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California State Senate

EDUCATION



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AGENDA

Wednesday, March 17, 2021
9 a.m. -- Senate Chamber

MEASURES HEARD IN FILE ORDER

- | | | | |
|-----|--------|-----------|---|
| *1. | SB 254 | Borgeas | Public schools: September 11th Remembrance Day. |
| *2. | SB 532 | Caballero | Pupil instruction: high school coursework and graduation requirements: exemptions. |
| 3. | SB 367 | Hurtado | Student safety: opioid overdose reversal medication. |
| *4. | SB 393 | Hurtado | Migrant Childcare and Development Programs. |
| *5. | SB 400 | Jones | Homeless children and youths: local educational agencies: collaboration, training, and reporting. |
| 6. | SB 70 | Rubio | Elementary education: kindergarten. |
| 7. | SB 488 | Rubio | Teacher credentialing: reading instruction. |
| 8. | SB 379 | Wiener | University of California: contracts: health facilities. |

*Proposed Consent

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: SB 254 **Hearing Date:** March 17, 2021
Author: Borgeas
Version: March 3, 2020
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Public schools: September 11th Remembrance Day

This bill designates September 11 of each year as September 11th Remembrance Day, a day having special significance, and encourages each public elementary and secondary school to observe a moment of silence at an appropriate time while school is in session.

BACKGROUND

Existing law:

- 1) Designates a number of days as days of special significance to the public schools and educational institutions and encourages them to observe that day, including, among others, Ronald Reagan Day (February 6), John Muir Day (April 21), Harvey Milk Day (May 22), and Dolores Huerta Day (April 10). (EC § 37222.16, EC § 37222.11, EC § 37222.13, EC § 37222.20)
- 2) Encourages all public schools and educational institutions to observe each day designated and set apart as a day having special significance and to conduct suitable commemorative exercises. (EC § 37222)
- 3) Requires public schools to close on a number of holidays, including January 1, Dr. Martin Luther King, Jr. Day, Lincoln Day, Washington Day, Memorial Day, July 4, Labor Day, Veterans Day, Thanksgiving, December 25, all days appointed by the Governor or the President of the United States for a public fast, holiday, and any other day designated as a holiday by the governing board of the school district. Existing law requires that for some specified holidays for which schools are required to close (Dr. Martin Luther King Day, Lincoln Day, and Washington Day), schools conduct exercises in commemoration. (EC § 37220)

ANALYSIS

This bill designates September 11 of each year as September 11th Remembrance Day, a day having special significance, and encourages each public elementary and secondary school to observe a moment of silence at an appropriate time while school is in session.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Almost 20 years have passed since the September 11th attacks and the last generation of students alive during that

tragic day are graduating from our public school system. By asking schools to observe a moment of silence, this legislation seeks to ensure that future generations remember the impact of the events of September 11th and help encourage dialogue and education surrounding what happened that day.”

- 2) **Honorific days.** Currently, there are two days related to an event that are designated as having special significance: the anniversary of adoption of the Constitution of the United States and Lunar New Year. There is also a Welcome Home Vietnam Veterans Day that is designated as having special significance. There are also at three additional days related to events that schools are required to be closed on: New Year's Day, Independence Day, and Thanksgiving Day. Schools are also required to be closed on December 25th. Additionally, there are seven days named after an individual designated as having special significance, ten days that require the Governor to annually recognize a certain individual, and four state holidays named for an individual.

September 11th is no mere event or series of events. 2,977 people were killed by 19 hijackers on September 11th, and countless others, including first responders, military members, and strangers, risked their lives to help save many more. September 11th's impact on American life and history was, and continues to be, profound. Recognizing the significance of that day and honoring those whose lives were lost and impacted is appropriate.

- 3) **September 11th and the History-Social Science framework.** September 11th's impact is addressed to a significant extent and in a variety of ways in the most recently adopted History-Social Science framework, which was adopted in 2016. Topics include September 11th's effect on geopolitics, anti-western hostility, tension between national security and civil liberties, and rising international conflict.
- 4) **Related legislation.** SB 911 (Borgeas, 2020) was identical to this bill but was not heard in committee due to the COVID-19 shortened legislative year.

AB 2644 (Reyes, 2018) required the Governor to annually proclaim April 10 as Dolores Huerta Day, set apart that date as a date having special significance, and encouraged all public schools and educational institutions to conduct exercises remembering the life of Dolores Huerta.

HR 92 (Reyes, 2018) would have designated April 10 of each year as Dolores Huerta day, and recognized the accomplishments and contributions of Dolores Huerta. (HR 92 died at the Assembly Desk)

AB 7 (Bonta, Chapter 29, Statutes of 2015) required the Governor to annually proclaim October 25 as Larry Itliong Day, designated that date each year as having special significance, and encouraged all public schools and educational institutions to conduct exercises remembering the life of Larry Itliong and the contributions he made to the state.

AB 2269 (Swanson, Chapter 584, Statutes of 2012) deemed the month of May to be Labor History Month, and encouraged school districts to commemorate the month with appropriate educational exercises, as specified.

SB 1373 (Torres, Chapter 1011, Statutes of 1994) required the Governor to annually proclaim March 31 as Cesar Chavez Day, and included March 31, known as Cesar Chavez Day, in the list of state holidays.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022 Regular

Bill No: SB 532 **Hearing Date:** March 17, 2021
Author: Caballero
Version: March 9, 2021
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Pupil instruction: high school coursework and graduation requirements: exemptions

SUMMARY

This bill: (1) expands and strengthens the rights for foster youth, homeless youth, former juvenile court school students, children of military families, and migratory children to be exempted from local graduation requirements if certain conditions are met; (2) requires local educational agencies (LEAs) to provide those students the option to remain in school for a fifth year to complete the statewide coursework requirements if certain conditions are met; and (3) requires LEAs to annually report to the California Department of Education (CDE) the number of students that graduate with an exemption from the LEA's local graduation requirements.

BACKGROUND

Existing law:

- 1) Requires LEAs to exempt students in foster care, students who are homeless children or youth, former juvenile court school students, and students who are children of military families (hereafter "mobile students") who transfer between schools any time after the completion of the students' second year of high school from all coursework and other requirements that are in addition to state graduation requirements, unless an LEA makes a finding that a student is reasonably able to complete the LEA's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school. (Education Code § 51225.1)
- 2) Requires an LEA, if the LEA determines that the mobile student is reasonably able to complete the LEA's graduation requirements within the student's fifth year of high school, to do all of the following:
 - a) Inform the student of his or her option to remain in school for a fifth year to complete the LEA's graduation requirements.
 - b) Inform the student, and the person holding the right to make educational decisions for the student, about how remaining in school for a fifth year to complete the LEA's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.

- c) Provide information to the student about transfer opportunities available through the California Community Colleges.
 - d) Permit the student to stay in school for a fifth year to complete the LEA's graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the student. (EC § 51225.1)
- 3) In order to determine whether a mobile student is in the third or fourth year of high school, requires either the number of credits the student has earned to the date of transfer or the length of the student's school enrollment to be used, whichever will qualify the student for the exemption. (EC § 51225.1)
 - 4) Requires an LEA, within 30 calendar days of the date that a mobile student who may qualify for the transfers into a school, to notify the student, the person holding the right to make educational decisions for the student, and the student's social worker or probation officer, or LEA liaison for homeless children and youth, as applicable, of the availability of the exemption and whether the student qualifies for an exemption. (EC § 51225.1)
 - 5) If an LEA fails to provide timely notice, requires the mobile student to be eligible for the exemption from local graduation requirements once notified, even if that notification occurs after the student no longer meets the definition of a student in foster care, a student who is a homeless child or youth, a former juvenile court school student, or a student who is a child of a military family, if the student otherwise qualifies for the exemption. (EC § 51225.1)
 - 6) Prohibits a mobile student who is eligible for the exemption and would otherwise be entitled to remain in attendance at the school from being required to accept the exemption or from being denied enrollment in, or the ability to complete, courses for which he or she is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements. (EC § 51225.1)
 - 7) Requires an LEA, if a mobile student is not exempted or has previously declined the exemption, to exempt the student at any time if an exemption is requested by the student and the student qualifies for the exemption. (EC § 51225.1)
 - 8) Prohibits an LEA from revoking the exemption. (EC § 51225.1)
 - 9) Requires a mobile student's exemption to continue to apply after the termination of the court's jurisdiction over the student, after the student is no longer a homeless child or youth, or after the student no longer meets the definition of "children of military families," as applicable, while he or she is enrolled in school or if the student transfers to another school or LEA. (EC § 51225.1)
 - 10) Prohibits an LEA from requiring or requesting a mobile student to transfer schools in order to qualify the student for an exemption. (EC § 51225.1)

ANALYSIS

This bill: (1) expands and strengthens the rights for foster youth, homeless youth, former juvenile court school students, children of military families, and migratory children to be exempted from local graduation requirements if certain conditions are met; (2) requires local educational agencies (LEAs) to provide those students the option to remain in school for a fifth year to complete the statewide coursework requirements if certain conditions are met; and (3) requires LEAs to annually report to the California Department of Education (CDE) the number of students that graduate with an exemption from the LEA's local graduation requirements. Specifically, this bill:

