

Vice-Chair
Ochoa Bogh, Rosilicie

Members
Cortese, Dave
Dahle, Brian
Glazer, Steven M.
McGuire, Mike
Pan, Richard

California State Senate

EDUCATION



CONNIE LEYVA
CHAIR

Staff Director
Lynn Lorber

Principal Consultant
Brandon Darnell
Oigallia Ramirez
Ian Johnson

Committee Assistant
Lauren Robinson
Irma Kam

State Capitol, Room 2083
(916) 651-4105
FAX: (916) 324-0917

AGENDA

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

MEASURES HEARD IN FILE ORDER

- | | | | |
|-------|---------|--------------|---|
| 1. | AB 101 | Medina | Pupil instruction: high school graduation requirements: ethnic studies. |
| 2. | AB 927 | Medina | Public postsecondary education: community colleges: statewide baccalaureate degree program. |
| 3. | AB 1456 | Medina | Student financial aid: Cal Grant Reform Act. |
| 4. | AB 469 | Reyes | Pupil instruction: financial aid applications. |
| 5. | AB 520 | Gipson | Teacher retention: California Diversifying the Teacher Workforce Grant Program. |
| 6. | AB 545 | Quirk | University of California: major tax expenditures: research. |
| * 7. | AB 599 | Jones-Sawyer | Public schools: accountability: county superintendents of schools. |
| 8. | AB 928 | Berman | Student Transfer Achievement Reform Act of 2021: Associate Degree for Transfer Intersegmental Implementation Committee. |
| 9. | AB 1040 | Muratsuchi | Community colleges: ethnic studies. |
| * 10. | AB 1112 | Carrillo | Before and after school programs: cost study and advisory group.(Urgency) |
| * 11. | AB 1326 | Arambula | Public social services: county liaison for higher education. |
| * 12. | AB 1377 | McCarty | Student housing plans. |
| 13. | AB 1546 | Chau | City of Alhambra: charter amendment: Alhambra Unified School District: California Voting Rights Act.(Urgency) |

*Proposed Consent

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 101 **Hearing Date:** July 14, 2021
Author: Medina
Version: July 5, 2021
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Pupil instruction: high school graduation requirements: ethnic studies.

SUMMARY

This bill: (1) requires local educational agencies (LEAs) serving grades 9-12, commencing with the 2024-25 school year, to offer at least a one-semester course in ethnic studies; (2) adds, commencing with the 2029-30 school year, a semester-long course in ethnic studies to the list of statewide graduation requirements; and (3) expressly applies all statewide graduation requirements to charter schools.

BACKGROUND

Existing law:

- 1) Establishes statewide high school graduation requirements, which include, among other requirements, three courses in English and three courses in social studies, and authorizes school districts to establish additional requirements for graduation. (Education Code § 51225.3)
- 2) Requires the Instructional Quality Commission (IQC) to develop, and the State Board of Education (SBE) to adopt, modify, or revise, a model curriculum in ethnic studies. (EC § 51226.7)
- 3) Requires the IQC to submit the model curriculum by December 31, 2020 to the SBE for adoption, and the SBE to adopt the model curriculum by March 31, 2021. (EC § 51226.7)
- 4) Requires the model curriculum to be developed with participation from faculty of ethnic studies programs at universities and colleges with ethnic studies programs and a group of representatives of LEAs. (EC § 51226.7)
- 5) Requires that the model curriculum be written as a guide to allow school districts to adapt their courses to reflect the student demographics in their communities, and include examples of courses offered by LEAs that have been approved as meeting A-G admissions requirements including, to the extent possible, course outlines for those courses. (EC § 51226.7)
- 6) Encourages each school district or charter school maintaining any of grades 9 to 12, inclusive, that does not otherwise offer a standards-based ethnic studies curriculum, beginning in the school year following the adoption of the model

- curriculum, to offer to all otherwise qualified pupils a course of study in ethnic studies based on the model curriculum. (EC § 51226.7)
- 7) Requires a school district or charter school that elects to offer a course of study in ethnic studies pursuant to the model curriculum to offer the course as an elective in the social sciences or English language arts and to make the course available in at least one year during a pupil's enrollment in grades 9 to 12, inclusive. (EC § 51226.7)
 - 8) States the intent of the Legislature that LEAs submit course outlines for ethnic studies for approval as "A-G" courses which meet the admissions requirements of the University of California (UC) and the California State University (CSU). (EC § 51226.7)
 - 9) Prohibits the governing board of a school districts from adopting any instructional materials for use in the schools that, in its determination, contain:
 - a) Any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, occupation, or because of a protected characteristic listed in the Education Code.
 - b) Any sectarian or denominational doctrine or propaganda contrary to law. (EC § 60044)
 - 10) Provides that no person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid. (EC § 220)
 - 11) Requires the CSU, commencing with the 2021-22 academic year, to (1) provide courses in ethnic studies at each of its campuses; and (2) require, as an undergraduate graduation requirement commencing with students graduating in the 2024-25 academic year, the completion of, at minimum, one three-unit course in ethnic studies. (EC § 89032)

ANALYSIS

This bill: (1) requires LEAs serving grades 9-12, commencing with the 2024-25 school year, to offer at least a one-semester course in ethnic studies; (2) adds, commencing with the 2029-30 school year, a semester-long course in ethnic studies to the list of statewide graduation requirements; and (3) expressly applies all statewide graduation requirements to charter schools. Specifically, this bill:

- 1) Adds, commencing with the 2029–30 school year, a one-semester course in ethnic studies, based on the model curriculum, to the list of statewide graduation requirements.

- 2) Authorizes a pupil, subject to the course offerings of an LEA, to fulfill the requirement above through the completion of either of the following types of courses:
 - a) A course based on the ethnic studies model curriculum adopted by the SBE.
 - b) An existing ethnic studies course.
 - c) An ethnic studies course taught as a part of a course that has been approved as meeting the A-G requirements of the UC/CSU.
 - d) A locally developed ethnic studies course approved by the governing board of the school district or the governing body of the charter school.
- 3) Prohibits a course that does not use ethnic studies content as the primary content through which the subject is taught from being used to satisfy the ethnic studies graduation requirement.
- 4) Provides that a pupil completing an ethnic studies course taught as a course in another subject shall also accrue credit for coursework in the subject that the course is offered, including, if applicable, credit towards satisfying a course required for a diploma of graduation from high school.
- 5) Requires instruction and materials for such an ethnic studies course to meet all of the following requirements:
 - a) Be appropriate for use with pupils of all races, religions, genders, sexual orientations, and diverse ethnic and cultural backgrounds, pupils with disabilities, and English learners.
 - b) Not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons on the basis of any category protected the Education Code.
 - c) Not teach or promote religious doctrine.
 - 6) Expressly authorizes LEAs to require a full-year course in ethnic studies at its discretion.
- 6) Deletes language encouraging LEAs to offer an ethnic studies course after the adoption of the ethnic studies model curriculum and instead requires LEAs, commencing with the 2025-26 school year, to offer at least a one-semester course in ethnic studies.

STAFF COMMENTS

- 1) ***Need for the bill?*** According to the author's office, "The goal of AB 101 is to allow all students to gain knowledge of one's history and community while also helping students feel more connected and empowered by the curriculum. Studies have proven that attendance, GPA of at-risk high school students have improved when culturally relevant pedagogy is added to the curriculum."
- 2) ***Previous successive vetoes by two different Governors.*** This bill is the third attempt to require a high school ethnic studies graduation requirement. The two previous bills: AB 2772 (Medina, 2018-19 Session) and AB 331 (Medina, 2019-2020 Session) were each vetoed. Most recently, Governor Newsom's veto message for AB 331, which was substantially similar to this bill, stated:

"This bill would require a course that incorporates ethnic studies as its primary content as a high school graduation requirement starting in the 2029-30 school year.

I value the role ethnic studies plays in helping students think critically about our history and understand the experience of marginalized communities in our state. This academic discipline will help prepare our young adults to become civically engaged and participate fully in our democracy. For these reasons, I already signed AB 1460, which will mandate ethnic studies as a graduation requirement for the California State University system.

I appreciate the amendments the author accepted to ensure that any ethnic studies coursework is free of bias and discrimination. I am also pleased that many more schools and districts have recently joined the hundreds of schools across our state that have adopted ethnic studies courses, and we intend to support these schools with professional development resources.

This bill, however, would require ethnic studies to be taught in high school at a time when there is much uncertainty about the appropriate K-12 model curriculum for ethnic studies. I have been closely monitoring the progress of the development of the K-12 ethnic studies model curriculum. Last year, I expressed concern that the initial draft of the model curriculum was insufficiently balanced and inclusive and needed to be substantially amended. In my opinion, the latest draft, which is currently out for review, still needs revision.

I am directing staff in my Administration to work with State Board of Education President Linda Darling-Hammond and State Superintendent of Public Instruction Tony Thurmond to ensure that the draft ethnic studies model curriculum achieves balance, fairness, and is inclusive of all communities.

In California, we don't tolerate our diversity. We celebrate it. That should be reflected in our high school curriculum. I look forward to our model curriculum achieving these goals."

- 3) ***Ethnic studies model curriculum recently adopted.*** As noted above and as referenced by Governor Newsom's veto of AB 331, existing law requires the development of an ethnic studies model curriculum and it was finally adopted by the SBE on March 18, 2021.

The development process elicited controversy, as there were concerns over which groups the ethnic studies model curriculum would ultimately include, and on some of the specifics within the initial draft. After public comment periods and a revision, the California Department of Education (CDE) ultimately recommended that the model curriculum increase the breadth and depth of the four foundational disciplines of ethnic studies—African American Studies, Asian American Studies, Chicana/o/x Latina/o/x Studies, and Native American Studies. Additionally, the CDE proposed updating and expanding an existing set of resources—where all sample lessons are housed—to further reflect California's diversity by offering instructional materials that raise the voices of many identities whose experiences intersect with the core disciplines of ethnic studies, such as Arab Americans, Armenian Americans, Jewish Americans, and Sikh Americans.

- 4) ***Research on academic value of ethnic studies.*** As noted in the Assembly Education Committee analysis, a review by the National Education Association found that "there is considerable research evidence that well-designed and well-taught ethnic studies curricula have positive academic and social outcomes for students." Another recent analysis found "a consistent, significant, positive relationship between [Mexican American Studies] participation and student academic performance." A 2016 study from Stanford University (published as a working paper) on the effects of an ethnic studies curriculum piloted in several San Francisco Unified School District (SFUSD) high schools found that assignment to a year-long 9th grade ethnic studies course was associated with an increase of ninth-grade student attendance by 21 percentage points, grade point average (GPA) by 1.4 grade points, and credits earned by 23. The authors conclude that "these surprisingly large effects are consistent with the hypothesis that the course reduced dropout rates and suggest that culturally relevant teaching, when implemented in a supportive, high-fidelity context, can provide effective support to at-risk students." They also note, "the implementation of ethnic studies in SFUSD was, arguably, conducted with a high degree of fidelity, forethought, and planning. In particular, it appeared to draw upon the work of a core group of dedicated teachers, engaging in a regular professional learning community, with outside support from experts in the subject to create and sustain the program. As scholars from a number of disciplines have noted, the effects of such smaller-scale interventions are often very different when the same policies are implemented at scale."
- 5) ***Guardrails or detour?*** This bill requires ethnic studies instruction and the associated instructional materials to not reflect or promote, directly or *indirectly*, any bias, bigotry, or discrimination against any person or group of persons on the

basis of any category protected by the Education Code, such as disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, among others. These provisions go further than similar anti-discrimination guardrails in existing law for all other programs, activities, and instructional materials.

At present, at least five states: Idaho, Iowa, Oklahoma, Tennessee, and Texas have enacted legislation to restricting instruction related to race. Many other states have seen similar legislation introduced.

While the intent of the guardrail provisions in this bill are not likely the same as the motivations in those states, their ultimate effect may be similar. In this state, at the high school level, there are no state adopted instructional materials – and at every level, an LEA is free to adopt any instructional materials that it so chooses, so long as those materials comply with certain requirements.

As it relates to ethnic studies only, those requirements would now include a requirement that instructional materials not reflect any indirect bias against any group of people. More pressingly, the requirements would also apply to the instruction itself. “Indirect” is a standard as vague as it is broad. It is not difficult to see how these provisions could provide an opportunity for some to force a chilling effect on any version of ethnic studies instruction that attempts to dive below the surface. *The committee may wish to consider* the value of establishing a separate, higher standard for ethnic studies instruction and instructional materials.

- 6) **Funding for resources in the budget.** As noted above, the state does not adopt instruction materials at the high school level; each school district, county office of education, and charter school adopts their own, so long as those materials comply with specified requirements, including existing anti-discrimination provisions. An example of current instruction materials used in ethnic studies courses is Ronald Takaki’s, *A Different Mirror for Young People: A History of Multicultural America*, which is used by some LEAs, including Los Angeles Unified School District, Paso Robles Unified School District, and Visalia Unified School District. SB 130 (Skinner, 2021), which is pending before the Governor, includes \$5,000,000 for the CDE to, among other things, provide access to an online repository of resources to support ethnic studies courses.
- 7) **Ethnic studies enrollment.** Enrollment in, and course offerings of, ethnic studies courses has been growing in recent years, but a significant number are not approved as meeting “A-G” admissions requirements of the UC and the CSU systems, particularly those offered as social science courses. In order for courses to receive approval, course outlines must be submitted to, and approved by, the UC. In recognition of this problem, the statute authorizing the development of the model curriculum in ethnic studies requires that it include examples of courses “A-G” approved courses, including course outlines for those courses, to the extent feasible.

The CDE data on course enrollment and offerings in ethnic studies indicates the following:

- In 2018-19, 26,218 students were enrolled in ethnic studies courses (social science and English language arts combined), up from 8,678 in 2014-15.
 - In 2018-19, 1,307 ethnic studies courses (social science and English language arts combined) were taught in 396 schools, compared with 696 courses in 177 schools in 2014-15.
- 8) **Capacity questions.** Requiring students to complete a course in ethnic studies as a condition of graduation necessitates that each high school offers sufficient sections of ethnic studies courses to each student that attends high school. Based on the CDE data above, of the 1,881,086 students enrolled in high school in the 2018-19 school year, just 1.4 percent were enrolled in an ethnic studies course. Accordingly, this means that schools will have to significantly ramp up ethnic studies course offerings, and do so quickly, in order to meet the 2029-30 school year deadline in the bill. With these figures in mind, *the committee may wish to consider:*
- a) Whether school districts, county offices of education, and charter schools have sufficient resources to offer an ethnic studies course and instructional materials for each student?
 - b) Are there enough appropriately credentialed teachers to teach ethnic studies to each student that attends high school?
 - c) Do students have sufficient flexibility in their schedules to absorb an additional required course while retaining the freedom to explore elective courses and career technical education courses or pathways?
 - d) Do additional graduation requirements potentially crowd out or discourage other local graduation requirements? According to the CDE “most school districts in California require between 22 and 26 one-year courses (or the equivalent) for graduation.” The state requires a minimum of 13 courses.
- 9) **Existing state and local graduation requirements.** Since the 1986-87 school year, the Education Code has required students receiving a diploma from a California high school to have completed all of the following one-year (unless otherwise specified) courses while in high school:
- Three courses in English.
 - Two courses in mathematics, including one year of Algebra I.
 - Two courses in science, including biological and physical sciences.
 - Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course

in American government and civics, and a one-semester course in economics.

- One course in visual or performing arts, foreign language, or commencing with the 2012-13 school year, career technical education.
- Two courses in physical education.

Additionally, existing law authorizes local school district governing boards to impose additional graduation requirements beyond the state-mandated graduation requirements, and several school districts have recently made completion of a course in ethnic studies a local graduation requirement. Among them are Montebello Unified School District, El Rancho Unified School District, Sacramento City Unified School District, and Coachella Valley Unified School District.

It should be noted the Legislature has considered a burgeoning list of subjects for a new graduation requirement in recent years, including financial literacy, service learning, health, and now, ethnic studies. Additionally, the Legislature has authorized Advanced Placement (AP) computer science to count toward local math graduation requirements beyond the state requirements, and expanded the foreign language or visual and performing arts requirement to also be satisfied by a career technical education course. Moreover, other bills have attempted to revise the number of courses required for certain existing subjects. *The committee may wish to consider* whether all of these measures – taken together – as well as the differences between the state minimum requirements and the CSU/UC requirements, indicate a need to revisit the state graduation requirements as a whole and perhaps make appropriate changes, including the addition of new requirements in existing and new subjects.

- 10) ***College level ethnic studies requirements.*** Last year, the Legislature passed, and the Governor signed into law, AB 1460 (Weber, Chapter 32, Statutes of 2019), which requires the CSU, commencing with the 2021-22 academic year, to (1) provide courses in ethnic studies at each of its campuses; and (2) require, as an undergraduate graduation requirement commencing with students graduating in the 2024-25 academic year, the completion of, at minimum, one three-unit course in ethnic studies.

This session, the Legislature is also considering AB 1040 (Muratsuchi, 2021), which requires that the California Community Colleges, by the 2022-23 academic year, offer at least one course in ethnic studies at all of its campuses, and requires each community college district, by the 2024-25 academic year, to require the completion of at least one three-unit course in ethnic studies as a requirement to obtain an associate degree. AB 1040 is scheduled to be heard in this committee on July 14, 2021.

If both this bill and AB 1040 were to be enacted, a California student that graduates from a California public high school, earns an associate degree, and ultimately graduates from a CSU, will have been required to take at least two ethnic studies courses. The bill does require the units earned by students for

successful completion of an ethnic course at a community college to be eligible for transfer to count toward a baccalaureate degree and, if applicable, to meet the ethnic studies general education graduation requirements at the CSU.

The committee may wish to consider whether these efforts are unintentionally duplicative of the overall goal, and if so, at what level it is most impactful to direct those efforts. However, it would also be fair to note that not every student in a community college attended a public school and not every associate degree recipient matriculates to a CSU. Further, there may also be value in revisiting ethnic studies in college after an initial exposure to it in high school.

- 11) ***Do the existing statewide graduation requirements apply to charter schools?*** According to the CDE, whether students at a California approved charter school are required to complete the 13 minimum courses mandated for graduation “depends on a variety of factors.” This bill eliminates that ambiguity to clarify that charter school students, like all other public school students, are subject to the statewide graduation requirements. This is analogous to other statewide requirements that are applicable to charter schools, including that charter schools provide instruction that meets all statewide academic content standards and conduct statewide assessments. However, ***staff recommends a technical amendment*** to clarify that charter schools may also require additional local graduation requirements, just as school districts are authorized to do.
- 12) ***Similar efforts in other states.*** California would not be the first state to consider increasing ethnic studies instruction. Beginning last fall, as a result of Senate Enrolled Act 337, all high schools in Indiana were required to offer an ethnic and racial studies elective course at every school. In Oregon, as a result of House Bill 2845, an advisory group is developing ethnic-studies standards into existing statewide social-studies standards where “it fails to recognize the histories, contributions and perspectives of ethnic minorities and social minorities.” The Oregon Department of Education is currently developing ethnic studies standards. While these efforts are similar, they do not go as far as this bill in requiring ethnic studies as its own graduation requirement.
- 13) ***Ethnic studies course outlined in History-Social Science framework.*** The History-Social Science Framework adopted by the SBE in 2016 describes high school elective courses in ethnic studies as follows:

“Ethnic studies is an interdisciplinary field of study that encompasses many subject areas including history, literature, economics, sociology, and political science, among others. In this course, students focus on an in-depth comparative study of the history, politics, culture, contributions, challenges, and current status of ethnic groups in the United States. It is also important for students to learn the national origins of ethnic groups and their transnational linkages. In Ethnic Studies, students examine the process of racial and ethnic formation of ethnic minorities in a variety of contexts: political, legal, social, historical, economic, and cultural. The course concentrates, to a great extent, on the experiences of various ethnic minorities in the United States and

the ways in which their experiences were impacted by the issues of race, ethnicity, class, gender, and the interaction among different ethnic groups. Students will also address how individuals within specific ethnic groups think and feel about themselves and their group as it can be represented by literature, memoirs, art, and music. To understand ethnic identity in their local communities, students can volunteer with local community organizations and centers that serve specific ethnic populations.”

