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EDUCATION



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AGENDA

Wednesday, June 22, 2022
9 a.m. -- 1021 O Street, Room 2100

MEASURES HEARD IN FILE ORDER

- | | | | |
|-----|---------|-----------------|---|
| 1. | AB 558 | Nazarian | School meals: Child Nutrition Act of 2022. |
| 2. | AB 1705 | Irwin | Seymour-Campbell Student Success Act of 2012: matriculation: assessment. |
| * | 3. | AB 2286 | Irwin
Student financial aid: Student Aid Commission: donations and philanthropic funds. |
| 4. | AB 1712 | Medina | Public postsecondary education: campus safety: online survey tool. |
| * | 5. | AB 1764 | Medina
Public postsecondary education: student housing: survey. |
| 6. | AB 1856 | Medina | Community colleges: part-time employees. |
| 7. | AB 2046 | Medina | University of California: Inland Rising Fund. |
| * | 8. | AB 1718 | Boerner Horvath
Elementary and secondary education: visual and performing arts and world languages: instructional materials: professional development. |
| 9. | AB 1912 | Mia Bonta | Emergency apportionments: closure and consolidation requirements.(Urgency) |
| * | 10. | AB 2465 | Mia Bonta
Pupil instruction: third-grade literacy: literacy grant program. |
| 11. | AB 1939 | Luz Rivas | Pupil instruction: science requirements: climate change. |
| 12. | AB 1942 | Muratsuchi | Community colleges: funding: instructional service agreements with public safety agencies. |
| 13. | AB 1997 | Gipson | California State University: emergency response programs: report. |
| 14. | AB 2359 | Gipson | Compton Community College District: personnel commission. |
| * | 15. | AB 1998 | Smith
Community colleges: nonresident tuition fees: Western Undergraduate Exchange. |
| 16. | AB 2004 | Cristina Garcia | California DREAM Loan Program. |
| * | 17. | AB 2051 | Cunningham
Pupil instruction: financial literacy: instructional materials: professional development. |

*Proposed Consent

	18.	AB 2232	McCarty	School facilities: heating, ventilation, and air conditioning systems.
	19.	AB 2573	McCarty	Certificated school employees: probationary employees.
	20.	AB 2284	Gabriel	Pupil instruction: digital literacy and media literacy grant program.
	21.	AB 2459	Cervantes	Postsecondary education: student housing: data collection.
	22.	AB 2482	Calderon	Public postsecondary education: student health: pilot program: wellness vending machines.
*	23.	AB 2508	Quirk-Silva	Pupil services: educational counseling.
	24.	AB 2731	Ting	Schoolbuses: zero-emission vehicles.
	25.	AB 2738	Reyes	Public postsecondary education: community colleges: matriculation: assessment.
*	26.	AB 2814	Wood	Local educational agencies: emergency planning grants.

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 558 **Hearing Date:** June 15, 2022
Author: Nazarian
Version: May 10, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: School meals: Child Nutrition Act of 2022

SUMMARY

This bill establishes the California School Plant-Based and Restricted Diet Program, authorizes local educational agencies (LEAs) to apply for additional reimbursement for serving plant-based food or milk options or restricted diet food options, provides an additional \$1,000 one-time payment to LEAs that serve plant-based or restricted diet food options, establishes a competitive grant to provide up to \$100,000 to LEAs, and requires the California Department of Education (CDE) to develop guidance for LEAs participating in the federal School Breakfast Program that maintain any of grades K-6 on how to serve eligible non-schoolaged children breakfast or a morning snack at a LEA schoolsite.

BACKGROUND

Existing law:

- 1) Requires all of the following, beginning with the 2022–23 school year:
 - a) A school district, charter schools, and county superintendent of schools maintaining any of grades K-12 to provide *two school meals free of charge during each schoolday* to any student who requests a meal, without consideration of the student's eligibility for a federally funded free or reduced-price meal. Meals must be nutritiously adequate meals that qualify for federal reimbursement.
 - b) An local educational agency (LEA) that has a reimbursable school breakfast program to not charge any student, and to provide a breakfast free of charge to any student who requests one, without consideration of the student's eligibility for a federally funded free or reduced-price meal. The meals provided free of charge pursuant to this paragraph shall be nutritiously adequate, and shall count toward the total of two school meals required to be provided each schoolday. (Education Code § 49501.5)
- 2) Prohibits a LEA from denying a meal to any free or reduced-price eligible students, and requires that these students receive the same meal as all other students. (EC § 49550 and § 49557)

ANALYSIS

This bill establishes the California School Plant-Based and Restricted Diet Program, authorizes local educational agencies (LEAs) to apply for additional reimbursement for serving plant-based food or milk options or restricted diet food options, provides an additional \$1,000 one-time payment to LEAs that serve plant-based or restricted diet food options, establishes a competitive grant to provide up to \$100,000 to LEAs, and requires the California Department of Education (CDE) to develop guidance for LEAs participating in the federal School Breakfast Program that maintain any of grades K-6 on how to serve eligible non-schoolaged children breakfast or a morning snack at a LEA schoolsite. Specifically this bill:

Plant-Based and Restricted Diet Program

- 1) Establishes the California School Plant-Based and Restricted Diet Program within the California Department of Education (CDE).
- 2) Encourages LEAs to give preference to the purchase of plant-based or restricted diet food options and plant-based milk options from California producers, when commercially available.

Additional reimbursement

- 3) Authorizes a LEA, upon an appropriation for this purpose, to apply for reimbursement in an amount of up to twenty cents per meal for meals that include a plant-based or restricted diet food option and up to ten cents per meal for meals that include a plant-based milk option. This bill authorizes a single meal with both a plant-based or restricted diet food option and a plant-based milk option to be eligible to receive reimbursement for both options, not to exceed the cost of the meal.
- 4) Requires CDE to pay the reimbursement amounts in quarterly installments; provides that reimbursement funds are to be deposited into the nonprofit school food service account of the LEA; provides that reimbursement pursuant to this bill is to be in addition to any other state or federal funding or reimbursement received.
- 5) Requires a LEA applying for funds for *plant-based food options or plant-based milk options* to provide documentation of the number of plant-based food options or plant-based milk options reimbursable under the federal National School Lunch Program that the LEA served in the baseline 2018–19 school year.
- 6) Requires a LEA applying for funds for *restricted diet food options* to provide documentation of the number of restricted diet food options that the LEA served in the baseline 2018–19 school year.
- 7) Prohibits a LEA that does not provide this documentation for a specific food option from being eligible for funding for that food option.

- 8) Provides that funds are to be available for plant-based or restricted diet food options or plant-based milk options that represent an increase from the number of reimbursable plant-based or restricted diet food options or plant-based milk options served in the baseline 2018–19 school year, as demonstrated by the required documentation.

Additional one-time payment

- 9) Provides that, upon an appropriation, a LEA that receives meal reimbursement pursuant to this bill is to receive an additional one-time payment of up to \$1,000 for the costs of collecting the 2018–19 school year baseline data. The CDE is to make one-time payments on a first-come-first-served basis.
- 10) Authorizes CDE to limit the total amount of reimbursements and payments to a total of \$3,000,000 per year, excluding funding from private sources.

Competitive grants

- 11) Requires CDE, upon a one-time appropriation to provide grants, in an amount of up to \$100,000, to LEAs for any of the following:
 - a) To contract with third parties for professional development training for schoolsite staff on serving, including preparing, procuring, advertising, and creating menus for plant-based or restricted diet food options or plant-based milk options.
 - b) To purchase cafeteria equipment to prepare plant-based or restricted diet food options, or plant-based milk options, as needed.
 - c) To provide technical assistance and student engagement and education on plant-based or restricted diet food options and plant-based milk options, including providing taste tests, recipe development, culinary education, and proper food handling.
 - d) To provide additional compensation for additional work relating to serving meals that include a plant-based or restricted diet food option, or a plant-based milk option, to the extent that funding is made available in the grant for this purpose.
- 12) Provides that grants are to be awarded on a competitive basis and requires CDE to give priority to LEAs with the largest percentage of students eligible to receive free or reduced-price lunches.
- 13) Requires a LEA, before entering into a contract with a third party for professional development training to complete negotiations on the training with the schoolsite staff's exclusive representative, if requested to do so by the exclusive representative.
- 14) Prohibits an employee from being required to attend professional development training for which the employee does not receive at least that employee's regular

rate of pay or that takes place outside of that employee's normal working hours.

General

- 15) Requires CDE to do all of the following:
 - a) Adopt regulations, as it deems necessary, to implement the Plant-Based and Restricted Diet Program.
 - b) Establish guidelines for the evaluation of the meal reimbursement and grant program.
 - c) Complete an evaluation of the meal reimbursement and grant program and report the results of the evaluation to the Legislature by September 1, 2026. The evaluation shall include the number of LEAs that applied for and received meal reimbursement and payments, the number of meals provided by each LEA, the number of LEAs that applied for and received grant funding, and the manner in which LEAs used grant funds.
 - d) Conduct outreach, with special attention given to the local educational agencies with the largest percentage of students eligible to receive free or reduced-price lunches.
- 16) Authorizes CDE to accept funding from private sources for the purpose of providing reimbursements and payments or grants.
- 17) Provides the following definitions:
 - a) "Local educational agency" means a school district, county office of education, or charter school maintaining any of grades K-12 that participates in the federal National School Lunch Program.
 - b) "Nonprofit school food service account" has the same meaning as defined in Section 210.2 of Title 7 of the Code of Federal Regulations.
 - c) "Plant-based food option" means a food that contains no animal products or byproducts, including meat, poultry, fish, dairy, or eggs, and that is recognized by the United States Department of Agriculture as a meat alternate for purposes of the federal National School Lunch Program.
 - d) "Plant-based milk option" means a beverage that contains no animal products or byproducts, including dairy, and that is recognized by the United States Department of Agriculture as a nondairy fluid milk substitute for purposes of the federal National School Lunch Program.
 - e) "Restricted diet food option" means a food prepared in response to a student with at least one dietary restriction, including, but not limited to, religious dietary restrictions or restrictions prescribed by a physician.

Breakfast and Morning Snacks for young children not yet in school

- 18) Requires CDE to develop guidance for LEAs participating in the federal School Breakfast Program that maintain any of grades K-6 on how to serve eligible non-schoolaged children breakfast or a morning snack at a LEA schoolsite.
- 19) Requires the guidance to highlight opportunities to maximize federal reimbursement through the federal School Breakfast Program and the federal Child and Adult Care Food Program.
- 20) Requires that a guardian of an eligible non-schoolaged child be present at the LEA schoolsite in order for the non-schoolaged child to receive breakfast or a morning snack at the schoolsite.
- 21) Requires the CDE to develop the guidance in a manner that does not jeopardize federal funding for school meal programs and that maximizes federal meal reimbursement.
- 22) Requires CDE to post the guidance on its website by July 1, 2023, and provides that CDE is not required to mail the guidance to LEA.
- 23) Provides that provisions related to this guidance does not require a LEA to take any action.
- 24) Requires CDE to evaluate the guidance and the impact of the guidance on LEA breakfast programs, and requires CDE to submit the evaluation to the Legislature by January 1, 2025.
- 25) Requires a LEA that chooses to implement the CDE guidance to submit to CDE the applicable information listed in # 26 below, and any other relevant information CDE requires in a manner determined by CDE.
- 26) Requires the evaluation to include specified information.
- 27) Defines:
 - a) "Eligible non-schoolaged child" to mean a child who is not enrolled in school and who is a sibling, half sibling, or stepsibling of, or a foster child residing with, a student who meets the federal eligibility criteria for a free or reduced-price breakfast at a LEA participating in the federal School Breakfast Program that maintains any of grades K-6.
 - b) "Guardian" to mean a parent, stepparent, grandparent, or other adult family member or caretaker who is caring for an eligible non-schoolaged child.
 - c) "Local educational agency" to mean a school district, county office of education, or charter school.

Miscellaneous

- 28) States findings and declarations relative to the benefits to children who eat breakfast.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, “Californians are suffering from adverse health effects associated with overconsumption of meat, including diabetes, heart disease, and even cancer. Studies suggest that increasing consumption of plant-based foods has substantial health benefits. It can reduce the risk of diabetes, maintain a healthy weight, and provide protection against cancer and other diseases.

“Agriculture (excluding processing) generates 8% of California’s greenhouse gas emissions, with livestock production accounting for two-thirds of those emissions and 55% of the state’s methane emissions. Animal foods generally have a significantly higher carbon footprint than plant-based foods. This is primarily due to methane emissions from the animal’s digestive process and waste management, as well as nitrous oxide emissions from feed production. Methane is a short-lived climate pollutant, up to 86 times more potent a gas than carbon dioxide over a 20-year period. We cannot meet the Paris Climate Accord targets without curbing consumption of animal products.

“Ultimately, it is understood that one of the most significant state concerns is expanding access to food for children and responding to child hunger. However, expanding access does not mean that we should keep feeding our children poor, processed foods. It is important that the state, especially during the COVID-19 pandemic, concerns itself with providing children with quality food options to ensure they are getting a proper diet as they continue to grow. This not only leads to healthy habits as they grow up, but creates a strong immune system during a time when we want to ensure that our kids are safe, especially once schools reopen and they are back to in-person learning.”

- 2) *Meal patterns and menu planning.* The United States Department of Agriculture (USDA) established nutrition standards for the National School Lunch Program and School Breakfast Program. Schools and other entities that operate these programs are required to use meal patterns and dietary specifications established by USDA to develop menus and serve meals to students. Meal patterns require a minimum weekly offering of meal components (vegetables, grains, meat/meat alternative) and from each vegetable subgroup category (dark green, red and orange, beans/peas, starchy, and other). For example, the vegetable meal component for grades K-8 requires a minimum of 3 ¾ cups of vegetables, ½ cup of dark green vegetables, ¾ cup of red/orange vegetables, etc., per week.

Plant-based meals currently meet the federal National School Lunch Program requirements; plant-based entrees may be composed of meal components such as fruits, vegetables, meat alternates, grains, and fluid milk alternates such as soy milk. [NSLP and SBP Meal Patterns - Healthy Eating & Nutrition Education \(CA Dept of Education\)](#) [USDA Food Patterns | Food and Nutrition Service](#)

- 3) *How do students receive plant-based or restricted diet meals now?* Federal law requires schools to provide substitutions or modifications in the National School Lunch Program and School Breakfast Program for students whose disabilities restrict their diets (e.g. the food allergy or food intolerance substantially limits one or more major life activities, as determined on a case-by-case basis and supported by a written medical statement from a state licensed healthcare professional). Schools are *authorized* to provide special meals and/or accommodations for students who do not have a disability that requires a restricted diet but who do have a food intolerance or other medical condition.

Separate and apart from the provision of special food options for students with a disability or medical condition, students may request plant-based food options. However, schools are not required to offer plant-based options, although the state does encourage “frequent” offering of plant-based offerings.

Further, CDE encourages child nutrition programs to offer plant-based options, recommends action steps for schools to consider vegetarian or vegan options, provides curriculum for students, recipes, training modules for food service directors and staff, and general information about plant-based meals Plant-based Meal Options in CNPs - Healthy Eating & Nutrition Education (CA Dept of Education).

Many, but not all, plant-based food and beverage options currently meet the federal National School Lunch Program nutrition standards and are reimbursable under the National School Lunch Program. Plant-based entrees may be composed of meal components such as fruits, vegetables, meat alternates, grains, and fluid milk alternates like soy milk. USDA-approved plant protein products include nut and seed butters, cooked beans and peas, and soy protein.

Data is not collected specifically about the number of schools that offer plant-based food or milk options. Several California school districts have implemented district-wide daily or weekly vegetarian meal options for students. Some districts implemented these meal options more than a decade ago. These districts include, but are not limited to, Elk Grove Unified School District, San Diego Unified School District, San Juan Unified School District, Oakland Unified School District, and Yuba City Unified School District. Additionally, Los Angeles Unified School District has implemented plant-based meal options for students.

- 4) *School meal reimbursement rates.* School meal reimbursement, by both the federal government and the state, varies each year. In order to receive reimbursement, schools must follow a certain meal pattern determined by the USDA. Depending on the age range of the students served, a full meal consists of a specified amount of fruits, vegetables, grains, meat/meat alternate, and milk.

The federal school lunch reimbursement rates are \$3.37 for free lunch and \$2.97 for reduced priced lunch. Schools that serve more than 60% low-income students receive \$0.02 more for both free and reduced priced lunches. The state school lunch reimbursement rate is \$0.26 for both free and reduced priced lunches. 2022–23 CNP Reimbursement Rates - Rates, Eligibility Scales, & Funding (CA Dept of Education)

Beginning with the 2022-23 school year, the state will require school districts and charter schools to provide two free meals per day to all students, regardless of eligibility for free meals. The state will reimburse school districts and charter schools for the cost of the meal, up to the federal free meal reimbursement rates for all students who are not eligible for federal free meals.

AB 154 (Ting, 2022), the Budget Act, includes a significant increase in the state's reimbursement rate for school meals, from 26 cents to 89 cents, to support the new requirement that schools provide two free meals per day to all students. Additionally, AB 154 includes over \$611 million on an ongoing basis to provide an enhanced meal reimbursement rate of \$4.625 per meal, to the extent that the federal school meal reimbursement rates are increased. Committee staff understands that there is a legislative budget agreement to provide \$100 million for food procurement for local and sustainably grown food, restricted diets, and plant-based diets.

School nutrition program providers faced unprecedented challenges and were generally overwhelmed, in fulfilling their mission to feed children while most schools were closed due to the COVID pandemic. School nutrition staff, bus drivers, custodian staff, and many other educators provided daily, and sometimes weekly, meals to students. Federal waivers, which expire June 30, 2022, also allow schools (and other sites) to serve meals to anyone under the age of 18 years. Schools have had to create pick-up schedules, pick-up locations other than at schoolsites, and arrange deliveries to distant bus stop locations, apartment complexes where many students reside, and to the homes of students who are disabled and/or home-bound. School nutrition programs are now preparing to meet the new requirement to provide two free meals to each student every day. *While this bill creates an incentive for, but does not require, schools to offer plant-based food and beverage options, is this the right time for the state to add any programs for school nutrition providers?*

Should the state provide an increased reimbursement for all meals served rather than only for certain meals? Staff notes that additional reimbursement pursuant to this bill is contingent upon an appropriation for that purpose. As described above, committee staff understands that there is a legislative budget agreement to provide \$100 million for food procurement for local and sustainably grown food, restricted diets, and plant-based diets.

- 5) *Fresh or natural?* This bill defines plant-based food and beverage options as those that do not contain any animal products or byproducts, and that are recognized by the USDA as an alternative or substitute for purposes of the National School Lunch Program. However, these food and beverage options are not necessarily fresh or natural. **Staff recommends an amendment** to require schools to give preference in purchasing plant-based food and beverage options that are minimally processed, specifically that the nutritional quality of the food or beverage is maintained.
- 6) *California grown or produced.* This bill encourages LEAs to give preference to the purchase of plant-based or restricted diet food options and plant-based milk options from California producers, when commercially available. **Staff**

recommends an amendment to require, rather than encourage, LEAs to give preference to products from California producers.

- 7) *Feeding siblings.* This bill would require the CDE to issue guidance about how a school district, COE, or charter school could voluntarily serve younger siblings a federally reimbursable meal at a school site that their older sibling attends. Currently, schools may operate the School Breakfast Program, as well as the Child and Adult Care Food Program (CACFP), which allows but does not require younger, non-schoolage children to be served. Schools may serve younger, non-schoolage children through the CACFP at the same time and location as serving schoolage children through the School Breakfast Program. Schools are currently authorized, through federal waivers, to serve meals to anyone under the age of 18. The federal waivers expire on June 30, 2022.
- 8) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose:
 - a) Ongoing Proposition 98 General Fund costs, up to \$3 million, for reimbursements to LEAs offering plant-based food and beverage options.
 - b) One-time General Fund costs to CDE to develop guidance for LEAs participating in the federal School Breakfast Program that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at a LEA schoolsite.
 - c) Potential one-time Proposition 98 General Fund costs, in the tens of thousands up to \$1 million, to provide grants to LEAs wishing to receive a grant to collect the baseline data required.
 - d) Potential one-time Proposition 98 General Fund costs, in the millions up to \$100 million, to provide \$100,000 grants to LEAs for equipment purchases and professional development for staff, to increase accommodation of student dietary restrictions.
- 9) *Related legislation.* AB 996 (Nazarian, 2021) would have required the CDE to develop guidance for LEAs participating in the School Breakfast Program that maintain any of kindergarten through grade 6, on how to serve eligible non-school-aged children breakfast or a morning snack at an LEA schoolsite. AB 996 was not heard due to the shortened legislative timelines.
- 10) *Prior legislation.* AB 479 (Nazarian, 2019) would have established within the CDE the California Climate-Friendly Food Program to provide incentives for making plant-based food and beverages available to students. AB 479 was generally similar to this bill. AB 479 was held in the Senate Appropriations Committee.

AB 2527 (Nazarian, 2020) would have required the CDE to develop guidance for LEAs participating in the School Breakfast Program on how to serve eligible non-school-aged children breakfast or a morning snack at a schoolsite. AB 2527 was not heard due to the shortened legislative timelines.

AB 958 (Aguilar-Curry, 2019) would have created the California Organic to School Pilot Program, and provide schools up to 15 cents per meal for organic, locally grown food. AB 958 was held in the Assembly Appropriations Committee.

SUPPORT

- Friends of The Earth – US (co-sponsor)
- Social Compassion in Legislation (co-sponsor)
- American Academy of Pediatrics, California
- Animal Legal Defense Fund
- Animal Protection and Rescue League
- Animal Welfare Institute
- Balanced
- California Association of Student Councils
- California School Employees Association
- Castillo Animal Veterinary Corp
- Center for Biological Diversity
- Climate Reality Project, San Fernando Valley
- Commission of Animal Control and Welfare San Francisco
- Compassionate Bay
- Cultivate Empathy for All
- Direct Action Everywhere
- Eat for The Earth
- Farm Sanctuary
- Gayle Paul
- Hindu American Foundation, INC.
- Humane Decisions
- Humane Society of The United States
- In Defense of Animals
- Jane Unchained News Network
- Lioness Productions
- Los Angeles Democrats for The Protection of Animals
- Mobius
- Oceanic Preservation Society
- Our Honor
- Physicians Against Red Meat
- Physicians Committee for Responsible Medicine
- Plant Based Foods Association
- Poison Free Malibu
- Project Counter glow
- Promise 4 Paws
- Revolution Philadelphia
- Start Rescue
- Vegan of La
- Women United for Animal Welfare

OPPOSITION

California Cattlemen's Association
Teamsters Public Affairs Council
Western United Dairymen

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1705 **Hearing Date:** June 22, 2022
Author: Irwin
Version: June 15, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgallia Ramirez

Subject: Seymour-Campbell Student Success Act of 2012: matriculation: assessment

SUMMARY

This bill makes a number of changes and additions to existing law relative to the placement and enrollment of students into transfer-level English and Math courses at the California Community Colleges (CCC).

BACKGROUND

Existing law:

- 1) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts ((EC) Section 70900).
- 2) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. Permits districts to establish policies for and the approval of courses of instruction and educational programs (EC Section 70902).
- 3) Requires CCC districts and colleges to maximize the probability that a student will enter and complete either transfer-level coursework in English or math within a one-year timeframe and use in the placement and enrollment of students, multiple measures comprised of high school transcript data.
 - a) Permits CCC districts or colleges to use self-reported high school information and guided placement including self-placement, when high school transcript data is not available.
 - b) Requires CCC districts or colleges when using multiple measures to ensure low performance on one measure is offset by a higher performance on another measure and when a student demonstrates preparedness they can bypass remediation based on any one measure.
 - c) Requires colleges to maximize the probability that English as a second language (ESL) students when placed into credit ESL courses will maximize the probability the ESL student will complete transfer-level English within three years.

- 4) Authorizes the board of governors to establish regulations governing the use of placement models, as defined to ensure the models selected by a community college will 1) guide English and math placements and enrollments to achieve the goal of maximizing the probability that a student will enter and complete transfer-level coursework in English and math and 2) will guide the placement of English as a Second Language (ESL) students so that they complete transfer-level coursework within a timeframe of three years. Requires the regulations to require a community college or district, for students who seek a goal other than transfer, and who are in a certificate or degree program with specific requirements that are not met with transfer-level coursework, to maximize the probability the student will enter and complete the required college-level coursework in English and math within a one-year timeframe.
- 5) Prohibits a CCC district or college from requiring a student to enroll in remedial English or math that lengthens their time to complete a degree unless placement research that includes consideration of high school grade point average and coursework shows that the student is highly unlikely to succeed in transfer-level coursework.
- 6) Permits a CCC district to enroll students into concurrent supports, as defined, but only if the support will increase their likelihood of passing the transfer-level coursework. Instructs CCC districts and colleges to minimize the impact on student financial aid and unit requirements for the degree by exploring embedded support and low or noncredit support options (EC Section 78213 et. al.).

ANALYSIS

This bill:

Authorized assessment instruments

- 1) Modifies the list of requirements an assessment instrument must meet in order to be authorized for use by the board of governors by:
 - a) Requiring, that assessment instruments reviewed and considered for approval by the board of governors additionally meet established standards of validity and reliability.
 - b) Clarifying that the assessment instruments be used *solely* as an advisory tool to assist students in the selection of appropriate courses.
- 2) Removes the requirement for the board of governors to establish an advisory committee to review and make recommendations concerning all assessment instruments used by districts and colleges.

Course completion, course placement, and use of multiple measures.

- 3) Modifies the requirement that a community college or district maximize the probability that a student will enter and complete transfer-level coursework in English and math within one year by:
 - a) Specifying that the timeframe applies to the student's *initial* attempt in the discipline.
 - b) Adding a requirement that the transfer-level coursework satisfy the English and math requirement of the intended certificate or associate degree, or a requirement for transfer within the intended major, within a one-year timeframe of their initial attempt in the discipline for a student with a declared academic goal.
- 4) Requires the college, when using multiple measures (high school coursework, grades, or grade point average), to apply them in the placement and enrollment of all students in such a manner that all of the following occur:
 - a) Low performance on one measure be offset by a higher performance on another measure.
 - b) Multiple measures be used to increase a student's placement recommendation and cannot be used to lower it.
 - c) Allow any one measure to demonstrate a student's preparedness for transfer-level coursework.
 - d) The multiple measures placement will be not used to require students to repeat coursework that they successfully completed in high school or college or for which they demonstrated competency through other methods of credit for prior learning.
- 5) Clarifies the use of high school grade point average, as a composite of student performance over multiple years of high school coursework is a sufficient use of multiple evidence-based measures.

Guided and self-placement methods

- 6) Requires the use of high school transcript data as the primary means for determining placement in English and math courses. When high school transcript data is difficult to obtain, logistically problematic to use, or not available, a community college district or community college to use self-reported high school information.
- 7) Allows community colleges to use guided placement or self-placement methods for students who have not graduated from high school or for high school graduates unable to provide self-reported high school information.
- 8) Requires that, for placements and enrollments that result from guided or self-placement methods, districts and colleges maximize the probability that students enter and complete transfer-level math and English coursework that satisfies a

requirement of the intended certificate or associate degree or a requirement for transfer within the intended major, within a one-year timeframe of their initial attempt in the discipline.

- 9) Allows a community college to use guided placement or self-placement method to direct English language learners who are *not* U.S. high school graduates into credit ESL programs and requires a community college to maximize the probability that students in credit ESL programs enter and complete transfer-level English within a timeframe of three years.
- 10) Prohibits district placement methods based upon guided placement, including self-placement, from doing either of the following:
 - a) Including sample problems, assignments, assessment instruments, or tests, including those designed for skill assessment.
 - b) Requesting students to solve problems, answer curricular questions, present demonstrations and examples of coursework designed to knowledge or mastery of prerequisite skills, or demonstrate skills through tests or surveys.

Establishment of regulations

- 11) Modifies provisions that authorize the board of governors to establish regulations governing the use of placement models and instead *requires* the establishment of regulations governing the use of multiple measures, instruments, and placement models to ensure that each model selected by a community college demonstrates that they guide English and math placement and enrollment to achieve the goal of maximizing the probability that a student will enter and complete transfer-level coursework in English and mathematics that satisfies a requirement of the intended certificate or associate degree or a requirement for transfer within the intended major within a one-year timeframe, and credit ESL students will complete transfer-level coursework in English within a timeframe of three years.

Alternatives to transfer-level placement terms and conditions

- 12) Requires a community college district or college to maximize the probability that a student will enter and complete *college-level* coursework in English and math within a one-year timeframe for students who seek a goal other than transfer, and who are in certificate or degree programs with specific math and English requirements, as determined by the program's advisory board or accrediting body, that cannot be met with transfer-level course work.
- 13) Exempts programs from the placement, enrollment, and completion provisions of the bill (EC section 78213 (c) (1-9) inclusive) if the program does not have an English or math requirement.

- 14) Prohibits a community college district or community college from recommending or requiring a student to enroll in pre-transfer-level English or math coursework unless both of the following are true:
- a) The student is highly unlikely to succeed in a transfer-level English or math course based on their high school grade point average coursework.
 - b) The enrollment in pre-transfer-level coursework will improve the student's probability of completing transfer-level coursework in English and math within a one-year timeframe or for credit ESL students, completing transfer-level course work in English within a three-year timeframe.
- 15) Requires, by July 2023, a community college that places and enrolls students into transfer-level mathematics or English coursework that *does not* satisfy a requirement for the student's intended certificate or associate degree or a requirement for transfer within the intended major, verify the benefit of the coursework to students by showing that:
- a) The student is highly unlikely to succeed in a transfer-level English or math course that satisfies a requirement for the intended certificate or associate degree, or a requirement for transfer within the intended major.
 - b) The enrollment will improve the student's probability of completing transfer-level mathematics or English coursework that satisfies a requirement for the intended certificate or associate degree, or a requirement for transfer with the intended major, within a one-year time frame.
- 16) Prohibits a community college from recommending or requiring students to enroll in a course that does not satisfy the student's intended academic goal as described in (15) of this analysis after July 1, 2024, if the benefits as described in (15) (a) and (b) of this analysis are not realized, and requires the college to notify students who continue to enroll in the course that it is optional and does not improve their chances of completing subsequent coursework that satisfies a requirement for their intended certificate or associate degree, or a requirement for transfer within their intended major.

STEM majors

- 17) Requires, by July 1, 2024, for calculus-based associate degrees or transfer majors in science, technology, engineering, and math (STEM), community colleges examine the impact of placing and enrolling students into transfer-level course sequences, composed of no more than two transfer-level courses, that prepare students for the STEM calculus course, in order to verify the benefit of the coursework to students by showing all of the following:
- a) The student is highly unlikely to succeed in the first STEM calculus course without the additional transfer-level preparation.
 - b) The enrollment will improve the student's probability of completing the first

STEM calculus course.

