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EDUCATION



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AGENDA

Wednesday, June 29, 2022
9 a.m. -- 1021 O Street, Room 2200
(Please note room change)

MEASURES HEARD IN FILE ORDER

- | | | | |
|-------|---------|-----------------|---|
| 1. | AB 1655 | Jones-Sawyer | State holidays: Juneteenth. |
| 2. | AB 2045 | Jones-Sawyer | School district, county office of education, and community college district employees: personnel commissions: ranked groups. |
| 3. | AB 1777 | Aguiar-Curry | Migrant education: extended school year program: average daily attendance. |
| 4. | AB 1801 | Nazarian | State holidays: Genocide Remembrance Day. |
| 5. | AB 1973 | McCarty | Education finance: base grants: adjustments: kindergarten: minimum schoolday. |
| 6. | AB 2214 | Cristina Garcia | California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools. |
| 7. | AB 2464 | Cristina Garcia | California State University: employees: paid parental leave of absence. |
| * 8. | AB 2375 | Luz Rivas | Homeless children and youths and unaccompanied youths: housing questionnaire. |
| 9. | AB 2484 | Mia Bonta | Charter schools: school closures: remaining assets: Charter School Facility Grant Program. |
| * 10. | AB 2827 | Quirk-Silva | Child daycare facilities. |
| * 11. | AB 2832 | Robert Rivas | Whole Child Community Equity. |
| * 12. | AB 2881 | Berman | Public postsecondary education: students with dependent children. |

*Proposed Consent

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1655 **Hearing Date:** June 29, 2022
Author: Jones-Sawyer
Version: June 15, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: State holidays: Juneteenth

SUMMARY

This bill requires public schools serving any of grades K-12 and community colleges to close on June 19 to observe Juneteenth, and establishes June 19, known as "Juneteenth," as a state holiday.

BACKGROUND

Existing law:

K-12 public schools

- 1) Requires public schools to close on the following holidays, except as otherwise provided:
 - a) January 1.
 - b) The third Monday in January or the Monday or Friday in the week in which January 15 occurs, known as "Dr. Martin Luther King, Jr. Day." On the Friday preceding the day on which schools are closed, schools shall include exercises commemorating and directing attention to the history of the civil rights movement in the United States and particularly the role therein of Dr. Martin Luther King, Jr.
 - c) The Monday or Friday of the week in which February 12 occurs, known as "Lincoln Day." On the day that school is in session prior to the day on which schools are closed for that purpose, all public schools and educational institutions throughout the state shall hold exercises in memory of Abraham Lincoln.
 - d) The third Monday in February, known as "Washington Day." On the Friday preceding, all public schools and educational institutions throughout the state shall hold exercises in memory of George Washington.
 - e) The last Monday in May, known as "Memorial Day."
 - f) July 4.

- g) The first Monday in September, known as "Labor Day."
 - h) November 11, known as "Veterans Day."
 - i) That Thursday in November proclaimed by the President as "Thanksgiving Day."
 - j) December 25.
 - k) All days appointed by the Governor for a public fast, thanksgiving, or holiday, and all special or limited holidays on which the Governor provides that the schools shall close.
 - l) All days appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.
 - m) Any other day designated as a holiday by the governing board of the school district. (Education Code § 37220)
- 2) Authorizes public schools to be closed, in addition to the holidays prescribed above, on March 31, known as "Cesar Chavez Day," or the appropriate Monday or Friday following or preceding that date, if the governing board agrees to close schools for that purpose. (EC § 37220.5 and § 45203)
 - 3) Authorizes public schools to be closed, in addition to the holidays prescribed above, on the fourth Friday in September, known as "Native American Day," if the governing board agrees to close schools for that purpose. (EC § 37220.7 and § 45203)
 - 4) Provides that schools are to provide a minimum of 180 days of instruction, with exception. EC § 46200)

California Community Colleges (CCC)

- 5) Requires community colleges to continue in session or close on specified holidays as follows:
 - a) Requires community colleges to close on January 1st, the third Monday in January, known as "Dr. Martin Luther King, Jr. Day," February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.
 - b) Requires community colleges to close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday; requires community colleges to continue in session on all legal holidays other than those designated in statute, and requires community

colleges to hold proper exercises commemorating the day. (EC § 79020)

- 6) Authorizes community colleges to be closed, in addition to the holidays prescribed above, on:
 - a) The fourth Friday in September, known as "Native American Day," if the governing board agrees to close the community college for that purpose.
 - b) March 31, known as "Cesar Chavez Day," if the governing board agrees to close the community college for that purpose. (EC § 79020 and § 88203)
- 7) Authorizes Glendale Community College, in addition to the optional holidays listed in #6 above, to be closed on April 24, known as "Armenian Genocide Remembrance Day," if the governing board agrees to close the community college for that purpose. (EC § 79020 and § 88203)
- 8) Requires the CCCs to provide at least 175 days of instruction. (California Code of Regulations, Title 5, § 55701)

State holidays

- 9) Provides that holidays in this state are:
 - a) Every Sunday.
 - b) January 1st.
 - c) The third Monday in January, known as "Dr. Martin Luther King, Jr. Day."
 - d) February 12th, known as "Lincoln Day."
 - e) The third Monday in February.
 - f) March 31st, known as "Cesar Chavez Day."
 - g) The last Monday in May.
 - h) July 4th.
 - i) The first Monday in September.
 - j) September 9th, known as "Admission Day."
 - k) The fourth Friday in September, known as "Native American Day."
 - l) The second Monday in October, known as "Columbus Day."
 - m) November 11th, known as "Veterans Day."

- n) December 25th.
 - o) Good Friday from 12 noon until 3 p.m.
 - p) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday. (Government Code § 6700)
- 10) Requires the Governor to proclaim the third Saturday in June of each year to be known as "Juneteenth National Freedom Day: A day of observance," to urge all Californians in celebrating this day to honor and reflect on the significant roles that African-Americans have played in the history of the United States and how African-Americans have enriched society through their steadfast commitment to promoting freedom, brotherhood, and equality. (Government Code § 6719)

Federal holidays

- 11) Establishes the following as federal legal public holidays:
- a) New Year's Day, January 1.
 - b) Birthday of Martin Luther King, Jr., the third Monday in January.
 - c) Washington's Birthday, the third Monday in February.
 - d) Memorial Day, the last Monday in May.
 - e) Juneteenth National Independence Day, June 19.
 - f) Independence Day, July 4.
 - g) Labor Day, the first Monday in September.
 - h) Columbus Day, the second Monday in October.
 - i) Veterans Day, November 11.
 - j) Thanksgiving Day, the fourth Thursday in November.
 - k) Christmas Day, December 25. (United States Code, Title 5, § 6103)

ANALYSIS

This bill requires public schools serving any of grades K-12 and community colleges to close on June 19 to observe Juneteenth, and establishes June 19, known as "Juneteenth," as a state holiday. Specifically, this bill:

K-12 public schools

- 1) Specifies that the days public schools are to be closed as days appointed by the President include a nationwide federal holiday created by federal legislation and

include the federal legal public holidays listed in # 11 above, except Columbus Day.

CCCs

- 2) Specifies that the days community colleges are to be closed as days appointed by the President include a nationwide federal holiday created by federal legislation and include the federal legal public holidays listed in # 11 above, except Columbus Day.

State holidays

- 3) Adds June 19, known as "Juneteenth" as a state holiday.
- 4) Authorizes any state employee, as defined, to elect to receive eight hours of holiday credit for June 19, known as "Juneteenth," in lieu of receiving eight hours of personal holiday credit, as specified.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "On June 19, 1865, commonly referred to as Juneteenth, word of freedom reached the last enslaved black people in Galveston Bay, Texas, the last confederate state with slavery still in place. After two long years, Major General Gordon Granger of the Union Army delivered news of the Emancipation Proclamation issued by President Abraham Lincoln in 1863. This day would mark the end of enslavement for over three million black Americans.

"On June 17, 2021, President Joe Biden signed into law the Juneteenth National Independence Day Act, establishing June 19th as a federal holiday. This, however, does not ensure a paid day off or holiday credit for California state employees.

"To resolve this deficiency, this bill, the Juneteenth State Holiday Act, will amend relevant sections of the Government Code to allow employees to elect to receive holiday credit for either Juneteenth or Native American day. As it relates to the Education Code portions of the bill, this bill clarifies that holidays appointed by the president also capture an act of congress that the president signs into law to create a federal holiday."

- 2) *Requires school/community college holiday.* K-12 public schools and community colleges are required to provide a minimum number of days of instruction per year. Community colleges are specifically required to be in session unless closed on specified holidays. This bill requires K-12 public schools and community colleges to close on June 19 to observe Juneteenth. Conversely, this bill establishes June 19 as a state holiday yet authorizes state employees to elect to receive eight hours of holiday credit for June 19 in lieu of receiving eight hours of personal holiday credit.

Existing law requires schools and community colleges to be closed and

specifically entitles classified school and community college employees to paid holidays on every day appointed by the President, or the Governor of this state, for a public fast, thanksgiving or holiday. President Biden signed legislation on June 17, 2021, establishing June 19 as a federal legal public holiday to observe Juneteenth.

Some school districts have received advice from legal counsel to prohibit employees from being paid while taking off federal holidays that were established via legislation, rather than "appointment," and opine that Presidential signature of federal legislation does not create a holiday that was "appointed" by the President.

California courts have considered the question of what "appointment" means in relation to paid holidays for school/community college employees, specifically classified employees. In *CSEA v. Governing Board of the Marin Community College District* ((1994) 8 Cal.4th 333, 343), the Supreme Court of California noted "Even if the requirement of a corresponding federal holiday is satisfied, however, the issue whether the President's proclamation contemplated a national holiday is not necessarily resolved. The intent to designate a national holiday must also be apparent in the language of the proclamation, executive order, or other official announcement itself. (Cf. *Capital City Lodge No. 74, FOP v. City of Huntington* (1988) 180 W.Va. 159, 375 S.E.2d 791, 794 [governor's intention to recommend day of thanksgiving reflected by language of memorandum in its entirety]). In particular, we must examine the words and the tone of the President's entire announcement, and the manner in which the President directs or recommends that the designated day be observed. It is appropriate to consider the language of the President's proclamation or similar announcement because from such an official decree the Legislature intended legal significance to arise."

The court opined "For all the reasons set forth above, we conclude that for the presidential appointment of a holiday to occur, within the meaning of sections 88203 and 79020, it must be shown that the President's proclamation contemplated a national holiday. As a threshold matter, the President must declare a corresponding federal holiday. Beyond this requirement, the language and tone of the proclamation must demonstrate the President's intent to designate a national holiday." CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION v. GOVERNING BOARD OF MARIN COMMUNITY COLLEGE DISTRICT | FindLaw

The remarks made by President Biden when signing legislation establishing June 19 as a federal legal public holiday in observance of Juneteenth state his intent to designate a national holiday: " today, we consecrate Juneteenth for what it ought to be, what it must be: a national holiday. As the Vice President noted, a holiday that will join the others of our national celebrations: our independence, our laborers who built this nation, our servicemen and women who served and died in its defense. And the first new national holiday since the creation of Martin Luther King Holiday nearly four decades ago." Remarks by President Biden at Signing of the Juneteenth National Independence Day Act | The White House

This bill specifically requires public K-12 schools and community colleges to close on, and employees be paid for, federal holidays that were established in federal statute, but excludes Columbus Day (see # 4 below).

- 3) *Impact on summer school.* This bill requires all K-12 public schools and community colleges to close on June 19 in observance of Juneteenth. While the school year is typically over by June 19, it is possible that some schools could be in session for summer school. However, June 19 has been a federal holiday since 2019; classified employees are already supposed to have that day off. Schools that haven't already adjusted summer schedules will need to do so should this bill become law.

According to the CCC Chancellor's Office, the CCC will not likely need to add another instructional day during their summer sessions. Mandating the observance of the holiday will not change attendance accounting or scheduling because, during the summer, the CCC does not have weekly consensus courses. Therefore, campuses of the CCC would observe Juneteenth as they would any other holiday.

- 4) *Columbus Day.* This bill specifically excludes Columbus Day as one of the federal holidays that schools and community colleges are to be closed; this aligns with state holidays, as Columbus Day is no longer a California state holiday.
- 5) *Heard in Senate Governmental Organization Committee.* As noted in the Senate Governmental Organization Committee analysis, "California law does not require a private employer to provide its employees with paid holidays, that it close its business on any holiday, or that employees be given the day off for any particular holiday. If an employer closes its business on holidays and gives its employees time off from work with pay, that occurred pursuant to a policy or practice adopted by the employer, pursuant to the terms of a collective bargaining agreement, or pursuant to the terms of an employment agreement between the employer and employee, as there is nothing in law that requires such a practice. At the local level, cities have the liberty to specify by charter, ordinance or resolution what paid holidays the city will provide to its city employees. Similarly, most state workers are bound by the memorandum of understanding that they have negotiated with the Governor. For all other state employees, they are entitled to the" holidays prescribed in # 9 in the background section of this analysis. This bill passed the Senate Governmental Organization Committee, without the current provisions related to K-12 schools and CCC, on June 14, on a 14-0 vote.
- 6) *Fiscal impact.* According to the Assembly Appropriations Committee:
- a) By requiring public schools to observe Juneteenth as a paid holiday, thus incurring related administrative and personnel costs, this bill likely imposes a state-mandated local program with unknown, but definitely significant, costs to the state. To the extent the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service on LEAs, an LEA could claim General Fund reimbursement of those

costs. For schools with traditional calendars, a June 19 holiday would disrupt summer school staffing, and classified staff who continue to work on campus during the summer would be entitled to a paid holiday, subject to collective bargaining. Although most school years conclude before June 19, some public schools provide year-round education. According to school officials, when holidays fall on Tuesdays or Thursdays, there is a noticeable reduction in attendance on Mondays (for the Tuesday holiday) and Fridays (for the Thursday holiday) due to parents taking four-day weekends. Since public schools are funded by student attendance, if June 19 falls on a Tuesday or Thursday, establishing Juneteenth could result in reduced school funding.

