- 4) Provides a homeless student with specific rights and protections, including the right to immediate enrollment, and the right to continue education at the student's school of origin for the duration of the student's homelessness, according to the child's or youth's best interest. (USC Title 42 Section 11432 (g))

Existing state law:

- 5) Provides, pursuant to the federal McKinney-Vento Homeless Assistance Act, specific rights and protections including for students experiencing homelessness, including:
  - a) Exemption from graduation requirements that are in addition to the statewide requirements; (Education Code § 51225.1)
  - b) Full or partial credit for coursework satisfactorily completed in another school by a student who is homeless, even if the student did not complete an entire course; (EC § 51225.2(b))
  - c) The option to continue their education at the school of origin through the duration of homelessness, regardless of change in residence; and (EC § 48852.7)
  - d) Immediate enrollment, even if the homeless child has outstanding fees or fines due to the school last attended or is unable to produce items normally required for enrollment, including immunization history and academic records. (EC § 48852.7)
- 6) Requires CDE and the Department of Social Services (DSS) to identify representatives from the CDE, DSS, and other state agencies who have experience in homeless youth issues to develop policies and practices to support homeless children and youth and to ensure that child abuse and neglect reporting requirements do not create barriers to the school enrollment and attendance of homeless children or youth. (EC § 48850)
- 7) Requires the CDE to provide informational materials to LEA liaisons regarding the educational rights of homeless children and youth, updates and changes to law regarding the rights of homeless students, the responsibilities of LEA liaisons, and the resources available to schools to assist homeless children and youth. (EC § 48852.5)
- 8) Requires CDE to provide training materials to LEA liaisons to assist them with providing professional development and other support to school personnel providing services pursuant to the federal McKinney-Vento Homeless Assistance Act. (EC § 48852.5)
- 9) Requires, pursuant to federal McKinney-Vento, an LEA liaison to ensure that public notice of the educational rights of homeless children and youth is

disseminated in schools that provide services pursuant to McKinney-Vento. (EC § 48852.5)

## ANALYSIS

This bill, an urgency measure, requires LEAs to administer a housing questionnaire to identify students who are homeless, and annually report to the CDE the number of students who are homeless. Specifically, this bill:

- 1) Requires LEAs to ensure that each school within the LEA identifies all homeless children and youths and unaccompanied youths enrolled at the school.

### *Housing questionnaire*

- 2) Requires LEAs to administer a housing questionnaire for purposes of identifying homeless children and youths and unaccompanied youths.
- 3) Requires LEAs, beginning by the beginning of the 2021–22 school year, to ensure that the housing questionnaire is based on best practices developed by CDE, and requires the housing questionnaire to include an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth. This bill requires the housing questionnaire to be available in paper form.
- 4) Requires LEAs to annually provide the housing questionnaire to all parents or guardians of students, and to all unaccompanied youths of the LEA.
- 5) Requires, if the primary language of a student's parent or guardian or an unaccompanied youth is not English, either of the following to occur:
- 6) The housing questionnaire to be made available in the primary language of the unaccompanied youth or the student's parent or guardian (pursuant to existing law that requires notices and such to be written in the primary language if 15 percent or more of the students enrolled in the school speak a single primary language other than English).
  - a) An appropriate translation of the housing questionnaire to be provided upon request of a student's parent or guardian or an unaccompanied youth.
- 7) Requires LEAs to collect the completed housing questionnaires that it administered, and annually report to CDE the number of homeless children and youths and unaccompanied youths enrolled.

### *Best practices*

- 8) Requires CDE to develop both of the following:
  - a) Best practices that LEAs may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled in schools of the LEA. This bill requires CDE to develop these best practices in



accordance with the federal McKinney-Vento Homeless Assistance Act and in a manner informed by relevant guidance from experts on the identification of homeless children and youths and unaccompanied youths, including, but not limited to, the United States Department of Education and technical assistance centers sponsored by the Office of Safe and Healthy Students of the United States Department of Education. This bill authorizes these best practices to include the distribution of information relating to the educational rights and resources of persons experiencing homelessness in public places that are frequently visited by homeless children and youths and unaccompanied youths.

- b) A model housing questionnaire, based on best practices that LEAs may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled at schools of the LEA.
- 9) Requires CDE to post the best practices and model housing questionnaire on its internet website.

*Technical assistance centers*

- 10) Authorizes CDE, upon appropriation of federal McKinney-Vento and/or American Rescue Plan funds, to allocate \$1.5 million to up to three county offices of education in different regions throughout the state to establish technical assistance centers to foster relationships between community partners and LEAs in each region.
- 11) Requires CDE to determine the county offices of education that will be designated technical assistance centers through a competitive process that provides each county office of education with the opportunity to apply to become a technical assistance center. Requires CDE to take into account geographic diversity and concentrations of homeless children and youths and unaccompanied youths in making this determination.
- 12) Provides that the responsibilities of a technical assistance center include but are not limited to all of the following:
- a) Creating, and facilitating the implementation of, training materials that outline the needs and challenges of, and barriers facing, homeless children and youths, unaccompanied youths, and their families.
  - b) Developing and disseminating best practices for small, midsize, and large counties to support the educational progress and academic outcomes of homeless children and youths and unaccompanied youths.
  - c) Assisting counties and LEAs in the process of ensuring accuracy in the identification of homeless children and youths and unaccompanied youths in local student information systems and using this data to report educational outcomes for homeless children and youths and unaccompanied youths who receive support services.

- d) Fostering relationships between community partners and LEAs in each region.
- 13) Requires technical assistance provided by a technical assistance center to be provided consistent with the statewide system of support.

#### *Posting of information*

- 14) Requires LEAs to create a web page or post on its website both of the following:
  - a) A list of the liaisons in that LEA and the contact information for those liaisons.
  - b) Specific information on homelessness, including but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness.
- 15) Requires schools to post on their websites, if the school has a website, the contact information for the liaison. This bill further requires a school, if it has an employee or person under contract whose duties include assisting the liaison in completing the liaison's duties, to post on its website the name and contact information for that employee or person under contract.

#### *Miscellaneous*

- 16) Requires data collected by CDE or by a LEA to be used in accordance with all state and federal laws regarding student privacy and the collection and use of student data.
- 17) Includes an urgency clause in order to provide vital assistance to unsheltered and unaccompanied students at the beginning of the 2021–22 school year.
- 18) Adds “unaccompanied youth” to existing provisions relative to homeless youth.
- 19) States legislative findings and declarations relative to the need for better coordination among child welfare, housing, and education stakeholders to alleviate barriers for students and families.

#### **STAFF COMMENTS**

- 1) *Need for the bill.* According to the author, “In 2019, Assemblywoman Rivas authored AB 16, which Governor Newsom vetoed because the administration believed CDE received enough funding to support homeless students. However, a subsequent State Audit requested by Assemblywoman Rivas, determined that ‘California LEAs are not doing enough to identify youth experiencing homelessness, even though identification is the critical first step to providing these youth with the necessary services and support.’