In addition, many of these concepts are incorporated throughout the newly adopted framework. For example, as described in the framework's executive summary, “Students in first grade develop a deeper understanding of cultural diversity and learn to appreciate people from various backgrounds and the many ways of life that exist in the larger world.” At the high school level, one of the four themes in eleventh grade is “changes in racial, ethnic, and gender dynamics in American society.”

- 14) ***Other related and previous legislation.*** AB 2772 (Medina, 2018-19 Session) was substantially similar to this bill an earlier version but ultimately would have established a three-year grant program to require the CDE, contingent upon funding, to award grants to school districts to fund a semester- or year-long course in ethnic studies as part of a local graduation requirement in ethnic studies that is applicable to all students. AB 2772 was vetoed by Governor Brown, who stated:

“This bill establishes a three-year grant program for school districts that require ethnic studies in order to graduate.

School districts already can, and are, requiring ethnic studies for graduation. While I recognize the value of these courses, I am reluctant to encourage yet another graduation requirement, especially when students are already overburdened by multiple tests and endless hours of homework.”

AB 2016 (Alejo, Chapter 327, Statutes of 2016) required the development of a model curriculum in ethnic studies and required school districts which elect to offer one course in ethnic studies to make the course available in at least one year during a student's enrollment in grades 9-12.

AB 1689 (Low, 2015-16 Session) would have required, beginning with the high school class of 2022-23, that at least one of the courses required for graduation include a service-learning component. This bill was held in the Assembly Appropriations Committee.

AB 524 (Low, 2015-16 Session) would have required, beginning with the high school class of 2020-21, that at least one of the courses required for graduation include a service-learning component. This bill was held in the Assembly Appropriations Committee.

SUPPORT

State Superintendent of Public Instruction Tony Thurmond
California Latino Legislative Caucus
California Association for Bilingual Education
California Association of Black School Educators
California Association of Student Councils
California Department of Insurance
California Federation of Teachers
California Teachers Association
Californians Together
Compton Unified School District
Dolores Huerta Foundation
Fresno Unified School District
Hispanic Association of Colleges and Universities (HACU)
Latino Policy & Politics Initiative; the
League of Women Voters of California
Monterey County
National Association of Social Workers, California Chapter
NextGen California
Office of the Riverside County Superintendent of Schools
Peace and Freedom Party of California
San Diego Unified School District
San Francisco Unified School District
Simi Valley Unified School District
Student Senate for California Community Colleges
The Education Trust - West
Unidosus

OPPOSITION

Amcha Initiative
American Association of Jewish Lawyers and Jurists
American Council of Trustees and Alumni
American Truth Project
Americans for Peace and Tolerance
B'nai B'rith International
Black Americans for Inclusive Ethnic Studies
Bulldogs for Israel (Brooklyn College)
California Association of Scholars
California Family Council
Californians for Equal Rights
California Right to Life Committee, Inc.
Californians for Equal Rights
CAMERA on Campus
Campus Anti-Semitism Task Force of the North Shore
Capitol Resource Institute
Chinese American Citizens Alliance Orange County
Christians and Jews United for Israel
Club Z

Coalition for Jewish Values
Committee for Accuracy in Middle East Reporting and Analysis (CAMERA)
Concerned Women for America
Creative Community for Peace
CUFI on Campus
Davis Faculty for Israel
Eagles Wings
Education Without Indoctrination
Educators for Quality and Equality
Endowment for Middle East Truth (EMET)
Facts and Logic About the Middle East (FLAME)
Fuel for Truth
Herut North America, U.S. Division
Hillel of Silicon Valley
Institute for Black Solidarity with Israel
Iranian American Jewish Federation
Iranian Jewish Women's Organization
Israel Peace Initiative (IPI)
Jewish American Affairs Committee of Indiana (JAACI)
Jewish War Veterans of the USA
Latinx for Quality Education
Magshimey Herut
Michigan Jewish Action Council
Middle East Forum
Middle East Political and Information Network (MEPIN)
National Christian Leadership Conference for Israel
National Jewish Advocacy Center
North Carolina Coalition for Israel
Pacific Justice Institute
Parents Defending Education
Proclaiming Justice to the Nations
Rabbinical Alliance of America
Real Impact
Rhode Island Coalition for Israel
Russian Jewish Community Foundation
San Diego Asian Americans for Equality
Scholars for Peace in the Middle East
Students and Parents Against Campus Anti-Semitism
Students Supporting Israel National 4
The Israel Christian Nexus
The Israel Group
The Lawfare Project
World Jewish Congress North America
Young Jewish Conservatives
Zachor Legal Institute
Zionist Organization of America
Numerous individuals

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 927	Hearing Date:	July 14, 2021
Author:	Medina and Choi		
Version:	July 5, 2021		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Public postsecondary education: community colleges: statewide baccalaureate degree program.

SUMMARY

This bill removes the cap on the total number of baccalaureate degree programs allowed within the California Community College (CCC) system and eliminates the January 1, 2027 sunset date of the statewide baccalaureate degree pilot program, thereby permanently authorizing the offering of baccalaureate degree programs at CCCs.

BACKGROUND

Existing law:

- 1) Differentiates the missions and functions of public and independent institutions of higher education. Under these provisions:
- 2) The primary mission of the California State University (CSU) is required to offer undergraduate and graduate instruction through the master's degree. The CSU is authorized to establish two-year programs only when mutually agreed upon by the Trustees and the CCC Board of Governors. The CSU is also authorized to jointly award the doctoral degree with the University of California (UC) and with one or more independent institutions of higher education.
- 3) The UC is authorized to provide undergraduate and graduate instruction and has exclusive jurisdiction in public higher education over graduate instruction in the professions of law, medicine, dentistry and veterinary medicine. The UC is also the primary state-supported academic agency for research.
- 4) The independent institutions of higher education are required to provide undergraduate and graduate instruction and research in accordance with their respective missions.
- 5) The mission and function of the CCC is the offering of academic and vocational instruction at the lower division level, and the CCC are authorized to grant the Associate in Arts and the Associate in Science degrees. The community colleges are also required to offer remedial instruction, English as a Second Language instruction, and adult noncredit instruction, and support services which help students succeed at the postsecondary level. (EC § 66010.4)

- 6) Authorizes the Board of Governors of the CCC, in consultation with the CSU and the UC, to establish baccalaureate degree pilot programs that do not duplicate a baccalaureate degree program offered by the CSU or UC, at up to 15 community college districts, with one baccalaureate degree program each, as specified, to be determined by the Chancellor of the CCC. Completion of an independent evaluation by the Legislative Analyst's Office (LAO) is also required, and existing law sunsets the program on July 1, 2026. (EC § 78040 et seq.)

ANALYSIS

This bill removes the cap on the total number of baccalaureate degree programs allowed within the CCC system and eliminates the sunset date on the statewide baccalaureate degree pilot program, thereby permanently authorizing the offering of baccalaureate degree programs at CCCs. Specifically, this bill:

- 1) Extends the operation of the statewide baccalaureate degree pilot program indefinitely, and authorizes previously-approved programs to continue operating.
- 2) Removes limitations allowing no more than 15 CCC programs to offer baccalaureate degrees and no more than one campus within the district to offer a baccalaureate degree program.
- 3) Establishes an application and review process conducted by the CCC Chancellor's office that allows for approval of a total of 30 CCC baccalaureate degree programs per year, as specified. The bill further requires the CCC Chancellor's Office take a minimum of 30 working days to validate the submitted information and assess the workforce value of the proposed baccalaureate degree program.
- 4) Requires that a CCC seeking approval to offer a baccalaureate degree program provide evidence of unmet workforce needs to the CCC Chancellor's Office, as specified.
- 5) Continues to prohibit a CCC from offering a baccalaureate degree program or program curricula already offered by the CSU or the UC.
- 6) Requires the CCC Chancellor's Office to consult with and seek feedback from the Chancellor of CSU, and the President of the UC, on proposed baccalaureate degree programs and whether they are duplicative of existing baccalaureate programs offered at CSU or UC.
- 7) Establishes a process whereby the CSU and UC submit written objections with supporting evidence to the CCC Chancellor's Office, if the CSU or UC believe there to be program duplication. The bill further requires, upon receipt of written objections, the CCC Chancellor to convene the applicant and objector(s) to establish a written agreement before the program is approved.
- 8) Requires a CCC to continue to offer an associate degree program in the same academic subject for which a baccalaureate degree program has been approved,

unless the Chancellor has approved the elimination of the associate degree program, as specified.

- 9) Strikes obsolete provisions on statewide evaluations of the pilot program.
- 10) Makes other technical and conforming changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "In 2014, SB 850 (Chapter 747) added and repealed Article 3 (commencing with Section 78040) of Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code, relating to public postsecondary education. Commencing January 1, 2015, this policy authorized the board of governors, in consultation with the CSU and the UC, to establish a statewide baccalaureate degree pilot program at not more than 15 community college districts, with one baccalaureate degree program each, to be determined by the chancellor and approved by the board of governors.

"The current baccalaureate degree statute is set to expire July 1, 2026 creating questions from students that are seeking to enter into the four-year programs as to whether or not the program will continue as they move through. Additionally, there is a need to expand the number of colleges that are authorized to offer baccalaureate degree programs and the number of these programs that colleges can offer.

"By 2030, if current trends continue, 38% of jobs will require at least a bachelor's degree – this is only increasing. More and more, the baccalaureate degree is becoming the required degree for entry-level work. However, if education trends suggest that only 33% of working-age adults in California will have a bachelor's degree by 2030. This is a shortfall of 1.1 million college baccalaureate degree graduates. Community colleges can help to fill this gap as they account for over half of all California undergraduate enrollment.

"The current 15 programs have been open for students for over five years now and have graduated and placed hundreds of students in high-paying, quality jobs. These programs have been additive to what California's four-year institutions offer, not duplicative. Under AB 927, this policy would continue, as language would specifically prohibit duplication with CSU and UC programs. Additionally, the consultation process would require linkages to the workforce and applicants to demonstrate a local workforce need prior to approval."

- 2) ***Status of existing pilot.*** Senate Bill 850 (Block, Ch. 747, Stats. 2014) authorized the Board of Governors, in consultation with the CSU and the UC, to establish a baccalaureate degree pilot program. The pilot program allows up to 15 participating community college districts to offer one baccalaureate degree program each to meet local workforce needs as long as it does not duplicate a baccalaureate degree program already offered by the CSU or the UC. The

Legislative Analyst's Office (LAO) conducted interim and final evaluations of the pilot program, which were due on July 1, 2018, and February 1, 2020, respectively. SB 850 provisions sunset July 1, 2026.

Under SB 850, the four-year degree programs must be up and running by the 2017-18 academic year. Below is the list of colleges that were selected to participate in the pilot:

1. Antelope Valley College (airframe manufacturing technology)
2. Bakersfield College (industrial automation)
3. Cypress College (mortuary science)
4. Feather River College (equine industry)
5. Foothill College (dental hygiene)
6. Mesa College (health information management)
7. Mira Costa College (biomanufacturing)
8. Modesto Junior College (respiratory care)
9. Santa Ana College (occupational studies)
10. Shasta College (health information management)
11. Skyline College (respiratory care)
12. West Los Angeles College (dental hygiene)
13. Rio Hondo College (automotive technology)
14. Santa Monica College (interaction design)
15. Solano Community College (biotechnology)

According to the report, of the 15 colleges, 10 started offering classes for their baccalaureate degree pilot programs in fall 2016; the 5 remaining colleges began offering classes fall 2017. At its height, the overall participation level for 15 programs combined reached 699 students.

- 3) ***Program evaluation by the LAO.*** SB 850 additionally directed the LAO to conduct interim and final evaluations of the pilot program, which were due on July 1, 2018, and July 1, 2020 (date moved up by subsequent legislation), respectively, before the pilot program sunsets. The final evaluation was released ahead of schedule in February 2020. SB 850 directed LAO to include in its report, among other things, an evaluation of completion rates, the impact of baccalaureate degree pilot program on underserved and underprepared students, information on job placement of graduates and recommendations on whether and how the statewide baccalaureate degree pilot program can or should be extended and expanded. Key findings and recommendations of the final evaluation that are relevant to the provisions in this bill include the following:

Summary of Findings

- Highpoints. Community college bachelor's degree programs are offered at a relatively low cost for students and of the student's surveyed 51 percent noted that they would not have pursued a bachelor's degree otherwise. Students enrolled in a bachelor's degree pilot program with an associate degree in the same major have an easier educational pathway toward degree completion.

The report also found no general concern with academic quality or rigor of the pilot programs. The programs have been designed to teach concepts and skills that would be immediately relevant in related industries.

- **Challenges.** The LAO assessed whether programs met industry needs. Based on their review and as noted in the evaluation, 7 of the 15 programs showed signs of meeting workforce needs. For 8 of the 15 programs, there was little evidence that the programs addressed workforce needs and that graduates from these pilot programs were better prepared to fill positions compared to those with bachelor's degrees or that the program graduates were helping employers fill hard to staff positions.
- **Concerns.** The report noted that the programs are relatively small, 6 programs averaged less than 15 students per cohort. Low enrollment levels after three or four years of operation suggests student demand for bachelor's degrees in the particular fields selected is limited.

Several concerns were identified with the application review process, primarily due to the accelerated time line set by the CCC Chancellor's Office. This resulted in weak validation and review process of proposed programs and their workforce value. Additionally, the Chancellor's Office provided CSU with little information about each program and a short window to allow feedback despite the requirement for consultation with the CSU.

4) *LAO recommendations.* In addition to the findings listed above, the LAO provides several recommendations, including alternatives to authorizing CCC bachelor's degree programs and improvements if the Legislature were to make existing programs permanent or authorize new programs. Below is a summary recommendations for making improvements to the current authority of CCC bachelor's degree programs which are most relevant to the bill:

- Consider requiring community college bachelor's degree programs to 1) meet a minimum threshold for its cohort size and 2) maintain graduation rates at or above the rates for CSU transfer students.
- Require colleges to demonstrate their programs are meeting workforce needs. Specifically, by demonstrating that industry partners 1) have difficulty filling certain positions that require a bachelor's degree, 2) are paying bachelor's degree holders more than those with related associate's degrees, and/or are hiring candidates with the specialized pilot bachelor's degree over candidates with other bachelor's degrees.
- Require the Chancellor's Office to use a longer application time line that gives colleges sufficient time to develop their curriculum.

- Require the Chancellor's Office to provide more detailed information to CSU on the proposed programs, as well as to seek feedback from CSU at several points in the approval process.
- Clarify the CSU's role is to assess whether the programs are duplicative of its existing programs, but it also could submit comments regarding the quality of the proposed curricula submitted by the colleges.
- Allow the Chancellor's Office to remain responsible for rating the quality of submitted applications and making recommendation to the CCC Board of Governors for approval.
- Require more accurate and consistent fiscal data to account for spending on Bachelor of Arts programs.

This bill incorporates the LAO recommendations relative justification of workforce needs, clarifying CSU and UC's role in assessing programs and, improving application and approval process. The bill is silent on the first recommendation to establish minimum cohort size and require programs maintain graduation rates similar to the rates for CSU transfer students.

- 5) ***Impact to CCCs core mission.*** In 2013, prior to the passage of SB 850 (Block, Chapter 747, Statutes of 2014), the Community College Chancellor appointed a study group to review the various aspects of bachelor degrees at community colleges. The *Report from California Community Colleges Baccalaureate Degree Study Group*, acknowledges questions and reservations that community college bachelor's degrees represent a further erosion of the Master Plan for Higher Education, the potential for duplication of programs, and concerns that broadening the CCC mission would diminish attention to transfer, basic skills, and career technical education. The study group recommended that further work proceeds with ongoing dialog with CSU and UC, and that further study should consider the potential impact on the current mission of the CCC as well as on existing programs at local campuses. This bill places an annual cap on the number of approved baccalaureate degree programs; however, it is silent on the overall number of degree programs a college may accumulate.

Should the bill be amended to limit the number of baccalaureate degrees offered by a community college to ensure the CCC core mission continues as its primary focus? Staff recommends that the bill be amended to limit the total number of baccalaureate degrees offered at a community college, at any time, so as not to exceed 25% of the total number of associate degrees offered at that college, including, associate degrees for transfer.

- 6) ***Master Plan for Higher Education.*** As outlined in the Master Plan for Higher Education and by state statute, the CCCs are designated to have an open admission policy and bear the most extensive responsibility for lower-division undergraduate instruction. Its three primary areas of mission include education leading to associates degrees and university transfer, career technical education, and basic skills. The primary mission of the CSU is undergraduate and graduate

instruction through the master's degree. The UC was granted the sole authority to offer doctoral degrees.

Notwithstanding the differentiation of the mission envisioned by the Master Plan and outlined in statute, the Legislature has authorized the CSU to go beyond its original mission to offer four professional doctoral degrees which include the Doctor of Audiology, Doctor of Education, Doctor of Physical Therapy and Doctor of Nursing. Each program was individually approved through legislation. Fees were capped at the rate charged at the UC, no additional funding was provided by the state, and these programs were to be implemented without diminishing or reducing enrollment in undergraduate programs. Additionally, the CSU programs offer applied doctorates and are not duplicative of degrees offered by UC. These authorities were more limited than that proposed by this bill. However, as a control measure to avoid duplication with CSU and UC baccalaureate programs, the bill requires the CCC Chancellor to consult with and seek feedback from CSU and UC. It further forces collaboration and agreement among the segments should CSU or UC object to a program that is duplicative.

- 7) **Other options.** Unlike the authority granted to CSU, this bill authorizes an unrestricted number of baccalaureate degrees to be offered within the community college system, subject to specified conditions. These provisions represent a significant policy shift that could result in a broad departure from the CCCs mission established by the Master Plan for Higher Education and by state statute.

Other options that are arguably more effective do not require a departure from CCCs mission. In its recommendation for alternatives to the baccalaureate degree pilot program, the LAO report notes that more effective options exist for the state to better address workforce needs and/or increase access to bachelor's degree programs. Rather than establish 120-unit programs that lead to bachelor's degree, the Legislature could encourage closer partnerships between industry and colleges or universities to provide shorter training programs that would provide students who have associate degrees with additional skills to be promoted into supervisory positions.

Secondly, some CCCs have agreements with baccalaureate degree-granting institutions. Improving alignment between CCC and the universities, in particular CSU, could increase the number of CCC students who ultimately obtain a bachelor's degree and reduce the amount of time students take to obtain their degree. For example, the Tri-County Nursing Pathway is a partnership between Riverside City College and two CSU campuses (Fullerton and San Bernardino) that allows associate degree nursing students to concurrently obtain their bachelor's degrees. Students can enroll in CSU courses while still completing their associate degree requirements, allowing them to obtain their bachelor's degree with only six additional months of coursework. The LAO report further asserts, that such partnerships could not only be more cost-effective, but also benefit more students (including place-bound students) across more occupational fields, thereby having more widespread impact.

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

- Should additional funding be provided to public baccalaureate degree granting institutions to increase the number of degree slots available in high demand areas?
- Can the process for developing collaborative efforts to address workforce needs be modified to facilitate greater proliferation of these programs?
- Should a community college be required to demonstrate that existing avenues for partnership with other institutions are not possible or viable before seeking authorization to offer a baccalaureate degree?

8) *Prior and related bills.* SB 769 (Hill, 2017) when heard in this committee, would have authorized the CCC Chancellor's Office in consultation with the CSU and UC to expand the total number of CCC baccalaureate degree pilot programs from 15 to 25 and extended the January 1, 2024 repeal of the statewide pilot program by five years. The contents of SB 769 was subsequently amended to extend the pilot for an addition five years. Ultimately, SB 769 was held in the Assembly Appropriations Committee.

SB 577 (Dodd, Chapter 603, Statutes of 2018) authorizes the Board of Governors of the CCC, in consultation with the CSU and UC, to authorize a community college district to offer a teacher credentialing program meeting specified requirements.

SB 850 (Block, Chapter 747, Statutes of 2014) authorizes the Board of Governors of the CCC, in consultation with the CSU and the UC, to establish baccalaureate degree pilot programs, at up to 15 community college districts, with one baccalaureate degree program each, as specified, to be determined by the Chancellor of the California Community College.

AB 661 (Block, 2011) authorized Grossmont-Cuyamaca and the San Mateo Community College districts to offer one baccalaureate degree pilot program per campus. AB 661 was not heard on the Assembly Floor.

AB 2400 (Block, 2010) authorized the San Diego, Grossmont-Cuyamaca and San Mateo Community College districts to establish baccalaureate degree pilot programs. No vote was taken and AB 2400 was held in the Assembly Higher Education Committee.