- b) Costs of an unknown, but potentially significant, amount to CCC by adding a paid holiday for staff. However, since Juneteenth falls during the summer session, observance of the holiday would not likely change attendance accounting because CCC does not have weekly census courses during the summer; thus, CCC would not have to add another instructional day to maintain current funding levels. Regardless, CCC districts would incur administrative costs to update their 2022-23 summer calendar to reflect the holiday, as most academic calendars are set two years in advance.
 - c) General Fund and special fund cost pressures of an unknown amount to the extent state employees decide to observe Juneteenth.
- 7) *Related legislation.* ACR 190 (Jones-Sawyer) recognizes June 19, 2022, as Juneteenth and urges the people of California to join in celebrating Juneteenth as a day to honor and reflect on the significant role that African Americans have played in the history of the United States and how they have enriched society through their steadfast commitment to promoting unity and equality. ACR 190 is pending on the Senate Floor.

SUPPORT

California Hawaii State Conference of The NAACP (co-sponsor)
California School Employees Association (co-sponsor)
California Teachers Association
NextGen California
UDW/AFSCME Local 3930

OPPOSITION

None received

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or appointments may be made by transfer, demotion, reinstatement, and reemployment.

- b) The personnel commission must place applicants on the eligibility list in the order of their relative merit, as determined by competitive examination.
- c) Final scores of candidates must be rounded to the nearest whole percentage for all eligible.
- d) All eligible with the same percentage score will be considered as having the same rank.
- e) Appointments must be made from the eligible having the first three ranks on the list who are ready and willing to accept the position.

ANALYSIS

This bill:

- 1) Establish a fixed schedule of ranges for purposes of eligibility in which passing candidates' final examination scores must be rounded to the nearest whole and assembled into distinct groups as follows:
 - a) Group 1: 95% to 100%.
 - b) Group 2: 89% to 94%.
 - c) Group 3: 83% to 88%.
 - d) Group 4: 77% to 82%.
 - e) Group 5: 76% or below.
- 2) Require, upon approval of an action by a personnel commission of the school district (SD), county office of education (COE), or community college district (CCD) to establish the prescribed ranked eligibility system, the classified employees of the district or COE to hold an election to determine by majority vote, if applicants should be placed on eligibility lists in the prescribed ranked groups according to their relative merit determined by competitive examination.
- 3) Require a personnel commission to provide public notice of the election to classified employees, governing board, exclusive representatives of classified employees, and the general public that indicates the time, date, and place in which the election must be conducted in a manner that provides adequate and ample opportunity for classified employees to submit a ballot for these purposes.
- 4) Prescribe ballot language for these purposes.
- 5) Require that all appointments must be made from the highest ranking group of an eligibility list, except when that group includes fewer than five persons who are

ready and willing to accept the position. If there are fewer than five such persons, an appointment must be made from combining the next highest group or groups to include at least five persons ready and willing to accept the position, or, if there are fewer than five such persons in all remaining groups, from those remaining persons.

- 6) Provide that an eligibility list of fewer than three viable candidates may be considered exhausted if the appointing authority requests additional eligible candidates be certified for hiring consideration.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Since 1975, California LEAs' Personnel Commissions have used the "Rule of 3 Ranks" to hire candidates based upon their scores from the employment examination process. Classified positions are any positions that do not require a credential. This system rounds each candidate's final score from the examination process to the nearest percentage point and ranks those scores by one percent intervals. While this system has sufficed since its establishment, there are other methods of ranking that have produced more diverse and equitable lists of candidates eligible for hire. The current system also presents issues for filling vacancies efficiently amidst a staff shortage in the education system.

"While intended to prevent nepotism or bias in hiring, this current system has its own set of challenges. The one percent distinction between ranks is so narrow that it limits the ability for hiring committees to select well-qualified candidates that may excel in other job-related factors along with high test scores that are not within the top three ranks. The "Rule of 3 Ranks" system also causes confusion for candidates, as their rank can shift wildly throughout the life of a hiring list. This one percent distinction also increases the effects of unconscious bias in hiring by denying access to candidates based on unreasonably small differences between scores in the testing process. This unconscious bias is similar to that observed in standardized tests like the SAT, or ACT for college admissions. Other civil service systems have begun allowing for a more flexible ranking of candidates, such as the Banding system used by the County of Los Angeles since 1988."

In conclusion, the author states that, "...this flexible merit system will allow LEAs to hire from a more diverse and inclusive list of candidates. If enacted, this bill will help alleviate the issue of staff shortages as well combat the lack of adequate representation in the education system. This legislation will help California take another step towards true equity in the education system."

- 2) ***History of Personnel Commissions and Public Schools.*** Also commonly referred to as "merit systems" or "civil service systems" relating to public education in California, there are over 100 of these systems which are independent of the school or community college district's governing board to administer classified school employee hiring and retention through a statutory framework authorized by the Education Code.

These systems derive from the late 19th and early 20th century civil service movement that sought to curtail "spoils" of the system whereby elected political candidates rewarded their supporters with government positions. These systems arose out of a particularly egregious school board decision to discharge over 700 classified employees in the 1930s upon the new board's election.

This history strongly suggests that the Legislature intended the merit system framework as a means to protect classified employees from local political mistreatment at a time prior to public sector collective bargaining.

- 3) **Arguments in support.** A number of school districts, county offices of education, and personnel commissions throughout the state express in part that, "Under California's current laws for hiring non-certificated staff at merit system LEAs, such as LACOE, qualified job candidates are ranked on an eligibility list for hiring consideration according to a final percentage score earned in the pre-employment examination process. According to section 45272 of the Education Code, hiring managers may only select from the top three ranks of scores from this list, limiting hiring decisions to only three candidates in most cases.

"In order to provide hiring managers with opportunities to select from a more diverse pool of qualified job candidates to fill their vacancies, [this bill] would allow LEAs to opt-in to an alternative hiring system similar to other government agencies using a "banding" approach. Some examples of agencies who have already made this change include the County of Los Angeles, State of California, and the federal Office of Personnel Management.

"This improved method for certifying eligible job candidates maintains the integrity of merit-based hiring processes while also accounting for the limitations of predictive validity in pre-employment testing and lessening potential adverse impact against protected groups in pre-employment examinations. Furthermore, when these practices are paired with organizational initiatives promoting diversity and inclusion, they should result in more equitable hiring practices and diverse government workforces reflecting the communities they serve."

- 4) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would result in minor costs to SDs, COEs, and CCDs (Proposition 98/General Fund) to hold elections. If the Commission on State Mandates determines that this bill establishes a state-mandated local program, those costs would be reimbursable.
- 5) **Author amendments.** The California School Employees Association recently submitted a letter stating they are opposed to this bill unless it is amended to "...reflect the original intent of the merit system law—that the classified employees have some say over how, when, and under what terms the system and substantive changes to it are implemented."

In an effort to address CSEA's concerns, the **author has proposed, and staff concurs, to amend the bill** by ensuring the procedures by which the election is conducted match those already outlined in existing law (EDC 45221), including that the procedures are subject to collective bargaining.

SUPPORT

Los Angeles County Office of Education (sponsor)
Association of California School Administrators
California School Boards Association

OPPOSITION

California School Employees Association

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1777 **Hearing Date:** June 29, 2022
Author: Aguiar-Curry
Version: April 25, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Migrant education: extended school year program: average daily attendance.

SUMMARY

This bill allows up to two local educational agencies (LEAs) to receive funding for average daily attendance (ADA) to provide an extended school year to serve pupils of migrant agricultural workers, commencing on January 1, 2023.

BACKGROUND

State Law

- 1) Defines "currently migratory child" as a child who has moved with a parent or guardian from one school district to another, either within the State or from another state, within the 12-month period immediately preceding his or her identification as such a child. Includes a child who has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
- 2) Authorizes a child to be identified as a "migrant child", with the concurrence of the child's parent, for a period no longer than three years, during which the child resides in an area where programs are provided for migrant children.
- 3) Requires the State Board of Education (SBE) to adopt a state master plan for services to migrant children that includes instructional activities on a regular and extended year basis designed to provide treatment of academic deficiencies, health and welfare services, preservice and in-service education of professional and nonprofessional personnel to meet the special needs of migrant children, support services such as transportation and family liaison, and other services necessary to the success of the programs, and child development activities for infants and prekindergarten children. Requires active involvement of parents, teachers, and community representatives in the local implementation of migrant education programs.
- 4) Requires migrant education programs to include content such as an individual assessment of educational and relevant health needs of each participating pupil, a general needs assessment developed in compliance with federal requirements, a comprehensive program to meet the educational, health, and related needs of participating pupils, and acquisition of instructional materials and equipment to provide appropriate services. Authorizes school districts and other education

agencies to be eligible to apply for funding to serve migrant pupils upon application to their respective region to the CDE.

- 5) Requires the fiscal year ADA computed under Section 42238.05 to be increased by the number of days of attendance of pupils enrolled in eligible schools in the school district who are currently migratory children and who are residing in state-operated migrant housing projects between the second principal apportionment and the end of the regular school year, divided by the number of days school was actually taught in the regular day for schools of the district, excluding weekends, for school districts that meet the following conditions:
 - a) Have one or more state-operated migrant housing projects that are located within the attendance area of the school; and
 - b) The maximum number of pupils enrolled in the school in the relevant fiscal year who are currently migratory children, constitutes not less than one-third of the total pupil enrollment of the school. Requires the SPI to establish rules and regulations for implementation. (EC 42238.053)
- 6) Authorizes a school district with an increase in units of ADA from the second principal apportionment to the annual apportionment to request the county superintendent of schools to adjust the district's funding by utilizing the units of ADA for the annual apportionment instead of the units of ADA for the second principal apportionment. To qualify for the adjustment, the increase in ADA must be attributable to pupils of migrant agricultural workers, and: 1) equal to or greater than two percent, or 2) for the 1984-85 fiscal year and each fiscal year afterward, for school districts with less than 2,501 units of ADA, equal to or greater than 10 units of ADA.

Federal Law

- 7) Defines a migratory child as one whose parent made a qualifying move in the preceding 36 months as a migratory worker within the agricultural or fishing industry or moved with or to join a parent or spouse who is employed in one of the stated fields of work.
- 8) Authorizes the Migrant Education Program (MEP), under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA).
- 9) Authorizes the MEP by Part C of Title 1, which is designed to support high quality and comprehensive educational programs for migrant children to help reduce the educational disruption and related issues from repeated moves.
- 10) Authorizes the MEP to assist states in supporting high quality and comprehensive educational programs and services during the year, during summer or intersession periods, that address the educational needs of migratory children.

- 11) Authorizes the MEP to ensure migrant students who move among the states are not penalized by disparities among the states in curriculum, graduation requirements, and academic standards.
- 12) Authorizes the MEP to help migratory children overcome educational disruption, cultural and language barriers, social isolation, health-related problems, and other factors that inhibit the ability of such children to succeed in school.

ANALYSIS

This bill:

- 1) Beginning January 1, 2024, authorizes up to two LEAs to request authorization from the California Department of Education (CDE) to provide an extended school year for students who are children of migrant agricultural farmworkers and to report ADA attributable to this program to the CDE in the year in which the program ends if certain conditions are met.
- 2) Authorizes the extended school year period to be between the end of the regular school year and the start of the subsequent school year.
- 3) Authorizes migrant pupils who enroll into an LEA for the program to arrive in the LEA on or after March 1st of one school year and who depart on or before December 1st of the subsequent school year.
- 4) Requires instruction provided by LEAs to be in person and not through independent study.
- 5) Authorizes these LEAs to supplement the extended school year program with funding appropriated for migrant summer school.
- 6) Defines LEA as a school district or county office of education.
- 7) Defines migratory pupil to have the same meaning as "currently migratory child" as specified in existing law.
- 8) Requires the CDE to establish a process to determine which two LEAs will be authorized to carry out the program if more than two LEAs request authorization from the CDE.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "One in three migrant students live in California, travelling frequently with their parents to follow seasonal work. Migrant workers are a significant part of an agricultural workforce that helps grow over a third of the country's vegetables and two-thirds of the country's fruits and nuts. Yet, migrant families have extraordinary difficulties in providing what most families consider "normal" life conditions. Thousands of migrant students are enrolled in schools that don't align with the migration patterns of their parents and families. As migrant workers move to secure employment, they are repeatedly

faced with associated challenges such as lack of available housing, food insecurity and limited linguistically and culturally accessible resources, which in turn serve as a barrier to migrant student success. The California Department of Education notes that as families relocate, migrant students are significantly less likely to meet high school graduation requirements, attend key instructional periods and assessment windows, make friends and join extra-curricular activities.