- c) The enrollment will improve the student's persistence to and completion of the second calculus course in the STEM program, if a second calculus course is required.
- 18) Prohibits, after July 1, 2025, a college from recommending or requiring a student to enroll in course sequences that are composed of no more than two transfer-level courses that prepare students for the STEM calculus course, if the benefit of the coursework, as described in (17) above in this analysis, is not verified. A community college is required to notify students who continue to enroll in the course that it is optional and that it does not improve their chances of completing calculus for their STEM program.
- 19) Encourages community colleges to explore the impact of concurrent support for the first STEM calculus course as an alternative to transfer-level preparatory courses that are not part of the STEM degree or transfer coursework for the STEM major.

Prohibited justifications to pre-transfer-level placement and enrollment

- 20) Prohibits a community college or district, by July 1, 2023, from relying upon any of the following as a justification for placing and enrolling a student into pretransfer-level math or English coursework or into transfer-level math or English coursework that does not satisfy a requirement of the student's intended certificate or associate degree, or a requirement for transfer within the intended major:
- a) The length of time between a student's enrollment date at the community college and the student's high school graduation date.
 - b) Whether the student belongs to a special population, including, but not limited to, foster youth, veterans, economically disadvantaged students or those students who participate in extended opportunity programs and services, participants in disability services and programs for students, and students in Umjoa, Puente, or Math, Engineering, Science, Achievement programs.
 - c) Whether the student can provide a high school transcript, self-reports high school information, or uses self-placement or guided placement.

Transfer-level placement and enrollment required

- 21) Requires, by July 1, 2023, all U.S. high school graduates, and those who have a High School Equivalency certificate, regardless of background or special population status, *who plan* to pursue a certificate, degree, or transfer program offered by CCCs, to be directly placed into, and, when beginning coursework in English or math, enrolled in, transfer-level English and math courses.

- 22) Requires, if students described above in 21) of this analysis have a declared academic goal, that the math and English course satisfy a requirement of the student's intended certificate or associate degree or a requirement for transfer within the intended major.
- 23) Prohibits a community college from requiring students described in 21) of this analysis to repeat coursework that they have successfully completed in high school or college or take coursework that repeats competencies that the student has demonstrated through other methods of credit for prior learning.
- 24) Prohibits a community college from enrolling students into noncredit coursework who are U.S. high school graduates or students with a high school equivalency certificate, as a substitute or replacement for direct placement and enrollment into transfer-level math and English as described in EC section 78213 (c)(1) of the bill.

Exceptions to transfer-level placement and enrollment requirements.

- 25) Provides for all of the following exceptions to transfer-level placement and enrollment into math and English coursework as described in 21) of this analysis:
 - a) Students who have not graduated from a U.S. high school or completed a high school equivalency certificate.
 - b) Students in a certificate program without English or math requirements.
 - c) Students enrolled in a noncredit English as a second language course who have not graduated from U.S. high school or completed a high school equivalency certificate.
 - d) Students with documented disabilities in Educational Assistance Classes (EAC) as defined in CCR Title 5, § 56028, who are otherwise not able to benefit from general college classes even with appropriate academic adjustments, auxiliary aids, and services.
 - e) Students enrolled in adult education programs who have not graduated from a U.S. high school or completed a high school equivalency certificate.
 - f) Students enrolled in adult education programs and are enrolled in coursework other than mathematics or English.
 - g) Current high school students in dual enrollment or taking courses not available in their local high school.
 - h) The community college has provided local research and data to verify the the benefit of the placement and enrollment into transfer-level coursework that does not satisfy a requirement for the intended certificate, associate degree, or transfer requirement within the intended major.

- i) College-level placement and enrollment in lieu of transfer-level placement and enrollment may occur for:
 - A) Students in career technical programs seeking a certificate or associate degree with specific requirements, as dictated by the program's advisory or accrediting body, that cannot be satisfied with transfer-level coursework.
 - B) Specific subgroups of students for whom a community college district or community college has provided local research and data meeting the evidence standards, prescribed in the bill, that allow for the placement and enrollment of the student subgroup into pre-transfer-level math or English coursework.

Concurrent support

- 26) Requires a community college, for students who need or desire extra academic support when enrolled in transfer-level math or English coursework, to provide access to tutoring support enhancing transfer-level math and English courses, concurrent low-unit credit or similar contact hours non-credit co-requisite course for transfer-level math and English, or other academic supports.
- 27) Clarifies that a community college is authorized to require students to enroll in additional concurrent support, including additional language support for ESL students, during the same term that they take a transfer-level English or math course if it is determined the support will increase the student's likelihood of passing the transfer-level English or math.
- 28) States that nothing in 26) or 27) of this analysis shall be construed as limiting student access to additional concurrent support nor as requiring students to enroll in concurrent supports.

Accountability

- 29) Authorizes the Chancellor's Office of the CCCs to require a community college or community college district to change or adopt a placement policy or practice identified by the chancellor's office to ensure that a community college or district's placement and enrollment of students into math, English, and ESL is consistent with the requirements of this measure.
- 30) States that nothing in EC section 78213 (described in 3) through 39) of this analysis) is meant to add math and English requirements to certificate programs that do not have math or English requirements.
- 31) Requires, beginning July 1, 2023, the Chancellor's Office of the CCC post a dashboard containing multiyear data, beginning from 2015 that:
 - a) Is annually updated.
 - b) Contains data on student progression and completion of transfer-level

English, mathematics, and ESL courses, disaggregated by community college and by age group, ethnicity, and other factors.

- c) Beginning on December 1, 2024, inform the appropriate legislative Committees of the updates made annually.

Definitions

- 32) Defines the following terms for purposes of the bill:
 - a) "Assessment" to mean the process of gathering information about a student regarding the student's study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment methods may include, but not necessarily be limited to, interviews, standardized tests, attitude surveys, vocational or career aptitude and interest inventories, high school or postsecondary transcripts, specialized certificates or licenses, educational histories, and other measures of performance.
 - b) "Pretransfer level," to mean with respect to courses, includes basic skills, remedial, and college-level courses.
 - c) "Transfer-level written communication" and "transfer-level quantitative reasoning" to have the same meaning as transfer-level English and transfer-level mathematics, respectively.

Findings, declarations, and legislative intent

- 33) Makes various legislative findings and declarations regarding the placement and enrollment of students into transfer-level courses at the CCC.
- 34) States that it is the intent of the Legislature the following are satisfied:
 - a) All U.S. high school graduate students and those who have received a high school equivalency certificate, regardless of background or special population status, who plan to pursue a certificate, degree, or transfer program offered by the CCC, will be directly placed into and when beginning coursework in English or math, enrolled in transfer-level English or math if their program requires English or math.
 - b) CCCs will place and enroll students into transfer-level English or math that completes a requirement of the student's intended certificate or associate degree or a requirement for transfer within the student's intended major.
 - c) When the California State University (CSU) or the University of California (UC) systems require English or math prerequisites, all the following apply:
 - i) CCC retains the authority to determine the method of completing a

prerequisite, which, can include, but is not limited to, high school coursework, completion of corequisite coursework, credit for prior learning, multiple measures placement into, or completion of a course with the same or higher prerequisite.

- ii) The CSU will and the UC is requested to collaborate with the CCC to maintain articulation of courses completed at the CCC.
 - iii) The CCC creates the largest opportunities possible for access to transfer-level courses, ensure the greatest enrollment possible into those courses and provide students the support they need to perform well and be successful in completing those courses.
- d) In order to protect the rights of students with disabilities to fully benefit from participation in postsecondary educational programs, students with documented disabilities shall retain access to special classes as defined by CCR Title V 56028 that are offered to students who otherwise would not be able to benefit from general college classes even with appropriate academic adjustments, auxiliary aids, and services.
- e) Notwithstanding this article, community colleges remain responsible for implementing state and federal laws pertaining to funding and providing services to disabled students; including, but not limited to Chapter 14 of the Education Code, the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "According to the Public Policy Institute of California, the passage of AB 705 has led to tens of thousands of more students entering and successfully completing transfer-level English and math. Importantly, AB 705 contributed to significant reductions in racial equity gaps in access to and completion of transfer-level courses. More students enrolled in and completed Business, Science, Technology, Engineering, and Math (BSTEM) math courses due to AB 705. These gains are noteworthy for Latino and Black students, who have been historically underrepresented in BSTEM majors.

"Nevertheless, implementation of AB 705 has been uneven across the CCCs and a substantial number of students are still required or directed to enroll in below transfer-level courses. A significant number of remedial English courses have been eliminated and replaced with transfer-level sections; however, remedial math courses are still widely available. At one in five colleges, a third or more of students are still being enrolled in remedial courses and these students are disproportionately Black and Latino. Research demonstrates that the chances of completing a transfer-level course are significantly diminished for those who start in a course below transfer-level: only a third of these students subsequently enrolled in a transfer-level course."

“Previous attempts to make such clarifications through the regulatory process were unsuccessful and even led to the publishing of a General Counsel letter that grossly misstated the legislative intent of AB 705. The decentralized nature of the CA Community College System and lack of direct oversight by CCCCO necessitates further clarification and fine-tuning of the relevant statute based on feedback from relevant stakeholders.”

- 2) **Remedial education reform.** Remedial education (falls under pre-transfer-level coursework in the bill) was intended to help students who are assessed as “unprepared” to succeed in college-transfer-level work. The traditional approach to remedial education was based on placement test scores. Colleges place a student who underperforms on placement tests into a sequence of developmental/college-prep courses prior to that student enrolling in transfer-level English and math courses. This approach raised concerns from community-based organizations and researchers about the misplacement of college-ready students into remedial courses prolonging time to degree or transfer and the reliance on placement tests as the sole predictor of students’ success. On March 1, 2017, the Senate Education Committee convened an oversight hearing on remedial education. The background paper by the Legislative Analyst’s Office for that hearing noted that, at that time, 75 percent of first-time CCC students are assessed as unprepared. The paper also stated that unprepared students are less likely to graduate with a 30 percentage point difference in graduation rates between incoming students assessed as college-ready versus not college-ready. In response to growing concerns, the Legislature adopted AB 705 (Irwin, Chapter 745, Statutes of 2017) which sought to reform the manner by which college readiness is assessed at CCCs whereby student placement is determined by high school grades and other measures as opposed to the use of a single test. It additionally pushed colleges to maximize the probability that a student could complete transfer-level English and math coursework within a one-year timeframe.
- 3) **What does the bill do?** At its core, this bill expands the provisions established by AB 705 by explicitly requiring community colleges to place and *enroll* students who are U.S. high school graduates and those with a high school equivalency certificate directly into transfer-level English and math courses. The bill further requires that the transfer-level courses also meet the student’s intended certificate or degree or transfer within the major requirements. This specific provision only applies to students who have declared an academic goal. There are certain exceptions to the general transfer-level placement/enrollment rules, which is discussed in a different comment of this analysis. The bill would also limit a college’s ability to place and enroll students into, or recommend pre-transfer-level courses (i.e. basic skills, remedial and college-level courses) or transfer-level courses that are outside of meeting the requirements of the student’s intended degree, certificate, or transfer goal. This measure seeks to ensure that students, more likely than not, enter and complete courses that can count toward achieving their educational and academic goals.
- 4) **Concurrent academic support.** For students needing additional academic support with transfer-level coursework, co-requisite supports (as opposed to prerequisite) such as tutoring or concurrent low-unit credit courses are

permissible under the bill and in some cases, colleges may require a student to enroll in additional concurrent support.

- 5) **Exceptions to transfer-level placement and enrollment.** Transfer-level placement and enrollment is not required for every student. The bill exempts certain students and identifies exceptions to those requirements. Exempt groups include, but are not limited to, students with documented disabilities, students in a certificate program without English or math requirements, students who have *not* graduated from a U.S. high school or completed a high school equivalency certificate including English learners, and adult education students. Additionally, college-level placements and enrollments in lieu of transfer-level may happen for specific subgroups of students for whom a college has met the prescribed evidence standards that allow for alternative placement and enrollment of that subgroup.
- 6) **Career Technical Education (CTE).** Under the bill, transfer-level placement and enrollment applies to students seeking a certificate who have graduated from a U.S high school (or earned the equivalent certificate) and whose English and math requirements can be met by transfer-level coursework. If however, certification cannot be achieved through transfer-level coursework then *college-level* placement and enrollment may occur (EC section 78213 (j)(9)(A)) and as previously noted, students in CTE programs that *do not* have math or English requirements are clearly exempt from the transfer-level requirements in the bill.
- 7) **Transfer-level does not mean harder.** A critique of direct transfer-level enrollment policies is that some students may need to take remedial courses as those courses act as a safety net for students who are initially unable to succeed in accelerated courses or that those policies do not take into account students whose educational goals do not include transfer. The recently released statewide AB 705 update by the California Acceleration Project (CAP), however, asserts, "transfer-level does not mean harder." The report examined the AB 705 improvement plans submitted by every community college within the CCC system. It notes "most colleges with plans to enroll all students into transfer-level math say they will develop new transferable math and quantitative reasoning options for students who do not intend to transfer, including students in career education programs. At colleges leading the way, these students take a transfer-level course in financial literacy, liberal arts, or technical math for the trades to satisfy math requirements for their associate degree, instead of taking a pre-transfer-level course like intermediate algebra. Students are typically more successful in these courses than in Intermediate Algebra at colleges that adopted this approach." The report goes on to note, the rethinking of math choices provides the additional advantage if at some point a student decides to continue their studies, they will have met quantitative reasoning requirements for the CSU baccalaureate degree without taking additional courses.

Seemingly, transfer-level coursework can serve students whose goals do not include transfer in a manner that is relevant to their interests and consistent with their educational objectives. This bill seeks to ensure that the transfer-level coursework meets the student's intended certificate or degree or transfer goals.

- 8) **Arguments in opposition.** The Faculty Association of California Community Colleges (FACCC) argue, in part, in their opposition letter, “According to the Chancellor’s Office Transfer Level Gateway Completion Dashboard, transfer-level completion rates in English held steady at 75-77 percent until colleges began adopting AB 705 in 2018. The most recent data shows completion rates dropped down to 70 percent. In math, the transfer rates held between 72-73 percent until the adoption and implementation of AB 705 and have now dropped to 60 percent. Clearly, many students are struggling when placed directly into transfer-level courses. AB 1705 does not address this new barrier that it creates.”

FACCC additionally stresses that “To support these students and eliminate the new barrier, faculty need support, yet AB 1705 does not provide a way for faculty to develop new pedagogy to better serve those students. This support should include significant ongoing funding for professional development and faculty tutors in the classrooms. The colleges that have the most success implementing AB 705 have incorporated significant faculty support. Without clear guidance from the state, any support will be uneven and inequitable. Educators will be tasked with making AB 1705 work, but they will be set up to fail without the necessary tools to support a broader range of students.”

- 9) **Arguments in support.** According to the letter of support submitted to the committee from Chief Instructional Officers within the CCCs, “National and regional studies have repeatedly affirmed that direct placement maximizes the probability that students will enter and complete transfer-level coursework in mathematics and English in a timely manner compared to the historical practice of requiring students to complete a series of remedial courses.” Their letter further asserts, “The California community colleges have made tremendous strides in improving transfer-level ‘throughput’ in English and mathematics, but remediation remains a practice in some colleges despite the data and the system-wide desire to fulfill the goals outlined in the Vision for Success to ‘fully close achievement gaps’ by 2027 and increase the numbers of students who earn transfer degrees and matriculate to the UC and CSU systems. Overcoming barriers inadvertently created by past practices can only be achieved through structural reform, and AB 1705 strengthens such reform.”

SUPPORT

Blu Educational Foundation
 California Acceleration Project
 California Community Colleges Chancellor's Office
 California Community Colleges Chief Instructional Officers
 California Competes
 California Edge Coalition
 Californians Together
 Campaign for College Opportunity
 Career Ladders Project
 Central Valley Higher Education Consortium
 Cerritos College
 Community College Higher Education Access, Leadership, and Equity Scholarship

Complete College America
Congregations Organized for Prophetic Engagement (COPE)
Genup
Growing Inland Achievement
Hispanas Organized for Political Equality (HOPE)
Improve Your Tomorrow, INC.
Just Equations
Office of Lieutenant Governor Eleni Kounalakis
Pasadena Area Community College District
Pasadena City College
Promesa Boyle Heights
Public Advocates
Public Advocates INC.
Southern California College Attainment Network
Student Senate for California Community Colleges
Students Making a Change (SMAC)
The Education Trust-West
The Institute for College Access & Success
Uaspire
UC Student Association
Unidosus
United Way of Greater Los Angeles
USC Race and Equity Center
Young Invincibles
50 individuals approximately

OPPOSITION

Mt. San Antonio College
Faculty Association of California Community Colleges
One individual

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 2286	Hearing Date:	June 22, 2022
Author:	Irwin		
Version:	March 21, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgallia Ramirez		

Subject: Student financial aid: Student Aid Commission: donations and philanthropic funds

SUMMARY

This bill authorizes the California Student Aid Commission (Commission) to receive donations, bequests, grants, and philanthropic funding, subject to the conditions or restrictions that the Executive Director of the Commission may deem advisable, and subject to the approval of the Director of Finance.

BACKGROUND

Existing law establishes the California Student Aid Commission (Commission) for the purpose of administering specified student financial aid programs (Education Code Section 69510, et seq.)

ANALYSIS

This bill:

- 1) Authorizes the Commission to receive donations, bequests, grants, and philanthropic funding, subject to the conditions or restrictions that the executive director of the commission may deem advisable, and subject to the approval of the Director of Finance.
- 2) Requires the Commission, commencing January 1, 2024, at the first regular Commission meeting of the calendar year, to report publicly the source of each donation received during the preceding calendar year, the amount from each source, and the purpose for which each donation was used.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Currently, the California Student Aid Commission (Commission) is unable to directly receive and utilize philanthropic funds, making partnerships with major foundations difficult to administer without convoluted agreements that limit transparency and partnership opportunities. Non-profit entities are interested in supporting the Commission's research and analytical capabilities, program improvements, and outreach activities, but are often reluctant to provide such funds via third parties."

“The California Student Aid Commission is the only education entity that does not have the ability to seek and utilize non-state funds from foundations and grants to support and enhance their work. The California Department of Education, each University of California campus, the California State University and its 23 campuses, the California Community Colleges Chancellor’s Office, and community college districts, each operate their own auxiliary organizations to support supplemental services and initiatives. To address the current inequality regarding participation with philanthropy, explicit statutory authority is necessary to allow the Commission to accept and manage philanthropic funds.

“While the author’s office was unable to find any provisions of existing law that expressly prohibit entities like CSAC from accepting philanthropic donations, CSAC has communicated that their general counsel strongly believes that express authorization is necessary for the sake of public transparency.”

- 2) **Similar authority granted to other state agencies.** This bill would grant the Commission the authority to receive non-state funds nearly identical to that provided for the Commission on Teaching Credentialing in 2019 via SB 75 (Committee on Budget and Fiscal Review, Chapter 51, Statutes of 2019). The California State Library, California Department of Education (CDE) and Department of Parks and Recreation are examples of other public agencies that have established foundations to manage private donations to support their respective missions. According to its website, the CDE Foundation uses resources including philanthropic investment in CDE to invest in the development of innovative ideas and practices that can scale to advance public education. It appears that the foundation conducts research and outreach to promote access to resources.
- 3) **Use of funds?** As mentioned, the Commission is the designated entity for administering federal and state financial aid to students. In a limited capacity, agency staff engage in student outreach activities and provide financial aid counseling services through its call center. According to the Commission, the use of philanthropic funds would allow the Commission to use donations for promotional purposes like the Commission’s financial aid assistance workshops. Additionally, the Commission asserts, “The capacity to receive philanthropic funds would allow the Commission to further its work in data and research to benefit student access to high education. External funding support enabled the Commission to conduct important, nationally-recognized research during the COVID-19 pandemic through student surveys about their experiences and challenges. While the Commission was able to work with the funder to find a creative means of leveraging such external funds to carry out this work, such partnerships would be more transparent and efficient if the Commission were allowed to directly receive and manage such philanthropic contributions.” In addition to allowing receipt and management of non-state gifts, funds, or donations, this bill makes the conditions for which funds are received subject to the approval of the Director of Finance. The Commission is further required to report annually the source of funds, the amount from each source and the purpose for which funds were used.

4) **Fiscal impact.** According to the Assembly Appropriations Committee analysis, this bill would have the following fiscal impact:

- The purpose of this bill is to increase funding for CSAC from sources other than the state. While this bill does not result in costs to the state, it does enable actions that may have a significant fiscal effect on a state agency.

SUPPORT

California Student Aid Commission
Genup
Unite-la, INC

OPPOSITION

None received.

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1712 **Hearing Date:** June 22, 2022
Author: Medina
Version: May 12, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Public postsecondary education: campus safety: online survey tool

SUMMARY

This bill requires the office of the Chancellor of the California Community Colleges (CCC) and office of the Chancellor of the California State University (CSU), and requests the office of the President of the University of California (UC), to: a) develop questions to determine student perspectives on campus climate for the purpose of being included in the new federal online survey tool for campus safety used by California's postsecondary education institutions; and, b) submit a report on the published campus-level results from the online survey biennially.

BACKGROUND

Existing law:

- 1) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services. (California Constitution, Article IX, Section (9)(a))
- 2) Establishes the Donahoe Higher Education Act and assigns the missions of the CCC, the CSU, and the UC. (Education Code § 66010 et. seq.)
- 3) Stipulates no provision of the Donahoe Higher Education Act shall apply to the UC unless the UC Regents adopt the provision. (EC § 67400).
- 4) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Board of Trustees the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and 89030 et. seq.)
- 5) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. (EC § 70900)
- 6) Enacts the Equity in Higher Education Act which clarifies it is the policy of California that all persons, regardless of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or

any other basis that is contained in the prohibition of hate crimes as defined in the Penal Code, have equal rights and opportunities to participate fully in the postsecondary educational process free from discrimination and harassment. (EC § 66250 et.seq.)

- 7) Requires the United States Secretary of Education to develop a standardized online survey tool, and requires postsecondary education institutions that receive federal funding to administer campus climate surveys every two years on issues related to dating and domestic violence, sexual assault, sexual harassment, and stalking. (Public Law 117-103, Division H, Title III, § 1507; The Consolidated Appropriations Act of 2022)

ANALYSIS

This bill requires the office of the Chancellor of the CCC and office of the Chancellor of the CSU, and requests the office of the President of the UC, to: a) develop questions to determine student perspectives on campus climate for the purpose of being included in the new federal online survey tool for campus safety used by California's postsecondary education institutions; and, b) submit a report on the published campus-level results from the online survey biennially. Specifically, this bill:

- 1) Requires the office of the Chancellor of the CCC and office of the Chancellor of the CSU, and requests the office of the President of the UC, beginning after the date on which the United States Secretary of Education makes the online survey available to institutions, to do all of the following:
 - a) Develop questions in consultation with experts to determine student perspectives on campus climate.
 - b) Consult with student organizations and trauma experts, including, but not limited to, nonprofit organizations with expertise in campus climate, so that the questions incorporate trauma-informed language.
 - c) Submit the questions developed to the United States Secretary of Education for review and approval to be incorporated into the online survey.
- 2) Requires the office of the Chancellor of the CCC and office of the Chancellor of the CSU, and requests the office of the President of the UC, beginning *one year after* the date on which the United States Secretary of Education makes the online survey available to institutions, and every two years thereafter, to submit a report on the published campus-level results from the online survey to the Assembly Committee on Higher Education and the Senate Committee on Education.
- 3) Defines:
 - a) "Campus climate" to mean a measure of an individual's experience within a learning environment, specifically focusing on the current attitudes, practices, and behaviors of campus life that impact the success and retention of all

members of a campus community.

- b) "Institutions" to mean campuses of the CCC, the CSU, and the UC.
- c) "Online survey" to mean the online survey tool for campus safety established by Section 1507 of Title III of Division H of Public Law 117-103.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Recent incidents at the UC and CSU –against students of color, and investigations of racial and ethnic discrimination– have greatly highlighted and brought more attention to the need for the UC and CSU to address climate challenges. Even though the state has hosted several oversight hearings to look at campus climate issues, existing law does not specifically address campus climate and higher education. Moreover, previous attempts for a coordinated effort across the segments have failed. AB 1712 will therefore promote both awareness and help develop safety protocols for targeted students across California."
- 2) *Federal Task Force.* As noted in the Assembly Higher Education Committee analysis, in January 2014, the White House Task Force to Protect Students from Sexual Violence (taskforce) was established to strengthen and address issues of under-reporting of sexual assaults and provide postsecondary education institutions with additional tools to respond and address rape and sexual assaults on college campuses nationwide. In April 2014, the taskforce issued its first report, "Not Alone," which highlighted action steps and recommendations on how to more effectively respond to and prevent rape and sexual assault on postsecondary education campuses. To address the issue of underreporting of sexual assaults on campus, the taskforce encouraged the dispersal and implementation of campus climate surveys to help campuses understand the scope and prevalence of sexual victimization experienced by students. The report called for legislative or administrative options to mandate campuses to periodically conduct a climate survey and provided postsecondary institutions with a draft survey.

Also in April 2014, the Office on Violence Against Women of the U.S. Department of Justice funded a "Campus Climate Survey Validation Study" with the intention of validating and strengthening the free campus climate survey instrument provided by the taskforce to postsecondary institutions. The technical report published in January 2016, provided campuses with national best practices for developing a survey instrument, procedures for data collection, and how to present findings without bias and with validity. The technical report along with the Administrator Information Packet, designed to guide postsecondary campuses through the process of developing and implementing a campus climate survey, remain available to postsecondary institutions in the archives of the U.S. Department of Justice.

- 3) *Audit of campus surveys.* The United States Government Accountability Office (GAO) published an audit in April 2020, "Higher Education Approaches and Strategies Used in College Campus Surveys on Sexual Violence," found

stakeholders, including researchers and college officials, considered campus surveys a useful tool for learning more about incidences of campus sexual violence on campus and for identifying areas for improvement to addressing the incidences. Most campuses rely on the federal reporting requirements of the Jeanne Clery Disclosure Act to determine campus safety and climate; however, the Clery annual report only includes data which has been reported either through the Title IX coordinators or to police on and near campuses. Campus surveys serve as a source of supplemental information, as they not only inform students of the various reporting methods on campus but also provide campus officials with a clearer understanding of unreported cases of sexual violence. The GAO audit cited challenges including a lack of funding to develop the surveys, low response rates, and the lack of comparable results across colleges due to variations in definitions and variations in time periods between surveys.

- 4) *Standardized online survey tool.* Federal law requires the United States Secretary of Education to develop and design an online survey tool to capture, in a standardized manner, postsecondary students' experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking. The survey is to be available to all postsecondary education institutions; postsecondary education institutions that receive federal funding are required to administer campus climate surveys every two years and report the data to the U.S. Department of Education. Postsecondary education institutions are allowed to submit additional questions to be included in the survey. This bill seeks to codify the federal requirements within state statute, while also requiring the CCC and the CSU (and requesting the UC) to develop and submit questions on campus climate to be included, upon approval, in the online survey administered on California public higher education campuses.
- 5) *Existing student surveys.* Currently, in California, campus climate surveys are conducted at the discretion of either the governing board of the system or the campus administration. The UC has conducted a voluntary systemwide campus climate survey in the past, and individual campuses have conducted surveys including UC Berkeley which concluded a campus climate survey in 2019 with results published in 2021, which found the overall campus climate is positive but marginalized students often feel excluded. Furthermore, every two years the UC conducts an Undergraduate Experience Survey with data reported to the UC's information center. This survey includes questions regarding sexual misconduct; however, the data is not readily available to the public.

Some campuses of the CSU have elected to participate in the national survey on campus climate conducted by the Higher Education Research Institute (HERI) at UC Los Angeles. The HERI climate surveys capture data on the personal experiences and perspectives of students, faculty, and staff in order to provide a complete understanding of campus climate to improve diversity on campus. The HERI campus climate survey focuses on classroom experiences, learning outcomes, and experiences of discrimination and bias. In addition to individual campus climate surveys, the CSU system participates in the National College Health Assessment Survey every other year. The survey is focused on mental health, nutritional health, sexual misconduct, and has a section on domestic, physical, and intimate partner violence. The survey results are presented to the

CSU Board of Trustees with the data disaggregated by campus.

According to the CCC Chancellor's Office, a report was presented to the Board of Governors in 2015 on the status of the use of campus climate surveys by CCC campuses. The report indicated 27 colleges conducted regular campus climate surveys, with the majority reporting the survey was conducted every two years. The content of the surveys provided by the various campuses was not available as part of the report nor on the participating campus websites. In the wake of the George Floyd murder and the subsequent protests, several CCC campuses reinstated campus climate surveys in an effort to gain a more comprehensive scope of students' concerns with regard to campus climate and to allay those concerns. Several colleges utilize the HEDS Diversity and Equity Campus Climate survey which is available to campuses for a fee and helps campuses understand the student, faculty, staff, and administrator's perception on campus climate as it relates to diversity, equity, discrimination, and harassment.

- 6) *Fiscal impact.* According to the Assembly Appropriations, this bill would impose minor costs to develop questions regarding campus climate and provide biennial reports to the Legislature. California's public colleges and universities already conduct periodic campus climate surveys. Federal law requires colleges and universities that receive federal funding to conduct an online campus safety survey every two years and publish the results. Because conducting the survey is a federal requirement, the costs to the local CCCs are not reimbursable.
- 7) *Prior legislation.* AB 1653 (Weber, 2016) would have required the CCC and the CSU, the governing body of each private postsecondary education institution in the state, and encouraged the UC, to generate a report every two years pertaining to campus climate, as specified. AB 1653 was vetoed by Governor Brown, whose veto message stated:

The bill requires public and independent postsecondary governing boards to generate a report on campus climate and update policies related to compliance with the federal Clery Act every two years.

I vetoed AB 340 last year, which is virtually identical to this bill.

AB 340 (Weber, 2015) would have required the CCC and the CSU, and requested the UC, to generate a report every two years pertaining to campus climate, as specified. AB 340 was vetoed by Governor Brown, whose veto message stated:

The bill would require the California State University Trustees and the California Community Colleges Board of Governors to submit a report on campus climate every two years, and would request the University of California to do the same.

While I understand the desire to create a more vibrant, intellectually serious and inclusive campus environment at UC, CSU and the community colleges, each of their governing boards has already taken steps aimed at achieving these important goals. I believe the leaders of these institutions

are committed to providing updates on current and future developments.

Codifying a biennial report, as provided in this bill, is not necessary.

SUPPORT

California State University, Office of The Chancellor
GenUp

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1764 **Hearing Date:** June 22, 2022
Author: Medina
Version: May 23, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Public postsecondary education: student housing: survey.

SUMMARY

This bill would require the California State University (CSU) and the California Community Colleges (CCC), and request the University of California (UC), to collect data on student housing insecurity at each of their respective campuses and report to Legislature and the Legislative Analyst's Office (LAO). The provisions of this bill sunset January 1, 2028.