SUPPORT

Antelope Valley Community College District
 Bakersfield College
 Coast Community College District
 Cupertino Chamber of Commerce

Foothill-de Anza Community College District
Genup
Kern Community College District
Miracosta Community College District
Mt. San Jacinto Community College District
National Association of Social Workers, California Chapter
Palo Verde Community College District
Peralta Community College District
Power
Rancho Santiago CCD
Rio Hondo College
San Bernardino Community College District
San Diego Community College District
San Francisco; City College of
San Jose-evergreen Community College District
Santa Monica Community College District
Silicon Valley Leadership Group
South Orange County Community College District
Yuba Community College District

OPPOSITION

Academic Senate CSU

-- END --

- c) California Community College (CCC) Transfer Entitlement Awards. Cal Grant A and B awards are guaranteed to every student who graduated from a California high school after June 30, 2000, was a California resident at the time of high school graduation, transferred to a qualifying baccalaureate-degree granting institution from a CCC during the award year, was under the age of 28 at the time of the transfer, and had a minimum CCC GPA of 2.4 (EC § 69436.).
 - d) Competitive Cal Grant A and B Awards. Students who are not eligible for entitlement awards may compete for a Cal Grant A or B Competitive award. The award benefits and eligibility requirements are the same as for the entitlement program, but awards are not guaranteed. Annually, 25,750 Cal Grant Competitive awards are available. Of these, 12,875 (one-half) are for students who do not qualify for a Cal Grant Entitlement award, but who otherwise meet the Cal Grant requirements. The remaining awards are set aside for eligible CCC students. (EC § 69437.).
 - e) Cal Grant C Awards. This award specifically assists students with tuition and training costs at occupational or vocational programs of four months to two years in length. Since 2000-01, the total number of new annual Cal Grant C awards has been set at 7,761. The maximum award amounts, which are determined in the annual Budget Act, are currently up to \$2,462 for tuition and fees, and \$547 for non-tuition costs for recipients attending other than a community college, and \$1,094 toward non-tuition costs for CCC students (EC § 69439.).
- 7) Establishes the Middle Class Scholarship Program to offset a portion of tuition costs at the University of California (UC) and the California State University (CSU) for students with annual household incomes of less than \$150,000 (EC § 70020, et seq.).
 - 8) Establishes the Community Colleges Student Success Completion Grant, which supplements the Cal Grant B access award by up to \$1,298 annually for students enrolled in 12, 13 or 14 units per semester, and up to \$4,000 annually for student taking 15 or more units per semester (EC § 88930.).

ANALYSIS

This bill:

- 1) Establishes the Cal Grant Reform Act and makes the Act's provisions operative for students applying for aid beginning October 1, 2022, and receiving aid for the 2023-24 academic year.
- 2) Revises and recasts the long-term policy and award payment provisions establishing and governing the existing Cal Grant programs and the Middle Class Scholarship Program into a new Cal Grant Program.

- 3) Specifies that the new Cal Grant Program consist of a Cal Grant 2 Program and a Cal Grant 4 Program.
- 4) Requires that the Commission adopt regulations, including emergency regulations, necessary to implement the Cal Grant Reform Act, as specified.
- 5) Provides that definitions in the Ortiz-Pacheco-Poochingan-Vasconcellos Cal Grant Program as it read on January 1, 2022 are to apply to the Cal Grant Reform Act, and authorizes changes to those definitions through regulation, as specified.

Cal Grant 2 Program

- 6) Establishes the Cal Grant 2 program for students enrolled in a degree, certificate, or transfer program at a campus of the CCC and requires that a student, to be eligible for the award:
 - a) Be a California resident or qualify for waiver of nonresident tuition, as specified.
 - b) Submit a Free Application for Federal Student Aid (FAFSA) or a California Dream Act application on or before September 2 of the year immediately preceding the award year.
 - c) Enroll, at least half-time, at a campus, or a combination of campuses, of the California Community Colleges and maintain satisfactory academic progress.
 - d) Establish eligibility based on their household income or other circumstances that would qualify the student for a maximum federal Pell Grant award.
- 7) Provides that the award include an access award, covering non-tuition expenses, of no less than the pre-student amount provided in the 2020-21 award year in the first award year. In subsequent years, the award amount is adjusted based on the California Consumer Price index, except under certain circumstances as provided.

Cal Grant 4 Program

- 8) Establishes the Cal Grant 4 program for students enrolled in any institution, other than a community college, meeting the definition of "qualifying institution" specified in current law and requires to be eligible for the award, that a student:
 - a) Be a California resident or qualify for a waiver of nonresident tuition, as specified.
 - b) Submit a Free Application for Federal Student Aid or a California Dream Act application on or before March 2 of the year immediately preceding the award year.

- c) Verify, from a high school or community college transcript, that the student has a grade point average of 2.0 or greater.
 - d) Enroll, at least half-time, at a qualifying California institution, as defined and maintain satisfactory academic progress.
 - e) Have a household income below the percentage of the federal poverty level applicable to the student, as prescribed in the bill and based on the status and size of the student's household.
- 9) Requires that the amount of the annual Cal Grant 4 award be based on the institution at which the recipient student is enrolled, in accordance with the following:
- a) For a student enrolled at a UC campus or CSU campus, the cost of tuition and mandatory systemwide fees.
 - b) For a student enrolled at a private nonprofit institution, \$9,084.
 - c) For a student enrolled at a for-profit institution accredited by the Western Association of Schools and colleges (WASC), \$8,056.
 - d) For a student enrolled at a for-profit institution that is not accredited by WASC, \$4,000.

Institutional aid

- 10) Requires the CSU Trustees, and request the UC Regents, to adopt a statement of policy on or before an unspecified date on how their institutional aid programs address student basic needs and how these institutional funds are prioritized for disbursement.
- 11) Declares that it is the intent of the Legislature that:
- a) In partnership with each other, the UC and the CSU continue to use system and campus based resources to support students' non-tuition costs, to lower student costs wherever possible, and to assist student in access other federal state, and local programs that provide need-based supports.
 - b) Institutional aid programs address tuition and fee assistance for highest need students when other coverage is not available, as specified.
 - c) The UC and CSU do not supplant their undergraduate institutional need-based aid for students with the funds provided by the Cal Grant Reform Act, and to the extent possible, maintain institutional aid funding amounts at a level that is equal to the level maintain during the 2021-22 academic year.

Reporting requirements

- 12) Requires the UC, CSU, and private nonprofit and for-profit institutions of higher education, and community college districts whose students receive Cal Grant aid to report, as specified, to the Department of Finance, the Legislative Analyst's Office and the Legislature, annually, starting with the 2021-22 academic year.

Miscellaneous

- 13) Declares that it is the intent of the Legislature to enact future legislation that would appropriate funds for purposes of the Cal Grant 2 and 4 Program that would, among other things, revise eligibility requirements so that all students with household incomes qualifying for a federal Pell Grant award would be eligible for a Cal Grant award, as well as increase Cal Grant 2 award amount to \$2,500.
- 14) Grandfathers existing Cal Grant A, B, C (Entitlement and Competitive Awards) Program award recipients in for these programs until the expiration of their award eligibility.
- 15) Suspends and makes the current financial aid program inoperable on an unspecified date.
- 16) Makes clarifying and conforming changes to existing law.

STAFF COMMENTS

- 1) *Need for the bill.* The author asserts that California's financial aid system, which supports over 400,000 students, is a key component of the state's commitment to accessible, affordable higher education. The author argues that, "California's primary state-funded student financial aid program was designed six decades ago and no longer meets the needs of the state's struggling college students. In 2020, 7 of 10 students lost some or all of their income due to the COVID-19 pandemic. Indeed, COVID-19 and the ensuing recession have only heightened financial pressures being experienced by students while also highlighting the need for longer-term structural reform of state financial aid. To ensure more Californians have access to an affordable degree, comprehensive reform is needed."
- 2) *Cal Grant Workgroup.* In September 2019, Assemblymembers José Medina and Kevin McCarty, along with Senator Connie Leyva, requested the Commission create a working group of financial aid stakeholders that could develop recommendations for reforms to the Cal Grant program. Specifically, the group was to consider priorities of previous reform legislation - AB 1314 (Medina and McCarty, 2020) and SB 291 (Leyva, 2019) – and create a plan and cost estimates to expand Cal Grant eligibility and better support students' costs. The Cal Grant Reform Work Group (workgroup) included representatives of higher education segments, students, staff from the Executive and Legislative branches, and key nonprofit and advocacy partners. The result of their work was published in a report, "Cal Grant Modernization: A Vision for the Future" released March 2020. The report highlights several issues with the existing program and

recommendations for reforms, many of which are related to the provisions of this bill. Those findings and recommendations include:

- a) Eligibility barriers. Over the years, various “rationing” mechanisms to reduce the costs of the state financial aid have effectively served to exclude many low-income, high-need students from the program; without access to grant aid many of these students do not achieve their academic goals. To address those issues the report recommends eliminating a number of eligibility requirements including, among other things, eliminating the current restriction on first-year Cal Grant B students receiving tuition awards, and eliminate all age and time out of high school restrictions that block older student from accessing aid.
- b) Total cost of attendance. The current Cal Grant program is focused largely on covering tuition and fees; however at the California public institutions of higher education, tuition comprises less than half of the total of cost of attendance. The report recommends that state aid be used to provide tuition guarantees for eligible low- and middle-income Cal Grant students at four year institutions, coordinate with four-year institutions to target institutional aid towards highest need students to provide access awards, and use state aid to provide access awards for highest need CCC students.
- c) Need for consolidation. The Cal Grant program is overly complicated and should be easier to understand. The program includes a mixture of grant types (A, B, C and both entitlement and competitive) with a variety of eligibility requirements that create complications for students and schools. The report recommends consolidation of A, B, C, and entitlement and competitive pathways into Cal Grant 2 and Cal Grant 4 eligibility pools.
- d) Need for coordination with other aid programs. To help close the affordability gap for students, aid should strategically coordinate and maximize the benefit of all sources of aid including federal, other state assistance and institutional aid. The report recommends coordination with institutional aid and state aid by having institutional aid newly provide access awards and state aid cover tuition costs for a greater number of students at 4 year intuitions.

Consistent with those recommendations, the program proposed by this measure, in part, consolidates the existing A, B, C and entitlement and competitive programs into two programs; 2) eliminates certain eligibility requirements that block older students from accessing awards; 3) removes GPA verification requirement of CCC students; 4) prioritizes students with the greatest financial need and; 5) uses the new federal formula to determine level of financial need.

- 3) *What would the program look like?* In addition to the changes mentioned in the above paragraph, the proposed program will maintain general eligibility criteria regarding residency, applications completion, enrollment status and academic progress. Additionally, it maintains current definitions around Cal Grant qualifying

institutions. All of which cumulate into two programs--Cal Grant 2 and 4 -- that are designed based on which institution the student is attending.

- a) Cal Grant 2. The Cal Grant 2 would serve community college students by providing non-tuition support to students with incomes qualifying for the maximum Pell Grant award (average income of approximately \$18,600) and who do not qualify for the Students with Dependent Children grant. The proposal would eliminate high school GPA verification, eliminate time out of high school and age requirements, and allow students to apply until September 2 for the academic year.
 - b) Cal Grant 4. The Cal Grant 4 would serve UC and CSU students, as well as students at private institutions. Similar to Cal Grant 2, the proposal would eliminate time out of high school and age requirements, and would lower the GPA requirement from 3.0 to 2.0. The award would cover full tuition and fees at a UC or CSU and maintain existing award amounts for students at eligible private institutions. The grant program guarantees tuition/fee awards to students with incomes below specified ceilings based on their household status and size (average eligible income is approximately \$26,000 per year). Income ceilings based on household status/size use the same methodology as that for the new Pell Grant cutoffs under the "Student Aid Index" that is replacing the "Expected Family Contribution." Segment-based institutional aid programs would be expected to provide low-income students with a stipend to support their basic needs expenses in part by redirecting funds currently used to cover tuition traditionally covered by Cal Grant.
- 4) *Who is eligible?* A student, regardless of their age, who is a California resident or are California Dream Act eligible enrolled in a certificate or undergraduate degree program at a California institution would continue to qualify for an award. The modified eligibility criterion captures a boarder and older student body than that of the state's traditional financial aid programs and is likely to produce an eligibility pool that is reflective of the diversity of those enrolled in California-based colleges and universities. Like the current Cal Grant program, a degree seeking student could receive a grant for the equivalent of four full-time academic years. The amount and duration of the award would be based on the student's attendance status (full-time/part-time/less than part-time) and term (semester or quarter). According to the Commission, the proposed reform will expand access to financial for more than 280,000 more students in the first year of application.
- 5) *Impact to CSU.* In exchange for covering tuition for a greater number of students, the proposed reform assumes that CSU and UC can modify their grant aid programs to provide non-tuition awards to help cover expenses such as books, supplies, food, and housing for students with the most financial need. This particularly impacts the CSU with approximately 75 percent of its Cal Grant recipients receiving the Cal Grant B Access Award (\$1,656 per year), which this bill eliminates. Instead, the Cal Grant 4 casts a wider net to address tuition costs. Unlike the current or proposed Cal Grant program, CSU offers awards to cover awards for fifth and sixth year undergraduates, graduate students and other students not eligible for Cal Grant. CSU is concerned that their grant aid program

“will be financially overextended if the CSU is to continue to both support the academic persistence of our students and provide non-tuition awards for our low-income students.”

- 6) *Middle Class Scholarship.* Under this bill’s provisions, the Middle Class Scholarship will continue to award a percentage of tuition to students at UC and CSU who do not receive Cal Grant 4 award.
- 7) *Equity for community college students.* Higher education funding policy in California has traditionally focused on making community college tuition more affordable for students and their families. California boasts the lowest tuition in the nation (\$1,380 annually), with the California College Promise Grant (formerly BOG wavier) covering tuition for low-income students. Approximately 43 percent of community college students have their tuition waived under the California College Promise Grant. Even so, community colleges are often the least affordable option for students when non-tuition costs like housing, food, and textbooks are considered. That is, need-based financial aid to cover non-tuition costs is so limited for community college students, it is often more expensive for the lowest-income students to attend a CCC than a UC. According to a report released by The Institute for College Access and Success in 2019, “What College Costs Low-Income Californians,” in 2017-18 the average amount of grant aid available per low-income student was approximately \$5,800 at CCCs, \$10,600 at CSU, and \$27,500 at UC. Per full-time equivalent student, the average amount of grant aid was approximately \$2,300 at CCCs, \$6,700 at CSU and \$10,800 at UC. Those results show the disparities in grant aid available to CCC students. The existing financial aid programs do not adequately cover the full cost of education beyond tuition and, by contrast, offer more aid to public or nonprofit four-year students. This bill proposes to address affordability for community college students by providing an entitlement award from the state’s grant program to meet the true cost of attending college.
- 8) *Related federal changes.* Congress recently passed the FAFSA simplification Act which eliminates the Expect Family Contribution generated by the FAFSA and replaces it with a new Student Aid Index. That, along with other changes, will likely result in more California students receiving a Pell grant award and more students receiving a larger award. The Act also eliminates several questions from the FAFSA that provide information currently required by state law for determination of Cal Grant eligibility. To avoid the need to create a separate application for state financial aid, changes to Cal Grant eligibility requirements are needed in near future. This bill makes conforming changes in anticipation of FAFSA simplification.
- 9) *Related budget activity.* The postsecondary education trailer bill, SB 132 (Committee on Budget and Fiscal Review, 2021) makes various changes to the Cal Grant program, including the establishment of a new California Community College Expanded Entitlement program which provides access to entitlement awards for all eligible students at community colleges, to retain when they transfer to a CSU or UC. The author plans to modify this bill, in order to avoid conflicting with provisions found in SB 132 around Cal Grant. Major changes include, in part, chaptering amendments to account for the extension of award

eligibility to community college students, other technical clean up language and clarifying existing definitions and student eligibility requirements.

- 10) *Prior legislation.* AB 1314 (Medina and McCarty, 2020) initially enacted the Cal Grant Reform Act. However, on June 26, 2020, the measure was amended to relate to law enforcement. The amended version of the bill was not heard in the Senate Public Safety Committee.

SB 291 (Leyva, 2019), in part, would have established the CCC Student Financial Aid Program to be administered by the CCC Board of Governors in order to assist in covering CCC students' total cost of attendance. SB 291 was not heard in the Assembly Higher Education Committee.

SUPPORT

- Alliance for a Better Community
- Asian Americans Advancing Justice- Los Angeles
- Bay Area Council
- BLU Educational Foundation
- California Competes
- California EDGE Coalition
- California State Student Association
- California STEM Network
- California Student Aid Commission
- CALPIRG Students
- Campaign for College Opportunity
- Children Now
- Genup
- Higher Education and Workforce Development Silicon Valley Leadership Group
- Improve Your Tomorrow, INC.
- John Burton Advocates for Youth
- League of Women Voters of California
- Los Angeles United Methodist Urban Foundation
- MALDEF
- Mission Graduates
- Nextgen California
- Northern California College Promise Coalition
- Office of Lieutenant Governor Eleni Kounalakis
- Office of the Riverside County Superintendent of Schools
- Promesa Boyle Heights
- Public Advocates
- Riverside Community College District
- San Bernardino Community College District
- San Jose-evergreen Community College District
- Silicon Valley Leadership Group
- Student Senate for California Community Colleges
- The Campaign for College Opportunity
- The Education Trust- West
- The Institute for College Access & Success
- uAspire

UnidosUS
UNITE-LA
University of California Student Association
Young Invincibles

OPPOSITION

None received.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 469 **Hearing Date:** July 14, 2021
Author: Reyes
Version: July 5, 2021
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Pupil instruction: financial aid applications

SUMMARY

This bill requires, commencing with the 2022-23 academic year, a local educational agency (LEA) to ensure a student in grade 12 completes and submits a Free Application for Federal Student Aid (FAFSA) or California Dream Act Application (CADAA), unless the student or the student's parent or guardian opts out. The bill requires an LEA to exempt a student who is unable comply with the requirement, as specified.

BACKGROUND

Existing law:

- 1) Establishes the California Student Aid Commission (Commission) as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. These programs include grant, work-study, and loan programs supported by the state and the federal government. (Education Code § 66010.6.(b))
- 2) Provides for a variety of student financial aid programs, including the Cal Grant programs. Existing law requires that eligibility for a Cal Grant and the determination of financial need be accomplished using the federal financial need methodology and application prescribed by the Commission (the FAFSA for permanent residents), and that this application be used for all programs funded by the state or a public institution of post-secondary education as well as all federal programs administered by a postsecondary educational institution. (EC § 69432.9, § 69433)
- 3) Exempts specified California nonresidents from paying nonresident tuition at the University of California (UC), California State University (CSU), and California Community Colleges (CCC), also known as the AB 540 nonresident tuition waiver, if they meet certain requirements. (EC § 68130.5.)
- 4) Establishes the California Dream Act and provides that, beginning January 1, 2013, AB 540 students are eligible to apply for, and participate in, any student financial aid program administered by the State of California. The Commission is required to establish procedures and forms (the California Dream Act Application,

or CADAA) that enable AB 540 students to apply for, and participate in, all student financial aid programs, including the Cal Grant program, administered by the State of California. (EC § 69508.5)

- 5) Authorizes the Commission to expend funds for the purposes of disseminating information about all institutional, state, and federal student aid programs to potential applicants. It further authorizes the Commission, as the administrators of the California Student Opportunity and Access Program, to apportion funds for the support of projects designed to increase the accessibility of postsecondary educational opportunities for elementary and secondary school pupils, as specified. (EC § 69561 and 69514 (g))
- 6) Requires, commencing with the 2020-21 school year, the governing board of a school district and the governing body of a charter school to:
 - a) Ensure that each pupil receives information on how to properly complete and submit the FAFSA or the CADAA, as appropriate, at least once before the pupil enters grade 12; and
 - b) Handle any information shared by parents, guardians, and pupils under this section according to applicable federal and state privacy laws and regulations. (EC § 51225.8)
- 5) Requires the governing board of a school district and the governing body of a charter school to ensure that a paper copy of the FAFSA or CADAA is provided to a pupil, if that pupil or the pupil's parent or guardian requests a copy.
- 6) Prohibits, pursuant to federal law, funds from being made available under any applicable program to any educational agency or institution that permits release of a student's education records, or the personally identifiable information contained therein, other than directory information, without the written consent of their parents (United States Code, Title 20, § 1232(b)).
- 7) Prohibits school officials and employees of an LEA from collecting information or documents regarding the citizenship or immigration status of pupils or their family members, except as required by state or federal law, or as required to administer a state or federally-supported educational program (EC § 234.7).
- 9) Requires educational counseling to include academic counseling, in which pupils receive advice on the following (EC § 49600):
 - a) Development and implementation, with parental involvement, of the pupil's immediate and long-range educational plans;
 - b) Academic planning for access and success in higher education programs, including advisement on courses needed for admission to public colleges and universities, standardized tests, and financial aid; and
 - c) Career and vocational counseling, in which pupils are assisted in, among other things, understanding the variety of four-year colleges and universities and community college vocational and technical preparation programs, as well as admission criteria and enrollment procedures.

