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CABE-Sponsored Legislation

AB 1363 (L.Rivas) Childcare: Dual Language Learners (I-2/19/21)

Status: Assembly Desk

Summary: This bill would (1) establish a definition for DLLs, (2) develop a standard process for California State Preschool Program providers to identify the DLLs they enroll and serve, and (3) require providers, through contract requirements, to report key information to the state about DLLs to inform future policy and program decisions. CABE & Californians Together are co-sponsors along with the Early Edge and Advancement Project.



Position: Support 

AB 86 (Committee on Budget) COVID-19 reporting and public health requirements, instruction support grants, the Cal Grant Program, and learning loss mitigation (A-2/18/2021)

Status: Senate Desk

Summary: This bill encompasses the three distinct components for the Legislature’s “Safe and Open Schools Plan,” intended to facilitate a safe and phased approach to reopening all public schools TK through 6th grade for in-person instruction this year:

- 1) Public Health & School Status Data & Vaccines
- 2) School Reopening Incentive Grants, provide \$2 billion in one-time Proposition 98 funds for in-person instruction grants to every LEA (except non-classroom-based charters) to facilitate a safe return to in-person instruction, with specified conditions of funding.
- 3) Student Learning Recovery Grants. Provides \$4.56 billion in one-time grants to every LEA (except non-classroom-based charters) to facilitate the launch of multi-year learning loss mitigation plans, as specified.

This bill appropriates a total of \$6,557,443,000 in Proposition 98 General funds for these purposes. This bill also authorizes the California Student Aid Commission to waive the requirement that homeschooled students submit standardized test scores in lieu of a Grade Point Average (GPA) for the 2021-22 academic year to qualify for the Cal Grant program. This waiver authority would only apply to students who certify they cannot access a standardized test due to the impacts of the COVID-19 Pandemic. This bill requires that local departments of public health ensure all school staff who provide pupil instruction or services in-person are eligible to receive a vaccine.



This bill also clarifies the deadlines for local education agency Coronavirus Relief Fund expenditures and authorizes the department to recover unspent funds.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Per the Assembly Budget Analysis, the most significant differences between this bill and the Governor’s Budget proposal are that this bill:

- a) Creates a \$2 billion block grant with funding conditions (below) for LEAs, rather than a competitive grant, and combines learning recovery, reopening, and federal Title I grants for one \$12.6 billion in-person instruction and recovery plan.
- b) Requires LEAs to serve all identified vulnerable pupil groups in small cohorts regardless of public health “Tier” no later than April 15th.
- c) Requires LEAs to reopen for TK-6 in-person instruction no later than April 15th once in, or within 15 days of entering the “Red Tier,” rather than an additional requirement to reopen for TK-2 in-person instruction in the “Purple Tier.”
- d) Creates more specific minimum standards for Learning Recovery grants based on evidence-based best practice and state infrastructure to support LEA plan implementation.
- e) Requires local public health departments to offer COVID-19 vaccines to school employees serving pupils in person.

Position: Watch 

SB 86 (Committee on Budget and Fiscal Review) COVID-19 reporting and public health requirements, instruction support grants, the Cal Grant Program, and learning loss mitigation.

Status: Assembly Desk

Summary:

(1) This bill would:

- Require the school administrator or other person in charge of a public or private school campus maintaining kindergarten or any of grades 1 to 12, inclusive, upon learning that a school employee or pupil who has been present on-site at the public or private school campus has tested positive for COVID-19, to immediately, and in no case later than 24 hours after learning of the positive COVID-19 case, notify the local health officer by telephone about the positive case, as specified.
- Prohibit this information from being disclosed by the local health officer, except as provided.
- Require every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades 1 to 12, inclusive, to notify the State Department of Public Health of certain information relating to in-person activities of the educational entity on or before the 2nd and 4th Monday of each month, as specified.
- Require an educational entity to post a completed COVID-19 school safety plan containing certain information on its internet website home page by April 1, 2021.



By requiring additional actions by local educational agencies, the bill would impose a state-mandated local program. The bill would make these provisions inoperative on June 30, 2021, and would repeal them as of January 1, 2022.

(2) For the 2020–21 fiscal year, this bill would appropriate \$6,557,443,000 from the General Fund to the Superintendent of Public Instruction, of which \$4,557,443,000 would be apportioned to school districts, county offices of education, charter schools, and state special schools, as prescribed, and available for expenditure until September 30, 2022, for certain activities, including activities that support academic achievement by offering supplemental instruction and support.

(3) As a condition of receiving these funds, the bill would require a local educational agency to, among other things, adopt at a public meeting and post on its internet website a plan describing how these funds will be used consistent with eligible purposes.

(4) This bill would require the State Superintendent to develop and post on the department’s internet website a template for the plan to be used by local educational agencies, as prescribed.

(5) This bill would require the remaining \$2,000,000,000 to be apportioned to school districts, county offices of education, and certain charter schools, and available for expenditure until July 30, 2021, if those local educational agencies, among other things, submit a COVID-19 school safety plan and provide optional in-person instruction to certain pupil groups within prescribed timelines.



(6) This bill would require certain reporting requirements regarding the use of apportioned funds, would impose certain penalties for noncompliance with prescribed requirements, and would require the Superintendent to initiate collection proceedings for unexpended funds.

(7) This bill would require county public health departments to make COVID-19 vaccines available to school site personnel who are working at a school site where pupils are attending in person. By imposing additional requirements on counties, the bill would impose a state-mandated local program.

(8) This bill would make these provisions inoperative on June 30, 2023, and would repeal them as of January 1, 2024.

(9) For the 2021–22 award year, the bill would authorize the Student Aid Commission staff to waive the requirement to submit a test score in lieu of a qualifying grade point average for a student who does not have a grade point average and is unable to submit a test score due to unavailability of designated testing due to the COVID-19 Pandemic. The bill also would require the commission to require a student seeking a waiver under these provisions to submit a signed certification verifying they were prevented from taking and submitting a test score in lieu of a qualifying grade point average due to the COVID-19 Pandemic.

(10) This bill would require funds appropriated from the Coronavirus Relief Fund to be used from March 1, 2020, to May 31, 2021, inclusive. By extending the date to encumber or otherwise use funds appropriated from the Coronavirus Relief Fund, the bill would make an appropriation.

(11) This bill would require an eligible local educational agency that retains unspent funds received pursuant to these provisions after December 30, 2020, to recertify, on or before March 1, 2021, that the remaining funds will be used in full compliance with federal law by May 31, 2021, and if an eligible local educational agency does not certify or recertify as required by these provisions, the bill would authorize funds to be reallocated upon order of the Director of Finance.

(12) This bill would (A) require funds not expended by May 31, 2021, to be reported by the eligible local educational agency to the Superintendent, (B) require the Superintendent to recover those unexpended funds and deposit them into the Coronavirus Relief Fund, and (C) authorize those deposited funds to be reallocated, upon order of the Department of Finance. By authorizing those moneys to be reallocated, the bill would make an appropriation.

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. The bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(14) Certain funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(15) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

The fate of these two budget trailer bills is not known at this time. The teacher unions and school superintendents have expressed significant concerns regarding the bills. Teachers need to be vaccinated before their enter classrooms and provide in-person instruction along with assurances that there will be sufficient funding for testing, PPE, reporting, etc., as specified in the bills. School superintendents express concern that “more flexibility” is required. Lastly, Governor Newsom has indicated his displeasure with these bills as well. So, stay tuned to learn whether the budget trailer bills are signed by the Governor.

In the meantime, distance learning continues, parents protest, and students end up being the most affected!

Position: Watch 