“AB 1777 will expand education access to migrant students in grades pre-K through 8 by ensuring that at least two Local Education Agencies (LEAs) can provide continuous school instruction during summer months that migrant students are able to attend. Specifically, this bill will enable LEAs to access Average Daily Attendance funding to administer programming during summer months that align with the time during which migrant students are able to attend school, thereby providing migrant students with continuous access to equitable education that is both academically rigorous and comprehensive to foster their academic success and encourage future socioeconomic mobility.”

- 2) ***California's Migrant Education Program.*** The Migrant Education Program (MEP) is a federally funded program administered in all 50 states. The MEP is designed to support high quality and comprehensive educational programs for migrant children to help reduce the educational disruption and other issues that result from repeated moves. California's MEP is supported by both federal and state laws. Although the state law does not provide funding for the program, it does set out the administrative framework for delivering local MEP services through regional offices. The California MEP is the largest in the nation. One out of every three migrant students in the United States lives in California. In the 2018–19 school year, 78,947 youth ages 3–21 were identified as migratory youth in California.

According to federal law, the purpose of the MEP is to:

- a) Assist states in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods, that address the unique educational needs of migratory children.
- b) Ensure that migratory children who move among the States are not penalized in any manner by disparities among the states in curriculum, graduation requirements, and challenging state academic standards.
- c) Ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet.
- d) Help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.
- e) Help migratory children benefit from State and local systemic reforms.

In California, the MEP offers supplemental educational services through a network of 15 county offices of education and 212 school districts. Twenty-four regional programs work in collaboration with nearby school districts to provide for the various ages, grades, and academic needs of migrant youth. They range from prekindergarten through high school graduation requirements. The services are may be offered as after school programs, throughout intersession school breaks (including summer), and at times, on weekends.

- 3) ***Migrant students face unique and significant challenges.*** Research (Free, 2014) has found that migrant students face five major challenges that negatively impact their education and social mobility: 1) cultural barriers, including language and students' and parents' knowledge, interactions, and involvement with school; 2) challenges related to family and care, such as parental absence and working conditions, family structure, children's care responsibilities for younger siblings; 3) material needs, especially poverty, hunger, housing, underage child labor, transportation, and health issues; 4) educational challenges as a result of students' migratory lifestyles, lack of school supplies and teachers' lack of knowledge about and attitudes towards migrant students; and 5) hardships related to undocumented legal status. The combination of these adversities results in practical, physical, social, and emotional consequences that adversely affect their education.

The need to follow employment opportunities within the agricultural industry is dependent on the season as well as the productivity of the crops the families are helping to harvest. Consequently, children of migrant families may end up enrolling in a school towards the end of one year and leave the school early the next school year. They may not be able to maintain relationships with peers or participate in extracurricular activities due to the timing the student is enrolled. Schools may not have updated records of the student's credits and transcripts, resulting in students not being placed in appropriate courses, which can lead to students disengaging from school or not graduating.

- 4) ***Arguments in support.*** Woodland Joint Unified School District writes, "These pilots would determine if significantly increased academic achievement occurs as a result of AB 1777 funding a continuous full day of school from April through October. Those academic achievement results would help us determine whether permanently changing the ADA law to fund a full day of continuous school that corresponded to when migrant students were here would be worth considering in the future. I encourage you to vote in favor of AB 1777 so that we can have a data-based approach to consider if ADA law should be modified to provide more equitable opportunities for migrant children relative to what most other California children receive. Superintendents have been frustrated for decades by these terms of the existing ADA law. These terms have prevented superintendents from creating and operating fully funded days of school continuously during the time when the children of farm workers live in our service areas... It is expected that migrant students would demonstrate substantially increased academic achievement than migrant students not in these two pilots. Those results would provide data to determine if a more permanent change in the ADA law should occur to enable more migrant students to have fully funded full days of school in

a continuous time span during months that corresponded to when those migrant children were living here.”

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

Significant cost to Proposition 98 (GF) for additional ADA funding. Actual cost would depend on the number of additional ADA. The CDE estimates a potential ongoing cost of approximately \$472,000 for this purpose.

Significant one-time cost to the General Fund for CDE to select the participating LEAs and initiate the funding process. Minor ongoing costs to the General Fund for CDE for continued administrative costs. The CDE estimates \$195,000 and \$97,000, respectively, for these purposes.

- 6) **Technical amendments.** The CDE has raised implementation concerns with this bill given that there is no lead time built in nor is the reporting period for annual migratory pupil attendance specified. To address these concerns, the author has proposed, and staff concurs, to amend the bill as follows:
- a) Delay the implementation date by one year, until January 1, 2024.
 - b) Clarify that, for participating LEAs, ADA shall also be available from the second principal apportionment (P-2) through June 30 for qualifying migratory pupils.

SUPPORT

American Academy of Pediatrics, California, Chapter 2
 California Association for Bilingual Education (CABE)
 California Association of Latino Superintendents and Administrators
 California Catholic Conference
 Californians Together
 Courage California
 Empower Yolo
 Mutual Housing California
 National Farm Worker Ministry
 Ventura County Office of Education
 Two individuals

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 1801 **Hearing Date:** June 29, 2022
Author: Nazarian
Version: June 20, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: State holidays: Genocide Remembrance Day

SUMMARY

This bill authorizes public schools serving any of grades K-12 and community colleges to close on April 24 to observe Genocide Remembrance Day, and adds April 24, known as "Genocide Remembrance Day" as a state holiday.

BACKGROUND

Existing law:

K-12 public schools

- 1) Requires public schools to close on the following holidays, except as otherwise provided:
 - a) January 1.
 - b) The third Monday in January or the Monday or Friday in the week in which January 15 occurs, known as "Dr. Martin Luther King, Jr. Day." On the Friday preceding the day on which schools are closed, schools shall include exercises commemorating and directing attention to the history of the civil rights movement in the United States and particularly the role therein of Dr. Martin Luther King, Jr.
 - c) The Monday or Friday of the week in which February 12 occurs, known as "Lincoln Day." On the day that school is in session prior to the day on which schools are closed for that purpose, all public schools and educational institutions throughout the state shall hold exercises in memory of Abraham Lincoln.
 - d) The third Monday in February, known as "Washington Day." On the Friday preceding, all public schools and educational institutions throughout the state shall hold exercises in memory of George Washington.
 - e) The last Monday in May, known as "Memorial Day."
 - f) July 4.

- g) The first Monday in September, known as "Labor Day."
 - h) November 11, known as "Veterans Day."
 - i) That Thursday in November proclaimed by the President as "Thanksgiving Day."
 - j) December 25.
 - k) All days appointed by the Governor for a public fast, thanksgiving, or holiday, and all special or limited holidays on which the Governor provides that the schools shall close.
 - l) All days appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.
 - m) Any other day designated as a holiday by the governing board of the school district. (Education Code § 37220)
- 2) Authorizes public schools to be closed, in addition to the holidays prescribed above, on March 31, known as "Cesar Chavez Day," or the appropriate Monday or Friday following or preceding that date, if the governing board agrees to close schools for that purpose. (EC § 37220.5 and § 45203)
 - 3) Authorizes public schools to be closed, in addition to the holidays prescribed above, on the fourth Friday in September, known as "Native American Day," if the governing board agrees to close schools for that purpose. (EC § 37220.7 and § 45203)
 - 4) Provides that schools are to provide a minimum of 180 days of instruction, with exception. EC § 46200)

California Community Colleges (CCC)

- 5) Requires community colleges to continue in session or close on specified holidays as follows:
 - a) Requires community colleges to close on January 1st, the third Monday in January, known as "Dr. Martin Luther King, Jr. Day," February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.
 - b) Requires community colleges to close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday; requires community colleges to continue in session on all legal holidays other than those designated in statute, and requires community

- colleges to hold proper exercises commemorating the day. (EC § 79020)
- 6) Authorizes community colleges to be closed, in addition to the holidays prescribed above, on:
 - a) The fourth Friday in September, known as "Native American Day," if the governing board agrees to close the community college for that purpose.
 - b) March 31, known as "Cesar Chavez Day," if the governing board agrees to close the community college for that purpose. (EC § 79020 and § 88203)
 - 7) Authorizes Glendale Community College, in addition to the optional holidays listed in #6 above, to be closed on April 24, known as "Armenian Genocide Remembrance Day," if the governing board agrees to close the community college for that purpose. (EC § 79020 and § 88203)
 - 8) Requires the CCCs to provide at least 175 days of instruction. (California Code of Regulations, Title 5, § 55701)

State holidays

- 9) Provides that holidays in this state are:
 - a) Every Sunday.
 - b) January 1st.
 - c) The third Monday in January, known as "Dr. Martin Luther King, Jr. Day."
 - d) February 12th, known as "Lincoln Day."
 - e) The third Monday in February.
 - f) March 31st, known as "Cesar Chavez Day."
 - g) The last Monday in May.
 - h) July 4th.
 - i) The first Monday in September.
 - j) September 9th, known as "Admission Day."
 - k) The fourth Friday in September, known as "Native American Day."
 - l) The second Monday in October, known as "Columbus Day."
 - m) November 11th, known as "Veterans Day."

- n) December 25th.
- o) Good Friday from 12 noon until 3 p.m.
- p) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday. (Government Code § 6700)

ANALYSIS

This bill authorizes K-12 public schools and community colleges to close on April 24 to observe Genocide Remembrance Day, and adds April 24, known as "Genocide Remembrance Day" as a state holiday. Specifically, this bill:

K-12 public schools

- 1) Authorizes public schools, in addition to prescribed holidays, to be closed on April 24, known as "Genocide Remembrance Day."
- 2) Authorizes public schools and educational institutions, on April 24 or an alternate date if the school is closed on April 24, to include exercises, funded through existing resources, remembering and honoring the many contributions that survivors of genocide have made to this country.
- 3) Authorizes the State Board of Education to adopt a model curriculum guide to be available for use by public schools for exercises related to Genocide Remembrance Day.

CCCs

- 4) Authorizes a community college, in addition to prescribed holidays, to close on April 24, known as "Genocide Remembrance Day."
- 5) Updates the authority for Glendale Community College to close on April 24 to observe "Genocide Remembrance Day," rather than "Armenian Genocide Remembrance Day."

State holidays

- 6) Adds April 24, known as "Genocide Remembrance Day" as a state holiday.
- 7) Authorizes any state employee, as defined, to elect to receive eight hours of holiday credit for April 24, known as "Genocide Remembrance Day," in lieu of receiving eight hours of personal holiday credit, as specified.

Findings and declarations

- 8) States legislative findings and declarations relative to having a day to reflect on past and present genocides, but especially those that have felt the impact of these atrocities and groups that have found refuge in California, as specified.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "... genocide has been an unfortunate reality since the dawn of humanity, being perpetrated on every continent by and against every race. The act of systematically erasing another group is born out of hate, prejudice, and a lack of empathy. We can only resolve these fundamental human flaws through recognition, understanding, and awareness. Reflecting on these common human flaws is the point of this bill. This bill requires that we take a day as a state to reflect on previous and current acts of genocide, and, through this reflection, we can help prevent further atrocities. Additionally, this gives many with generational trauma recognition of that trauma and an opportunity to heal. As a state that has provided refuge to countless groups that have suffered through the atrocity of genocide, California is uniquely suited to establish April 24th as Genocide Remembrance Day."
- 2) *Authorizes but does not require school/community college holiday.* K-12 public schools and community colleges are required to provide a minimum number of days of instruction per year. Community colleges are specifically required to be in session unless closed on specified holidays. This bill grants K-12 public schools and community colleges the authority to close on April 24 to observe Genocide Remembrance Day. Similarly, this bill establishes April 24 as a state holiday yet authorizes state employees to elect to receive eight hours of holiday credit for April 24 in lieu of receiving eight hours of personal holiday credit.
- 3) *Resources for schools.* This bill authorizes the State Board of Education (SBE) to adopt a model curriculum guide to be available for use by public schools for exercises related to Genocide Remembrance Day. The California Department of Education's (CDE) website currently includes "Model Curriculum for Human Rights and Genocide," created by CDE and published by SBE in 2003. It is likely that an update is needed to this model curriculum.
- 4) *Heard in Senate Governmental Organization Committee.* As noted in the Senate Governmental Organization Committee analysis, "California law does not require a private employer to provide its employees with paid holidays, that it close its business on any holiday, or that employees be given the day off for any particular holiday. If an employer closes its business on holidays and gives its employees time off from work with pay, that occurred pursuant to a policy or practice adopted by the employer, pursuant to the terms of a collective bargaining agreement, or pursuant to the terms of an employment agreement between the employer and employee, as there is nothing in law that requires such a practice. At the local level, cities have the liberty to specify by charter, ordinance or resolution what paid holidays the city will provide to its city employees. Similarly, most state workers are bound by the memorandum of understanding that they have negotiated with the Governor. For all other state employees, they are entitled to the" holidays prescribed in # 9 in the background section of this analysis. This bill passed the Senate Governmental Organization Committee on June 14, on a 14-0 vote.

- 5) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose General Fund and special fund cost pressures of an unknown amount to the extent state employees decide to observe Genocide Remembrance Day.
- 6) *Related legislation.* AB 1655 (Jones-Sawyer) adds June 19, known as "Juneteenth," to the list of state holidays and authorizes K-12 public schools and community colleges to close on June 19 to observe Juneteenth. AB 1655 is scheduled to be heard by this Committee on June 29.