- 10) Requires that information of a personal nature disclosed by a pupil who is 12 years of age or older, or by the parent or guardian of a pupil who is 12 years of age or older, to a school counselor during counseling be deemed confidential, except in specified circumstances, and prohibits such information from being included in a pupil's record without the written consent of the person who disclosed the information (EC § 49602).

ANALYSIS

This bill:

- 1) Requires, commencing with the 2022-23 school year, the governing body of a LEA confirm that a student complies, except in certain circumstances with at least one of the following :
 - a) Complete and submit a FAFSA to the United States Department of Education.
 - b) If the student is exempt from paying nonresident tuition pursuant to existing law established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001), the student completes and submits to the CADAA to the Commission.
- 2) Allows parents/legal guardians and certain students to opt-out of application completion requirements pursuant to the bill, by submitting a form that is provided by the Commission to the LEA.
- 3) Requires an LEA to exempt a student or parent/legal guardian from the FAFSA or CADDAA submission requirement, if it determines that a student is unable to complete an application.
- 4) Requires an LEA to exempt a student or parent/legal guardian from having to submit an opt-out form if the LEA determines that the student is unable to complete the application and instead requires the LEA to submit the opt-out form on their behalf.
- 5) Requires the governing board or body of the LEA to ensure all of the following:
 - a) The LEA directs each high school student or parent/legal guardian, if applicable, to any support and assistance services necessary to comply with the student aid application submission requirement that may be available through outreach programs, including but not limited to, those programs operated by the Commission, postsecondary immigration resource centers, college readiness organizations, community-based organizations, and legal resource organizations.
 - b) Information shared by parents/legal guardians and students pursuant to the bill is handled in compliance with federal and state privacy laws.

- 6) Requires, by September 1, 2022, and each year thereafter, the Commission and the California Department of Education (CDE) to facilitate completion of the FAFSA and the CADAA in the following manner:
 - a) CDE is to share the current school year's roster of pupils with the Commission.
 - b) The Commission is to match the data shared by CDE with a pupil's application status based on the data possessed by the Commission related to submission of the FAFSA and CADAA.
- 7) Requires the Commission, on or before July 1, 2022, to adopt regulations including, but not limited to, model opt-out forms and acceptable use policies for purposes of providing guidance relating to student information and privacy, as specified.
- 8) Prohibits a student from being penalized or punished or have their graduation impacted for not fulfilling the student aid application requirement.
- 9) Defines various terms for purposes of the bill including:
 - a) "Extenuating circumstances" to mean situations or conditions that provide an excuse, including, but not limited to, military plans, religious reasons, or entering the workforce, for not completing a requirement of this bill.
 - b) "Local educational agency" to mean a school district, county office of education, or charter school.
 - c) "Pupil" to mean a pupil in grade 12 attending a high school maintained by an LEA.
 - d) "Outreach program" means a nonprofit entity that is exempt from taxation pursuant to federal law or a public entity with experience in either or both of the following:
 - i) Assisting pupils with financial aid application completion.
 - ii) Serving pupils who are eligible to submit a California Dream Act application.
- 10) Makes various findings and declarations relevant to the bill.
- 11) States that it is the Legislature's intent, among other things, to give LEA's direction and discretion on how to coordinate and assist families and students in completion of financial aid applications.

STAFF COMMENTS

- 1) *Need for the bill.* In 2018, California passed AB 2015 (Gomez Reyes, Chapter 533, Statutes of 2018) that requires public schools serving students in grade 9-12 to offer information on how to properly complete and submit a FAFSA and

CADAA at least once before 12th grade. According to the author, "This bill would build upon AB 2015's efforts by making sure students not only receive information about FAFSA/CADAA but also ensure all students submit a financial aid form so they can access critical financial resources.

"Nationwide three states require completion of financial aid applications for graduating high school seniors they include: Louisiana, Texas, and Illinois. In Louisiana's first year of implementation, FAFSA application rates rose 26 percentage points to an overall completion rate of over 77%, making them the state with the highest FAFSA completion in the nation.

"Despite having a higher than average state poverty rate, California in 2018 ranked 30th in the country for FAFSA completion. A recent analysis by Ed Source found that, in the year after the outbreak of COVID-19, FAFSA completion rates in California decreased by 11% and CADAA by 45%. The report noted that the decrease in applications was most significant among low-income students.

"In 2017, California's own Val Verde Unified School District made financial aid application completion a graduation requirement and raised completion rates by 14% within the first year, with no adverse impact on high school graduation rates. Rancho Verde High School currently leads the state with one of the highest percentages of FAFSA/CADAA completion at 92%. Most recently, Paris Unified School District has joined this movement."

- 2) *Related budget activity.* The postsecondary education trailer bill, SB 132 (Committee on Budget and Fiscal Review, 2021) has provisions that are nearly identical to this bill. Accordingly, this bill is in conflict with the budget trailer bill.
- 3) *FAFSA applicants.* The FAFSA is the core document used to determine eligibility for all major federal and state financial aid programs, including Cal Grant, Pell Grant, institutional aid at the UC and the CSU, work-study awards, scholarships, and federal student loans. Because financial aid for college takes into consideration the cost of attendance and a family's ability to pay in determining eligibility for financial aid, the FAFSA asks for personal information such as income and tax information and social security number. Although steps have been taken to simplify the application, it can be a cumbersome process for many families.
- 4) *CADAA applicants.* Not all students qualify for federal programs or FAFSA completion. State law, established by AB 540 and expanded upon by other legislation, allows non-resident status students who live in California to pay in-state tuition. These students may include undocumented students and students who are U.S. citizens but do not have California resident status. Some AB 540 students are only eligible to apply for, and participate in, student financial aid programs administered by the *state* and by *public postsecondary institutions*. The CADAA is used to determine the eligibility of AB 540 students for California student financial aid.

- 5) *Students should only complete one form.* A student should only complete one of the applications according to their citizenship status. The CADAA caters to a unique population of California students. However, the vast majority of high schools students qualify for FAFSA application completion and can access to both federal and state financial aid programs.
- 6) *Should the state also expand its financial aid outreach programs?* Completion of the FAFSA/CADAA makes college attendance possible for many families but it can be a complex process for some and certain errors can have a significant impact. This bill essentially requires confirmation of submission of a completed FAFSA/CADAA. LEAs may direct students to outside organizations for assistance. Currently, the Commission administers two financial aid assistance programs: Cal-SOAP and Cash for College. Both programs were established by the Legislature to improve the flow of information around student aid into high schools. Cal-SOAP staff and Cash for College volunteers provide financial aid advising and help with FAFSA and CADAA completion. With 16 Cal-SOAP projects across the state and the Cash for College program's volunteer based structure, their reach into high schools is limited. *Should a proposal that establishes a systematic approach for applying for aid, like the one proposed in this bill, also include support for programs like Cal-SOAP and/or Cash for College so that families and LEA's have experienced and reliable support in completing the FAFSA/CADAA?*

SUPPORT

10,000 Degrees

99rootz

Abriendo Puertas/opening Doors

Asian Americans Advancing Justice - California

Association of California School Administrators

Blu Educational Foundation

CA Association of African American Superintendents & Administrators

Cal Chamber

California Federation of Teachers Afl-cio

California Health+ Advocates

California Latino Legislative Caucus

California State PTA

California Student Aid Commission

Californians Together

Campaign for College Opportunity

Canal Alliance

Children Now

Children's Defense Fund-California

Community Coalition

Congregations Organized for Prophetic Engagement

Council of Mexican Federations (COFEM)

Dolores Huerta Foundation

Ed100

Equal Justice Society

Faith in the Valley

Future Leaders of America
Go Public Schools
Greater Sacramento Urban League
Hispanic Association of Colleges and Universities (HACU)
Improve Your Tomorrow, INC.
John Burton Advocates for Youth
Just Equations
Kid City Hope Place
Latino and Latina Roundtable of The San Gabriel and Pomona Valley
Law Foundation of Silicon Valley
League of Women Voters of California
Linked Learning Alliance
Los Angeles Chamber of Commerce
Mi Familia Vota
Mission Graduates
National Association of Social Workers, California Chapter
Nextgen California
Northern California College Promise Coalition
Oakland Promise
Parent Organization Network
Partnership for Los Angeles Schools
Reach Higher Riverside
Reinvent Stockton Foundation
San Francisco Chamber of Commerce
SoCal CAN
Student Senate for California Community Colleges
The Desert Song Group
The Education Trust – West
The Institute for College Access and Success
Uasprie
Umoja Community
Unidosus
University of California Student Association
Watts Century Latino Organization
Young Invincibles
Youth Alive

OPPOSITION

None received.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 520	Hearing Date:	July 14, 2021
Author:	Gipson		
Version:	April 13, 2021		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Teacher retention: California Diversifying the Teacher Workforce Grant Program

SUMMARY

This bill establishes the California Diversifying the Teacher Workforce Grant Program, administered by the California Department of Education (CDE), to provide one-time competitive grants to local educational agencies (LEAs) to develop or expand programs that address a local need to develop a teacher workforce that serves all pupil populations, including Black pupils.

BACKGROUND

Existing law:

- 1) Establishes the Golden State Teacher Grant program, administered by the Student Aid Commission, to provide one-time grant funds of up to \$20,000 to each student enrolled on or after January 1, 2020, in a professional preparation program within an accredited California institution of higher education leading to a preliminary teaching credential, approved by the Commission on Teacher Credentialing (CTC), if the student commits to working in a high-need field at a priority school for four years after the student receives the teaching credential.
- 2) Requires a recipient of a grant through the Golden State Teacher Grant program to agree to teach in a high-need field at a priority school for four years and shall have five years, upon completion of the recipient's professional preparation program, to meet that obligation. Requires a grant recipient to agree to repay the state 25% of the total received grant funds annually, up to full repayment of the received grant funds, under specified conditions.
- 3) Defines "high-need field" for purposes of the Golden State Teacher Grant program to mean:
 - a) Bilingual education;
 - b) Mathematics or science, technology, engineering, and mathematics (STEM), including computer science and career technical education in STEM areas;
 - c) Science;

- d) Special education; and
 - e) Multiple subject instruction.
- 4) Defines, for purposes of the Golden State Teacher Grant program, a “priority school” to mean a school with a high percentage of teachers holding emergency-type permits over the last three years.
 - 5) Establishes the Teacher Residency Grant Program, to provide funding to programs that partner with one or more teacher preparation programs accredited by the CTC, in which a prospective teacher teaches at least one-half time alongside a teacher of record, who is designated as the experienced mentor teacher, for at least one full school year while engaging in initial preparation coursework.
 - 6) Establishes the Bilingual Teacher Training Assistance Program (BTTP), administered by the CDE in consultation with the CTC and representatives of bilingual educators, for teachers who are granted waivers and who are enrolled and participating in a program leading to a bilingual specialist credential or a certificate of competence for bilingual-crosscultural competence.
 - 7) Establishes the California Classified School Employee Teacher Credentialing Program for the purpose of recruiting classified school employees to participate in a program designed to encourage them to enroll in teacher training programs and to provide instructional service as teachers in the public schools.
 - 8) Establishes the Local Solutions Grant program in the 2018-19 state budget, which provided \$125 million to the CTC to administer in the form of grants to address teacher shortages. \$75 million in grants was provided to support teacher residency programs to prepare new special education, science, mathematics, or bilingual teachers. An additional \$50 million was made available to recruit, prepare, and retain special education teachers.

ANALYSIS

This bill:

- 1) Establishes the California Diversifying the Teacher Workforce Grant Program (Program) to be administered by the CDE to provide one-time competitive grants to LEAs, defined as school districts, county offices of education, and charter schools, to develop and implement new, or expand existing programs that address a local need to develop a teacher workforce that serves all pupil populations, including Black pupils.
- 2) Authorizes grant funding to be used for local efforts to develop support systems for, provide outreach and communication strategies to, and retain teachers, and defines allowable grant activities to include any of the following:

- a) Collaborating with teacher education programs at institutions of higher education or existing regional teacher coaching programs, or developing new support and coaching networks for teachers;
 - b) Providing professional learning for teacher educators including, but not limited to, intensive mentorship programs dedicated to retaining teachers;
 - c) Efforts to transform the LEA's or schoolsite's culture to one that values diverse cultural and ethnic backgrounds;
 - d) Creating career pathways to encourage teachers to pursue administrative positions;
 - e) Implementing practices to create a positive school climate, including restorative justice;
 - f) Strategically planning communications and outreach to engage stakeholders in activities to create positive school climate through community engagement;
 - g) Offering structured feedback and coaching systems organized around social-emotional learning, including, but not limited to, promoting teacher self-awareness, self-management, social awareness, relationships, and responsible decision-making skills, improving teacher attitudes and beliefs about one's self and others, and supporting learning communities for educators to engage in a meaningful classroom teaching experience; and
 - h) Other retention solutions that address a local need for a pool of teachers that can serve the entire student body.
- 3) Requires the CDE, when selecting grant recipients, to require applicants to demonstrate all of the following:
- a) Significant turnover of teachers;
 - b) Receipt of federal Title I funds at the time of the application;
 - c) A disproportionate number of novice teachers compared to the statewide average;
 - d) A commitment to developing culturally responsive teachers with a special emphasis on improving outcomes of high-needs, low-performing pupil populations; and
 - e) Experience with social and emotional learning practices and restorative justice.
- 4) Requires the CDE, when administering the Program, to provide technical assistance and require specified information from grantees, and requires the CDE to conduct an evaluation of the Program to determine the effectiveness of

the various initiatives related to developing support systems for, and retention of, teachers, and submit the evaluation to the Department of Finance and the appropriate fiscal and policy committees of the Legislature on or before June 30, 2026.

- 5) Makes implementation of the Act contingent on an appropriation being made for its purposes by the Legislature in the annual Budget Act or another statute. Makes funding for the program available for encumbrance until June 30, 2026, and for liquidation until June 30, 2027.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Student success is amplified when they are taught by teachers who reflect the diversity of those students. In addition to academic benefits, students of color experience social-emotional gains to having teachers who look like them, also lessening the likelihood of chronic absenteeism and suspension. Assembly Bill 520 seeks to create a program that will prepare and invest in the recruitment and retention of a larger and diverse pool of teachers. It will assist California with addressing the racial and ethnic disparities that exist throughout the state, helping to reduce the equity gap."
- 2) **Existing teacher workforce.** California's teaching force is significantly less racially and ethnically diverse than the student population. For example, according to the CDE, 23% percent of K-12 students are white and 54% are Latino, while 63% of teachers are white and 20% are Latino. The CTC recently reported, however, that the teacher candidate population (composed of those training to become teachers) is more diverse than the current teacher population. Research indicates a diverse educator workforce benefits both white students and students of color. This bill is sponsored by the state's Superintendent of Public Instruction.
- 3) **Teacher diversity is shown to benefit students.** The Learning Policy Institute, in its 2018 report "Diversifying the Teaching Profession: How to Recruit and Retain Teachers of Color" states the following:

"It is no surprise that districts and states are eager to increase teacher diversity, given its significant benefits to students. Being taught by teachers of color offers benefits to all students, and especially to students of color, in the following ways:

- "Teachers of color are a resource for students in hard-to-staff schools. Many teachers of color report feeling called to teach in low-income communities of color where positions are often difficult to fill. Indeed, three in four teachers of color work in the quartile of schools serving the most students of color nationally.
- "Studies have found that teachers of color boost the academic performance of students of color. Scholars cite improved reading and math test scores, improved graduation rates, and increases in aspirations to attend college.

- “Students of color can experience social-emotional and nonacademic benefits from having teachers of color, such as fewer unexcused absences and lower likelihood of chronic absenteeism and suspension. Students of color and White students also report having positive perceptions of their teachers of color, including feeling cared for and academically challenged.
 - “Teacher diversity may also benefit teachers of color who experience feelings of isolation, frustration, and fatigue when there are few other teachers of color in their schools. Increasing teacher diversity may improve satisfaction for teachers of color and decrease turnover, a key contributor to teacher shortages and school instability.”
- 4) **Arguments in support.** The California Association of Black School Educators writes, "By having role models that look like and have similar backgrounds as their students, we help create a positive campus climate for all. Students should only experience positive and reinforcing school environments that promote success and life-long learning. That is why AB 520 is so important. It requires grant applicants to demonstrate their commitment, especially around developing culturally responsive and sensitive teachers. Further, it helps many LEAs overcome the difficulty in recruiting teachers in high-needs schools by providing assistance to overcome these kinds of challenges."
- 5) **A similar program is already included in the budget.** This year's Education Budget Trailer Bill, SB/AB 130, includes \$350 million one-time General Fund to establish the Teacher Residency Grant Program. The program would require the CTC to make one-time grants to LEAs to establish new teacher residency programs, or expand, strengthen, or improve access to existing teacher residency programs that support designated teacher shortage fields or local efforts to recruit, develop support systems for, provide outreach and communication strategies to, and retain a diverse teacher workforce that reflects a local educational agency community's diversity.

SUPPORT

State Superintendent of Public Instruction (sponsor)
 Alameda County Office of Education
 Association of California School Administrators
 Association of Independent California Colleges & Universities
 California Association of Black School Educators
 California Department of Education
 California Federation of Teachers
 California State PTA
 City of Compton
 Compton Unified School District
 Diversity in Leadership Institute
 Education Trust – West
 Mayor of Oakland
 Los Angeles County Office of Education
 Los Angeles County Superintendent of Schools

Oakland Unified School District
Partnership for Los Angeles Schools
San Diego Unified School District
Teach Plus California
Technet Technology Network

OPPOSITION

None received

-- END --

- 2) Requires the identified research center to present a comprehensive, peer-reviewed assessment of "major tax expenditures" to the Legislature.
- 3) Defines a "major tax expenditure" as a tax expenditure, as defined by Revenue and Taxation Code (R&TC) Section 41(b), that meets all of the following criteria:
 - a) The amount of foregone revenue resulting from the tax expenditure is equal to or greater than \$1 billion in total over the previous 10 fiscal years and does not contain any of the following, as of January 1, 2021:
 - i) A sunset provision, or a date upon which the expenditure is repealed or inoperative; or,
 - ii) A requirement to report any metrics of efficacy;
 - b) Is not a sales and use tax exemption;
 - c) Is not allowed only against the taxes imposed by the Personal Income Tax (PIT) Law;
 - d) Is not relating to exempt corporations;
 - e) Is not authorized pursuant to any provision relating to treatment of S corporations and their shareholders;
 - f) Is not allowed as a deduction relating to charitable contributions;
 - g) Is not excluded from income under specified provisions.
- 4) Provides that, notwithstanding any other law, the Franchise Tax Board (FTB) and the California Department of Tax and Fee Administration (CDTFA) shall provide taxpayer information to the UC to the extent the university needs access to such information to perform the authorized research. Any individually identifiable information provided to the UC shall be compiled in an aggregate or anonymized manner to preserve confidentiality.
- 5) Requires the scope of the comprehensive assessment to include, without limitation, the following, to the extent possible and reasonably related to the major tax expenditure:
 - a) A description of the legislative intent for each tax expenditure, if the act adding or amending the expenditure contains legislative findings and declarations of that intent or that legislative intent is otherwise expressed or specified;
 - b) A brief description of the beneficiaries of the tax expenditure, but the description shall not include personal identifying information;
 - c) The number of returns filed or business entities affected, as applicable, for the most recent tax year for which full year data is available;

- d) A listing of any comparable federal tax benefit;
 - e) A description of any recent prior tax expenditure evaluation or compilation of information completed by any state agency;
 - f) Total loss to the General Fund (GF) dollars as a result of tax expenditures allowed to taxpayers;
 - g) The economic, social, environmental, or any other impact of the tax expenditure to the State of California using metrics that the UC deems appropriate for the tax expenditure;
 - h) Options for modifying the tax expenditure to improve its effectiveness or to reduce its costs to the GF;
 - i) A comparison of other states' related tax incentives and the estimated change in employment and state and local revenue if the California tax incentive is eliminated or reduced; and,
 - j) Estimated GF revenue increases as a result of the tax expenditure.
- 6) Requires the UC, by January 1, 2024, to provide a report to the Legislature compiling its assessments of major tax expenditures.
- 7) Provides that, upon receipt of the report, the Senate Committee on Governance and Finance and the Assembly Committee on Revenue and Taxation shall hold a joint public hearing on the report by August 15, 2024.
- 8) Sunsets on February 15, 2025.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Some of California's largest tax expenditures have redirected hundreds of billions of dollars in funding from education and other vital services for years without any scrutiny or oversight to verify that they are achieving their intended goals. Although there are various reports on tax expenditures by the Legislative Analyst's Office, the Franchise Tax Board, and Department of Finance, these reports do not provide clear policy recommendations or rigorous analyses on the socioeconomic, environmental, or other impacts of the tax incentives. Additionally, goal requirements and performance measures for new tax expenditures do not apply to tax programs enacted before 2015. As a result, some tax programs have had their negative impacts studied and mitigated, while other costly programs have continued without a review that can either warrant the programs' costs or improve their efficiency. Further, a 2016 State Audit found that the State could improve the efficacy of current and future tax expenditures by using proper oversight methods. This audit recommended that the State initiate an in-depth, holistic evaluation of tax expenditure programs. AB 545 will initiate a comprehensive, peer-reviewed assessment of some of California's largest tax expenditure

programs to make sure they are successfully achieving their Legislative intent, and to determine if they can be modified to reduce costs and operate more efficiently to ensure the best use of limited public dollars.”