“CDE reports that over 400 districts in California have not identified a single homeless student. And yet, CDE estimates that these numbers are closer to 250,000 homeless youth when taking into account those who may be couch

surfing, doubling up in a single family home, or living in the garage of a house. UCLA confirmed CDE's estimates and found that over 269,000 students in the K-12 system experienced homelessness in 2019 – enough to fill Dodger Stadium almost five times over.

“Recent reports have indicated that school registration rates have dropped by over 150,000 students. If we do not have a standardized process for identifying homeless students, they will also fall through the cracks. Our schools need support from the state to fight homelessness. There is currently no standardized process for identifying homeless children – this bill will fix that. By identifying homeless children, the state can ensure CDE and districts have the ability to deliver limited resources more effectively at a time when we need it most.”

- 2) *Related state audit.* A 2019 report by the State Auditor, “Youth Experiencing Homelessness: California’s Education System for K-12 Inadequately Identifies and Supports These Youth,” found that LEAs under-identify homeless youth and CDE does not adequately monitor LEAs in this area, resulting in a lack of support being provided to students who are homeless. This bill implements many of the recommendations included in this audit, specifically:
  - a) The requirement that LEAs distribute a housing questionnaire annually.
  - b) The provision of information about rights of and resources for persons experiencing homelessness.
  - c) The requirement that LEAs post the name and contact information for the LEA’s liaison for homeless and foster youth.  
<https://www.auditor.ca.gov/pdfs/reports/2019-104.pdf>
- 3) *Technical amendment.* This bill provides: “If available, a school shall post on its internet website the contact information for the liaison.” **Staff recommends an amendment** to clarify that a school shall post this information on its website, *if the school has a website.*
- 4) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose the following costs:
  - a) One-time federal funds or Proposition 98 GF (General Fund) costs of \$1.5 million to be distributed by CDE to three county offices of education to establish technical assistance centers.
  - b) Ongoing federal funds or GF costs in the range of \$50,000 for CDE to create a model questionnaire and post best practices on its website, administer the technical assistance center grants and monitor the centers. Upfront costs would be slightly higher for one-time start-up activities of developing the questionnaire and website information and distributing and monitoring the one-time grant.
  - c) Minor one-time federal funds or Proposition 98 GF cost pressures for LEAs to ensure schools perform certain activities and for schools to perform the

activities. These activities include modification of youth housing questionnaires based on best practices provided by CDE and posting of certain information on school websites.

- d) Ongoing federal funds or Proposition 98 GF cost pressures, in the mid-to-high hundreds of thousands of dollars annually, with likely lower ongoing costs in future, for LEAs to ensure schools perform certain activities and for schools to perform the activities.
- 5) *Related legislation.* SB 400 (Jones) requires CDE to provide guidance to LEA liaisons for homeless children and youths regarding their responsibilities under federal law; develop and implement a system to verify that LEAs are providing the required training at least annually; and, develop and implement procedures for verifying key information that LEAs submit through CDE's Consolidated Application and Reporting System (CARS) to comply with federal law. SB 400 is pending in the Assembly Education Committee.

AB 408 (Quirk-Silva) requires LEAs to establish homeless education program policies consistent with state laws and update them at least every three years; require LEAs to provide specified training to classified and certified personnel; and require CDE to develop and implement a plan for monitoring the compliance of LEAs with state laws related to youth experiencing homelessness. AB 408 has not yet been heard by the Assembly Education Committee.

- 6) *Prior legislation.* AB 1937 (Luz Rivas, 2020) was substantially similar to this bill. AB 1937 was not heard due to the compressed legislative timelines.

AB 3218 (Quirk-Silva, 2020) was nearly identical to AB 408 (Quirk-Silva, 2021). AB 3218 was not heard due to the compressed legislative timelines.

AB 16 (Luz Rivas, 2019) would have required LEAs, including charter schools, to ensure that each school identifies all homeless students enrolled at the school, required the CDE to maintain 1.5 state coordinator positions for homeless education in addition to those in existence as of July 1, 2019, and required the CDE to allocate funding to three COEs to serve as technical assistance centers. AB 16 was vetoed by Governor Newsom, whose veto message read:

***I agree with the Legislature that it is critical that the State and schools do more to help ensure that our homeless students are receiving the support they need to succeed in school. That is why I supported increased funding in the 2019 Budget to the California Department of Education to improve the support for homeless students throughout the state. However, this bill adds additional costs which are better considered during the annual budget process.***

***I look forward to working with the Legislature next year on ways the State can improve its support for homeless students, one of our most vulnerable populations.***

**SUPPORT**

California Legislative Women's Caucus  
California School Boards Association  
Corporation for Supportive Housing  
Housing California  
Los Angeles County Office of Education

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

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**Bill No:** AB 396 **Hearing Date:** July 7, 2021  
**Author:** Gabriel  
**Version:** June 24, 2021  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Lynn Lorber

**Subject:** CalFresh: educational programs

### SUMMARY

This bill requires the Department of Social Services (DSS) to (1) issue a guidance letter to counties, the Chancellor's Office of the California Community Colleges (CCC), the Chancellor's office of the California State University (CSU), and the Office of the President of the University of California (UC) relative to eligibility requirements for a campus-based program to be a employment and training program that may qualify students for CalFresh eligibility, and (2) requires DSS to approve a campus-based employment and training program, as specified, and automatically approve an equivalent program operated at another campus of the same institution.

### BACKGROUND

Existing law:

- 1) Establishes, under federal law, the Supplemental Nutrition Assistance Program (SNAP) to promote the general welfare and to safeguard the health and wellbeing of the nation's population by raising the levels of nutrition among low-income households. (United States Code, Title 7, § 2011 et seq.)
- 2) Establishes, under state law, the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting specified criteria. (Welfare and Institutions Code § 18900 et seq.)
- 3) Deems, in federal regulations, an individual who is enrolled at least half-time in an institution of higher education as *ineligible* for participation in SNAP unless the individual qualifies for an exemption, as specified. (Code of Federal Regulation, Title 7, § 273.5(a))
- 4) Requires, pursuant to federal regulations, a student to meet one of the following criteria in order to qualify for an exemption to the prohibition on eligibility for SNAP benefits, including:
  - a) Be age 17 or younger, or age 50 or older.
  - b) Be physically or mentally unfit.
  - c) Be receiving Temporary Assistance to Needy Families.