AB 1872 (Low, 2022) would have made the day of statewide general elections in even numbered years a state holiday, and eliminated Washington day as a holiday in those years. AB 1872 was held in the Assembly Appropriations Committee.

AB 2596 (Low, 2022) repeals provisions requiring the Governor to annually proclaim the Lunar New year, and instead recognized the Lunar Year as a state holiday and authorizes state employees, with specified exceptions, to elect to receive eight hours of holiday credit for the Lunar New Year in lieu of receiving eight hours of personal holiday credit, as specified. AB 2596 is pending in the Senate Governmental Organization Committee.

AB 1741 (Low, 2022) requires the Governor to annually proclaim November 20 as "Transgender Day of Remembrance." AB 1741 is pending on the Senate Floor.

SUPPORT

Armenian Assembly of America

OPPOSITION

None received

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alternative annual average class enrollment for each schoolsite in those grades is agreed to.

For each disadvantaged student, a district receives a supplemental grant equal to 20 percent of its adjusted base grant. A district serving a student population with more than 55 percent of disadvantaged students receives concentration grant funding equal to 50 percent of the adjusted base grant for each disadvantaged student above the 55 percent threshold.

ANALYSIS

This bill:

- 1) Requires, from the 2027-28 school year to the 2029-30 school year, as a condition of receiving the K-3 grade span adjustment for kindergarten attendance, a school district or charter school providing a kindergarten program, and that has an enrolled unduplicated pupil percentage of 50 percent or more, to provide a full-day kindergarten class at each schoolsite.
- 2) Requires, beginning in the 2030-31 school year, as a condition of receiving the K-3 grade span adjustment for kindergarten attendance, every school district or charter school providing a kindergarten program to provide a full-day kindergarten class at each schoolsite.
- 3) Specifies that this requirement does not apply to transitional kindergarten (TK) attendance.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Full-day kindergarten gives students the time they need to engage in meaningful learning and play, resulting in greater school readiness, self-confidence, and academic achievement compared to part-day programs. However, some school districts only offer part-day programs, leaving students without access to the benefits of full-day kindergarten. AB 1973 requires school districts and charter schools to offer full-day kindergarten programs, giving all students the opportunity to participate in a full-day program, which will prepare them with the skills they need to thrive in school and beyond."
- 2) ***Research on the impact of full-day kindergarten is mixed.*** While many argue that a large body of research demonstrates that full-day kindergarten programs benefit children, a 2009 Public Policy Institute of California study states that "research to date...has provided little evidence of long-term academic benefits beyond kindergarten or first grade." Further, an analysis done by the Research and Development (RAND) Corporation titled "Ready for School: Can Full-Day Kindergarten Level the Playing Field" found that "This study reinforces the findings of earlier studies that suggest full-day kindergarten programs may not enhance achievement in the long term. Furthermore, this study raises the possibility that full-day kindergarten programs may actually be detrimental to mathematics performance and to nonacademic readiness skills."

- 3) ***Most school districts already operate full-day kindergarten programs.*** According to the Legislative Analyst Office (LAO), as of 2017-18, 71 percent of school districts in California ran only full-day kindergarten programs, 19 percent ran only part-day programs, and 10 percent ran a mix of full-day and part-day programs. The LAO estimates that approximately 70 percent of kindergarten students attend a full-day program and roughly 30 percent attend a part-day program. Enrollment in full-day programs has grown significantly since 2007-08 when 43 percent of students were attending full-day kindergarten programs. A recent study conducted by the University of California, Los Angeles (UCLA), on behalf of the California Department of Education (CDE) found that the average full-day kindergarten session was 5.6 hours and the part-day sessions averaged 3.5 hours.
- 4) ***Why do some districts not offer full-day kindergarten?*** School districts determine the length of their kindergarten programs. Part-day programs operate between three to four hours per day, and full-day programs operate for more than four hours per day. Schools operating part-day programs typically run a morning session and afternoon session in the same classroom using two teachers—one teacher in the morning and another in the afternoon. Full-day programs, in contrast, require a separate classroom and are typically assigned one full-time teacher who leads the class throughout the day. The state funds kindergarten through the Local Control Funding Formula, which provides districts the same per student funding rate for part-day and full-day programs (\$8,235 per student in 2018-19).

When surveyed by the LAO for their reasons for not operating full-day kindergarten programs, school districts reported a variety of reasons, including limited classroom space, teachers preferring part-day programs because they receive additional support from another teacher throughout the day, and parent preference for a shorter school day for their children.

According to the 2017 UCLA study, lack of classroom space has been a primary barrier to offering full-day kindergarten. In order to address this problem and facilitate the expansion of full-day kindergarten, the state has invested \$890 million over the last 4 years in grant funding to support full-day kindergarten programs (\$100 million in 2018-19, \$300 million in 2019-20, and \$490 million in 2021-22).

California is experiencing a significant shortage of teachers overall. A 2020 research brief by the Learning Policy Institute (LPI) notes that “When California students returned to school in fall 2019, hundreds of thousands returned to classrooms staffed by substitutes and teachers who were not fully prepared to teach. In recent years, California has experienced widespread shortages of elementary and secondary teachers as districts and schools seek to restore class sizes and course offerings cut during the Great Recession.” The LPI report goes on to say that “Analysis of statewide teacher supply and demand factors indicates that there are three main factors driving shortages in California: the decline in teacher preparation enrollments, increased demand for teachers, and teacher attrition and turnover. However, the relative weight of supply and demand factors can vary from district to district.”

The expansion of TK is expected to exacerbate this need as it is projected that full implementation of TK with reduced staffing ratios will require up to 12,000 or more additional credentialed teachers, as well as up to 25,000 teacher assistants.

- 5) ***Charter schools would be required to comply in order to receive this funding.*** As summarized above, the LCFF currently provides a 10.4 percent adjustment to the K-3 base grant for school districts that maintain an average class enrollment of not more than 24 pupils for each schoolsite in kindergarten and grades 1 to 3, inclusive, unless a collectively bargained alternative annual average class enrollment for each schoolsite in those grades is agreed to. Charter schools also receive this adjustment, however, they are not required to comply with the class size requirement.

As currently drafted, this bill would eventually require all charter schools providing a kindergarten program to offer at least one full-day kindergarten class at each schoolsite to receive the K-3 grade span adjustment for kindergarten attendance.

- 6) ***Arguments in support.*** First 5 California states, "Research shows that full-day kindergarten programs are associated with greater growth in cognitive, reading, and math skills compared to part-day programs – crucial academic building blocks that prepare children for first grade. Full-day kindergarten programs also improve school-readiness by giving children more opportunities for social-emotional and behavioral development, resulting in greater self-confidence and ability to work and play with others.

"While the number of districts providing full-day programs has increased in recent decades, many students are still left out of this opportunity because they attend school districts that only offer part-day programs. Recognizing the need to expand access, the state has invested \$890 million in grant funding to support the construction of facilities to support full-day kindergarten over the last three years.

"AB 1973 sets California's youngest learners up for success in school and beyond by requiring school districts and charter schools to offer full-day kindergarten programs to all children starting in the 2025-26 school year. This bill will give students the time they need to engage in meaningful learning and play, resulting in greater school readiness, self-confidence, and academic achievement compared to part-day programs."

- 7) ***Arguments in opposition.*** The California School Boards Association states, "Many kindergarten programs operate on a half-day schedule, primarily due to logistical challenges and lack of facility capacity. As a result, many offer separate morning and afternoon kindergarten programs not for policy reasons, but rather because they lack adequate facility capacity and/or teachers to meet demand. As such, this enables school districts to assign one teacher to a kindergarten classroom but serve twice as many students by providing separate morning and afternoon kindergarten classes in the same classroom. AB 1973 would also

present increased challenges to our smaller and more rural school districts, which already struggle to a greater degree with staffing shortages and lack of adequate school facilities.

“Furthermore, there is no additional funding identified in this measure to fund the expansion of full-day kindergarten. Without additional funding to help school districts of all sizes offer full-day kindergarten, many districts will be faced with the unenviable task of choosing between offering full-day kindergarten or foregoing their class size reduction (CSR) funding and increasing class sizes for some of our youngest students. Although we appreciate the intent of the bill to provide full-day kindergarten, we believe additional funding separate and apart from the CSR program is a better approach to achieving this goal.”

- 8) **Committee Amendment.** As summarized above, the K-3 base grant amount includes a 10.4 percent increase, which districts receive for maintaining an average class enrollment of not more than 24 pupils for each schoolsite in kindergarten and grades 1 to 3, inclusive unless a collectively bargained alternative annual average class enrollment for each schoolsite in those grades is agreed to.

This bill proposes to add another requirement on LEAs to earn this funding, which conflicts with why this funding was provided in the first place. Moreover, LEAs that cannot comply with this requirement would lose a portion of their existing funding and have no remaining incentive to keep their kindergarten class sizes low.

If it is the desire of the Committee to pass this measure, **staff recommends** amending the bill to make the requirement to offer at least one full-day kindergarten class at each schoolsite, as specified, a standalone requirement that is in no way tied to the LEA's ability to earn the K-3 base grant adjustment.

SUPPORT

California Association for Bilingual Education
California School Employees Association
California State PTA
Early Edge California
First 5 California
The Education Trust-West

OPPOSITION

Association of California School Administrators
California School Boards Association

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- iii) A site that contains one or more pipelines, either underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood.
- b) The school district, as the lead agency in preparing the environmental impact report (EIR) or negative declaration (ND), consulted with the administering agency in which the proposed schoolsite is located and with any air pollution control district or air quality management district having jurisdiction in the area to identify facilities within the district's authority that are within one-fourth of one mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions or to handle hazardous or extremely hazardous materials, substances, or waste.
- c) The governing board makes one of the following written findings:
 - i) Consultation identified none of the facilities or significant pollution sources;
 - ii) The facilities or other pollution sources exist, but either the health risks from the facilities or pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school; or the governing board finds that corrective measures required under an existing governmental order will, before the school is occupied, result in mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school;
 - iii) For a schoolsite with a boundary that is within 500 feet of a freeway or other busy traffic corridor, the governing board of the school district determines that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils; or
 - iv) The governing board finds that the conditions in (ii) or (iii) cannot be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet these requirements. If the governing board makes this finding, requiring the governing board to adopt a statement of overriding considerations.
- 3) Requires the governing board of a school district, as a condition of receiving state funding, before the acquisition of a schoolsite, to conduct a Phase I environmental assessment or a preliminary endangerment assessment of the proposed school site.
- 4) Requires the California Department of Education (CDE) to do all of the following:

- a) Advise the governing board of the school district on the acquisition of new schoolsites and give the governing board a list of the recommended locations in the order of their merit. Allows the governing board to purchase a site deemed unsuitable for school purposes by CDE only after reviewing CDE's report at a public hearing. Requires CDE to charge the school district a reasonable fee for each schoolsite reviewed.
 - b) Develop standards for use by a school district in the selection of schoolsites and standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate, promote school safety, and provide school districts with flexibility in designing instructional facilities. Requires CDE to investigate complaints of noncompliance with site selection standards and to notify the governing board of the school district of the investigation results. If the notification is received before the site acquisition, the governing board of the school district is required to discuss the findings at a public hearing.
 - c) Upon the request of the governing board of a school district, review plans and specifications for school buildings. Requires CDE to charge the school district for the review of plans and specifications.
 - d) Upon the request of the governing board of the school district, make a survey of the building needs of the school district, advise the governing board of the school district concerning the building needs, and suggest plans for financing a building program to meet the needs. Requires CDE to charge the school district for the cost of the survey.
 - e) Provide information relating to the impact or potential impact upon a schoolsite of hazardous substances, solid waste, safety, hazardous air emissions, and other information CDE deems appropriate.
 - f) Develop strategies to assist small school districts with technical assistance relating to school construction and the funding of school facilities.
- 5) Under the Hazardous Waste Control Law, authorizes the Department of Toxic Substances Control (DTSC) to regulate the management of hazardous wastes in California.
 - 6) Under the Carpenter-Presley-Tanner Hazardous Substance Account Act (HSAA) program, provides for response authority for release of hazardous substances, including spills and hazardous waste disposal sites that pose a threat to public health or the environment.
 - 7) Under the California Environmental Quality Act (CEQA), provides a process for evaluating the environmental effects of projects undertaken or approved by public agencies.
 - 8) Requires the governing board of each school district, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give

the planning commission having jurisdiction notice of the proposed acquisition. Requires the planning commission to investigate the proposed site and, within 30 days of receipt of the notice, submit a written report on the investigation and its recommendations to the governing board. Prohibits the governing board from acquiring title to the property until the report of the planning commission has been received.

- 9) Prohibits an EIR from being certified or a ND from being approved for a project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless certain conditions are met.