2) ***Would this bill provide new or better information for policy makers?***

According to the Senate Committee on Governance and Finance, “California does not lack tax expenditure reports. In addition to DOFs report, FTB produces an annual report, CDFTA issues Publication 61 which details all sales and use tax exemptions, and the Legislative Analyst often analyzes tax expenditures which usually includes recommendations, in addition to the State Auditor, among others. AB 545 would add to this body of work its comprehensive assessment of major tax expenditures performed by UC, some of which have been studied, like the research and development credit, while others have not. AB 545’s report would include more qualitative detail than DOF’s, which is more of an inventory, and assess many of the state’s most significant tax expenditures at a depth that has not yet been conducted. However, it is unclear whether AB 545’s assessments would generate information more likely to spur legislative efforts to repeal or modify current tax expenditures than if the Legislature directed a state agency or LAO to instead directly report on a specific tax expenditure of interest. The Committee may wish to consider the value added by AB 545’s assessment.”

3) ***Arguments in support.*** The California Teachers Association states, “California’s education system is underfunded. California ranks toward the bottom in per-student funding compared to other states. We believe there should be a thorough evaluation of existing tax credits and exemptions to ensure that the state is allocating these resources effectively and getting a return on its investment. This bill will provide additional information necessary to better understand if the state’s major tax credits are achieving the intended policy goals.”

SUPPORT

California Community Colleges Chancellor's Office
California Professional Firefighters
California School Employees Association
California Teachers Association
Los Angeles Unified School District

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 599 **Hearing Date:** July 14, 2021
Author: Jones-Sawyer
Version: June 29, 2021
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Public schools: accountability: county superintendents of schools

SUMMARY

This bill updates the criteria used to identify schools for inspection by a county superintendent of schools for purposes of the *Williams* settlement regarding the sufficiency of instructional materials and school facilities.

BACKGROUND

Existing state law:

- 1) Requires the Superintendent of Public Instruction (SPI) to identify a list of schools ranked in deciles 1-3 of the Academic Performance Index (API) every three years.
- 2) Requires a county superintendent of schools to:
 - a) Provide a report every three years to the county board of education and the board of supervisors that describes the state of schools in the county that are ranked in deciles 1-3 of the API, and include information on teacher misassignments and teacher vacancies.
 - b) Visit schools within the county that are ranked in deciles 1-3 of the API and use the established criteria for the visits, including sufficient textbooks, condition of the facilities, teacher misassignments and vacancies, and the accuracy of the data reported on the School Accountability Report Card (SARC). This information must be reported on a quarterly basis to the governing board of the applicable school districts at a regularly scheduled meeting.
 - c) Prepare a report and provide the school district with the opportunity to provide a remedy if a deficiency is found during a visit. (Education Code § 1240)
- 3) Requires in federal law, each state to use a set of indicators as a means to identify the lowest-performing schools for support and improvement. (Every Student Succeeds Act (ESSA), United States Code, Title 20, § 1111 et seq. (2015)).

ANALYSIS

This bill updates the criteria used to identify schools for inspection by a county superintendent of schools for purposes of the *Williams* settlement. Specifically, this bill:

- 1) Requires the SPI, commencing with the 2021-22 fiscal year, to identify a list of schools, including charter schools, for which the county superintendent or a designee must inspect annually, and about which the county superintendent, or a designee, must submit an annual report, at a regularly scheduled November board meeting, to the governing board of each school district under the jurisdiction of the county superintendent, the county board of education of that county, and the board of supervisors of that county that describes the state of the schools in the county.
- 2) After the initial list is established in the 2021–22 fiscal year, requires the SPI to identify the list of schools every three fiscal years, during the same fiscal year that schools are identified for comprehensive support and improvement, additional targeted support and improvement, or identified as low-performing pursuant to federal law
- 3) Requires that the list of schools compiled:
 - a) Include all schools identified for comprehensive support and improvement and additional targeted support and improvement pursuant to federal law. For the 2021–22 fiscal year and until a new list of federally identified schools is established, requires the SPI to use the list of schools identified in the 2019–20 fiscal year for comprehensive support and improvement and for additional targeted support and improvement.
 - b) Include on the list all schools where 15% or more of the teachers are holders of a permit or certificate, such as temporary or short-term permit, a substitute permit, a waiver, an intern credential, or any other authorization that is a lesser certification than a preliminary or clear California teaching credential.
 - c) To exclude alternative schools and other schools accepted for participation in the Dashboard Alternative School Status program by the CDE.
- 4) States that it is the intent of the Legislature in amending Section 1240 of the Education Code to implement the settlement agreement in the case of *Williams v. State of California* (Superior Court, San Francisco County, No. CGC-00-312236) by substituting a new list of schools to be inspected based on the state's multiple measures public school accountability system and the single system of support established in Section 52059.5 of the Education Code for the former list based on the state's former accountability system known as the Academic Performance Index.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, "2013 was the last time low-performing schools were identified using the API. Even after the new accountability system was enacted and implemented, that list of underperforming schools has not been renewed or revised. In 2018, the API was repealed and as such, the same schools that were identified in 2013 are still be evaluated now, even though there has been much change in school performance over the last 6 years. There needs to be a new way of identifying the lowest-performing schools that are likely to have problems with these basic conditions."

- 2) ***The Williams settlement.*** According to the CDE, "The *Eliezer Williams, et al., vs. State of California, et al. (Williams)* case was filed as a class action in 2000 in San Francisco County Superior Court. The plaintiffs include nearly 100 San Francisco County students, who filed suit against the State of California and state education agencies, including the CDE. The basis of the lawsuit was that the agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers."

The *Williams* case was initially settled in 2004. Five bills implementing the agreement were signed into law by Governor Schwarzenegger, and the court approved the agreement in 2005.

The *Williams* settlement agreement:

- Established minimum standards and accountability systems regarding school facilities, teacher quality, and instructional materials.
- Prohibited the operation of the "Concept 6" calendar program which provided 163 days of classroom instruction, instead of 180 days.
- Required the Uniform Complaint Procedures (UCP) to allow students, teachers, and others to submit complaints about insufficient instructional materials, teacher vacancies and misassignments, and unsafe or unhealthy facilities conditions.
- Required annual inspection visits from the county superintendent of schools ranked in deciles 1-3 of the API in their counties to determine compliance with the new instructional materials and facilities standards and whether the schools' SARC's accurately reported this data.
- Required county superintendents of schools to review teacher misassignments.
- Required SARC's to be posted online and in paper form and include accurate and current information regarding sufficiency of instructional materials, the number of teacher misassignments and vacancies, and the condition of school facilities.

- Updated K-12 audits and audit guides.
- Provided up to \$800 million beginning in the 2005-06 fiscal year for districts to repair facility conditions that threatened health and safety and approximately \$25 million in 2004-05 for a one-time comprehensive facilities needs assessment of schools ranked in the bottom 3 deciles under the 2003 statewide API. Funding for this program became unrestricted pursuant to SBX3 4 (Chapter 12, Statutes of 2009), enacted February 2009.

3) ***After the elimination of the API the same schools continue to be inspected.***

The *Williams* settlement relied on the API – the state’s previous accountability system – to identify schools for inspection by the county superintendent of schools. With the elimination of the API and the state’s subsequent transition to the current Statewide System of Support and the California School Dashboard, the last API report was produced in 2013 and county superintendents of schools continue to be required to use that outdated report to identify schools for inspection within their county boundaries. The list from 2013 included 2,182 schools and those schools have now been reviewed annually 6 times, regardless if academic, facility, or other conditions have changed. If the existing criteria allowed for annual updates, it is likely that some schools would have been removed from the list, and others added.

4) ***Transition to the Statewide System of Support and federal identification under ESSA.*** With the implementation of the Local Control Funding Formula (LCFF), the state transitioned into a new accountability system: the Statewide System of Support. California’s system of support provides three levels of support to LEAs and schools. The first level, general assistance, is made up of resources and assistance that are available to all LEAs and schools. The second level of assistance, known as Differentiated Assistance, is targeted support that is available to LEAs that meet the eligibility requirements set by the State Board of Education (SBE). The third level of support, Intensive Intervention, may be provided to LEAs that are identified as having persistent performance issues and a lack of improvement over four consecutive years. Identification for assistance is determined by LEA performance, as measured on the California School Dashboard, based upon methodologies adopted by the SBE.

Importantly, the Statewide System of Support identifies LEAs, not individual schools. The *Williams* settlement inspection provisions are specific to individual schools. Unlike the state accountability system, federal accountability identification under ESSA does identify individual schools.

As the Assembly Education Committee’s analysis explains well, “2018–19 school year was the first time that states are required under the ESSA to determine which schools are eligible for Comprehensive Support and Improvement (CSI) based on the criteria in the State Plan. Such identification must occur at least once every three years and include at least the lowest performing five percent of all schools receiving Title I funds. In addition, any public high school whose graduation rate has fallen below 67 percent for three consecutive years will be automatically eligible for CSI, regardless of its Title I status.

“ESSA also requires that states determine which schools are eligible for Targeted Support and Improvement (TSI), based on student group performance. Under California’s ESSA Plan, schools that are not eligible for CSI will be eligible for TSI regardless of their Title I funding status if they have one or more student groups(s) that, for two consecutive years, meet the criteria applied to identify the lowest performing five percent of Title I schools. Normally, TSI eligibility will be determined annually.

“School identification for Additional Targeted Support and Improvement (ATSI) occurs on a three-year cycle. The criteria used to identify schools for TSI and ATSI are essentially identical. Since California’s ESSA State Plan also states that schools will be identified for ATSI in the 2018–19 school year, all schools that met the criteria for TSI in 2018 have been moved into the ATSI category.”

It should also be noted however, that the CDE determined schools eligible for CSI and ATSI again in 2019–20 in order to align the ESSA eligibility cycle to the three year LCFF/local control and accountability plan cycle.

- 5) ***Misassignments and the California State Assignment Accountability System (CalSAAS)***. Monitoring assignments of teachers involves reviewing all certification and assignment records for all certificated staff in the public schools of California. The monitoring is necessary to determine if educators hold the appropriate credential and authorization for the instruction they are providing or if they are otherwise legally authorized to serve via a permit, waiver, or other local assignment option.

According to a 2019 report by the Learning Policy Institute, *California’s Positive Outliers Districts Beating the Odds*, “The percent of teachers holding substandard credentials is significantly and negatively associated with student achievement. In our analyses, we used credentialing and experience as proxies for this knowledge and skill base (i.e., whether teachers hold a full credential, rather than an intern credential, temporary or short-term permit, or waiver for their teaching position). We recognize that a concentration of such teachers is also a sign of difficulty recruiting and retaining staff, which may signal broader differentials in teaching and learning conditions as well as teacher quality. Districts that have been able to avoid the effects of the widespread teacher shortages by recruiting and retaining fully prepared teachers are much more likely to produce strong student achievement for African American and Hispanic students as well as for White students.”

The California State Assignment Accountability System (CalSAAS) was established by AB 1219 (Jones-Sawyer) of the 2019-20 Session. The Commission on Teacher Credentialing developed and implemented a statewide-automated system for the annual monitoring of teacher misassignment in schools, including charter schools, and revised the responsibilities of LEAs for the monitoring of teacher misassignments. The first public reports from CalSAAS will be released this fall.

- 6) ***New criteria and the estimated number of schools to be inspected.*** This bill would update the criteria used for eligibility for *Williams* inspection to: (1) schools identified for CSI under ESSA, (2) schools identified for ATSI under ESSA, and (3) schools where 15% or more of the teachers have less than a preliminary or clear California teaching credential, based upon the data reported from CalSAAS.

According to information provided by the author’s office, this bill would identify the following estimated number of schools:

Proposed identification criteria	Est. number of schools based upon 2019 data
CSI (Based on Graduation Rate Only; Title I and non-Title I Schools)	58
CSI (Based on State Indicator Results; Title I Schools Only)	362
ATSI (Title I and non-Title I Schools)	1,001
15% or more of the teachers are holders of a permit or certificate, such as temporary or short-term permit, a substitute permit, a waiver, or an intern credential, that is a lesser certification than a clear California teaching credential	594
TOTAL	2,015

- 7) ***Technical amendments for clarity.*** Linking the timelines across which *Williams* inspections occur, the creation of the eligibility list, and the data release of the relevant criteria is convoluted and somewhat unclear in the language of the bill. Accordingly, ***staff recommends that the bill be amended*** to clarify that timeline, as follows:

(2) (A) (i) Commencing with the 2021–22 fiscal year, the Superintendent shall identify a list of schools, which shall include charter schools, for which the county superintendent, or a designee, shall inspect annually, and about which the county superintendent, or a designee, shall submit an annual report, at a regularly scheduled November board meeting, to the governing board of each school district under the jurisdiction of the county superintendent, the county board of education of that county, and the board of supervisors of that county that describes the state of the schools in the county. After the initial list is established in the 2021–22 fiscal year pursuant to clause (ii), the Superintendent shall identify the list of these schools again in the 2022-23 fiscal year and then every three fiscal years thereafter, during the same fiscal year that schools are identified for comprehensive support and improvement or additional targeted support and improvement pursuant to the federal Every Student Succeeds Act (Public Law 114-95) or identified as low-performing under the federal Elementary and Secondary Education Act of 1965 (Public Law 89-10), or any subsequent amendments to that act. Each list shall be established pursuant to clause (ii) and shall be used for inspections beginning the following school year.

- 8) **Previous legislation.** AB 2472 (Jones-Sawyer, 2019-20 Session) would have established a process for identifying schools required to be reported and reviewed by the county superintendent of schools. AB 2472 was held in the Assembly Education Committee.
- 9) AB 1219 (Jones-Sawyer), Chapter 782, Statutes of 2019. This bill requires the Commission on Teacher Credentialing to develop and implement a statewide automated State Assignment Accountability System for annual monitoring of teacher misassignment in schools, including charter schools, and revises local responsibilities for the monitoring of teacher misassignments.

SUPPORT

ACLU California Action (Co-Sponsor)
California County Superintendents Educational Services Association (Co-Sponsor)
Los Angeles County Office of Education (Co-Sponsor)
Public Advocates (Co-Sponsor)
California Association for Bilingual Education
California's Coalition for Adequate School Housing (CASH)
Californians Together
Congregations Organized for Prophetic Engagement
County School Facilities Consortium
Improve Your Tomorrow
Los Angeles County Office of Education
National Center for Youth Law
Office of the Riverside County Superintendent of Schools
Parent Institute for Quality Education
Santa Clara County Office of Education
Small School Districts Association
The Education Trust – West

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 928	Hearing Date:	July 14, 2021
Author:	Berman		
Version:	July 5, 2021		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Student Transfer Achievement Reform Act of 2021: Associate Degree for Transfer Intersegmental Implementation Committee.

SUMMARY

This bill establishes the Associate Degree for Transfer (ADT) intersegmental implementation committee to serve as the primary entity charged with oversight of the ADT. It further requires that California Community Colleges (CCC) place students who declare a goal of transfer on the ADT pathway. Finally, the bill requires the California State University (CSU) and University of California (UC) to jointly establish a singular lower division general education pathway for transfer admission into both segments.

BACKGROUND

Existing law:

- 1) Requires the segments of higher education to develop an intersegmental common core curriculum in general education for the purpose of transfer. This common core curriculum is known as the Intersegmental General Education Transfer curriculum (IGETC). Any student who completes the IGETC course pattern is deemed to have completed the lower division coursework required for transfer to the UC or the CSU (Education Code § 66720).
- 2) Requests UC to identify commonalities and differences in similar majors across all UC campuses and provide CCC students with the information in at least the top 20 majors (EC § 66721.7).
- 3) Requires the governing board of each public postsecondary education segment to be accountable for the development and implementation of formal systemwide articulation agreements and transfer agreement programs, including those for general education or a transfer core curriculum, and other appropriate procedures to support and enhance the transfer function (EC § 66738).
- 4) Requires the Chancellor of CSU, in consultation with the Academic Senate of the CSU, to establish specified components necessary for a clear degree path for transfer students, including specification of a systemwide lower division transfer curriculum for each high-demand baccalaureate major (EC § 66739.5).
- 5) Establishes the Student Transfer Achievement Reform (STAR) Act, which, in part, requires, commencing with the fall term of the 2011-12 academic year, a student that receives an associate degree for transfer to be deemed eligible for transfer in to

a CSU baccalaureate degree when the student meets specified requirements.
Requires a granting of this degree when a student:

- a) Completes 60 semester or 90 quarter units eligible for transfer to the CSU and that includes the CSU General Education Breadth program for IGETC, and a minimum of 18 semester or 27 quarter units in a major area of emphasis as determined by the district; and,
 - b) Obtains a minimum grade point average of 2.0 (EC § 66745, et seq.).
- 6) Requires the CSU Chancellor's Office to implement articulated nursing degree transfer pathways for Associates Degree in Nursing students at CCCs seeking a Bachelor's Degree in Nursing at CSU prior to the 2012-13 academic year (EC § 89267.5).

ANALYSIS

This bill:

Intersegmental ADT Implementation Committee

- 1) Establishes the ADT Intersegmental Implementation Committee (committee) for the following purposes:
 - a) To serve as the primary entity charged with the oversight of the ADT, as specified, for the sole purpose of strengthening the pathway for students and ensure it becomes the primary transfer pathway between CCCs and UC, CSU, and participating independent higher education institutions.
 - b) To enhance coordination and communication between four-year postsecondary educational institutions, as specified.
 - c) To provide the Legislature and the Governor with recommendations to support its stated purpose.
- 2) Makes committee meetings subject to the Bagley-Keene Open Meeting Act.
- 3) Requires that the committee be convened by a third-party planning facilitator who is appointed by the Office of Planning and Research, as specified, and is responsible for performing all of the following duties:
 - a) Provide facilitation and staff support to the committee.
 - b) Develop written reports of the committee's recommendations and progress.
 - c) Facilitate advisory groups as needed.