BACKGROUND

Existing law:

- 1) Requires the CSU, and request the UC, to conduct a needs assessment to determine the projected student housing needs, by campus, from the 2022–23 fiscal year (FY) to the 2026–27 FY and create a student housing plan, with a focus on affordable student housing (Education Code § 66220)
- 2) Establishes basic needs centers and basic needs coordinators on CCC campuses by July 1, 2022, to support students in finding resources to alleviate their basic needs including food and housing insecurities, and requires CCC campuses to report data to the office of the California Community Colleges Chancellor's Office (CCCCO) on basic needs services and the number of students who are served. This report will be made available to the Legislature every year beginning on May 1, 2023 (EC § 66023.5)

ANALYSIS

This bill would require the CSU and the CCC, and request the UC, to collect data on student housing insecurity at each of their respective campuses and report to Legislature and the LAO. The provisions of this bill sunset January 1, 2028. Specifically, this bill:

General Provisions

- 1) Requires the CSU and the CCC, and request the UC, to collect data on student housing insecurity at each of their respective campuses.

- 2) Requires the CSU and the CCC, and request the UC, to collect the number of students who receive housing assistance on or off-campus and disaggregated by the following:
 - a) Gender.
 - b) Ethnicity.
 - c) The percentage of students who have dependents.
 - d) The percentage of students who are first-generation college students.
 - e) The percentage of students who are current or former foster youth.
 - f) The percentage of students who are students with disabilities as identified by the campus.
 - g) The percentage of students who are current or former homeless youth.
 - h) The percentage of students who identify as LGBTQI+.
 - i) The number of students who live on campus and the number of available beds on campus.
 - j) The average rental rate for a two-bed dorm room and a two-bedroom apartment on campus.
 - k) The average rental rate for a two-bedroom apartment in the city or county where the campus is located, if available.
- 3) Requires the housing insecurity data to be collected by a campus department or center tasked with providing on and off-campus housing assistance to students.
- 4) Requires the CSU and the CCC, requests the UC, to submit a housing insecurity report to the Legislature and the Legislative Analyst's Office on the following dates:
 - a) On or before October 15, 2023.
 - b) On or before October 15, 2025.
 - c) On or before October 15, 2027.
- 5) Requires the LAO to distribute the submitted data to the appropriate state departments and agencies, including, but not limited to, the Department of Finance (DOF), the Department of Housing and Community Development (HCD), and the Division of the State Architect.
- 6) Clarifies the report submitted to the Legislature and the LAO must be consistent with section 9795 of the Government Code.

- 7) Clarifies that this section remain in effect until January 1, 2028.

Intent of the Legislature

- 8) It is the intent of the Legislature that the collected data be used to improve state policy discussions on student housing, to identify campuses and segments with the greatest barriers to student housing, and to prioritize future state funding designated for student housing.

Definitions

- 9) For the purposes of this section, defines "Current or former foster youth" to mean a person in the state whose dependency was established or continued by a court of competent jurisdiction, including a tribal court, on or after the person's 13th birthday and who is no older than 25 years of age at the commencement of the academic year.
- 10) For the purposes of this section, defines "Current or former homeless youth" to mean a student under 25 years of age, who has been verified, in the case of a former homeless youth, at any time during the 24 months immediately preceding the receipt of the youth's application for admission by a campus, as a homeless child or youth, as specified by the federal McKinney-Vento Homeless Assistance Act, by at least one of the following:
- a) A homeless service provider as specified in Health and Safety Code.
 - b) The director, or their designees, of a federal TRIO program or a Gaining Early Awareness and Readiness for Undergraduate Programs program.
 - c) A financial aid administrator.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The severity of the housing crisis is greatly visible across California. In its January 2020 statewide survey, Public Policy Institute of California found that homelessness and housing were the two most-often identified issues that worried Californians. Although the cost of housing and the shortage of supply has affected millions of Californians, it has created unique challenges for California's students who often lack the financial resources and support to compete in today's housing market. At the CCCs, housing accounts for 43% of the cost of being a CCC student, and 30% of students are solely responsible for their housing costs (Speaker's Office of Policy and Research, 2018). Meanwhile, the Basic Needs Initiative found that 11% of CSU students were homeless in the past year, while rent is the largest expense for UC students living off campus. AB 1764 will require the California State University, the California Community Colleges, and the University of California to collect data on student housing insecurity at each of their respective campuses. This report will pay special attention to student parents, LGBTQIA, and other underserved groups. Each segment will submit a report that compiles the collected data to the Legislature and the Legislative Analyst's Office on or before October 15, 2023."

- 2) **Housing insecurity among college students.** In the Public Policy Institute of California's (PPIC) article, *Coping with High Housing Costs in College*, "California's housing crisis affects college students around the state. Over the past eight years—even as tuition has been stable at California's public colleges and universities—the cost of attending college has risen because housing costs have gone up. Most students at California's community colleges and in the California State University system pay more for housing than they do for tuition. At the University of California, housing costs are on par with tuition (for those who pay full tuition)."

California State University. As part of the CSU's *Basic Needs Initiative*, their 2018 report found that 10.9% of CSU students reported experiencing homelessness one or more times. Students who identified as Black/ African American on average experienced homelessness at higher rates (14 percent) than other racial groups (9.8-11.5 percent). Non-Hispanic students (11.2 percent) experienced homelessness at slightly higher rates on average than Hispanic students (10.1 percent). First-generation college students reported slightly higher than average rates of homelessness (11.2 percent), and higher rates than non-first-generation college students (10.7 percent). Disparities among demographics were clearer when the intersection of first-generation college students and race and ethnicity were examined. Students who identified as Black/ African American and first-generation college students (18 percent) experienced homelessness at much higher rates than any other racial or ethnic group who were also the first in their generation to attend college (9.6-12.6 percent). Full-time students (11 percent) reported homelessness at similar rates as part-time students (11.1 percent). Disparities in class standing existed were freshmen (8 percent) and sophomores (9.5 percent) had lower rates of homelessness, juniors (11.8 percent), seniors (12.2 percent), and graduate students (11.4 percent) had higher rates.

The University of California. In the UC's 2020 *The University of California's Next Phase of Improving Student Basic Needs*, found that 5 percent of undergraduate and graduate students in 2016 said they have been homeless during their enrollment at a UC. Similar to the CSUs, homelessness was higher among first-generation students (6 percent) compared with their non-first-generation peers (4 percent) and higher among Pell recipients (6 percent) than non-Pell Grant recipients (4 percent). The student populations that experience the highest percentage of homelessness include African American (8 percent), American Indian (7 percent), and international students (8 percent), compared with white (4 percent) and Asian/Pacific Islander students (3 percent). The difference across the ethnic groups was statistically significant.

- 3) **State Budget.** As part of the 2019-20 budget, the state created Rapid Rehousing programs for homeless college students—providing a total ongoing state General Fund (GF) of \$19 million (\$9 million for CCC, \$6.5 million for CSU, and \$3.5 million for UC)

The 2021-22 budget agreement (SB 169; Chapter 262 of 2021) made its first substantial contribution to student housing projects—providing state GF of \$500 million in 2021-22, \$750 million in 2022-23, and \$750 million in 2023-24. The Higher Education Student Housing Grant Program (EC § 17201) established a low-

cost student housing grant program focused on expanding the availability of affordable student housing. The program allows the California School Finance Authority to award grants to the UC, CSU, and CCCs to build new student housing or to acquire commercial properties that would be transformed into student housing. Of the total \$2 billion, statute specifies \$400 million (20 percent) is for UC, \$600 million (30 percent) is for CSU, and \$1 billion (50 percent) is for CCC. Additionally, up to \$25 million of the total \$2 billion is available for initial planning and feasibility studies at community colleges. Most notably, statute specifies rents for the state-funded on-campus housing units cannot exceed 30 percent of 50 percent of a campus's area median income.

In a separate budget trailer bill, (AB 132; Chapter 144 of 2021) the Legislature approved \$100 million one-time to address CCC student basic needs including food insecurity, and to assist homeless and housing-insecure students in securing stable housing and requires the Chancellor of the California Community Colleges to develop and submit to the Governor and the Legislature. (EC § 66023.5) Prior to 2019, 11 community colleges had student housing programs.

These investments relieve pressure on student housing costs, increase supply around universities, and help improve housing affordability.

- 4) **Staff comment.** Recognizing the need for affordable housing, the Legislature has made a significant investment in providing the different segments (CSU, CCC, and UC) funding to ensure affordable housing options are available to students. While AB 1377 (Chapter 571, Statutes of 2021), requires the CSU and requires the UC, to conduct a needs assessment and create a plan related to housing; this bill ensures certain data is captured to help inform future investments by the Legislature.
- 5) **Related Legislation. AB 1377 (McCarty)**, Chapter 571, Statutes of 2021 requires the CSU, and requests the UC, to conduct a student housing needs assessment, by campus, and create a student housing plan outlining how they will meet their projected student housing needs from FY 2022-23 to 2026-27.

AB 1602 (McCarty) of this Session would establish the California Student Housing Revolving Loan Fund Act of 2022 (the Act) to provide zero-interest loans to qualifying applicants of the University of California (UC), the California State University (CSU), and the California Community Colleges (CCC) for the purpose of constructing affordable student, faculty, and staff housing. *This bill is in Labor, Public Employment and Retirement.*

SB 866 (Wiener) of this Session exempts, until January 1, 2030, faculty and staff housing projects and student housing projects meeting specified requirements from the California Environmental Quality Act (CEQA). *This bill is pending in Assembly Rules.*

AB 132 (Committee on Budget), Chapter 144, Statutes of 2021 makes necessary changes to implement the higher education provisions adopted as a part of the Budget Act of 2021.

SB 169 (Committee on Budget), Chapter 262, Statutes of 2021 makes necessary changes to implement the higher education provisions adopted as a part of the Budget Act of 2021.

AB 1228 (Gipson), Chapter 571, Statutes of 2015, extended priority for housing at the University of California (UC), the California State University (CSU), and the California Community Colleges (CCC) to homeless youth, and requests campuses to develop plans to ensure that homeless and foster youth have housing during breaks.

SUPPORT

Alliance For Children's Rights
Office of Lieutenant Governor Eleni Kounalakis

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1856 **Hearing Date:** June 22, 2022
Author: Medina
Version: February 8, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Community colleges: part-time employees.

SUMMARY

This bill increases the maximum amount of instructional hours that a *part-time* California Community College (CCC) faculty member may teach at any one community college district.

BACKGROUND

Existing law:

- 1) Defines "faculty" as those employees of Community College Districts (CCD) who are employed in academic positions that are not designated as supervisory or management, as specified. Faculty include, but are not limited to, instructors, librarians, counselors, community college health services professionals, handicapped student programs and services professionals, and extended opportunity programs and services professionals (Education Code (EC) Section 87003).
- 2) Establishes Legislative intent that the rights of part-time, temporary faculty shall be included as part of the usual and customary negotiations between the CCD and the exclusive representative for part-time, temporary faculty;
- 3) Establishes Legislative intent that the CCD establish minimum standards for the terms of reemployment preference for part-time, temporary faculty, through the negotiation process, which complies with all of the following:
 - a) The standards include all of the following:
 - i) The length of time the faculty have served at the college or CCD;
 - ii) The number of courses faculty have taught at the college or CCD;
 - iii) The evaluations of faculty required pursuant to existing law and any other related methods of evaluation that can be reliably used to assess educational impact of faculty as it relates to student success; and,

- iv) The availability, willingness, and expertise of faculty to teach specific classes or take on specific assignments that is necessary for student instruction or services.
 - b) Additional standards may be considered and established through the negotiation process, as necessary;
- 4) Requires, as a condition of receiving Student Success and Support Program (SSSP) funding, a CCD and the exclusive representative of the part-time, temporary faculty to negotiate in good faith all of the following:
 - a) The terms of reemployment preference for part-time, temporary faculty assignments based on the minimum standards established, up to the range of 60 to 67% of a full-time equivalent load; and,
 - b) A regular evaluation process for part-time, temporary faculty;
- 5) Requires a CCD that has a collective bargaining agreement in effect as of July 1, 2017, that has satisfied the aforementioned requirements, and that executes a signed written agreement with the exclusive representative of the part-time, temporary faculty acknowledging implementation shall be deemed to be in compliance with this section while the bargaining agreement is in effect (EC 87482.3).
- 6) Defines any person who is employed to teach at a CCD for not more than 67% of the hours per week considered a full-time assignment to be a part-time, temporary employee (EC Section 87482.5).
- 7) The Board of Governors (BOG) of the CCC has had a longstanding policy (commonly referred to as "75/25") that at least 75% of the hours of credit instruction in the community colleges, as a system, should be taught by full-time instructors. Existing law requires the BOG to adopt regulations regarding the percent of credit instruction taught by full-time faculty and authorizes districts with less than 75% full-time instructors to apply a portion of their "program improvement" funds toward reaching a 75% goal. However, the state has stopped providing program improvement funds and the BOG has since required CCDs to provide a portion of their growth funds to hire more full-time faculty (EC 87482.6).

ANALYSIS

This bill:

- 1) Updates, as follows, existing provisions requiring CCDs, as a condition of receiving funding allocated for the Student Equity and Achievement Program (SEAP), to negotiate with bargaining representatives specified conditions of employment for part-time faculty:

- a) For a district without a collective bargaining agreement with part-time faculty in effect as of January 1, 2023, to commence negotiations on that date;
 - b) For a district with a collective bargaining agreement in effect as of January 1, 2023, to commence negotiations no later than the expiration date of that agreement; and,
 - c) The terms of reemployment preference for part-time faculty assignments shall be based on the minimum standards not exceeding the range of 80 to 85% (instead of a range of 60 to 67%) of a full-time faculty member's equivalent load, and the district shall not restrict the negotiated terms to less than the range of 80 to 85% unless explicitly agreed upon for an individual part-time faculty member by that faculty member and the district.
- 2) Increases, from 67% to 85%, the proportion of hours per week of a full-time faculty assignment that a part-time CCC instructor may teach and still be classified as a temporary employee.
 - 3) Stipulates that, if (2), as enumerated above, is in conflict with any collective bargaining agreement already entered into as of January 1, 2023, the terms of that agreement shall govern until its expiration.
 - 4) States it is not the intent of the Legislature to require a community college district to increase the number of available part-time, temporary faculty assignments as a result of any increase to the minimum standards as a result of this measure.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Under the 67% threshold, many faculty members teach in multiple California Community College districts at the same time to piece together a full-time schedule, limiting their ability to participate in the campus community and be a resource to students. Current law requires that an individual employed to teach adult or community college course for 67% or less of the hours per week is considered a full-time assignment, excluding substitute service, be classified as a temporary employee and not become a contract employee."

The author contends that "Faculty, both full- and part-time are instrumental in creating a college environment that fosters student success. Increasing the hours part-time faculty members are permitted to work helps ensure students have better access to their professors."

- 2) ***How would this bill help part-time faculty?*** Current law limits part-time faculty to 67 percent of the hours that constitute a full-time faculty assignment for a particular district. A full-time teaching load, which earns the employee a full salary, benefits, and tenure, is determined through collective bargaining and is 15 units on average. Part-time faculty are considered temporary employees and many teach in multiple districts at the same time to piece together a full-time schedule (earning them the nickname "freeway flyers"). As a result, part-time

faculty are limited in their ability to participate in a campus community and be a resource for students.

By allowing up to 85 percent of a full-time load, this bill could allow part-time faculty to spend more time at a given district and reduce the amount of time spent driving from campus to campus. The reduced drive time would mean more time to do the proper class prep, get needed rest, or be with their families. According to the sponsors of this bill, it is not uncommon for adjuncts with small children to go days without seeing their children awake, having to leave for work early in the morning before they wake and come home at night after they have gone to bed.

According to the CCC Chancellor's Office (CCCCO), for Fall 2020, the CCC employed 16,294 full-time faculty and 33,661 part-time faculty.

- 3) ***Student Success and Support Program (SSSP).*** The SSSP provided ongoing funding to CCDs for student support in admissions, orientation, assessment, counseling and student follow up. However, according to the Legislative Analyst's Office, the Committee on Budget (AB 1809), Chapter 33, Statutes of 2018, consolidated the SSSP and another program, the Student Success for Basic Skills, into a block grant, known as the SEAP. Funding for the new block grant program (\$475 million statewide in 2017-2018) was based on CCDs' 2017-18 fiscal year allocations for the consolidated programs. As a condition of receiving funds, CCDs are required to develop student equity plans, deliver student matriculation services and adopt assessment and placement policies, as specified under current law.

To note, as of 2021-2022, the SEAP funding level is \$498 million; the Governor's 2022-2023 Budget Proposal does not include an increase to SEAP.

- 4) ***Arguments in support.*** According to the California Federation of Teachers, the sponsor of the bill, "...existing law, known as the "67% law" caps the teaching load of part-time temporary faculty to 67% of the hours that constitute a full-time faculty assignment. A full-time teaching load is defined as the number of in-class hours that a contract/full-time faculty member must fulfill in order to earn a full salary, benefits, and tenure. These required teaching hours vary according to the teaching discipline. A full-time teaching load for each discipline is negotiated by the local community college district; however, on average, a full-time load is 15 units."

The CFT contends that, "due to the 67% law, many part-time faculty must teach in multiple community college districts at the same time to piece together a full-time schedule - so called "Freeway Flyers." This limits their ability to participate in the campus community and be a resource to students. AB 1856 (Medina) would increase the cap on part-time faculty workloads to the range of 80% to 85% of a full-time faculty load. This would apply to any new collective bargaining agreement, or upon expiration of any negotiated agreement in effect on January 1, 2023. This bill is a crucial first step in improving the working conditions for part-time faculty in [CCCs]."

- 5) ***Similar measure vetoed last year.*** The author carried a substantively similar bill, AB 375 (Medina, 2021) which was vetoed by Governor Newsom. The veto message read, in part “Our system of community colleges could not operate without part-time faculty. Even though they carry an enormous amount of the teaching load across the system, these qualified instructors must often teach at multiple campuses in order to piece together higher wages, and do not receive the same salary or benefits as their full-time colleagues.

“While I understand the objectives of this legislation, this bill would create significant ongoing cost pressures on the state and community college districts, potentially in the hundreds of millions of dollars. Such a high expenditure is better addressed in the State Budget process, which is why I am committed to considering options to support our community college part-time faculty in my forthcoming January budget proposal.”

The Governor’s 2022-2023 budget includes a \$200 million ongoing augmentation for the Part-Time Faculty Health Insurance Program, a 400-fold increase to a program that is currently funded at \$490,000 dollars. According to information from the sponsor of AB 1856, “These additional funds will more than pay for the very limited number of part-time faculty that could trigger any new health care cost obligation for districts by raising the cap on hours part-time faculty can teach.”

SUPPORT

California Labor Federation
GENup

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 2046	Hearing Date:	June 22, 2022
Author:	Medina		
Version:	June 13, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: University of California: Inland Rising Fund

SUMMARY

This bill establishes the Inland Rising Fund for purposes of allocating funds to the University of California (UC), upon appropriation by the Legislature, to support the multiyear operating costs for the development, operation, and maintenance of economic development and innovative climate change research efforts, and health care and medical research operations at the UC Riverside (UCR) and UC Merced. This bill further places wage and workforce requirements on projects that receive funding from the Inland Rising Fund.

BACKGROUND

Existing law establishes the UC as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services (Article IX, Section (9)(a) of the California Constitution).

Existing law authorizes the UC to proceed with General Fund capital expenditures, as specified, upon signed certification that during the subsequent fiscal year and each year thereafter, that all cleaning, maintenance, grounds keeping, food service or other work traditionally performed are by UC employees at each facility, building or property. This excludes construction work and other types of work, including carpentry, electrical, plumbing, glazing, painting and other craft work designed to preserve, protect or keep facilities in a safe and usable condition. Current law also specifies that starting with the 2021-22 fiscal year, the Department of Finance shall approve each new and ongoing capital expenditure only after the UC has demonstrated compliance with the above. (EC Section 92495 et. al.)

ANALYSIS

This bill:

- 1) Establishes the Inland Rising Fund for purposes of allocating funds to the UC, upon appropriation by the Legislature, to support the multiyear operating costs for the development, operation, and maintenance of economic development and innovative climate change research efforts and health care and medical research operations at the UCR and UC Merced.

- 2) Provides that funds be adjusted annually, consistent with other allocations to the UC, and are a supplement to, and not a replacement of, any current or future funding.
- 3) Specifics wage and workforce requirements on projects that receive funding from the Inland Rising Fund. Specifically it,
 - a) States that projects that receive funding from the Inland Rising Fund are a public work for which prevailing wages shall be paid.
 - b) Requires, for projects that receive funding from the Inland Rising Fund, the UC obtain an enforceable commitment from any contractor performing work in an apprenticeable occupation in the building and construction trades that the contractor and its subcontractors at every tier will individually use a skilled and trained workforce to complete the work.
 - c) Provides that b) of this analysis, is not applicable if all contractors and subcontractors at every tier performing the work will be bound by a project labor agreement that requires the use of a skilled and trained workforce and provides for enforcement of that obligation through an arbitration procedure.
 - d) Authorizes the use of moneys in the Inland Rising Fund for capital expenditures or projects only if, for any affected project, facility, building, or other property, the UC complies with the requirements in current law, as specified.
 - e) Requires, the Department of Finance approve new or additional expenditures of moneys from the Inland Rising Fund for capital expenditures or projects only after the UC has demonstrated ongoing and continuous compliance with the requirements in 3) of this analysis and consistent with the requirements in existing law, including but not limited to, required reporting or certification to the Legislature regarding remedying noncompliance with regard to projects, facilities, buildings, or other property funded in whole or in part from the Inland Rising Fund.
- 4) States various legislative findings and declarations related to low education attainment levels within the Inland Empire and central valley and the unique position of UCR and UC Merced campuses to contribute to the economic vitality of California's inland regions through economic development, research innovation, and continuing enrollment growth of undergraduate, professional, and graduate students.
- 5) Defines various terms for purposes of the bill.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "California is the fifth largest economy, but these economic benefits are not shared equally by all regions of the state. Most notably, the Inland Empire and Central Valley are among the

lowest in educational attainment levels and per capita income. A timely, transformational investment at UC's two most diverse campuses –UCR and UCM – is key to spurring economic development in the Inland Empire and San Joaquin Valley.”

The author contends that “Through AB 2046, California will expand access to medical education, healthcare, and advance climate change solutions.”

- 2) **Use of funds.** This measure establishes the Inland Rising Fund to fund certain projects at UCR and UC Merced. A prior version of the bill provided detailed allocations for building physical infrastructure, covering operating costs, and expanding campus capacity including staff growth and student enrollment to more rapidly address the specified needs. These provisions were removed in the Assembly Appropriations Committee along with a specified appropriation. The current version of the bill allocates funds upon an appropriation. This bill states that the fund would support multiyear operating costs for the development, operation, and maintenance of economic development and innovative climate change research efforts and health care and medical research operations at UCR and UC Merced. This bill's legislative findings and declarations provide some direction around desired outcomes of accelerating economic development and innovation in the areas of air pollution, clean technology, and sustainable agriculture, and significantly improving health outcomes in Inland Empire and central valley as a means of increasing overall equity and per-capita income in these regions of the state.
- 3) **Add reporting requirement.** In order for the Legislature to be informed on, and maintain oversight of how funds appropriated to the Inland Rising Fund are used, **committee staff recommends** the bill be amended to add the following reporting requirement:

Commencing with July 1, 2023, The University of California shall submit an annual report to the Legislature and the Department of Finance on the amount of moneys allocated from the Inland Rising Fund to University of California, Riverside and University of California, Merced, how funds were used, and outcomes resulting from the use of funds.
- 4) **Related legislation.** SB 1199 (Roth, 2022) authorizes the UC Regents, upon appropriation by the Legislature, to secure a teaching hospital in the County of Riverside to serve as an academic medical center for the purposes of training UCR School of Medicine students. SB 1199 was heard and passed by this committee on April 24, 2022, the bill has been referred to Assembly Higher Education.

SUPPORT

California Chamber of Commerce

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 1718	Hearing Date:	June 22, 2022
Author:	Boerner Horvath		
Version:	February 24, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Elementary and secondary education: visual and performing arts and world languages: instructional materials: professional development

SUMMARY

Requires the Superintendent of Public Instruction (SPI), upon appropriation of the budget, to allocate funding for the purchase of standards-aligned instructional materials in visual and performing arts and world languages in kindergarten and grades 1 to 12, inclusive, and for professional development in those subjects.

BACKGROUND

Existing law

- 1) Specifies that the adopted course of study for grades 1 through 6 includes instruction in visual and performing arts (VAPA), including instruction in the subjects of dance, music, theatre, and visual arts, aimed at the development of aesthetic appreciation and the skills of creative expression (Education Code § 51210).
- 2) Specifies that the adopted course of study for grades 7-12 shall offer courses in VAPA, including dance, music, theater, and visual arts, with emphasis upon development of aesthetic appreciation and the skills of creative expression (EC § 51220).
- 3) Requires that a pupil complete one course in visual or performing arts, foreign language, or career technical education while in grades 9 to 12 in order to graduate from high school (EC § 51225.3).
- 4) Authorizes the SSPI, in consultation with the Instructional Quality Commission (IQC), to recommend revisions to the VAPA content standards in the subjects of dance, theater, music, and visual arts, to the State Board of Education (SBE) by November 30, 2018, and the SBE to adopt, reject, or modify any revisions to the standards by January 31, 2019 (EC § 60605.13).

ANALYSIS

Requires the SPI, upon appropriation of the budget, to allocate funding for the purchase of standards-aligned instructional materials in visual and performing arts and world languages in kindergarten and grades 1 to 12, inclusive, and for professional development in those subjects. Specifically, this bill:

General Provisions

- 1) Requires the SPI to apportion funds to school districts, county offices of education, charter schools, and the state special schools on the basis of an equal amount per unit of regular average daily attendance based on the first principal apportionment for the 2019–20 fiscal year.
- 2) Specifies funding appropriated shall be available for encumbrance through the 2025–26 fiscal year.
- 3) Requires a school district, county office of education, charter school, or state special school to expend funds allocated by the SPI for the following:
 - a) Professional development for teachers, administrators, and paraprofessional educators or other classified employees involved in the direct instruction of pupils.
 - b) Instructional materials aligned to the adopted content standards in the subjects of visual and performing arts and world languages.
 - c) It is the intent of the Legislature that materials and professional learning opportunities funded pursuant to this section reflect the cultural diversity of the state and of the world, as specified, and that the professional learning opportunities funded pursuant to this section be of high quality, such as those offered by the University of California Subject Matter Projects in visual and performing arts and world languages.
- 4) Clarifies funding allocated by the SPI is subject to annual audits, as specified.

Findings and declarations

- 5) Declares the state recognizes visual and performance arts and world languages are vital subjects of study for California pupils.
- 6) Specifies funding for the revised visual and performing arts and world languages framework has not been allocated and is needed to ensure students and teachers have access to high-quality standards-aligned instruction and instructional materials.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The State Board of Education (SBE) adopted revised content standards in visual and performing arts and world languages in 2019, adopted revised curriculum frameworks in 2020, and new instructional materials for kindergarten and grades 1 to 8, inclusive, in 2021. This bill establishes a competitive grant program for visual and performing arts programs in public schools. Nurturing creativity is certainly one of the most important responsibilities of teachers and local schools. But under our philosophy

of local control, this is a matter best handled by individuals at the school level, not at state headquarters.

- 2) **Arts, foreign language, or career technical education.** Successful completion of a course in VAPA or foreign language has been a long standing high school graduation requirement. In 2011, legislation was passed to authorize successful completion of a course in career technical education as an alternative to VAPA or foreign language, beginning with the 2012-13 school year.
- 3) **The California Arts Standards for Public Schools (Arts Standards).** The California Department of Education (CDE), Instructional Quality Commission (IQC), and State Board of Education (SBE) commenced the process of revising the visual and performing arts standards in October 2016. Per Assembly Bill 2862 and Assembly Bill 37, Chapter 647, Education Code Section 60605.13, requires the Superintendent, in consultation with the IQC, to recommend to the state board revisions to the visual and performing arts content standards in the subjects of dance, music, theatre, and visual arts and to recommend new standards for the subject of media arts. On January 9, 2019, the SBE adopted the Arts Standards.

The central purposes of the California Arts Standards are to foster students' artistic competencies; cultivate their appreciation and understanding of the arts in ways that are enjoyable, fulfilling, and transferable to personal, academic, and professional endeavors; and support them to fully engage in lifelong arts learning. The standards are:

1. Process-oriented, grade-appropriate indicators of what students need to know and be able to do.
2. Student-centered and rooted in backward design, the process of defining intended outcomes prior to designing educational experiences to ensure students attain those outcomes.
3. Outcomes-based, communicating high and achievable goals.

The standards are based on the National Core Arts Standards (NCAS) (National Coalition of Core Arts Standards [NCCAS] 2014) and were tailored for California through a collaborative and public statewide process. They provide important guidance for schools to design and organize teaching and learning; understand and evaluate student learning; and prepare, adopt, or adapt instructional resources. The standards identify the learning outcomes for all students and guide teachers in providing a unified quality arts education so that these outcomes are achieved. The standards also provide administrators and district decision-makers with critical information for developing and expanding standards-based arts programs.

- 4) **Budget.** The 2022-23 State budget, the Arts, Music, Multi-lingual Libraries & Instructional Materials Block Grant proposes \$1.3 billion one-time Proposition 98 General Fund and \$9 billion one-time Proposition 98 General Fund for personnel (such as professional development) related costs. While not specifically directed

toward VAPA or world languages, this funding could be used for the purposed of this bill.

- 5) **Related Legislation. AB 2814 (Wood)** of this Session requires the CDE to establish and administer the Emergency Planning Grant Program and award one million dollars in competitive grants to LEAs to support emergency planning activities, upon appropriation of the Legislature. *This bill is currently in Senate Education.*

AB 2051 (Cunningham) of the Session requires the SPI) to allocate funding to LEAs, COEs, charter schools, and state special schools for the purchase of standards-aligned instructional materials and professional development in financial literacy. *This bill is currently in Senate Education.*

AB 2465 (M. Bonta) of this Session establishes the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program, to be administered by CDE, to support the goal of all of California's pupils reading at grade level by third grade. *This bill is currently in Senate Education.*

AB 2284 (Gabriel) of this Session requires, the SPI to allocate funding to LEAs, charter schools, and the state special schools for the purchase of standards-aligned instructional materials and professional development in media literacy and digital literacy, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

AB 2794 (Gipson) of this Session requires the SPI to allocate funding for professional development for staff in methods to improve school safety and school climate, including de-escalation training, and for the purchase of training materials in these subjects, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

SUPPORT

California Association For Health, Physical Education, Recreation & Dance
 California Educational Theatre Association
 California Language Teachers' Association
 California Music Educators Association
 Create CA

OPPOSITION

None on file.