ANALYSIS

This bill:

- 1) Requires the governing body of a charter school, before acquiring any site on which it proposes to construct a school building, to have the site under construction investigated by competent personnel to ensure that the final selection is determined by an evaluation of all factors affecting the public interest and is not limited to the selection on the basis of raw land cost only. Requires, if the prospective schoolsite is located within the boundaries of a special studies zone or within an area designated as geologically hazardous in the safety element of the local plan, the investigation to include geological and soil engineering studies by competent personnel needed to provide an assessment of the nature of the site and potential for earthquake or other geologic hazard damage.
- 2) Requires the governing body of a charter school or the governing body of a private school to conduct a Phase I environmental assessment or a preliminary endangerment assessment of the proposed school site before acquiring a schoolsite or, if the charter school or private school owns or leases a school site, before the construction of a project.
- 3) Prohibits the governing body of a charter school or a governing board of a private school from approving the acquisition or purchase of a schoolsite, or the construction of a new elementary or secondary school, by, or for use by, a charter school or private school unless all of the following occur:
 - a) The city or county determines that the property proposed to be acquired or purchased, or to be constructed upon, is not any of the following:
 - i) A current or former hazardous waste disposal site or solid waste disposal site unless, if the site was a former solid waste disposal site, the city or county concludes that the wastes have been removed;
 - ii) A hazardous substance release site identified by DTSC in the current list of sites selected for removal or remedial action pursuant to the Hazardous Waste Control Law; or

- iii) A site that contains one or more pipelines, either underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood, or other nearby schools.
- b) The governing body or board has notified in writing and consulted with the relevant administering agency, any air pollution control district, air quality management district to identify both permitted and nonpermitted facilities within the district's authority that are within one-fourth of one mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions or to handle hazardous or extremely hazardous materials, substances, or waste.
- c) The city or county makes one of the following written findings:
 - i) The consultation identified none of the facilities specified in (b) or other significant pollution sources;
 - ii) One or more of the facilities specified in (b) or other pollution sources exist, but either the health risks from the facilities or pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school; or corrective measures required under an existing order by another agency will, before the school is occupied, result in mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school; or for a schoolsite with a boundary that is within 500 feet of a freeway or other busy traffic corridor, the city or county determines that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.
 - iii) One or more of the facilities specified in (b) or other pollution exists, but the conditions in (ii) cannot be met and the charter school or private school is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet these requirements.
- 4) Adds charter schools to the duties required of CDE related to siting and standards for design plans.
- 5) Requires the governing body of a charter school or governing board of a private school to, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, give the planning commission having jurisdiction notice in writing of the proposed acquisition. Requires the planning commission to investigate the proposed site and, within 30 days after receipt of the notice, submit to the governing body or board a written report of the investigation and its recommendations concerning the acquisition of the site. Prohibits the governing

body or board from acquiring title to the property until the report of the planning commission has been received.

- 6) Prohibits a lead agency from certifying an EIR or approving a ND for a project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a charter school or private school unless the charter school or private school meets the same conditions that are imposed on the school district off a public school.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Private and some charter schools are not required to meet the same siting requirements as public schools, before building a new school. These schools can be built in unsafe locations near sources of hazardous emissions, substances, or waste. As a result, the public health and safety of the students, teachers, and school employees could be put at risk.

"AB 2214 would keep students safe by requiring private and charter schools to follow the same laws as public schools to identify nearby sources of air pollution, consult with their local air districts, and evaluate school sites for potential hazardous emissions, substances, or waste. This bill simply requires parity so that all students whether they attend a public school or a private/charter school attend a school site free from hazardous waste or admissions."

- 2) **Overview of CEQA.** CEQA generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. If a project subject to CEQA will not cause any adverse environmental impacts, a public agency may adopt a document known as a negative declaration. If the project may cause adverse environmental impacts, the public agency must prepare an EIR. An EIR contains in-depth studies of potential impacts, measures to reduce or avoid those impacts, and an analysis of alternatives to the project. A key feature of the CEQA process is the opportunity for the public to review and provide input on both negative declarations and EIRs. The process of siting and building a school is subject to the CEQA process.
- 3) **Overview of the school siting process.** The siting of schools is not an easy process. Existing law prohibits school districts from locating public schools on land that was previously a hazardous waste disposal site, that contains pipelines that carry hazardous substances, or that is near a freeway and other busy traffic corridors and railyards that have the potential to expose students and school staff to hazardous air emissions. Existing law also requires school districts to comply with CEQA requirements, reviewed by DTSC, and approved by the CDE to ensure the design plans meet the academic need of the school.

School districts must also comply with the Field Act, which ensures that school buildings can withstand earthquakes. School districts must submit all school design plans to the Division of State Architect to ensure that the architectural

design plans meet fire, life, and safety requirements, Field Act requirements, and access requirements under the Americans with Disability Act.

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

- 4) **Arguments in support.** The Bay Area Quality Management District states, "Given that private and charter schools are not held to the same requirements as public schools before building new schools, there are cases in California where schools have been built in a potentially unsafe location near sources of hazardous emissions, substances, or waste, unbeknownst to the children, their parents, and school employees. Consequently, the public health and safety of all students and school employees in California at these schools could be at risk. One of those such instances occurred in Fall 2018, when a private preschool through eighth grade school was constructed next to the Tri-City Rock concrete batch facility in Fremont, CA without consulting the Bay Area AQMD, or properly notifying the students' parents.

"In order to ensure the public health and safety of all students and school employees in California, the potential location for a new private school or charter school needs to be properly evaluated. AB 2214 will achieve this by requiring that private schools and charter schools meet the same siting requirements as public schools."

- 5) **Arguments in opposition.** The California Charter Schools Association states, "California charter school operators already provide safe school facilities for their students. Under California Education Code Section 47610, charter public school facilities projects are subject to the California Building Standards Code, as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located. California city and county building departments and other agencies already carefully review charter school facilities projects to ensure student safety.

"AB 2214 attempts to revive a bill by the same sponsors that was defeated last year—AB 762. Although this bill is not identical to AB 762, it has the same misguided goal of requiring charter school facilities projects to obtain approval at both the state and local levels.

"...California school district projects are exempt from local zoning and building regulations. Given that school district projects are not subject to local oversight, project review and approval at the state level is appropriate. Subjecting only charter public school projects to two separate sets of regulations, implemented by separate agencies, at both the state and local levels is unwise and unnecessary, and will dramatically increase project costs. The supporters of this bill have not provided significant evidence to support their claims that this double regulatory approach is needed."

SUPPORT

Bay Area Air Quality Management District (sponsor)
California Air Pollution Control Officers Association
California School Employees Association
County of San Diego

OPPOSITION

California Charter Schools Association
Charter Schools Development Center

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2464 **Hearing Date:** June 29, 2022
Author: Cristina Garcia
Version: February 17, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: California State University: employees: paid parental leave of absence.

SUMMARY

This bill requires the California State University (CSU) to grant an employee a leave of absence with pay for one semester of an academic year, or an equivalent duration, in a one-year period, following the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

BACKGROUND

Existing law:

- 1) Establishes the Donahoe Higher Education Act, setting forth the mission of the University of California (UC), CSU, and California Community Colleges (CCC).
- 2) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees.
- 3) Requires the CSU Trustees to grant pregnancy leave without pay to female permanent employees for a period not exceeding one year, as determined by the employee except when the employee has notified the trustees as to the period of the leave of absence, any change in the length of the leave is not effective unless approved by the CSU Trustees.

ANALYSIS

This bill:

- 1) Specifies that the Trustees of the CSU will grant to an employee a leave of absence with pay for one semester of an academic year, or equivalent duration, in a one-year period, following the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.
- 2) Establishes that, for purposes of this legislation, "employee" means any employee, including student employees whose employment is contingent on their status as students, of the Regents of the UC, the Directors of the Hastings

College of the Law, or the Trustees of the CSU. However, managerial and confidential employees and employees whose principal place of employment is outside the State of California at a worksite with 100 or fewer employees are excluded from coverage, as specified.

- 3) Requires the leave of absence shall be taken in consecutive periods unless otherwise agreed to by mutual consent between the employee and an appropriate administrator. Only working days shall be charged against the leave of absence.
- 4) Specifies that, if the provisions conflict with the provisions of a memorandum of understanding (MOU) reached as specified, the memorandum of understanding shall be controlling without further legislative action, except that, if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Trying to find time to start a family can be very difficult for those of us that work regimented careers; on top of the paid family leave that leaves us lacking bonding time. The CSU's expectations for what faculty members have to do to spend time with their new children and allow their bodies to heal are unrealistic and disappointing. Faculty members, including K-12 teachers and school employees, often have to try to time the birth in order to maximize their time away from work. Basically, they have to schedule their birth. Addressing such disparities should begin by the [CSU] granting one full semester or the equivalent time in paid leave for parental bonding time. Not only will this increase new parent bonding time, it will also increase retention and morale among CSU employees."
- 2) ***Parental leave is within the mandatory scope of the Higher Education Employer-Employee Relations Act.*** California's Higher Education Employee-Employer Relations Act (HEERA) is the law that governs labor relations between public institutions of higher education and their employees. Under HEERA, terms and conditions of employment, such as wages, hours, and working conditions are considered to be within the mandatory scope of bargaining or scope of representation. Matters that are not within the scope of representation include: "consideration of the merits, necessity, or organization of any service, activity, or program established by statute or regulations adopted by the trustees, except for the terms and conditions of employment of employees who may be affected thereby."

The Public Employer-Employee Relations Board (PERB) is responsible for enforcing HEERA. PERB has issued thousands of decisions regarding what matters are within the scope of HEERA, which generally are those matters that: (1) are reasonably related to wages, hours, or conditions of employment, (2) areas where management and employees are likely to conflict, and (3) areas that would not significantly abridge the employer's freedom to exercise managerial choices.

- 3) **Background on contract negotiations.** The CSU and the California Faculty Association (CFA), the sponsors of this legislation, reached a tentative agreement on a successor contract in December of 2021. In February of 2022, CSU and CFA ratified that successor contract. The successor contract negotiated through collective bargaining did not include a leave of absence with pay.

On December 17, 2021, CSU and CFA formally agreed to meet within 60 days of the ratification of the successor collective bargaining agreement to form a workgroup to review parental support for faculty, at the CSU and other higher education institutions, along with leave utilization and trends within the CSU. The workgroup will create a report of their findings and that report will be given to the CSU Academic Senate, the CSU Board of Trustees, and the CSU Chancellor. The successor collective bargaining agreement was ratified on February 3, 2022; thus, 60 days from the date would have been April 4, 2022. The workgroup's first meeting was on June 6, 2022, and a report of findings will be completed in December 2022. To note, the signed parental support MOU established by the CSU may increase the number of paid parental leave days provided (30 days of paid leave, which runs concurrently with other parental, pregnancy disability, and/or family care and medical leave provisions) of the Collective Bargaining Agreement at any time.

- 4) **Arguments in support.** The CFA, the sponsor of this bill, writes that "The existing parental leave policy at the CSU provides for a maximum of 30 days of parental leave for its employees. This policy is woefully inadequate and uncompetitive for today's workplace. It does not allow enough time for parent/child bonding, and it may not be enough time for the body to heal following childbirth. It simply is a health and safety issue for our faculty members that needs to be addressed appropriately."

"AB 2464 would remedy this situation by requiring the CSU to provide employees a minimum of a full semester or two quarters of paid parental leave. A minimum would benefit students in many ways. If faculty are provided a semester off, there is less manipulation of schedules and pressure on faculty to find others to take over their workload. Much of that burden falls on faculty and adds to the stress soon-to-be parents are already facing. Providing for adequate parental leave will improve career advancement and will create greater equity for women faculty and particularly women faculty of color."

- 5) **Arguments in opposition.** The California State University is opposed to the measure and argues that this bill violates the collective bargaining process and removes the fiduciary responsibility entrusted with the Board of Trustees. They write, "While we agree with the author's goal of providing paid parental leave for the birth of a child or the placement of a child in connection with the adoption or foster care by the employee, the CSU believes these discussions should occur through the collective bargaining process rather than through legislation. Employees are currently entitled to six weeks of fully paid parental leave and can access more paid leave time with non-industrial disability insurance, vacation, and sick leave. The CSU has a diverse range of employees and has a history of

working with labor unions to address the specific needs of our represented employees. Unlike many parental leave programs that require employees to work for a specified amount of time to access the benefit, CSU generously allows its employees to access paid parental leave *immediately* upon employment. We also recognize that the general parameters of the generous leave options available to CSU employees may not fit the needs of all employees. This is reflected in the negotiated language used in our collective bargaining agreements (CBAs) which allow for equitable adjustments or flexibility in the application of these benefits.

“Unfortunately, AB 2464 goes outside of the collective bargaining process to extend paid parental leave from six weeks to sixteen weeks for all CSU employee groups except confidential and managerial employees. This significant expansion in both duration of leave time and number of eligible employees does not consider the fiscal impacts to the system. The bill is estimated to cost the system \$24.1 million annually. If more employees choose to utilize the benefit under this bill, the financial impact will be greater. The collective bargaining process allows both parties to consider factors unique to that employee group and customize the leave policy accordingly. When the CSU and California Faculty Association (CFA) ratified a new CBA on February 3, 2022, they signed a memorandum of understanding to form a parental support workgroup to review parental support for faculty and prepare a report of the findings. The parties have begun meeting to further examine this topic and will issue a report in December 2022. The workgroup and our collective bargaining process is the most appropriate way to address the number of paid parental leave days or make other changes to parental leave policy.”