- 4) Authorizes the third-party planning facilitator to engage with the expertise of faculty through existing intersegmental oversight bodies including but not limited to, the Intersegmental Committee of Academic Senates and others.
- 5) Provides that the committee's membership be reflective of its intersegmental function by including a cross-section of the stakeholders.
- 6) Requires that members of committee be appointed by March 1, 2022 and be composed of:
 - a) Designated representatives from each of the following entities:
 - i) The CCC Chancellor's Office.
 - ii) The CSU Chancellor's Office.
 - iii) The UC President's Office.
 - iv) The Association of Independent California Colleges and Universities.
 - v) The California Department of Education.
 - vi) The Student Senate for the California Community Colleges.
 - vii) The California State Student Association.
 - viii) The University of California Student Association.
 - ix) The Academic Senate for the California Community Colleges.
 - x) The Academic Senate for the California State University.
 - xi) The Academic Senate of the University of California.
 - b) Four members appointed by the Senate Committee on Rules, The Speaker of the Assembly, Lieutenant Governor and the Governor within the specified sectors and expertise, including two from an educational equity organization.
- 7) Requires appointing entities described in paragraph 6) of this analysis to fill their respective positions on the committee when vacant.
- 8) Deems the first chair of the committee be a representative from the Community College Chancellor's Office for a term of two years and thereafter the chair is to be elected from the committee's membership for a two-year term, as specified.
- 9) Requires the committee do all of the following:
 - a) Use members appointed by each Academic Senate as liaisons to their respective curriculum workgroups to ensure better coordination and alignment.
 - b) By December 31, 2023, provide the Legislature with recommendations on all of the following issues impeding the scaling of the ADT and streamlining transfer across segments for students:
 - i) Identifying annual goals for increasing transfer rates in California

and closing racial equity gaps in transfer outcomes to be adopted by the state, as specified.

- ii) Proposing a new unit threshold for STEM degree pathways that meet the requirements for admission to the CSU and UC, as specified. The bill further prohibits the committee from making recommendation of more than six units.
 - iii) Reengaging ADT earners who do not transfer or apply for university transfer.
- c) By December 31, 2024, achieve all of the following:
- i) Establish timelines and reporting deadlines for the existing regular review of transfer model curricula to ensure that transfer model curricula are consistent with demand for academic majors and respond to evolving workforce demands, as specified.
 - ii) Establish timelines and reporting deadlines for the existing regular review of declaring or matching transfer model curricula similar to CSU majors for admissions purpose.
 - iii) Develop a plan for the creation of additional transfer model curricula for the ADT to respond to evolving workforce demands, as specified.
 - iv) Develop a comprehensive communications plan and guidance on student-centered outreach to inform students about the ADT pathway and to ensure information is communicated across higher education and K-12 education, as specified.
 - v) Provide feedback for the ADT internet website maintained by the CCC to ensure current information and updates to ensure current information is communicated to students, families and student support staff.

Singular General Education (GE) Pathway

- 10) Requires, by August 1, 2023, CSU, jointly with UC and in consultation with the CCC Chancellor's Office, to establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission into both UC and CSU.
- 11) Requires, commencing August 1, 2024, the singular lower division general education pathway established pursuant to this bill to be the *only* lower division general education pathway used to determine academic eligibility and sufficient academic preparation for transfer admission to CSU and UC.

Automatic ADT placement

- 12) Requires, by August 1, 2024, where ADTs for major pathways exist, the CCCs to place students who declare a goal of transfer on their mandatory education plans on the ADT pathways to maximize the probability that a student will transfer into a four-year university and earn a degree in their chosen field of study in a timely manner, and to minimize the accrual of excess units.
- 13) Provides that a student may opt-out of the ADT pathway for a local associate degree or if they plan to apply to transfer to a UC campus or an independent institution of higher education.
- 14) Requires that each community college use their existing processes for student education plans and enrollments to implement the opt-out feature where an ADT exists.
- 15) Specifies that nothing in the bill is to be construed as prohibiting a student from being on the ADT pathway and also applying to UC or an Independent University.
- 16) States if an ADT pathway does not exist in the student's chosen major, then there is no ADT pathway on which to place the student.
- 17) Makes ADT placement provisions not applicable to students seeking to complete Baccalaureate degree program or a career technical education program.

Miscellaneous

- 18) States various findings and declarations relative the need to further streamline and make the transfer process easier for students to navigate.
- 19) Defines various terms for the purpose of the bill.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "The 1960 Master Plan for Higher Education promised an accessible, affordable, and high-quality higher education for all California students. The transfer pathway, from community college to four-year institution, is an integral component of the Master Plan's commitment to access and affordability. Too many community college students hoping to find an affordable and achievable pathway to a four-year university instead are confronted with a maze of pathways and requirements that create confusion, lead to unnecessary unit accumulation, and too often lead to students dropping out before earning a degree. As California begins to recover from the pandemic, now more than ever, it is critical to increase degree attainment, improve time to degree, and close racial equity gaps. AB 928, the Student Transfer Achievement Reform Act of 2021, would transform the transfer process through three significant student-centered provisions by reimagining transfer from the student perspective."
- 2) *Transfer education is a core mission of CCCs.* The provision of quality transfer education is a primary mission of the community colleges. As outlined in the

Master Plan for Higher Education and by state statute, the CCCs are designated to have an open admission policy and bear the most extensive responsibility for lower-division undergraduate instruction. Its three primary areas of mission include education leading to associates degrees and university transfer, career technical education, and basic skills. The primary mission of the CSU is undergraduate and graduate instruction through the master's degree. The UC was granted the sole authority to offer doctoral degrees.

Accordingly, students at CCC have many options, they can earn a traditional Associate of Arts (AA) degree at CCC, transfer to a four-year university or upskill for the workforce. Students confront many choices with each variation of options. In 2010, the Legislature enacted a law requiring CCC to streamline transfer to CSU and AA degree completion by developing the ADT pathway. Other transfer pathways and terminal AA degrees continue to be offered.

- 3) *Benefits of an ADT for students.* In an effort to address standing issues and concerns about the need to ensure a clearer, transparent and more navigable transfer process between the CCC and the CSU, the Legislature and Governor enacted SB 1440(Padilla, Chapter 428, Statutes of 2010), the Student Transfer Achievement Reform Act. Since its enactment, the ADT has made significant strides in streamlining the transfer process for students, and has become a successful pathway to earning a bachelor's degree. Specifically, the Act requires CCC districts to develop and grant a transfer associate degree that deems the student eligible for transfer into the CSU, when the student meets certain course requirements. Completion of an ADT guarantees a student:
- a) Admission with junior status to a CSU campus but not to a specific campus or major.
 - b) No additional lower-division CSU coursework.
 - c) No more than 60-semester units of upper-division CSU coursework to complete a bachelor's degree, in addition to the 60 units completed at community college, results in a 120-unit pathway to a bachelor's degree.
 - d) Priority admission at CSU.

Additionally, since developing the ADT, the CCC system has also entered into new transfer agreements with the UC and private nonprofit universities, some of which now also guarantee admission and junior standing to students with an ADT.

According to information provided by the author's office, as of October 2020, over 280,000 CCC students have earned an ADT and over 40 ADT pathways exist at CCC. These ADT pathways have provided significant financial savings to both students and to the state – with ADT earners accruing an average of six fewer excess credit units and a course fee of \$46 per unit at the CCC. The ADT accounted for over \$12 million in savings for students in 2018-2019 alone. Higher percentages of students with an ADT have also been shown to graduate within

two years of transfer compared to transfer students who do not have an ADT (based on CSU two-year graduation rates).

- 4) *Related report.* 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). It also found that equity gaps are concerning, while Latino students represent 51% of students who declare a degree or transfer goal they represent 35% of those who transfer within four years; Black students represent 7% and 5% respectively. In looking ahead, the report provides that, "To further improve the transfer pathway, the CCC and four-year intuitions must build systemwide agreements and help all transfer-eligible students make the transfer. The Associate Degree for Transfer and the Transfer Admission Guarantee are steps in the right direction, but they are piecemeal and far from universal."
- 5) *Oversight committee.* This bill requires the establishment of a 15-member oversight committee to ensure ADT becomes the primary transfer pathway in California. It would be convened by a third-party facilitator chosen by the Governor's Office of Planning and Research and composed of representatives from California's higher education intuitions including faculty, student groups, as well as outside entities such as workforce partners and social justice organizations. A representative from the CCCs would chair the committee and upon completion of their two-year term, the committee members would elect a new chair. Staff notes that this bill's provisions do not establish how a vacancy is determined or whether members serve at the pleasure of the appointing entity or are subject to a limited years of service. *The author may wish to consider amending the bill to address the issue.*
- 6) *Need for an independent oversight committee.* Concerns have been raised that creating a new oversight body is unnecessary, as oversight responsibility can be accomplished by strengthening committees that currently oversee development, revision and approval of transfer model curricula, such as the intersegmental faculty workgroups. The author asserts that many states have higher education coordinating bodies that are responsible for coordinating transfer across institutions and "without a higher education coordinating body in California, the responsibility for transfer coordination work resides with postsecondary segments themselves and without incentives to work on these issues, we see the dismal transfer success rates that we do..." The author also argues that the oversight committee established in this bill provides the venue for continued focus, evaluation and adjustment for strengthening ADTs. *The committee may wish to consider the following:*

What is necessary to ensure a clearer, transparent and more navigable transfer process than what currently exist?

Should the state establish an independent entity to coordinate transfer from the CCCs to four-year universities?

Could a similar goal be accomplished with existing intersegmental faculty committees?

- 7) *High-unit degrees.* Some CSU campuses require more than the standard 120 units for certain degree programs, such as in computer science and other STEM majors. Statute exempts high-unit programs from the 60-unit guarantee requirements for ADT. This bill requires the oversight committee to establish a new unit threshold for STEM degree pathways that is not to exceed a change of more than 6 units.
- 8) *Singular general education pathway.* Current law specifies that any student who completes the intersegmental common core curriculum in general education (IGETC) is deemed to have completed the lower division coursework required for transfer to the UC or the CSU. However, it is not the only way to fulfill lower-division general education requirements for UC or CSU. There are notable differences among those requirements. CSU articulates many more courses than UC. For example, CSU requires oral communication, ethnic studies, and lifelong learner courses while UC does not. In addition, depending on the major or field of interest, a student may need to fulfill the general education breadth of a specific CSU or UC campus. This is particularly true for students who intend to transfer into majors that require extensive lower-division preparation, such as engineering or the physical and natural sciences; students are encouraged to concentrate on completing the prerequisites for the major and may not be well-served by following IGETC.

Concerns have been raised that a singular lower-division pathway could eliminate valuable options for the diverse needs of California's students. The provisions of the bill presumes participation from UC. However, given UC's constitutional autonomy, if it chooses not to, the CSU would be forced to mold their GE pattern to that of the UC. Supporters of this measure argue that consolidating the two existing pathways for transfer preparation into one, would address repeated student concerns around the challenges in receiving accurate academic advising and course placement guidance. As such, the singular pathway could eliminate a significant point of confusion in the transfer preparation process.

In an effort to support CSU's position as an equal decision-making partner in the development of a singular GE pathway for transfer and strengthen the faculty's role in its creation, ***staff recommends the bill be amended as follows:***

- (i)(1) On or before ~~August 1,~~ May 31, 2023, *the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges* ~~the California State University, jointly with the University of California, shall, in consultation with the office of the Chancellor of the California Community Colleges,~~ *shall* establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission to both the California State University and University of California. *If the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges is unable to come to agreement by May 31, 2023, the respective administrative bodies*

of those segments shall establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission to both the California State University and University of California by December 31, 2023.

(2) Commencing August 1, 2024, with the fall term of the 2025-26 academic year, the singular lower division general education pathway established pursuant to paragraph (1) shall be the only lower division general education pathway used to determine academic eligibility and sufficient academic preparation for transfer admission to the California State University and the University of California.

To help ensure that the singular GE pathway for transfer does not prolong time to degree **staff recommends that the bill be further amended** to specify that the singular lower division general education pathway established in subdivision (i) shall not lengthen the time to degree.

- 9) *Automatic ADT placement.* This measure requires CCC to place students in an ADT pathway where one exists. Under certain circumstances, the bill allows for students to opt out of the ADT pathway. For example, if the student plans to transfer to UC. Concerns have been raised that by making the ADT the default pathway it reduces student agency and it assumes that students are CSU bound and must make an additional effort to change that. Proponents of the bill assert that a default ADT placement provides a more accessible reentry to higher education and easier path to completing a bachelor's degree once a student transfers, rather than the current system for degree pathway placement that unintentionally maintains hurdles to reentry.

Staff notes that automatic placement could provide a starting point for navigating degree attainment and transfer. The option essentially is simplified to an ADT or non-ADT pathway. Having a clear pathway is especially relevant at CCC, where many students are the first in their family to attend college and thus may have limited prior knowledge of college programs and resources.

- 10) *Connection with funding formula.* Under the 2017-18 Budget Act the state adopted a new community college apportionment funding formula, known as the Student Centered Funding Formula, which transitions from focusing solely on enrollment to also include funding based on student outcomes and the number of low-income students. The funding formula, within the student outcome category, incentivizes degree completion and to a greater extent ADT completion. This measure appears to be consistent with those efforts.
- 11) *Prior legislation.* SB 440 (Padilla), Chapter 720, Statutes of 2013, requires, prior to the 2014-15 academic year, a CCC create an ADT in every major that has a Transfer Model Curriculum (TMC). Specifies that once a TMC is approved by faculty, community colleges use it to design an ADT in that particular major.

AB 2302 (Fong), Chapter 427, Statutes of 2010, made changes to existing law regarding transfer admissions to support the transfer pathway proposed by SB 1440 (Padilla) (as described below).

SB 1440 (Padilla), Chapter 428, Statutes of 2010, created the STAR Act, which, in part, created the ADT; a two-year 60-unit associate degrees for transfer that are fully transferable to CSU. These degrees require completion of: (1) a minimum of 18 units in a major or area of emphasis, as determined by each community college; and, (2) an approved set of general education requirements. Students who earn such a degree are automatically eligible to transfer to the CSU system as an upper-division student in a bachelor's degree program and need only complete two additional years (an additional 60 units) of coursework to earn a bachelor's degree.

SB 484 (Portantino, 2019) would have required the governing board of each community college district to direct colleges to identify, notify and automatically award degrees to students who have completed the requirements for an ADT. SB 484 was vetoed by the Governor whose message read in part:

Community colleges should already be identifying and notifying students who have earned associate degrees, associate degrees for transfer, and certificates. The community colleges' apportionments funding formula already provides fiscal incentive for them to do so. Moreover, this bill likely creates a reimbursable state mandate, thereby creating additional cost.

SUPPORT

A2mend

Alliance for A Better Community

Blu Educational Foundation

California Association of School Counselors

California State Student Association

Campaign for College Opportunity

CCC Colegas

Community Equity Collaborative

Congregations Organized for Prophetic Engagement (COPE)

Council for A Strong America

Fresno Metro Black Chamber of Commerce

Geraldine M. Perri, Ph.d., Superintendent/president, Citrus College

Growing Inland Achievement

Heart of Los Angeles (HOLA)

Hispanas Organized for Political Equality (HOPE)

Inland Empire Community Foundation

Inland Empire Concerned African American Churches (IECAAC)

Inland Empire Economic Partnership (IEEP)

Inner City Struggle

Jill Stearns, Ph.d., Superintendent/president, Cuesta College

John Burton Advocates for Youth

Julius Sokenu, Ed.d., President, Moorpark College

Keith Curry, Ed.d., President/ceo, Compton College

Kid City Hope Place

Los Angeles United Methodist Urban Foundation

Mana De San Diego
Mexican-american Legal Defense and Ed Fund [maldef]
Mike Munoz, Ed.d., Interim Superintendent-president, Long Beach Community College
District
New Life Christian Church of Fontana
Office of Lieutenant Governor Eleni Kounalakis
Partnership for Los Angeles Schools
Promesa Boyle Heights
Public Advocates INC.
Radio Bilingüe, INC.
Readynation
Regional Economic Association Leaders (R.E.A.L.) Coalition
Social Justice Learning Institute
Southern California College Access Network
Students Making a Change (SMAC)
The Children's Movement of Fresno
The Education Trust – West
The Partnership for Los Angeles Schools
Uaspire
Unite-la, INC.
University of California Student Association
Western Association for College Admission Counseling (WACAC)
Young Invincibles
Youth Action Project

OPPOSITION

None received.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1040 **Hearing Date:** July 14, 2021
Author: Muratsuchi
Version: July 5, 2021
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Community colleges: ethnic studies.

SUMMARY

This bill (1) requires each community college district to: (A) commencing with the 2022–23 academic year, offer courses in ethnic studies at each of its campuses; and (B) commencing with the 2024–25 academic year, require the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree, and (2) requires the Legislative Analyst's Office to conduct a study on the number of ethnic studies courses the California State University (CSU) accepted from the community college districts to satisfy the ethnic studies course graduation requirement.

BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges (CCC), a postsecondary education system consisting of community college districts (CCDs) and the Board of Governors of the CCC (Education Code § 70900).
- 2) Requires the CCC Board of Governors (BOG) to provide leadership and direction in the continuing development of the CCC as an integral and effective element in the structure of public higher education in the state. (EC § 70901)
- 3) Requires the work of the BOG to at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the CCC (EC § 70901).
- 4) Requires the Instructional Quality Commission (IQC) to develop, and the State Board of Education (SBE) to adopt, modify, or revise, a model curriculum in ethnic studies by March 31, 2021. (EC § 51226.7)
- 5) Requires the California State University (CSU), commencing with the 2021-22 academic year, to (1) provide courses in ethnic studies at each of its campuses; and (2) require, as an undergraduate graduation requirement commencing with students graduating in the 2024-25 academic year, the completion of, at minimum, one three-unit course in ethnic studies. (EC § 89032)

ANALYSIS

This bill (1) requires each community college district to: (A) commencing with the 2022–23 academic year, offer courses in ethnic studies at each of its campuses; and (B) commencing with the 2024–25 academic year, require the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree, and (2) requires the Legislative Analyst's Office to conduct a study on the number of ethnic studies courses the CSU accepted from the community college districts to satisfy the ethnic studies course graduation requirement. Specifically, this bill:

- 1) Commencing with the 2022–23 academic year, requires each community college district to offer courses in ethnic studies at each of its campuses.
- 2) Requires the units earned by students for successful completion of such ethnic courses to be eligible for transfer to count toward a baccalaureate degree and, if applicable, to meet the ethnic studies general education graduation requirements at the CSU.
- 3) Requires each community college district to collaborate with its academic senate in the development of these courses.
- 4) Commencing with the 2024–25 academic year, requires each community college district to require the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree.
- 5) Prohibits a community college district from increasing the number of units required to obtain an associate degree in order to implement the ethnic studies graduation requirement.
- 6) Requires the Chancellor of the CCC (the Chancellor) to develop and adopt appropriate regulations for the implementation of these provisions.
- 7) Requires the Chancellor to develop and implement a plan to streamline the course and curriculum approval process, both at the state and local levels.
- 8) Specifies all of the following in relation to the plan:
 - a) Requires the plan to reflect an expedited state approval process for ethnic studies courses, programs, and certificates.
 - b) Authorizes the plan to include the elimination of an existing state course and program approval process.
 - c) Requires the plan to reflect one of the following two options:
 - i) A process of course and curriculum approval that enables community college districts to develop a course or program within one academic year and to offer that course or program the subsequent academic year.

- ii) A process of course and curriculum approval that enables community college districts to develop a course or program within one academic semester and to offer that course or program the subsequent academic semester.
 - d) Requires the plan to reflect the creation of a process that enables ethnic studies courses and programs to be portable among community college districts, and requires that process to enable a community college district to adapt, adopt, or adapt and adopt another community college district's approved ethnic studies courses, programs, and curriculum within one academic semester and to offer that course or program, or use that curriculum, the subsequent academic semester.
- 9) Requires the Legislative Analyst's Office to conduct a study on the number of ethnic studies courses the CSU accepted from the community college districts to satisfy the ethnic studies course graduation requirements.
- 10) Requires analysis in that study to include, but not be limited to, all of the following:
 - a) Identifying the number of ethnic studies courses submitted by each community college district to the CSU that would satisfy the lower division ethnic studies requirement.
 - b) Identifying the number of ethnic studies courses submitted by each community college district that were accepted and the number of ethnic studies courses that were rejected by the CSU. For each rejected ethnic studies course the CSU shall provide the Legislative Analyst's Office with an explanation of why the course did not satisfy the ethnic studies course graduation requirement at the CSU.
 - c) A description of the process used to approve community college ethnic studies courses related to the graduation requirement.
- 11) Requires the data in the study to be disaggregated into the following disciplines:
 - a) African American and Black studies.
 - b) Asian American and Pacific Islander studies.
 - c) Latino studies, including Chicano studies and Mexican American studies.
 - d) Native American and indigenous peoples studies.
 - e) Other academic departments or disciplines that could satisfy the CSU ethnic studies requirement, if applicable.
- 12) Requires the CSU to provide the information to the Legislative Analyst's Office on or before January 1, 2023.