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1912 **Hearing Date:** June 22, 2022
Author: Mia Bonta
Version: April 25, 2022
Urgency: Yes **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Emergency apportionments: closure and consolidation requirements.

SUMMARY

This bill requires a school district that is the recipient of an emergency apportionment to follow specified procedures when deciding to close or consolidate schools.

BACKGROUND

Existing law:

- 1) Requires Oakland Unified School District (OUSD), by March 1, 2019, in collaboration with the concurrence of the Alameda County Superintendent of Schools and the County Office Fiscal Crisis and Management Assistance Team (COFCMAT) to:
 - a) Update or develop short- and long-term financial plans based on reasonable and accurate assumptions and current and past year expenditure data; and
 - b) Review and update school district facilities construction plans to ensure that costs are reasonable, accurate, and align with long-term financial plans for fiscal solvency.
- 2) Appropriates to the OUSD, beginning with the 2019-20 fiscal year, if the school district complies with terms:
 - a) For the 2019–20 fiscal year, up to 75% of the school district's projected operating deficit, as determined by the COFCMAT, with concurrence with the Department of Finance (DOF);
 - b) For the 2020–21 fiscal year, up to 50% of the school district's projected operating deficit, as determined by the COFCMAT, with concurrence with the DOF; and
 - c) For the 2021–22 fiscal year, up to 25% of the school district's projected operating deficit, as determined by the COFCMAT, with concurrence with the Department of Finance.
- 3) Requires the disbursement of funds to be contingent on the OUSD's completion of activities specified in the prior year's Budget Act to improve the school district's

fiscal solvency. These activities may include, but are not limited to, all of the following:

- a) Completion of comprehensive operational reviews that compare the needs of the school district with similar school districts and provide data and recommendations regarding changes the school district can make to achieve fiscal sustainability;
 - b) Adoption and implementation of necessary budgetary solutions, including the consolidation of school sites;
 - c) Completion and implementation of multiyear, fiscally solvent budgets and budget plans;
 - d) Qualification for positive budget certification, as specified;
 - e) Sale or lease of surplus property;
 - f) Growth and maintenance of budgetary reserves; and
 - g) Approval of school district budgets by the Alameda County Superintendent of Schools. (Education Code (EC) 42160)
- 4) Establishes the Fiscal Crisis and Management Assistance Team (FCMAT). Authorizes that FCMAT may be invited into a COE, school district, charter school, or community college to provide management assistance related to the fiscal health of the local educational agency (LEA). Authorizes FCMAT to also be assigned by the Superintendent of Public Instruction (SPI), a county superintendent of schools, the California Community Colleges Board of Governors, or the state Legislature to provide assistance with a fiscal crisis or management challenges.
- 5) Requires LEAs to file two reports during a fiscal year (interim reports) on the status of the LEA's financial health. Requires county superintendents to report to the SPI and the State Controller the positive, qualified, or negative budget certification for all districts in their county within 75 days after the close of the reporting period.
- 6) Authorizes the county superintendent to disapprove a school district's budget, or to declare a school district in jeopardy of being unable to meet its financial obligations through a qualified or negative certification at interim financial reporting periods or at any time during the year.

ANALYSIS

This bill:

- 1) Requires a school district with an emergency apportionment to do the following when deciding to close or consolidate schools:

- a) Conduct an equity impact analysis;
 - b) Develop a set of metrics for the equity impact analysis and make those metrics public at a regularly scheduled meeting of the governing board;
 - c) Provide its recommendations regarding school closures and consolidations to the public at a regularly scheduled meeting and share how the list was prepared.
- 2) States that the requirements do not apply in the case of a school closure solely due to unsafe conditions or due to decisions made prior to its effective date.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "I recognize that deciding to close a school is not easy. It is an emotional decision impacting community members, teachers, students and their families. School closures affect more than its students' education. It changes the landscape of a community. If not done transparently with community engagement, there is mistrust in the process. If the decisions are made without an equity lens, the results can be catastrophic for communities of color and student populations struggling to achieve academic success. While these decisions should be made about a year before the planned school closure, the status of a district's financial situation may lead to it making precipitous decisions. Such was the experience in my district with decisions made by the Oakland Unified School District earlier this year. Feeling the pressure to take action on school closure and consolidation in order to access money promised to the district in the 2021-22 budget, OUSD voted to close schools with very little notification to, or engagement from, the community. This was despite the schools identified for closure were concentrated in one portion of Oakland and would have a disproportionate impact on Oakland's African American community. In an effort to avoid another district in extreme financial distress from taking precipitous action in closing schools, AB 1912 directs school districts to do an equity impact analysis. This equity impact analysis will require a school district to develop a set of metrics that include accounting for special programs available at schools, the balance of pupil demographics and opportunity for blight. Further, AB 1912 creates opportunity for community engagement and participation."
- 2) **Oakland Unified School District overview.** The OUSD is located in the Bay Area of Northern California and includes 34,566 students (45% Latino, 21.5% African American, 11.2% Asian, 11.2% white, 6.5% two or more races, 2.7% not reported, 1% Pacific Islander, 0.6% Filipino, 0.2% African American) and 80 district-run schools/programs (46 elementary schools, five grade K-8 schools, ten middle schools, three grade 6-12 schools, one grade 6-12 alternative school, seven high schools, one high school alternative, one independent study program). Eligibility for free and reduced-price meals is 71.9%.
- 3) **Emergency apportionment, loan status, and payment terms.** In 2003, OUSD was unable to meet its financial obligations without the assistance of the state of California. SB 39 (Perata), Chapter 14, Statutes of 2003, authorized a \$100

million cash flow loan for the district. Consistent with practice, SB 39 directed the Superintendent of Public Instruction (SPI) to assume all of the rights, duties, and powers of the district's governing board. Full rights, duties, and powers of the governing board were reinstated on June 28, 2009, and at that time, a state trustee was appointed to provide specific oversight of OUSD's continued recovery. The state trustee has stay and rescind authority over actions by the governing board. The California Department of Education (CDE) reports that as of July 1, 2021, the district owes \$17.5 million.

In 2017, OUSD petitioned the Department of Finance (DOF) to defer its remaining current and budget year payments on the outstanding state loan originally authorized in 2003. As a result, the Alameda County Office of Education and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into a study agreement for FCMAT to provide on-site technical assistance to OUSD, including a review of the district's 2017-18 budget and development of a general fund multiyear financial projection. Despite these reports and recommendations from FCMAT, and the adoption of a OUSD 2018-19 budget, the 2018-19 first interim budget multiyear projections showed deficit spending.

The budget trailer bill to the 2018-19 California budget, AB 1840 (Budget Committee), Chapter 426, Statutes of 2018, sets forth specific requirements for the OUSD in exchange for providing financial resources under certain circumstances. AB 89 (Committee on Budget), Chapter 7, Statutes of 2020, provided that the disbursement of funds must be contingent on OUSD's completion of the following: 1) the required annual audit from the preceding year, and 2) affirmative board action to update or develop short- and long-term financial plans based on best practices and reasonable and accurate assumptions. The Budget Act of 2021 (AB 128 (Budget Committee), Chapter 21, Statutes of 2021) requires the disbursement of funds originally authorized in 2018 to be contingent on OUSD's completion of 1) affirmative board action to continue planning for, and timely implementation of, a school and facility closure and consolidation plan that supports the sale or lease of surplus property; 2) affirmative board action to continue to update or develop short- and long-term financial plans based on best practices and reasonable and accurate assumptions; and 3) completion of on-time audits.

- 4) ***Alameda County Grand Jury Final Report.*** In 2017, after a nine-month investigation, the Alameda County Grand Jury issued the report which stated that the OUSD has been in 'financial peril' for more than 15 years, often operating with a budget deficit. Among the underlying issues responsible for the district's continuing financial crisis, the report highlights the repeated calls from outside experts to consolidate schools in order to save money and improve performance. The Grand Jury reported three system-wide failures of the school district: hiring and program spending that is made outside of budgetary control; operating nearly double the number of schools that can be justified by enrollment numbers; and no accountability, lack of trust, and high teacher and administration turnover.
- 5) ***Arguments in support.*** The California Teachers Association writes, "Schools are the backbone of our communities. CTA believes school closures are

disruptive and detrimental to the education of students, their families and to the communities in which they are located. Decisions around school closures should not be taken lightly and should not be made unilaterally by school districts. Whenever school closures are considered by school districts, all the impacts on the community should be considered, including the disproportional impact on vulnerable student groups and their families. Additionally, the process for approving school closures must be transparent and include input from all community members. This bill would require school districts in financial distress to consider the impact on the community in an equitable way and would ensure community input is considered. CTA believes school districts should already be doing this 'best practice' before considering school closures or consolidations, as this is essential in mitigating the negative impacts on communities of color and our most vulnerable students. All students deserve access to a quality education in their community. This bill simply requires school districts to consider all the devastating impacts on students and families before approving the closures or consolidation of a school."

- 6) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would create cost pressure, ranging from the low thousands to potentially more than \$150,000 to Proposition 98 General Fund for a district to develop the necessary metrics and conduct the equity analysis. Actual costs would vary according to the size and demographics of the district. Because the requirement to conduct an equity analysis would be triggered by a local decision to close schools, costs may not be reimbursable. However, if the Commission on State Mandates determines that this bill imposes a mandated local program, these costs would be reimbursable.

SUPPORT

California Teachers Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2465 **Hearing Date:** June 22, 2022
Author: Mia Bonta
Version: May 19, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil instruction: third-grade literacy: literacy grant program

SUMMARY

This bill requires the Superintendent of Public Instruction (SPI), upon appropriation of the Legislature, to administer the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program and the California Family Literacy Innovation Project to local educational agencies (LEAs) to support early literacy.

BACKGROUND

Existing law:

- 1) Establishes the state's assessment system as the California Assessment of Student Performance and Progress (CASPP) and includes, beginning with the 2013-14 school year, a consortium summative assessment in English language arts (ELA) for grades 3-8 and 11 that measures content standards adopted by the State Board of Education (SBE). (Education Code § 60640)
- 2) The California Library Literacy and English Acquisition Services Program for public libraries may be used for, among other things, offer new services to families with young children with the goal of helping the children become successful readers by increasing their general competence, self-confidence, and positive emotional associations with reading as a family experience and familiarity with the lifelong use of library resources. (EC § 18881)
- 3) Requires the California State Library to provide grant awards for purposes of this article to nonprofit organizations, public libraries, and local educational entities that have demonstrated experience in providing similar literacy programs to children in extremely low-income communities. (EC § 54804)

ANALYSIS

This bill requires the Superintendent of Public Instruction (SPI), upon appropriation of the Legislature to administer the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program and the California Family Literacy Innovation Project to local educational agencies (LEAs) to support early literacy. Specifically this bill:

The Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program

- 1) Requires the California Department of Education (CDE) to administer the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant, as established by the bill, and award grants on a competitive basis.
- 2) Specifies an LEA's application is to include, at minimum, the particular context in which the LEA is operating, including the assets of, and challenges faced by the LEA, and the number of pupils that would be impacted by the program, resources, or activities funded by the grant.

The California Family Literacy Innovation Project

- 3) Requires CDE to administer the California Family Literacy Innovation Project and award grants in the amount of \$1.9M each to 25 LEAs that meet all of the following criteria:
 - a) Seventy-five percent or more of pupils enrolled in the local educational agency meet the definition of "unduplicated pupil" as specified in Education code.
 - b) The LEA has the highest percentage of third grade pupils scoring in Level one, Standard Not Met, on the California Assessment of Student Performance and Progress for English language arts/literacy.
- 4) Requires LEAs applying for the grant funds, to design an evidence-based Family Literacy and Biliteracy Innovation Plan that includes at least three of the following five strategies:
 - a) Family literacy plans that identify literacy and biliteracy goals, benchmarks, and roles for all family members, as specified.
 - b) Family literacy home visiting programs, as specified.
 - c) Bilingual Family literacy promoters, also known as "promotoras," or literacy outreach coordinators.
 - d) Extended-day, summer, or weekend family institutes related to literacy and biliteracy as specified.
 - e) Public library family literacy partnerships.
- 5) Authorizes LEAs receiving grant funds, to use up to \$400,000 of the grant award for the purchase of, training on, and use of digital tools to promote family literacy.
- 6) Specifies LEAs receiving grant funds have three years to spend the funds.
- 7) Specifies the provisions of this bill are contingent upon appropriation of the budget.

Findings and Declarations

- 8) States early literacy has proven to have a significant relationship to graduation rates because early literacy interacts with many other factors that contribute to academic success and a study shows that third grade has been identified as important to reading literacy because it is the final year children are learning to read, after which pupils are “reading to learn.”
- 9) States when school libraries close, either due to COVID-19, summer vacation, or any other reason, kids still need and deserve access to e-books, books, periodicals, and the wealth of other online resources libraries have to offer and that all pupils should have equal access to all library resources to level the educational playing field.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author “As the foundation for future educational success, literacy is the key to equity. AB 2465 establishes the Family Literacy Innovation Project, a competitive grant program which will provide resources to local educational agencies to develop family literacy plans, establish home visit programs, develop Bilingual Family Literacy promoters and outreach coordinators, establish public library and family literacy partnerships and incorporate digital tools. This legislation advances the goal of ensuring that all of California’s students are able to read by third grade by 2026.”
- 2) ***COVID-19 related school disruptions effect on literacy.*** Statewide summative assessments of ELA and mathematics were suspended in 2020 and 2021 due to the COVID-19 pandemic, so it is not possible to gauge the effect of the COVID-19 pandemic-related school closures. However, research released in 2021 strongly suggests that these disruptions have had a deleterious effect on ELA achievement. California ELA and mathematics assessment data representing a large number of students and disaggregated by grade and subgroup, released in 2021 by Policy Analysis for California Education (PACE), shows significant learning loss, with the largest effect among low-income and EL students. This data comes from the CORE Data Collaborative, and represent the performance of over 50,000 students enrolled in 18 school districts, on the MAP and STAR assessments in ELA and mathematics administered in grades 4-10. Researchers compared growth from 2019 to 2020, compared to typical growth, based on the prior three school years. The analysis found that:
 - There has been significant learning loss in both ELA and math, with students in earlier grades most impacted
 - The equity impact is severe – certain student groups, especially low-income students and English Learners, are falling behind more compared to others.

Additionally, a 2021 PACE analysis of oral reading fluency assessment data in over 100 U.S. school districts in 22 states found that students’ progress largely stopped in spring 2020 following the onset of the COVID-19 pandemic. In fall 2020, students’ gains in reading were stronger and similar to pre-pandemic rates, but

those gains were insufficient to recoup spring losses. PACE's analysis found that, overall, students' oral reading fluency in second and third grade was approximately 30% behind expectations.

- 3) ***State recently adopted the California Comprehensive State Literacy Plan.*** In 2019, the CDE was awarded \$37.5 million through the federal Comprehensive Literacy State Development (CLSD) grant program. \$36 million of the CLSD funds were to be allocated as subgrants to 11 County Offices of Education (COEs) representing administrative regions of the state and the balance of the funds supported CDE activities.

The goals of this initiative were to expand existing statewide infrastructure, guidance, and expertise to bring coherence to the system of literacy supports to improve student outcomes over a period of five years. Project objectives included:

- Aligning local and state literacy initiatives through a coordinated effort to build state and local capacity over the life of the project;
- Developing and implementing an evidence-based comprehensive State Literacy Plan that aligns and integrates state literacy initiatives, content standards, and state guidance documents to support teachers of students, birth through grade twelve; and
- Building local capacity to establish, align, and implement local literacy initiatives that emphasize family and community involvement to address the needs of California's most vulnerable children.

After months of development and revisions based on stakeholder feedback, the SBE adopted the final California Comprehensive State Literacy Plan on March 17, 2021. The purpose of the State Literacy Plan is to align and integrate state literacy initiatives, content standards, and state guidance documents to support teachers in providing literacy instruction to students.

- 4) ***Committee Amendments.*** *To ensure that the funds distributed are accounted for, the author has agreed to accept the following amendments:*

- Require the grant applicant to submit an annual report to the department that includes, at minimum, the particular context in which the local educational agency is operating, including the assets of, and challenges faced by the local educational agency, a plan for evaluating impacts to the field, and the number of pupils that would be impacted by the program, resources, or activities funded by the grant.
- Require CDE to award grants in the amount of \$1.9M, maximum, each to at least 25 local educational agencies, with consideration given to geographic and grade span diversity.

- Require grant applicants to design an evidence-based Family Literacy and Biliiteracy Innovation Plan based on an implemented needs assessment and analysis which identified assets, barriers, and goals.
 - Authorize CDE to contract with an external evaluator for the purposes of developing a final report derived from the required reports from LEAs.
 - Add coauthors.
- 5) **Budget.** The 2022-23 State budget, the Arts, Music, Multi-lingual Libraries & Instructional Materials Block Grant proposes \$1.3 billion one-time Proposition 98 General Fund and \$9 billion one-time Proposition 98 General Fund for personnel (such as professional development) related costs. While not specifically directed toward early literacy, this funding could be used for the purposed of this bill.
- 6) **Related legislation. AB 2814 (Wood)** of this Session requires the CDE to establish and administer the Emergency Planning Grant Program and award one million dollars in competitive grants to LEAs to support emergency planning activities, upon appropriation of the Legislature. *This bill is currently in Senate Education.*

AB 1718 (Boerner-Horvath) of this Session requires the SPI, upon appropriation of the budget, to allocate funding for the purchase of standards-aligned instructional materials in visual and performing arts and world languages in kindergarten and grades 1 to 12, inclusive, and for professional development in those subjects. *This bill is currently in Senate Education.*

AB 2284 (Gabriel) of this Session requires, the SPI to allocate funding to LEAs, charter schools, and the state special schools for the purchase of standards-aligned instructional materials and professional development in media literacy and digital literacy, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

AB 2794 (Gipson) of this Session requires the SPI to allocate funding for professional development for staff in methods to improve school safety and school climate, including de-escalation training, and for the purchase of training materials in these subjects, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

AB 2051 (Cunningham) of the Session requires the SPI) to allocate funding to LEAs, COEs, charter schools, and state special schools for the purchase of standards-aligned instructional materials and professional development in financial literacy. *This bill is currently in Senate Education.*

AB 2546 (Calderon) Chapter 616, Statues of 2016, Requires that, when the history-social science curriculum framework is revised after January 1, 2017, the Instructional Quality Commission (IQC) consider including specified content on financial literacy.

California Association For bilingual Education (CABE)
California School Employees Association
Californians Together
Delta Kappa Gamma International – Chi State
Education Trust – West
First 5 California
Los Angeles County Office of Education
Office of the Riverside County Superintendent of Schools

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 1939	Hearing Date:	June 22, 2022
Author:	Luz Rivas		
Version:	April 18, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil instruction: science requirements: climate change

SUMMARY

This bill adds content on the causes and effects of, and methods to mitigate and adapt to, climate change to the course of study in the subject of science for grades one to six and grades seven to 12, requires that appropriate coursework be offered to students no later than the 2023-24 school year.

BACKGROUND

Existing law:

Education Code (EC)

- 1) Requires the Instructional Quality Commission (IQC) to ensure that environmental principles and concepts (EP&Cs) are integrated into the academic content standards and curriculum frameworks in the subjects of English language arts, science, history-social science, health, and, to the extent practicable, mathematics whenever those standards and frameworks are revised. (EC § 51227.3.)

Public Resources Code (PRC)

- 2) Establishes the Office of Education and the Environment (OEE) of the Department of Resources Recycling and Recovery (DRRR) and requires it, in cooperation with the California Department of Education (CDE) and the State Board of Education (SBE), to develop and implement a unified education strategy on the environment for elementary and secondary schools in the state. (Public Resources Code (PRC) 71300)
- 3) Requires, as part of the unified education strategy, the OEE, in cooperation with the Secretary for Environmental Protection, the Natural Resources Agency (NRA), the CDE, and the SBE, to develop EP&Cs for elementary and secondary school students. (PRC 71301)
- 4) Requires that the EP&Cs include but not be limited to, concepts relating to the following topics:
 - a) Air.
 - b) Climate change.

- c) Energy.
 - d) Environmental justice.
 - e) Environmental sustainability.
 - f) Fish and wildlife resources.
 - g) Forestry.
 - h) Integrated pest management.
 - i) Oceans.
 - j) Pollution prevention.
 - k) Public health and the environment.
 - l) Resource conservation, waste reduction, and recycling.
 - m) Toxics and hazardous waste.
 - n) Water. (PRC 71301)
- 5) As determined appropriate by the Superintendent of Public Instruction (SPI), CDE shall incorporate into publications that provide examples of curriculum resources for teacher use, and those materials developed by the office that provides information on the education principles for the environment. (PRC 71303)

ANALYSIS

This bill adds content on the causes and effects of, and methods to mitigate and adapt to, climate change to the course of study in the subject of science for grades one to six and grades seven to 12, requires that appropriate coursework be offered to students no later than the 2023-24 school year. Specifically, this bill:

- 1) Adds content on the causes and effects of and methods to mitigate and adapt to, climate change to the science course of study for grades 1 to 6 and grades 7 to 12.
- 2) Requires that appropriate coursework be offered to students no later than the 2023-24 school year.
- 3) Makes technical changes.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author's office "Climate change is no longer a future problem waiting for us to act upon – it is already here. Extreme climate

events are wreaking havoc across the globe and escalating in severity each year. Millennials and Generation Z have already mobilized as key leaders in climate and environmental activism because they know their generations will have to live with the consequences of a changed climate. Several countries, such as Italy and New Zealand, are preparing their youth for the new climate realities affecting the planet by educating them on climate change. This legislation will cultivate a new generation of climate policy leaders in California as we educate, help prepare, and give our next generation the tools to shape their futures in the wake of our current climate crisis”

- 2) **California Next Generation Science Standards (CA NGSS).** The State Board of Education (SBE) adoption of new California science standards began in 2013. Adoption of the CA NGSS involved a two-year process. Former SPI Tom Torlakson convened a Science Expert Panel (SEP) to recommend new science content standards for California public schools based upon the nationally developed CA NGSS. On September 4, 2013, the SBE adopted the CA NGSS and Appendices A-M. On November 6, 2013, the SBE approved the SEP recommended Integrated Learning Progression model as the preferred model for middle grades six through eight. At the same November meeting, the SBE approved a recommendation by the SPI to reconvene the SEP in order to develop as an alternative model a “discipline specific model” for the grade span of six through eight based on the model shown in Appendix K. A statewide plan to implement the CA NGSS was approved by the SBE on November 13, 2014. SB 300 (Chapter 480, Statutes of 2013) called for the revision of the Science Framework to align with the CA NGSS. A new Science Curriculum Framework was adopted by the State Board of Education on November 3, 2016.
- 3) **Environmental Literacy Task Force (ELTF) - 2015.** In 2015 former SPI Tom Torlakson published *Educating Every California Student In, About, and For the Environment*. The Blueprint contains a set of guiding principles and six key strategies with corresponding recommendations that will support the ultimate goal of environmental literacy for all California students. It is intended to guide state level work to foster environmental literacy, and can also serve as a guide for local efforts led by local educational agencies (LEAs), American Indian Education Centers, environmental education stakeholders, and other community organizations in implementing changes that will improve environmental literacy at the local level. In order to achieve this vision, the Task Force recommends six key strategies. Each strategy contributes to the development of an integrated, well-funded, and effective statewide approach to achieving environmental literacy for every student. The Task Force recommends the following six overarching strategies.
 1. Integrate environmental literacy efforts into existing and future education initiatives.
 2. Strengthen partnership and collaboration among key stakeholders.
 3. Leverage the State Superintendent of Public Instruction’s influence and build public awareness.

4. Implement changes to relevant state law and policy.
 5. Ensure strong implementation through capacity building and continuous improvement.
 6. Develop a coherent strategy for funding environmental literacy.
- 4) **The Science Framework.** According to the CDE, content related to climate change appears in a number of the state curriculum frameworks. Every grade level has been integrated with the EP&Cs at the performance expectation and instructional segment groupings. The CDE notes that climate change is spread throughout the Science Framework at all grade levels, from specific standards to an understanding that science literate students are better climate stewards. There are at least two instructional segments in grades K-8 that directly discuss climate change, and each high school course deals with at least three, or more if the course follows the recommended course outlines in the Framework.

Appendix 5. In this section, recommendations are made to provide teachers with examples of a variety of literature resources that might stimulate students' minds and deepen their understanding of science and engineering topics related to the CA NGSS. The use of these texts provides opportunities to expand students' interests in science by connecting scientific content to topics relevant to their lives. In addition, these texts allow students to examine scientific content through the lens of different literary genres.

- 5) **California Regional Environmental Education Community (CREEC) Network.** The CREEC Network is a program of the CDE which fosters regional partnerships to promote environmental education and environmental literacy by providing teachers with access to high-quality professional learning opportunities and education resources. Along with statewide sponsors and partners, each of the 11 California CREEC Regions provides professional learning opportunities and resources to educators as well as foster communications among schools and organizations interested in supporting the environmental literacy of California's teachers and students.
- 6) **Budget.** The 2022-23 State budget, the Arts, Music, Multi-lingual Libraries & Instructional Materials Block Grant proposes \$1.3 billion one-time Proposition 98 General Fund and \$9 billion one-time Proposition 98 General Fund for personnel (such as professional development) related costs. While not specifically directed toward climate change instructional materials, this funding could be used for the purposed of this bill.
- 7) **Related Legislation. AB 2051 (Cunningham)** of the Session requires the SPI) to allocate funding to LEAs, COEs, charter schools, and state special schools for the purchase of standards-aligned instructional materials and professional development in financial literacy. *This bill is currently in Senate Education.*

AB 2465 (M. Bonta) of this Session establishes the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program, to be administered by CDE, to support the goal of all of California's

pupils reading at grade level by third grade. *This bill is currently in Senate Education.*

AB 2284 (Gabriel) of this Session requires, the SPI to allocate funding to LEAs, charter schools, and the state special schools for the purchase of standards-aligned instructional materials and professional development in media literacy and digital literacy, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

AB 2794 (Gipson) of this Session requires the SPI to allocate funding for professional development for staff in methods to improve school safety and school climate, including de-escalation training, and for the purchase of training materials in these subjects, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

AB 1718 (Boerner Horvath) of this Session requires the SPI, upon appropriation of the budget, to allocate funding for the purchase of standards-aligned instructional materials in visual and performing arts and world languages in kindergarten and grades 1 to 12, inclusive, and for professional development in those subjects. *This bill is currently in Senate Education.*

SB 300 (Hancock), Chapter 480, Statutes of 2013, This bill requires the State Board of Education (SBE) to consider the adoption of a revised curriculum framework and evaluation criteria for instructional materials based on the Next Generation of Science Standards.

SB 720 (Allen), Chapter 374, Statutes of 2018 revised provisions relating to the education principles for the environment by, among other things, (1) renaming them the environmental principles and concepts; (2) revising the process for, and entities involved in, updating the environmental principles and concepts; and (3) requiring the Instructional Quality Commission to ensure that the environmental principles and concepts are integrated into content.

AB 1548 (Pavley), Chapter 665, Statutes of 2003, established the OEE within the California Environmental Protection Agency and required it to develop environmental education principles and a model curriculum.

SUPPORT

350 Sacramento
Climate Reality Project, San Fernando Valle
San Jose Community Energy Advocate3s
Ten Strands
California Environmental Voters
California Association of Professional Scientist

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022 Regular

Bill No:	AB 1942	Hearing Date:	June 22, 2022
Author:	Muratsuchi		
Version:	February 10, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Community colleges: funding: instructional service agreements with public safety agencies

SUMMARY

This bill requires instruction provided by community college districts (CCD) under instructional service agreements (ISA) with public safety agencies, as defined, to be funded under the apportionment formula used for instruction in career development and college preparation.

BACKGROUND

Existing law:

- 1) Adopts a Community College Student Success Funding Formula for California Community Colleges (CCC) general purpose apportionments for credit instruction intended to encourage access for underrepresented students, provide additional funding in recognition of the need to provide additional support for low-income students, reward colleges' progress on improving student success metrics, and improve overall equity and predictability so that community college districts may more readily plan and implement instruction and programs.
- 2) Prior to adoption of (1), general purpose apportionments for credit instruction were funded based on an annual allocation based on the number of colleges and off-campus centers in a community college district and, principally, on a rate per full-time equivalent student (FTES) for enrollment in credit courses. The rate, which is adjusted annually for changes in the cost of living, is \$5,907 per FTES in 2021-22.
- 3) Provides that career development and college preparation courses shall be funded at the same level as the credit rate, as established pursuant to (2).
- 4) Stipulates that the following career development and college preparation courses and classes, for which no credit is given, and that are offered in a sequence of courses leading to a certificate of completion, that lead to improved employability or job placement opportunities, or to a certificate of competency in a recognized career field by articulating with college-level coursework, completion of an associate of arts degree, or for transfer to a four-year degree program, and that meet funding criteria established by the CCC Board of Governors, shall be eligible for funding at the credit rate as established in (3):

- a) Classes and courses in elementary and secondary basic skills;
 - b) Classes and courses for students eligible for educational services in workforce preparation classes, in the basic skills of speaking, listening, reading, writing, mathematics, decision-making, and problem solving skills that are necessary to participate in job-specific technical training;
 - c) Short-term vocational programs with high-employment potential, as determined by the chancellor in consultation with the Employment Development Department utilizing job demand data provided by that department; and
 - d) Classes and courses in English as a second language and vocational English as a second language. Districts offering courses described above, but not eligible for funding at the credit rate are eligible for funding at the noncredit rate.
- 5) Funds the following noncredit courses and classes at an established rate per-FTE student (currently \$3,552) and adjusts the rate annually for the change in the cost of living:
- a) Parenting, including parent cooperative preschools, classes in child growth and development, and parent-child relationships;
 - b) Elementary and secondary basic skills and other courses and classes such as remedial academic courses or classes in reading, mathematics, and language arts.
 - c) English as a second language;
 - d) Classes and courses for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making and problem solving skills, and other classes required for preparation to participate in job-specific technical training;
 - e) Education programs for persons with substantial disabilities;
 - f) Short-term vocational programs with high employment potential;
 - g) Education programs for older adults;
 - h) Education programs for home economics; and
 - i) Health and safety education.
- 6) Establishes, until January 1, 2022, the Community College Student Success Funding Formula Oversight Committee for the purpose of continuously evaluating and reviewing the implementation of the student success funding

formula established pursuant to (1). A priority of the committee shall be to review and make recommendations to the Legislature and the Department of Finance, by June 30, 2021, as to whether noncredit instruction and ISAs should be incorporated into the base and supplemental allocations of the formula.

- 7) Stipulates that, for purposes of computing a community college district's FTES, attendance shall also include student attendance and participation in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law, if the courses are fully open to the enrollment and participation of the public. Prerequisites for such courses shall not be established or construed so as to prevent academically qualified persons who are not employed by agencies in the criminal justice system from enrolling in and attending the courses.
- 8) Stipulates that in the event in-service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for the restricted courses shall not be reported for purposes of state apportionments. A community college district which restricts enrollment in in-service training courses may contract with any public agency to provide compensation for the cost of conducting such courses.