- d) Be enrolled as a result of participating in the federal Job Opportunities and Basic Skills program.
  - e) Be participating in a state or federally financed work study program during the regular school year.
  - f) Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receive weekly earnings at least equal to the federal minimum wage multiplied by 20 hours; or be participating in a state or federally financed work-study program during the regular school year. (7 CFR § 273.5(b))
- 5) Provides for programs in which participation could qualify an individual for an exemption to the CalFresh student eligibility rule to include among others:
- a) An Employment and Training program subject to the condition that the course or program of study, as determined by DSS:
    - i) Is part of a program of career and technical education designed to be completed in not more than four years at an institution of higher education.
    - ii) Is limited to remedial courses, basic adult education, literacy, or English as a second language.
  - b) An Employment and Training program for low-income households that is operated by a state or local government where one or more of the components of such program is equivalent to an acceptable SNAP Employment and Training program component, as specified. (7 CFR § 273.5(b)(11)(ii) and (iv))
- 6) Requires DSS, in consultation with representatives of the Chancellor's office of the CCC, the Chancellor's office for the CSU, and offices of the Chancellors of UC campuses, the California Workforce Investment Board, county human services agencies, and advocates for students and clients, to establish a protocol to identify and verify all potential exemptions to the eligibility rule specified in current federal law, and to identify and verify participation in educational programs, as specified, that would exempt a student from the eligibility rule. (Welfare and Institutions Code § 18901.11(b))

## ANALYSIS

This bill requires DSS to (1) issue a guidance letter to counties, the Chancellor's Office of the CCC, the Chancellor's office of the CSU, and the Office of the President of the UC relative to eligibility requirements for a campus-based program to be a employment and training program that may qualify students for CalFresh eligibility, and (2) requires DSS to approve a campus-based employment and training program, as specified, and automatically approve an equivalent program operated at another campus of the same institution. Specifically, this bill:

- 1) Requires DSS, by May 31, 2022, to issue a guidance letter to counties, the Chancellor's Office of the CCC, the Chancellor's office of the CSU, and the Office of the President of the UC that does all of the following:
  - a) Clarifies the state and federal eligibility requirements for a campus-based program to be a state-approved employment and training program that qualifies for the student exemption for CalFresh eligibility.
  - b) Clarifies the application and approval process for a campus-based program to be approved by DSS as a state-approved employment and training program, including but not limited to, clarifying the supporting documents required for program approval.
- 2) Requires a campus-based program at a campus of the CCC or CSU that meets the eligibility requirements to be a state-approved employment and training program to submit a certification application for the program to DSS *on or before* September 1, 2022. This bill requires the application to list all of the campuses at which the program is available.
- 3) Requires a campus-based program that meets the eligibility requirements to be a state-approved employment and training program *after* September 1, 2022, at a campus of the CCC or CSU to submit a certification application to DSS on or before six months following the formation of the program. This bill requires the application to list all of the campuses at which the program is available.
- 4) Requests a campus-based program at a campus of the UC that meets the eligibility requirements to be a state-approved employment and training program to submit a certification application as described in # 2 and # 3, as applicable.
- 5) Requires DSS, upon receipt of a certification application from a campus-based program, to approve the campus-based program if it meets the eligibility requirements to be a state-approved employment and training program.
- 6) Requires DSS, upon its approval of a campus-based program at one campus, to automatically approve an equivalent program operated at another campus of the same postsecondary education segment.
- 7) Requires DSS, by September 1, 2023, and annually thereafter, to report to the appropriate committees of the Legislature all of the following information:
  - a) The number of state-approved campus-based employment and training programs approved pursuant to # 5 and # 6, disaggregated by name and campus.
  - b) The number of pending applications, disaggregated by name and campus.
  - c) The number of applications denied, disaggregated by name and campus, and the reason for the denials.



**STAFF COMMENTS**

- 1) *Need for this bill.* According to the author, “Nearly one in three California college students face food and housing insecurity, according to a survey by the California Student Aid Commission. Students of color are more likely than others to report needs in both areas. According to California State University (CSU), one in five CSU students experience hunger. In a survey recently conducted by the University of California Regents, it was found that one in five University of California (UC) students do not have access to adequate food or nutrition.

“Federal regulations allow a student to qualify for the [employment and training] E&T exemption, and therefore receive CalFresh benefits, if they receive equivalent E&T training from a qualifying program at an institution of higher education. Examples of qualifying components are internships, apprenticeships, on-the-job training, or continuous workshops that teach interviewing skills, resume writing, and job searching.

“Many of California’s institutions of higher education, including the CSUs, UCs, CCCs, vocational schools, and graduate schools, have programs that qualify under the E&T exemption. Unfortunately, most of these programs have not applied for certification under this exemption. Current CalFresh policy does not require higher education programs that potentially qualify under one of the student exemptions to apply for certification. Because of this, there are many programs that have not yet applied (and are probably not even aware of the E&T exemption nor their potential qualifying status), leaving a huge gap in the provision of CalFresh benefits to students.”

- 2) *CalFresh and student eligibility.* As noted in the Senate Human Services Committee analysis of this bill, in 1977, a federal law was enacted to restrict college students who are enrolled in higher education at least part-time from accessing CalFresh. This is generally known as the “student eligibility rule.” The motivation behind the rule was to prevent wealthy college students, who depend on their families for support, from accessing the social benefit. The federal definition of “student,” as it applies to CalFresh, requires that, among other things, an individual be enrolled at least “half time” at an institution of higher education which can include a business, trade, technical or vocational school at the post-high school level; or a junior, community, two-year or four-year college, university, or graduate school..

In June 2020, CDSS published “SB 77 CalFresh Student Data Report” on college student participation in CalFresh and methods for improving student participation. According to the report, in the 2018-2019 academic year, 127,360 students received CalFresh benefits. However, between 289,211 and 561,873 students were likely to be eligible but not receiving food benefits in the same academic year. The report estimated that the student participation rate in CalFresh is between 18 and 30 percent.

A student may qualify for an exemption to the CalFresh student eligibility rule if the student’s attendance can be described as part of a program to increase the

student's employability. This includes programs for students with low-income that are operated by a state or local government where one or more of the components of the program are equivalent to an employment and training component. According to DSS's All County Letter 20-09 CalFresh Student Eligibility Handbook, for a state or local government run program to qualify as an employment and training program, the program must have at least one of the following components: job retention, job search, job search training, work experience, workfare, vocational-training, self-employment training, on the job training, or education.

The DSS is required to issue guidance and maintain a non-exhaustive list of local student programs that increase employability. Institutions of higher education are *encouraged* to submit the name and description of on-campus programs to DSS to qualify as a local student program. As of June 1, 2021, there were over 200 approved programs operating in California institutions of higher education that have been approved by DSS as containing at least one employment and training component, making students who participate in these programs exempt from the CalFresh student eligibility rule.

One recommendation in the "SB 77 CalFresh Student Data Report" is to establish collaborative partnerships between DSS, the three public postsecondary education segments, and county health departments, and human service agencies.

- 3) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose the following costs:
  - a) One-time General Fund (GF) costs to DSS in the low hundreds of thousands of dollars to hire two limited term staff for two years issue guidance, review and approve campus-based employment and training programs and submit a report. Potential ongoing costs to approve additional programs beyond the September 1, 2022, deadline.
  - b) One-time Proposition 98 GF costs, of an unknown amount, to CCC and GF costs to CSU and UC to submit an application to DSS for approval. Costs would depend on the number of programs campuses operate that meet eligibility requirements to be a state-approved employment and training program.
- 4) *Related legislation.* SB 609 (Hurtado) establishes the CalFresh Employment and Training Expansion and Improvement Program to, among other things, increase the availability of CalFresh employment and training program services and increase CalFresh employment and training enrollment. SB 609 also requires DSS, to the extent permitted by federal law, to include adult education and career technical education programs in the list of programs deemed to meet the student exemptions for purpose of eligibility for CalFresh benefits. SB 609 is scheduled to be heard in the Assembly Human Services Committee on June 30.