- 13) Requires the Legislative Analyst's Office to compile the information received and submit a report with findings and recommendations to the education and fiscal policy committees of the Legislature on or before April 30, 2023.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, "California community colleges (CCC) serve 2.3 million students in which 74 percent are racial minorities. Currently, 72 of the 115 community colleges (62 percent) offer an ethnic studies course. Many of these students attended California high schools and have not had the benefit of learning their own history or cultures and contributions to our society. Over the past 52 years, there appears to be few proactive efforts to provide the leadership needed to promote and integrate ethnic studies into the mainstream of the community college curriculum.

"Currently, the California Community Colleges Curriculum Committee serves as the primary advisory body for matters involving curriculum in the state. The committee is responsible for guiding the Chancellor's Office on implementing local and regional curriculum-related policy and regulations throughout the system, and for working with the Chancellor's Office to ensure all levels of local and regional curricular design and approval is faculty led and driven by identified student need. Despite this, not all colleges provide an ethnic studies course. Currently, only 72 of the 115 community colleges offer an ethnic studies course.

"With the ultimate passing of AB 1460 (Weber) in 2020, it has become imperative for community colleges to fully develop a process to complete a transferable ethnic studies credit in order to better set their students up for academic success once they've transferred. Transfer students make up more than one third of all CSU students and with the success of programs like the Associate Degree to Transfer (ADT) that number will only increase. AB 1040 ensures that our transfer students headed to a CSU can meet their ethnic studies course requirement in a manner that will save them both time and financial aid dollars at their CSU campus."

- 2) ***Academic freedom.*** As noted by the Assembly Higher Education Committee, "while academic freedom may mean different things to different individuals, at the core of academic freedom, is the establishment of faculty members' right to remain true to their pedagogical philosophy and intellectual commitments; it preserves the intellectual integrity of our higher education systems. Additionally, academic freedom means that the political, religious, or philosophical beliefs of politicians, administrators, and members of the public cannot be imposed on faculty or students."

This bill requires each community college district, commencing with the 2022–23 academic year, to offer courses in ethnic studies at each of its campuses, and commencing with the 2024–25 academic year, require the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree. The bill also requires each community college district to collaborate with its academic senate in the development of these courses.

- 3) **Board of Governors (BOG) to vote on an ethnic studies graduation requirement soon.** The CCC Statewide Academic Senate (ASCCC), in collaboration with the CCC Chancellor's Office (CCCCO), in the Fall of 2020, proposed to amend the California Code of Regulations, Title 5, Section 55063 in order to include a 3-unit ethnic studies graduation requirement for CCC associate degrees. The proposal was read for the first time at the May 24, 2021 Board of Governors (BOG) meeting. The BOG took final action on the proposal on Monday, July 12th.

In addition to instituting a 3-unit ethnic studies graduation requirement, which staff is informed will take effect in either Fall 2022 or Fall 2023, BOG vote directed "The CCCCCO to work in collaboration with the ASCCCC, the SSSCCC, the CCC Ethnic Studies Faculty Council, and the applicable intersegmental groups (i.e. Intersegmental Curriculum Workgroup and Course Identification Numbering System (C-ID)) where appropriate to:

- Define ethnic studies for the CCC System.
- Establish an Ethnic Studies Transfer Model Curriculum.
- Create the needed C-ID course descriptors.
- Examine and update ethnic studies minimum qualifications.
- Update the Program and Course Approval Handbook.
- Provide professional development to ensure ethnic studies is implemented with fidelity.
- Coordinate with CSU for alignment."

In light of the ongoing efforts by the CCCCCO, ASCCCC, SSSCCC, and the BOG, and the significance of Legislative action in the realm of college academics – an area traditionally under the purview of college administrators and faculty - the committee may wish to consider the necessity of this bill.

- 5) **Budget includes funding to CCC for CSU ethnic studies implementation and coordination.** SB 129 (Skinner), which is pending before the Governor, appropriates \$5,600,000 to the BOG to implement the provisions AB 1460 (Weber, Chapter 32, Statutes of 2019) by ensuring the seamless transfer of community college students to the California State University, given ethnic studies general education requirements. Activities may include collaboration with key stakeholder groups, review of regulations and standards, and establishment of a plan for implementation.
- 6) **More graduation requirement proposals likely to follow.** The graduation requirement proposed by this bill is limited to ethnic studies. If the bill were to take effect, it seems likely that the Legislature would see additional proposals in future years to add additional graduation requirements. For example, it is easy to

envision a proposal to require a gender studies or LGBTQ+ studies requirement, or perhaps a graduation requirement centered on climate change or environmental education. Evidence of this possibility can be seen in the K-12 graduation requirements, where the Legislature has considered a burgeoning list of subjects for a new graduation requirement in recent years, including financial literacy, service learning, health, and ethnic studies. Additionally, the Legislature has authorized Advanced Placement (AP) computer science to count toward local math graduation requirements beyond the state requirements, and expanded the foreign language or visual and performing arts requirement to also be satisfied by a career technical education course. Moreover, other bills have attempted to revise the number of courses required for certain existing subjects.

The committee may wish to consider whether delving into the topic of community college-level graduation requirements – even for topics for which there may be widespread agreement on – could ultimately lead to a tipping point of too many legislatively imposed graduation requirements at the community college level.

- 7) ***Ethnic studies graduation requirements at other levels.*** Last year, the Legislature passed, and the Governor signed into law, AB 1460, which requires the CSU, commencing with the 2021-22 academic year, to (1) provide courses in ethnic studies at each of its campuses; and (2) require, as an undergraduate graduation requirement commencing with students graduating in the 2024-25 academic year, the completion of, at minimum, one three-unit course in ethnic studies.

This session, the Legislature is also considering AB 101, (Medina, 2021), which (1) requires local educational agencies (LEAs) serving grades 9-12, commencing with the 2024-25 school year, to offer at least a one-semester course in ethnic studies; (2) adds, commencing with the 2029-30 school year, a semester-long course in ethnic studies to the list of statewide graduation requirements; and (3) expressly applies all statewide graduation requirements to charter schools. AB 101 is scheduled to be heard in this committee on July 14, 2021.

If the both this bill and AB 101 were to be enacted, a California student that graduates from a California public high school, earns an associate degree, and ultimately graduates from a CSU, will have been required to take at least two ethnic studies courses. The bill does require the units earned by students for successful completion of an ethnic course at a community college to be eligible for transfer to count toward a baccalaureate degree and, if applicable, to meet the ethnic studies general education graduation requirements at the CSU.

The committee may wish to consider whether these efforts are unintentionally duplicative of the overall goal, and if so, at what level it is most impactful to direct those efforts. However, it would also be fair to note that not every student in a community college attended a public school and not every associate degree recipient matriculates to a CSU. Further, there may also be value in revisiting ethnic studies in college after an initial exposure to it in high school.

- 8) ***Other related and previous legislation.*** AB 3310 (Muratsuchi, 2020) was substantially similar to this bill but was held in the Assembly Higher Education Committee.

AB 2772 (Medina, 2017-18 Session) in an earlier version, was substantially similar to AB 101 (Medina, 2021) but ultimately was amended and would have established a three-year grant program to require the CDE, contingent upon funding, to award grants to school districts to fund a semester- or year-long course in ethnic studies as part of a local graduation requirement in ethnic studies that is applicable to all students. AB 2772 was vetoed by Governor Brown, who stated:

“This bill establishes a three-year grant program for school districts that require ethnic studies in order to graduate.

School districts already can, and are, requiring ethnic studies for graduation. While I recognize the value of these courses, I am reluctant to encourage yet another graduation requirement, especially when students are already overburdened by multiple tests and endless hours of homework.”

AB 2408 (Weber, 2017-18 Session) was very similar in nature to AB 1460 (Weber). AB 2408 was held in the Assembly Higher Education Committee at the request of the author.

SUPPORT

Los Angeles Community College District (Sponsor)
 Asian Pacific Americans in Higher Education
 Asian Pacific Islander Trustee and Administrator Caucus of the CC League of California
 California Faculty Association
 California League of United Latin American Citizens
 Campaign for College Opportunity
 Chabot College
 Champman University
 Chinese for Affirmative Action
 Coalition for Responsible Community Development
 College of the Redwoods
 Contra Costa Community College District
 East Los Angeles College Asian American Studies
 Florin Japanese American Citizens League - Sacramento Valley
 Girls, Inc of Orange County
 Grossmont-Cuyamaca Community College District
 Hartnell College
 Imperial Community College District
 Japanese American Citizens League, Northern California-W. Nevada-Pacific District
 Japanese American Citizens League, San Jose Chapter
 Japanese American Museum of San Jose
 Los Angeles Community College District
 Monterey County

National Association of Social Workers, California Chapter
Nihonmachi Outreach Committee, San Jose
Ohlone College
Proyecto Pastoral
Sacramento Japanese American Citizens League
San Diego College of Continuing Education
San Jose City College
San Jose-Evergreen Community College District
Sonoma County Japanese American Citizens League

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1112 **Hearing Date:** July 14, 2021
Author: Carrillo
Version: July 7, 2021
Urgency: Yes **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Before and after school programs: cost study and advisory group.

SUMMARY

This bill, an urgency measure, requires the California Department of Education (CDE), on or before October 1, 2022, to conduct a statewide cost study, utilizing an expanded learning stakeholder group, to determine adequate funding levels for expanded learning programs and make associated recommendations, and appropriates an unspecified amount for these purposes.

BACKGROUND

Existing law:

- 1) Establishes the After School Education and Safety (ASES) program, passed by voters as Proposition 49 in 2002, which provides \$550 million annually for before and after school programs for K-9 students. Priority for funding is granted to schools where at least 50 percent of the students are eligible for free or reduced price meals. ASES programs receive direct grants, where attendance is projected and grants are funded up-front, in three one-year increments. (Education Code § 8482, et seq.)
- 2) Sets the maximum total direct grant awarded annually for an after school program as \$112,500 for each regular school year for elementary schools and \$150,000 for middle or junior high schools (based on a formula of \$7.50 per student per day of attendance, at a maximum of \$37.50 per student per week). (EC § 8482.55 and § 8483.7)
- 3) Sets maximum total grant awarded annually for a before school program as \$37,500 for each regular school year for elementary schools and \$49,000 for middle or junior high schools (based on a formula of \$5 per student per day of attendance, at a maximum of \$25 per student per week). (EC § 8483.75)
- 4) Provides for a summer grant to operate the program in excess of 180 days or during any combination of summer, intersession, or vacation for a maximum of the lesser of:
 - a) \$7.50 per student per day; or,
 - b) 30 percent of the total grant amount awarded to the school per school year; or,

- c) \$33,750 for elementary schools and \$45,000 for middle or junior high schools. (EC § 8483.7 and § 8483.76)
- 5) Continuously appropriates \$550 million from the General Fund to the CDE for the ASES program. (EC § 8483.5)
- 6) Sets the minimum wage for all industries, on and after January 1, 2016, at \$10 per hour. (Labor Code § 1182.12)
- 7) Sets the minimum wage for employers who employ 26 or more employees at \$10.50 per hour for the 2017 calendar year and commencing January 1, 2018, sets the minimum wage for these employers at \$11 per hour and raises that wage \$1 per year for five years, to \$15 per hour as of January 1, 2022. (LC § 1182.12)
- 8) Sets the minimum wage for employers who employ 25 or fewer employees at \$10.50 per hour for the 2018 calendar year, and commencing January 1, 2019, sets the minimum wage for these employers at \$11 per hour and raises that wage \$1 per year for five years, to \$15 per hour as of January 1, 2023. (LC § 1182.12)
- 9) Authorizes the Governor, if certain conditions are met, to temporarily suspend the scheduled minimum wage increases for one year, but no more than two times. (LC § 1182.12)

ANALYSIS

This bill, an urgency measure, requires the CDE, on or before October 1, 2022, to conduct a statewide cost study, utilizing an expanded learning stakeholder group, to determine adequate funding levels for expanded learning programs and make associated recommendations, and appropriates an unspecified amount for these purposes. Specifically, this bill:

- 1) Requires the CDE to do all of the following:
 - a) Conduct a statewide cost study to determine adequate funding levels in order for expanded learning programs to meet current health and safety needs and state quality standards.
 - b) Establish a statewide expanded learning stakeholder advisory group, or modify the responsibilities of an existing advisory group, to fulfill that requirement.
 - c) Coordinate and support the statewide expanded learning stakeholder advisory group in developing recommendations on all of the following:
 - i) How to adequately fund the various publicly funded expanded learning programs, including recommended funding amounts for each program.

- ii) How to coordinate and leverage the various expanded learning programs to promote equity and help close the opportunity gap.
 - iii) The development of a process and methodology to adjust funding for expanded learning programs in future years.
 - iv) Publicly share on CDE's internet website the results of the cost study and the statewide expanded learning stakeholder advisory group's recommendations.
- 3) Requires the statewide expanded learning stakeholder advisory group to include, but not be limited to, representatives of the Legislature, state agencies, local educational agencies (LEAs), community-based organizations, municipal agencies, and families and pupils participating in the state-funded ASES program, the federally funded 21st Century Community Learning Centers program, and other state-funded expanded learning programs.
 - 4) Appropriates an unspecified amount from the General Fund to the CDE to conduct the cost study and to convene and support the statewide expanded learning stakeholder advisory group.
 - 5) Authorizes the CDE to contract with qualified local educational agencies or other entities to perform these duties.
 - 6) Includes Legislative findings and declarations relating to these provisions.
 - 7) Provides that it is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect, and specifies that the facts constituting the necessity are: "Because expanded learning programs are a key component of reopening schools and pupil recovery from COVID-19 school closures, it is necessary that the State Department of Education be able to start working immediately on the process and methodology to sustain these programs."

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "the costs to run afterschool and summer programs throughout California continue to rise due to increases in safety and sanitation expenses, smaller student-to-staff ratios, longer program hours, and annual minimum wage increases. Since 2007, the state minimum wage increased 75% but funding for After School Education & Safety (ASES) programs only increased 18%. At the current \$14 state minimum wage, programs struggle to recruit and retain essential staff with less than \$3/hour from the state. Minimal investments in frontline education staff willing to provide in-person care during the crisis including the inability to provide living wages and full access to health benefits."

- 2) **Family fees.** Current law does not require ASES programs to charge family fees or to conduct individual eligibility determinations based on need or income. It appears that ASES programs have the ability to charge family fees; however, it is unlikely that many programs charge fees, or reap significant fees, as ASES programs serve schools where a minimum of 50 percent of the students are eligible for free- or reduced-price meals, and funding priority is given to programs serving the highest percentages of students who are eligible for free and reduced-price meals.
- 3) **Recent and pending budgets include additional money for ASES programs.** The Education Code requires the continuous appropriation of \$550 million from the General Fund to the CDE for the ASES program. This bill proposes to increase that appropriation by an amount sufficient to fund an increase in the daily pupil rate of 50 percent of each increase to the minimum wage or increase in the California Consumer Price Index (CCPI), whichever is greater. The Budget Act of 2018 (SB 840, Mitchell) provided an additional \$50 million in ASES funding, and the Budget Act of 2019 (SB 74, Ting) includes another additional \$50 million in ASES funding, bringing the total ASES funding for the 2019-20 fiscal year to \$650 million.

Additionally, SB 129 (Skinner) is pending before the Governor, and appropriates an additional \$94,866,000, increasing rates for the ASES Program in 2021–22 and 2022–23.

- 4) **Connection between pending expanded learning time and ASES is unclear.** Separate from ASES funding, AB 130 (Committee on Budget), which is pending before the Governor, appropriates \$753,131,000 for a newly established Expanded Learning Opportunities Program. This program would, commencing with the 2021-22 school year, require specified LEAs to offer to at least all unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, and provide to at least 50 percent of enrolled unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to expanded learning opportunity programs. Commencing with the 2022–23 school year, those same LEAs would be required to offer to all pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to expanded learning opportunity programs, and ensure that access is provided to any pupil whose parent or guardian requests their placement in a program. The expanded learning time would result in students receiving no less than nine hours of combined instructional time and expanded learning opportunities per instructional day, and could be achieved with a before school component, after school component, or both before and after school components. Those components would be tied to specific ASES requirements, but would not be ASES programs directly, though it appears that LEAs could contract with ASES programs to provide the services required under the Expanded Learning Opportunities Program.
- 5) **Governor's authority to suspend minimum wage increases.** Existing law authorizes the Governor to temporarily suspend scheduled minimum wage increases if certain conditions are met. Currently, the minimum wage is \$13 for employers with fewer than 26 employees and \$14 for employers with 26 or more

employees. To date, the Governor has not exercised the authority to suspend scheduled increases. As the minimum wage continues to increase, ASES programs continue to incur additional operating costs.

- 6) **Author's amendments.** As currently drafted, this bill appropriates an unspecified amount for its purposes. The author would like to amend the bill to specify a \$600,000 appropriation. **Staff recommends that the bill be amended** to reflect the author's intent.
- 7) **Previous legislation.** AB 1725 (Carrillo, 2019) would have, commencing with the increases to the minimum wage implemented during the 2020–21 fiscal year, and every fiscal year thereafter, requires the Department of Finance to increase the total ASES program funding amount by adding an amount necessary to fund an increase in the daily pupil rate of either: 1) 50 percent of each increase to the minimum wage, or 2) the percentage increase in the California Consumer Price Index, whichever is greater. AB 1725 was not heard by this committee in 2020 due to the pandemic-shortened Legislative calendar.

SB 78 (Leyva, 2017) was substantially similar to AB 1725. SB 78 was not heard in the Assembly Education Committee at the request of the author.

SUPPORT

LA's BEST Afterschool Enrichment Program (Co-sponsor)
 Partnership for Children & Youth (Co-sponsor)
 A World Fit for Kids
 Abrazar
 After-Achool All-stars, Los Angeles
 arc
 Association for Bilingual Education
 Bay Area Community Resources
 Boys & Girls Clubs of Carson
 California Afterschool Advocacy Alliance
 California Afterschool Network
 California Association of Black School Educators
 California School-Age Consortium
 California State PTA
 California Teaching Fellows Foundation
 Californians Together
 City of Moreno Valley
 Compton Unified School District
 Educare Foundation
 El Rancho Unified School District
 Fenton Charter Public Schools
 Fight Crime: Invest in Kids
 Heart of Los Angeles (HOLA)
 How Kids Learn Foundation
 Improve Your Tomorrow, INC.
 Keep Youth Doing Something
 La's Best After School Enrichment Program

Los Angeles Conservation Corps
Magnolia Public Schools
Monterey Peninsula Unified School District
Parent Institute for Quality Education
Public Advocates
Readynation
Sacramento Chinese Community Service Center
Save the Children
STAR Education
Temescal Associates
The Children's Initiative
Think Together
Woodcraft Rangers
YMCA of San Diego County

OPPOSITION

None received

-- END --

CalFresh program, county or local housing resources, as specified, and local or county mental health services. (Education Code § 66027.6)

ANALYSIS

This bill (1) requires a county human services agency to designate at least one employee as a staff liaison to serve as a contact for academic counselors and other professional staff at a campus of a postsecondary education institution to provide information on programs and services that may be available to students; (2) requires the California State University (CSU) and the California Community Colleges (CCC), and requests the University of California (UC), to conduct a survey to determine the effectiveness of the county liaison position established by this bill. Specifically, this bill:

County liaison

- 1) Requires a county human services agency to designate at least one employee as a staff liaison to serve as a point of contact for academic counselors and other relevant professional staff at a campus of an institution of public higher education located within the county and provide information on programs and services offered by the agency that may be available to students attending a campus of an institution of public higher education within the county.
- 2) Provides that this requirement is not intended to supersede or otherwise alter existing relationships between counties and campuses, including but not limited to, coordination related to CalWORKs welfare-to-work participants who are attending a campus of an institution of public higher education.
- 3) Requires a county human services agency, with input from the public institutions of higher education located within the county, to develop protocols for engagement between the agency and a campus located within the county. This bill encourages the agency and the public institutions of higher education to consult stakeholders while developing the protocol, including but not limited to, all of the following:
 - a) A representative from each campus of an institution of public higher education within the county, who is to be a staff member tasked with addressing students' basic needs on the campus.
 - b) A counselor or other relevant professional staff from each campus of an institution of public higher education within the county.
 - c) Relevant organizations representing the interests of students, faculty, and staff from each campus of an institution of public higher education within the county.
- 4) Encourages counties to provide information to the campuses of an institution of public higher education located within their borders regarding the location and hours of county human services agency public offices, as well as information regarding online and telephone access to program applications. This bill encourages each campus to disseminate information regarding applying for

human services programs and benefits to the campus administrator associated with student services, or their designee.