ANALYSIS

This bill:

- 1) Specifies that instruction provided under an instructional service agreement between a CCD and a public safety agency shall be funded under the apportionment formula used for instruction in career development and college preparation, as specified, commencing in the 2022–23 fiscal year.
- 2) Defines a public safety agency to include, but not necessarily limited to, a fire department, a police department, a sheriff's office, a public agency employing paramedics or emergency medical technicians, the Department of the California Highway Patrol, and the Department of Corrections and Rehabilitation.
- 3) Makes various technical and clarifying amendments.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California public safety agencies have ongoing, mandated training through their respective state agencies which is critical to training public safety personnel critical to all communities. AB 1942 ensures these public safety agencies are able to receive their ongoing training through the California Community College system.

"AB 1942 would bring public safety ISA courses outside the new funding formula, and instead fund these courses using the previous apportionment model for credit courses, which simply provides an annual cost of living adjustment to the per-FTES rate from the prior year."

- 2) ***Student Centered Funding Formula overview.*** Prior to 2018-19, the state based community college general purpose apportionment funding for both credit and noncredit instruction almost entirely on full-time equivalent (FTE) enrollment. In 2018, the state changed the credit-based apportionment formula, now known as the Student Centered Funding Formula (SCFF), to include the following three main allocations:
- a) ***Base Allocation.*** As with the prior apportionment formula, the base allocation gives each district certain amounts for each of its colleges and state-approved centers. It also gives each district funding for each credit FTE student.
 - b) ***Supplemental Allocation.*** The SCFF provides additional funding for every student who receives a Pell Grant, receives a need-based fee waiver, or is undocumented and qualifies for resident tuition. Student counts are “duplicated,” such that districts receive twice as much supplemental funding for a student who is included in two of these categories.
 - c) ***Student Success Allocation.*** The formula also provides additional funding for each student achieving specified outcomes—obtaining various degrees and certificates, completing transfer-level math and English within the student’s first year, and obtaining a regional living wage within a year of completing community college. Each of the specified outcomes have different funding amounts.
- The formula does not apply to credit enrollment generated from incarcerated students, high school students, or to any noncredit enrollment. Apportionments for these students remain based entirely on enrollment.
- 3) ***New formula protects districts from funding losses.*** The new formula includes several hold harmless provisions for community college districts that would have received more funding under the former apportionment formula than the new formula. For 2018-19, 2019-20, and 2020-21, these community college districts receive their total apportionment in 2017-18, adjusted for cost-of-living increases for each year of the period. Beginning in 2020-21, districts are to receive no less than the per-student rate they generated in 2017-18 under the former apportionment formula multiplied by their current full-time equivalent (FTE) student count. To help districts with declining enrollment, the state also retained its longstanding one-year hold harmless provision that allows districts to receive the greater of their calculated current-or prior-year allotments.
- 4) ***This bill partially aligns with the funding formula oversight committee recommendation but lacks important data collection.*** AB 1840 (Committee on Budget), Chapter 426, Statutes of 2018, established the Student Centered Funding Formula (SCFF) Oversight Committee, charged with continuously evaluating and reviewing the implementation of the funding formula. The 12 members of the committee are appointed equally by the Administration, Senate and Assembly. The Oversight Committee was charged to make recommendations by January 1, 2020, regarding the inclusion of first-generation college students, whether the definition of low-income students should be

adjusted to regions of the state, and incoming students' level of academic proficiency. By June 30, 2021, the Oversight Committee was required to provide recommendations on whether the formula should include noncredit instruction and instructional service agreements and how district's allocations should be adjusted in a recession.

The Oversight Committee recommended changing the funding rate for FTES enrollment in credit courses taught through ISAs to be the same rate as is used for Special Admit students in credit courses.

However, the Oversight Committee also noted that the Chancellor's Office does not specifically collect data on courses taught through ISAs or on the students enrolled within these courses because districts are not required to indicate whether a given course is taught through an ISA. The Oversight Committee recommended that the Chancellor's Office collect data on courses taught through ISAs in order to better understand how these courses are serving students in the state and to be able to model the impact of any changes in funding on districts in the CCC system.

- 5) **Arguments in support.** The California Fire Chiefs Association and the Fire Districts Association of California jointly wrote in support of AB 1942, noting that "California public safety agencies have ongoing mandated training for public safety personnel... these trainings are a requirement for employment by police and fire agencies. It is imperative that community colleges are properly funded for their collaboration in offering these trainings for our public safety agencies."

Lake Tahoe Community College District noted that "While the SCFF works well for most traditional college programs, courses offered through ISAs do not easily fit into the new formula. Students enrolled in ISA courses are typically already employed by a public agency and do not need financial aid; further, ISA courses general do not lead to a certificate or degree. By reducing funding for ISA courses, the SCFF inadvertently risks de incentivizing community colleges from participating in these important partnerships. These courses are often costly to conduct, requiring expensive equipment, oversight by multiple agency partners, and instructors with specialized skills. AB 1942 would address this problem by providing funding for courses offered under an ISA at the same apportionment rate used for instruction in career development and college preparation non-credit."

- 6) **Author amendments to address the Chancellor's Office concerns.** As stated above, this bill only partially aligns with the funding formula Oversight Committee recommendation regarding enrollment in credit courses taught through ISAs. The Chancellor's Office has expressed concerns around lack of data related to this bill. To address these concerns, the author has proposed, and staff concurs with, amending this bill as follows:

- a) Delay the funding increase included in the bill until the 2024-25 fiscal year.
- b) Specify that, beginning with the 2022-23 academic year, community colleges are required to annually submit a copy of their most up to date

ISAs to the Chancellor's Office for review. If contracts are renewed or updated, they shall be submitted to the Chancellor's Office.

- c) Beginning December 31, 2023, require colleges with ISAs with public service agencies to annually submit to the Chancellor's Office data on course offerings, student enrollment and FTES, and completion, including data from the 2020-2021 and 2021-2022 academic years.
- d) Require the Chancellor's Office to issue recommendations to the Department of Finance and the Legislature on the ISA FTES apportionment districts are eligible to claim, commencing with the 2024-25 fiscal year.

SUPPORT

Lake Tahoe Community College
Los Angeles Community College District
Los Rios Community College District
Peace Officers Research Association of California
Santa Clarita Community College District - College of The Canyons
State Center Community College District

OPPOSITION

Long Beach Community College District
Pasadena Area Community College District

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1997 **Hearing Date:** June 22, 2022
Author: Gipson
Version: March 24, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: California State University: emergency response programs: report

SUMMARY

This bill requires the Chancellor of the California State University (CSU) to convene a stakeholder workgroup for the purpose of making recommendations to alleviate concerns of current emergency response programs on CSU campuses.

BACKGROUND

Existing law:

- 1) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Board of Trustees the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and 89030 et. seq.)
- 2) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. (EC § 70900)
- 3) Authorizes the CSU Trustees to appoint one or more persons to constitute a police department for the headquarters and for each campus of the CSU (EC § 89560).

ANALYSIS

This bill requires the Chancellor of the CSU to convene a stakeholder workgroup for the purpose of making recommendations to alleviate concerns of current emergency response programs on CSU campuses. Specifically, this bill:

- 1) Requires the Chancellor of the CSU, by July 1, 2023, to convene a stakeholder workgroup that includes, but is not limited to, a representative from all of the following stakeholders:
 - a) Faculty.
 - b) Staff.
 - c) Students.

- d) Campus health and safety personnel.
 - e) Bargaining unit representatives.
- 2) Requires the workgroup, by October 1, 2023, to submit a report to the Legislature that includes recommendations to alleviate concerns of current emergency response programs on CSU campuses.
 - 3) Requires the workgroup, in preparing the report, to at a minimum, evaluate and report on both of the following:
 - a) Alternatives to current procedures and processes for responding to non-violent and non-criminal situations on CSU campuses.
 - b) Alternative dispute resolution options to resolve employee conflicts.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "AB 1997 seeks to create a diverse stakeholder workgroup within the CSU community to develop alternatives to campus policing, including but not limited to, trauma-informed crisis response teams especially as it relates to on-campus mental health crises. The workgroup will include faculty, staff, students, campus health and safety personnel. Starting with a workgroup will allow all stakeholders, including campus police, to find the best approach to address and alleviate concerns regarding current emergency response programs at CSU campuses.

"In California, more often than not, if a student is dealing with a severe mental health issue, campus police are called on to respond. Although law enforcement serves an important role in keeping our schools and students safe and secure, it is important to have trained specialists that focus on dispute resolution and transformative justice to best respond to nonviolent and noncriminal situations on campuses."

- 2) *What is happening on CSU campuses?* Each of the CSU's 23 campuses operates police or public safety department, whose peace officers are sworn and certified by the California Commission on Peace Officer Standards and Training (POST). Each CSU police or public safety department is charged with maintaining a safe campus environment by enforcing federal and state laws, CSU regulations, and the establishment of crime deterrence and prevention-related programs.

This bill requires the workgroup to make recommendations to alleviate concerns of current emergency response programs on CSU campuses and specifically requires the workgroup to evaluate alternatives to current procedures and processes for responding to non-violent and non-criminal situations on CSU campuses and alternative dispute resolution options to resolve employee conflicts.

Two examples of incidents on CSU campuses that the workgroup is to address

include:

- a) CFA Members Demand CSU Address Its Systemic Anti-Black Racism and Implement Alternatives to Campus Police - California Faculty Association (calfac.org)
 - b) CFA Settles Case Over Racist, Hostile Work Environment - California Faculty Association (calfac.org)
- 3) *Former Chancellor called for this workgroup.* Former Chancellor Castro called for the creation of a workgroup with the same membership and charge to evaluate specific topics as the workgroups established by this bill. Former Chancellor Castro asked that the workgroup convene in February 2022, and submit a report by July 29, 2022. However, the workgroup called for by the former chancellor has not yet been created. According to the current Chancellor's office, the hope is to convene this workgroup by the end of August 2022. *The Committee may wish to consider whether this bill is necessary or premature.*
- 4) *Committee amendments.* **Staff recommends the following amendments:**
- a) Delay the due date of the final report from the workgroup, from October 1, 2023, to May 1, 2024.
 - b) Require the workgroup report to also be submitted to the CSU Chancellor.
- 5) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose minor, absorbable costs to CSU to convene the workgroup.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2359 **Hearing Date:** June 22, 2022
Author: Gipson
Version: April 21, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Compton Community College District: personnel commission.

SUMMARY

This bill establishes a timeline for the reinstatement of Compton Community College District (CCCD) Personnel Commission (commission) commencing one year after CCCD's final payment on its state loan.

BACKGROUND

Existing law:

- 1) Enables the California Community College (CCC) Board of Governors (BOG) to authorize the chancellor to suspend the authority of the local board of trustees of the CCCD, for up to five years from the effective date of AB 318 (Dymally), Chapter 50, Statutes of 2006, plus a period of time until the chancellor, the Fiscal Crisis and Management Assistance Team (FCMAT), the Director of Finance, and the Governor concur with the special trustee that the district has for two consecutive academic years met the requirements of the comprehensive assessment and the recovery plan.
- 2) Authorizes the chancellor to appoint a special trustee to assume the powers and duties of the local board of trustees of the CCCD, as determined by the chancellor. The chancellor may select a special trustee from a pool of candidates who have served in a similar capacity prior to 2004 and the special trustee is selected to serve at the pleasure of the chancellor. In the event of a vacancy in the post of special trustee, the chancellor may assume the duties of the special trustee until a new special trustee is appointed.
- 2) Authorizes the chancellor or the special trustee to assume the powers and duties of the CCCD Personnel Commission. The powers and duties assumed by the chancellor or special trustee are those deemed necessary to fulfill the management of the personnel functions of the CCCD.
- 3) Authorizes the special trustee to complete the following:
 - a) Implement substantial changes in the fiscal policies and practices of the CCCD;

- b) Revise the academic program of the CCCD to reflect realistic income projections in response to the dramatic effect of the changes in fiscal policies and practices upon program quality.
 - c) Encourage all members of the college community to accept a fair burden of the full recovery of the CCCD in the five operational areas of finance, academics, personnel facilities, and governance.
 - d) Enter into agreement on behalf of CCCD, as defined and subject to any contractual and statutory obligation of the Compton Community College District, change any existing district rules, regulations, policies, or practices as necessary for the effective implementation of the recovery plan.
 - e) Appoint an advisory committee to advise the special trustee with respect to the management of the CCCD and the establishment and implementation of the arrangements for the provision of services by a partner district pursuant to Section 74292 et. al. Permits the advisory committee to include residents of the communities served by CCCD and any outside experts, but clarifies no member of the advisory team may receive compensation for services rendered in their advisory role.
- 4) Appropriates \$11.3 million to the BOG of the CCC to support one-time costs associated with CCCD efforts to restore core operational and oversight function of Compton College to the CCCD and to achieve and maintain accreditation by an accrediting agency, as defined. The appropriation of these funds are provided only if CCCD agrees to implement the recommendations in FCMAT's report completed on May 16, 2017.
- 5) Authorizes the Board of Trustees of CCCD, until July 1, 2029, to assume the powers and duties of the CCCD personnel commission that the board of trustees deem are necessary for the management of personnel at the CCCD. Clarifies the CCCD personnel commission will not exercise any of the powers or duties assumed by the board of trustees.

ANALYSIS

This bill:

- 1) Authorizes the special trustee, in the event the Chancellor of the California Community College appoints a special trustee to oversee the CCCD, to assume the powers and duties of the commission identified as necessary for the management of personnel functions within the district.
- 2) Authorizes when the governing board of CCCD reassumes its powers and authority to govern the district, the governing board will assume the powers and duties of the commission identified as necessary for the management of personnel functions within the district. This authority will remain with the governing board until one calendar year after CCCD has repaid the state loan it received in 2006, as defined.

- 3) Permits during the one year after the loan is repaid and before the commission is reestablished, for an advisory commission to be established to advise the governing board on personnel matters.
- 4) Requires the commission, by September 15 of the year the commission is established in an advisory role as described in (3) of this analysis, to provide a report of the duties fulfilled by the commission in their advisory role. The report will be available to the public on the CCCD website.
- 5) Requires CCCD by September 15, 2023, and annually thereafter, to provide to the Department of Finance, the Assembly Budget Subcommittee on Education Finance, and the Senate Budget Subcommittee on Education an update on its repayment of the state loan received in 2006, as defined.
- 6) Deletes from the SB 85 (Budget Committee), Chapter 23, Statutes of 2017, the provision requiring the board of trustees of the CCCD to assume responsibilities of the CCCD commission necessary for the management of the personnel functions of the CCCD until July 1, 2029. Effectively reinstating the CCCD commission upon passage of the act.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Classified school employees provide the backbone of every operation of a college district. Ranging from transportation to security, food services to clerical, these employees keep districts functioning day to day, year after year. In some cases, classified employees have utilized rights provided by the education code, by electing to convert their college to utilize the merit system.

"Due to the loss of accreditation in 2006, classified school employees of the Compton Community College District have been unable to utilize their merit system as intended. This bill rectifies this by clarifying the powers and duties of the Compton College Personnel Commission and restores the commission to its full functionality."

- 2) ***History of CCCD.*** In January 2003, the Chancellor's Office of the CCC (CCCCO) received a fiscal audit of CCCD which made various findings as to the fiscal instability of the district. After failing to receive additional fiscal information in May 2004, the Chancellor determined CCCD was no longer acting responsibly to manage the district in a sound fiscal manner. The Chancellor appointed a special trustee to assume the duties and powers of the local governing board. Additionally, the Chancellor requested FCMAT to conduct a fiscal health analysis of the district. In June 2004, FCMAT determined the district did not have sufficient funds to cover its expenses. At the same time as the FCMAT report, the local governing board of CCCD sued the chancellor for overstepping their perceived role and the Supreme Court of Los Angeles issued a temporary restraining order prohibiting the Chancellor or his agents from assuming the powers of the district governing board. Realizing the fiscal crisis and the possibility of insolvency, the Legislature on an urgency clause enacted AB 61

(Dymally) Chapter 139, Statutes of 2004 to amend the Education Code (EDC) to endow the chancellor with the authority to assume the powers of the CCCD governing board and to assign those powers to a special trustee.

Due to growing concerns with the fiscal management and stability of Compton College (the only college within CCCD), the Accrediting Commission for Community and Junior Colleges (ACCJC) issued a show of cause in January of 2005 and required the College to correct the fiscal deficiencies. However, Compton College could not address the fiscal concerns as provided by the ACCJC and would lose accreditation on August 19, 2005. CCCD filed a formal appeal; however, by June 2006 it became apparent Compton College would lose their accreditation. The Legislature once again took action citing the loss of accreditation by a college of the CCC presented a severe burden for the students of that college and for the residents the community college served. On June 30, 2006, Governor Schwarzenegger signed AB 318 (Dymally), Chapter 50, Statutes of 2006, to provide a \$30 million loan for CCCD for the purpose of continuing to provide accredited instructional programs to students residing in CCCD and to accomplish the task of collaborating with FCMAT and the special trustee to regain fiscal solvency. On August 21, 2006, the El Camino Community College District Board of Trustees approved a partnership agreement with the CCCD to continue offering educational programs at Compton College which became Compton Center.

After completing the statutory requirement to reassume governing authority, the CCCD began the process in June 2016 of seeking approval from the state to return authority to the governing board. On February 14, 2017, Chancellor Eloy Oakley announced the governance authority had been restored to the district's elected governing board. This marked an important milestone in the district and subsequently, Compton College returned to an independent college within the CCC.

To demonstrate Legislative support of Compton College's path toward re-accreditation, the State appropriated \$11.3 million for the purpose of restoring core operation and oversight functions to the CCCD and to achieve and maintain accreditation for Compton College. As part of the budget negotiations for the dispersal of the \$11.3 million, the State agreed with FCMAT's conclusion that the CCCD personnel commission should remain offline and the duties and responsibilities normally carried out by the CCCD personnel commission would be bestowed upon the CCCD governing board. The Legislature authorized that the CCCD personnel commission would resume its duties and responsibilities on July 1, 2029.

On June 7, 2017, the ACCJC granted initial accreditation status to Compton College, and on August 24, 2018, local control of Compton College was returned to the CCCD governing board. The partnership between El Camino Community College District and CCCD was terminated on June 7, 2019. Therefore, on June 7, 2019, Compton College became the 114th California Community College operating under the authority of the CCCD governing board.

- 3) **Status of Compton College.** Compton College is currently accredited by the ACCJC and to maintain its accreditation, Compton College is entering its two year self-evaluation report which will conclude in June of 2024. To remain accredited, Compton College must meet the 21 requirements that cover college operations including, but not limited to: the conferral of degrees, standards for assessing student progress, providing academic freedom, student support services, and fiscal soundness.

At the request of Compton College, on January 4, 2022, FCMAT published its latest analysis of CCCD's fiscal health. In addressing the overall budgetary constraints CCCD will face in the coming years, FCMAT has suggested the Personnel Commission remain suspended until 2029-2030 since 2028-2029 will be the last year payment will be necessary to repay the \$30 million state loan provided to CCCD in 2006.

Based on a recent budget document published by the CCCD governing board, the line of credit from the \$30 million state-provided loan is projected to be paid off by June 1, 2026, three years ahead of schedule.

- 4) **Arguments in support.** "The California School Employees Association (CSEA), AFL-CIO, supports AB 2359 (Gipson), which would restore the powers and duties of the Compton Community College District's Personnel Commission after they were relegated to the Board of Trustees and the chancellor. Merit systems were first enacted to prevent the corruption of the spoils system in public employment. This bill, by restoring the original powers and responsibilities of the Compton Community College District's Personnel Commission, will ensure that the college honors the original intent of the classified employees who first voted to implement a merit system. Personnel commissions, which include representatives of the school district and classified employees, provide transparency and accountability in the hiring and promotion of school employees."
- 5) **Author amendments.** The California Federation of Teachers has expressed concerns that, as currently drafted, this bill is silent on how the CCCD board of trustees is to appoint the members of the advisory personnel commission. Existing law (e.g. Education Code Section 45245) establishes a process for appointing members of a personnel commission such that the district governing board appoints one member, the classified employees of the district appoint one member, and the two members, in turn, appoint a third member.

To address this concerns, the author has proposed, and staff concurs with, amending this bill as follows:

- a) Specify that members of the CCCD personnel commission shall be appointed consistent with existing law, as summarized above.
- b) Define "classified employees" for purposes of appointing members of the personnel commission as an exclusive representative which represents the largest number of noncertificated employees in a unit or units within the district. If there is no exclusive representative within the district, the

governing board shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees.

SUPPORT

California Federation of Teachers
California School Employees Association

OPPOSITION

None received

-- END --

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 1998	Hearing Date:	June 22, 2022
Author:	Smith		
Version:	May 19, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgallia Ramirez		

Subject: Community colleges: nonresident tuition fees: Western Undergraduate Exchange

SUMMARY

This bill; 1) authorizes the Board of Governors (BOG) of the California Community Colleges (CCC) to enter into the Western Undergraduate Exchange (WUE) through the Western Interstate Commission for Higher Education (WICHE); 2) expands the conditions for which a small community college district that is within 10 miles of another state can exempt nonresident students from the nonresident fee requirement to also include students from states that participate in WUE, as specified; and 3) decreases the per-unit fee for eligible resident students from three times to one and one-half times the amount established for resident students.

BACKGROUND

- 1) Establishes the CCC, a postsecondary education system in this state, under the administration of the BOG; and, specifies that the CCC consists of community college districts (Education Code (EC) Section 70900).
- 2) Authorizes the CCC BOG to enter into an interstate attendance agreement with any statewide public agency of another state that is responsible for public institutions of postsecondary education providing the first two years of college instruction, and that is an agency of a state that is a member of WICHE (EC Section 66801).
- 3) Authorizes a community college district to admit non-resident students and requires that these students be charged a tuition fee that is twice the amount of the fee established for in-state resident students, with certain specified exemptions. State statute prescribes a formula for the calculation of the non-resident fee. State law requires the non-resident tuition fee be increased to a level that is three times the amount of the fee established for in-state resident students (EC Section 76140).
- 4) Prohibits non-resident students from being reported as FTES for state apportionment purposes, except where: (1) the CCD has less than 1,500 FTES and is within 10 miles of another state and has a reciprocity agreement with that state; or, (2) if a community college district has between 1,501 and 3,000 FTES and is within 10 miles of another state and has a reciprocity agreement with that state, they can claim up to 100 FTES for state apportionment purposes (EC Section 76140(h)(i)).

- 5) Exempts no more than 200 students in any academic year from paying non-resident tuition fees if they attend the Lake Tahoe Community College (LTCC) and reside in specified communities in the State of Nevada, and; (2) permits the LTCC District to count these persons as resident FTES for purposes of determining California apportionment funding (EC Section 76140 (a)(6)).
- 6) Provides that specified nonresident students exempted from paying nonresident tuition may be reported as resident FTES for purposes of state apportionment. These students are required to pay three times the amount of resident fees, and the apportionment rate is adjusted down accordingly (EC Section 76140(j)).

ANALYSIS

This bill:

- 1) Authorizes the BOG of the CCC to enter into the WUE through the WICHE.
- 2) Expands the conditions for which a community college district that has fewer than 1,500 FTES and whose boundaries are within 10 miles of another state can exempt nonresident students from the nonresident fee requirement to include students from states that participate in the WUE.
- 3) Expands the conditions for which a community college district that has more than 1,500 FTES but fewer than 3,000 FTES and whose boundary is within 10 miles of another state can exempt nonresident students (capped at 100 FTES per year) to also exempt, as specified, students from states that participate in the WUE.
- 4) Decreases the per-unit fee that eligible nonresident students must pay, from three times the per-unit fee established for residents, to one and one-half times the per-unit fee established for residents. *Current law requires, for districts that claim state apportionment for nonresident students from states participating in an exchange program, to charge those students (regardless of the exemption) a higher rate than the rate charged to residents.*
- 5) Stipulates that except as provided, agreements shall contain the provision that no additional state funds shall be required to carry out the provisions of this chapter.
- 6) Makes technical and clarifying changes to existing law.

STAFF COMMENTS

- 1) **Need for the bill.** According to a letter of support submitted by Lake Tahoe Community College, "AB 1998 (Smith) which would authorize the California Community Colleges Board of Governors to enter the Western Undergraduate Exchange (WUE) through the Western Interstate Commission for Higher Education (WICHE) and ensure that small, rural colleges located near state

borders can provide an affordable and high-quality educational pathway for students within their community who reside across state lines.

"The existing California-Nevada Interstate Attendance Agreement (CNIAA) provides access to LTCC for Nevada students who reside in the Tahoe Basin. Under the provisions of the CNIAA, Nevada residents in the Tahoe Basin can attend LTCC and pay fees below the traditional non-resident tuition rate. CNIAA students pay \$93/unit, which is three times the resident tuition rate; as compared to the non-resident tuition rate of \$205/unit.

"AB 1998 builds upon the CNIAA by allowing the California Community Colleges to participate in the WUE and offer students from other participating Western States access to the college for a further reduced tuition rate (150% of resident tuition). In return, California students will have similar access to Western State colleges at the same tuition discount. AB 1998 expands opportunities for students who reside near our border community."

- 2) **Western Interstate Commission for Higher Education (WICHE).** California, Arizona, Oregon, and Nevada, along with a number of other states and territories (16 total), participate in WICHE. The WICHE oversees three student reciprocal exchange programs allowing students to attend out of state universities at a reduced rate.

Through its exchange programs, more than 45,000 Western students saved \$451 million in academic year 2019-20 through the WUE, Western Regional Graduate Program (WRGP), and Professional Student Exchange Program (PSEP). These WICHE programs provide significant student savings on nonresident tuition at over 160 Western U.S. public colleges and universities and select private healthcare programs. Additionally, 18,544 California residents saved \$196.5 million in academic year 2019-20 through the WUE and WRGP. These WICHE programs provide significant student savings on nonresident tuition at over 170 Western U.S. public colleges and universities.

However, the CCC system currently does not participate in the WUE, which is the WICHE exchange program that serves undergraduates. This bill authorizes the BOG of the CCC to enter into the WUE through the WICHE.

- 2) **Western Undergraduate Exchange (WUE).** The WUE is an agreement among WICHE's member states and territories, through which 160 participating public colleges and universities provide nonresident tuition at a reduced rate. Through WUE, eligible students can attend an undergraduate program outside their home state and pay no more than 150 percent of that institution's resident tuition rate. Full nonresident tuition rates can exceed 300 percent of resident rates. WUE helps facilitate a fair exchange of students among participating states for purposes of lowering tuition costs for students who would otherwise pay more. Under the agreement, institutions and states can limit the number of students awarded the WUE tuition rate. Under current law, participation in any reciprocity agreement allows small border colleges to exempt eligible students from paying nonresident tuition, if, however, state apportionment is claimed for those students the college must charge a rate of 300 percent of resident tuition. This bill drops

that number to 150 percent, which mirrors the tuition rate, agreed to by states for participation in WUE. As a WUE participating state, California students benefit from the same tuition reduction when attending colleges within one of the member western states. Essentially, the bill allows a limited number of colleges to both participate in WUE and continue to claim apportionment for a limited number of out of state residents.

SUPPORT

Lake Tahoe Community College

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2004 **Hearing Date:** June 22, 2022
Author: Cristina Garcia
Version: June 13, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: California DREAM Loan Program

SUMMARY

This bill establishes additional requirements for a campus of the California State University or the University of California participating in the DREAM Loan program and sets limits on the amount a student may borrow. The bill further requires a participating institution, on or before January 1, 2024, to establish DREAM loan forgiveness options for borrowers with similar standards as those set forth in federal student loan forgiveness programs.

BACKGROUND

Existing law:

- 1) Authorizes, beginning January 1, 2013, AB 540 students to be eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. (EC § 66021.6.)
- 2) Authorizes, beginning January 1, 2013, AB 540 students attending University of California (UC), California State University (CSU), or the California Community Colleges (CCC) to be eligible to receive a scholarship derived from nonstate funds, as received by the respective segment for the purpose of scholarships (EC § 66021.7.).
- 3) Establishes the Dream Loan Program at UC and CSU campuses that elect to participate in the program. Under the program, an AB 540 student meeting specified requirements, including demonstrating financial need, may obtain a loan of up to \$4,000 per academic year, up to a maximum of \$20,000. The repayment term for the loan is 10 years, and repayment commences following a six-month grace period beginning when the student graduates or ceases to maintain at least half-time enrollment. Eligibility for deferment or forbearance of loan repayments is consistent with the federal direct student loan program. (EC § 70033.)
- 4) Requires the annual Budget Act to allocate funding to participating institutions based on the number of AB 540 students who applied for state financial aid in the prior academic year. Participating institutions must at least match the state allocation using the institution's discretionary funds. Both the state and local funding is deposited into a DREAM revolving fund. Loan repayments are also

deposited into the revolving fund and are intended to reduce the annual state and campus contributions equally. (EC § 70035.)

- 5) Requires, by January 1, 2020, a UC and the CSU campuses participating in the state DREAM Loan Program to adopt procedures allowing a borrower to select an income-based repayment plan for the repayment of a DREAM Loan. (EC § 70034 (d))

Existing federal law provides for student loans through the William D. Ford Federal Direct Loan Program, administered by the Federal Student Aid Office within the United States Department of Education (USDE). These include:

- 1) Direct Subsidized Loans: These are need-based loans that cover the difference between a student's resources and the cost of attending a college or university; the amount of loan is dependent on the level of need, dependent status, and year in college. The federal government pays the interest while the student is attending the college or university and subsidizes the interest throughout the life of the loan.
- 2) Direct Unsubsidized Loans: Not based on financial need, these loans generally cover the difference between other financial aid received and the total cost of attending college. Loans are made to eligible undergraduate, graduate, and professional students. The student is responsible for paying the interest during all periods. The federal government sets the interest rates and fees.
- 3) Parent Loans for Undergraduate Students (PLUS): These loans are available to creditworthy parents of dependent students. These are not need-based and are federally guaranteed. In addition, these types of loans have been expanded for graduate or professional degree students. The borrower is responsible for paying the interest on PLUS loans during all periods, starting from the date the loan is first disbursed.
- 4) Direct Consolidation Loans: These loans allow for consolidation of multiple federal education loans into one loan with a fixed interest rate at no cost.

ANALYSIS

This bill:

- 1) Requires that, by January 1, 2024, CSU and UC establish loan forgiveness options for DREAM loan borrowers with similar standards as those set for federal student loan forgiveness programs, including, but not limited to, the Public Service Loan Forgiveness Program, Teacher Loan Forgiveness Program, and student loan forgiveness programs for healthcare workers and nurses.
- 2) Requires that a DREAM loan borrower be provided state of emergency administrative forbearance in accordance with following:
 - a) The interest rate for DREAM loan programs be set at 0 percent during the forbearance period.