- 1) Requires an LEA, if the LEA determines that a mobile student is reasonably able to complete the LEA's graduation requirements within the student's fifth year of high school, to inform a pupil in foster care or the pupil who is a homeless child or youth of the pupil's option to remain in the pupil's school of origin, pursuant to federal law.
- 2) For pupils with significant gaps in school attendance, authorizes the pupil's age as compared to the average age of pupils in the third or fourth year of high school to be used to determine whether a mobile student is in the third or fourth year of high school.
- 3) Requires a school district to exempt a mobile student who was at one point eligible for the exemption, but who was not properly notified of the availability of the exemption or who declined the exemption, if at any time the mobile student later requests the exemption, even if the student is no longer homeless or the court's jurisdiction over the pupil has terminated.
- 4) Requires a school district to provide a mobile student the option to remain in school for a fifth year to complete the statewide coursework requirements, if the mobile student, who transferred between schools any time after the completion of the student's second year of high school, is not reasonably able to complete the *school district's graduation requirements* within the student's fifth year of high school, but is reasonably able to complete the *statewide coursework requirements* within the student's fifth year of high school.
- 5) Requires a school district to reevaluate a mobile student's eligibility within the first 30 calendar days of the next academic year after they were determined to be ineligible, in order to determine if the student continues to be reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school. If the student is not reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, the school district must exempt the student from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements and notification of the availability of the exemption.
- 6) Extends the exemptions provisions to mobile students who are enrolled in an adult education program, regardless of their age, and to students enrolled in an

adult education program, who, while enrolled in high school, would have qualified as mobile students.

- 7) Specifies that for purposes of the exemptions provisions for a student who is an unaccompanied youth, as that term is defined in federal law, the "person holding the right to make educational decisions for the pupil" is the unaccompanied youth themselves.
- 8) Requires each LEA to report to the CDE annually the number of students that graduate with an exemption from the LEA's graduation requirements that are in addition to the statewide coursework requirements, and requires that data to be reported for students graduating in the fourth year and fifth year cohorts, and to be disaggregated by student category.

STAFF COMMENTS

- 1) **Need for the bill:** According to the author's office, "This bill aims to strengthen Education Code 51225.1, which currently provides expanded opportunities to achieve a high school diploma for highly mobile students (students who experiencing homelessness, are in foster care, formerly in juvenile court school, are in military families, are migrant or in the newcomer program), that experience a school move after their second year in high school. Currently Ed. Code 51225.1 provides students with the option to opt into a 5th year of high school to complete LEA coursework requirements that are in addition to the statewide coursework requirements, or graduate with an exemption from LEA coursework requirements in their fourth year of high school."
- 2) **Statewide graduation requirements vs. 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.

Existing law authorizes local school district governing boards to impose additional graduation requirements beyond the state-mandated graduation requirements, and many school districts and charter schools have added some additional local graduation requirements, such as four years of English or three years of math, or a health course, and some have even incorporated the robust University of California/California State University A-G admission requirements into their local graduation requirements.

- 3) **Effect of mobility on academic outcomes.** Numerous studies indicate that student mobility is associated with poor educational outcomes. One meta-analysis (Mehana, 2004) on the effects of school mobility on reading and math achievement in the elementary grades found the equivalent of a 3–4 month performance disadvantage in achievement. Another (Reynolds, 2009) found that frequent mobility was associated with significantly lower reading and math achievement by up to a third of a standard deviation, and that students who moved three or more times had rates of school dropout that was nearly one-third of a standard deviation higher than those who were school stable. One longitudinal study (Temple, 1999) found that half of the one year difference between mobile and non-mobile students could be attributed to mobility, and that it is “frequent, rather than occasional, mobility that significantly increases the risk of underachievement.” Another longitudinal study (Herbers, 2014) found that students who experience more school changes between kindergarten and twelfth grade are less likely to complete high school on time, complete fewer years of school, and attain lower levels of occupational prestige, even when controlling for poverty. Results of this study indicated more negative outcomes associated with moves later in the grade school career, particularly between fourth and eighth grade.

- 4) **Mobile student graduation rates.** Below is a table of the statewide graduation rates for mobile students, which are significantly less than the overall statewide graduation rate:

Student Group	2018-19 4-Year Cohort Students	2019-20 5-Year Cohort Students	2018-19 Four-Year Graduates	2019-20 Five-Year Graduates	2018-19 4-Year Rate	2019-20 5-Year Rate
Statewide	494,337	494,635	417,496	430,108	84.5%	87.0%
Foster Students	7,647	7,665	4,279	4,767	56.0%	62.2%
Homeless Students	34,470	34,563	24,122	25,852	70.0%	74.8%
Migrant Students	5,621	5,628	4,586	4,778	81.6%	84.9%

- 5) **Expanding the 5th year option.** Under existing law, LEAs must offer a 5th year option to mobile students that qualify for the local graduation requirement exemption in order to meet those *local graduation requirements* (or exempt them from those requirements if the student so chooses). This bill would extend the requirement to offer a 5th year option to mobile students in order to satisfy just the

statewide graduation requirements if it appears they won't reasonably be able to satisfy the statewide requirements within four years. Under the local control funding formula, 5th year students continue to generate average daily attendance.

- 6) ***What about charter schools?*** Existing law applies the existing exemption rights and requirements to charter schools, but this bill's additional provisions are specific to school districts. It seems likely that this distinction was an inadvertent oversight. Regardless, ***staff recommends that the bill be amended*** for consistency across all exemption provisions so that the bill's provisions also apply to charter schools.
- 7) ***Previous legislation.*** AB 2121 (Caballero, Chapter 581, Statutes of 2018) extended to students who are migratory children and to students participating in a newcomer program certain rights regarding exemptions from local graduation requirements and acceptance of partial credit that are currently afforded to other groups of highly mobile students, and extended the applicability of those provisions to charter schools.

AB 365 (Muratsuchi, Chapter 739, Statutes of 2017) extends to students from military families certain rights regarding exemptions from local graduation requirements and acceptance of partial credit which are currently afforded to other groups of highly mobile students.

SB 331 (Romero, Chapter 274, Statutes of 2010) reduces the number of years a child may be deemed a migrant child from 5 years to 3 years, deletes provisions regarding service priorities, specifies that priority for services shall be consistent with federal law, and expands the scope of a status report produced by the statewide parent advisory council of the California Migrant Education Program.

SUPPORT

California Youth Connection (Co-Sponsor)
 Los Angeles County Office of Education (Co-Sponsor)
 SchoolHouse Connection (Co-Sponsor)
 ACLU of California
 California Association for Bilingual Education
 Californians Together
 Ceres Unified School District
 John Burton Advocates for Youth
 Law Foundation of Silicon Valley
 Lawyers Committee for Civil Rights of the San Francisco Bay Area
 Monterey County Office of Education
 National Center for Youth Law
 Parent Institute for Quality Education
 Patterson Joint Unified School District
 Public Advocates
 Public Counsel
 Youth Law Center

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 367 **Hearing Date:** March 17, 2021
Author: Hurtado
Version: March 2, 2021
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Student safety: opioid overdose reversal medication.

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

SUMMARY

This bill requires the governing board of each community college district (CCD) and the California State University (CSU) Trustees, and requests the University of California (UC) Regents, to maintain opioid overdose reversal medication in all on-campus first-aid kits. It additionally requires a campus with an established orientation program to provide students with preventative information about opioid overdose during orientation, including the use and location of opioid overdose reversal medication.

BACKGROUND

Existing law:

- 1) Establishes the UC, which is administered by the Regents of the UC, the CSU, which is administered by the Trustees of the CSU, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges, as the three segments of public postsecondary education in the state. (Education Code § 70900, § 89000, § 92000)
- 2) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (EC § 67400)
- 3) Requires the governing board of each community college district (CCD) and the CSU Trustees, and requests the UC Regents, to provide educational and preventative information about sexual violence to students at all campuses of their respective segments. Existing law requires the information to be developed in collaboration with campus-based and community-based victim advocacy organizations, and provided to students as part of established campus orientations. Existing law requires, for a campus with an existing on-campus orientation program, to provide this information during the regular orientation for incoming students. (EC § 67385.7)
- 4) Requires CSU Trustees provide, and request the Regents of UC to provide, as a part of established campus orientations, educational and preventive information

about cyberbullying to students at all campuses of their respective segments.
(EC § 66302.5)

- 5) Authorizes licensed health care providers to issue a standing order for the distribution or the administration of naloxone to a person at risk or family members, friends, or other persons in a position to assist a person at risk of an opioid-related overdose. Current law, confers qualified immunity from civil liability, criminal prosecution, or professional review to licensed health care providers who issue prescriptions or standing orders pursuant to the program and immunity from civil action or criminal prosecution, or professional review, to any persons who possess or distribute naloxone pursuant to a prescription or standing order, or acting with reasonable care in administering naloxone, as specified. Current law requires that a trained person who is prescribed naloxone or possesses it pursuant to a standing order receive training, as defined. (Civil Code § 1714.22 et. sq.)