AB 543 (Davies) requires the Trustees of the CSU and request the Regents of the UC to provide, as part of campus orientation, educational information about

CalFresh, and the eligibility requirements for CalFresh, to all incoming students for all campuses of their respective segments. AB 543 is scheduled to be heard in the Senate Appropriations Committee on July 5.

**SUPPORT**

American Federation of State, County, and Municipal Employees, AFL-CIO  
California Catholic Conference  
California Faculty Association  
California State Student Association  
California State University, Office of The Chancellor  
California Student Aid Commission  
Coalition of California Welfare Rights Organizations  
County Welfare Directors Association of California  
National Association of Social Workers, California Chapter  
University of California Student Association

**OPPOSITION**

None received

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# SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

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<b>Bill No:</b>	AB 417	<b>Hearing Date:</b>	July 7, 2021
<b>Author:</b>	McCarty		
<b>Version:</b>	February 4, 2021		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Rising Scholars Network: justice-involved students

## SUMMARY

This bill authorizes the California Community College (CCC) Chancellor's Office (CCCCO) to establish a grant program within community colleges to provide additional funds for services in support of postsecondary education for formerly and currently incarcerated students.

## BACKGROUND

Existing law:

- 1) Requires on or before March 1, 2015, the Department of Corrections and Rehabilitation (CDCR) and the CCCCCO to enter into an interagency agreement to expand access to community college courses that lead to degrees or certificates that result in enhanced workforce skills or transfer to a four-year university. The courses for inmates in a state correctional facility developed as a result of this agreement will serve to supplement, but not duplicate or supplant, any adult education course opportunities offered at that facility by the Office of Correctional Education of the CDCR.
- 2) Requires the CDCR, in collaboration with the CCCCCO, to develop metrics for evaluations of the efficacy and success of the programs developed through the interagency agreement, conduct the evaluations, and report findings from the evaluations to the Legislature and the Governor on or before July 31, 2018.
- 3) Sunsets the requirement for submitting a report on July 31, 2022. (Education Code § 84810.7).

## ANALYSIS

This bill:

- 1) Authorizes the CCCCCO to establish a program, known as the Rising Scholars Network, to enter into agreements with up to 50 community colleges to provide additional funds for services in support of postsecondary education for justice-involved students.

- 2) Requires that the Rising Scholars Network expand the number of justice-involved students participating and succeeding in the community colleges.

*Use of Funds*

- 3) Requires, to the maximum extent feasible, funds received by a community college pursuant to the bill, be used for, but not limited to, any of the following supports and services:
  - a) Provide any of the following for programs serving all justice-involved students, whether on campus or in-custody:
    - i) Academic counseling or advising that provides clear pathways.
    - ii) Academic tutoring.
    - iii) Financial aid information and application assistance.
    - iv) Frequent in person contact.
    - v) Professional development for faculty and staff.
  - b) Provide any of the following for programs serving formerly incarcerated students on campus:
    - i) Peer-to-peer support or mentoring.
    - ii) Assistance with accessing campus resources, including admissions, financial aid and student services.
    - iii) Career counseling and, as feasible, placement services.
    - iv) Assistance with accessing community resources, including record clearance, housing assistance, mental health support, and social services.
  - c) Provide either of the following for programs serving currently incarcerated or detained students:
    - i) Transitional materials and services to support students in enrollment and persistence in higher education upon release.
    - ii) Parity of academic supports and services as provided on campus.

*Regulations, goals and guidance*

- 4) Requires that the CCC Board of Governors (BOG) adopt regulations for the Rising Scholars Network that fulfill the following goals and guidance:
  - a) Participating colleges designate a staff program director, coordinator, or

liaison who has experience working with currently or formerly incarcerated students.

- b) Funded programs are supported with a dedicated campus meeting space.
- c) Funded programs build support and competency from a broad range of college stakeholders.
- d) Participating colleges offer and make accessible a range of student supports to address academic and nonacademic needs.
- e) Funded programs foster peer mentors, as applicable.
- f) Funded programs develop and maintain strong relationships with external partners, including community-based programs, probation, parole, and county jails.
- g) Participating colleges provide or connect justice-involved students, particularly those in jail or prison.
- h) Funded programs help justice-involved students apply, matriculate, and persist to graduation.

#### *Program administration*

- 5) Requires that the BOG be responsible for the administration of funds for the Rising Scholars Network and to the extent possible, services provided to justice-involved students be coordinated with, and not supplant, other services provided by the county and state.
- 6) Authorizes the Chancellor of the CCC, consistent with requirements imposed by the BOG, to designate up to 5 percent of the funds allocated pursuant to the bill for program administration, program development, and program accountability.

#### *Reporting requirements*

- 7) Requires, beginning on or before December 31, 2023, and every two years thereafter, the BOG to submit a report to the Department of Finance and all relevant legislative policy and budget subcommittees describing its efforts to serve justice-involved students and include recommendations on whether and how the Rising Scholars Network can be expanded to all community college districts and campuses.

#### *Miscellaneous*

- 8) Defines various terms for the purposes of the bill including, "Justice-Involved" to mean a person who is currently or formerly incarcerated in a California correctional facility, or currently or formerly detained in a juvenile facility.

- 9) States various findings and declarations related to the provisions of postsecondary opportunity for all Californians, including those who are justice involved.
- 10) Makes the bill's provisions contingent upon funds appropriated by the Legislature in the in the annual Budget Act or another statute.

## STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "...Justice-involved students face unique challenges as they strive to reintegrate into their communities and navigate the higher education system. 29% of the U.S. population in 2008, compared to less than 4% of formerly incarcerated people, held a college degree. This is, in part, due to a lack of support services and the absence of a sense of community for justice-involved students on college campuses. Many of these students are still under community supervision, needing to follow strict guidelines that may interfere with their schooling. Having a program on campus which understands and addresses the unique challenges justice-involved students face is essential to their success.

"Current law allows community colleges to provide resources for justice involved students that are currently or formerly incarcerated, but some of these programs are still running as pilot programs with no established framework to follow. Some community colleges that offer resources/services for justice involved students are driven by passionate professors and private funding that they have been able to secure through various grants. There is great uncertainty when it comes to what these programs would look like if the key leaders for each campus and/or the funding would not be there."