SUPPORT

California Faculty Association (sponsor)
California Federation of Teachers AFL-CIO
California Labor Federation, AFL-CIO
California State University Employees Union (CSUEU)
California Teachers Association
First 5 Association of California
NARAL Pro-choice California

OPPOSITION

California State University, Office of The Chancellor

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- a) Best practices that a LEA may use to identify and obtain accurate data on all enrolled homeless children and youths and unaccompanied youths. Existing law requires CDE to develop these best practices in accordance with the federal McKinney-Vento Homeless Assistance Act and in a manner informed by relevant guidance from experts on the identification of homeless children and youths and unaccompanied youths, including, but not limited to, the United States Department of Education and technical assistance centers sponsored by the Office of Safe and Healthy Students of the United States Department of Education.
- b) A model housing questionnaire, based on the best practices, that a LEA may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled at schools of the local educational agency. (EC § 48852.5)

ANALYSIS

This bill eliminates the existing limitation that requires the housing questionnaire to be administered only by those LEAs that received funding from the American Rescue Plan Elementary and Secondary School Emergency Relief - Homeless Children and Youth Fund, thereby expanding the requirement to administer the housing questionnaire to all LEAs.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Identifying children who might be homeless is the first step to ensuring they have a fighting chance to succeed in school and life. Last year, I authored AB 27 which required local educational agencies (LEAs) to ensure that each school identifies all enrolled homeless students by annually administering a housing questionnaire. The bill was signed by the Governor. AB 2375 builds off of AB 27 by requiring all local educational agencies, regardless of whether or not they receive American Rescue Plan funding, to use the housing questionnaire to identify homeless youth."
- 2) *Related state audit.* A 2019 report by the State Auditor, "Youth Experiencing Homelessness: California's Education System for K-12 Inadequately Identifies and Supports These Youth," found that LEAs under-identify homeless youth, and CDE does not adequately monitor LEAs in this area, resulting in a lack of support being provided to students who are homeless. This bill continues to build on prior efforts to identify homeless children and youth through the administration of the housing questionnaire.
- 3) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose:
 - a) One-time cost to Proposition 98 (GF) potentially in the high hundreds of thousands to low millions of dollars for LEAs to develop and administer the questionnaires and report to the CDE.

- b) Ongoing costs to Proposition 98 (GF), potentially in the low hundreds of thousands of dollars to administer the questionnaires and report results annually. First year costs are likely to be higher than ongoing costs due to the first-time need to develop and translate the questionnaire. Costs would be lower if the CDE develops a model questionnaire with translations for LEAs to use. If the Commission on State Mandates determines that this bill establishes a state-mandated local costs would be reimbursable.

- c) Ongoing minor costs to the CDE to process questionnaire results received from LEAs.

SUPPORT

Los Angeles County Office of Education

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2484 **Hearing Date:** June 29, 2022
Author: Mia Bonta
Version: May 25, 2022
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Charter schools: school closures: remaining assets: Charter School Facility Grant Program

SUMMARY

This bill changes to the program requirements of the Charter School Facility Grant program (CSFGP) when the facilities used by charter schools are owned by related parties, and changes the procedures for any remaining net assets after a charter school closes.

BACKGROUND

Existing law:

- 1) Establishes the CSFGP (SB 740 Program), which provides assistance with facilities rent and lease costs for pupils in charter schools. (Education Code (EC) 47614.5)
- 2) Implements the CSFA's administration of the CSFGP intended to provide assistance with facilities rent and lease costs for pupils in charter schools. (CCR Title 4, Division 15, Article 1.5, Sections 10170.1 – 10170.15)
- 3) Specifies that, subject to the annual Budget Act, commencing with the 2017-18 fiscal year, eligible charter schools shall receive an amount equivalent to one of the following, whichever is less:
 - a) Seventy-five percent of annual facilities rent and lease costs for the charter school; or
 - b) For the 2017-19 fiscal year, an amount equal to \$1,117 per unit of average daily attendance (ADA). Beginning in the 2018-19 fiscal year, the amount of funding provided per ADA in the preceding fiscal year, adjusted by the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year.
- 4) Specifies that in any fiscal year in which there are insufficient funds to fully fund the approved amounts, the CSFA shall apportion the available funds on a pro rata basis. (EC 47614.5)

- 5) Specifies that eligibility is based on the geographic location of the charter schoolsite, pupil eligibility for free or reduced price meals, and a preference in admissions, as appropriate. Specifies that charter schoolsites are eligible for funding if the charter schoolsite meets either of the following conditions:
 - a) The charter schoolsite is physically located in the attendance area of a public elementary school in which 55% or more of the pupil enrollment is eligible for free or reduced price meals and the schoolsite gives preference in admissions to pupils who are currently enrolled in or reside in the attendance area where the charter schoolsite is located.
 - b) 55% or more of the pupil enrollment at the charter schoolsite is eligible for free or reduced price meals. (EC 47614.5)
- 6) Prohibits grant funds to be apportioned for any of the following:
 - a) Units of ADA generated through nonclassroom-based instruction, except as specified;
 - b) Charter schools occupying existing school district or county office of education (COE) facilities; or
 - c) Charter schools receiving reasonably equivalent facilities from their chartering authority. (EC 47614.5)
- 7) Specifies that grant funds shall be used for costs associated with facilities rents and leases and may also be used for costs associated with remodeling of a building, deferred maintenance, initially installing or extending service systems and other built-in equipment, and improving sites. (EC 47614.5)
- 8) Authorizes the State Allocation Board (SAB) to establish a program that requires a school district, COEs, or charter school that sells real property that was purchased with or modernized with, or on which improvements were constructed that were funded with, any moneys from state bond funds, to return to the SAB the moneys received for the purchase, modernization or construction, if the property is sold within 10 years of receipt of those funds and the proceeds from the sale are not used for capital outlay, education or child care purposes. (EC 17462.3)
- 9) Establishes, under the Charter Schools Facilities Program, a process for disposal of a charter school facility when a charter school ceases to utilize the facility for charter school purposes. (EC Section 17078.62)
- 10) States that charter schools and an "entity managing a charter school" are subject to Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code as well as the Political Reform Act of 1974. (EC 47604.1)

- 11) Establishes the procedures for charter school closure including, but not limited to, transfer of student and employee records, completion of final audit, and the disposal of net assets. (CCR Title 5, Section 11962)
- 12) Requires the following information to be transmitted to CDE when a charter school closes:
 - a) The effective date of the closure;
 - b) The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;
 - c) The pupils' school districts of residence; and
 - d) The manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements. (CCR Title 5, Section 11962)
- 13) Requires specified charter school closure information be transmitted to CDE. (CCR Title 5, 11962.1)

ANALYSIS

This bill:

- 1) Requires the school district in which a charter school is geographically located to become the designated entity for the disposal of any remaining net assets if the charter school closes and no designated entity already exists. Authorizes the district that receives the net assets to spend or dispose of them at their discretion.
- 2) Requires a charter school, before closing, to update all pupil records in the California Longitudinal Pupil Achievement Data System and report the number of displaced pupils to CDE.
- 3) Requires, as part of the CSFGP, CSFA to notify the chartering authority and the school district in which the charter school is geographically located of a charter school's application for funding.
- 4) Places the following conditions, as part of the CSFGP, on charter school facilities owned by related parties that are no longer occupied by the charter school due to voluntary closure, revocation, or nonrenewal:
 - a) The owner of the facility must reimburse the CSFGP all funds received after January 1, 2023 if they sell or lease the facility for any purpose other than that of public, nonsectarian education within 10 years after receiving CSFGP funds.
 - b) The reimbursement due to the CSFGP must be scheduled by CSFA, by not beyond 30 years from the date of the facility sale or lease.

- 5) Authorizes CSFA to charge an application fee for grant applications submitted by a charter school to be used for charter school facilities owned by related parties that do not exceed the amount reasonably necessary to cover the actual costs.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "In recent years, the Legislature has worked hard to raise standards for charter schools so that students can learn in safe environments under the oversight of a local authorizer. However, additional reforms are needed to guarantee accountability in the event that a charter school closes. Each year, on average 2.7 charter schools close between the months of October and April. Mid-year closures negatively impact not only students but also neighboring schools, who must accommodate the influx of students by finding classroom space, hiring teachers and classified staff, purchasing instructional materials, and transferring records. Furthermore, charter closures mean substantial taxpayer investments in school facilities may be lost or inaccessible to future generations of students if those facilities are privately held."

The author also states, "AB 2484 will enhance charter school closure procedures by requiring all charters to uniformly report pupil information to CALPADS prior to closure, so that the educators accommodating transferring students have all the information they need to help those students succeed, and by requiring charters to report the number of displaced students to the California Department of Education. Additionally, this bill will ensure that taxpayer dollars follow students, not private corporations, by transferring any net remaining assets after a charter school closes to the local school district in which a charter school was located. Finally, AB 2484 establishes guardrails to ensure that Charter School Facilities Grant (SB 740) Program dollars are used for public, nonsectarian educational purposes, not the systematic acquisition of real estate by large charter school chains. These guardrails include capping repayments for Charter Management Organization-owned properties, requiring grant-deed restrictions to preserve land for public educational use, and ensuring repayment of taxpayer funds if a charter school closes within 10 years of receiving a grant."

- 2) ***Charter School Facility Grant Program background.*** The 1992 legislation authorizing the creation of charter schools in California contained no provisions relating to facilities. Since that time, state policies relating to charter school facilities have developed piecemeal. Currently, about half of charter schools occupy facilities provided by their authorizing district. In these cases, charter schools pay nominal or below market cost for the use of the facilities. Most other charter schools occupy privately-leased facilities. Some of these charter schools pay the full cost of their leases, doing so out of their operating budgets. Beginning in 2001, the state began subsidizing a portion of lease costs for specified charter schools under the CSFGP.

To receive CSFGP funding, a charter school either must have at least 55 percent of its students qualifying as low-income or be located in an elementary school attendance area with at least 55 percent FRPM students. Eligible facility expenditures include lease costs (accounting for more than 90 percent of eligible expenditures) as well as various other costs ranging from maintenance to

building improvements, such as new HVAC equipment. Eligible charter schools may receive up to \$1,117 per unit of attendance (adjusted annually), but may not receive more than 75 percent of the school's annual rent or lease costs. If the program is oversubscribed, the funds are distributed on a pro-rata basis.

- 3) ***Funding for this program has grown since its inception.*** The CSFGP enacting legislation stated the Legislature's intent to appropriate \$10 million for the program for the 2001-02, 2002-03, and 2003-04 fiscal years. Funds for this program have increased over time, with the bulk of the funding coming from the transfer of funds from the phase out of the Year-Round Operational Grant Program. SB 658 (Romero), Chapter 271, Statutes of 2008, required all funds appropriated for the Year-Round School Grant Program, which was \$97 million at the time, to be transferred to the CSFGP at a rate of 20 percent each year. The 2009-10 budget reduced allocations to categorical programs, including this program, by approximately 35%. The program received \$92 million in 2012-13. Up until FY 2010-11, the CSFGP was a reimbursement-based program. The program was administered by CDE until 2013 and is now administered by the CSFA. Funding for this program in 2021-22 is \$152 million. At the time of this writing, the Legislative Budget Agreement for 2022-23 proposes to provide an additional \$30 million one-time increase to the program for remodeling, deferred maintenance, initially installing or extending service systems and other built-in equipment, improving sites, and facility modifications to mitigate the spread of COVID-19.
- 4) ***Existing program regulations help address conflicts of interest, but unfortunately depend on self-reporting.*** Some charter schools have complicated management structures in which governance and management for their leased facilities overlap. For example, a community philanthropist might serve both on a charter school's governing board and as the school's landlord. Such individuals potentially could benefit from overcharging the school on rent and thereby receiving an inflated award from CSFGP. To address such conflicts of interest, existing regulations (1) require schools to disclose such conflicts when applying to CFSGP, (2) prohibit any individuals with a financial interest in the school's leased facility from participating in the school's facility decisions, and (3) require an independent appraisal confirming rents are at or below market rates. Although these regulations appear reasonable, in practice they are rarely applied as charter schools rarely report conflicts of interest.
- 5) ***Charter school disposal of remaining assets.*** Charter schools must be operated by a nonprofit public benefit corporation in accordance with the California Corporations Code for nonprofits. Charter schools are also subject to the Charter Schools Act and the laws that govern the transparency and conflicts of interest for traditional public-school districts. Charter school closure procedures, including the dissolution of the school's net assets, are required to be described in the school's charter and must be implemented in accordance with Title 5 of the California Code of Regulations and nonprofit corporation's law.

When a charter school closes, the remaining assets are used to pay outstanding payroll, employee pension contributions, and contracts, among other things. If there is remaining funding left over after all debts are paid, they are held in an

account by the charter school's authorizer. Currently, charter school authorizers are not authorized to spend those remaining funds, and they are not automatically returned to the state. This bill would require that any remaining net assets of a charter school be transferred to the local school district where the charter school is physically located for disposal of any remaining assets, and authorize that authorizer to spend those funds.