ANALYSIS

This bill:

- 1) Requires each CCD and the CSU Trustees, and requests the UC, in collaboration with campus-based and community-based recovery advocacy organizations, to provide educational and preventative information provided by the California Department of Public Health (CDPH) to students at a campus during orientation about:
 - a) Opioid overdose.
 - b) Use of opioid overdose reversal medication.
 - c) Location of opioid overdose reversal medication.
- 2) Requires CCDs, CSU, and requests UC, to require its respective campuses to maintain nasal spray dosages of opioid overdose reversal medication in all first-aid kits maintained at each campus.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The National Institute on Drug Abuse found that roughly 45 percent of California's drug overdose deaths in 2018 involved opioids, contributing to 2,428 fatalities. 2019 saw a 30 percent uptick in this figure. Of the nearly 3,300 people that died in 2019, 404 were between 15 and 24 years old. Among, traditional college-age individuals, opioid-related hospitalizations and deaths have risen steadily since 2018, despite the rate of opioid prescription continually dropping in that same period. Among traditional college-age individuals, opioid related hospitalizations and deaths have risen steadily since 2018, despite the rate of opioid prescription continual dropping in that same period."

The author further asserts that CDPH has issued a statewide standing order for naloxone, an opioid overdose reversal medication. The CDPH program is open to organizations in California that can provide naloxone to those at risk of overdose, including colleges and universities. Additionally, some state universities have already begun making the drug more available to first responders on campus through the CDPH program, but not all.

- 2) **Naloxone.** According to information posted on the CDPH website, Naloxone, a prescription drug, is an opioid antagonist that works almost immediately to reverse opiate overdose. It further states that Naloxone has few known adverse effects, no potential for abuse, and can be rapidly administered through intramuscular injection or nasal spray. Programs to train and equip bystanders such as friends, family and other non-health care providers, and drug users themselves, have gained momentum as an effective way to respond and reverse an opioid overdose.
- 3) **Statewide Standing Order for Naloxone distribution.** As noted, the CDPH issued a statewide standing order for naloxone. The order allows organizations and entities including colleges and universities to distribute naloxone to a person at-risk of experiencing an overdose or an individual in a position to assist a person at-risk. Staff of community organizations and other entities distributing naloxone under the statewide standing order are required to receive training, and are also required to train individuals who receive naloxone from them. Organizations, including colleges may apply to use the statewide standing order and meet certain terms and conditions. A separate distribution program administered through the Department of Health Care Services (DHCS) allows universities and colleges to apply for and obtain Naloxone at no cost to the institution.
- 4) **Parity with DHCS and CDPH distribution programs?** This bill is silent on how a campus would obtain the medication. Presumably, a college or university would apply and qualify, as several of them have, for the DHCS and CDPH naloxone distribution programs. However, colleges must comply with their program requirements and it's unclear whether the provisions of this bill are consistent with terms and conditions established for participating in those programs. For example, not all campus first-aid kits are monitored and organizations participating in state distribution programs are responsible for training anyone who receives, as well as any who distributes, the medication. *As such, in order to ensure parity with the DHCS and CDPH programs and to clarify ambiguity within the proposed policy, as well as to ensure the accessibility of such medication, staff recommends that the bill be amended to remove the requirement that medication be maintained within campus first-aid kits and instead require the CCD, CSU Trustees and request the UC Regents to require each campus health center that is located on a campus within their respective segments to apply to use the statewide standing order issued by the state Public Health Officer to distribute naloxone and apply to participate in the DHCS Naloxone Distribution Project. Staff recommends that the bill be further amended that upon approval for use the statewide standing order and participate in the DHCS Naloxone Distribution Project, a campus health center shall distribute overdose*

reversal medication obtained through the DHCS Naloxone Distribution Project in accordance with its terms and conditions.

- 5) **Prevalence of drug overdoses on campus.** According to data acquired by the UC police department in 2019-2020, the department received 24 calls relating to student opioid use, 16 of those were overdose related. Within the CSU, there have been a few known cases on-campus in recent years. Community college data was unavailable. This information does not account for overdose experiences that occur off-campus.
- 6) **Campus response to opioid overdose.** Generally, campus first responders are trained in opioid overdose response and are able to access opioid reversal medication as needed. A call to 911 activates campus first responders including police officers. Additionally, at UC, all campuses have campus health centers that provide care and first-aid when needed, including "crash carts" for managing unconscious patients who arrive at the clinic, and with opioid reversal agents in pharmacies where present on campus. At CSU, many campus health centers maintain overdose reversal medication.
- 7) **Management of aid kits is decentralized.** This bill seeks to expand access to overdose reversal medication as a preventative measure to increase the chances that the drug will be available should an overdose event occur by making it accessible within every campus first-aid kit. Location of first-aid kits and how they are managed is different on each campus. In addition to campus health centers and police departments, first-aid kits could be located in academic departments, residence halls, Labs, and classrooms. Campuses that have fire departments (handful of UC's) or ambulance services additionally have first-aid supplies that are used during responses and emergencies. Ensuring access and availability to those who need it, when they need it, especially during a medical emergency is important. Given that bill requires the presence of opioid reversal medication in all general first-aid kits scattered around campus, it could present unique challenge for managing the contents.
- 8) **Educational information provided during orientation.** This bill requires colleges with on-campus orientation programs to provide information at the orientation. Student orientation programs are designed to guide students through their academic career and provide them with relevant information about university and academic requirements, academic advising/planning, and a variety of campus student programs. Current law requires college campuses to provide information about cyberbullying and about sexual violence during orientation. It is prudent for institutions to inform its students of the most current and relevant issues particularly on student safety matters. Accordingly, as other worthy issues will emerge as future legislation follows suit, the committee may wish to consider the extent to which a permanent statutory fix is necessary to prescribe which issues are covered within college orientation and which circumstance merit a campus decision.

SUPPORT

A New Path
A New Path (parents for Addiction Treatment & Healing)
Agape Addiction Counseling
CA Council of Community Behavioral Health Agencies
California Coalition of School Safety Professionals
California Consortium of Addiction Programs and Professionals
Casa Palmera
Community Social Model Advocates, INC.
Hathaway Recovery Substance Abuse and Behavioral Treatment Center
My Time Recovery
Opus Health, LLC
Orange County Recovery Collaboration
Palm House, INC.
Raw - Recovery and Wellness
Riverside Sheriffs' Association
San Jose City College Alcohol and Drug Studies Program
Santa Ana Police Officers Association
Soroptimist House of Hope, INC.
Stepping Stone of San Diego
The Purpose of Recovery INC
Young People in Recovery - Antelope Valley Chapter
Young People in Recovery – Sacramento Chapter

OPPOSITION

None received.

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- 4) Requires the SPI to annually reimburse seasonal migrant child care and development agencies for approvable startup and closedown costs. (EC § 8233)
- 5) Prohibits reimbursement for both startup and closedown costs from exceeding 15 percent of each such agency's total contract amount. (EC § 8233)
- 6) Requires seasonal migrant child care and development agencies to submit reimbursement claims for startup costs with their first monthly reports, and reimbursement claims for closedown costs with their final reports. (EC § 8233)

Standard reimbursement rate (SRR) – for providers who directly contract with the California Department of Education (CDE)

- 7) Requires the SPI to implement a plan that establishes reasonable standards and assigned reimbursement rates for child care and development services, to vary by length of program year and hours of service. (EC § 8265)
- 8) Establishes, beginning July 1, 2018, the SRR as \$11,995, in addition to a cost of living adjustment beginning with the 2019-20 fiscal year. (EC § 8265)

Regional market rate (RMR) – for Alternative Payment Providers (vouchers)

- 9) Authorizes recipients of child care services to choose the child care services of licensed child care providers or child care providers who are not required to be licensed. (EC § 8357)
- 10) Provides that the cost of that child care is to be reimbursed by counties or agencies that contract with CDE if the cost is within the RMR. (EC § 8357)
- 11) Defines "regional market rate" as care costing no more than 1.5 market standard deviations above the mean cost of care for that region. Existing law states legislative intent to reimburse child care providers at the 85th percentile of the most recent RMR survey. (EC § 8357)
- 12) Requires the RMR ceilings to be established at the greater of either of the following:
 - a) The 75th percentile of the 2016 RMR survey for that region.
 - b) The RMR ceiling that existed in that region on December 31, 2017. (EC § 8357)
- 13) Prohibits reimbursement to license-exempt child care providers from exceeding 70 percent of the family child care home. (EC § 8357)
- 14) Prohibits reimbursement to child care providers from exceeding the fee charged to private clients for the same service. (EC § 8357)

ANALYSIS

This bill aligns the funding structure for the migrant childcare alternative payment program (voucher) with other voucher programs by shifting the reimbursement rate for migrant childcare alternative payment programs from the SRR to the RMR. This bill also expands reimbursement allowances to include additional costs. Specifically, this bill:

Shifts funding structure

- 1) Aligns the funding structure for the migrant childcare alternative payment program (voucher) with other voucher programs by shifting the reimbursement rate for migrant childcare alternative payment programs from the SRR to the RMR.