- 5) Requires any disclosure or sharing of personal information to be made in compliance with applicable state and federal confidentiality laws.

Survey and report

- 6) Requires the Office of the Chancellor of the CCC, Office of the Chancellor of the CSU, and requests the Office of the President of the UC, in collaboration with county human services agencies, to conduct a survey to determine the effectiveness of the county liaison position established by this bill.
- 7) Requires the survey to address, at a minimum, all of the following:
 - a) The barriers and opportunities faced by county staff liaisons in responding to the requests of counselors or other relevant professional staff.
 - b) The barriers and opportunities faced by counselors or other relevant professional staff in engaging with county staff liaisons.
 - c) The barriers and opportunities for increased collaboration between student assistance programs enabling cross referrals between different programs including but not limited to, CalFresh, food pantries, and homeless student assistance.
 - d) Any changes in counselors' or other relevant professional staffs' knowledge or awareness of county programs as a result of the county liaison position.
 - e) The experiences of students connected to county services through counselors or other relevant professional staff.
 - f) An estimated number of college students at each institution of public higher education likely eligible for but not receiving public assistance program benefits, including CalFresh, CalWORKs, and Medi-Cal.
 - g) An estimated number of college students at each institution of public higher education that enrolled in public assistance programs, including, but not limited to, CalFresh, CalWORKs, and Medi-Cal, as a result of the engagement with the county liaison position.
- 8) Requires the Office of the Chancellor of the CCC, Office of the Chancellor of the CSU, and requests the Office of the President of the UC, to report the results of the survey to the Senate Committees on Education and Human Services, the Assembly Committees on Higher Education and Human Services, the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, and the California Department of Social Services on or before January 1, 2025.

Miscellaneous

- 9) States legislative intent to expedite the connection between students in need and critical county services.
- 10) States legislative findings and declarations relative to the availability of county health and human services and programs that could benefit students facing food and/or housing insecurity.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Connecting students in need with county assistance programs can have a significant impact on their housing and food security. This safety net support can be critical to a student's academic performance and success. Unfortunately, navigating the eligibility and enrollment process for these programs can be difficult for both college counselors and students alike. In 2019, the California Student Aid Commission conducted a survey of student needs. Of over 15,000 students who responded across all California institutions, on average, over one third experienced either housing insecurity or food insecurity. In response to these dire circumstances, counselors have the ability to connect students with appropriate county-funded or county-administered services such as CalFresh and CalWORKs, but many counselors do not have the time, nor do some have the expertise to navigate county government for this purpose. . . . Some California counties have voluntarily established an educational liaison to serve as a single point of contact for the student CalWORKs population. While the model has proven successful, it is currently limited to counselors serving a narrow population of students. Policy which both expands this successful model statewide and broadens the number of programs county liaisons assist counselors with would increase the capacity for campuses to aid our most vulnerable students."
- 2) *Students' basic needs.* In 2019, the California Student Aid Commission published the results of the Student Expenses and Resources Survey (SEARS), which found 35 percent of California college students surveyed experienced food insecurity. According to the survey, 10 percent of California college students surveyed did not have enough financial income to pay rent, and 1 percent identified as having an inconsistent living situation. The survey identified racial disparities among those who identified as homeless, with 38 percent of college students identifying as both Hispanic or Latino and homeless and 23 percent identifying as Black or African American and homeless.
- 3) *Connecting Low-Income Students to Social Services.* As noted in the Senate Human Services Committee analysis of this bill, "complicated program rules appear to create barriers to student access to some of the state's largest anti-poverty programs, such as CalWORKs, CalFresh and Medi-Cal. In recent years, the Legislature has taken proactive steps to address the prevalence of student hunger and housing insecurity. This includes almost \$30 million for outreach to connect students to the CalFresh program, connecting students who are Cal Grant recipients to CalFresh, among others. This bill could help connect low-income students to social services programs, such as CalWORKs and CalFresh, which are administered by the counties with guidance provided by CDSS."

CalWORKs is the state's primary cash assistance program for low-income families. In addition to cash assistance, families are provided an array of services that are intended to remove barriers to self-sufficiency. Such services could include mental health counseling, substance abuse treatment, or domestic violence services; job skills training; attendance in a secondary school or in a course leading to certificate of general educational development; among many others. According to the Public Policy Institute of California October 2020 report on Supporting Student Parents in Community College CalWORKs Program, students participating in CalWORKs are more likely to have a better course success rate, experience full-time enrollment, and matriculate to a degree than when not enrolled in college CalWORKs programs.

CalFresh, California's version of federal SNAP, provides monthly food benefits to qualified low-income individuals and families to assist with the purchase of the food they need to maintain adequate nutrition levels. The maximum grant amount for a household size of one is \$204 as of October 1, 2020. In December 2020, the average household grant was \$222 per month. Historically, California's CalFresh participation rate has been at or near the lowest in the nation, with only about 70 percent of eligible recipients enrolled in CalFresh. In June 2020, the California Department of Social Services 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.

While numerous factors contribute to the low take-up rate for CalFresh, two commonly cited reasons for low enrollment are the complicated enrollment and recertification processes, especially for students and people who are elderly or disabled. Anecdotally, college students and administrators at public higher education institutions have expressed frustration with how challenging it can be for college students who face food insecurity to access CalFresh due to the complexity of eligibility rules for students.

Helping students to meet their basic needs by increasing their participation in social service programs is a cornerstone of the Governor's Council for Post-Secondary Education's Recovery with Equity: a Roadmap for Higher Education After the Pandemic. Specifically, the report calls for a simplified and integrated system that enables qualified college students access to the state's social services including CalFresh, housing programs, healthcare including mental health, direct aid, subsidized childcare, and transportation.

https://www.capostsecondaryforall.org/wp-content/uploads/2021/03/Recovery-with-Equity_2021Mar25-12pm.pdf

- 4) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose the following costs:
 - a) Ongoing General Fund (GF) costs of approximately \$2 million annually for county agencies to designate a liaison to work with college staff to provide

resources to college students. This estimate assumes each of the state's 58 counties would designate 0.5 of an employee's time to serve as a liaison. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

- b) Minor one-time GF costs to UC President's office and the CSU Chancellor's office to collect survey data and report information by January 1, 2025. According to the CSU, staffing costs to collect and report the program will be in the tens of thousands of dollars over three years, and county agencies will be collecting some of the information for the survey, which will offset some costs.
 - c) One-time GF costs in the mid-hundreds of thousands of dollars over three years to the CCC Chancellor's office to collect survey data and report information by January 1, 2025.
- 5) *Related legislation.* AB 543 (Davies, 2021) requires the CCC, CSU and requests the UC to provide students with educational information on CalFresh and the CalFresh student eligibility requirements during campus orientation. AB 543 is pending in the Senate Appropriations Committee.

AB 396 (Gabriel, 2021) requires the Department of Social Services to issue a guidance letter regarding eligibility requirements for campus-based programs at the CCCs, the CSUs and the UCs to become state-approved employment and training programs and requires campus-based programs at the CCC and CSU, and requests campus-based programs at the UC to apply to become state-approved employment and training programs by September 1, 2022. AB 396 is pending in the Senate Appropriations Committee.

AB 85 (Committee on Budget, Chapter 4, Statutes of 2021) appropriated \$28.8 million for county administrators and outreach costs associated with CalFresh benefits to students enrolled in higher education institutions.

- 6) *Prior legislation.* AB 2933 (Medina, 2018) would have required county health and human service agencies to designate an agency liaison for higher education and encouraged agencies to consult with community colleges, as specified. AB 2933 was held in the Senate Appropriations Committee.

SUPPORT

Faculty Association of California Community Colleges (sponsors)
California State University, Office of The Chancellor
California Student Aid Commission
National Association of Social Workers, California Chapter
University of California

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1377 **Hearing Date:** July 14, 2021
Author: McCarty
Version: July 5, 2021
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Student housing plans

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

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

SUMMARY

This bill requires the California State University (CSU), and requests the University of California (UC), to conduct a student housing needs assessment, by campus, and create a student housing plan outlining how they will meet their projected student housing needs.

BACKGROUND

Existing law:

- 1) Authorizes student housing facilities to be established and maintained at any UC and CSU campus for the accommodation of students of the university.
- 2) Requires each UC and CSU campus that maintains student housing facilities to give priority to current and former homeless youth and current and former foster youth.
- 3) Requests each UC and CSU campus to develop a plan to ensure that current and former homeless youth and current and former foster youth can access housing resources as needed during and between academic terms, including during academic and campus breaks, regardless of whether the campus maintains student housing facilities

ANALYSIS

This bill:

- 1) Requires the Chancellor of the CSU, and requests the President of the UC, to do both of the following by July 1, 2022:

- a) Conduct a needs assessment to determine the projected student housing needs, by campus, for the 2022–23 fiscal year to the 2026–27 fiscal year, inclusive, taking into account the projected enrollment growth and the goal of closing the degree gap.
 - b) Create a student housing plan, with a focus on affordable student housing, that outlines how they will meet the projected student housing needs, by campus. The student housing plan shall include the specific actions to be taken for the 2022–23 fiscal year to the 2026–27 fiscal year, inclusive.
- 2) Every three years after July 1, 2022, requires the Chancellor of the CSU, and requests the President of the UC, to review and update the student housing plan described above and include the specific actions to be taken in the next five fiscal years.
 - 3) Defines the “degree gap” for purposes of the bill as the gap between the number of highly educated workers that California’s future economy will need and the number the state is on pace to produce.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Housing accounts for nearly half of the total cost of attending college. Lack of affordable housing for students is driving rising levels of housing insecurity, and even homelessness among college students. In 2018, nearly one in five community college students in California experienced homelessness. In order to learn and thrive, students need to have their basic needs met. This bill will provide the financial and technical support necessary to help CSU, UC, and community college campuses build affordable housing to meet the urgent and growing needs of California’s students.”
- 2) ***Background.*** The state’s nine UC campuses and 23 CSU campuses offer student housing, typically to undergraduate and to some graduate students.

Debt capacity to finance student housing projects differs from campus to campus. Due to issues with debt capacity and other variables, UC and CSU campuses have entered into private public partnerships (P3s) to finance capital projects such as student housing. In a P3, a public sector entity and a private-sector entity enter into an agreement whereby the private entity funds a public project in exchange for some benefit, such as partial ownership of the completed project or operating profits.
- 3) ***Many college students face food and housing insecurity.*** According to the California Student Aid Commission’s 2018-19 Student Expense and Resource Survey, nearly one in three college students in California faces food and housing insecurity. The survey, which sampled 150,000 college students from four-year institutions in 2018 and community colleges in 2019, found that students’ financial concerns extend far beyond tuition and fees. All CSU and UC institutions were represented in the study, according to the report.

Nearly two-thirds of students cited either the cost of college or balancing school and work responsibilities as their biggest obstacle to success. Students selected those obstacles over all other stressors, including the difficulty level of classes, too little support from friends or family, and difficulty balancing school and family responsibilities. The survey also found that black and Hispanic students were more likely to access financial aid, including federal Pell grants or the state Cal Grant, and other forms of public assistance, but were also more likely than other students to report food insecurity or housing insecurity.

Each segment of higher education has a different distribution of where students live while attending college. At the CSU, 14 percent of students live on campus, 39 percent live off campus, and 47 percent live with their parents. At the UC, 39 percent of students live on campus, 49 percent live off campus, and 11 percent live with their parents. Not surprisingly, housing insecurity is found to be highly correlated with lower degree completion, persistence, and credit attainment.

- 4) ***This year's state budget includes funding for a student housing grant program.*** The 2021-22 state budget provides \$2 billion one-time General Fund, split evenly between fiscal years 2021-22 and 2023-24, to establish a low-cost student housing grant program focused on expanding the availability of affordable student housing. The program would authorize the California School Finance Authority to award grants to the UC, CSU, and CCCs to build new student housing or to acquire commercial properties that would be transformed into student housing. Creating additional student housing will add to the state's overall housing stock and thus relieve pressure on student housing costs, increase supply around universities, and help improve housing affordability.

SUPPORT

None received

OPPOSITION

None received

-- END --

- b) District-based elections” means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district. (Elections Code § 14026)

City charters

- 3) Establishes that city charters may provide for the manner in which the members of school district or community college governing boards are elected or appointed. (EC § 5200, § 5221, § 5222, § 5228)
- 4) Provides that, when the boundaries of a school district extend beyond the limits of a city, charter amendments affecting the manner in which the members of boards of education are elected or appointed must be submitted to and approved by a majority of all the qualified electors of the school district voting on the question.
- 5) Authorizes the governing body of a city, or city and county, to propose an amendment to the charter of the city or city and county, and to submit the proposal to the voters at the next established *statewide general election*, provided there are at least 88 days before the election. (Elections Code § 9255 and Government Code § 34458)
- 6) Authorizes the governing body of a city, or city and county, to submit a charter amendment proposal to the voters at the next regularly scheduled *general municipal election* or at any established *statewide general or statewide primary election* occurring at least 88 days after the date of the order of election if the charter proposal does either of the following:
- a. Proposes to amend a charter in a manner that does not alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree or of any local government employee organization.
 - b. Proposes to amend a charter solely to comply with a court injunction or consent decree or with federal or state voting rights laws. (Elections Code § 9255)

County committee on school district reorganization

- 7) Requires each county, except a city and county, to have a county committee on school district reorganization. (EC § 4000)
- 8) Provides a process for changing the method for electing members of governing board of school districts and community college districts with the approval of the county committee on school district organization as follows:
- a) Authorizes the county committee, in any school district or community college district, except in a school district governed by a board of education provided

for in the charter of a city or city and county, to establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members described in #1 above. (EC § 5019)

- b) Authorizes a proposal to make these changes to be initiated by a county committee, made to the county committee by a governing board of a district, or made by a petition signed by a certain number or percentage of qualified register voters residing in the district, as specified. (EC § 5019)
- c) Requires that the county committee hold at least one hearing in the district before approving or disapproving a proposal. (EC § 5019)
- d) Provides that the county committee's approval of the rearrangement of trustee boundaries goes into effect 120 days after its approval, except as specified. (EC § 5019)

California Voting Rights Act

- 9) Establishes the California Voting Rights Act of 2001 (CVRA) which prohibits an at-large method of election, as defined, from being imposed or applied in a manner that impairs a protected class's ability to elect candidates of its choice or ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class, as defined. (Elections Code § 14025).
- 10) Authorizes the governing board of a community college district to change election systems, in accordance with the CVRA, by passing a resolution and receiving the approval of the Board of Governors of the California Community Colleges (BOG) as follows:
 - a) The governing board may establish elections by trustee areas, where one member of the governing board is elected from each trustee area, in which the member shall reside and be registered to vote. The governing board sets the initial boundaries of each trustee area.
 - b) Establish a top-two primary election system, whereby candidates are nominated by trustee area at a district primary election. The two candidates receiving the highest number of votes within the trustee area are to be nominees for the district general election for that trustee area, and the nominee who receives a majority of the votes cast by the voters of the trustee area in the district general election is to be elected to represent that trustee area. (EC § 72036)

ANALYSIS

This bill, an urgency measure, authorizes the City of Alhambra to submit a proposal to amend its city charter to remove references to the Alhambra Unified School District at a

special election, rather than waiting for the next statewide general election. Specifically, this bill:

- 1) Authorizes the governing body of the City of Alhambra, on its own motion, to submit a proposal to amend the charter of the City of Alhambra to remove all references to the Alhambra Unified School District from the charter at a special election held on any of the election dates, as specified, before the next established statewide general election.
- 2) States legislative findings and declarations relative to the unique circumstances facing the City of Alhambra and the Alhambra Unified School District regarding the November 3, 2020, election on Measure G, and the need to enable the Alhambra Unified School District to complete its transition to an election system that complies with the California Voting Rights Act before January 1, 2022.
- 3) Includes an urgency clause, citing the need to enable the City of Alhambra to conduct an election to remove all references to the Alhambra Unified School District from the city's charter and to permit the Alhambra Unified School District to complete its transition to an election system that complies with the California Voting Rights Act immediately.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "The City of Alhambra Charter (the Charter) governs the conduct of the AUSD and provides that members of the board of education are elected at-large. As currently written, the Charter conflicts with the AUSD's intention to transition to by-trustee-area elections for the members of the board of education to comply with the California Voting Rights Act (CVRA).

"Many cities and school districts have been or are being compelled through costly CVRA litigation to transition from at-large to by-district or trustee-area methods of election. Existing statutory requirements prevent the AUSD from completing that transition until after an election is held to remove any reference to the AUSD from the Charter. The AUSD desires to transition to trustee-area elections at the earliest possible opportunity to avoid risk of any such litigation."

- 2) *Existing methods of elections.* As is noted in the Senate Elections Committee analysis of this bill, state law generally provides that the governing boards of school districts and community college districts can be elected in one of three ways:
 - a) *At-Large:* where each member of the governing board is elected by the registered voters of the entire district.
 - b) *By-Trustee Areas:* where each member of the governing board resides in a different trustee area and is only elected by the registered voters of that trustee area.

- c) *From-Trustee Areas*: where each member of the governing board resides in a different trustee area but is elected by the registered voters of the entire district.

Historically, most community college district governing boards are elected by-trustee area whereas most school district governing boards are or had been elected at-large. Primarily due to lawsuits or the threat of lawsuits brought under the CVRA, a large number of school districts that had at-large governing boards have since transitioned, or are in the process of transitioning to, by-trustee area elections.

- 3) *Prior attempt in Alhambra*. Measure G was on the November 3, 2020 General Election ballot in Los Angeles County. Measure G sought to remove from the Alhambra City Charter all references to the Alhambra Unified School District. Measure G passed with 69 percent of the vote. However, Measure G only appeared on the ballots of voters residing in the City of Alhambra and not on the ballots of voters within the boundaries of the school district but who reside outside the City boundaries. As a result, Measure G did not accomplish its goal.

Existing law requires an amendment to a city charter to be submitted to voters at an established statewide general election; the next opportunity to seek an amendment to the city charter will be November 8, 2022.

As noted in the Senate Elections Committee analysis of this bill, it is possible that a charter amendment to remove the Alhambra Unified School District from the Alhambra City Charter could go on the June 2022 statewide primary elections ballot, at the earliest under existing law.

However, according to the co-sponsors of this bill, holding the vote on the charter amendment in June 2022 would be too late for the school district to go through the county committee process and adopt trustee area maps in time for use in district's governing board elections in November 2022. This bill allows the charter amendment to be submitted to voters at a special election as early as this year, which, if approved by the voters, should allow the Alhambra Unified School District with sufficient time to implement the new trustee areas by its upcoming governing board elections.

- 4) *What about the county committee on school district reorganization?* As noted in # 8 in the background section, existing law authorizes a county committee on school district reorganization to adopt a by-trustee election method *except* in a school district governed by a board of education provided for in the charter of a city.
- 5) *Another approach has broader application*. This bill is specific to the Alhambra City Charter and the Alhambra Unified School District. SB 442 (Newman, 2021) authorizes a county committee on school district organization to approve a proposal to establish trustee areas for the governing board of a community college district or a school district, including a school district whose governing board is provided for in a city's charter, without a vote of the district's electorate. While the Alhambra Unified School District could seek remedy via SB 442, the

author notes that there are other elections-related procedures (not specific the by-trustee elections) in the Alhambra City Charter that diverge from state law which could not be changed using the process contemplated in SB 442 and would still necessitate voter approval of a charter amendment to change.

- 6) *Related legislation.* SB 442 (Newman) authorizes a county committee on school district organization to approve a proposal to establish trustee areas for the governing board of a community college district or a school district, including a school district whose governing board is provided for in a city's charter, without a vote of the district's electorate. SB 442 is pending on the Assembly Floor.
- 7) *Prior legislation.* AB 1302 (Weber, 2019) would have required the governing board of the San Diego Unified School District to be elected by trustee area. AB 1302 was not heard in the Assembly Committee on Elections and Redistricting.

SUPPORT

Alhambra Unified School District (co-sponsor)
City of Alhambra (co-sponsor)
Los Angeles County Board of Supervisors (co-sponsor)

OPPOSITION

None received

-- END --