- 6) ***Audit Request of the program.*** On May 2, 2022 the author of this bill requested that the Joint Legislative Audit Committee (JLAC) approve an audit of the CSFGP to determine whether program oversight is sufficient to prevent taxpayer dollars from financing private acquisition of school facilities, to determine the scope of such acquisition to date, and to determine the effectiveness of the program's goals to provide high quality school facilities to low-income charter school students. At the time of this writing, the author's audit request has not yet been approved by the JLAC.
- 7) ***Arguments in support.*** The California Labor Federation states, "For too long, gaps in the law have enabled charter schools and their affiliates to grow private real estate holdings at the taxpayer's expense. Taxpayer dollars have funded the acquisition and maintenance of charter school facilities, which are ultimately held privately by Charter Management Organizations. AB 2484 requires that upon closure of a charter school the facilities' title must be transferred to the school district in which the facility is located or the charter school must reimburse the California School Finance Authority in the amount of grants received. This will close loopholes in existing law to ensure that the public's investments in educational facilities continue to benefit California's public education system. The bill also clarifies that should a charter school close mid-academic year, any unspent dollars must be reallocated proportionally to the public schools that admit displaced students."
- 8) ***Arguments in opposition.*** The California Charter Schools Association states, "AB 2484 would impose the repayment of lease reimbursements under certain circumstances when a school closes. Nonprofit law, CA Corporations Code and Title 5 regulations already ensure that the disposition of assets of a closed charter school will go to a public benefit. This is particularly true of a charter facility owned by an affiliated nonprofit. There is no need for additional requirements in this area. Once again, the SB 740 program is a lease reimbursement program. The cost for the lease has already been incurred when funding is received therefore the ability to repay

It is of great concern that the bill only targets affiliated nonprofits when reimbursed rents paid to an unrelated private third party are of no concern. Why should there be a distinction that targets the most publicly protective option? SB 740 program regulations already provide a mechanism and scrutiny of agreements with affiliated nonprofits as a path to more permanent residency for charter schools, which ensures the facility will be held for a public good or sold for public benefit if the facility is no longer needed as a public charter school. Such agreements are beneficial to the state, compared to the state reimbursing a market rate lease by a private for-profit landowner. Unfortunately, facility access for charter schools still requires that private market leases remain a last resort for

many charter schools. But sadly, AB 2484 does nothing to improve upon charter school reliance on private market leases.”

- 9) **Committee amendments.** The CSFA has expressed concerns that, as currently drafted, this bill could be interpreted as requiring that the CSFGP jump the lien position of investors in a charter school facility when a charter school closes and its assets are disposed. If it is the desire of the committee to pass this measure, **staff recommends** amending the bill as follows:

- a) In Section 2, define “net assets” to mean any assets remaining after all liabilities of the charter school have been paid or otherwise addressed in accordance with 5 CCR § 11962 as it read on January 1, 2023.
- b) In Section 3, clarify that the owner of a charter school facility that sells or leases the facility for any purpose other than that of public, nonsectarian education within 10 years of receiving CSFGP funds shall reimburse all CSFGP grant funds received in the preceding ten years after honoring its other financial obligations. The owner of the charter school facility shall not be required to reimburse grant funds that were received prior to January 1, 2023.
- c) In Section 3, fix a drafting error as follows: “(B) The reimbursement due to the Charter School Facility Grant Program Fund described in subparagraph (A) shall be on a schedule to be determined by the California School Finance Authority, ~~by~~but not beyond 30 years from the date of the facility sale or lease. In determining a schedule, the California School Finance Authority may, if necessary, request financial and operational information of the charter school facility.

SUPPORT

California School Employees Association (sponsor)
Association of California School Administrators
California Labor Federation, AFL-CIO
California Teachers Association
Service Employees International Union California

OPPOSITION

Alliance College-Ready Public Schools
California Charter Schools Association

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2827 **Hearing Date:** June 29, 2022
Author: Quirk-Silva
Version: April 7, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Child daycare facilities

SUMMARY

This bill requires the Department of Social Services (DSS) to revise its regulations, by January 1, 2024, to allow children with exceptional needs who are enrolled in separate programs or classrooms from non-disabled children to use outdoor play spaces simultaneously with non-disabled children without first seeking a waiver of existing regulations.

BACKGROUND

Existing law:

- 1) Establishes the federal Individuals with Disabilities Education Act (IDEA), which ensures that children with exceptional needs and the families of such children have access to a free appropriate public education, in the least restrictive environment, and to improve educational results for children with exceptional needs. (United States Code, Title 20, § 1400, et seq.)
- 2) Establishes the California Child Daycare Facilities Act, which creates a separate licensing category for child daycare centers and family daycare homes within DSS's existing licensing structure. (Health and Safety Code § 1596.70 et seq.)
- 3) Defines "child daycare facility" to mean a facility that provides nonmedical care to children under 18 years of age, as specified, including daycare centers, employer-sponsored childcare centers, and family daycare homes. (Health and Safety Code § 1596.750)
- 4) Defines "children with exceptional needs" to mean either of the following:
 - a) Infants and toddlers, under three years of age, who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act, including an infant or toddler with a developmental delay, or an established risk condition, or who is at high risk of having a substantial developmental disability;
 - b) Children, three to 21 years of age, who have been determined to be eligible for special education and related services by an individualized education program team, including children with intellectual disabilities, autism, hearing and other impairments as specified, who need special education and related

services. (Welfare and Institutions Code § 10213.5(l))

- 5) Requires DSS to set criteria for, and permits DSS to grant specific waivers of, the prioritization categories for agencies that wish to serve specific populations, including children with exceptional needs, as specified. (Welfare and Institutions Code § 10271(b)(3))
- 6) Establishes regulations for licensed child care centers. (California Code of Regulations, Title 22, § 101238 et seq.)
- 7) Requires the outdoor activity space of a child care facility to meet specified requirements. (22 CCR § 101238.2)
- 8) Authorizes DSS to approve the use of alternate concepts, programs, services, procedures, techniques, equipment, space, personnel qualifications or staffing ratios, or the conduct of experimental or demonstration projects, as specified. Existing law requires the applicant or licensee to submit a written request for a waiver or an exception and substantiating evidence supporting the request to CDSS, as provided. (22 CCR § 101175)

ANALYSIS

This bill requires DSS to revise its regulations, by January 1, 2024, to allow children with exceptional needs who are enrolled in separate programs or classrooms from non-disabled children to use outdoor play spaces simultaneously with non-disabled children without first seeking a waiver of existing regulations. Specifically, this bill:

- 1) Requires DSS, by January 1, 2024, to revise its regulations to meet both of the following requirements:
 - a) Permit children with exceptional needs who are enrolled in separate programs or classrooms from non-disabled children to use outdoor play spaces simultaneously with non-disabled children without first seeking a waiver of existing regulations.
 - b) Specify any health and safety requirements that are to be met when simultaneous use of outdoor play spaces occurs.
- 2) Authorizes DSS to implement this bill by means of an all-county letter or similar instruction, and require the all-county letter or similar instruction to be issued on or before January 1, 2024.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "... as an elementary school teacher for over 30 years, I think it is important that every child has the opportunity to learn in a diverse environment in order for them to be exposed and develop an understanding and respect for each other's differences as well as similarities. As a State, we should be able to foster that without barriers or processes that hinder students or programs. Instead of requiring a waiver, clear standards should be in

place for all programs to adhere to in order to ensure the health and safety of all children.”

- 2) *Existing licensing requirements.* The Community Care Licensing Division within DSS is responsible for the licensing of care facilities, and investigating complaints against such facilities, including residential care facilities for the elderly, child care facilities, and placements for foster youth, among others. The Community Care Licensing Division is also responsible for ensuring these facilities comply with all applicable laws and regulations, including criminal background checks, as well as overseeing any necessary corrective actions in the event of noncompliance.

Pursuant to existing regulations, if a child care facility wishes to implement changes to their program, such as provide new or alternate program concepts, or make changes to the services, procedures, techniques, equipment, space, personnel qualifications or staffing ratios, or the conduct of experimental or demonstration projects, the facility would need to first request a waiver or an exception from DSS and be approved before any changes can occur.

This bill requires DSS to revise its child daycare facility regulations to allow children with exceptional needs who are enrolled in separate programs or classrooms from non-disabled children to use outdoor play spaces simultaneously with non-disabled children, without first seeking a waiver of existing regulations.

- 3) *Heard by Senate Human Services Committee.* This bill passed the Human Services Committee on June 13, on a 5-0 vote.
- 4) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose estimated costs of \$170,000 (General Fund) in the first year, and \$150,000 (GF) ongoing, to DSS to revise its regulations, provide instructions to counties and provide ongoing policy and technical support.

SUPPORT

Santa Clara County Office of Education (sponsor)
First 5 Association of California
Los Angeles County Office of Education
Silicon Valley Community Foundation

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2832 **Hearing Date:** June 29, 2022
Author: Robert Rivas
Version: May 19, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Whole Child Community Equity

SUMMARY

This bill a) establishes the End Racial and Economic Inequities in Childcare in California Initiative; b) requires the Department of Social Services (DSS) and California Department of Education (CDE) to develop the Whole Child Equity Framework (Framework) and Whole Child Community Equity Screening Tool (Equity Tool); c) requires DSS and CDE to convene a workgroup to receive input for the development of the Framework, the Equity Tool, and recommended uses of the Equity Tool for early childhood investments and whole child resources to address racial and economic inequities for California's youngest children.

BACKGROUND

Existing law:

- 1) Establishes the California Child Day Care Facilities Act, which creates a separate licensing category for child daycare centers and family daycare homes within DSS's existing licensing structure. (Health and Safety Code § 1596.70 et seq.)
- 2) Establishes the Child Care and Development Services Act to provide child care and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents including a full range of supervision, health, and support services through full- and part-time programs. (Welfare and Institutions Code § 10207 et seq.)
- 3) Establishes the Early Education Act to provide an inclusive and cost-effective preschool program that provides high-quality learning experiences, coordinated services, and referrals for families to access health and social-emotional support services through full- and part-day programs and states intent that all families have equitable access to a high-quality preschool program, regardless of race or ethnic status, cultural, religious, or linguistic background, family composition, or children with exceptional needs. (Education § 8200 et seq.)
- 4) Establishes the Early Childhood Development Act, which requires the state's system of early learning and care to become more integrated and coordinated to achieve its goals of promoting a high-quality, affordable, early childhood system designed to comprehensively and effectively serve children and families. (Welfare and Institutions Code § 10202 et seq.)

ANALYSIS

This bill a) establishes the End Racial and Economic Inequities in Childcare in California Initiative; b) requires DSS and CDE to develop the Whole Child Equity Framework and Whole Child Community Equity Screening Tool; c) requires DSS and CDE to convene a workgroup to receive input for the development of the Framework, the Equity Tool, and recommended uses of the Equity Tool for early childhood investments and whole child resources to address racial and economic inequities for California's youngest children. Specifically, this bill:

- 1) Establishes the End Racial and Economic Inequities in Childcare in California Initiative.
- 2) Requires DSS and CDE, with input from the Early Childhood Policy Council, First 5 California, and other early childhood stakeholders, to develop the Whole Child Equity Framework and Whole Child Community Equity Screening Tool.
- 3) Require the Framework to outline categories that are essential to supporting children 0 to 8 years of age through a whole child approach, including, but not limited to:
 - a) Access to child care.
 - b) Physical and mental health services.
 - c) Education.
 - d) Childhood adversity and community safety.
 - e) Economic well-being.
 - f) Built environments.
- 4) Requires the Framework to guide the development of the Equity Tool that will consist of indicators aligned with each of the Framework's categories.
- 5) Provides that the Equity Tool will examine community-level data for the indicators and classify communities based on higher or lower values for these indicators. This bill provides that this approach will identify highest-need communities across the state with significant disparities across indicators that are essential to supporting the whole child, and that it will provide the data needed to support the equitable distribution of resources and monitor progress on addressing racial and economic inequities.
- 6) Requires DSS and CDE, with input from early childhood stakeholders, to develop the Equity Tool building on an existing index or set of indicators from existing indices such as the Child Opportunity Index, the California Healthy Places Index, the Human Development Index, the California Strong Start Index, the COVID-19 Statewide Vulnerability and Recovery Index, and the federal Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry

Social Vulnerability Index. This bill authorizes data available in Brilliant Beginnings, the California Cradle-to-Career Data System, and other relevant data to be utilized as needed. This bill requires DSS and CDE to also consider indicators that address disparities that impact young children related to state priorities such as racial inequities reflected in learning loss and learning recovery due to the COVID-19 pandemic.

- 7) Requires DSS and CDE to convene a workgroup to receive input for the development of the Framework, the Equity Tool, and recommended uses of the Equity Tool for early childhood investments and whole child resources to address racial and economic inequities for California's youngest children. This bill provides that the use of the Equity Tool will be guided by these recommendations, but not limited to them.
- 8) Requires the workgroup to include, but not be limited to, representatives from the following:
 - a) The Early Childhood Policy Council.
 - b) First 5 California and local First 5's.
 - c) Resource and referral agencies.
 - d) Representatives of the duly designated collective bargaining agent of the family childcare home provider.
 - e) Local planning councils.
 - f) County offices of education.
 - g) Parents or families.
 - h) Advocates, practitioners, or experts in child care and development, physical and mental health, childhood adversity, community safety, economic well-being, and built environments.
- 9) Requires the parent and family representatives to reflect the racial, ethnic, linguistic, and economic diversities of the State of California and include Black, Indigenous, and people of color, multilingual, and low-income groups that have been disproportionately marginalized.
- 10) Requires DSS and CDE, by January 1, 2024, with input from the workgroup, to finalize and present the Framework, the Equity Tool, and recommended uses of the Equity Tool to the Legislature.
- 11) Requires the Framework and the Equity Tool to be used to build on the existing strengths of communities and support them to address their critical needs of young children, and requires DSS and CDE to publish the tool for public use, including the data and methodology, on the DSS' and CDE's websites.