Costs for administrative and support services

- 2) Expands allowable reimbursements to include the administrative and support services costs of the alternative payment program (in addition to the cost of childcare).
- 3) Provides that the total cost for administration and support services is to be 21 percent of the total contract amount, and prohibits the administrative costs from exceeding the costs allowable for administration under federal requirements.

Ongoing costs

- 4) Expands the reimbursement for migrant childcare programs from covering only startup and closedown costs, to cover ongoing costs.
- 5) Makes conforming changes to prohibit reimbursements for ongoing costs (rather than startup and closedown) from exceeding 15 percent of the total contract amount.
- 6) Updates references to prohibit reimbursements from exceeding 15 percent of the *total contract*, rather than 15 percent of *each agency's contract* (this reflects that there is only one migrant childcare alternative payment program in the state).

Miscellaneous

- 7) States legislative findings and declarations relative to the unique needs of the only migrant childcare alternative payment program in the state.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California's Migrant Childcare Alternative Payment Program supports the unique needs of migrant workers whose employ requires they move where their work takes them.

"When the program was initially established, it was done so under the funding stream for childcare centers based on a set number of slots for children in a classroom. However, to facilitate the fluctuating number of migrant workers to secure childcare where they work, the system issues vouchers that workers can use to pay for childcare where they end up living. Voucher based childcare programs are set up under an entirely different funding stream with no set numbers to accommodate need.

"Due to the variance in how migrant childcare is funded and how it provides access to childcare, during the COVID-19 Pandemic, monies earmarked specifically to support essential workers via vouchers could not be awarded to the migrant program. Had the migrant program been able to receive essential worker voucher monies, roughly \$400,000 could have been used to support more field workers."

2) ***Dual system of reimbursement rates.*** California has established two methodologies for determining the reimbursement rates for early learning and care services:

a) *The Regional Market Rate (RMR).* Title 22 providers are reimbursed at the RMR. The RMR is determined by the RMR survey and varies depending on the geographical location of the provider. The RMR is based on a survey of licensed centers and family childcare homes measuring childcare rates of similar socio-economic conditions. These rates vary significantly from one county to another, reflecting differences in the cost of care.

Rate ceilings are established for each county according to estimates of the 75th percentile of rates for the various types of childcare settings. The county rate ceilings are differentiated by the age of the child (infant, preschool, school age), full-day or part-day care, and frequency of care (days per week).

Existing law requires the RMR survey to be updated every two years, and states intent that providers be reimbursed at the 85th percentile of the most recent survey. The RMR is currently set to the 75th percentile of the 2016 RMR, thereby providing a lower rate than if based on the most recent survey (which was completed in 2018). The 2020 survey was never completed (nor should it have been due to abnormal data).

RMR ceilings for license-exempt providers are set at the 70th percentile of a county's established RMR ceiling for family child care homes.

b) *Standard Reimbursement Rate (SRR).* Title 5 providers (general child care, migrant child care, and state preschool) are reimbursed at the SRR, which is a specific uniform rate established in statute. The SRR is currently established at \$11,995, and the full-day state preschool reimbursement rate is established at \$12.070 (both in addition to cost-of-living-adjustments).

Title 5 programs contract with, and receive payments directly from, CDE. These programs receive the same reimbursement rate (plus adjustment factors depending on the age and needs of the child) regardless of

geographic region.

- 3) **Shifts from SRR to RMR.** There is only one migrant childcare alternative payment program (voucher) in the state. The migrant childcare program was established with a set number of slots and under SRR. Later, the program structure was modified to function as a voucher, whereby parents use the voucher to “purchase” a child care slot at the childcare provider of their choice and in a location of their choice (such as closer to their workplace).

While the migrant program functions as an alternative payment program (voucher), it remains funded under the SRR structure (unlike any other alternative payment program). This disadvantages the migrant program and its participants by limiting the number of slots and funding. Specifically, as described below, the migrant childcare voucher is used in 19 different counties; shifting to the RMR will account for regional variation in childcare costs. Additionally, all other alternative payment programs were eligible to receive federal CARES Act funds that the migrant program was not eligible to receive.

The shift from the SRR to the RMR will not automatically increase reimbursement rates for the migrant childcare alternative payment program. Any increase must be provided to the specific migrant program line item in the Budget Act. The migrant program must operate within the existing contract amount. However, moving forward, a migrant childcare voucher that reflects regional costs will provide greater access for migrant workers to a variety of childcare settings by providing reimbursements to providers that reflect differences in costs between counties where the voucher is used.

- 4) **Additional allowable reimbursements.** This bill expands reimbursement from just open and closedown costs to include ongoing costs. This bill also expands reimbursements to include administration and support services, and allows administration and support services to account for 21 percent of the total contract amount.

The allowance for administrative and support services is meant to reflect that the contractor for the migrant childcare alternative payment program has five satellite offices (each in a different county) where families receive their voucher, and works with childcare providers for those families in 19 counties.

These additional allowable reimbursements do not increase funding; they would come from within the existing contract amount.

- 5) **Related legislation.** SB 246 (Leyva) requires the Department of Social Services to establish a single reimbursement rate for early learning and care programs, including variation for regional costs and quality adjustment factors. SB 246 is pending in the Senate Human Services Committee.

SUPPORT

California Alternative Payment Program Association
GRACE Institute/End Child Poverty CA

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	SB 400	Hearing Date:	March 17, 2021
Author:	Jones		
Version:	February 12, 2021		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Homeless children and youths: local educational agencies: collaboration, training, and reporting.

SUMMARY

This bill requires the California Department of Education (CDE) to (1) provide guidance to local educational agency (LEA) liaisons for homeless children and youths regarding their responsibilities under federal law, (2) develop and implement a system to verify that LEAs are providing the required training at least annually, and (3) develop and implement procedures for verifying key information that LEAs submit through CDE's Consolidated Application and Reporting System to comply with federal law.

BACKGROUND

Existing federal law, the McKinney-Vento Homeless Assistance Act:

- 1) Defines "homeless" as:
 - a) An individual or family who lacks a fixed, regular, and adequate nighttime residence.
 - b) An individual or family with a primary nighttime residence that is not designed for or ordinarily used as a regular sleeping accommodation for human beings.
 - c) An individual or family living in a supervised shelter designated to provide temporary living arrangements.
 - d) An individual or family who will imminently lose their housing, has no subsequent residence identified, and lacks the resources or support needed to obtain other permanent housing.
 - e) Unaccompanied youth and homeless families with children. (United States Code, Title 42, § 11302)
- 2) Requires LEAs to, among other things:
 - a) Implement a coordinated system for ensuring that homeless children and youth are immediately enrolled in school and are promptly provided necessary services.

- b) Designate an appropriate staff person as a LEA liaison for homeless children and youth.
 - c) Coordinate the provision of services with local social services agencies and other agencies or entities providing services to homeless children and youth and their families.
 - d) Ensure that homeless families and youth have access to and receive educational services for which such families, children, and youths are eligible.
 - e) Ensure that homeless families and youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
 - f) If applicable, coordinate with state and local housing agencies responsible for developing the comprehensive housing affordability strategy to minimize educational disruption for children and youth who become homeless. (42, USC § 11432)
- 3) Requires the Coordinator for Education of Homeless Children and Youths in each state (the coordinator in California is CDE) to, among other things, provide professional development opportunities for local educational agency personnel and the local educational agency liaison designated under subsection (g)(1)(J)(ii) to assist such personnel and liaison in identifying and meeting the needs of homeless children and youths, and provide training on the definitions of terms related to homelessness. (42, USC § 11432)

Existing state law:

- 4) Requires educators, county placing agencies, care providers, advocates, and the juvenile courts to work together to maintain stable school placements and to ensure that each student is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all students. (Education Code § 48850)
- 5) Requires school to immediately enroll a homeless child or youth seeking enrollment. (EC § 48850)
- 6) States Legislative intent that all students who are homeless have a meaningful opportunity to meet the challenging state academic achievement standards to which all students are held. (EC § 48850)
- 7) Mirrors federal law in requiring each LEA to designate a staff person to be the educational liaison for foster youth. (EC § 48853.5)
- 8) Requires the educational liaison to do both of the following:

- a) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster youth.
- b) Assist foster youth when transferring from one school to another school, or from one school district to another school district, in ensuring proper transfer of credits, records, and grades. (EC § 48853.5)

ANALYSIS

This bill requires CDE to (1) provide guidance to LEA liaisons for homeless children and youths regarding their responsibilities under federal law, (2) develop and implement a system to verify that LEAs are providing the required training at least annually, and (3) develop and implement procedures for verifying key information that LEAs submit through CDE's Consolidated Application and Reporting System to comply with federal law.

Guidance to liaisons

- 1) Requires the CDE to provide guidance to LEA liaisons for homeless children and youths regarding their responsibilities under federal law, including that they ensure the school personnel providing services to youth experiencing homelessness receive training on the proper identification and reporting procedures.