- b) The state of emergency administrative forbearance cannot count against forbearance time limits.
 - c) The borrower be provided the same state of emergency administrative forbearance provided to federal student loan borrowers, including, but not limited to, the student loan payments pause provided by the United States Department of Education.
 - d) The borrower qualify for any state of emergency administrative forbearance on student loans that is provided by the Governor by executive order or the participating institution.
- 3) Requires eligibility for discharge of a DREAM loan be in accordance with the standards set for the federal loan program.
- 4) Specifies that a borrower qualifies for administrative forbearance for up to 90 days if the borrower is not in a forbearance period and lives or works in an area where a natural disaster has occurred.
- 5) Requires the CSU and the UC to include the following additional information related to DREAM loans in an annual report existing law requires CSU and UC to provide to the Legislature:
- a) The annual amount contributed by DREAM loan repayments to the institution's DREAM revolving fund.
 - b) The annual amount of DREAM loans issued by campus.
 - c) The annual amount of remaining DREAM loan debt owed by borrowers.
 - d) Borrower demographic information, which shall include, but is not limited to, age, gender, race ethnicity, completed educational level, and family education level.
 - e) The annual number of borrowers who use DREAM loan income-driven repayment, deferment, discharge, forbearance, and loan forgiveness.
- 6) Limits the amount that a student may borrow as follows:
- a) No more than \$40,000 in the aggregate.
 - b) No more than \$20,000 for an undergraduate enrolled in an undergraduate program.
 - c) No more than \$20,000 for graduate enrolled in a graduate program.
- 7) Expands the type of information provided during exit loan counseling to include information about DREAM loan repayment, including repayment options, forbearance, deferment, discharge, and forgiveness.

- 8) Requires that participating institutions post information about the DREAM loan program on the institution's website, as prescribed.
- 9) States that it is the Legislature's intent that participating institutions offer DREAM loan forgiveness options in accordance with state and federal loan forgiveness options, as described.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "In 2014 the legislature enacted SB 1210 (Lara) which established the CA Dream Loan Program, an affordable loan option that is offered at UC and CSU for AB 540 students to assist in financing their education. The loan was designed to mirror federal student loan programs with including provisions that placed a cap on loan amounts and low interest rates. In 2018 and 2019 the legislature enacted legislation that created an income-based repayment option for student borrowers and expanded the program to AB 540 students enrolled in a graduate or professional degree program.

"In recent years due the pandemic the federal government has taken proactive measures to alleviate the burden for student borrowers to repay their loans or become eligible for loan forgiveness programs, however CA Dream Loan student borrowers are unable to access such relief due to the lack of statutory authority currently in the program creating an inequity amongst student borrowers which was not intended by the legislature.

"Today, many CA Dream Loan student borrowers continue to face repayment despite their service to their communities through public service or entering a demanding field. It is critical that the state strengthens the loan program now in time for future student borrowers who will heavily rely on all forms of state financial aid as many of them will be ineligible to access work due to federal court cases which barred any additional undocumented youth from accessing the Deferred Action for Childhood Arrivals (DACA) program.

"It is estimated that in two years the majority of undocumented students will lack DACA, which will create greater constraints on financing their education."

- 2) **California Dream Loan program.** Existing law establishes the California Dream Loan Program, a voluntary campus-based student loan program, patterned after the Federal Direct Loan Program. Both the State and the university contribute (1:1 match) to the loan fund until the program becomes self-sustaining. Committee staff understands that state contributions have stopped. This program serves undocumented AB 540 students at UC and CSU who, under the terms of the California Dream Act, became eligible for state and institutional grant programs but are ineligible for federal student loan programs. In the 2020-2021 academic year, 463 CSU students received funding for an average award of \$3,162 for undergraduates (\$3,322 for graduates). In the same academic year, 637 UC students received an average award amount of \$2,968. According to information provided by UC, the average DREAM loan balance at repayment for

students who borrowed over a period of 4 years totaled \$12,790. This is lower than the average federal student loan debt load of a California college graduate in 2019-20, which equaled \$21,125.

- 3) **Who is eligible for a Dream loan?** To be eligible for a Dream loan, an undergraduate must qualify for the AB 540 nonresident tuition waiver and have an unmet financial need. As mentioned in the background of the analysis, eligibility for AB 540 nonresident tuition exemption is available to California nonresidents who attended or attained credits at a California high school or California community college campus for a minimum of three years as defined. SB 354 (Durazo, Chapter 526, 2019) expanded the program to undergraduate students; this bill establishes a cap for the total amount a student can borrow as an undergraduate and graduate student, respectively.
- 4) **Existing federal loan repayment programs.** This bill attempts to create parity with federal loan repayment programs, specifically federal loan forgiveness programs for DREAM loan borrowers. The United States Department of Education provides a number of student loan forgiveness plan options. Some of those plans include, but are not limited to the following:
 - a) Public Service Loan Forgiveness - Under this program, borrowers who are employed by a government or not-for-profit organization may qualify to receive loan forgiveness. The program forgives the remaining balance of federal Direct Loans after making qualifying monthly payments for a period of 10 years under a qualifying repayment plan while working full-time for a qualifying employer.
 - b) Teacher Loan Forgiveness - This program provides full time teachers who teach for five years in a low-income school eligibility for forgiveness of up to \$17,500 on federal loans.
 - c) Discharge and Cancellation – The United States Department of Education (USDE) has an array of loan cancellation and loan discharge options including, for example, discharging loans for students who experience an abrupt school closure. It's unclear whether the bill's provisions would apply to all federal loan forgiveness type of programs that no longer require eligible borrowers to make payments on loans for various reasons.

The bill provides that CSU and UC establish loan forgiveness options for borrowers with similar standards established for federal student loan forgiveness programs, including, but not limited to, the Public Service Loan Forgiveness Program, Teacher Loan Forgiveness Program, and student loan forgiveness programs for healthcare workers and nurses.

- 5) **Forbearance requirement.** This measure also requires that CSU and UC grant DREAM loan borrowers state of emergency administrative forbearance in accordance with the USDE extended COVID-19 emergency relief for student loans. The USDE's emergency relief provides a freeze on monthly repayment through Aug. 31, 2022. This bill would extend a similar freeze to DREAM loan borrowers.

- 6) **Existing loan repayment options for DREAMers.** Current law specifies that each DREAM loan participating institution (CSU and UC) offer one income-based repayment plan option, in accordance with the federal loan program. Under the federal loan program, an income-driven repayment plan sets a monthly student loan payment at an amount that is intended to be affordable based on the student's income and family size. As mentioned in (4)(c) in this analysis, the federal program offers four income-based repayment plans and most loans are discharged after 20 years or 25 years depending on the plan. Additionally, according to the information provided by the Western Center for Law and Poverty, sponsors of the bill, "Current forms of repayment include income-based repayment, forbearance (pause on loan with interest growing), deferment (pause on loan without interest growing), and discharge (a forgiveness of the loan in special circumstances). The systems have been offering forbearance, deferment, and discharge since the establishment of the program and income-based repayment after the implementation of AB 1895 (Calderon, Chapter 747, statutes of 2018). It is unclear how often these different tools of repayment are used by these borrowers."
- 7) **Implementation challenges.** Ensuring borrowers have access to affordable repayment options is a worthy goal; however, the bill captures a wide range of program standards that could qualify as criteria for the proposed loan forgiveness option. Staff understands that UC has identified implementation challenges with the provision of the bill. *Should the bill move forward today, the author may wish to consider working with UC and CSU to ensure that provisions of the bill regarding forbearance, reporting requirements and loan forgiveness options are implementable.*

SUPPORT

California Student Aid Commission
California Undocumented Higher Education Coalition
Coalition for Humane Immigrant Rights (CHIRLA)
National Association of Social Workers, California Chapter
Southern California College Attainment Network

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2051 **Hearing Date:** June 22, 2022
Author: Cunningham
Version: April 25, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil instruction: financial literacy: instructional materials: professional development

SUMMARY

Requires the State Superintendent of Public Instruction (SPI) to allocate funding to local educational agencies (LEA), county offices of education (COE), charter schools, and state special schools for the purchase of standards-aligned instructional materials and professional development in financial literacy.

BACKGROUND

Existing law

- 1) Concurrently with, but not prior to, the next revision of textbooks or curriculum frameworks in the social sciences, health, and mathematics curricula, the state board shall ensure that these academic areas integrate components of human growth, human development, and human contribution to society, across the life course, and also financial literacy, including, but not limited to, budgeting and managing credit, student loans, consumer debt, and identity theft security. (Education Code § 51284)
- 2) When the history-social science curriculum framework is revised after January 1, 2017, the Instructional Quality Commission shall consider including age-appropriate information for grade spans on financial literacy and age-appropriate content related to the topics financial literacy in grade spans kindergarten - fifth; six- eighth, and ninth- twelfth. (EC § 51284.5)

ANALYSIS

Requires the SPI to allocate funding to LEA, COE, charter schools, and state special schools for the purchase of standards-aligned instructional materials and professional development in financial literacy.

- 1) Requires the SPI to allocate funding for the purchase of standards-aligned instructional materials in financial literacy for kindergarten and grades 1 to 12, and for professional development in that content, upon appropriation of the Legislature.
- 2) Requires the SPI to allocate funds to LEAs, COEs, charter schools, and state special schools on the basis of an equal amount per unit of regular average daily

attendance (ADA) based on the 2019–20 fiscal year (FY) and should be available for encumbrance through the 2025–26 FY.

- 3) Specifies a LEAs, COEs, charter schools, and state special schools shall expend funds allocated pursuant to this section for either or both of the following purposes:
 - a) Professional development for teachers, administrators, and paraprofessional educators or other classified employees involved in the direct instruction of pupils on financial literacy that is aligned to the history-social science curriculum framework adopted by the state board and the subject matters as specified in the Education Code.
 - b) Instructional materials aligned to the history-social science curriculum framework adopted by the State Board of Education and the subject matter as specified in the Education Code.
- 4) Clarifies funds allocated to LEAs, COEs, charter schools, and state special schools used for instructional materials and professional development related to financial literacy is subject to annual audits as specified.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office "California regularly scores in the lowest tier of financial literacy/personal finance readiness. Students and parents regularly report they want more access to financial literacy education. California currently does not have standalone curriculum for financial literacy or personal finance, rather they opt to allow educators to incorporate it into other classes, such as econ or math, if they want to. Because there isn't a graduation requirement, financial literacy classes can sometimes be difficult for school districts to organize/fund. By allocating money to buy materials, train teachers, etc. AB 2051 will allow California to provide the financial literacy classes that are so desperately needed how the individual districts see fit."
- 2) ***History-social science curriculum framework (HHS).*** The State Board of Education adopted the History-Social Science Framework on July 14, 2016, which contains financial literacy. For example:

Grade 1: Students acquire a beginning understanding of economics, including how people exchange money for goods and services, and how people make choices about how to spend money, including budgeting.

Grade 2: Students learn basic economic concepts of human wants, scarcity, and choice; the importance of specialization in work today.

Grade 9: (elective course in financial literacy): Students learn about credit cards and other forms of consumer debt, savings and budgeting, retirement planning, state and federal laws related to personal finance (e.g., bankruptcy), financial credit scores, credit card applications, bank account applications, simple and compound interest calculations, retirement calculations, and mortgage and interest

rates. Students also learn about the importance of managing credit and debt, and identity theft security.

High school economics course required for graduation: Students learn about personal budgeting, banking, debt, credit cards, interest, student loan debt, mortgage debt, saving, and investing. This content is presented in relation to larger economic issues and concepts.

- 3) **Additional resources provided by the California Department of Education (CDE) on financial literacy.** On CDE's website, it provides a host of lesson plans, curricula programs, student contests, professional development, research, and more. These resources span kindergarten through grade twelve (K–12), and many provide customizable support. For example:

California Council on Economic Education (CCEE). Founded as part of the California State University Foundation to provide economics and financial literacy training, the CCEE works with California teachers to support K–12 financial literacy education. They provide comprehensive economic and financial literacy resources for teachers and students, including lesson plans, student contests, and curricula programs.

Jump\$tart. This national nonprofit coalition consists of more than 100 organizations that share a commitment to “financial smarts for students” by providing resources and training to support financial literacy education. Their clearinghouse external link opens in a new window or tab and is a database of personal finance resources available from a variety of education providers such as government, business, and nonprofit organizations.

Next Gen Personal Finance (NGPF). NGPF provides a wide variety of up-to-date resources for teachers, students, and families. Resources include games (for both students and instructors), free curriculum units customizable by course length (for both middle and high school), case studies, Questions of the Day, a video library, blog, and podcast.

- 4) **Budget.** The 2022-23 State budget, the Arts, Music, Multi-lingual Libraries & Instructional Materials Block Grant proposes \$1.3 billion one-time Proposition 98 General Fund and \$9 billion one-time Proposition 98 General Fund for personnel (such as professional development) related costs. While not specifically directed toward financial literacy, this funding could be used for the purposed of this bill.
- 5) **Related legislation. AB 2814 (Wood)** of this Session requires the CDE to establish and administer the Emergency Planning Grant Program and award one million dollars in competitive grants to LEAs to support emergency planning activities, upon appropriation of the Legislature. *This bill is currently in Senate Education.*

AB 1718 (Boerner-Horvath) of this Session requires the SPI, upon appropriation of the budget, to allocate funding for the purchase of standards-aligned instructional materials in visual and performing arts and world languages in

kindergarten and grades 1 to 12, inclusive, and for professional development in those subjects. *This bill is currently in Senate Education.*

AB 2465 (M. Bonta) of this Session establishes the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program, to be administered by CDE, to support the goal of all of California's pupils reading at grade level by third grade. *This bill is currently in Senate Education.*

AB 2284 (Gabriel) of this Session requires, the SPI to allocate funding to LEAs, charter schools, and the state special schools for the purchase of standards-aligned instructional materials and professional development in media literacy and digital literacy, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

AB 2794 (Gipson) of this Session requires the SPI to allocate funding for professional development for staff in methods to improve school safety and school climate, including de-escalation training, and for the purchase of training materials in these subjects, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

AB 2546 (Calderon) Chapter 616, Statutes of 2016, Requires that, when the history-social science curriculum framework is revised after January 1, 2017, the Instructional Quality Commission (IQC) consider including specified content on financial literacy.

SUPPORT

California County Superintendents Educational Services Association (CCSESA)
California Credit Union League
California Bankers Association
California charter Schools Association
California chamber of Commerce

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No:	AB 2232	Hearing Date:	June 22, 2022
Author:	McCarty		
Version:	May 19, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: School facilities: heating, ventilation, and air conditioning systems.

SUMMARY

This bill requires a school district, county office of education (COE), charter school, private school, the California Community Colleges (CCC), the California State University (CSU), and requests the University of California (UC), to ensure that facilities, including classrooms for students, have heating, ventilation, and air conditioning (HVAC) systems that meet minimum ventilation rate requirements, as specified, and to install filtration that achieves minimum efficiency reporting values (MERV) levels of 13 or higher. Requires the Division of the State Architect (DSA) to propose for adoption mandatory standards for carbon dioxide monitors in classrooms of a covered school and the UC.

BACKGROUND

Existing law:

- 1) Defines "good repair" as a facility that is maintained in a manner that assures that it is clean, safe, and functional. Requires the school facility inspection and evaluation instrument and local evaluation instruments to include specified criteria, including the criterion that mechanical systems, including HVAC systems, are functional and unobstructed and appear to supply adequate amount of air to all classrooms, workspaces, and facilities.
- 2) Requires the State Allocation Board (SAB) to require school districts to make all necessary repairs, renewals, and replacements to ensure that a project funded by state bond funds is at all times maintained in good repair, working order, and condition. Requires a school district to establish a restricted account within the school district general fund for the purpose of providing moneys for ongoing and major maintenance of school buildings.
- 3) Requires the local control and accountability plan (LCAP) to include actions that address eight state priorities, including ensuring that school facilities are maintained in good repair.
- 4) Authorizes the Occupational Safety and Health Standards Board to adopt, amend or repeal occupational safety and health standards and orders.

ANALYSIS

This bill:

- 1) Establishes the following definitions:
 - a) "Covered school" means a school district, a COE, a charter school, a private school, the CCCs, or the CSU;
 - b) "HVAC" means heating, ventilation, and air conditioning; and
 - c) "MERV" means minimum efficiency reporting values.
- 2) Requires a covered school to, and the UC is requested to, ensure that facilities, including, but not limited to, classrooms for students, have HVAC systems that meet the minimum ventilation rate requirements set forth in Table 120.1-A of Part 6 (commencing with Section 100.0) of Title 24 of the California Code of Regulations unless the existing HVAC system is not capable of safely and efficiently providing the minimum ventilation rate.
- 3) Requires that, if a school's existing HVAC system is not capable of safely and efficiently providing the minimum ventilation rate as proposed to be required, the covered school to, and the UC is requested to, ensure that its HVAC system meets the minimum ventilation rates in effect at the time the building permit for installation of that HVAC system was issued.
- 4) Requires a covered school to, and the UC is requested to, document the HVAC system's inability to meet the current ventilation standards in the annual HVAC inspection report required by Title 8 of the California Code of Regulations Section 5142, and make this information available to the public upon request.
- 5) Requires a covered school to, and the UC is requested to, install filtration that achieves MERV levels of 13 or higher where feasible with the existing HVAC system.
- 6) Requires, during the 2022 Intervening Code Adoption Cycle of the California Building Standards Code (Title 24 of the California Code of Regulations), the DSA to research, develop, and propose for adoption mandatory standards for carbon dioxide monitors in classrooms of a covered school and the UC.
- 7) Specifies that this bill shall apply to the UC only to the extent that the Regents of the UC, by resolution, make it applicable.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Poor air quality in classrooms is a pervasive problem that negatively impacts student health and learning. Despite laws requiring schools to maintain functional HVAC systems to supply adequate ventilation and safe indoor air quality, poor indoor air quality remains an extensive problem. Additionally, poor installment of HVAC systems substantially increase energy costs and fail to maintain good indoor air quality. AB 2232 will require comprehensive HVAC inspections and air monitors in classrooms to

ensure the wellbeing and learning of California students are protected from the harmful effects of poor air quality.”

- 2) **HVAC requirements.** Various sections of the law require school facilities to be in good working order and well maintained, including specified inspections. In 2004, the state settled the *Williams v. California* lawsuit and agreed to a number of initiatives intended to provide equal access to instructional materials, safe and decent school facilities, and qualified teachers. The settlement resulted in an agreement to provide funds to low-performing schools, including \$800 million for emergency repair of school facilities. COEs were charged with inspection of the low-performing schools based on criteria of schools in good repair. "Good repair" is defined as a facility that is clean, safe, and functional. The settlement also includes a lengthy list of facilities components required to be inspected, including gas pipes, doors and windows, fences, fire sprinklers, fire extinguishers, alarm systems, electrical systems, lighting, drinking fountains, roofs, gutters, and mechanical systems, which includes HVAC systems.

Under the Labor Code, the Occupational Safety and Health Standards Board (Board) is authorized to develop health and safety requirements for the protection of workers. Regulations adopted by the Board require HVAC systems to be maintained and operated in accordance with the State Building Standards Code and continuously functioning during working hours with some exceptions (e.g., during scheduled maintenance). The regulations also require the HVAC system to be inspected at least annually and problems found during the inspections to be corrected within a reasonable time. The employer is required to document in writing the name of the individual inspecting or maintaining the system, the date of the inspection and/or maintenance, and the specific findings and actions taken. The records are required to be retained for at least five years and made available for examination and copying, within 48 hours of a request, to the Division of Industrial Relations, any employee of the employer, and to any designated representative of employees.

- 3) **Carbon dioxide monitors.** Studies have found a link between low ventilation rates (supply of outdoor air) in classrooms and attendance, health, and student performance. Adequate ventilation helps students be more alert and focused and is associated with fewer respiratory symptoms and absences due to illness. Ventilation standards are specified in Title 24 regulations. In a 2020 article, researchers at the Lawrence Berkeley National Laboratory and the Western Cooling Efficiency Center at UC Davis reported findings of a study of 11 K-12 schools, monitoring 104 classrooms, with ventilation rates of a majority of the classrooms exceeding the Title 24 level. Carbon dioxide monitors can be used as a proxy for the level of ventilation in a classroom. When classrooms are empty, carbon dioxide levels will be lower. When classrooms are occupied, carbon dioxide levels will be higher as carbon dioxide is exhaled by the people in the room.

The construction of school district, COE, and CCC facilities is required to comply with Title 24 regulations. Beginning January 1, 2023, Title 24 requires carbon dioxide monitors to be installed in all new classrooms. According to the DSA, during the next Title 24 regulatory code cycle, carbon dioxide monitors for

existing schools doing repairs or alterations may be considered. Charter and private schools are required to comply with local building codes and not Title 24 regulations.

- 4) **Arguments in support.** The United States Green Building Council states, "Under-ventilated schools are associated with increased transmission of infection, asthma exacerbation, cognitive impairment, and health impacts. This, in turn, affects how students learn. Students who attend schools with poor ventilation rates find it more challenging to learn, perform simple and complex tasks, and make decisions. Setting a minimum ventilation rate requirement would set the expectation that fresh air is not something that is nice to have, but rather is necessary for students and teachers to function at school."
- 5) **Arguments in opposition.** The California Catholic Conference states, "The goals and intent of AB 2232 are laudable. And while we agree that all of California's students should learn in modernized facilities, not all of California's schools have access to the same resources to that end. We would note that the Leroy F. Greene School Facilities Act of 1998 (California Education Code Sections 17070.10 to 17079.30), which serves as the legal anchor for AB 2232's proposed provisions, is specific to public schools. Nowhere in that Act's General Provisions (Education Code Section 17070.10 to 17070.99) are private schools mentioned. Neither are private schools referenced in the Act's Modernization Eligibility Determination section (Education Code Sections 17073.10 to 17073.25). Further, the bill seemingly acknowledges that private educational entities (not entitled to receipt of state funding for purposes of modernizing, or otherwise improving physical facilities) ought not be made subject to AB 2232's provisions via the omission of private institutions of higher education from the bill's enumeration of 'covered schools.' Private K-12 schools should be similarly excluded."
- 6) **Author amendments.** The Los Angeles Unified School District (LAUSD) has expressed concern that this bill, as currently drafted, could require school districts to install MERV 13 filters into HVAC systems that are rated for a lower level of filtration—increasing the risk of these systems failing prematurely. Further, concerns about timing have been raised by stakeholders regarding the requirement for DSA to develop mandatory standards for carbon dioxide monitors in classrooms during the 2022 Intervening Code Adoption Cycle.

To address these concerns, the author has proposed, and staff concurs with, amending this bill as follows:

- a) Require covered schools, and request the UC, to install filtration that achieves MERV levels of 13 or higher to the extent determined to be feasible and appropriate for the existing HVAC system.
- b) Specify that for existing HVAC systems not designed to achieve MERV levels of 13 or higher, covered schools shall, and the UC is requested to, install filtration that achieves the highest MERV level feasible without reducing the lifespan or performance of the existing HVAC system.

- c) Require the California Building Standards Commission and the DSA to propose for adoption mandatory standards for carbon dioxide monitors in classrooms upon the next triennial update of the California Building Standards Code.

SUPPORT

California Federation of Teachers
California Teachers Association
Western States Council Sheet Metal Workers

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2573 **Hearing Date:** June 22, 2022
Author: McCarty and Robert Rivas
Version: June 13, 2022
Urgency: No **Fiscal:** No
Consultant: Ian Johnson

Subject: Certificated school employees: probationary employees.

SUMMARY

This bill changes which credentialed employees can attain permanent employee status and removes differences of employment practices for school districts with less than 250 average daily attendance (ADA) and employees who were in their probationary period prior to the 1983-84 fiscal year.

BACKGROUND

Existing law:

- 1) Specifies that if the ADA of the schools and classes maintained by a county superintendent of schools is 250 or more, each person who, after being employed for two complete consecutive school years by the superintendent in a teaching position in those schools or classes requiring certification and whose salary is paid from the county school service fund, is re-elected for the next succeeding school year, shall be classified as a permanent employee.
- 2) Requires a probationary employee who, in any one school year, has served for at least 75% of the number of days the regular schools of the district in which he is employed are maintained to be deemed to have served a complete school year. In the case of evening schools, 75% of the number of days the evening schools of the district are in session shall be deemed a complete school year.
- 3) Authorizes the governing board of any school district to employ persons possessing an appropriate credential as certificated employees in programs and projects to perform services conducted under contract with public or private agencies, or categorically funded projects which are not required by federal or state statutes. The terms and conditions under which such persons are employed must be mutually agreed upon by the employee and the governing board and such agreement must be reduced to writing. Service pursuant to this section may not be included in computing the service required as a prerequisite to the attainment of, or eligibility to, classification as a permanent employee unless such person has served pursuant to this section for at least 75% of the number of days the regular schools of the district by which he is employed are maintained and such person is subsequently employed as a probationary employee in a position requiring certification qualifications.

- 4) Specifies that service by a person as an instructor in classes conducted at regional occupational centers or programs (ROC/Ps) may not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.
- 5) Specifies that every employee of a school district of any type or class having an ADA of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.
- 6) Specifies that the governing board of a school district of any type or class having an ADA of less than 250 pupils may classify as a permanent employee of the district any employee who, after having been employed by the school district for three complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications.
- 7) Requires governing boards of school districts to dismiss probationary employees during the school year for cause only, as in the case of permanent employees whose probationary period commenced prior to the 1983–84 fiscal year or who are employed in a school district having an ADA of less than 250 pupils. Authorizes the governing board to suspend a probationary employee for a specified period of time without pay as an alternative to dismissal for employees whose probationary period commenced prior to the 1983–84 fiscal year.
- 8) Specifies the governing board of any school district having an ADA of less than 250 may elect to dismiss probationary employees during the school year pursuant to the provisions of Section 44948.3.
- 9) Authorizes first and second year probationary employees to be dismissed during the school year for unsatisfactory performance or for cause, and specifies that this applies only to probationary employees whose probationary period commenced during the 1983–84 fiscal year or any fiscal year thereafter, and does not apply to probationary employees in a school district having an average daily attendance of less than 250 pupils.
- 10) Specifies a dismissal process for probationary employees of a school district with an ADA of less than 250 students and whose probationary period commenced prior to the 1983-84 fiscal year, which includes the following provisions, among others:
 - a) The dismissal hearing shall be conducted by an administrative law judge (ALJ).
 - b) The ALJ shall make a recommendation to the school board and the final dismissal decision shall be made by the school board.

- 11) Specifies that a person employed in an administrative or supervisory position requiring certification qualifications upon completing a probationary period, including any time served as a classroom teacher, in the same district, shall, in a district having an ADA of 250 or more pupils, be classified as and become a permanent employee as a classroom teacher. In a district having an ADA of less than 250 pupils, he or she may be so classified.
- 12) Specifies each person employed by a county superintendent of schools in a position requiring certification qualifications, except employees included in the civil service system or in any merit system, or any person who holds an office by virtue of an election conducted under the Elections Code or the Education Code, and whose salary is paid from the county school service fund, has the same right with respect to leaves of absence, sick leave, and bereavement leave as a person employed by a school district or a community college district in a position requiring certification qualifications.
- 13) Authorizes a county superintendent of schools to enter into contracts of employment with persons employed by him in positions requiring certification qualifications for periods not to exceed the end of the school year in which the term for which the county superintendent of schools was elected or appointed expires and in no event, for more than four years and six months.

ANALYSIS

This bill:

- 1) Deletes the prohibition on counting service as an instructor, conducted at regional occupational centers or programs (ROC/Ps), toward the service required to attain permanent employee status.
- 2) States that the provisions pertaining to certificated employees who provide services as part of a categorical funding project do not apply to adult education teachers.
- 3) Requires an employee of a school district with an ADA of 250 or less, who is reelected to a third year of employment in a position requiring certification, to be classified as a permanent employee of the school district, and makes conforming changes.
- 4) Requires a county office of education (COE) with an ADA of 250 or less, to award permanent status to employees in a teaching position requiring certification if they are re-elected for a third year of employment.
- 5) Requires that a probationary employee who, in any one school year, has served for at least 75 percent of the school year be deemed to have served a complete school year. In the case of a probationary employee in a part-time assignment that is at least 60 percent of the number of hours of a full-time assignment, and who, in any one school year, has served for at least 75 percent of the number of days required of the assignment, the employee shall be deemed to have served a complete school year.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "All students deserve to be taught by an experienced, high quality educator with a vested interest in the school community. However, current law denies adult education teachers, career technical education teachers, and teachers at small districts and county offices of education from the opportunity to obtain permanent status. By giving *all* certificated employees a pathway to permanent status, AB 2573 will give qualified teachers the job security they deserve and ensure that experienced educators are not dismissed unfairly."

- 2) ***What does this bill mean for credentialed employees?*** This bill makes four substantive changes regarding which credentialed employees can attain permanent employee status. The bill requires the following groups to attain permanent employee status after completing a probationary period:
 - a) Adult education teachers;
 - b) School district ROC/P instructors;
 - c) Certificated employees at school districts, with an ADA of 250 or less; and
 - d) Certificated employees in a teaching position at COEs, with an ADA of 250.

Further, the bill makes changes to code sections that differentiate employment practices for school districts with less than 250 ADA and employees who were in their probationary period prior to the 1983-84 fiscal year.

"Permanent employee" status guarantees employees due process rights if they are dismissed. In the case of dismissal, "permanent employee" status allows the employee to request a hearing before a Commission on Professional Competence to decide whether their dismissal was appropriate. Further, a "permanent employee" has the right to request a hearing during a reduction in force. This type of due process is similar to the state civil service due process.

- 3) ***Regional Occupational Centers and Programs.*** This bill eliminates the prohibition on service as an ROC/P teacher counting toward attaining permanent employee status. With the implementation of the Local Control Funding Formula (LCFF), ROC/Ps no longer receive categorical program funding. Instead, funding for ROC/Ps has been rolled into the funding that is allocated via the LCFF. Generally, ROC/P teachers have not been given permanent employee status due to the volatile nature of ROC/P funding and industry changes regarding specific courses offered through those programs.

Those representing ROC/P programs have expressed concerns that the provisions of this bill will make it impossible for their programs to keep up with industry and market demands. This claim is based on the fact that the process for laying off teachers with permanent status is usually—but not always—driven

by seniority rather than program demand. Given that ROC/Ps have a need to evolve and change along with the labor market, the ability to drop outdated courses and create new courses in industries where jobs are available is critical. As a result, the need to layoff teachers with outdated expertise and bring on new teachers is also an unfortunate reality.