- 12) States findings and declarations relative to the need to develop a process to look beyond poverty and take a more nuanced look at community need to identify communities that have multiple, compounding factors impacting children by establishing and using a whole child community equity screening tool that tracks whole child data in areas, including, but not limited to, access to child care, health and mental health services, education, childhood adversity, and community safety, economic well-being, and built environments. The whole child equity approach will enable leaders to make informed decisions about investments and policies that uplift underserved communities to build the support and infrastructure they need for their families with young children to thrive, starting with programs housed at DSS and CDE.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Currently, the state uses a needs assessment to distribute ECE resources to local communities that is based on poverty levels defined as the number of children 0-5 at or below 85% of state median income. While this is an essential factor, this method unfortunately does not take a whole-child approach that accounts for multiple factors of need beyond poverty.

"California does not have a robust system to ensure that state ECE resources target our highest-need communities, those hardest hit by COVID-19, and those that have faced generations of systemic underinvestment. These communities would benefit from a system that acknowledges whole child needs by strengthening capacity to expand childcare access and by elevating support systems for families with young children and the ECE providers that serve them. With childcare programs now under the direction of California Department of Social Services (CDSS), and the state preparing to invest greater resources in ECE, CDSS needs an effective system to target ECE investments in our most underserved communities."

- 2) *Masterplan for Early Learning and Care.* In December 2020, the California Health and Human Services Agency released a Master Plan for Early Learning and Care (Master Plan) to create a research-based roadmap and series of recommendations for expanding and improving California's early learning and care system over the next five to ten years. Within the Master Plan are recommendations to address equity in early learning and care programs, including the suggestion that the state "create a data and governance infrastructure that can inform policy and funding decisions with a focus on quality and equity." The Master Plan recommends that this can be done by, "examining bias and using data to understand the root causes of inequities and the factors that create opportunities or barriers for children and families." This bill aligns with those recommendations. <https://cdn-west-prod-chhs-01.dsh.ca.gov/chhs/uploads/2020/12/01104743/Master-Plan-for-Early-Learning-and-Care-Making-California-For-All-Kids-FINAL.pdf>
- 3) *Inequity in early learning and child care.* As noted in the Senate Human Services Committee analysis, high-quality options in early childhood education have been shown to have a significant positive effect on children's development because it

promotes children's development and learning, as well as parental employment and family self-sufficiency while narrowing socioeconomic, racial, and ethnic inequalities. Research also shows that access to these high-quality early childhood education programs is currently inequitable, with high-quality options being less available in under-resourced communities where many low-income families and families of color live. <https://www.advancementprojectca.org/wp-content/uploads/2018/03/AP-Infant-Toddler-Policy-Brief-Digital-Copy.pdf>

The state currently uses a needs assessment methodology based on median income levels to distribute early childhood education resources or subsidies to local communities. Advocates note, while income is an essential factor, the needs assessment methodology does not account for the multiple factors of need beyond poverty. This bill requires DSS and CDE to create the Equity Tool, using the Framework developed with input from stakeholders, to identify the highest-need communities across the state to ensure funding and services are more equitably distributed.

- 4) *Amendments.* This bill passed the Senate Human Services Committee on June 20, on a 4-0 vote, on the condition that the following amendment be accepted while the bill is in this Committee. As such, **staff recommends an amendment** to define “built environments” as follows:

“10492.1. (a) The State Department of Social Services and the State Department of Education, and with input from the Early Childhood Policy Council, First 5 California, and other early childhood stakeholders, shall develop the Whole Child Equity Framework (the Framework) and Whole Child Community Equity Screening Tool (the Equity Tool). The Framework shall outline categories that are essential to supporting children 0 to 8 years of age, inclusive, through a whole child approach, including, but not limited to, access to child care, physical and mental health services, education, childhood adversity and community safety, economic well-being, and built environments. **“Built environments” means all of the physical parts of where families live and work such as homes, buildings, streets, open spaces, and infrastructure.** The Framework shall guide the development of the Equity Tool that will consist of indicators aligned with each of the Framework’s categories. The Equity Tool will examine community-level data for the indicators and classify communities based on higher or lower values for these indicators. This approach will identify highest-need communities across the state with significant disparities across indicators that are essential to supporting the whole child. It will provide the data needed to support the equitable distribution of resources and monitor progress on addressing racial and economic inequities.”

- 5) *Fiscal impact.* According to the Assembly Committee on Appropriations, this bill would impose the following costs:
- a) Estimated General Fund (GF) costs to CDE's Early Education Division of \$544,000 in the first year, and \$532,000 ongoing, to develop and implement the Framework and the Equity Tool.

- b) Estimated GF costs to CDSS in the low-hundreds of thousands of dollars annually, to develop the Framework through participation in the workgroup and to manage the use of the Equity Tool.

SUPPORT

Advancement Project (sponsor)
A Black Education Network (ABEN)
California Child Care Resource and Referral Network
Center for District Innovation and Leadership in Early Education
Kidango
Kiddie Depot Child Care
The Education Trust - West
UDW/AFSCME Local 3930

OPPOSITION

None received

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and resources. (EC § 66023.5)

- 5) Requires each campus of the CCC to make a reasonable effort to locate all on-campus basic needs services and resources at the Basic Needs Center. Existing law requires a campus to provide students with the location and contact information, including name, telephone number, and email address, for all basic needs services and resources not located in the Basic Needs Center if the campus cannot reasonably locate all basic needs services or resources at the Basic Needs Center. (EC § 66023.5)
- 6) Requires each CCC Basic Needs Center to help ensure that students have the information they need to enroll in CalFresh and other relevant government benefits programs. Each Basic Needs Center shall coordinate with their campus financial aid department or financial aid office. (EC § 66023.5)
- 7) Requires each campus of the CCC and CSU to provide, educational information about CalFresh and the student eligibility requirements for CalFresh to all incoming students as part of campus orientation. (EC § 66027.4)
- 8) Requires each campus of the CCC and CSU to include on each student's online student account notice of the following public services and programs:
 - a) The CalFresh program.
 - b) Resources, as determined by the campus to be most appropriate, for county or local housing services, which may also include, if determined to be appropriate for the geographic area where the campus is located, resources for legal assistance relating to housing.
 - c) Resources, as determined by the campus to be most appropriate, for county or local mental health services. (EC § 66027.6)

ANALYSIS

This bill 1) requires each campus of the CSU and CCC, and requests each campus of the UC, to a) provide priority enrollment to a student parent, and b) host a student parent web page with on- and off-campus student parent services and resources; and 2) expands information that students are to receive to include information about the California Special Supplemental Food Program for Women, Infants, and Children (WIC), the California Earned Income Tax Credit, and the Young Child Tax Credit. Specifically, this bill:

Priority enrollment

- 1) Requires the CSU and each community college district, and requests the UC, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, to grant priority in that system for registration for enrollment to a student parent.

- 2) Defines "student parent" to mean a student who has a child or children under 18 years of age who will receive more than half of their support from that student.

Student parent web page

- 3) Requires each campus of the CSU and CCC, and requests each campus of the UC, to do all of the following:
 - a) Host on its website, by February 1, 2023, a student parent web page that is clearly visible and easily accessible from a drop-down menu on the home page of the campus's website, and include the information described in # 4 below conspicuously on both the website of the campus via the student parent webpage, and on each student's online student account.
 - b) Provide the student parent web page link to students as a part of campus orientations.
 - c) Provide to faculty the student parent web page link and encourage faculty to include the student parent web page link in their syllabi.
 - d) Review and update the student parent web page no later than the first day of every fall and spring semester or no later than the first day of every fall and spring quarter, to ensure that the web page remains useful to student parents.
- 4) Requires the student parent webpage to contain information that clearly lists all on- and off-campus student parent services and resources that include, but is not necessarily limited to, all of the following:
 - a) The description of the service or resource.
 - b) The location where the service or resource is provided.
 - c) The point of contact for the service or resource, including a name, telephone number, and email address.
 - d) Any eligibility restrictions on accessing the service or resource.
- 5) Requires the student parent web page to include but not be limited to, information on the following on- and off-campus student parent services and resources:
 - a) Priority registration for a student parent.
 - b) The CalFresh Program.
 - c) The California Earned Income Tax Credit.
 - d) The Young Child Tax Credit.

- e) The California Special Supplemental Food Program for Women, Infants, and Children.

Providing information to students

- 6) Expands the information that each campus of the CSU and CCC are required, and campuses of UC are requested, to provide to students as part of campus orientation to include (in addition to information about CalFresh) information about the California Special Supplemental Food Program for Women, Infants, and Children (WIC), the California Earned Income Tax Credit and the Young Child Tax Credit.
- 7) Expands the information that CCC Basic Needs Centers are required to provide to students to include (in addition to information about CalFresh) information about the WIC, the California Earned Income Tax Credit and the Young Child Tax Credit.
- 8) Expands the information that each campus of the CSU and CCC is required, and campuses of UC are requested, provided on each student's online student account to include information about the WIC, the California Earned Income Tax Credit, and the Young Child Tax Credit.
- 9) Encourages campuses to use information from any, or a combination of, any of the following to help determine a student parent's eligibility for priority enrollment:
 - a) The Free Application for Federal Student Aid.
 - b) The California Dream Act Application.
 - c) The application to receive a fee waiver from the CCC.
 - d) Any campus form or document that identifies student parents.
- 10) States that it is the intent of the Legislature to support students with dependent children who are enrolled at the UC, CSU, or CCC.
- 11) States legislative intent that, upon the implementation of the California Cradle-to-Career Data System, future data and outcome reporting on student parents be linked through, and conducted in accordance with the privacy requirements of, the California Cradle-to-Career Data System.
- 12) States legislative findings and declarations relative to the need to support student parents.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "A March 2021 research brief from Wheelhouse at the University of California, Davis, examined the student parent population and found that among the nearly 1.5 million California college and university students who applied for financial aid in 2018, 202,327 were student

parents, representing 13.4 percent. The Institute for Women's Policy Research has also estimated the share of student parents and their demographic characteristics. The organization found that one in five college students is parenting and that student parents are almost twice as likely to leave college without a degree after six years. Among students of color, a higher proportion are parenting while in college: 33 percent of Black students, 30 percent of Native American students, and 21 percent of Latinx students have children. The Institute for Women's Policy Research also found that student parents face greater economic barriers than students without children: over two-thirds of student parents live in or near poverty, and student parents have higher levels of unmet financial need and higher median student debt. Therefore, addressing the needs of student parents can help higher education systems reach their goals of reducing equity gaps for populations that have been historically underserved in higher education."

"Parental education level has been linked to the academic and economic success of their children, and increasing the educational attainment of parents produces cost savings for states in terms of reduced spending on public benefits and increased tax revenue. Helping student parents reach their educational goals will have a multiplier effect of increasing family income and helping more children succeed in school. As a result, the student parent population deserves particular focus and support."

- 2) *Priority enrollment.* Existing law requires the CSU and CCC to offer priority enrollment to a) foster youth, former foster youth, homeless youth, or former homeless youth; and, b) any existing or former member of the State Guard or a former member of the Armed Forces of the United States who is a California resident and has been honorably discharged. Existing law requires each community college district to offer priority enrollment to students in the Community College Extended Opportunity Programs and Services program, students who are eligible for disabled student programs and services, students receiving CalWORKs, and students who receive Tribal TANF. This bill requires student parents to be offered priority enrollment.

As explained in the Assembly Higher Education Committee analysis, the CSU and CCC may also add additional subgroups of students to receive priority enrollment. For example, athletes, graduating/transferring students, students who participate in TRIO Programs, Puente Project, Mathematics, Engineering, Science Achievement (MESA), UMOJA, students on the dean's list, and students who participate in Student Success programs (those who attend orientation) or in the Promise program are also offered priority enrollment. Each UC campus determines its own priority registration; UC Irvine, UC San Diego, UC Davis, and UC Santa Barbara all provide priority registration to student parents. *The Committee may wish to consider at what point priority becomes overprescribed.*

- 3) *Information about public services.* As noted in the Assembly Higher Education Committee analysis, information on WIC benefits is provided to students at UC health centers on UC campuses. At the CSU, information on WIC benefits is provided alongside CalFresh information. At the CCC, student basic needs centers are tasked with providing information on local and state programs that

will assist students in accessing resources to alleviate their food, housing, and health insecurities. It is likely that information on WIC will be provided through the basic needs centers once they are operational in July 2022.

- 4) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would likely impose “moderate Proposition 98 (General Fund (GF)) costs for each CCC and GF cost for each CSU and UC campus to provide this information and grant priority status (much of this is already being done). However, aggregate costs across 73 CCC campuses could be significant. If the Commission on State Mandates determines that this bill imposes a state-mandated program, costs would be reimbursable (Proposition 98/GF).”

SUPPORT

Michelson Center for Public Policy (co-sponsor)
Student Senate for California Community Colleges (co-sponsor)
Young Invincibles (co-sponsor)
American Association of University Women - California
Cal State Student Association
California Competes: Higher Education for A Strong Economy
California State Student Association
Office of Lieutenant Governor Eleni Kounalakis
The Education Trust - West
Tipping Point Community
University of California Student Association

OPPOSITION

None received

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