Verification and review by CDE

- 2) Requires CDE to develop and implement a system to verify that LEAs are providing the required training at least annually.
- 3) Requires CDE to develop and implement procedures for verifying key information that LEAs submit through CDE's Consolidated Application and Reporting System to comply with federal law.
- 4) Requires CDE to review the information submitted by LEAs through CDE's Consolidated Application and Reporting System, and remind each LEA for which information about its policies is outdated to update their policies to reflect current requirements.

LEA collaboration

- 5) Requires LEA to collaborate with other organizations that provide services to homeless children and youth to enhance the identification of, and the provision of services to, those children and youth.
- 6) Requires the collaborations to include, but not necessarily be limited to, working with organizations that provide counseling services, social welfare services, meal services, and housing services.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author “According to a November 2019 report from the California State Auditor, LEAs have not always been effective in ensuring that youth experiencing homelessness have access to the services that they need to succeed academically. For example, homeless education experts estimate that 5% to 10% of economically disadvantaged youth experience homelessness during the academic year, but most schools and school districts surveyed by the California State Auditor identified less than 5%. Reasons for their ineffectiveness include the infrequent training that LEAs receive from the state coordinator, in addition to the state coordinator lacking a method for detecting addressing LEAs that are under identifying homeless youth. Furthermore, the Department of Education does not require County Offices of Education to report the trainings they provide to LEAs to the state coordinator. Thus, the state coordinator cannot assure that all LEAs receive adequate and ongoing training, leading to LEAs failure to fulfill their obligations and comply with the federal McKinney-Vento Homeless Assistance Act. SB 400 addresses these issues to make LEAs more effective. While SB 400 will not eliminate youth homelessness, it will enhance the ability of both LEAs and the Department of Education to enable these youth to succeed in school.”

- 2) ***State implementation of federal McKinney-Vento.*** The federal McKinney-Vento Act requires states to designate an Office of the Coordinator for Education of Homeless Children and Youth to administer and oversee states' homeless education programs. The state coordinator in California is CDE. The state coordinator is responsible for a variety of activities to administer and oversee the homeless education program, including collecting and publicizing the data on youth experiencing homelessness identified by LEAs, providing technical assistance and training opportunities to LEAs on identifying and providing services to these youth, and monitoring LEAs' compliance with federal laws.

Under federal law, local liaisons are primarily responsible for ensuring that their schools' personnel identify youth experiencing homelessness, receive training, conduct outreach to stakeholders, and coordinate with other agencies. Local liaisons help ensure that these youth receive equal access to the same free, appropriate public education as other youth. To assure that LEAs identify all these youth, federal law requires local liaisons to coordinate with school staff to provide them with resources and training about homeless education.

- 3) ***Related State Audit.*** The State Auditor released a report in November 2019, *Youth Experiencing Homelessness: California's Education System for K-12 Inadequately Identifies and Supports These Youth* in November 2019. This bill implements some of the recommendations included in this audit report. Specifically, the following audit recommendations are included in this bill:
 - a) ***Responsibilities and training.*** Require CDE to provide guidance to local liaisons regarding their responsibilities under the McKinney-Vento Act, including that they must ensure that school personnel who provide services to youth experiencing homelessness receive training on the proper identification and reporting procedures.

Require CDE to develop procedures for its staff to use to verify that all LEA staff who provide services to these youth receive such training at least annually, as best practices recommend.

Require LEAs to ensure that school personnel who provide services to youth experiencing homelessness receive training on the homeless education program at least annually.

- b) *Verifying information.* Develop and implement procedures for verifying key information that LEAs submit through CARS. For example, Education can verify the information by requesting supporting documentation for a sample of LEAs that have reported zero or few youth experiencing homelessness and have indicated in CARS that their local liaisons have received training.

Review LEAs' information in CARS about when they last updated their homeless education policies and remind those LEAs that indicate that their board policies may be outdated to update their policies to reflect current requirements.

- c) *Collaboration.* Require LEAs, among other things, to "collaborate with other organizations that provide services to those experiencing homelessness to enhance identification and provision of the services available to such youth. The Legislature should specify that these collaborations must include working with organizations that provide counseling services, social welfare services, meal services, health care services, and housing services."

<http://www.bsa.ca.gov/pdfs/reports/2019-104.pdf>

- 4) ***How many youth?*** According to the November 2019 audit report cited above, there were over 269,000 California children and youth (K-12) experiencing homelessness during the 2017-18 school year.
- 5) ***Related legislation.*** AB 27 (Luz Rivas) implements several audit recommendations (different than those contained in this bill), including requiring LEAs to ensure that each school identifies all homeless children and youths and unaccompanied youths enrolled at the school, and requiring LEAs to administer a housing questionnaire based on best practices. AB 27 is pending in the Assembly Education Committee.

AB 408 (Quirk-Silva) implements some audit recommendations (somewhat overlapping with this bill), including requiring LEAs to ensure that its certificated and classified employees receive training at least annually, and requiring CDE to develop and implement a plan for monitoring the compliance of LEAs. AB 408 is pending in the Assembly Education Committee.

- 6) ***Prior legislation.*** SB 1204 (Jones, 2020) would have required LEAs to collaborate with other organizations that provide services to homeless children and youth to enhance the identification of, and the provision of services to, those children and youth. SB 1204 was not heard due to the compressed legislative

timelines.

AB 1937 (Luz Rivas, 2020) would have required a LEA to create, based on best practices developed by the CDE, a housing questionnaire for purposes of identifying homeless children and youth. This bill also requires (1) a LEA to annually provide the housing questionnaire to all parents and guardians; (2) the CDE to allocate \$500,000 each to three county offices of education to establish technical assistance centers to foster relationships between community partners and LEAs. AB 1937 was not heard due to the compressed legislative timelines.

AB 3218 (Quirk-Silva, 2020) would have required a LEA to establish homeless education program policies, and ensure that its employees who work with students receive training at least annually relating to the homeless education program policies and recognition of signs that students are experiencing, or are at risk of experiencing, homelessness. AB 3218 was not heard due to the compressed legislative timelines.

SB 1149 (Hueso, 2020) would have authorized a school district to establish an attendance recover program for students who are foster youth, homeless children or youth, or have exceptional needs to prevent these students from being chronically absent. SB 1149 was not heard due to the compressed legislative timelines.

AB 16 (Luz Rivas, 2019) would have added 1.5 positions within the CDE to fulfill duties required of the Coordinator for Education of Homeless Children, and requires the CDE to allocate funds to three county offices of education to establish technical assistance centers relative to the education of homeless children. AB 16 was vetoed by the Governor, whose veto message read:

I support the effort to help our homeless students succeed in school. That is why I supported increased funding in the 2019 Budget to the California Department of Education to improve the support for homeless students throughout the state. However, this bill adds additional costs which are better considered during the annual budget process.

SUPPORT

None received

OPPOSITION

None received

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- 2) Clarifies that a student is to be admitted to the first grade if the student has their 6th birthday on or before September 1 *and* that the student has completed one year of kindergarten.
- 3) Extends to charter school governing bodies the existing authority for a school district governing board to admit a student of a proper age to a class after the first month of a school term.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "... since kindergarten is not mandatory, students that do not attend miss fundamental instruction putting them at a disadvantage in a classroom setting as they enter first grade. This current voluntary participation of kindergarten allows parents to delay their child's entrance into school until the first grade, which leaves students unprepared for the educational environment they will encounter in elementary school. According to the National Education Association, research has shown that kindergartners who miss 10% or more school days have lower academic performance when they reach the first grade. The impact is even greater and more detrimental for students who do not attend kindergarten at all and miss a whole academic school year. In addition, concerns are rising about the opportunity gap being heightened by school closures during the COVID-19 pandemic.

"Moreover, school districts across the state are also experiencing drops in student enrollment. According to a Cal Matters article, the COVID-19 pandemic has led to a record one-year enrollment drop of 155,000 students in California's K-12 public schools, according to new state projections. At the Los Angeles Unified School District, kindergarten enrollment for the 2020-21 academic year has dropped by 14 percent (a decline of 6,000 students). This decline is even more prevalent in the school system's lowest-income neighborhoods, and is about three times as large as in recent years.

"Statistics show that now more than ever, kindergarten attendance is necessary to ensure all students receive critical early instruction to help avoid falling behind. Requiring kindergarten attendance will ensure students are well prepared, set them on track to learn at grade-level pace, and help avoid students fall behind. Kindergarten attendance is also an important aspect in reducing chronic absenteeism and closing the achievement gap."

- 2) ***How many students currently attend kindergarten?*** Kindergarten is considered a grade level, is factored in the calculation of average daily attendance and is included in the academic content standards, curricular frameworks and instructional materials. However, attendance in kindergarten is not mandatory and compulsory education laws begin at age 6.

The California Department of Education (CDE) estimates that, pre-COVID, approximately 95% of eligible students attended kindergarten (public and private kindergarten) and approximately 80% of eligible students attended kindergarten at a public school.