Further, while existing law allows districts to deviate from laying off permanent status teachers in order of seniority if there is a specific need for personnel to teach a specific course of study, Career Technical Education (CTE) teaching credentials are assigned by industry sectors that are quite broad. This means that individuals with the same credential oftentimes have very different skills and expertise. For example, the Health Science and Medical Technology CTE credential encompasses individuals teaching dentistry, biotechnology, sports medicine, phlebotomy, screen printing, and more. The ROC/P community has expressed concerns that any attempt to lay off a permanent status instructor and replace them with a less senior instructor holding the same CTE credential will be successfully challenged, even if there is a demonstrated programmatic need to do so.

- 4) **Adult education teachers.** In general, adult education has been funded in California by "categorical" or restricted state funding. Currently, these funds are from the "California Adult Education Program (CAEP)" (formerly known as the "Adult Education Block Grant"). This funding distinguishes adult education from K-12 funding, which is not restricted for the most part, and which is also considered part of the constitutionally-mandated "regular" education program of a district.

Those representing adult education programs have argued that school districts are permitted to offer adult education programs to the extent there is state funding made available. Adult education programs remain fluid depending on the agreement between community colleges and school districts as community colleges are often in control of the funding distribution. Because adult education funding changes each year and funding distribution is primarily allocated through community colleges, granting permanency to adult education teachers will force school districts to mirror the costly and time prohibitive dismissal process for permanent certificated employees who work in a traditional classroom setting. It is unworkable to grant permanency to adult education teachers until control of this program is returned to K-12 districts.

- 5) **County offices and school districts with less than 250 ADA.** There are 27 COEs with less than 250 ADA and approximately 210 school districts with less than 250 ADA. This bill will affect those 210 school districts by requiring that all certificated employees attain permanent employee status after a probationary period. Additionally, at the 27 COEs with less than 250 ADA, certificated employees in a teaching position will earn permanent status after 2 years, instead of after 3 years.

Those representing these counties and districts have argued that because of their size, even slight fluctuations in enrollment might mean the difference between needing or not needing a second teacher for a specific grade. For

example, between the 2016-17 and 2017-18 school years, Montague Elementary School District's enrollment dropped from 175 to 154. That's a 12% drop in one school year, and would be the equivalent to Long Beach Unified losing over 8,600 kids between academic years. Small districts are adept at meeting the staffing challenges inherent in being small, and the flexibility current law allows is crucial.

SUPPORT

California Agricultural Teachers' Association
California Labor Federation
California School Employees Association
California Teachers Association
California Federation of Teachers AFL-CIO

OPPOSITION

Career Technical Education Joint Powers Authority Coalition
Govern for California
Orange County Business Council

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2284 **Hearing Date:** June 22, 2022
Author: Gabriel
Version: April 25, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Pupil instruction: digital literacy and media literacy grant program

SUMMARY

This bill requires the State Superintendent of Public Instruction (SPI) to allocate funding to local educational agencies (LEA), county offices of education (COE), charter schools, and state special schools for professional development and instructional materials related to digital and media literacy.

BACKGROUND

Existing law:

- 1) On or before July 1, 2019, the department shall make available to school districts on its Internet Web site a list of resources and instructional materials on media literacy, including media literacy professional development programs for teachers. (Education Code 51206.4 § (b))

ANALYSIS

This bill requires the SPI to allocate funding to LEAs, COEs, charter schools, and state special schools for professional development and instructional materials related to digital and media literacy.

General Provisions

- 1) Requires the SPI to, upon appropriation of the Legislature, allocate funding for the purchase of standards-aligned instructional materials in media literacy and digital literacy, for kindergarten and grades 1 to 12, and professional development.
- 2) Requires the SPI to allocate funds to LEAs, COE, charter schools, and the state special schools on the basis of an equal amount per unit of regular average daily attendance (ADA) based on the 2019-20 fiscal year (FY).
- 3) Specifies funding for this section shall be available for encumbrance through the 2025–26 fiscal year.
- 4) Requires LEAs, COEs, charter schools, and state special schools to spend funds on professional development in digital literacy and media literacy and instructional materials in digital literacy and media literacy that are aligned to the model school

library standards adopted by the state board, including resources identified by the department.

- 5) Specifies funds allocated to LEAs, COEs, charter schools, and state special schools are subject to an audit as specified in Education Code.

Definition of “digital literacy”

- 6) “Cyberbullying,” including the use of digital media tools, such as the internet, cellular telephones, and social media to deliberately upset or harass others.
- 7) “Digital literacy,” consisting of the skills and perspectives needed to read and write using a range of digital devices, typically in a networked environment.
- 8) “Information literacy,” including the ability to find, evaluate, and synthesize information from a variety of sources. Information literacy includes the ability to search for and effectively find information, but also to critically analyze the validity, credibility, and trustworthiness of information sources. In addition, information literacy includes the ability to effectively use sources according to copyright and fair use, and to cite sources appropriately, according to the Modern Language Association, American Psychological Association, and The Chicago Manual of Style citation methods. Information literacy also includes the ability to meaningfully curate sources.
- 9) “Internet safety”, including staying safe from online risks, such as avoiding risky online talk or encounters with inappropriate and harmful content.
- 10) “Media literacy,” which is an augmented conception of literacy that can respond to and reflect communication in the digital age. Media literacy is the ability to access, analyze, evaluate, create, and communicate using information in all forms. Media literacy is composed of competencies in understanding and using fundamental dimensions of communication, including, but not limited to, authorship, message construction, implicit and explicit message purpose, audience, aesthetic, and technical elements of production, and message effects.
- 11) “News literacy,” which is the application of critical thinking skills to the identification and consumption of news and journalistic information. News literacy includes skills in analyzing and evaluating the reliability of news information, specifically in discerning fact from opinion, bias, or agenda. As with other forms of literacy, production skills are essential to becoming news literate.
- 12) “Synthetic media,” which means an image, an audio recording, or a video recording of an individual’s appearance, speech, or conduct that has been intentionally manipulated with the use of digital technology in a manner to create a realistic but false image, audio, or video.

Intent of the Legislature

- 13) States the COVID-19 pandemic exposed the importance of internet-accessible learning devices for the ability of pupils to receive a modern education and that

pupils from low-income families face disproportionate barriers to accessing learning over the internet in their homes, partly because they do not have sufficient access to internet-accessible devices appropriate for learning.

- 14) States the purpose of this bill is to equip pupils, teachers, and families with the skills to safely navigate the online environment; expand training programs and technical assistance; and build the capacity of LEAs agencies to support digital navigation.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author “Kids today are using the immense power of digital media to explore, connect, create, and learn in ways never before imagined. These activities offer both awesome opportunities and potential pitfalls. Kids' digital lives don't stop at the school gates, and the spillover can result in cyberbullying, digital cheating, and health, safety, and security concerns. These negative aspects of the internet have the potential to cause great harm to children including increased rates of children reporting that they are unhappy overall, lower rates of satisfaction with their bodies, and increased rates of depression, anxiety, and suicidal thoughts. The necessity for digital and media literacy education is significant enough that, even given the current challenges facing public education, addressing it should be a priority. As children have grappled with the past two years of the pandemic, they have also become increasingly integrated into the digital space through virtual/hybrid learning, along with a continuation of the already existing trend towards younger children using technology and the internet. Supporting school districts in their ability to educate children on the best practices for engaging with digital information will be an important aspect of combating one of the many crises public schools are facing. Each year that children go without this education, additional harm has the potential to occur, and schools and families will get further behind understanding the technology that children regularly use. AB 2284 seeks to provide resources to our educators for the purchase of instructional materials and professional development on digital and media literacy so that they can implement more education on these topics. Ensuring that our teachers and school districts have funds available to them if they have the capacity to explore further implementation of digital and media literacy education will greatly benefit California's children.”
- 2) **What is media literacy?** According to the National Association for Media Literacy Education, media literacy is the ability to access, analyze, evaluate and create media in a variety of forms. The Center for Media Literacy offers another definition: “Media literacy empowers people to be both critical thinkers and creative producers of an increasingly wide range of messages using image, language, and sound. It is the skillful application of literacy skills to media and technology messages.
- 3) **Model School Library Standards for California Schools (2010).** The California Model School Library Standards for California Schools, adopted by the SBE in 2011, incorporate “information literacy” skills, in which students “learn to access, evaluate, use, and integrate information and ideas found in print, media, and digital resources, enabling them to function in a broadly to include words (whether printed or spoken), visual images (including photographs and artwork), and music. The

standards are organized into four concepts (accessing, evaluating, using, and integrating information) which contain standards spanning all of the grades. In the area of evaluating information, students are expected to be able to determine the relevance of information; assess the comprehensiveness, currency, credibility, authority, and accuracy of resources; and consider the need for additional information.

- 4) **California Department of Education (CDE).** CDE has provided on its website a list of resources to help parents, administrators, and students. Below are examples of the content the webpage contains:

Digital Citizenship. According to CDE, “in an effort to lead students in the ever changing digital world, it is important to help students take ownership of their online and offline lives. This also includes partnering with parents to empower parents and help them make smart choices with their students.” Each year, in January and October, CDE focuses on Digital Citizenship providing resources for parents, students, and educators information for schools to meet Children’s Internet Protection Act (CIPA) requirements as well as become certified.

Technology Information Center for Administrative Leadership (TICAL). TICAL provides professional development for district and site administrators, linking them with technology to aid in day-to-day operations.

- 5) **Budget.** The 2022-23 State budget, the Arts, Music, Multi-lingual Libraries & Instructional Materials Block Grant proposes \$1.3 billion one-time Proposition 98 General Fund and \$9 billion one-time Proposition 98 General Fund for personnel (such as professional development) related costs. While not specifically directed toward digital/media literacy, this funding could be used for the purposed of this bill.
- 6) **Related legislation. AB 2814 (Wood)** of this Session requires the CDE to establish and administer the Emergency Planning Grant Program and award one million dollars in competitive grants to LEAs to support emergency planning activities, upon appropriation of the Legislature. *This bill is currently in Senate Education.*

AB 1718 (Boerner-Horvath) of this Session requires the SPI, upon appropriation of the budget, to allocate funding for the purchase of standards-aligned instructional materials in visual and performing arts and world languages in kindergarten and grades 1 to 12, inclusive, and for professional development in those subjects. *This bill is currently in Senate Education.*

AB 2465 (M. Bonta) of this Session establishes the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program, to be administered by CDE, to support the goal of all of California’s pupils reading at grade level by third grade. *This bill is currently in Senate Education.*

AB 2794 (Gipson) of this Session requires the SPI to allocate funding for professional development for staff in methods to improve school safety and school

climate, including de-escalation training, and for the purchase of training materials in these subjects, subject to an appropriation for this purpose. *This bill is currently in Senate Education.*

AB 2051 (Cunningham) of the Session requires the SPI) to allocate funding to LEAs, COEs, charter schools, and state special schools for the purchase of standards-aligned instructional materials and professional development in financial literacy. *This bill is currently in Senate Education.*

AB 2546 (Calderon) Chapter 616, Statutes of 2016, Requires that, when the history-social science curriculum framework is revised after January 1, 2017, the Instructional Quality Commission (IQC) consider including specified content on financial literacy.

SUPPORT

Common Sense
Media Alliance
Adobe System
The Greenlining Institute
Technet-Technology Network

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022 Regular

Bill No:	AB 2459	Hearing Date:	June 22, 2022
Author:	Cervantes		
Version:	May 19, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Postsecondary education: student housing: data collection

SUMMARY

This bill requires the office of the Chancellor of the California State University (CSU) and the office of the Chancellor of the California Community Colleges (CCC), and request the office of the President of the University of California (UC), to require each campus that provides student housing to post on its external and internal internet websites, on the first day of every other month, specified information about the campus housing stock, the number of students requesting housing, and how many students are on waitlists.

BACKGROUND

Existing law:

- 1) Requires the CSU, and request the UC, to conduct a needs assessment to determine the projected student housing needs, by campus, from the 2022–23 fiscal year (FY) to the 2026–27 FY and create a student housing plan, with a focus on affordable student housing. (Education Code § 66220)
- 2) Establishes basic needs centers and basic needs coordinators on CCC campuses by July 1, 2022, to support students in finding resources to alleviate their basic needs including food and housing insecurities, and requires CCC campuses to report data to the office of the CCC Chancellor's Office on basic needs services and the number of students who are served. Existing law requires this report to be made available to the Legislature annually beginning on May 1, 2023. (EC § 66023.5)
- 3) Requires each campus of the CSU, and requests each campus of the UC, to post on its website annually by February 1, information about the market cost of a one-bedroom apartment in the areas surrounding that campus where its students commonly reside. Existing law requires campuses to exercise due diligence and to consult bona fide and reliable sources of current information about local housing market costs, as specified. Existing law requires that the information be posted in the same location on the campus website where the housing cost estimates for off-campus students are posted. (EC § 66014.2)
- 4) Requires, the United States Secretary of Education to make publicly available on the College Navigator website specified information about each institution of higher education that participates in federal financial aid programs, which includes,

among many other things, the cost of attendance for first-time, full-time undergraduate students who live on campus and for those who live off-campus. (United States Code, Title 20, § 1015a)

ANALYSIS

This bill requires the office of the Chancellor of the CSU and the office of the Chancellor of the CCC, and request the office of the President of the UC, to require each campus that provides student housing to post on its external and internal internet websites, on the first day of every other month, specified information about the campus housing stock, the number of students requesting housing, and how many students are on waitlists. Specifically, this bill:

- 1) Requires the office of the Chancellor of the CSU and the office of the Chancellor of the CCC, and requests the office of the President of the UC, to require each campus that provides student housing to post on its external and internal internet websites, on the first day of every other month, all of the following information:
 - a) The number of enrolled local and non-local students.
 - b) Existing campus housing stock, including, but not limited to, the number of available beds on campus.
 - c) The number of students on the campus housing waiting list, and how many students have removed themselves from the waiting list since the last report.
 - d) If available, the number of students who request on-campus housing once they are no longer eligible for guaranteed housing.
 - e) The number of incoming freshmen, transfer students, and international students requiring housing.
- 2) Requires this data to be collected by the on-campus department or center that is tasked with providing on-campus and off-campus housing assistance to students.
- 3) Requires the office of the Chancellor of the CSU and the office of the Chancellor of the CCC, and requests the office of the President of the UC, to submit an annual report with the information described in # 1 above (each segment submits one report compiled of all campus-level data) to the Legislature, with the first report being due by October 15, 2023.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "The State has generally regarded meeting student housing needs as the responsibility of higher education institutions. However, since campuses do not routinely provide data on campus occupancy rates and waitlists for student housing, we are unaware of whether our public institutions of higher learning are meeting those housing needs. By providing information on the number of available beds and the number of

students on housing waitlists at each campus, AB 2459 will allow the Legislature to exercise proper oversight and accurately assess student housing needs. It will also provide students, particularly under-resourced students, with more complete and accurate information to make housing decisions at their campuses."

- 2) *What do we know about student housing needs?* According to the 2021 Public Policy Institute of California (PPIC) report, "Keeping College Affordable for California Students," living expenses, housing, books, and food expenses have outpriced the cost of tuition. The report noted that housing expenses are now the largest cost associated with attending college and is a barrier preventing many students from seeking higher education. In October 2019, the PPIC reported in "Making College Affordable," on-campus housing at the UC made up 45 percent of the total cost of attendance, and at the CSU, housing costs made up 53 percent of the total cost of attendance. In 2019, the California Student Aid Commission published the results of the Student Expenses and Resources Survey (SEARS), which found 35 percent of students experienced one or more conditions of housing insecurity and established a correlation between housing insecurity and lower completion, persistence to degree, and credit attainment.
- 3) *What housing information is currently available?* Each CSU campus is required, and each UC campus is requested, to annually post on its website information about the market cost of a one-bedroom apartment in the areas surrounding that campus where its students commonly reside.

Recently enacted legislation requires the CSU, and requests the UC, to conduct a needs assessment to determine the projected student housing needs, by campus, from 2022–23 to 2026–27, and create a student housing plan with a focus on affordable student housing. Housing plans are to outline how the segment will meet the projected student housing needs, by campus, and include the specific actions to be taken each year. The students housing plans are to be reviewed and updated every three years after July 1, 2022, and include the specific actions to be taken in the next five years.

This bill applies only to campuses that provide student housing and would provide additional information specific to on-campus housing and about the pool of the student body that is seeking on-campus housing. Committee staff believes that all of the information this bill requires to be posted is currently being collected by campuses. This could provide a broader perspective of the overall housing situation for students at each campus and across postsecondary education segments. This bill requires campus-based data to be compiled into systemwide reports, thereby allowing housing information about each segment, and each campus of the segments, to be available on one site. *It is possible, but not certain, that the student housing plans to be developed for 2022-23 through 2026-27 will include the information specified in this bill.*

As noted by the author, "campuses set their own housing goals, and campus goals vary. Many campuses aim to house all interested first-year students. Some campuses aim to house first- and second-year students. In addition to single undergraduate students, university campuses typically have goals to accommodate a particular share of graduate students and students with

families.” The author cites the need to understand how California’s public postsecondary education campuses and segments are meeting students’ current and future housing needs.

Information included on the main websites of the CCC, CSU, and UC include:

[Affordable Student Housing | California Community Colleges Chancellor's Office \(cocco.edu\)](http://cocco.edu)

[Agenda-Packet 2-11 Affordable-Student-Housing-Taskforce.pdf \(cocco.edu\)](#)
[Affordable Student Housing Taskforce \(cocco.edu\)](#)

[Housing Program | CSU \(calstate.edu\)](http://calstate.edu)

[Student Housing Initiative | UCOP](#)
[Campus Housing | University of California](#)
[Typical Housing Cost Near UC Campuses 2022 \(ucop.edu\)](#)

- 4) *Technical amendment and things to consider.* **Staff recommends an amendment** to clarify that information to be posted relative to requests for housing by incoming students is specific to requests for *on-campus* housing.

This bill requires postsecondary education segments and their respective campuses to post student housing information on the first day of every other month. *Is this frequency necessary? Could the information be posted prior to the beginning of each semester or quarter?*

This bill requires posted information to include the number of enrolled local and non-local students. *The author may wish to consider defining local and non-local, such as basing it on the distance from the campus where the student resided immediately prior to enrollment at the campus.*

- 5) *Related budget activity.* Budget trailer bill language established the Higher Education Student Housing Grant Program in 2021, to increase capacity and expand the inventory of student housing at public postsecondary education institutions, particularly to help foster future enrollment growth and affordability by reducing the cost of student housing, especially for lower-income students. The program is to receive a total of \$2 billion over three years for three rounds of grants. Of the total \$2 billion, statute specifies \$400 million (20 percent) is for UC, \$600 million (30 percent) is for CSU, and \$1 billion (50 percent) is for CCC. Additionally, up to \$25 million of the total \$2 billion is available for initial planning and feasibility studies at community colleges. Most notably, statute specifies rents for the state-funded on-campus housing units cannot exceed 30 percent of 50 percent of a campus’s area median income. [The 2022-23 Budget: Student Housing \(cocco.edu\)](#)
- 6) *Fiscal impact.* According to the Assembly Appropriations Committee, minor ongoing costs to local community college districts (Proposition 98/GF) to collect and report the required information. Most community college districts do not provide student housing. If the Commission on State Mandates determines that

this bill imposes a state-mandated local program, costs would be reimbursable. However, aggregate costs are likely to be below \$150,000. Minor, absorbable costs to CSU, UC, and the CCCs to submit the annual report

- 7) *Related legislation.* AB 1764 (Medina, 2022) establishes a reporting requirement for the CCC and the CSU, and requests the University of California UC, to collect data on student housing insecurities at each of their respective campuses, and removes the requirement for residential student housing plans to be approved by the Department of General Services Division of the State Architect. AB 1764 is scheduled to be heard by this Committee on June 22.

SUPPORT

None received

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2482 **Hearing Date:** June 22, 2022
Author: Calderon
Version: June 1, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Public postsecondary education: student health: pilot program: wellness vending machines

SUMMARY

This bill requires the California State University (CSU) and California Community Colleges (CCCs) to select five campuses within each respective segment to participate in the Wellness Vending Machine Pilot Program for the purpose of maintaining wellness vending machines that dispense specified non-prescription wellness products.

BACKGROUND

Existing law:

- 1) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services. (California Constitution, Article IX, Section (9)(a))
- 2) Establishes the Donahoe Higher Education Act and assigns the missions of the CCC, the CSU, and the UC. (Education Code § 66010 et. seq.)
- 3) Stipulates no provision of the Donahoe Higher Education Act shall apply to the UC unless the UC Regents adopts the provision. (EC § 67400).
- 4) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Board of Trustees the power, duties, and functions with respect to the management, administration, and control of the CSU system. (EC § 66606 and 89030 et. seq.)
- 5) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. (EC § 70900)

ANALYSIS

This bill requires the CSU and CCC to select five campuses within each respective segment to participate in the Wellness Vending Machine Pilot Program for the purpose

of maintaining wellness vending machine that dispenses specified wellness products. Specifically, this bill:

- 1) Establishes the Wellness Vending Machine Pilot Program and requires the CSU and CCC to administer the pilot program at their respective segments.
- 2) Requires the CSU and CCC to select five campuses within their respective segments, which are deemed most appropriate, to participate in the pilot program.
- 3) Provides that participation by community college campuses is voluntary.
- 4) Requires each participating campus to establish at the main campus, a satellite campus, or both, at least one wellness vending machine that dispenses wellness products, including, but not limited to:
 - a) Condoms.
 - b) Dental dams.
 - c) Menstrual cups.
 - d) Lubrication.
 - e) Tampons.
 - f) Menstrual pads.
 - g) Pregnancy tests.
 - h) Non-prescription drugs, including discounted emergency contraception.
- 5) Requires each participating campus to do both of the following:
 - a) Place wellness vending machines in central locations on campus that will enable students to have access 24 hours per day, seven days per week, to the extent possible.
 - b) Select and implement at least one of the following methods, or other chosen method, to notify students of the presence of the wellness vending machine:
 - i) Pamphlets.
 - ii) Posters.
 - iii) Flyers.

- iv) Social media.
 - v) Creating or updating internet websites.
 - vi) Hosting a grand opening event.
 - vii) Outreach to campus clubs and organizations.
 - viii) During an orientation session.
- 6) Requires the CSU and CCC, by July 1, 2025, and annually thereafter, to submit a report to the Legislature on the pilot project at its participating campuses, with information disaggregated by campus.
- 7) Requests the UC to select *any number* of campuses, which are deemed most appropriate, to participate in the pilot program, and requests each participating campus to do everything described in #s 4 -5, and requests UC to report pursuant to # 6, above.
- 8) Sunsets the provisions of this bill on July 1, 2029.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Access to quality, affordable healthcare products is essential for ensuring health and wellness – a crucial component to college students' success. In the fall of 2020, the CCC served about 1.8 million students across 116 colleges, the CSU served a total of 537,849 students across 23 campuses, and the UC served more than 280,000 students across nine campuses. While every one of the CSU and UC campuses have a student health center, most are not available 24/7, many lack same-day appointments, and they are closed on the weekends. Additionally, not every one of the CCC's has a student health center on-site. This means a large proportion of college students seeking health and wellness products off-campus or outside of operating hours must travel to the closest pharmacy – sometimes as far as two to three miles away, with many closing after midnight. This can prove difficult for students who do not have access to a car or when public transportation is not proximate to a pharmacy.

"Installing a wellness vending machine has the potential to address these barriers to care by allowing students to access over-the-counter health products outside the confines of pharmacy hours and without the need for personal transportation given that they are easily accessible. Because the maintenance and re-stocking costs are low and staffing needs are minimal, these vending machines will also address affordability barriers which prevent students from accessing quality care."

- 2) *Existing wellness vending machines.* According to data provided by the author, wellness vending machines have been installed and positively received by students in several California public and independent colleges and universities.

Some of the campuses include, but are not limited to, the following: 1) UC Davis; 2) UC Riverside; 3) UC Santa Barbara; 4) UCLA; 5) UC Berkeley; 6) CSU Northridge; 7) Stanford University; 8) Scripps College; 9) Pomona College; and, 10) University of Southern California. While campuses may currently install and maintain a wellness vending machine, this bill standardizes a minimum number of products to be provided and requires the CSU and CCC to report on the pilot program to provide information about programs across each segment.

- 3) *Access to wellness products by minors.* None of the products listed in this bill are prohibited from being provided to minors; emergency contraception is available to minors through a pharmacy without a prescription.
- 4) *Contents of the report.* This bill requires the CSU and CCC, by July 1, 2025, and annually thereafter, to submit a report to the Legislature on the pilot project at its participating campuses, with information disaggregated by campus. However, this bill does not specify what the report is to include. **Staff recommends an amendment** to require the report to include, but not be limited to, all of the following:
 - a) Location of the wellness vending machine.
 - b) The times of day, and which days of the week, the wellness vending machine is stocked, functioning and accessible to students.
 - c) Costs to acquire and maintain the wellness vending machine.
 - d) Which method or methods were used to notify students of the presence of the wellness vending machine.
 - e) The types of products offered through the wellness vending machine.
 - f) Whether the pricing for each type of product was at a discounted rate.
 - g) Total volume of sales, disaggregated by product.
 - h) The name of each entity or organization the campus or segment partners with to offer products through the wellness vending machine.
 - i) Sources of funding used to finance the wellness vending machine.
- 5) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose the following costs:
 - a) Negligible costs, if any, to install and maintain the vending machines. Vending machines are typically self-supporting with revenue generated from sales.
 - b) Minor absorbable costs to CSU, UC, and the CCC to provide the required reports.

American College of Obstetricians and Gynecologists, District IX
Office of Lieutenant Governor Eleni Kounalakis

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2508 **Hearing Date:** June 22, 2022
Author: Quirk-Silva
Version: June 9, 2022
Urgency: No **Fiscal:** No
Consultant: Kordell Hampton

Subject: Pupil services: educational counseling

SUMMARY

Urges the governing board of a local educational agency (LEA) to provide a comprehensive educational counseling program for all pupils and redefines the definition of educational counseling and services provided to pupils to reflect current practices.

BACKGROUND

Existing law

California Code of Regulations (CCR)

- 1) Specifies that local educational agencies (LEA) are not precluded from utilizing community-based service providers, including volunteers, individuals completing counseling-related internship programs, and state licensed individuals and agencies to assist in providing pupil personnel services, provided that such individuals and agencies are supervised in their school-based activities by an individual holding a pupil personnel services authorization. (CCR , Title 5, § 80049.1(c))

Education Code (EC)

- 2) Expresses the intent of the Legislature that the governing board of each LEA and each county superintendent of schools maintain fundamental school health services at a level that is adequate to accomplish all of the following: preserve pupils' ability to learn, fulfill existing state requirements and policies regarding pupils' health, and contain health care costs through preventive programs and education. (EC § 49427)
- 3) Expresses the intent of the Legislature that school counselors, among other things, plan, implement, and evaluate programs to promote the academic, career, personal, and social development of all pupils, including pupils from low-income families, foster youth, homeless youth, undocumented youth, and pupils at all levels of academic, social, and emotional abilities (EC § 49600)

ANALYSIS

Urges the governing board of a local educational agency (LEA) to provide a comprehensive educational counseling program for all pupils and redefines the definition of educational counseling and services provided to pupils to reflect current practices. Specifically, this bill:

Amends the Legislative Intent of School Counselor Duties

- 1) Declares school counselors engage with, advocate for, and provide direct services, including, but not limited to, individual counseling, group counseling, risk assessment, crisis response, and instructional services, including, but not limited to, mental health, behavioral, academic, and postsecondary educational services.
- 2) Declares school counselors engage with, advocate for, and provide indirect services, including, but not limited to, positive school climate strategies, teacher and parent consultations, and referrals to public and private community services.
- 3) Plan, implement, and evaluate comprehensive school counseling programs.
- 4) Work within multi-tiered systems of support that use multiple data sources to monitor and improve pupil behavior, attendance, engagement, and achievement.
- 5) Develop, coordinate, and supervise comprehensive pupil support systems in collaboration with teachers, administrators, other pupil personnel services professionals, families, community partners, and community agencies, including county mental health agencies.
- 6) Promote and maintain a safe learning environment for all pupils by providing restorative practices, positive behavior interventions, and support services, and by developing and responding with a variety of intervention strategies to meet individual, group, and school community needs before, during, and after crisis response.
- 7) Intervene to ameliorate school-related problems, including problems related to chronic absences and retention.
- 8) Use research-based strategies to promote mental wellness, reduce mental health stigma, and identify characteristics, risk factors, and warning signs of pupils who develop, or are at risk of developing, mental health and behavioral disorders and who experience, or are at risk of experiencing, mistreatment, including mistreatment related to any form of conflict or bullying.
- 9) Improve school climate and pupil well-being by, including, but not limited to, addressing the mental and behavioral health needs of pupils during their times of transition, separation, heightened stress, and critical changes, and accessing community programs and services to meet those needs.
- 10) Enhance pupils' social and emotional competence, character, health, civic engagement, cultural literacy, and commitment to lifelong learning and the pursuit of high-quality educational programs.

- 11) Provide counseling services for unduplicated pupils who are classified as English learners, eligible for free or reduced-price meals, or foster youth in a manner that promotes equity and access to appropriate education systems and public and private services.

Amends the Definition, and Services, of Education Counseling

- 12) Defines "educational counseling" to mean a specialized service provided by a school counselor possessing a valid credential with a specialization in pupil personnel services who directly counsels pupils and implements equitable school programs and services that support pupils in their academic development, social emotional development, and college and career readiness; and includes additional academic counseling and postsecondary services, in the following areas:
 - a) Progress towards achievement of proficiency standards and competencies.
 - b) High-quality career programs at all grade levels for pupils, in which pupils are assisted in doing, among other things, work self-efficacy for the ever-changing work environment, the changing needs of the workforce, and the effects of work on the quality of life, understanding the value of participating in career technical education pathways, programs, and certifications, and understanding entrance requirements to the Armed forces of the United States.
- 13) Adds optional duties of educational counseling to include the following:
 - a) Advising pupils, in consultation with their parents and legal guardians when at all possible, who are at risk of not promoting or graduating with the rest of their class;
 - b) In schools that enroll pupils in grades 6 to 12, developing a list of coursework and experience necessary to assist and counsel each pupil to begin to satisfy the A-G requirements for admission to the University of California (UC) and the California State University (CSU) and encourage participation in college preparation programs, including the Advancement Via Individual Determination (AVID) program, and early college, dual enrollment, advanced placement, and international baccalaureate programs;
 - c) Developing pupil knowledge of financial aid planning for postsecondary education by providing pupils with financial aid information, including, information on the Free Application for Federal Student Aid (FAFSA), the California Dream Act application (CADAA), the Cal Grant Program, local and national scholarship programs, financial aid programs and resources for foster and homeless youth, fee waiver programs, and other financial aid programs and options, and net college cost;
 - d) Providing mental and behavioral health services to which pupils receive prevention, early intervention, and short-term counseling services and receive classroom instruction in mental health to reduce stigma and increase

awareness of counseling support services; and, Providing training to school staff to recognize mental health warning signs.