- 2) *CCC education offered to inmates.* In 2014, SB 1391 expanded access to face-to-face community college courses for incarcerated students through collaboration between the CCCs and the CDCR. Under the initial policy and funding framework of SB 1391, four pilot colleges were selected to offer instruction inside prisons. Subsequently, other colleges were able to leverage resources to provide courses inside state prisons in their local areas. In total, 19 colleges piloted credit bearing, face-to-face, degree-building education programs at 34 of the 35 CDCR state prisons. Over 5,000 students are enrolled each semester in these courses. The 2018 Budget Act provided new resources (\$5 million one-time) to the CCC to support the creation and expansion of reentry programs for formerly incarcerated persons. This bill, contingent upon funding provided by the Legislature, aims to expand student and academic support services for incarcerated and formerly incarcerated individuals enrolled at a community college program. The bill limits participation to 50 colleges.
- 3) *Program growth across higher education.* A January 2020 report published jointly by Correction to College and Stanford Law School Criminal Justice Center, *Striving for Success: The Academic Achievements of Incarcerated and Formerly Incarcerated Students in California Community Colleges*, documented the growth and efficacy of California's programs for incarcerated students. It notes that higher education participation among justice-involved student in California has

grown exponentially over the past five years, from one private program to 19 community colleges offering face-to-face degree granting courses in nearly all of the state's 35 prisons, serving almost 6,000 students. Success programs and student clubs for formerly incarcerated students on campus have also expanded from fewer than 10 to more than 50, serving over 1,000 students in 2019 at University of California (UC) and California State University (CSU) campuses and CCCs throughout the state. Additionally, UC Irvine recently launched UC's first bachelor's degree program in prison. The program is a partnership with Southwestern Community College and serves as a model for UC-community college collaboration. Within the CSU system, at least two campuses, Cal State Los Angeles and Sacramento State, offer face-to-face baccalaureate programs in the state prisons (Lancaster, Mule Creek and Folsom), with other CSU programs in development including at a women's prison in Chino. This bill only impacts community colleges.

- 4) *Related federal changes.* Incarcerated students were prohibited from applying for federal aid in the Violent Crime Control and Law Enforcement Act of 1994. A pilot program established under federal law extended eligibility for federal financial aid to some incarcerated individuals. The objective of the program, known as Second Chance Pell, was to examine how providing Pell Grants to incarcerated students influences their participation in educational opportunities and academic outcomes. This pilot program was established in 2015 and of the 67 colleges originally selected for participation, three were California colleges—Cuesta College, Chaffey College and CSU, Los Angeles. The pilot did not waive any of the other requirements for program eligibility determination. The pilot program resulted in more than 4,000 credentials, including postsecondary certificates, associate degrees, and bachelor's degrees awarded to Second Chance Pell students within a span of three-years.

On December 27, 2020, the federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021, was signed into law, which brought several significant changes to federal financial aid policy including the restoration of eligibility for incarcerated students, thereby permanently lifting the ban on Pell grant eligibility for people in prison. As a result of these changes, it is likely the student inmate population and the need for support services will grow.

- 5) *Related budget activity.* The 2021 Budget Act, AB 128 (Ting, Chapter 21, Statutes of 2021) provides \$10 million dollars to support the Rising Scholars Network pursuant to pending legislation. According to the author, this bill is the companion legislation for that allocation.
- 6) *Prior and related legislation.* SB 416 (Hueso, 2021) requires CDCR, subject to an appropriation by the Legislature, to offer college programs provided by the various California college systems or other regionally accredited, nonprofit colleges or universities in the state to state prison inmates with a GED certificate or a high school diploma, establishes a set of criteria to be used to prioritize those college programs, and defines the responsibilities of those college education providers. SB 416 is pending in the Assembly Appropriations Committee.



AB 2341 (McCarty, 2020) was similar to this bill, but was never heard in the Senate Education Committee due to shortened legislative calendar caused by the COVID pandemic.

**SUPPORT**

California Community Colleges, Chancellor's Office  
California Edge Coalition  
California Teachers Association  
Campaign for College Opportunity  
City and County of San Francisco  
Reentry Council of the City and County of San Francisco  
San Jose-evergreen Community College District  
Student Senate for California Community Colleges

**OPPOSITION**

None received.

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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

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**Bill No:** AB 498 **Hearing Date:** July 7, 2021  
**Author:** Quirk-Silva  
**Version:** June 22, 2021  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** Teachers: Computer Science Access Initiative

### SUMMARY

This bill establishes the Computer Science Access Initiative to increase the number of teachers who are authorized and trained to provide computer science (CS) instruction in California public schools.

### BACKGROUND

Existing law:

- 1) Authorizes the Commission on Teacher Credentialing (CTC) to issue single subject teaching credentials in agriculture, art, business, English, foreign language, health science, home economics, industrial and technology education, mathematics, music, physical education, science, and social science.
- 2) Through regulation, authorizes holders of credentials in mathematics, business, and industrial and technology education (ITE), as well as holders of supplementary authorizations in computer science, to teach computer science.
- 3) Authorizes the CTC to issue a multiple or single subject teaching credential with a specified concentration in a particular subject based upon the depth of an applicant's preparation in an important subject of the school curriculum in order to ensure excellence in teaching in specific subjects.
- 4) Authorizes the CTC to issue credentials for teaching specialties, including bilingual education, early childhood education, and special education. Requires education specialist teaching credentials to be based upon a baccalaureate degree from an accredited institution, completion of a program of professional preparation, and standards that the CTC may establish.
- 5) Requires the Superintendent of Public Instruction (SPI) to convene a computer science strategic implementation advisory panel (panel) to develop recommendations for a computer science strategic implementation plan, and requires the panel to submit recommendations for a strategic plan to the State Board of Education (SBE) by January 15, 2019.
- 6) Requires the plan to include, at a minimum, recommendations on all of the following:

- a) Broadening the pool of teachers to teach computer science;
  - b) Defining computer science education principles that meet the needs of students in all grades; and
  - c) Ensuring that all students have access to quality computer science courses.
- 7) Requires the Instructional Quality Commission (IQC) to consider developing and recommending to the SBE, on or before July 31, 2019, computer science content standards for kindergarten and grades 1 to 12, pursuant to recommendations developed by a group of computer science experts.
  - 8) States that, if a school district requires more than two courses in mathematics for graduation from high school, the district may award a student up to one mathematics course credit for successfully completing a "category C" approved computer science course.
  - 9) Requires the California State University, and requests the University of California, to develop guidelines for high school computer science courses that may be approved for the purposes of recognition for admission.

## ANALYSIS

This bill:

- 1) States that this bill shall be known as the Computer Science Access Initiative, the purpose of which is to increase California students' access to instruction in CS by increasing the number of teachers who are authorized and trained to provide CS instruction in California public schools.
- 2) Requires that the Computer Science Access Initiative be administered by the CTC.
- 3) Requires the CTC, on or before July 1, 2022, to award grants under this initiative for the purpose of increasing the number of teachers authorized and trained to instruct students in CS.
- 4) States that an applicant is eligible to receive up to \$2,500 per participating teacher for the purpose of paying the teacher's costs of coursework, books, fees, and tuition, as applicable.
- 5) Requires that an entity receiving a grant under the initiative provide a one-to-one match of grant funding in the form of one or both of the following:
  - a) One dollar for each dollar of grant funding received; or
  - b) An in-kind match of release time or substitute teacher costs for the participating teacher.