Preliminary enrollment census data shows that, since school closures began in March 2020 due to COVID, enrollment in K-12 public schools have declined by approximately 155,000 students. It is unclear how many of these students would have been enrolled in kindergarten, or which grade they will be enrolled in in the upcoming school year (kindergarten or first grade).

Could this bill address concerns about potentially larger numbers of children entering first grade without having attended kindergarten?

Are schools equipped with sufficient facilities and appropriately credentialed teachers to serve additional students pursuant to this bill?

- 3) **Will all five-year olds be required to attend kindergarten?** No. This bill expands compulsory education laws to require attendance at kindergarten, but does not preclude 5-year-olds from attending transitional kindergarten or preclude six-year-olds from attending kindergarten.
- 4) **Where are five-year olds if not already in kindergarten?** Children who are too young to be admitted to, or whose parents choose not to enroll their child in, kindergarten may currently be served by other types of early education or care programs, such as transitional kindergarten or general child care programs. Those programs differ from kindergarten in which curriculum is offered, staffing ratios, length of program, and other important elements that parents may consider when choosing early education for their children.

Currently, attendance in kindergarten is not mandatory; this bill makes kindergarten attendance mandatory. The enrollment of additional students into kindergarten could affect other programs that may currently be serving these children (not an issue if the children are currently enrolled in transitional kindergarten).

Will programs that are currently serving these children lose enrollment and therefore lose funding?

This bill does not require kindergarten to provide a full-day program, nor does this bill ensure that students who attend kindergarten will have access to full-day programs.

Will students have access to early learning or care programs for the portion of the day those students are not attending kindergarten? Will families find it difficult to piece together part-day kindergarten and part-day wraparound services?

- 5) **Public or private school.** This bill does not require students to attend kindergarten at a public school; parents would retain the option to enroll their five- or six-year old in kindergarten at a private school.
- 6) **Fiscal impact.** According to a Senate Appropriations Committee analysis of a nearly identical bill from 2015, requiring attendance in kindergarten will likely result in increased average daily attendance (ADA) which will drive ongoing costs

in the Proposition 98 Guarantee in the low to mid hundreds of millions beginning in the 2016-17 school year. Within the Guarantee, the increase in ADA would drive cost increases in costs in the state's Local Control Funding Formula (LCFF) and special education program which will absorb much of the increase in the Proposition 98 Guarantee.

That analysis and estimate were based on assumptions that now may alter the fiscal impact of this bill. The 2015 analysis assumed the bill would result in "increased ADA of about 33,000 based on the number of five-year-olds in the state and the number of children enrolled in public kindergarten, *before the implementation of transitional kindergarten*, the [Proposition 98] Guarantee could increase by about \$400 million in the 2016-17 fiscal year." Further, the 2015 analysis notes its "estimate does not take into account children already attending private school kindergarten, or the parents that would choose to send their children to private school if this bill is enacted. Therefore, assuming a smaller increase of ADA of 15,000 is realized in the 2016-17 school year, the Guarantee could increase by about \$220 million." Lastly, the 2015 analysis estimates increases in the LCFF and special education to be roughly between \$144 million and \$320 million depending upon whether the lower or higher estimate of increased ADA is assumed.

- 7) **Related legislation.** AB 966 (Burke) appropriates \$300,000 for the Full-Day Kindergarten Facilities Grant Program. AB 966 is pending in the Assembly Education Committee.
- 8) **Prior legislation.** SB 1153 (Rubio, 2020) was identical to this bill, other than the implementation date. SB 1153 was not heard due to the compressed 2020 legislative session.

AB 713 (Weber, 2015) would have required, beginning with the 2017-18 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 713 was held in the Senate Appropriations Committee.

AB 1444 (Buchanan, 2014) would have required, beginning with the 2016-17 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 1444 was vetoed by Governor Brown, whose veto message read:

Most children already attend kindergarten, and those that don't may be enrolled in other educational or developmental programs that are deemed more appropriate for them by their families.

I would prefer to let parents determine what is best for their children, rather than mandate an entirely new grade level.

AB 1772 (Buchanan, 2012) would have required, beginning with the 2014-15 school year, a student to have completed one year of kindergarten before being admitted to the first grade. AB 1772 was held in the Assembly Appropriations Committee.

AB 2203 (V. Manuel Perez, 2012) would have expanded compulsory education laws to include five-year olds. AB 2203 was held in the Assembly Appropriations Committee.

AB 1236 (Mullin, 2008) would have expanded compulsory education laws to include five-year olds. AB 1236 was held in the Assembly Appropriations Committee.

SUPPORT

Los Angeles Unified School District (sponsor)
Alhambra Unified School District
Baldwin Park Unified School District
California Charter School Association
California Kindergarten Association
California School Employees Association
California State PTA
Central City Association
Charter Oak Unified School District
Covina-Valley Unified School District
El Monte City School District
Garvey School District
Hacienda La Puente Unified School District
Montebello Unified School District
Mountain View School District
Parent Engagement Academy
Rosemead School District
San Diego Unified School District
Temple City Unified School District
UNITE-LA
West Covina Unified School District
Individuals

OPPOSITION

None received

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year of the beginning of the school year. Deems passage of the assessment evidence of the teacher's competence in reading instruction.

- 4) Requires the CTC to develop, adopt, and administer a reading instruction competence assessment consisting of one or more instruments to measure an individual's knowledge, skill, and ability relative to effective reading instruction. Requires the assessment to measure the knowledge, skill, and ability of first-time credential applicants who are not credentialed in any state that the commission determines to be essential to reading instruction and shall be consistent with the state's reading curriculum framework adopted after July 1, 1996, and the Reading Program Advisory published by the State Department of Education in 1996.
- 5) Requires the CTC to perform the following duties with respect to the RICA:
 - a) Develop, adopt, and administer the assessment;
 - b) Initially and periodically analyze the validity and reliability of the content of the assessment;
 - c) Establish and implement appropriate passing scores on the assessment;
 - d) Analyze possible sources of bias on the assessment;
 - e) Collect and analyze background information provided by first-time credential applicants who are not credentialed in any state who participate in the assessment;
 - f) Report and interpret individual and aggregated assessment results;
 - g) Convene a task force to advise the commission on the design, content, and administration of the assessment, with not less than one-third of the members of the task force classroom teachers with recent experience in teaching reading in the early elementary grades; and
 - h) Prior to requiring successful passage of the assessment for the preliminary multiple subject teaching credential, certify that teacher education programs offer instruction in the knowledge, skills, and abilities required by the assessment.
- 6) Establishes the requirements for issuance of the preliminary multiple subject teaching credential to include successful passage of one of the following components of the RICA:
 - a) A comprehensive examination of the knowledge and skill pertaining to effective reading instruction of the credential applicant;
 - b) An authentic assessment of teaching skills and classroom abilities of the credential applicant pertaining to the provision of effective reading instruction.

- 7) Establishes a TPA as a requirement for the issuance of preliminary multiple and single subject teaching credentials.
- 8) Establishes an "early completion option" internship for multiple subject, single subject, and education specialist (mild/moderate) intern program candidates which allows candidates to obtain a preliminary credential without completing preparation coursework, including student teaching.
- 9) Requires "early completion option" candidates in these programs to pass the reading instruction competence assessment unless the written assessment adopted by the CTC is validated as covering content equivalent to the reading assessment.
- 10) Requires the CTC to conduct a public study session to consider the implications of incorporating the assessment of ability, skills, and knowledge related to effective reading instruction that is assessed by the RICA within the teacher performance assessment.
- 11) Provides the CTC with powers and duties including the adoption and implementation of an accreditation framework setting forth the commission's policies regarding the accreditation of educator preparation in California.

ANALYSIS

This bill:

- 1) Adds the following to the existing study requirements for the preliminary multiple or single subject teaching credential:
 - a) Effective means of teaching literacy, including evidence-based means of teaching foundational reading skills in print concepts, phonological awareness, phonics and word recognition, and fluency.
 - b) Tiered supports for struggling readers, English learners, and pupils with exceptional needs.
 - c) In accordance with the CTC's current teaching performance expectations, aligned to the current English Language Arts/English Language Development framework adopted by the State Board, and shall incorporate the program guidelines for dyslexia.
- 2) Requires the CTC to ensure that its teacher preparation program standards include and specify: (1) all of the existing teacher credential study requirements by September 1, 2022, and (2) the new study requirements included in this bill by September 1, 2024.
- 3) Specifies that passage of the RICA is a teaching credential requirement until the CTC ensures that an approved TPA assesses candidates for competence in instruction in literacy, as specified.

- 4) Allows the holder of a preliminary teaching credential who was unable to take the RICA due to the closure of assessment centers during the COVID-19 pandemic to instead complete an assessment required by another state if the RICA is no longer being administered.
- 5) Requires the CTC to ensure that an approved TPA assesses all candidates for competence in instruction in literacy, including evidence-based methods of teaching foundational reading skills, by July 1, 2025. The CTC shall ensure that competencies are assessed in a manner aligned to the CTC's teacher preparation program standards, teaching performance expectations, and the current English Language Arts/English Language Development Framework adopted by the State Board.
- 6) Requires the CTC to certify that all of its' approved teacher education programs provide instruction in all relevant knowledge, skills, and abilities.
- 7) Beginning on July 1, 2022, requires the CTC to annually report to the appropriate fiscal and policy committees of the Legislature on its progress in meeting the requirements of this bill, including how stakeholders were engaged in the process.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "In 1996, the Legislature passed legislation mandating that all candidates earning a multiple subjects credential complete and pass the RICA..