Other Provisions

- 14) Replace obsolete terminology and makes other technical changes.
- 15) Urges the governing board of an LEA to provide a comprehensive educational counseling program for all pupils enrolled in that LEA.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author "School Counselors, in our schools have mental health training, and often serve as "first responders" who can identify students who are depressed or suffering from trauma. Numerous studies show that a well-staffed school counseling department can help boost student academic performance, decrease absenteeism and narrow the achievement gap between white students and their Black and Latino peers. School Counselors have an impact on suicide awareness on campus, and help reduce behavioral problems among younger children. Updating the 35 year-old statute in our California Education Code aligns the work of school counselors with the state strategic focus areas, including equity, access, chronic absenteeism, student behavior and safety, career and college readiness, and mental health. AB 2508 updates definitions and provisions within Section 49800 of the California Education Code regarding *Educational Counseling.*"
- 2) **COVID-19 has had an exacerbating effect on mental health issues.** According to the 2020 report, "Roadmap for Resilience: The California Surgeon General's Report on Adverse Childhood Experiences, Toxic Stress, and Health," COVID-19 has only furthered the mental health issues children face. As the report notes, "For many children, the school is a bedrock of community belonging. The pandemic has not only disrupted children's academic opportunities and connections with their peers and educators, it has also surfaced new and difficult experiences in the home: fear, anxiety, financial distress, food and housing insecurity, and countless other challenges. Economic uncertainty is associated with increases in harsh parenting, which increases risk for child abuse and neglect, and the loss of friends and family through illness and isolation can also increase the total dose of acute stress and adversity and reduce the dose of buffering supports available from caregivers, educators, and other adults."
- 3) **Mental Health Professional Shortage.** The Census Bureau reported that 30 percent of American adults had symptoms consistent with an anxiety or depression diagnosis. While the pandemic has exacerbated underlying mental health issues for many Americans, barriers to receiving mental health care have existed for years. A central issue is the lack of mental health care professionals.

According to the National Survey on Drug Use and Health (NSDUH), 12.3 percent of adolescents had a major depressive episode in 2014-2015. In 2014-2015, 6.6 percent of persons age 12 or older had an alcohol use disorder. Historically, many Californians with behavioral health needs have had difficulty obtaining the services

they need. Among California adolescents who had a major depressive episode between 2011 and 2015, only 32.1 percent reported that they received treatment within the past year.

In a report published by the California Future Health Workforce Commission, without significant changes to the system, the situation in California will only get worse. The Commission projects that California will have 41 percent fewer psychiatrists and 11 percent fewer psychologists, marriage and family therapists, clinical counselors, and social workers than needed by 2030. Gaps in care are particularly acute for millions of Californians already living in communities facing overall shortages of health professionals, including both rural and underserved urban areas. Meeting behavioral health needs is critical to optimizing the health and well-being of Californians.

- 4) **School Counselors.** According to the California Department of Education (CDE), school counselors are authorized to provide education counseling services in grades kindergarten through fourteen. They work with all grade levels as a part of a team of School-Based Mental Health Professionals (SBMHP). These professionals include school counseling, school social work, school psychology, and child welfare and attendance. As part of a multidisciplinary team, school counselors collaborate as a unified and cohesive component of the larger school system to meet the learning and developmental needs of all students.

School counselors are trained to:

- Establish educational opportunities of equity and culturally responsive practices to promote each student's academic success and well-being.
- Recognize, respect, and utilize each student's strengths, experiences, and background as assets for teaching and learning.
- Confront and alter institutional biases of student marginalization, deficit-based schooling, and low expectations.
- Provide opportunities to develop an understanding regarding issues of discrimination, implicit bias, social justice, diversity, and knowledge of how they may contribute to, or detract from, school success.
- Increase awareness of mental health programs and services to address barriers.
- A positive school culture and climate can enhance the safety and well-being of all students.

School counselors are stakeholders in school and district level implementation of Multi-Tiered System of Supports (MTSS). This includes programs such as positive behavioral support, and behavioral intervention strategies and supports. Components of a MTSS school counseling program include academic, career exploration and development, and social/emotional.

- 5) **Multi-Tiered System of Support.** CDE's definition of Multi-Tiered System of Support (MTSS) provides a basis for understanding how California educators can work together to ensure equitable access and opportunity for all students to achieve the Common Core State Standards (CCSS).

Many schools voluntarily follow models of tiered interventions to address student needs prior to imposing discipline or making referrals to special education. Models include Schoolwide Positive Behavior Interventions and Supports, Response to Intervention, and Positive Environments Network of Trainers. Typically, the base tier is a schoolwide approach involving instruction, school climate, etc. The middle tier is targeted at students who did not respond to the schoolwide efforts and involved more intense interventions such as tutoring. The top tier focuses on a smaller group of students who continue to need support and may include very intense and frequent services such as counseling.

The Student Success Team, formerly the Student Study Team, is a positive schoolwide early identification and intervention process. Working as a team, the student, parent, teacher, and school administrator identify the student's strengths and assets upon which an improvement plan can be designed. As a regular school process, the team intervenes with school and community support and an improvement plan that all team members agree to follow. Follow-up meetings are planned to provide a continuous casework management strategy to ensure the needs of students are met.

- 6) **Related legislation. AB 552 (Quirk-Silva)** authorizes a county behavioral health agency (CBHA) and the governing board or governing body of a LEA to enter into an Integrated School-Based Behavioral Health Partnership Program, to provide prevention and early intervention, and access to, behavioral health and substance use disorder services for pupils at schoolsites. *This bill is currently in Senate Health.*

SB 1229 (McGuire) of this Session bill would require the California Student Aid Commission to administer the Mental Health Workforce Grant Program, as established by this bill, to increase the number of mental health professionals serving children and youth. *This bill is currently in Assembly Higher Education.*

AB 2366 (Chu) of the 2019-20 Session would have, subject to funding for this purpose, established the Trauma, Grief, and Loss Pilot Program and would have authorized LEA, COEs, and charter schools to apply to participate in a multi-year program by designating at least one trauma, grief, and loss counselor to be generally accessible to pupils in grades 9 to 12 at each participating school site. *This bill was held in the Assembly Education Committee.*

SB 451 (Lara), Chapter 539, Statutes of 2015 stated the Legislature's intent that school counselors also perform specified other functions and services to support pupil learning and achievement and specify that educational counseling may also include counseling in specified other areas, including, but not limited to, individualized review of a pupil's career goals. Requires professional development related to career and vocational counseling to include strategies for counseling pupils in specified areas.

SUPPORT

Orange County Department of Education
California Association of School Counselors

OPPOSITION

None on file.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2731 **Hearing Date:** June 22, 2022
Author: Ting
Version: May 19, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Schoolbuses: zero-emission vehicles.

SUMMARY

This bill requires that, commencing January 1, 2035, all newly purchased or contracted schoolbuses of a local educational agency (LEA) be zero-emission vehicles.

BACKGROUND

Existing law:

- 1) Defines a "schoolbus" as a motor vehicle designed, used, or maintained for the transportation of any school pupil at or below the 12th grade level to or from a public or private school or to or from public or private school activities.
- 2) Requires the California Highway Patrol to inspect every schoolbus at least once each school year to ascertain whether its construction, design, equipment, and color comply with all provisions of law.
- 3) Requires all diesel-fueled schoolbuses with a Gross Vehicle Weight Rating (GVWR) over 14,000 pounds to have a Level 3 PM filter, the highest level verified retrofit, or an original equipment manufactured particulate matter (PM) filter that most commonly comes installed on 2007 model year and newer engines. Prohibits, as of January 1, 2012, schoolbuses manufactured before April 1, 1977, to operate in California. Requires recordkeeping to demonstrate compliance in lieu of a report.
- 4) Authorizes the governing board of any school district to provide for the transportation of pupils to and from school whenever in the judgment of the board the transportation is advisable and good reasons exist therefor. Authorizes the governing board to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or to contract with and pay responsible private parties for the transportation. Authorizes these contracts to be made with the parent or guardian of the pupil being transported.
- 5) Requires, in order to procure the service at the lowest possible figure consistent with proper and satisfactory service, the governing board to, whenever an expenditure of more than \$10,000 is involved, secure bids pursuant to the Public Contract Code whenever it is contemplated that a contract may be made with a

person or corporation other than a common carrier or a municipally owned transit system or a parent or guardian of the pupils to be transported. Authorizes the governing board to award the contract for the service to those that are not the lowest bidder.

- 6) Requires, if a continuing contract for the furnishing of transportation of pupils in school districts to and from school is made it must be made for a term not to exceed five years. Authorizes a contract to be renewable at the option of the school district and the party contracting to provide transportation services, jointly, at the end of the term of the contract. Requires the contract as renewed to include all of the terms and conditions of the previous contract, including any provisions increasing rates based on increased costs.

ANALYSIS

This bill:

- 1) Requires LEAs to have all newly purchased or contracted schoolbuses be zero-emission vehicles commencing January 1, 2035, where feasible.
- 2) Authorizes LEAs to request a one-time extension with CDE for two years if the LEA determines that the purchase or contracting of a zero-emission schoolbus is not feasible due to both terrain and route constraints.
- 3) Authorizes a continuing contract to be made for the lease or rental of schoolbuses, and requires that contract not to exceed 15 years, except that if a lease or rental contract provides that the district may exercise an option either to purchase the buses or to cancel the lease at the end of each annual period during the period of the contract, the contract may be made for a term not to exceed 20 years.
- 4) Authorizes a continuing contract to be negotiated annually within the contract period when economic factors indicate negotiation is necessary to maintain an equitable pricing structure. Requires renegotiation to be subject to the approval of both contracting parties.
- 5) Makes these provisions effective January 1, 2023.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California has gathered substantial data on the impact of school bus emissions on children and the environment. The state has used this data to create funding programs and pilot projects to incentivize the adoption of school buses with reduced emissions. AB 2731 accelerates progress on limiting children's exposure to harmful pollutants by setting an achievable target for transitioning to zero-emission school buses. This bill requires that all purchases of new school buses to be zero emission by 2035 and extends the maximum length of transportation service and leasing contracts for zero emission buses. Even though the time children spend in school bus commutes account for less than 10% of a child's day, the commutes contribute to

33% of a child's daily exposure to some air pollutants. AB 2731 is a timely and thoughtful approach to building a healthier future for our next generation.”

- 2) ***Schoolbus fleets in California.*** According to a 2022 report from the Legislative Analyst's Office (LAO), The 2022-23 Budget: Green School Bus Grant, school districts that operate their own transportation services own about 15,800 schoolbuses, including small (10 people capacity) and large buses (50 or more people capacity). An additional 9,000 buses are owned by contractors. Out of 15,800 schoolbuses owned by districts, 10,200 of them are powered by diesel constituting nearly two-thirds of their fleet. Among other fuel types like gasoline, compressed natural gas, propane, and diesel, electric buses remain the least common as there are only a few hundred schoolbuses used statewide.
- 3) ***Diesel bus emissions can have harmful health effects.*** Diesel buses emit several pollutants that can have negative effects on human health. According to a 2005 study, Characterizing the Range of Children's Air Pollutant Exposure During School Bus Commutes, minimizing commute times, using the cleanest buses for the longest routes, and reducing bus caravanning and idling time will reduce children's exposure to bus-related pollutants. The 2022 LAO report lists the most concerning pollutants to be nitrogen oxides and particulate matter (PM). Nitrogen oxides can irritate the human respiratory tract and can increase the risk of asthma and other respiratory diseases, and PM refers to tiny solid particles and liquid droplets that can become embedded in the lungs or bloodstream. Sustained exposure can cause breathing problems and lung damage. According to California Air Resources Board (CARB), in 1998, California identified diesel PM as a toxic air contaminant based on its potential to cause cancer. Other agencies, such as the National Toxicology Program, the U.S. Environmental Protection Agency, and the National Institute of Occupational Safety and Health have concluded that exposure to diesel exhaust likely causes cancer.
- 4) ***Governor's Budget proposes additional funding for greening school bus fleets.*** The 2022-23 Governor's Budget proposes \$1.5 billion one-time Proposition 98 General Fund, available over three years, to support school transportation programs, with a focus on greening school bus fleets. Specifically, grants of at least \$500,000 would be available with priority for local educational agencies with high concentrations of low-income students, youth in foster care, and English language learners, as well as small and rural local educational agencies. For \$500,000, a local educational agency will be able to acquire an electric school bus, construct the bus's charging station, and support other local school bus transportation needs.
- 5) ***Arguments in support.*** The World Resources Institute states, "Diesel exhaust from school buses is a known carcinogen that is linked to reduced lung development in children, respiratory diseases, and negative impacts on cognition, affecting students' abilities to succeed in the classroom. Electric school buses are a healthier solution for students and bus drivers as they produce no tailpipe emissions. Moreover, students from historically underserved communities often rely more heavily on school bus transportation while also experiencing the highest levels of air pollution, so taking steps to electrify the state's school bus fleet has the potential to address historic inequities. Moreover, through pairings

with renewable energy and storage, electric school buses can also support a transition to a cleaner energy grid while increasing resiliency."

- 6) **Arguments in opposition.** The Association of California School Administrators states, "Zero emission buses are not yet able to manage the diverse terrain and routes that school buses must navigate to transport students. While zero emission buses may work well for some districts, they do not yet work for all. AB 2731 does not provide for any exception for districts whose terrain or routes are too long or arduous for zero emission buses to navigate, which will put districts in the position of not being able to transport the vulnerable student populations as required by federal law.

"Additionally, zero emission buses are unfortunately far more expensive than diesel buses. AB 2731 does not provide a fund source to pay for the cost differential and would ultimately result in funds being diverted from the classroom in order to comply with the mandate."

- 7) **Author amendments to address concerns about future technology advances and its functionality for rural districts.** As stated by the opposition, zero emission buses are not yet able to manage the diverse terrain and routes that school buses must navigate to transport students. Further, concerns have been expressed that a two-year extension will not provide enough time for all LEAs to comply with this bill. To address these concerns, the author has proposed, and staff concurs with, amending this bill as follows:
- a) Lengthen the one-time extension period that LEAs may apply for from two years to five years—until 2040.
 - b) Specify LEAs that can reasonably demonstrate that daily student transportation cannot be serviced through available zero-emission technology in 2035 can apply for the extension.
 - c) Require that extension requests be reviewed by the Air Resources Board in consultation with CDE.

SUPPORT

Advanced Energy Economy
 American Lung Association in California
 Amply Power
 California Environmental Voters
 California Nurses for Environmental Health and Justice
 California Public Interest Research Group
 Center for Climate Change & Health
 Central California Asthma Collaborative
 First Student
 National Express
 Nextgen California
 Nuvve Holding Corp
 Physicians for Social Responsibility - San Francisco Bay Area Chapter

Public Health Institute
Regional Asthma Management and Prevention
World Resources Institute

OPPOSITION

Association of California School Administrators

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2738 **Hearing Date:** June 22, 2022
Author: Reyes
Version: April 21, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgallia Ramirez

Subject: Public postsecondary education: community colleges: matriculation: assessment

SUMMARY

This bill requires California Community Colleges (CCC) to make available information regarding course schedules and degree completion and to either offer, courses associated with degrees and certificates within a specified timeline or report to the public and the California Community College Chancellor's Office (CCCCO) the reasons why the college cannot provide the courses within the specified timeline, as defined.

BACKGROUND

Existing law:

- 1) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (Education Code (EC) Section 70900).
- 2) Creates for each CCC district a board of trustees, known as the governing board, and authorizes the governing board to establish, maintain, operate, and govern each CCC within their district in accordance with state and federal law, as specified. The governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict or inconsistent with any law and that is not in conflict with the purpose of a CCC district, as specified. (EC Section 70902).
- 3) Establishes the Student Success and Support Program for the purpose of encouraging the matriculation of students towards their educational goals. Specifically funding allocated through the program to districts is to be used for the following:
 - a) Orientation services designed to provide students with information on campus procedures, academic expectations, financial assistance, and other matters the district deems appropriate;
 - b) Assessment before course registration as defined in Section 78213.
 - c) Counseling and other educational planning services including, but

not limited to:

- i) Assisting students in exploring educational and career interests, identifying educational objectives including degree obtainment.
 - ii) Developing an educational plan leading to course selection that leads to the conferral of a degree or certificate that is aligned with the student's educational goal.
- d) Referrals to special support services, including but not limited to financial aid, health services, foster youth services, and disabled student services.
 - e) Evaluation of each student's progress and referrals for academic interventions, as defined (EC Section 78212).

ANALYSIS

This bill:

- 1) Requires, by January 1, 2024, and annually thereafter, the governing board of each district make available to the public, by publishing on a college's and district's internet website all of the following information:
 - a) The schedule of courses that must be completed to obtain each associate degree offered by the college.
 - b) The schedule of courses that must be completed to obtain each certificate offered by the college.
 - c) The number of academic years, months, semesters, or terms that it takes to obtain each associate degree offered by the college, disaggregated by associate degrees and certificates and certificate completion rates for the prior year disaggregated by race, ethnicity, and economic status.
 - d) The number of academic years, months, semesters, or terms that it takes to obtain each certificate offered but the college.
- 2) Requires, that the information in c) and d) above in this analysis, be disaggregated by associate degrees and certificates and certificate completion rates for the prior year disaggregated by race, ethnicity, and economic status.
- 3) Requires, no later than December 31, 2023, and annually thereafter, the governing board of each district submit a report with the information and data on the schedule of courses and degree/certificate completion collected by the districts, as specified.
- 4) Requires, by March 31, 2024, the chancellor's office to compile and submit the reports received by the governing boards to the Legislature in compliance with existing law requirements for submission of reports to the legislature.

- 5) Requires, by January 1, 2024, the governing board of each district within two-academic years to offer, at a minimum, each course required for the completion of each associate degree offered by a college maintained by the district and:
 - a) Requires, to the extent that compliance with this requirement is not practicable, the governing board to hold a public hearing and make findings on the reasons why compliance is not practicable, and report these findings to the chancellor's office by May 1, 2024.
- 6) Requires, by January 1, 2024, the governing board of each district to offer, at a minimum, each course required for the completion of each certificate offered by a college, at least once within the timeframe that a part-time student would complete the certificate maintained by the district and:
 - a) Requires, the extent that which compliance with this requirement is not practicable, the governing board to hold a public hearing on and make findings on the reasons why compliance with this requirement is not practicable and report these findings to the chancellor's office by May 1, 2024.
- 7) Requires, by September 1, 2024, the chancellor's office to compile and submit each report on the district's course offerings of degrees and certificates to the Legislature in compliance with existing law requirements for submission of reports to the legislature.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Many students struggle to complete their degrees or transfer within two years because of how difficult it is to plan their course schedules. While degree requirements are specified in course catalogs, students must often choose between hundreds of courses, which are often offered at inconsistent times and intervals."

The author further asserts, "The CCC's are designed for students who are seeking a technical/career certificate, an associate's degree (AA), or an Associate Degree for Transfer (ADT) to a four-year university. In recent years, the State has established a number of programs that assume CCC students are able to complete their degrees and transfer within two years. These include the Community College Promise Program, which provides two years of free tuition (AB 2, 2019), and the Dual Admissions Pathway, which will guarantee CCC students admission to the UC or CSU campus of their choice if they complete an ADT within two years (AB 132, 2021).

"Existing law requires the chancellor's office to integrate existing student-success programs and develop clearly structured, coherent guided pathways as a part of the California Community College Guided Pathways Grant Program. Given that two-year completion rates remain low and students of color are predominantly most affected, California is failing to support community college students' goals of completing and transferring within the expected timeframe. This bill seeks to further identify and explore the problem and who is most affected through data

collection and analysis, and then seeks to ensure community colleges are taking action to increase two-year completion rates.”

- 2) **Two-year transfer rates at CCC are low.** According to information provided by the author, “While many students enter CCC’s with the expectation of completing their degrees or transferring in two years, two-year completion rates are low. A recent study [June 2021] by the Campaign for College Opportunity found that, in 2012-13, only 40% of CCC students seeking to transfer to a four-year university did so within six years, and only **2.5%** did so within *two years*. These trends disproportionately impact students of color. While 79% of Black and 78% of Latino students declared transfer as their goal in 2013, only 9% and 10%, respectively, had transferred within four years.” This report reflects the number of students who were enrolled in a community college in 2012-13 (as opposed to the time of transfer). This bill seeks to ensure timely completion for CCC students by requiring each community college district within two academic years to offer each course required for the completion of each associate degree offered by one of its colleges. It provides similar requirements for courses offered for certificate programs. To the extent, a district is unable to comply with this requirement the bill requires the district to hold a public hearing on the reasons why compliance isn’t practicable.
- 3) **Related budget activity.** The administration’s budget proposal includes a multi-year roadmap that reflects shared priorities and commitments between the CCC Chancellor’s office and the Administration. The 15 goals for the colleges include increasing student graduation and transfer rates, closing equity gaps, establishing a common intersegmental learning management system and admission platform, and enhancing K-14 as well as workforce pathways. As it relates to this bill, under the roadmap CCCs are expected to annually publish the two-year associate degree graduation rates for all community colleges and the percentage of first-time students meeting sophomore standing when entering their second year, disaggregated to reflect underrepresented students and Pell Grant students to facilitate evaluations of equity gaps. This calls for similar transparency around associate degree and certificate completion. Base increases for CCCs over the life of the compact for achieving established goals are contingent upon available Prop. 98 funds in future years.
- 4) **Course schedules.** The bill further requires a schedule of courses for each associate degree or certificate offered by the college to be posted on its website. Committee staff understands that currently, colleges publish online course schedules on their respective websites that are accessible to students. As noted in the Assembly Higher Education Committee analysis, all campuses offer a schedule of courses offered each year through their course catalog. Each program offered by a campus has a list of courses required to complete the degree online. This bill would codify an existing practice.

SUPPORT

Cerritos College
College of the Desert
Los Angeles Community College District

OPPOSITION

None received.

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2814 **Hearing Date:** June 22, 2022
Author: Wood
Version: February 18, 2022
Urgency: No **Fiscal:** Yes
Consultant: Kordell Hampton

Subject: Local educational agencies: emergency planning grants

SUMMARY

Requires the California Department of Education (CDE) to establish and administer the Emergency Planning Grant Program and award one million dollars in competitive grants to local educational agencies (LEAs) to support emergency planning activities, upon appropriation of the Legislature.

BACKGROUND

Existing law:

- 1) Requires each school district or county offices of education (COE) to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. (Education Code § 32281)
- 2) Specifies that the schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (EC § 32281)
- 3) Requires that the comprehensive school safety plans include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EC § 32282)
- 4) Requires the comprehensive school safety plan to be evaluated at least once a year. (EC § 32282)
- 5) Encourages that, as school safety plans are reviewed, plans be updated to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers,

and police officers on school campuses, if the school district employs these professionals. (EC § 32282.1)

- 6) Requires the comprehensive school safety plan to be submitted annually to the school district or COE for approval and requires a school district or COE to notify the CDE by October 15 of every year of any school that is not in compliance. (EC § 32288)
- 7) Requires the State Superintendent of Public Instruction (SPI), for apportionment purposes, to credit to a LEA a material loss of average daily attendance (ADA) due to the following reasons, provided the loss has been established to the satisfaction of the SPI by affidavits of the members of the governing board or body of the LEA:
 - a) Fire;
 - b) Flood;
 - c) Impassable roads;
 - d) Epidemic;
 - e) Earthquake;
 - f) The imminence of a major safety hazard as determined by the local law enforcement agency; or
 - g) A strike involving transportation services to pupils provided by a non-school entity. (EC § 46392)
- 8) In the event of a state of emergency declared by the Governor in a county, requires the SPI to determine the length of the period during which ADA has been reduced by the state of emergency, and prohibits the SPI from extending the period into the next fiscal year except upon a showing by a LEA to the satisfaction of the SPI, that extending the period into the next fiscal year is essential to alleviate continued reductions in ADA attributable to the state of emergency. (EC § 46392)

ANALYSIS

Requires CDE to establish and administer the Emergency Planning Grant Program and award one million dollars in competitive grants to LEAs to support emergency planning activities, upon appropriation of the Legislature. Specifically this bill:

- 1) Requires CDE to establish and administer the Emergency Planning Grant Program and award one million dollars in competitive grants to LEAs to support emergency planning activities beginning January 1, 2024.
- 2) Specifies grant funds for emergency planning activities include, but are not limited to, all of the following coordination with local emergency management systems, climate threat that endangers the LEA, organization of emergency response, and an emergency plan system.

- 3) Require LEAs must demonstrate a willingness and ability to collaborate with local city and county emergency response departments, an intention to align the planning activities of this grant with school safety plans as specified in Education Code and have an intention to develop an emergency plan that complies with the standardized emergency management system as specified in Government Code.
- 4) Requires CDE, among other things, to develop criteria to determine if a LEA faces a significant risk of, or has less capacity to prepare and respond to, climate threats without state assistance and to prioritize grant awards for LEA that face the greatest risk.
- 5) Requires an LEA to dispense with all its awarded Emergency Planning grant funds by June 30, 2026.
- 6) Defines "local educational agency" means a school district, county office of education, or charter school.
- 7) Clarifies the provisions of this bill shall remain in effect until, and be repealed, January 1, 2027.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author "Despite the need for basic emergency planning and preparedness during an emergency, many California K-12 schools face the greatest risk of or have less capacity to prepare and respond to an emergency. During the devastating wildfires of the last several years there was, at times, confusion at the local and state level among emergency personnel related to supporting K-12 public schools. The frequency of emergencies continues to increase across California, and LEA's vary greatly in their readiness to respond. Based on the location of the LEA, different emergencies are more likely to occur. LEA's can begin planning for those expected events at any time by coordinating with other state and local resources and agencies, and developing emergency response plans."
- 2) ***Increasing occurrences of pupil mental health issues.*** According to a Pew Research Center analysis of data from the 2017 National Survey on Drug Use and Health, in 2017, 3.2 million teens aged 12-17 said they had at least one depressive episode within the past 12 months. This is up by 1.2 million from the same survey conducted by the National Survey on Drug Use and Health in 2007. One-in-five (2.4 million) teenage girls reported experiencing one depressive episode in 2017, compared to 845,000 teenage boys. According to data from the Centers for Disease Control and Prevention, 13 percent of students in grades 9-12 in California in 2017 reported experiencing at least one depressive episode within the last 12 months. 32 percent felt sad or hopeless almost every day for 2 or more weeks in a row so they stopped doing some usual activities within the past year, compared to 31 percent for the United States. 17 percent of pupils in grades 9-12 reported considering suicide attempts, while 9 percent reported they attempted suicide at least once within the past 12 months.

This trend is confirmed by data from the Office of Statewide Health Planning and Development. In 2019, emergency rooms throughout California treated 84,584 young patients ages 13 to 21 who had a primary diagnosis involving mental health. That is up from 59,705 in 2012, a 42 percent increase.

- 3) ***Traumatic event on and off-campus.*** According to a 2018 study by the Pew Research Center, the majority of U.S. teens fear a shooting could happen at their school, and most parents share their concerns. Firearms are a leading cause of morbidity and mortality in the United States and accounted for more than 36,000 deaths and nearly 85,000 injuries in 2015. In 2020, California saw a troubling rise of more than 500 homicides, the largest jump in state history since record-keeping began in 1960. Gun homicides drive the rise. California saw 1,658 homicides in 2019; the number climbed to 2,161 in 2020—an increase of 503 homicides (or 30.3%). Of the 503 additional homicides, 460, or 91%, were gun-related deaths. While the 2020 homicide rate is far lower than past peaks, the past year deviates from historically low rates of the last decade. Over the past few years, gun violence has risen to the forefront of public consciousness. The consequences of gun violence are more pervasive and affect entire communities, families, and children. With more than 25% of children witnessing an act of violence in their homes, schools, or community over the past year, and more than 5% witnessing a shooting.
- 4) ***Climate change effects school campuses.*** “More frequent school closures due to wildfires and extreme heat waves, as well as higher utility bills for schools as temperatures rise are among the increasingly severe impacts climate change will have on K-12 and early childhood education,” as reported in the Legislative Analyst Offices (LAO) report titled *Climate Change Impacts Across California: K-12 Education*. The report projects that districts will face higher and more volatile cost pressures in dealing with the wide-ranging impacts of climate change, from higher utility bills on hotter days to massive recovery efforts after major emergencies. Additionally, school facilities will require modifications to withstand the harsh impacts of climate change. Child care providers and districts with smaller budgets and that serve higher numbers of lower-income families could be particularly vulnerable to the impacts of climate change. The report goes on to mention that “Schools and child care providers are already beginning to experience the impacts of climate change, most notably from wildfires. For instance, the California Department of Education (CDE) reports that 104 school districts were subject to wildfire evacuation orders in 2020. In addition to emergencies, climate change impacts may also lead to public health issues that require modifications to educational delivery models. For example, extreme heatwaves or poor air quality from wildfires may make it temporarily unsafe for students and staff to participate in normal outdoor activities. Accordingly, schools and child care providers will need to establish and continually update emergency preparedness and response plans that adequately reflect the increased likelihood and intensity of these events.”
- 5) ***The State Superintendent of Public Instruction (SPI) and CDE’s role in responding to emergencies.*** The SPI and CDE have an obligation and responsibility to serve LEAs at all times, especially as it relates to emergency preparation, response, and recovery. The type of response has varied over time based on the priorities and style of individual SPIs, as well as the type and duration

of emergencies faced by schools during a SPI's term of office. Previous SPIs have initiated task forces, established conference calls with impacted county superintendents of schools and district superintendents, and provided information on the CDE's website. Given the rapid increase of wildfires, other natural disasters, and pandemics, a common and shared understanding of the role and responsibilities of the SPI and CDE would likely facilitate increased communication between the state agency and the field, and support the expedited delivery of goods and services.

- 6) **Related legislation. AB 2072 (Gabriel)** of this Session requires COE, in consultation with the CDE and other relevant state and local agencies, to coordinate agreements between a LEA and charter schools within the county to deploy qualified mental health professionals and other key school personnel in the event of a natural disaster or traumatic event. *This bill is currently in Senate Appropriations.*

AB 1837 (Smith) of the 2019-20 Session required the SSPI to establish a State Assistance for Emergency Response (SAFER) Team within CDE to provide guidance and support to LEAs experiencing emergencies. *This bill was held in Senate Education.*

AB 2126 (O'Donnell) of the 2019-20 Session would require the CDE to develop and implement a website and app for the purpose of collecting temporary school closure information for local educational agencies (LEAs) from superintendents and charter school administrators. *This bill was held in Senate Education.*

AB 2127 (O'Donnell) of the 2019-20 Session would require LEAs to provide the CDE information related to each school facility, schoolsite, or school property owned or leased by the LEA in order to improve coordination between LEAs and emergency response agencies during emergencies. *This bill was held in Senate Education.*

SUPPORT

Eureka City Schools
Guerneville School District
Kelseyville Unified School District
Sonoma County Office of Education

OPPOSITION

None on file.

-- END --