- 6) States that the following entities are eligible to apply for a grant under this initiative: a school district, a county office of education, a charter school, or a consortium of any combination of these.
- 7) Requires applicants for grants under this initiative to submit an application in a form and manner determined by the CTC that includes all of the following:
  - a) A demonstration of the applicant's capacity to carry out the activities necessary to meet the objectives of the initiative;
  - b) A plan detailing how the applicant will meet the purpose of the funding;
  - c) An estimate of the number of computer science supplemental authorizations the grant is expected to produce through the use of grant funding; and
  - d) Identification of any matching funds, as specified.
- 8) Requires the CTC, in awarding grants, to give priority to applications that seek to improve the availability of CS instruction to students who at the time of the application have limited opportunity to study CS, who are traditionally underrepresented in the study of computer science or who live in geographic areas that have limited access to the study of computer science.
- 9) Requires a grant recipient to submit to the CTC a report on specified outcomes of the program.
- 10) States that the implementation of this bill is contingent upon an appropriation in the annual Budget Act for purposes of this bill. States the intent of the Legislature to provide \$15 million for this purpose.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The need for computer science as part of primary education is paramount. Computer science coursework and opportunities prepare students for both careers in this fast growing field, and higher education degrees for top earning and highly valued expertise across disciplines and industry sectors. California's prosperity has been built upon a diverse and accomplished workforce, and despite a booming tech sector, California's high schools offer few of these courses. Breaking down the perception that computer science is the realm of higher education alone is vital to expanding and empowering all students and communities to pursue this field of study, and provide for a robust information technology workforce in California.

"AB 498 establishes the Computer Science Access Initiative for this purpose, directing the Department of Education to award grants for professional development and authorization of educators for computer science instruction. The goal is to ensure we have more qualified Computer Science teachers and the resources to offer coursework for our students to take full advantage of."

- 2) **Recently adopted computer science content standards.** The CDE, IQC, and SBE commenced the process for developing new California computer science content standards in September 2016. Per existing law, "on or before July 31, 2019, the IQC shall consider developing and recommending to the SBE computer science content standards for kindergarten and grades 1 to 12, inclusive, pursuant to recommendations developed by a group of computer science experts."

The IQC approved and recommended the draft computer science standards to the SBE on July 26, 2018. The SBE approved the IQC recommendation and adopted the computer science standards on September 6, 2018. The standards, while not mandatory, are expected to increase the number of computer science classes taught in California classrooms. Further, these standards are not expected to be implemented in the same way as math, English or science. Rather, they are more likely to be woven into instruction in other subject areas, akin to visual and performing arts.

- 3) **Status of the Computer Science Strategic Implementation Plan.** In 2019, the SBE adopted the California Computer Science Strategic Implementation Plan; with the following vision statement: "California's vision is to ensure that all students develop foundational knowledge and skills in computer science to prepare them for college, careers; and civic engagement."

The plan notes that "to grow K–12 CS education in California, the state will need to increase the number of teachers qualified to teach CS. Supporting more educators to teach CS would involve a multi-pronged approach that attends to credentialing, new teacher recruitment, professional learning for teachers, administrators, and counselors regarding the California CS Standards, and institutional and financial support." The plan outlines several strategies for improving the availability of computer science instruction:

- a) A grant program could be established to support teachers to complete course work for the CS supplementary authorization, with additional incentives for teachers who work in low-income and underserved school districts and rural and urban school districts.
  - b) The state could consider offering incentives for institutions of higher education (IHEs) to offer credit-bearing courses or teacher preparation programs that satisfy the CS supplementary authorization and future CS teaching credentials to help teachers learn how to teach concepts and practices aligned to the California CS Standards and differentiated for grade and skill levels. IHEs could work with CTC to establish course articulation agreements with CTC-approved teacher preparation programs.
  - c) Establishing a University of California Subject Matter Project in CS as a means of providing in-service training opportunities.
- 4) **Race, gender, and income disparities in computer science course access.** According to a 2015 report by the Level Playing Field Institute titled, *Path Not*

*Found: Disparities in Access to Computer Science Courses in California High Schools*, access to computer science courses varies considerably. The report found that in California public high schools:

- a) Of the more than half a million high school students in the largest 20 districts, just 1 percent are enrolled in any computer science course.
  - b) Nearly 75 percent of schools with the highest percentage of underrepresented students of color offer no computer sciences courses.
  - c) African-American and Latino students make up 59 percent of California high school public school students but were just 11 percent of the 2014 Advanced Placement (AP) Computer Science test takers.
  - d) Only 4 percent of schools with the highest percentage of low-income students offer AP Computer Science courses.
  - e) Only 8 percent of schools with the highest percentage of English Learners offered AP Computer Science courses.
  - f) Of the high school students who took the AP computer science exam in 2015, only 26 percent were female, 973 were Latino, and 148 were African American.
- 5) ***This bill is already included in the budget.*** This year's Education Budget Trailer Bill already includes \$15 million in one-time Proposition 98 General Fund for the CTC to administer the Computer Science Supplementary Authorization Incentive Grant Program. Like this bill, the program would be administered by the CTC, provide up to \$2,500 for each participating teacher, and require local educational agencies to provide a dollar-for-dollar local match.

Unlike this bill, the program already included in the budget would:

- a) Allow for additional entities to participate, including the State Special Schools, the Department of Youth and Community Restoration, and Regional Occupational Centers and Programs;
- b) Prioritize grant funding for schools operating within a rural district and schools serving a higher proportion of English-learning, low-income, and foster youth students;
- c) Require the CTC to provide an annual report to the Legislature and the Administration on the number of participating local educational agencies, the number of grants issued, the number of computer science supplementary authorizations issued, and the number of new computer science courses reported by grant recipients.

## SUPPORT

California Chamber of Commerce  
Los Angeles County Office of Education

**OPPOSITION**

None received

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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

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**Bill No:** AB 762 **Hearing Date:** July 7, 2021  
**Author:** Lee and Cristina Garcia  
**Version:** June 29, 2021  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** Hazardous emissions and substances: schoolsites: private and charter schools.

### SUMMARY

This bill requires charter schools and private schools to follow the same siting requirements as traditional public schools for evaluating schoolsites for potential hazardous substances, emissions, or waste.

### BACKGROUND

Existing law:

- 1) Prohibits the governing board of a school district from approving a project involving the acquisition of a school site unless the school district, as the lead agency, determines that the property to be built upon is not a current or former hazardous waste site or a hazardous substances release site and the school district has consulted with state and local agencies and made a finding that the health risks or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school; and the site does not contain one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood. (Education Code § 17213(a))
- 2) Prohibits a school district governing board from approving a project involving a school site acquisition unless the school district, in preparing an Environmental Impact Report (EIR) or negative declaration pursuant to the California Environmental Quality Act ( ), has consulted with certain entities to identify permitted and non-permitted facilities, including freeways and other busy traffic corridors, large agricultural operations, and rail yards within one quarter of a mile of a proposed school site that might reasonably be anticipated to emit hazardous air emissions. (EC § 17213(b))
- 3) Prohibits a school district governing board from approving a project involving a school site acquisition when certain environmental standards are not met unless the governing board makes one of the following written findings:
  - a) For a school site with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the



governing board determines, through specified analysis based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses a significant health risk to pupils; or