"Since the enactment of the RICA statute 25 years ago, the K-12 English Language Arts/English Language Development (ELA/ELD) (Framework) has been updated, which changes candidate assessment and preparation to teach reading to English learners and students with dyslexia.

"This makes updating of assessments of reading instruction competence, as well as teacher preparation in reading, necessary to meet the needs of all California students."

- 2) ***What is the RICA?*** Current law requires individuals seeking to obtain a teaching credential in California to fulfill several requirements, including completion of an accredited preservice preparation program, demonstration of subject matter competency, and successful completion of an assessment of basic skills. Additionally, for those seeking a multiple subject (elementary) or an education specialist (special education) credential, candidates must pass the RICA to obtain a preliminary teaching credential.

Established in 1996, the RICA was one part of a broader set of policies known collectively as the California Reading Initiative (CRI). The RICA requirement was put in place by the CTC in 1998 for multiple subject credential candidates, and in 2000 for educational specialist credential candidates.

The RICA is organized into five domains:

- Domain 1: Planning, Organizing, and Managing Reading Instruction Based on Ongoing Assessment
- Domain 2: Word Analysis
- Domain 3: Fluency
- Domain 4: Vocabulary, Academic Language, and Background Knowledge
- Domain 5: Comprehension

The CTC offers two test formats. The RICA Written Examination is a four hour, 70 question test taken on a computer, which includes multiple choice, constructed response, and case study essay items. The RICA Video Performance Assessment requires candidates to submit 3 videos showing instruction in whole class, small group, and individual instruction as well as an instructional context form. The vast majority of candidates take the written version of the assessment. The cost of the assessment is \$171. Unlike the state's basic skills assessment (CBEST), which allows candidates to retake portions which they fail to pass, candidates who fail the RICA must take the entire assessment over.

- 3) ***RICA administration suspended by Executive Order due to COVID-19 pandemic.*** In the spring of 2020, the COVID-19 pandemic forced the closure of testing centers used to administer teacher credentialing assessments. On May 29, 2020 the Governor issued Executive Order N-66-20, which suspends a number of teacher credentialing requirements, including the RICA, for candidates who, between March 19, 2020 and August 31, 2020, were or are unable to complete the RICA due to COVID-19 related testing center closures. The executive order requires that candidates complete and pass a CTC-approved reading instruction competence assessment prior to being recommended for a clear credential, essentially giving teachers who obtain a preliminary credential five years to fulfill this requirement.
- 4) ***Teaching Performance Assessments.*** According to the Legislative Analyst's Office (LAO), during the 1990s, the Legislature became concerned with the coherence of the teacher credentialing system, as the state had added credential requirements incrementally over the years without comprehensive evaluation. At the request of the Legislature, the CTC convened a workgroup to review the state's teacher credential requirements. The workgroup concluded that existing assessments varied considerably across preparation programs and often failed to provide a good measure of teachers' preparation. At the same time, research and policy organizations such as the National Research Council and the National Board for Professional Teaching Standards were supporting the development of more authentic assessments of teacher candidates. In response, the Legislature required the CTC to develop a new assessment for all general education teachers, now known as the TPA.

As of 2008, California requires all teaching credential candidates to pass an assessment of their teaching performance. This is designed to measure the candidate's knowledge, skills, and ability with relation to California's TPEs, including demonstrating their ability to appropriately instruct all students in the state's content standards. There are now three teaching performance assessment models available.

A report by the Center for American Progress, "Evaluating Teacher Effectiveness: How Teacher Performance Assessments Can Measure and Improve Teaching," (Darling-Hammond, 2010), notes that, compared to traditional assessments of teachers, "Performance assessments that measure what teachers actually do in the classroom, and which have been found to be related to later teacher effectiveness, are a much more potent tool for evaluating teachers' competence and readiness, as well as for supporting needed changes in teacher education... Such assessments have been found to be stronger predictors of teachers' contributions to student learning gains than traditional teacher tests."

5) **Stakeholder concerns with the RICA.** Some stakeholders have questioned the continued use of the RICA assessment for the purposes of determining candidate competency in the teaching of reading. According to the CTC, some stakeholders cite concerns regarding:

- Candidates who are not successful on their first attempt and have to retake the assessment multiple times;
- The predominant focus of the RICA on the foundational reading skills;
- The cost to candidates for the assessment;
- The number of credentialing assessments candidates must take; and
- The need for a standardized assessment for all candidates.

The CTC notes that, in contrast to this viewpoint, other stakeholders cite the continuing need for an external verification that multiple subject and education specialist candidates have learned how to teach reading effectively, the concern that candidates be demonstrably well-trained to work with struggling readers, the effectiveness of the RICA content specifications in driving coursework content, and the unique and critical nature of the RICA assessment in focusing specifically on the foundational reading skills.

6) **Arguments in support.** The California Association for Bilingual Teacher Education states, "Since its enactment in 1996, the RICA exam has not been updated to take into account the K-12 ELA/ELD Framework. Therefore, the RICA is no longer aligned with current standards for teaching reading and literacy, which calls for a change in candidate assessment and preparation to

teach reading to include the needs of emergent bilinguals and English learners, as well as students with dyslexia.

“Further, the exam remains culturally unresponsive to new themes in reading instruction, such as modifications for emergent bilinguals, English learners and students with disabilities. Over its 24-year tenure, RICA has not been proven to predict effectiveness of teacher reading instruction in the classroom.

“In addition, California is currently experiencing a severe teacher shortage. In a recent survey conducted by the Learning Policy Institute, 80% of school districts reported having a teacher shortage. Additionally, there has been a 70% drop in enrollment in teacher preparation programs over the last decade. Further, the ongoing teacher shortage, exacerbated by the CoViD-19 pandemic could make it difficult to reopen schools, which are required to have smaller class sizes to accommodate physical distancing. Additional teachers are also needed to tutor students who fell behind academically during distance learning.

“SB 488 will ultimately replace the RICA for credential candidates with up-to-date performance assessments, which will bring new teachers into the profession at a time when we need them most.”

- 7) **Arguments in opposition.** The Grupo de Autismo Ángeles states, “We want adults in school to be as diverse as the children, and they can and should be, but we don’t want that diversity at the expense of quality. The next generation of Latino students and students with disabilities needs to be better prepared than the last to enter this vital profession. We can do that by keeping requirements for teachers and increasing accountability for the universities that prepare them and the districts that hire them. Weaker requirements are not the answer.

“Please strengthen California’s promise to our children; make sure that tests for prospective teachers measure whether they have learned the full range of information they need to teach reading. Make sure that tests measure knowledge. Do not replace challenging tests that require students to master a body of knowledge with videotaped performances in which subjective evaluation is inevitable.”

- 8) **Prior legislation.**

SB 614 (Rubio, 2020) eliminates the requirement that teaching credential candidates pass the RICA, and instead requires them to either pass a program-embedded performance-based measure or a different assessment of reading instruction. This bill was held in the Assembly Appropriations Committee.

SUPPORT

California Association for Bilingual Teacher Education
 Decoding Dyslexia CA
 Edvoice
 Riverside County Superintendent of Schools
 Teach Plus

OPPOSITION

Grupo de Autismo Ángeles

-- END --

- 1) Prohibits, commencing with January 1, 2022, the UC from entering into, amending, or renewing any contract with a health facility contractor or subcontractor in which a UC health care practitioner (employee or trainee) providing care in the health facility under that contract would be limited in their ability to provide patients with medical information or medical services due to nonclinical policy-based restrictions on care in the health facility.
- 2) Requires any contract between the UC and the prescribed health facility contractors or subcontractors provide both of the following:
 - a) Restatement of this bill's provisions, as specified.
 - b) Provide that in the event the health facility contractor or subcontractor violates the specified provisions of the bill, the contract is to be terminated for noncompliance, and the contractor or subcontractor is to forfeit penalties to the UC, as appropriate and in the specified amount.
- 3) Exempts from the bill's provisions contracts between the UC and a health facility contractor or subcontractor that are any of the following:
 - a) Located and operated in a foreign country.
 - b) Operated by the United States Department of Veterans Affairs.
 - c) An Indian Health Service facility.
- 4) Defines the following terms for purposes of the bill:
 - a) "Policy based restrictions," to mean any nonclinical criteria, rules, or policies, whether written or unwritten, that restrict health care practitioners at that health facility from providing any procedures or benefits that are considered covered benefits under the Medi-Cal program or any Medi-Cal specialty programs that the health care practitioners are licensed to provide and that the health facility has the equipment facilities to provide.
 - b) "Health facility," to mean a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more these purposes, for person(s), to which the persons are admitted for a 24-hour stay or longer, as described in the Healthy and Safety code.
 - c) "Health care practitioner," means any person who engages in acts that are the subject of licensure or regulation under certain health care practitioner provisions, as specified in Business and Professions code.
 - d) "Medical services," to mean medical treatments, referrals, and procedures.
 - e) "Trainee of the University of California," means a resident or fellow

employed by the UC or a student enrolled in the University of California in a health care practitioner discipline.

- 5) States legislative findings and declarations relative to the state's investment into the UC and the implications of policy-based restrictions for low-income and patients of color that undermine UC values.
- 6) States further legislative findings and declarations relative to existing law as follows:
 - a) Existing law recognizes that all reproductive health care, including abortion, is basic health care and that public entities in California may not preference one pregnancy outcome over another.
 - b) Existing law recognizes that denying transgender patients gender-affirming care is discrimination based on gender identity.
 - c) Existing law recognizes that adults have a range of health care options for the end of life. Public entities should not favor one preference over the other.
 - d) Existing law recognizes the need to protect patient access to comprehensive health care services free from bias and discrimination as evidence through the state Medi-Cal program, which prohibits any participating provider from discriminating against any beneficiary on the basis of race, color, age, sex religion, ancestry, nation origin, or physical or mental disability.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "The University of California has entered into contracts with hospitals that limit the reproductive and gender-affirming services UC doctors and students can provide. These restrictions on UC care are not based on any clinical criteria or equipment or capacity limitations; they are instead based on the policies of the UC contractors, which result in discriminatory and substandard patient care. Given the existing disparities in our healthcare system, these discriminatory restrictions disproportionately impact patients of color and low-income patients.

"Although there has been significant debate within the UC community about these contracts, the UC Regents have yet to adopt an official position on them. Up to this point, UC Health has left patients, providers, advocates, and lawmakers in the dark about these contracts and what they could mean for basic or urgent care.

"SB 379 seeks to remedy this denial of care by prohibiting the University of California from contracting with a health facility contractor or subcontractor that limits UC healthcare employees or trainees from providing patients with information or services due to non-clinical, discriminatory restrictions. This bill also requires, in the event of a violation of this prohibition, that any contract

between the University of California and a health facility be terminated for noncompliance and that the outlined penalties be forfeited to the University of California.”

- 2) **UC Working Group on Comprehensive Access.** In August of 2019, UC President Napolitano convened the, “Working Group on Comprehensive Access,” (WGCA) comprised of academic and health leaders from across the University. The WGCA was charged with developing recommendations that “would ensure UC’s values are upheld when its academic health systems collaborate with other health systems,” and “to ensure that UC personnel will remain free, without restriction, to advise patients about all treatment options and that patients will have access to comprehensive services.” The workgroup fell short of its goal of reaching a consensus within its membership on whether UC should have affiliations with health care organizations that have institutional policies limiting the services provided at their facilities. Examples of such institutional policies include prohibitions on the use of contraception, abortion, assisted reproductive technology, gender-affirming care for transgender people, and the full range of end-of-life options. According to a report issued to the UC Regents from the WGCA chair, some workgroup members believed that such policy-based restrictions on care raised sufficient concerns that UC should not affiliate with such organizations. Others believed that the University should be allowed to pursue such affiliations under new principles and guidelines and in so doing improve patient access to quality care, that would otherwise be absent, by providing advice and facilitating access to options for services elsewhere. This bill seeks to statutorily prohibit agreements between UC and non-UC health facilities where trainees and practitioners are restricted from providing certain types of patient care due to nonclinical policies imposed by the non-UC health facility.
- 3) **UC Health System partnerships with non-UC health facilities.** The UC operates the largest training program in the state for health professionals (enrolling approximately 15,000 students and trainees across 7 campuses). However, access to UC health facilities is limited by capacity and geography. As such, UC clinicians provide services at many non-UC facilities and UC’s medical students, residents and other trainees rotate through a variety of settings, including at non-UC facilities around the state. As noted in the WGCA Chair’s report, relationships with other health care organizations allow UC to, among other things, care for more patients and extend UC quality care to other areas of the state. The report lists various examples including the following:
 - UC Davis’ joint venture cancer centers at Mercy Merced and Adventist Rideout, which allows UC to offer clinical trials to patients in regions that would otherwise have no access to cutting-edge experimental treatments.
 - During the SARS-CoV-2 pandemic, UC health facilities have developed temporary local partnerships with community hospitals, including those with policy-based restrictions on care, to substantially expand capacity.

- UC Riverside as a relatively new medical program that relies solely upon affiliations to build its clinical platform for training medical students and residents.
- Additionally, UC Davis' and UC Los Angeles' respective programs collaborate with affiliates that have policy-based restrictions on care where students fulfilled clinical rotation requirements.

Under the bill's provisions, UC could continue to collaborate with health facilities that do not impose nonclinical restrictions on UC-employed practitioners or trainees, and health facilities may choose to conform to the new requirements in order to have or maintain their UC partnership. However, to the extent that UC partnerships with health facilities that *do* impose limits on care persist, legislative restrictions may result in fewer placement options for students, trainees and residents. Additionally, it may limit UC's reach into areas outside of UC academic health centers where health facilities with nonclinical policy-based restrictions on care are the sole option. It is unclear to what degree this may occur.

- 4) **UC's concerns.** UC submitted a letter to the committee regarding its concerns with the bill; it reads, in part, "In California, and nationwide, a significant number of public and private health care providers-including many serving vulnerable and underserved communities-have implemented policy-based restrictions on care that are inconsistent with the University's values and evidence-based practices. Although the University strongly believes that hospital facilities should not impose these policy-based restrictions on care, federal law prohibits federally funded health care programs and providers, including the State and the University, from refusing wholesale to engage with organizations because of these restrictions. With the renegotiation of our affiliation agreements to guarantee our providers full counsel, prescription and referral authority, our current partnerships with these intuitions allow for high-quality medication and expand access to UC care for more than 35,000 patients through the state. Requiring UC to discontinue these partnership would yield serious and detrimental medical outcomes for patients who we are committed to serving at these institutions. We also are concerned that ending these partnerships would significantly and negatively impact some of the health professional training programs the State depends on to train its health workforce." It further asserts that, the University has amended its contracts with providers over the past two years to make clear that UC physicians and trainees are expected to practice consistent with the standard of care wherever they work or learn, and are protected in their ability to advise, prescribe, and refer to non-policy restricted facilities consistent with their professional judgement and the needs and wishes of their patients.
- 5) **Arguments in support of the bill.** According to a letter of support submitted to the committee from the American Civil Liberties Union (ACLU), co-sponsors of the bill, "... SB 379 is necessary to hold the UC accountable for providing the evidence-based, inclusive healthcare it has long had a reputation for providing. Over the past few years, the UC has unfortunately left its faculty, students, advocates and even legislators in the dark as it has increasingly entered into contracts that place UC providers and students in hospitals where they are

prohibited from providing appropriate health care, including reproductive and LGBTQ inclusive care." The ACLU's letter further asserts that, despite assurances from UC "to remove any requirement that UC or its clinical personnel should comply with policy-based restrictions on care," a Public Records Act request revealed in late December 2020 that UC amendments to contracts with non-UC organizations still place UC providers and students in hospitals that impose non-clinical restrictions on the care the UC employees and trainees can provide patients. The ACLU further argues, "As a public entity in California, the UC is required to comply with existing California law that recognizes patients' rights to both reproductive and LGBTQ-inclusive care."

SUPPORT

Access Reproductive Justice
Adolescent Counseling Services
Advocates for Youth
American Civil Liberties Union/northern California/southern California/san Diego and Imperial Counties
API Equality Northern California
Bay Area Lawyers for Individual Freedom (BALIF)
Ben Tzedek Legal Services
Black Women for Wellness Action Project
Breastfeed la
California Latinas for Reproductive Justice
California LGBTQ Health and Human Services Network
California Nurse Midwives Association (CNMA)
California Women's Law Center
Citizens for Choice
Consumer Attorneys of California
Ella Baker Center for Human Rights
Equality California
Feminist Majority Foundation
Fresno Barrios Unidos
Glma: Health Professionals Advancing LGBTQ Equality
Health Access California
If/when/how: Lawyering for Reproductive Justice
Indivisible CA Statestrong
Indivisible SF
Legal Aid at Work
LGBTQ Center OC
Lyon-martin Health Services
Medical Students for Choice
Nara Pro-choice California
National Center for Lesbian Rights
National Council of Jewish Women (NCJW) CA
National Council of Jewish Women Long Beach Section
National Health Law Program
Orange County Equality Coalition
Orange County Young Democrats

Sacramento LGBT Community Center
The Source LGBT+ Center
Training in Early Abortion for Comprehensive Healthcare
UC Coalition for Reproductive Justice (UCCRJ)
Urge: Unite for Reproductive & Gender Equity
Voices for Progress
Western Center on Law & Poverty
Women's Foundation California

OPPOSITION

Alliance of Catholic Health Care, INC.
California Hospital Association
Providence St. Joseph Health

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