- b) The governing board finds that the specified conditions cannot be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the specified environmental safety requirements. (EC § 17213(c)((2)(C) and (D))
- 4) Prohibits the State Allocation Board (SAB) from apportioning funds to any school district, unless the applicant school district has certified to the SAB that the services of any architect, structural engineer, or other design professional for any work under the project have been obtained pursuant to a competitive process and has obtained the written approval of the California Department of Education (CDE) that the site selection, and the building plans and specifications, comply with the standards adopted by the CDE. (EC § 17070.50)
- 5) Requires the CDE to do the following:
- a) Advise the governing board of a school district on the acquisition of new schoolsites, and after a review of available plots, give the governing board of the school district in writing a list of the recommended locations in the order of their merit, considering especially the matters of educational merit, safety, reduction of traffic hazards, and conformity to the land use element in the general plan of the city, county, or city and county having jurisdiction. Authorizes the governing board of the school district to purchase a site deemed unsuitable for school purposes by the CDE only after reviewing the report of the CDE on proposed sites at a public hearing;
  - b) Develop standards for use by a school district in the selection of schoolsites and standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate, promote school safety, and provide school districts with flexibility in designing instructional facilities;
  - c) Upon the request of the governing board of a school district, review plans and specifications for school buildings in the school district and make a survey of the building needs of the school district. Requires the CDE to charge a reasonable fee not to exceed the actual administrative costs incurred for these purposes;
  - d) Provide information relating to the impact or potential impact upon a schoolsite of hazardous substances, solid waste, safety, hazardous air emissions, and other information as the CDE may deem appropriate; and

- e) Develop strategies to assist small school districts with technical assistance relating to school construction and the funding of school facilities. (EC § 17251)

## ANALYSIS

This bill:

- 1) Subjects charter schools to the same site investigation requirements as traditional public school districts before acquiring any site on which they propose to construct any school building to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only.
- 2) Prohibits the governing body of a charter school or private school from approving the acquisition or purchase of a schoolsite, or the construction of a new school, unless all of the following occur:
  - a) The city or county determines that the property is not any of the following:
    - i) A current hazardous or solid waste disposal site or a former hazardous or solid waste disposal site that has not been determined to have had the waste removed.
    - ii) A current hazardous substance release site identified by the Department of Toxic Substances Control (DTSC).
    - iii) A site that contains one or more pipelines, situated underground or aboveground, that carry hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is solely a natural gas line.
  - b) The governing body has notified in writing and consulted with the administering agency in which the proposed schoolsite is located, and with any relevant air pollution control district or air quality management district, to identify facilities within that district's authority within one-fourth of one mile of the proposed schoolsite, that could emit hazardous emissions or handle hazardous or extremely hazardous substances or waste.
  - c) The city or county makes a written finding that no significant pollution sources have been identified, one or more pollution sources have been identified but the health risks do not constitute an endangerment to public health, or any pollution sources identified have been mitigated.
  - d) One or more pollution sources have been identified, but mitigating the conditions cannot be met and the charter school or private school is unable to locate an alternative site that is suitable due to a severe shortage of sites.

- 3) Requires the California Department of Education (CDE) to provide the same guidance, standards, and recommendations on the acquisition of school sites to charter school governing bodies as they currently provide to traditional school districts.
- 4) Requires charter schools and private schools to follow the same CEQA processes as traditional public schools.

## STAFF COMMENTS

- 1) ***Need for the bill.*** The author states, "Private and some charter schools are not required to meet the same siting requirements as public schools, before building a new school. As a result, a school could potentially be built at an unsafe location near sources of hazardous emissions, substances, or waste. Consequently, the public health and safety of the students, teachers, and school employees could be put at risk. The bill would require private and charter schools to identify nearby sources of air pollution, consult with their local air districts, and meet siting requirements by evaluating the schoolsite for potential hazardous substances, hazardous emissions, or hazardous waste."

The author states that there is an abundance of research showing that children's exposure to harmful emissions is linked to health problems, including respiratory issues, and that this is even more important during a pandemic of a respiratory virus.

According to the author's office, this bill is based on concerns raised by parents in Fremont, California, where a school was permitted to be built alongside a concrete plant. The concrete plant produced 350 times more concrete than they reported to air quality regulators. As a result, the safety risk is higher than reported on the permit application to build the school.

The author further notes that in February of this year, Capital & Main reported plans to build a charter school on land containing toxic substances, including lead and arsenic.

- 2) ***Overview of the school sitting process.*** The siting of schools is not an easy process. Existing law prohibits school districts from locating public schools on land that was previously a hazardous waste disposal site, that contains pipelines that carry hazardous substances, or that is near a freeway and other busy traffic corridors and railyards that have the potential to expose students and school staff to hazardous air emissions. Existing law also requires school districts to comply with CEQA requirements, review by DTSC, and approval by the CDE to ensure the design plans meet the academic need of the school.

School districts must also comply with the Field Act, which ensures that school buildings can withstand earthquakes. School districts must submit all school design plans to the Division of State Architect to ensure that the architectural design plans meet fire, life, and safety requirements, Field Act requirements, and access requirements under the Americans with Disability Act.

Charter schools are not required to comply with school siting requirements unless they receive state school bond funds. Private schools are not subject to the requirements in the Education Code unless specified, typically related to health and safety issues.

- 3) **Arguments in support.** The Bay Area Air Quality Management District, the sponsor of the bill, states, "Existing law requires public schools to follow certain requirements before approving and building a new school. These requirements include that the public school district determines that the proposed schoolsite is not hazardous and that the public school district consults with its local air district to identify sources of air pollution that may affect the health of the children and employees at the proposed school. Doing so will ensure awareness of any harmful pollution and provide an early opportunity to mitigate its effects before or as the school is constructed.

"Unfortunately, these requirements only apply to public schools and not to private schools and some charter schools. Consequently, this has resulted in instances where schools have been built in locations near sources of pollution, unbeknownst to the children, their parents, and school employees. One of those such instances occurred in Fall 2018, when a private preschool through eighth grade school was constructed next to the Tri-City Rock concrete batch facility in Fremont, CA without consulting the Bay Area AQMD, or properly notifying the students' parents.

"In order to ensure the public health and safety of all students and school employees in California, the potential location for a new private school or charter school needs to be properly evaluated. AB 762 will achieve this by requiring that private schools and charter schools meet the same siting requirements as public schools."

- 4) **Arguments in opposition.** The California Charter School Association states, "The original intent of AB 762 was to ensure that private and charter schools were not located on or near sites of potentially hazardous emissions. The amendments extend AB 762 well beyond its original intent to include new requirements applicable to charter school projects, which if enacted will create an unreasonable and unnecessary project approval process for charter school facilities. The process of developing new charter school facilities is already exceedingly difficult, time consuming, and prohibitively expensive. As amended, this bill will increase all of those challenges, while not providing charter schools with the resources or flexibilities that are provided to districts regarding facilities access."

## SUPPORT

Bay Area Air Quality Management District  
California Association of Private School Organizations  
California Catholic Conference  
Los Angeles County Office of Education  
San Diego County Office of Education

**OPPOSITION**

California Charter Schools Association  
Charter Schools Development Center

-- END --



further requires the common course numbering system to be student-facing and ensure that comparable courses across all community colleges have the same course number. Specifically, it:

- 1) Requires, by July 1, 2023, for purposes of streamlining transfer from two – to four-year postsecondary educational institutions, both of the following to occur:
  - a) The CCCs adopt of a common course numbering system for all general education requirement courses and transfer pathway courses.
  - b) Each CCC campus incorporate into their course catalog the common course numbers from the adopted common course numbering system into each community college catalog.
- 2) Requires that the common course numbering system be student facing, based on the work of the workgroup established in the Budget Act of 2021, and ensure that comparable courses across all community college have the same course number.
- 3) Requires the workgroup established in the Budget Act of 2021 to consider starting with courses included in the existing C-ID and expanding to general education requirements and transfer pathway courses to support the development and implementation of the common course numbering system.
- 4) Allows the common course number system to have the same alphabetical identifier and same numerical identifier for each course that share the same C-ID course description, pursuant to both of the following:
  - a) For all courses included in the C-ID, the CCCs may adopt the alphabetical and numerical identifier of the C-ID course descriptor as the same common course number at all community colleges.
  - b) For all general education requirements and transfer pathway courses that are not included in the C-ID, intersegmental discipline faculty through the C-ID process may develop a C-ID course descriptor for each of these courses and adopt the common alphabetical and numerical identifier of the C-ID descriptor as the common course number, as specified.

## STAFF COMMENTS

- 1) *Need for the bill.* Community college students take courses at multiple community colleges within a district or even across districts, and many use different student-facing course numbering systems. According to the author, “The deficiency in current law is that while the Legislature has passed legislation requiring a common course numbering system at the community colleges, a student facing common course number system still does not exist.” The author further asserts that, although information on the C-ID number system’s website claims to address the need for common course numbers by providing a mechanism to identify comparable courses, students often do not see the C-ID

number or may not even know what C-ID is. In addition, courses that have the same C-ID number are still numbered differently at community colleges, which creates unnecessary confusion for students and is a barrier to timely transfer. The author argues, "AB 1111 is taking a student-driven approach (consistent with the intent of previous legislation and a recommendation from the recent Recovery with Equity Taskforce report) to develop a student facing common course numbering system at the California Community Colleges that would be easier for students to understand and navigate, saving them both time and money."

- 2) *Related reports.* Recent reports published by the Recovery with Equity Taskforce established by the Governor's Council of Post-secondary Education, and the Public Policy Institute of California, identified a need for a clear and more coherent course numbering system at CCCs to help students achieve their academic goals. In February 2021, the Recovery with Equity Taskforce released its report, "Recovery with Equity: A Roadmap for Higher Education After the Pandemic." The report provides several recommendations, including the adoption of a common course numbering system at the CCCs to align all community college courses so that students transferring to four-year institutions know, as they are pursuing their courses, that they are meeting the requirements of the receiving institutions. Similar to the requirements in this bill, it further recommends that general education courses be targeted for common course numbering by 2023. It suggests a later date, 2025, for which transfer pathway courses could be targeted for common course numbering. This bill does not offer a later deadline for transfer pathway courses. *Moving forward the author may wish to consider amending the bill to allow colleges additional time to implement common course numbering for transfer pathways as recommended by the taskforce.*

Secondly, the Public Policy Institute of California in their September 2020 report, "Increasing Community College Transfers: Progress and Barriers," found that a large gap exists between the number of students who hope to transfer and those who do (19 percent transfer within four years and 28 percent within 6 years). Further, California lacks systemwide transfer protocols, such as common course numbering and consistent lower-division requirements, across all majors and all colleges and further recommends that transfer protocol should include clearly identified and commonly numbered lower-division courses. Some progress has been made to improve articulation, but those efforts are piecemeal and campus specific. The report also found that in developing a clearly identified and commonly numbered lower-division courses, along with consistent course requirements among CCCs, UC and CSU could eliminate a lot of confusions as well as smooth the transition from CCCs to four year colleges.

- 3) *Existing course identification numbering system C-ID.* As referenced in the background of this analysis, the current C-ID system was established to meet the legislative mandate for a common course numbering system among California's public colleges and universities for the 20 highest-demand majors to facilitate articulation pathways with four-year universities and across all 115 community colleges. A goal of the system is to identify comparable courses within the community college system. For example, "ACCT 301," at American River College



and "ACCT 125" at Napa Valley College have been deemed as similar courses and share the same common C-ID number "ACCT 110." The matching C-ID number (ACCT 110) signifies that the two courses are equivalent in content and would be accepted by the other college. The C-ID structure has evolved to account for articulation between a colleges and universities--for CSU Associate Degree for Transfer pathway.

However, the common number concept can be confusing and taking a mismatched course could have consequences, especially for CCC students seeking to transfer or satisfy prerequisite course requirements among multiple community colleges. Proponents of this measure argue for the common number to be the *only* number visible to students, as such making the tool easier to understand and use. Some community colleges, but not all, do make C-ID numbering information available for student consumption. Although current law requires that common course numbering information be available in a course catalog, it is not clear why some colleges have not exercised that authority. This bill requires that a common course numbering system be adopted for *all* general education and *all* transfer pathway courses at CCCs. It additionally requires that that information be available within *each* community college course catalog. The bill further allows for integration of C-ID system descriptors and the use of its development process for building a student-facing common course numbering system.

- 4) *Related Budget Activity.* The 2021 Budget Act provides \$10 million on a one-time basis for the Chancellor's Office to allocate to a community college district to establish a workgroup that supports the development and implementation of a common course numbering system for the community college system, for the purpose of easing student course selection, promoting timely program completion, and streamlining the transfer process. This bill's provisions require that the student facing common course numbering system be based on the workgroup's work and calls upon the group to consider starting with courses included in the existing C-ID system.
- 5) *Prior legislation.* SB 1155 (Hertzberg, 2020) would have established the Los Angeles County Community Colleges Common Course Numbering Pilot Project, and would have required the chancellor to convene a pilot project task force to develop a common course numbering system in the subjects of mathematics and language arts. SB 1155 was not heard in the Senate Committee on Education due to the shortened legislative calendar caused by the COVID-19 pandemic.

SB 1415 (Brulte), Chapter 737, Statutes of 2004, required the CCC and the CSU, and authorized the University of California UC and the state's private postsecondary institutions, to adopt a common course number system for their 20 majors in highest demand by June 1, 2006. The bill required the BOG of CCC and the CSU Trustees, and requested that the UC Regents, to report to the Legislature by June 30, 2006, on the status of implementing this program and on plans to implement a common course numbering system for all other majors. The bill also required each campus of each segment to incorporate the common numbering system into its next catalog issued after June 1, 2006.

SB 450 (Solis), Chapter 493, Statutes of 1995, required the BOG of the CCC to develop, maintain, and disseminate a common numbering system for use by each community college district. The bill required the office of the Chancellor of the CCC to absorb the costs of developing, maintaining, and disseminating a general common course numbering system within the office's existing resources.

**SUPPORT**

Alliance for a Better Community  
California Competes: Higher Education for a Strong Economy  
Campaign for College Opportunity  
Community Equity Collaborative  
Council for a Strong America  
Hispanas Organized for Political Equality (HOPE)  
John Burton Advocates for Youth  
Office of Lieutenant Governor Eleni Kounalakis  
Southern California College Access Network  
Student Senate for California Community Colleges

**OPPOSITION**

None received.

**-- END --**